Janus case could impact “fair share” fees

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The U.S. Supreme Court is expected to deliver its opinion in Janus v. AFSCME Council 31, a case involving collective bargaining units and fair share fees, before the end of June.

Under Minnesota law, public employees who decline full union membership are required to pay a “fair share” fee. The fair share fee is intended to cover the costs of negotiating and enforcing union contracts, but not the costs associated with union political activity.

Mark Janus, an Illinois government worker, challenged Illinois’ fair share law, claiming that it infringes upon his First Amendment right to not support a union whose political message he does not share.

If the U.S. Supreme Court upholds Janus’ position and prohibits states’ fair share laws, Minnesota school districts will be required to immediately stop deducting fair share fees as part of the payroll process. School district superintendents and business officers will need to notify employees that the fair share fees will no longer be deducted.

If payroll is in process when the Supreme Court issues its ruling, the district will need to work with its bargaining units and employees to refund the fair share fee deduction.

Please note that the Janus case will impact fair share fees only — it will not impact collection of union dues from union members.