



# LAW UPDATE

## LABOR AND EMPLOYMENT

PHONE: (661) 636-4830 • FAX: (661) 636-4843  
E-mail: sls@kern.org • www.schoolslegalservice.org

June 21, 2018

### Anticipated Decision in *Janus v. AFSCME*

You may have received an email from CSEA General Counsel Andrew Kahn regarding AB 1832/SB 866 (Trailer Bill Legislation). That legislation contains changes intended to serve as a buffer to the anticipated decision in *Janus v. AFSCME*. These changes apply to virtually all employers covered by PERB, including schools and community colleges. The bill has passed both houses of the California Legislature and is awaiting the Governor's signature. Once signed, the legislation will be immediately effective. The following is a summary of pending changes in the law that school districts need to know.

#### Payroll Deductions

Districts should continue to process association membership enrollment forms and dues deductions unless the union certifies to the district that it will maintain individual employee authorizations pursuant to Education Code Section 45060(f) (which provides that requests to begin or cancel dues deductions must be made to the union and not the employer).<sup>1</sup>

#### Communications with Employees

Before dissemination of mass communications concerning public employees' rights to join or not join a union, the employer shall meet and confer with the exclusive representative concerning the content of the mass communication. If the employer and representative cannot agree on the content, and if the employer still chooses to disseminate the mass communication, the public employer must also distribute a mass communication of reasonable length provided by the union.

It is our recommendation that districts not engage employees in discussions about union dues or otherwise disseminate correspondence on the topic. If an employee were to inquire about the status of dues deduction, the employee should be directed to the association and/or PERB for further information.

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<sup>1</sup>This paragraph as has been modified from the original version sent on June 21, 2018.

## New Employee Orientations

The Trailer Bill provides that: "The date, time, and place of the new employee orientation shall not be disclosed to anyone other than the employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation."

For districts with MOUs regarding employee orientations, if the MOU is posted on the district website the language regarding "date, time, and place of the orientation" will need to be redacted. In response to CPRA requests for documents concerning new employee orientations, the District must redact the "date, time, and place of the orientation."

We anticipate the *Janus* decision will be released next week, possibly as early as Monday, June 25, and will keep you posted.

—Timothy L. Salazar

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*Education Law Updates are intended to alert clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Please consult legal counsel as to how the issue presented may affect your particular circumstances.*