

# In Unity

## Negotiations Update

By Luukia Smith

The negotiations team has come to a tentative agreement with the District. Here are some of the highlights:

- Salary increases:
  - 5% for 2017
  - 1.28% for 2018
  - COLA for 2019
- New longevity scale: percentages compound over time:
  - 1.5% for 15 yrs.
  - 1.5% for 20 yrs.
  - 1.5% for 25 yrs.
- Per California Ed. Code: employees can no longer use vacation leave to complete a full day's pay when using sub-diff extended 50% sick leave (sub-differential pay).

## New ECCE E-Board



L to R back row: D. Mussaw, M. Good, L. Smith, L. Mancía  
L to R: G. Perez, D. Stanojevich, D. Turano, C. Lopez, M. Jauregui

Debbie Turano, President x5692

Gema Perez, VP Communications & Emp. Dev. x7453

Luis Mancía, VP Employee/Employer Relations x3496

Michael Good, VP Employee Benefits/Hiring

Cindy Lopez, VP Membership & Hospitality x3880

David Mussaw, VP Political Action x3120

Diana Stanojevich, Treasurer x3980

Miriam Jauregui, Secretary x6345

Luukia Smith, President Emeritus x3935

## Janus vs. AFSCME

The Janus case originated with the federal court lawsuit that was filed by Governor Bruce Rauner of Illinois in February 2015 seeking authority under the First Amendment to support the Executive Order he had just issued. That order stopped the collection of fair share fees from non-union state employees who were represented by over 25 different unions. The union defendants and the state Attorney General moved to dismiss the claim on the basis that the Governor did not have standing and had not stated a claim upon which relief could be granted. Shortly after the filing of the motion to dismiss, state employees Mark Janus, Brian Trygg and Marie Quigley filed motions to intervene as plaintiffs on the side of the Governor. The district court subsequently dismissed the Governor from the case, but allowed the intervenors to bring their claims. Thereafter, the defendant unions brought a motion to dismiss against Janus and Trygg which was granted by the US District Court for the Northern District of Illinois. Judge Gettleman granted the motion to dismiss and ruled that the challenge to the collection of fair share fees must fail because the case is controlled by the Supreme Court's ruling in Abood. Judge Gettleman noted that the plaintiffs had brought their case hoping that Abood would be reversed by the then pending Friedrichs case. However, as

noted earlier, in *Friedrichs*, an equally divided Supreme Court upheld the right of public sector unions to collect fair share fees based on the reasoning in *Abood*. The plaintiffs then appealed to the Seventh Circuit Court of Appeals.

The issue in *Janus* is whether pursuant to the Supreme Court's ruling in *Abood*, the First Amendment permits a public employer to reach an agreement with a labor union that represents its employees that all members of the bargaining unit who choose not to become members of the union will be required in lieu of paying dues to pay a fair share fee to help cover the union's costs of collective bargaining and grievance administration that are provided to those non-members.

Oral argument was held before a panel of three Seventh Circuit judges on March 1st. A decision could be issued as early as April and if not, most likely within the next 3-4 months. Once the Seventh Circuit rules, and assuming that the case is not remanded for factual development of the record, it is highly likely that a petition for certiorari will be filed with the U.S. Supreme Court by the NRTW. Briefing on the petition for Supreme Court review could be completed by the time that the court returns from its summer recess in early October 2017. Then the case would be put on the docket for conference and a vote to either accept or reject the petition. Assuming that there are four votes on the court to accept the case, which we believe is likely, then it could be briefed and argued during the winter of 2018 with a decision issued thereafter, but not later than the end of June 2018.



General Membership Meeting Schedule:  
All meetings are catered and are held at noon and 8 p.m.

November 17<sup>th</sup> 2017

March 2<sup>nd</sup> 2018

May 18<sup>th</sup> 2018

Keep in touch:

<http://www.ecce6142.org/>