The Association of Texas Professional Educators
305 E. Huntland Dr., Suite 300, Austin, TX 78752
(800) 777-ATPE ● (512) 467-0071● atpe.org

MEDIA CONTACT
Jesus Chavez
ATPE Media Relations
O: (512) 467-0071 ext.337
C: (956) 335-5724
jchavez@atpe.org

FOR IMMEDIATE RELEASE
June 27, 2018

ATPE: Janus vs. AFSCME decision has no bearing on Texas public employees

Supreme court decision instead brings rest of the country closer in line with existing Texas law

AUSTIN, Texas—The U.S. Supreme Court today issued its decision regarding Janus v. American Federation of State, County and Municipal Employees, Council 31 (AFSCME). The Association of Texas Professional Educators (ATPE), one of the largest educators’ associations in Texas, wants to reassure Texas public educators that the decision reached by the Court has no bearing in Texas or its public employees due to existing Texas law.

Janus v. AFSCME concerned the right of public service unions to collect fees, dubbed “fair share” fees, from non-union members for purposes of collective bargaining. The case originated in Illinois, but “fair share” laws affect millions of public employees across 23 states—not including Texas. As expected, the Court ruled in favor of plaintiff Mark Janus, who argued he should not have to pay these fees as a non-union member. Regardless of the outcome, Texas public employees would have been exempt from its effects as the Texas Labor Code already prohibits forced payments to any union or other labor organization.

“The way that it stands now, Texas law explicitly prohibits any school district from forcing any employee to pay any type of dues or fees to any union or professional association,” said ATPE Managing Attorney Paul Tapp. “Due to this existing prohibition, the Janus decision has ultimately zero effect within the state of Texas. Rather, it brings the rest of the country in line with what Texas has done for years.”

As ATPE Governmental Relations Director Jennifer Mitchell Canaday explains, the Court's decision effectively ratifies the right-to-work principles that allow independent organizations like ATPE to exist and thrive under the First Amendment’s protections of free speech and free association.

“In upholding Mark Janus’s right to opt out of paying mandatory agency fees to a union to which he chooses not to belong, the ruling reinforces key right-to-work provisions previously enacted by 27 states, Texas included,” said Mitchell Canaday.

ATPE, as a professional association, has long operated with the central belief that educators have the right to work in public schools without being forced to join specific organizations. The association also opposes exclusive consultation and collective bargaining, each of which discourages equal representation of all educators before school boards and school administrations.
These foundational beliefs were codified in 2001, when the ATPE Board of Directors formally adopted them as part of ATPE’s 10 key tenets, which guide the association’s practices, and which were renewed and reaffirmed in 2011, in recognition of the tenth anniversary of their passage.

“ATPE is a professional association, not a union,” said Mitchell Canaday. “In this spirit, hundreds of thousands of educators have voluntarily chosen to join ATPE since our founding in 1980. We’re proud that more active educators have chosen to join ATPE than any other professional educators’ association, and we believe it is due in no small part to our commitment to our foundational principles.

Additional information about ATPE’s positions on collective bargaining, exclusive consultation and right-to-work can be found at ATPE.org.

ATPE is available for comment on the Janus V. AFSCME decision as it relates to Texas public employees.

###

About The Association of Texas Professional Educators (ATPE)
ATPE has been a strong voice for Texas educators since 1980. It is the leading educators’ association in Texas with more than 100,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for 5 million public schoolchildren. ATPE is the ally and the voice of Texas public education. Learn more about ATPE at atpe.org.