

The Fairness Center

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Teachers Win Eight-Year Battle with PSEA: Judge Says Pa. ‘Fair Share’ Law Unconstitutional

Supreme Court’s Janus decision makes state law unenforceable

May 26, 2022, Harrisburg, Pa.—A Lancaster County judge has said Pennsylvania’s public-sector “fair share” fee law is unconstitutional and enjoined the Pennsylvania State Education Association (PSEA) from enforcing it against two public schoolteachers. According to the [judge’s order](#), the “fair share” law is unconstitutional under the U.S. Supreme Court’s landmark 2018 decision in *Janus v. AFSCME, Council 31*, which prohibited public employee unions from collecting fees from nonmembers as a condition of public-sector employment.

The ruling comes nearly eight years after now-retired Chester County teacher Jane Ladley and Lancaster County teacher Chris Meier filed a lawsuit against the PSEA, Pennsylvania’s largest teachers’ union, in 2014.

“This judgment is a long-overdue victory for teachers and other public employees,” said Ladley. “I believe union officials have been fighting to keep so-called ‘fair share’ fee provisions in contracts to confuse employees who don’t know their rights. Now, there’s a court order that should stop union officials in their tracks if they try to collect those fees.”

Explaining the ruling’s significance, Nathan McGrath, president and general counsel for the Fairness Center, commented: “The judge unequivocally stated that Pennsylvania’s ‘fair share’ fee law is unconstitutional under *Janus*. To my knowledge, this is the first time a state court has issued such a ruling.”

Teachers Object to Union Payments on Religious Grounds

Ladley and Meier initially objected to paying the PSEA on religious grounds. Before the *Janus* ruling, PSEA officials could force teachers to pay union fees, but state law allowed religious objectors to send money to a charity of their choosing in lieu of paying fees to a union. But for years, PSEA officials rejected Ladley’s and Meier’s chosen charities and demanded that the money go to charities approved by the union. After *Janus*, though, PSEA officials returned the money to the teachers.

PSEA Repeatedly Ignored the *Janus* decision

Although PSEA officials returned Ladley’s and Meier’s money, the union and its local affiliates continued to include “fair share” fee provisions in at least 20 collective bargaining contracts signed after the *Janus* decision. Union officials threatened Dave Perrotti, a Scranton-area public schoolteacher, with collection notices for union fees after he resigned from the PSEA, three years after the *Janus* ruling made them illegal. Perrotti became a client of the Fairness Center and successfully defended his rights. Meanwhile, Pennsylvania law continued to allow for “fair share”

provisions. Ladley and Meier pursued their case to clarify how the *Janus* decision impacted state law.

Judge Says ‘Fair Share’ Fee Law Violates *Janus*

On Monday, a Lancaster County judge issued [an order](#) stating, “[The PSEA] is enjoined from any application of Pennsylvania’s Fair Share Fee Law against [Ladley and Meier] as said law is unconstitutional under the Supreme Court’s decision in *Janus v. AFSCME, Council 31*.”

Fairness Center attorneys are available for comment. Contact John Sweeney at 609.477.0930 or jrsweeney@fairnesscenter.org to schedule an interview.

The Fairness Center is a nonprofit, public interest law firm offering free legal services to those hurt by public-sector union officials. For more information visit www.FairnessCenter.org