

## LEGAL NOTES

In the House Education Subcommittee this week there was considerable discussion relating to dues deduction for teacher organizations under the Professional Educators' Collaborative Conferencing Act (PECCA). Two different bills have been filed which, if passed by the general assembly, accomplish the same objective: to stop the practice of deducting dues from teacher paychecks and forwarding the funds to the professional organization in which the teacher is a member.

When the debate started, this objective seemed all too clear. However, a few minutes into the debate it became clear that these bills had other implications. From the testimony, it seems that one teacher professional organization seems to have no problems having an LEA deduct its dues and forwarding them to the state office while another organization seems to be having significant problems with the same task. Moreover, it was alleged that, in many instances, local policies and practices, either LEA or finance system driven, may contribute to this problem.

Without taking sides in this debate, let's review what the law currently provides. PECCA at T.C.A. § 49-5-602(9) defines a "Professional employees' organization" as any organization with membership open to professional employees . . . in which the professional employees participate and that exists for the purpose of promoting the professional status and growth of educators and the welfare of students." Additionally, one of the items currently authorized in the scope of collaborative conferencing is payroll deductions (See: T.C.A. § 49-5-608(a)(7)). Teacher representatives conferencing for the professional employees are not representing members of one organization; rather, they represent all professional employees and all professional organizations in which those employees may be members.

Thus, applying the law to the PECCA agreements now in effect or under consideration, if dues deduction has been the subject of conferencing and is included in the Memorandum of Understanding, the deductions are available for all teacher organizations whose members request it. Further, the LEA may not promulgate a policy that establishes an arbitrary minimum membership threshold in order to receive this benefit.

Contact me with any questions you may have.

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