

U.S. Supreme Court Defends Workers' First Amendment Rights | NEWS RELEASE

Americans for Fair Treatment

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Harrisburg, Pa.—Former English teacher Keith Williams personally knows what it means to be forced to pay a labor union or face losing his job. For him, today's U.S. Supreme Court ruling in *Janus v. AFSCME* is a victory for the 330,000 government workers in unionized workplaces in Pennsylvania—and 5 million across America.

The plaintiff in the case, Mark Janus, is a home childcare worker in Illinois who noticed “agency fees” disappearing from his paycheck in 2015. He challenged the practice of unions charging workers who are not members for representation.

“Five years ago, the union in my old school district instituted so-called ‘fair share fees’ into our teacher contract,” said Williams, who recently became the new state director of outreach for Americans for Fair Treatment, a nonprofit organization whose mission is to assist public sector employees in exercising their First Amendment rights with regard to union membership. “That meant 42 teachers who had decided not to join the Pennsylvania State Education Association were still required to pay hundreds of dollars to the union or lose their jobs.

“It was a massive shock. Many of us had refused to join the PSEA because we knew union dues went to support a variety of political and ideological causes we disagreed with. The whole idea of mandatory ‘fair share’ fees ran totally contrary to our First Amendment right to associate freely.”

But today, the U.S. Supreme Court decided in a 5-4 ruling to strike down fair share, or agency, fees. These are fees the court first authorized in the 1977 decision *Abood v. Detroit Board of Education*, which was overruled in *Janus v. AFSCME*. Basically, the practice has meant that where a union in a government workplace has been made the official and sole employee representative, even workers who are not union members must pay the union. With the latest court decision, such workers are no longer required to pay unions in order to keep their jobs.

The fees are a pro-rated portion of dues meant to cover the cost of contract negotiations, representation, and the handling of grievances. The fees are often lower than regular union dues because they must legally exclude spending on politics and lobbying. For example, the PSEA in 2017-18 charged a full-time teacher and member at least \$712 a year in union dues. A fair share fee payer, by contrast, was required to pay about \$470.

“The union argued that anyone who wasn’t a member was enjoying the union’s benefits for free,” Williams said. “That claim was infuriating because decades ago, government unions lobbied for the very laws that make them ‘exclusive representatives’ in a workplace.

“Here’s a better idea: let non-members negotiate salaries and benefits for themselves. That way unions don’t have to represent them, and workers aren’t forced to financially support a highly politicized union they profoundly oppose.”

Williams is available for comment on the impact of the *Janus* ruling for public schoolteachers and other government workers.

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Americans for Fair Treatment is a nonprofit organization whose mission is to educate, equip, and empower public sector employees to receive fair treatment from unions. The organization aides public sector workers through its Free to Teach and Free to Serve projects, supporting public school teachers and healthcare, municipal, and uniformed services employees respectively.