

Fact Sheet on *Janus v. AFSCME*

What is *Janus v. AFSCME*? On November 21, 2016, the National Right to Work Foundation and the Liberty Justice Center filed a brief with the Seventh Circuit Court of Appeals on behalf of Mark Janus challenging the Illinois law that requires government employees to pay a “Fair Share” or “agency fee” to the union that represents them. The plaintiffs allege that where public employee unions are concerned, all advocacy is “political” in nature and under the First Amendment, citizens cannot be compelled to support any form of political speech. The *Janus* case seeks to overturn ***Abood v. Detroit Board of Education*** and the Supreme Court has now agreed to accept the case.

What is *Abood*? *Abood v. Detroit Board of Education* is an important case that the Supreme Court decided unanimously in 1977. ***In Abood, the Court affirmed that it is constitutional for public sector unions to collect Fair Share fees (also sometimes called agency fees) from employees who choose not to join a union, but who are legally entitled to benefits provided by the union, including contract bargaining with the employer.***

Who is trying to undermine the collective bargaining rights of working people? Corporate CEOs and wealthy special interests want to further tilt the economic rules in their favor by making it even harder for workers to come together, speak up and get ahead. They also want to destroy the ability of unions to be active in electoral politics or political advocacy. This case, which deals with public service workers, is just the latest tactic by the same wealthy special interests that have been attacking working people for decades. The best way for working people to get ahead is to band together to win better wages, working conditions and benefits. ***This case is not about worker freedom; it's about weakening the unions workers depend on to advocate for their interests.***

What are Fair Share fees? Everyone can choose whether or not to join a union at work and nothing in this case will change that. **When the majority of people vote to form a union, however, the union is required by law to represent everyone in the bargaining unit, whether that employee is a union member or not.** As all public employees enjoy the benefits, job security and other protections the union negotiates, ***it is only fair that all employees contribute to the cost of securing those benefits and protections.*** Currently, public employees who don't want to belong to a union only have to contribute to the costs of the representation they receive, including the cost of negotiating and maintaining contractual benefits, protections and rights. No public employee is required to join a union or pay any fees that support political candidates or a union's political or ideological activities.

What's at stake if unions lose this case? If we get a worst-case decision that allows employees to be free-riders, the possibility exists that some members will make a very short-sighted decision to “give themselves a raise” by not paying dues. If enough members choose that path, it is possible that your union will not be able to function effectively as an advocate for members – or possibly not be able to function at all. In that case, the union could be decertified and, if that occurs, your collective bargaining agreement would remain in effect for only a year. ***After that you would not have a contract.*** That would mean no more salary schedule, no requirement of the district to provide or contribute to health insurance, no rules about working conditions, no grievance procedure and so on. In other words, all employees would become at-will employees who are completely subject to managerial discretion on everything concerning their employment. Pretty much like it is now in many Right-to-Work states where there is no collective bargaining. If and when that happens, the “savings” achieved by not paying dues will be seen for what it really is – a very bad bargain. But by that time it will be too late to do anything about it.