

EMPLOYMENT SERVICES ALERT

9/29/2017

Supreme Court to Revisit Public Sector Union Fees

By **Fred Compton**, Partner

The U.S. Supreme Court will again take up the question of whether making public sector employees pay fees to unions violates their First Amendment rights. On September 28, 2017, the Court said it will review a 7th Circuit decision involving an Illinois Department of Healthcare and Family Services worker's suit.

In the 1977 decision in *Abood v. Detroit*, the Supreme Court affirmed the right of unions to extract fees from public sector workers for collective bargaining and other employee related services. In the new matter, a public sector employee is asking the Supreme Court to overrule that decision.

Last year, the justices deadlocked in a 4-4 vote on the same question after the death of Justice Antonin Scalia, whom many expected would have cast the deciding vote against so-called agency fees. Now, with a full court after the appointment of Justice Gorsuch in April, the acceptance of this case by the Court for review indicates that the issue is far from over.

The decision in this case could have a significant impact on those public employers in Ohio who have agency/fair share fee provisions in their collective bargaining agreements. We will keep you informed.

The case is entitled *Janus vs. AFSCME*. A copy of the Petition for Writ of Certiorari is available [here](#).

Doug Spiker
Practice Group Manager,
Employment Services
216.696.7125 | dspiker@ralaw.com

Karen Adinolfi
330.849.6773 | kadinolfi@ralaw.com

Helen Carroll
330.571.7608 | hcarroll@ralaw.com

Fred Compton
330.849.6610 | fcompton@ralaw.com

Diana Feitl
216.615.4838 | dfeitl@ralaw.com

Paul Jackson
330.849.6657 | pjackson@ralaw.com