



**Policemen's Benevolent Labor Committee**  
**840 South Spring Street, Suite A**  
**Springfield, Illinois 62704**  
**Phone: (217) 523-5141 Fax: (217) 523-7677**  
[www.pbpa.org](http://www.pbpa.org)

Today the United States Supreme Court issued a long anticipated decision aimed at attacking public employees access to legal protections and the ability to bargain with their employer.

### **Background**

The case, *Janus v. AFSCME Council 31*. Initially brought by Bruce Rauner, challenges the ability of public sector unions to collect “fair share fees.”

Under Illinois law, no public employee is required to join a union. However, unions are required to equally represent all employees in a bargaining unit whether they are dues-paying union members or not. That means that non-members receive the benefits of union membership: fair contracts, representation etc. but they do not pay union dues. Non-members do not receive Legal Defense Benefits. *Nothing in the Janus case changes that.*

To address this problem, unions have been able to levy “fair share” or “agency” fees on non-members to cover the costs of bargaining, administering contracts, and providing labor representation. By law, unions are not able to use these fair share fees for anything other than these types of representative services. Fair share fees cannot go towards political expenditures, and since PBLC does not use member dues for political contributions, none of that money goes toward political contributions. *Nothing in the Janus case will change that.*

### **The Court's Decision**

As expected the United States Supreme Court invalidated all unions' ability to collect fair share fees.

In a 5-4 decision, authored by Associate Justice Samuel Alito, the Court overruled its 1977 decision in *Abood v. Detroit*, holding that: *“The State's extraction of agency fees from nonconsenting public-sector employees violates the First Amendment. Abood erred in concluding otherwise, and stare decisis cannot support it. Abood is therefore overruled.”*

Because this is a First Amendment case, decided by the U.S. Supreme Court, this decision is binding in every State.

The Court also rejected arguments raised by the PBPA, our national affiliate NAPO, and others in an *amicus curie* brief, finding that: *“Neither of Abood's two justifications for agency fees passes muster under this standard. First, agency fees cannot be upheld on the ground that they promote an interest in “labor peace.” and, “Second, avoiding “the risk of ‘free riders,’ is not a compelling state interest. Free-rider “arguments . . . are generally insufficient to overcome First Amendment objections,”*

***The Court's opinion did recognize, though, that Unions are free to refuse to represent non-members in disciplinary matters, and to charge non-members for the cost of representing them if the Union chooses to do so. (See decision - footnote 6, page 17).***

## **Impact of the Ruling**

Short term we don't expect much impact on the PBLC or other public safety unions. The PBLC only has one person that pays fair share fees across the entire state. That person currently pays an amount equal to full union dues to a designated charity. ***Our members recognize the value of the professional service they receive from our labor representatives at the bargaining table and during grievance processing, as well as, the service our lawyers provide in interest and grievance arbitration. They also know that our Legal Defense Benefit is second to none – and they will have an experienced attorney to represent them when a shooting, critical incident, or criminal investigation occurs.***

While the Court's ruling is limited to "nonmembers" in its applicability unions may be asked to verify or confirm union membership at some point in the future. Accordingly, it is very important that your local unit keep accurate membership records *including copies of the membership and dues deduction cards* that are usually signed by new employees when hired.

The potential long term effects of this ruling on public sector employees are very troubling. If public unions are weakened, then wages and benefits will be affected. Data collected from the US Department of Labor shows that workers without unions make \$200 less per week, or 27% less annually, and they pay twice as much for health insurance.

Pensions will likely be targeted as well. In Illinois, the PBPA/PBLC and allied public unions pooled resources to successfully strike down attacks on police pensions in 2015. The "We Are One" union coalition, as it is known, also pools their combined power to ensure that legislation is not passed that would target municipal and county pension systems. With fewer resources, such coalitions will likely see their ability to fight against retirement cuts severely weakened.

So, who funded this lawsuit and what do they stand to gain? The main group filing this lawsuit is the "Illinois Policy Institute," which is funded by Bruce Rauner, Richard Uihlein, the Koch Brothers and a host of out-of-state billionaires. The Illinois Policy Institute has repeatedly called for the abolishment of union bargaining at the local level, as well as the destruction of your pension plans. They do this on the behest of their donors, who stand to make a fortune by privatizing local government services and pushing your pensions into risky and unreliable 401(k) style plans.

The PBLC is fully prepared to push back on every front against any attack on our member's rights and benefits. We will be pursuing all available avenues to blunt the effects of this ruling and ensure our members have the fundamental rights to fair pay, benefits, and pensions.

If you would like to read the Supreme Court's decision it can be viewed/downloaded here - [https://www.supremecourt.gov/opinions/17pdf/16-1466\\_2b3j.pdf](https://www.supremecourt.gov/opinions/17pdf/16-1466_2b3j.pdf)

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