

## Illinois Civil Servants, Governor Challenge Public Sector Forced Dues

continued from page 1

(AFSCME) Council 31 union officials' so-called "representation" even though he is not a union member and opposes the union hierarchy's public policy positions. Adding insult to injury, he has been forced to fork over an estimated \$4,228.36 to AFSCME union officials despite his belief that they do not act in his, or Illinois taxpayers', best interests.

Quigley has worked for the Illinois Department of Public Health for 25 years. In 2011, department management notified her that she must accept AFSCME Council 31 union officials' "representation." She estimates that she's paid \$1,661.44 since then to the AFSCME union hierarchy even though she disagrees with the union's seniority system and believes that AFSCME union bosses have had a detrimental impact on the state's budget and economy.

Trygg is a 35-year veteran of the Illinois Department of Transportation. His civil engineering job was reclassified in 2009 as a unionized position under Teamsters Local 916 union boss control. He has never consented to union dues



***Despite the best efforts of union-label Illinois Attorney General Lisa Madigan, a First Amendment challenge to forced dues for state civil servants will proceed.***

or fees being taken from his paychecks, but has been forced to pay approximately \$7,143.23 in forced union fees despite never receiving any information from Teamster union officials on how that money is being spent. Trygg strongly disagrees with Teamster union bosses' political agenda because of his religious convictions, and also believes that the union does not act in his or Illinois citi-

zens' best interests.


The civil servants' intervention proved critical when a federal judge held that Governor Rauner did not have standing to challenge compulsory union fees in court. The First Amendment challenge will proceed, however, because the judge granted the motion filed by Foundation staff attorneys for Janus, Quigley, and Trygg to intervene and become plaintiffs in the lawsuit.

"If it weren't for these civil servants stepping up in support of their First Amendment rights, and the free legal aid your Foundation is providing them, this case would be over," Mix noted.

### Public-sector forced unionism drives Big Labor

In recent years, union bosses have become more reliant on the government sector to subsidize their billion-dollar electioneering campaigns for politicians who support bigger government, higher taxes, and more debt. Fully half of all workers laboring under monopoly bargaining arrangements are now government employees.

"Government union bosses and their favored politicians have created a vicious cycle in which politicians push more workers into unions' forced-dues-paying ranks, and union bosses return the favor by funneling forced-dues cash back into the politicians' campaign coffers," said Mix. "Getting rid of forced dues in the public sector is the only way to break this cycle."

"Fortunately, the Foundation's recent Supreme Court victory in *Harris* raises serious doubts about the constitutionality of public-sector forced dues," continued Mix. "This lawsuit, which is being pursued by Foundation staff attorneys for three Illinois civil servants, could be the case that settles that question." 

## Foundation Action

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Ray LaJeunesse, Jr.  
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## Foundation Attorneys Defend Michigan and Wisconsin Right to Work Laws

*Employees in the newest Right to Work states turn to the Foundation for free legal assistance*

DANE COUNTY, WI - After Wisconsin became America's 25th Right to Work state earlier this year, Big Labor union bosses launched an immediate counter-attack. Only a day after the Right to Work legislation was signed into law, International Association of Machinists (IAM) union lawyers filed suit in Dane County Circuit Court challenging the constitutionality of the state's labor reforms.

This and similar attacks on new Right to Work laws in Michigan and Wisconsin are why the National Right to Work Foundation has created legal task forces to defend these crucial reforms in court. In the case of this latest IAM lawsuit, Foundation attorneys responded by filing an *amicus curiae* brief defending Wisconsin's Right to Work law. The brief was filed for four nonunion Wisconsin employees who work in unionized workplaces and wish to defend their newly-enshrined workplace rights.

"Union bosses are determined to hold onto their extensive forced-dues privileges, even if it means ignoring longstanding legal precedent that entitles states to protect their citizens from mandatory union dues and fees," said Ray LaJeunesse, vice president and legal director of the National Right to Work Foundation.

### Union bosses ignore new Right to Work laws

Decades of experience have shown that Right to Work laws must be defended in state agencies, state courts, and federal courts after they have been enacted. That is why the National Right to Work Foundation has assisted independent-minded workers in Indiana, Michigan and Wisconsin, all of which have become Right to Work states since 2012.



***UAW bosses decry photo identification requirements on election day, but demand that independent workers bring a photo ID if they wish to exercise their rights to leave a union and stop paying dues.***

Currently, Foundation staff attorneys are involved in over two dozen cases related to the enforcement of Michigan's Right to Work protections, which first went into effect in 2013. The cases challenge union attempts to enforce obviously illegal forced dues requirements and arbitrary union rules aimed at making it more difficult for employees to invoke their rights under the new laws.


In one recent case, Foundation staff attorneys filed a complaint for seven Oakland County bus drivers to enforce their rights under Michigan's Right to Work law for public employees. The union monopoly bargaining agreement the bus drivers work under contained a so-called "union security" clause requiring payment of union fees as a condition of employment, a provision that clearly violated the new law.

In another case, Foundation staff attorneys successfully challenged a union policy that restricted employees' rights under the new law to leave a union and stop paying dues at any time. In October of 2013, Pauline Beutler, a

school bus driver in Howell, MI, attempted to leave Teamsters Local 214 and stop paying union dues but was told by union officials that she had to wait until July 2014 to do so.

In June, the Michigan Employee Relations Commission (MERC) issued an oral ruling in Beutler's case establishing that any government union restriction on dues revocations violates Michigan's public sector Right to Work law. Beutler's Foundation-won ruling ensures that no public employee in Michigan can be forced to wait for a union-created 'window period' before ending payment of dues to a union. A written opinion is expected later this summer.

In yet another case, Foundation staff attorneys successfully challenged UAW union officials' attempts to require workers to show up in person at a union hall with photo identification to resign from the union and stop paying dues. Foundation attorneys argued that the requirement served no purpose other than to discourage employees from exercising their workplace rights under the new Right to Work law.

"It is all too clear that without vigorous enforcement, these states' vital labor reforms will be hollowed out by scofflaw union bosses," continued LaJeunesse. "Fortunately, National Right to Work Foundation staff attorneys stand ready to aid Michigan and Wisconsin workers seeking to free themselves from the shackles of forced unionism." 

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## Fifth Time's a Charm! Alabama Workers' Fifth Vote Against Union is Official

***Workers overcame five decertification elections and NLRB stalling tactics to eject UAW***

HAMILTON, AL - In late May, employees at an NTN-Bower plant in Hamilton, Alabama decisively voted to remove the United Auto Workers (UAW) Local 1990 union from their workplace. The election marked the fifth time in less than two years employees at the facility voted on decertifying the union. Despite losing four out of five elections – the only election “won” by the union was tainted by obvious ballot-stuffing – UAW officials managed to stave off decertification by gaming the National Labor Relations Board’s (NLRB) rules to hold on to their monopoly bargaining privileges for an extra two years.

“After a long fight, NTN-Bower employees have finally gotten rid of the UAW,” said Patrick Semmens, vice president of the National Right to Work Foundation. “However, it shouldn’t take five elections to get rid of one stubborn union.”

“It’s quite a shame it takes years to be heard,” said Ginger Estes, an NTN-Bower employee who received free legal aid from Foundation staff attorneys. “The first vote should have been enough!”

The National Labor Relations Board (NLRB) scheduled a fifth decertification election at the facility after a hearing officer agreed with UAW lawyers’ objections to a fourth vote against the union’s presence from February 2015. After losing the fifth vote decisively, UAW officials declined to contest the results.

### Long road to victory for independent workers

Estes and many of her coworkers first requested a decertification election back in 2013. They were disenchanted with the union from their experience of working during a UAW-instigated strike



***After a two-year ordeal, Ginger Estes and her colleagues have finally ejected the UAW from their workplace. Unfortunately, many other employees face similar delaying tactics when attempting to remove unwanted unions.***

in 2007. Union goons shouted racial slurs at black and Latino workers and damaged the cars of employees who refused to go on strike. Moreover, two of Estes’ dogs were poisoned under mysterious circumstances, and she is convinced that UAW militants were responsible.

Estes believes that the UAW has mistreated independent-minded employees. “We have endured their intimidation,” she said.

Although a majority of workers voted against the UAW in the first election, union and company officials agreed to set aside the results and have the employees to vote a second time. In the second election, workers again voted to remove the union. UAW officials promptly challenged the results, and a divided NLRB panel voted 2-1 to invalidate the outcome and schedule a third vote.

On January 16, 2015, workers voted a third time on removing the UAW. The union narrowly avoided another loss,

but the results were tainted by obvious ballot-stuffing. Despite the fact that only 140 employees at the facility were eligible to vote, 148 ballots were cast. Estes formally challenged the results with the help of Foundation staff attorneys, and the NLRB quickly agreed to schedule a fourth vote. On February 20, NTN-Bower employees again voted to eject the UAW from their workplace by a wide margin. Shortly afterwards, UAW lawyers convinced the NLRB to set aside the results and hold yet another vote.

“I was not happy about the fifth election, of course, but not surprised considering how biased our NLRB has been,” said Estes. “But all the same I was confident because I knew our people wanted [to get] rid of the union no matter what, even if we had to have a sixth or seventh election.”

Fortunately, the UAW lost the fifth vote by a decisive margin and declined to challenge the results.

“When I realized we had won I was elated and very thankful that I had help

*See UNWANTED UNION BOOTED page 8*

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Have you asked yourself what you can do today to help the Right to Work Foundation defend freedom in the workplace in the future? Well, there are many generous donors who have stepped up and notified us of a planned gift to ensure that the Foundation has the necessary funds to proceed with years of costly litigation.

A planned gift to the Foundation is one of the most effective ways you can help the Foundation continue its fight for worker freedom now – and in the future. So in addition to a traditional gift of cash or long-term appreciated securities, please consider the following giving options that many Foundation supporters have found advantageous:

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Making a planned gift today can ensure the financial well-being of you and your family well into the future. It is the best “investment” you can make today to ensure the Foundation has the resources it needs to fight the battle against forced unionism.

As with any planned gift or estate plan, we encourage you to contact your estate attorney or tax advisor to help you and your family formulate the best plan to achieve your financial goals. If you have questions about these options or need more information, please contact Ginny Smith, Director of Strategic Programs for the Foundation at 1-800-336-3600, Ext. 3303.

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## Judge OKs Class-Action Status for California Suit Challenging Forced Fees

*Tens of thousands of state employees could win back millions in illegally-seized union dues*

SACRAMENTO, CA - In late May, the United States District Court for the Eastern District of California granted class-action status to *Hamidi v. SEIU*, a lawsuit filed by California civil servants against SEIU Local 1000. The lawsuit challenges the union's collection policy, which requires nonmembers to affirmatively object to paying for union politics, and asks that the SEIU be required to get employees' permission before taking their money for political activism. The plaintiffs are receiving free legal assistance from a National Right to Work Foundation staff attorney, who has been certified as the attorney for a class estimated to consist of at least 34,000 workers.

The lawsuit builds on *Knox v. SEIU Local 1000*, a National Right to Work Foundation-won United States Supreme Court decision from 2012. In *Knox*, the High Court held for the first time that a union should not have collected dues for a political spending campaign without first obtaining nonmembers' consent.

"Now that class-action status has been granted, Foundation attorneys will move to recover forced dues taken from every nonunion employee in SEIU 1000's bargaining units," said Ray LaJeunesse, vice president and legal director of the National Right to Work Foundation. "This could be a huge win for tens of thousands of California civil servants who chose not to join the union."

### Union bosses "rig the game" against workers

In California and 24 other states that lack Right to Work laws, nonunion employees can be forced to pay union dues or fees to keep a job. However, employees have a constitutional right not to pay for activities unrelated to



**Ken Hamidi, a California civil servant, hopes to force SEIU officials to get employees' consent before collecting their money for union political activism.**

workplace bargaining, such as union political activism.

Unfortunately, many unions require employees to object annually to those payments if they wish to refrain from paying for union politics. The plaintiffs' lawsuit seeks to shift that burden from employees, whose paychecks and rights are at stake, to union officials, who would then be required to obtain permission before collecting nonmembers' fees for political activism.

SEIU 1000's current policy – which rigs the game in favor of the union by requiring nonunion employees to affirmatively object to union political spending – demonstrates the problems with the current opt-out framework.

Although nonunion employees are supposed to receive notices informing them of their right to opt out of paying for union politics, several of the lawsuit's

plaintiffs never received such notices. Others were only notified after a union-designated window period for objecting to the payment of full dues had already expired.

Nonunion civil servants who did receive the notice in a timely fashion found that it downplayed employees' right to opt out. Information about refraining from paying dues for union politics was printed in small text and featured below the union's more prominent pitch for full membership.

Those employees who actually received the notice in a timely fashion and were able to decipher the union's explanation of their rights then had to undergo an onerous, bureaucratic process to reclaim their forced fees.

"Nonunion civil servants across the state will now have a chance to recover at least some of the compulsory fees taken from their paychecks," continued LaJeunesse. "Requiring union bosses to obtain employee consent before taking their money for political activism is a good first step, but the only permanent solution is to make all union dues or fees completely voluntary." 🗳️

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# The Detroit News

## NATIONAL RIGHT TO WORK FEATURED COMMENTARY

### Mark Mix: Think Voluntary, Not Coercive, Unions

Americans regularly join and form clubs, civic associations and church groups, to say nothing of the countless other organizations that rely on little more than the enthusiasm and support of their members. This is such a common occurrence that it seems ingrained in our national character.

Alexis de Toqueville, the famous chronicler of early 19th century American life, observed that, “Americans of all ages, all conditions, and all dispositions constantly form associations. They have not only commercial and manufacturing companies, in which all take part, but associations of a thousand other kinds, religious, moral, serious, futile, general or restricted, enormous or diminutive.”

Much has changed since de Toqueville’s time, but our shared enthusiasm for voluntary association is still evident. Indeed, we’ve discovered new outlets for our passions and interests, as the Internet and new communications technology have made it easier than ever to meet and share ideas, projects and inspiration with like-minded people.

What do our tremendous varieties of civic organizations have in common? At first glance, not much. A weekly Bible study group, a club for cycling enthusiasts and your neighborhood civic association may have one or two members in common, but their priorities, resources and goals are quite different. They all depend, however, on the spirit of voluntarism. Without members’ willing support, these organizations would quickly wither away.

But one type of private organization doesn’t play by the same rules. Employees across the country can be forced to pay union dues and accept union bargaining over their wages and working conditions just to get or keep a job. Union officials’ coercive power over employees, many of whom want nothing to do with a union, flies in the face of America’s tradition of voluntarism and free association.

The problem is particularly acute in states without right-to-work laws, where union officials are empowered to collect dues from all employees in a unionized workplace, even those who do not belong to the union or oppose its presence. In one recent case, a nonunion California firefighter was actually forced to “donate” some of his annual leave for union activities.

Imagine being forced to “donate” your spare time to a local club or paying mandatory dues to your neighborhood’s civic association. Most people would bridle at the thought of having to contribute to organizations they may not be interested in supporting. Yet that is exactly how unions operate in many American workplaces.

Right to work laws, including Michigan’s recently enacted reforms, bring the spirit of voluntarism back to the American workplace. In right-to-work states, employees are still free to form, join and pay dues to a union. However, no worker can be forced to join or pay dues against his or her will. Right to work simply requires that unions stop acting like a dues collection racket and start playing by the same rules as every other private organization.

Union officials are understandably reluctant to give up their forced dues cash, and insist that they’re entitled to nonunion workers’ dues because they must bargain on behalf of all employees in a unionized workplace. This, however, is not true. Unions always retain the option to only negotiate for their own members, something that rarely gets mentioned in union officials’ melodramatic tirades against right to work.

Right-to-work laws can also revitalize unions’ relationship with their members. A club that alienates its core supporters must adapt quickly or disappear. Similarly, if workers can leave a union and stop paying dues, union officials must pay close attention to their feedback and grievances, a process that encourages greater accountability.

For too long, union officials have enjoyed privileges beyond that of any other private organization in the country. And while union membership has steadily declined over the past few decades, the groups and voluntary associations that make up our civil society continue to thrive. Michigan’s recently enacted right-to-work laws protect employee choice and revive the spirit of voluntarism in the workplace and on the shop floor. That’s something that Michiganders of all stripes, including union officials, should celebrate.

*Mark Mix is president of the National Right to Work Foundation. This article originally appeared in The Detroit News on 5/4/15.*

## Unwanted Union Booted

*continued from page 5*


from the National Right to Work Foundation,” continued Estes. “I could not have done this without their help.”

## NLRB props up unwanted unions

The obstacles faced by NTN-Bower employees may seem unusual, but union bosses routinely resort to similar tactics to stymie employee decertification drives, often with the help of a pliant NLRB.

In cases across the country, union officials have filed federal charges to block workers’ efforts to remove unwanted unions. General Counsel Richard Griffin and other NLRB bureaucrats have been happy to oblige, delaying workers’ elections for months or years while keeping union bosses in power. The Board has attempted to prevent employees from removing unwanted unions in California and Illinois workplaces, impounded workers’ ballots in Washington State, and moved to exclude workers from legal proceedings affecting their decertification efforts in Arkansas, Arizona, Illinois, and Washington State.

Griffin is also pushing a new policy that would allow union bosses to file federal charges to block employers from withdrawing recognition from a union even if a clear majority of workers in the bargaining unit are in favor of it. This new policy gives Griffin the power to prosecute a company that voluntarily removes recognition of an unwanted union, even at workers’ behest.

“The NLRB is allowing union lawyers to game the system to keep unwanted unions in power,” said Semmens. “The two-year decertification saga in Hamilton, Alabama is just one example of the Obama Labor Board’s forced-unionism bias.” 



## Message from Mark Mix

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter:

You know as well as I do that compulsory unionism is the engine that skyrockets government spending, balloons taxes, and corrupts our political system.

Union bosses funnel billions of dollars each election cycle into the campaign coffers of their handpicked, tax-and-spend politicians -- money stripped from the pockets of hardworking men and women, many of whom would be fired if they didn't pay.

The generous support of concerned citizens like you over the years has allowed the National Right to Work Foundation to win many important legal precedents protecting independent-minded workers who don't support union-boss politics.

No other organization is committed to fighting these types of lengthy and costly battles nationwide in the courts.

Illinois Governor Bruce Rauner seized on our most recent victories at the United States Supreme Court by filing a federal lawsuit questioning whether ANY forced union dues or fees for civil servants are compatible with the First Amendment. His suit could put a stop to all forced dues in the public sector.

But a federal judge agreed with union lawyers that Governor Rauner did not have standing to bring such a case.

Fortunately, that lawsuit will now continue thanks to the timely intervention of three Foundation-assisted plaintiffs.

You'll read more about that development in this issue of **Foundation Action**, as well as the latest on a related lawsuit out of California. There Foundation staff attorneys are providing free legal aid to civil servants who seek to require union officials to actually obtain employee consent before taking workers' hard-earned money for union politics.

Big Labor is fighting tooth-and-nail to defend its forced-unionism powers. Thank you for helping us continue to fight back.

Sincerely,

Mark Mix





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## Illinois Civil Servants Intervene to Save Governor's Anti-Forced Dues Lawsuit

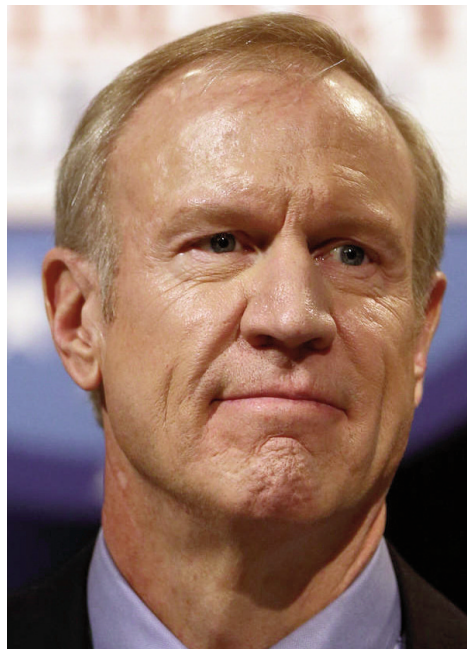
### *Foundation-assisted employees challenge compulsory union dues on First Amendment grounds*

SPRINGFIELD, IL – A federal district court judge ruled in May that a lawsuit filed by three Illinois civil servants challenging the constitutionality of public sector union officials' forced-dues privileges can proceed, following efforts by union lawyers and forced unionism cheerleader Illinois Attorney General Lisa Madigan to dismiss the case.

The lawsuit, originally filed by newly-elected Illinois Governor Bruce Rauner last February, seeks to build on the National Right to Work Foundation's landmark *Harris v. Quinn* Supreme Court victory, won against Rauner's predecessor, former Governor Pat Quinn.

However, Rauner's lawsuit would have been dismissed because a court ruled that he lacked standing - a legal term meaning personal stake - to challenge forced unionism in Illinois state government even though he is the state's chief executive. Fortunately, three civil servants who are forced to pay union dues to keep their jobs intervened with the help of Foundation staff attorneys, ensuring that the case will proceed in federal court.

In *Harris*, Right to Work staff attorneys asked the Supreme Court to consider whether all public sector forced dues are incompatible with the First Amendment. Although the Court only struck down a compulsory dues scheme in that case on the narrow grounds that the Foundation-assisted caregivers who filed suit were not true state employees, the Court's majority opinion character-



***Thanks to three-Foundation assisted civil servants, Illinois Governor Bruce Rauner's anti-forced dues lawsuit can proceed in federal court.***

ized all public-sector union officials' forced dues powers as "questionable on several grounds."

In the wake of *Harris*, Governor Rauner sought to build on that opinion by challenging the provisions of Illinois state law and contracts that require non-member civil servants to pay union fees as a condition of employment.

"Applying the Supreme Court's heightened skepticism of forced dues to the entire public sector would effectively give every civil servant in America Right to Work protections," explained Mark Mix, president of the National

Right to Work Foundation. "It's no wonder the union lawyers and their puppet politicians are desperate to stop this lawsuit, which could cripple their forced-dues empire."

### **Foundation-assisted workers intervene**

In March, three state employees, Mark Janus, Marie Quigley, and Brian Trygg, moved to intervene in support of the lawsuit with legal assistance from staff attorneys with the National Right to Work Foundation and the Illinois Policy Institute's Liberty Justice Center.

Janus, a Child Support Specialist with the Illinois Department of Healthcare and Family Services since March 2008, must accept American Federation State, County, and Municipal Employees

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