



News from Washington

Supreme Court hears arguments in union fees case

The Supreme Court heard oral arguments in late February in *Janus v. American Federation of State, County, and Municipal Employees (AFSCME), Council 31*, a case that could threaten the future of state and local public-sector unions.

The issue centers on the fees that many public-sector unions collect from non-members to cover the cost of collective-bargaining activities. To fund their operations, these unions rely largely on dues and other contributions from their members. But they also can collect smaller fees from non-members who benefit from the results of the unions' collective bargaining, including higher wages and better working conditions.

Twenty-three states allow their public-sector unions to collect these fees. The Supreme Court upheld the system in the 1977 case *Abood v. Detroit Board of Education*. Under *Abood*, unions can collect the fees without violating the Constitution as long as they use the revenue only to cover costs directly related to their collective-bargaining

work. At the same time, the Court said, the money can't be used to pay for a union's political activities.

At NALC, all political activities are paid through voluntary contributions to the Letter Carrier Political Fund.

The plaintiff in this case, Mark Janus, is an Illinois state employee. He argues that the non-member fees are coerced speech that violate his First Amendment rights, and is seeking to overturn a decades-old precedent. He contends that collective bargaining with government entities is a public-policy issue because it has to do with taxes and how the government chooses to spend its money.

Many unions maintain that these fees are necessary to help fund the collective-bargaining work they still would be required to do on behalf of non-members, and further that such employees would be "free-riders." "Unions work because we all pay our fair share and we all benefit from what we negotiate together. Fair share fees provide public service workers with the power in numbers they need to

negotiate better wages, benefits and protections that improve work conditions and set standards for everyone," AFSCME said in a statement.

Several powerful anti-union entities are backing Janus in his case, including the National Right to Work Foundation, which seeks to chip away at labor's collective-bargaining rights and at unions in general.

Oral arguments in the case previously were made in 2016, but after the death of Justice Antonin Scalia, the court deadlocked 4-4. With President Trump's chosen replacement for Scalia, Justice Neil Gorsuch, now on the bench, the arguments were brought forward again in a new case. The debates within the courtroom provided no signs of evolving positions among the original eight justices, while Justice Gorsuch remained silent, giving no indication of his position.

It was expected that Justice Scalia would have ruled against union fees and many observers anticipate the same from Justice Gorsuch. Such a ruling would be a serious blow to unions that represent teachers and other public-sector employees at state and local levels.

The case is not expected to have a direct impact on NALC dues, as the union does not collect fees from non-members, even though it is required to represent non-members in collective bargaining.

A decision is not expected until the end of June.

Federal budget process update

As we reported in the last issue of *The Postal Record*, the government is continuing to operate on a series of temporary funding measures known as continuing resolutions (CRs), which





allow the government to function at current spending levels. Even this stopgap method of funding the government has proved difficult to maintain for the divided Congress, as in the past few months there have been two brief federal shutdowns. The current CR was set to expire on March 23, after this *Postal Record* went to press.

While Congress is attempting to promote consensus on a long-term spending bill for Fiscal Year (FY) 2018, it has also established a 16-person bipartisan panel to identify problems with the long-term budgeting process and offer potential solutions. The panel's deadline to provide a report is Nov. 30. Below are the panel members:

Republicans

Rep. Steve Womack (AK) – co-chair
Rep. Pete Sessions (TX)
Rep. Rob Woodall (GA)
Rep. Jodey Arrington (TX)
Sen. Roy Blunt (MO)
Sen. David Perdue (GA)
Sen. James Lankford (OK)
Sen. Joni Ernst (IA)

Democrats

Rep. Nita Lowey (NY) – co-chair
Rep. John Yarmuth (KY)
Rep. Lucille Roybal-Allard (CA)
Rep. Derek Kilmer (WA)
Sen. Sheldon Whitehouse (RI)

Sen. Michael Bennet (CO)
Sen. Brian Schatz (HI)
Sen. Mazie Hirono (HI)

Even though the Postal Service is not a taxpayer-funded agency, NALC continues to keep a close eye on the budget process. Congress has the authority to reduce federal employees' pay and benefits, as it's done in the past and could do again. In addition, letter carriers' pay and benefits, the Postal Service days of delivery and service standards also could be on the table.

Letter carriers should remain on alert by visiting the Government Affairs section of nalc.org and downloading the NALC Member App to your smartphone.

In the news media

In a story about intriguing retirement communities in Canada, the United States and China, the *Globe and Mail*—Canada's largest newspaper—led the U.S. section with Nalcrest, NALC's retirement community in Florida.

Idaho State Association of Letter Carriers President **John Paige** had letters to the editor in *The Coeur d'Alene Press*, *MagicValley.com* and the *Idaho Statesman*, on Feb. 16, Feb. 18 and Feb. 28, respectively. **PR**

Union members rallied in Washington, DC, to stress the importance of union fees to allowing them to perform their collective-bargaining responsibilities.



Charles McDaniel of Garden Grove, CA Branch 1100 should have been listed in the Letter Carrier Political Fund contributors list printed in the February *Postal Record*. McDaniel contributed \$300 to LC PF.