

## **Pa. Public Employees' Lawsuits Force Major Gov. Unions to Promise End to Resignation Restrictions | RELEASE**

### **The Fairness Center**

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### **Pa. Public Employees' Lawsuits Force Major Gov. Unions to Promise End to Resignation Restrictions**

*SEIU, UFCW, PSCOA Claim They Will Stop Enforcing 'Maintenance of Membership' in New Contracts*

**October 8, 2019, Harrisburg, Pa.** – For decades, many public-sector union officials have trapped public employees in union membership for years at a time—collecting union dues from their paychecks all the while. These union officials have relied on a restrictive “maintenance of membership” policy blocking resignations until a 15-day “escape window” at the end of a multi-year contract.

Now, after more than a dozen Pennsylvania public employees filed lawsuits challenging these resignation restrictions, some of the biggest public-sector unions in the Commonwealth are attempting to reverse course.

Court filings and newly-ratified labor contracts show that the [Service Employees International Union, Local 668 \(SEIU\)](#), [United Food and Commercial Workers, Local 1776 \(UFCW\)](#), and [Pennsylvania State Correctional Officers Association \(PSCOA\)](#), have committed to removing maintenance of membership provisions from new labor contracts. Together, these unions represent an estimated 22,500 Pennsylvania public employees.

“Maintenance of membership restrictions clearly violate our clients’ constitutional rights, and union officials should have dropped those restrictions a long time ago,” commented David Osborne, President and General Counsel for the Fairness Center. “It’s a big step in the right direction. Our clients had to sue to enforce their rights and the rights of those who are similarly situated, and only then did their union officials start to doubt their constitutional authority to keep members from resigning. While we remain concerned that union officials will not take seriously their promises to the courts, union officials’ promises to end ‘maintenance of membership’ in some of the largest government union contracts is an enormous step toward victory for our clients as litigation continues.”

In June 2018, the United States Supreme Court ruled in *Janus v. AFSCME, Council 31* that public employees who are not union members cannot be compelled to pay union dues or fees as a condition of employment. But when public employees attempted to act on their new rights by resigning their membership, many were rejected by union officials citing “maintenance of membership” contract provisions.

Since the *Janus* ruling, the Fairness Center has filed seven lawsuits, including two class-action lawsuits, on behalf of Pennsylvania public employees seeking to leave their union on their own terms. Among those lawsuits:

- Liquor store clerk [John Kabler, Jr.](#), sued the UFCW after union officials tricked him into joining the union, then rejected his attempt to resign after he learned his true rights.
- Former Allentown social worker [Francisco Molina](#) sued SEIU after the union rejected his resignation.
- [Megan James](#) and two other Greensburg state employees filed a class-action lawsuit against SEIU, which rejected their membership resignations.
- [William Weyandt](#) and four other state employees sued corrections officers' union PSCOA for blocking their resignations. The Fairness Center represents these clients in conjunction with attorneys provided by the National Right to Work Legal Defense Foundation.

Each of these unions have either removed “maintenance of membership” clauses from new state contracts or, in legal filings, committed to not enforcing such provisions.

“Union officials are making the obvious play in these cases by promising to end ‘maintenance of membership’ restrictions, but it’s not entirely altruistic. These restrictions kept our clients from resigning from the union, a patent violation of the First Amendment. Additionally, state law still authorizes maintenance of membership restrictions, meaning union officials may return to them in future contracts,” continued Osborne. “Our clients are pursuing a court ruling that, among other protections, strikes down the ‘maintenance of membership’ statute as unconstitutional.”

Fairness Center President and General Counsel David Osborne is available for comment. Contact Conner Drigotas at 844.293.1001 or [cddrigotas@fairnesscenter.org](mailto:cddrigotas@fairnesscenter.org) to schedule an interview.

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*The Fairness Center is a nonprofit public interest law firm offering free legal services to those hurt by public-sector union officials. For more information visit [www.FairnessCenter.org](http://www.FairnessCenter.org).*