

The Fairness Center

Contact: Conner Drigotas, 844.293.1001, cddrigotas@fairnesscenter.org

Allentown Social Worker Sues Union for Violating Constitutional Rights *SEIU Trapped Former Union Shop Steward in Membership*

January 7, 2019, Allentown, Pa. – Francisco Molina, a 14-year Lehigh County employee and former union shop steward, filed a lawsuit today against the Pennsylvania Social Service Union, SEIU, Local 668 for violating his constitutional rights by refusing to allow him to resign from the union. Instead, the union continued deducting dues from his paycheck and pressured him to keep quiet about his views.

“I should have the freedom to join a union, and I should have the freedom to not be a member,” commented Molina. “They didn’t take me seriously, so I chose to stand up for my rights.”

[Click here for a video of Mr. Molina discussing his complaint.](#)

Molina first raised issues with SEIU officials in January 2018 over deceptive union membership cards. The union, anticipating a loss in the U.S. Supreme Court case *Janus v. AFSCME, Council 31* had urged members to sign new membership cards because existing membership cards were “invalid,” according to the union. But when Molina examined the fine print on the new membership cards, he found that the cards would allegedly obligate signers to pay dues regardless of membership status. That may mean SEIU would be able to extract dues from its members even if they left their jobs or were no longer union members.

Molina alerted his coworkers to these manipulative membership cards and cautioned against signing them. In response, Molina says union leaders harassed and attempted to silence him. After the Supreme Court’s *Janus* decision in June, Molina [sent a letter](#) to the union resigning his membership and decrying the union’s bullying tactics, stating:

Additionally, I am requesting that any and all hostilities by SEIU members or any of its agents, towards myself and any other Lehigh County employees who do not share SEIU’s ideological views, be suspended immediately.

Molina was dismissed from his position soon thereafter.



In denying his union resignation, the SEIU cited its collective bargaining agreement, which limits members' resignations to a 15-day window prior to the agreement's expiration. State law allows unions to negotiate this narrow resignation window, but that law has not been challenged since the *Janus* ruling. In that decision, the Court held that public employees have a First Amendment right not to pay a union as a condition of their employment. By refusing to accept his resignation, the union prevented Molina from exercising that constitutional right.

To protect his constitutional rights, Molina enlisted the help of the Fairness Center, a nonprofit public interest law firm that offers free legal help to those hurt by public-sector union officials.

“This so-called ‘maintenance of membership’ clause prevents members from resigning from their union for years,” commented David Osborne, President and General Counsel of the Fairness Center. “While such provisions are common in government union contracts, they force employees to continue subsidizing a union with which they do not agree, violating their First Amendment rights.”

“This case is not about money,” added Molina. “It’s about principle—the freedom to choose.”

Molina’s case was filed in the U.S. District Court for the Middle District of Pennsylvania in Harrisburg.

Documents:

- [Backgrounder](#)
- [Complaint](#)
- [Video Link](#)

Francisco Molina and Fairness Center President David Osborne are available for comment. Contact Conner Drigotas at 844.293.1001 or cddrigotas@fairnesscenter.org to schedule an interview.

###

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.