

Pa. Hospital Employee Sues Union for Blocking Resignation | RELEASE

The Fairness Center

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Post-Janus, Public Employees Still Face Hurdles to Accessing First Amendment Rights

October 23, 2018, Harrisburg, Pa. – If being a union member is so great, why are they making it so difficult to leave? That’s the question haunting William Neely, a psychiatric aide at Berks County’s Wernersville State Hospital, where the American Federation of State, County, and Municipal Employees, Council 13 (AFSCME, Council 13) is refusing to honor Neely’s union resignation.

After more than 15 years as a union member, Neely decided to leave his union, an organization he says no longer represents his interests or beliefs. But union leaders have repeatedly rejected Neely’s resignation, telling Neely that he can only resign during a 15-day window period before the union’s multi-year contract expires in June 2019.

That means the union will continue deducting membership dues from Neely’s paycheck in violation of his First Amendment rights.

In his lawsuit, Neely claims he is no longer a union member and argues that AFSCME, Council 13’s actions violate his constitutional rights to freedom of speech and association.

“Mr. Neely is being trapped and his constitutional rights are being violated by the union,” commented Nathan McGrath, Vice President & Director of Litigation of the Fairness Center. “Public employees should be free to join or leave a union without the onerous resignation restrictions AFSCME, Council 13 is forcing on its members. The bottom line is, Mr. Neely’s constitutional rights should not be limited to a 15-day window period every three years.”

Neely worked tirelessly to resolve this issue with AFSCME, Council 13 leadership, calling the union’s executive director, David Fillman, many times to address the issue. But his extensive efforts were rebuffed and his outreach to Fillman went unanswered.

“For months, union leaders have given Mr. Neely the runaround,” continued McGrath. “Mr. Neely even contacted state officials to stop union dues from being withdrawn from his paycheck but was told only the union could authorize the change.”

Pennsylvania law currently allows unions to negotiate a narrow window period for when individuals can resign, but that law has not been challenged since the U.S. Supreme Court’s ruling in *Janus v. AFSCME, Council 31*, which was decided in June of this year. 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 is preventing Neely from exercising that constitutional right.

To address these concerns and protect his constitutional rights, Neely enlisted the help of the Fairness Center, a nonprofit public interest law firm that offers free legal services to those hurt by public employee union officials.

Neely's case was filed in the U.S. District Court for the Middle District of Pennsylvania in Harrisburg on October 19, 2018.

Documents:

- [Neely Backgrounder](#)
- [Complaint](#)

Fairness Center Vice President Nathan McGrath is available for comment. Contact Conner Drigotas at 844.293.1001 or 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 employee union officials. Fairness Center attorneys provide clients with a voice in the court of law and the court of public opinion. For more information visit www.FairnessCenter.org.