

The Fairness Center

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Cumberland & Berks County Public Employees Sue Unions Over Forced Membership

AFSCME Officials Block Members' 'Escape Window,' Siphon Dues Money

March 27, 2019, Harrisburg, Pa. – Curtis Thompson and Tammy Wessner, both Pennsylvania public-sector employees and union members, share a common goal: to leave their unions over unsatisfactory representation. But what should have been a simple resignation process has become far more costly and time consuming than either expected. Now, they are filing separate lawsuits, seeking to escape union officials' practice of stonewalling their attempts to leave—and to stop the union from taking dues from their paychecks.

Curtis Thompson is an education aide for the Cumberland Valley School District, and he works closely with at-risk students. AFSCME District Council 89, Local 4013 (“Council 89”) represents his employment position, along with school district janitorial, cafeteria, and technical building staffs. Thompson is not opposed to having a union, but believes the current union isn't qualified to address his workplace concerns.

“I love my school and my school district,” Thompson said. “They have been very good to me. Unfortunately, I am forced to accept union representation I do not want, and do not need. I want to be part of the solution to problems in the education system. The union simply continues to be part of the problem.” Click on the video below to hear from Thompson in his own words:



Thompson resigned his union membership in May of 2017, but Council 89 officials refused his resignation, citing a collective bargaining agreement clause called “maintenance of membership” that prevents members from leaving until a 15-day “escape window” in 2020.

Tammy Wessner, a psychiatric aide in Wernersville State Hospital and 10-year union member, faced a similar ordeal when she resigned her membership in AFSCME Council 13. Wessner had become increasingly frustrated and felt that union officials prioritized the union's agenda over members' interests. Following the U.S. Supreme Court's [*Janus v. AFSCME, Council 31*](#) decision, which prohibited mandatory “fair share” fees as a condition of public sector employment, Wessner saw her chance to resign without being forced to continue paying the union. She submitted her resignation in July of 2018, but the union never even bothered to respond to her letter. They continue to take money from her paycheck to this day.

“I paid my dues, literally, for 10 years, but union officials didn’t even have the courtesy to respond to me,” Wessner said. “This illustrates just how out of touch with members they really are. I shouldn’t be forced to file a lawsuit to get their attention. At the same time, they’re taking money out of my paycheck every month. I want out of the union, and I want my money back.”

With the assistance of the Fairness Center, both Thompson and Wessner have filed lawsuits challenging Pennsylvania’s maintenance of membership statute. They seek acknowledgement that they are no longer union members and are asking the court to order the unions to reimburse them for improperly deducted dues payments with interest.

Thompson’s lawsuit was filed in the U.S. District Court for the Middle District of Pennsylvania in Harrisburg on March 27, 2019.

Wessner’s lawsuit was filed in the U.S. District Court for the Middle District of Pennsylvania in Harrisburg on March 27, 2019.

Documents:

- [Thompson Case Website](#)
- [Thompson Background](#)
- [Thompson Complaint](#)

- [Wessner Case Website](#)
- [Wessner Background](#)
- [Wessner Complaint](#)

Fairness Center Vice President and Director of Litigation 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-sector union officials. For more information visit www.FairnessCenter.org.