

The Fairness Center

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Public Employees Bring Class-Action Lawsuit Against AFSCME, Council 13

*Union officials force employees to continue paying union dues
after employees resign their union memberships*

November 17, 2020, Harrisburg, PA—Seven Pennsylvania public employees have sued the Commonwealth and AFSCME, Council 13 in federal court for unconstitutionally forcing them to financially support the union even though they are no longer union members. Miriam Fultz, a Psychiatric Aide at Danville State Hospital, has also asked the court to allow her and several co-plaintiffs to represent a class of state employees who have been similarly injured.

The class-action lawsuit alleges that Council 13 and the Commonwealth continue to illegally have union dues or fees deducted from nonmembers' wages even after they resign. Council 13 represents approximately 42,000 public employees in Pennsylvania who may be subject to a provision Council 13 uses to claim these ongoing dues. Ms. Fultz and her colleagues have brought this lawsuit to enforce their right not to financially support a union against their will.

This is the [seventh](#) lawsuit filed by Fairness Center clients against Council 13 in order to vindicate their rights to resign union membership and/or recover union dues seized after their resignation. At least [10 former members](#) represented by the Fairness Center successfully stopped the Commonwealth from deducting union dues from their paychecks and recovered all the money wrongfully taken from them by Council 13, with interest.

The Fairness Center's President, Nathan McGrath, released the following statement:

In the past two years, the Fairness Center has assisted a number of clients challenging Council 13's refusal to stop dues deductions. Despite our clients' multiple lawsuits, Council 13 officials continue to ignore our clients' constitutional right not to financially support a union while a nonmember. Our clients, seeking to be class representatives, hope to help ensure other nonmember employees don't have to face the same problems from Council 13.

Since the 2018 landmark [Janus v. AFSCME, Council 31](#) decision by the United States Supreme Court, nonmember public employees cannot be forced to pay money to a union as a condition of employment. The court held that no money can be collected unless nonmembers are aware of and freely waive their constitutional rights and then "affirmatively consent[] to pay." Council 13 and the Commonwealth have denied Ms. Fultz and numerous other public employees their [Janus](#) rights by taking dues against their will after they resigned their union memberships.

This case was filed in the Middle District of Pennsylvania.

Documents

- [Case Website](#)
- [Complaint](#)
- [Backgrounder](#)

Fairness Center attorneys are available for comment. Contact Conner Drigotas at 207.205.9133 or conner@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.