

The Fairness Center

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Erie City Employees Win Judgment Against Union that Violated their Rights *Union Officials Concealed Information, Violated Duty of Fair Representation*

January 26, 2021, Harrisburg, PA – Eight Erie Water Works (EWW) employees have won a court ruling holding their union and its officials accountable for concealing information from them and violating their collective bargaining rights. On January 13, 2021, the court [ruled](#) in favor of Mark Kiddo and his co-plaintiffs, stating that officials of American Federation of State, County & Municipal Employees, Local 2206 (AFSCME) breached their duty of fair representation and caused the employees to lose opportunities for better wages and benefits.

The issue first arose during a 2018 contract negotiation when Erie Water Works, the employer, made AFSCME a final contract offer with two distinct options hinging on retirement plan changes. But when union officials presented the contract to union membership, they concealed the option with better retirement benefits and higher wages for employees and presented members the opportunity to vote only on the option that the union preferred.

When employees later learned that they had been misled, they asked for a re-vote, but the union refused. With the help of the Fairness Center, eight EWW employees filed a lawsuit alleging that AFSCME officials had violated their duty of fair representation—and their own “Bill of Rights for Union Members.”

In last week’s ruling, the judge [stated](#) that AFSCME officials not only “concealed pertinent information by not presenting the full Final Offer,” but also “deliberately misrepresented the terms of the Final Offer.” As a result, the court ruled that AFSCME officials breached their duty of fair representation and violated the plaintiffs’ collective bargaining rights.

Fairness Center President Nathan McGrath released the following statement:

Our clients trusted their union representatives to negotiate on their behalf and to look out for their best interests. But AFSCME officials violated our clients’ trust and breached their duty of fair representation when they concealed vital information they knew would be important to our clients in deciding how to vote on the employer’s final offer. Unions should treat their members with honesty and transparency, not deception. Our clients are thrilled that the court has recognized that the law won’t let union officials behave this way.

Documents

- [Case Website](#)
- [Complaint](#)
- [Backgrounder](#)
- [Memorandum Opinion January 16, 2021](#)

Fairness Center attorneys are available for comment. Contact John Sweeney at 609.477.0930, or jrsweeney@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