

## The Fairness Center

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### **Three Federal Lawsuits Filed Alleging SEIU, Local 668 is Violating Employees' Constitutional Rights**

*Union officials acknowledged membership resignations but continue taking dues from employees' paychecks against their will*

**January 5, 2020, Harrisburg, PA**—Three Commonwealth employees have sued the Service Employees International Union, Local 668 (“Local 668”), alleging that the union is violating their constitutional rights by forcing them to fund a union they’ve left. [Brad Barlow](#), [Fran Biddiscombe](#), and [Melanie Rorabaugh](#) each resigned their Local 668 membership in 2020, but the Commonwealth continues taking dues for Local 668 from the employees’ paychecks, even though they are no longer receiving union member benefits. And the union only honored their resignations after a 10-day waiting period.

In 2019, Local 668 [committed](#) to removing from its collective bargaining agreement resignation restrictions that trapped employees in union membership, sometimes for years on end. But now, when employees do resign, Local 668 and the Commonwealth force them to continue paying dues even as nonmembers if they resign outside of an arbitrary 20-day window set by the union. Local 668 can then continue to use their seized money however it chooses.

Mr. Barlow, Ms. Biddiscombe, and Ms. Rorabaugh, each of whom work for the Department of Human Services, are represented by attorneys at the Fairness Center, a nonprofit public interest law firm that offers free legal help to those hurt by public-sector union officials.

Fairness Center President Nathan McGrath released the following statement:

Although Local 668 officials acknowledged our clients’ resignations, the union and Commonwealth continue to seize union dues from our clients’ paychecks. Our clients believe it’s unconstitutional for the Commonwealth and union to compel them to financially support Local 668 after they’ve resigned, and they’ve put the union and Commonwealth on notice that they no longer want to pay union dues.

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 “affirmatively consent to pay.” Local 668 and the Commonwealth are denying these employees their *Janus* rights by forcing them to pay union dues even as nonmembers.

All three cases were filed in the United States District Court for the Middle District of Pennsylvania.

## Documents

- [Barlow Case Website](#) | [Barlow Complaint](#) | [Barlow Backgrounder](#)
- [Biddiscombe Case Website](#) | [Biddiscombe Complaint](#) | [Biddiscombe Backgrounder](#)
- [Rorabaugh Case Website](#) | [Rorabaugh Complaint](#) | [Rorabaugh Backgrounder](#)

Fairness Center attorneys are available for comment. Contact Conner Drigotas at 207.205.9133 or [conner@fairnesscenter.org](mailto:conner@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](http://www.FairnessCenter.org)*