

The Fairness Center

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NYPD Traffic Enforcement Agents File Federal Civil Rights Lawsuit Against Their Union

*Edward Mendez and Hortencia Garcia want to be free to choose to be nonmembers
and to choose who represents them in collective bargaining*

March 18, 2021, New York, NY – Trapped. That’s how Edward Mendez and Hortencia Garcia, Traffic Enforcement Agents with the NYPD, feel after telling their union they no longer want to be union members. Mr. Mendez and Ms. Garcia resigned from the American Federation of State, County and Municipal Employees, District Council 37 and Local 983 (“AFSCME”) last year, but union officials refused to recognize their resignations, and the city continues to take dues from their paychecks for the union.

Under New York law, Mr. Mendez and Ms. Garcia have no choice in who represents them in collective bargaining; even as nonmembers, they will still be forced to accept the union as their exclusive representative, and cannot represent themselves to their employer or associate with an organization that better represents their interests. Adding insult to injury, New York law limits the duties that public-sector unions owe to nonmembers they represent, so Mr. Mendez and Ms. Garcia could have fewer guaranteed legal protections for how the union must treat them as nonmembers.

As a result, Mr. Mendez and Ms. Garcia have filed a federal civil rights lawsuit against their union and the City of New York to vindicate their constitutional rights not to financially support or associate with a union against their will. They 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:

Public-sector union officials should respect public employees’ constitutional rights, not ignore them. But AFSCME and city officials are more concerned with taking our clients’ money than they are with protecting our clients’ rights. And public employees should not be threatened with second-class representation for resigning from the union while they are still forced to accept it as their exclusive bargaining representative. Mr. Mendez and Ms. Garcia should be allowed to choose who speaks and bargains for them.

This case was filed in the United States District Court, Southern District of New York.

Documents

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

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