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Labor and Employment Alert: Supreme Court Decision Strikes Down Mandatory Agency Fee Payments to Public Sector Unions

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Today the U.S. Supreme Court issued a decision in the closely watched case of *Janus v. AFSCME*. In a landmark ruling, the Court held that public sector employees cannot be forced to pay mandatory fees to a public sector union if they are not a member of the union. This case involved a child support specialist in the Illinois Department of Healthcare and Family Services, who is not a member of the American Federation of State, County, and Municipal Employees (AFSCME), but nonetheless was required to pay agency fees to the union as a state employee. *Janus* follows the Court's 4-4 split on this issue back in [March 2016](#) in an opinion issued following the death of Justice Scalia.

The Court's primary reasoning was that requiring nonconsenting employees to pay mandatory agency fees violated the First Amendment's protection against subsidizing the speech of other private speakers. The justifications behind the old precedent, that agency fees promoted an interest in "labor peace" and avoided the risk of free riders, were insufficient. Agency fees had not been shown to promote labor peace, especially because the federal government and numerous states had laws prohibiting such fees yet still had peaceful public sector labor relations. Moreover, avoiding the risk of free riders was not a compelling enough reason to merit the violation of individuals' First Amendment rights.

While the case is only directly applicable to public sector (i.e., government) employers, anyone with an interest can learn more about the *Janus* decision in this [blog post](#) from the Vorys on Labor Blog.