

# SUSPENSION

## **A RESOLUTION TO BE SUBMITTED BY LEGISLATOR BURKE**

### **Re: Concerns Over Janus Decision Which Would Weaken Public Sector Unions**

**WHEREAS**, the U.S. Supreme Court has heard arguments in the case of Janus v. American Federation of State, County and Municipal Employees; and

**WHEREAS**, the plaintiff in the case charges that the fair-share fees collected by public-sector unions from workers who don't become members are a violation of the dissenting workers' First Amendment rights; and

**WHEREAS**, this challenges federal case law set nearly 40 years ago when in 1977 the Supreme Court unanimously ruled in Abood v. the Detroit Board of Education that although public school teachers cannot be required to join a union or to contribute to the union's political expenditures, they can be required to pay their fair share of the costs that the union incurs in negotiating and administering an agreement on behalf of all teachers; and

**WHEREAS**, this case and its dangers are substantively similar to the case of Friedrichs v. California Teachers Association, for which a lower court ruling in favor of the defendants only prevailed due to a vacancy on the Supreme Court; and

**WHEREAS**, the Janus plaintiffs have followed the same legal strategy as the Friedrichs plaintiffs; and

**WHEREAS**, the newest Supreme Court Justice Neil Gorsuch is likely to side with the four justices who were willing to rule with the plaintiffs in Friedrichs; and

**WHEREAS**, this means that although public-sector unions would still be obligated to represent all members of their bargaining units, they would no longer be assured of receiving fees to compensate them for the costs of representing nonmembers, which could deeply undercut the unions' financial viability; and

**WHEREAS**, the Janus case is driven by the same movement that has been working for at least two decades to undermine labor unions so as to reduce their influence on politics and public policy on behalf of working people.

### **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature expresses its grave concerns regarding the Janus case and its outcome for our economy and our workforce.

**RESOLVED**, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark Poloncarz; all City of Buffalo Common Council members; ECIDA Chairwoman, Brenda McDuffie; and all supervisors and mayors of towns, villages and cities within Erie County.