



KNOW YOUR RIGHTS: JANUS V. AFSCME

Janus v. AFSCME was a case filed by Mark Janus and two other Illinois government employees challenging the requirement that they pay money to a union as a condition of their employment. Brought with free legal aid from the National Right to Work Legal Defense Foundation, the federal court civil rights complaint alleged that forcing government employees to subsidize union activities violates the First Amendment.

On February 26, 2018, National Right to Work Foundation Staff Attorney William Messenger argued the case for Mark Janus at the United States Supreme Court. On June 27, 2018, the court ruled in Janus' favor, holding that "States and public-sector unions may no longer extract agency fees from non-consenting employees."

What did the court rule?

In a 5-4 ruling, the United States Supreme Court recognized that the U.S. Constitution protects government employees from being required to pay money to a union as a condition of employment. The decision also found that public employees must opt in to union payments before money can be collected from them, ruling that: "[n]either an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay [the union]."

Who does the *Janus* precedent protect?

The *Janus* decision protects all public employees nationwide from being required to pay any union dues or fees. This includes public school teachers, police officers, firefighters, and any other government employee whether they work for federal, state, or local government. Although the *Janus* decision doesn't cover private-sector workers, those workers have similar rights if they are covered by a state Right to Work law. Private-sector employees should visit www.NRTW.org to learn about their legal protections against illegal union dues demands.

FOR OVER FIVE DECADES, NATIONAL RIGHT TO WORK FOUNDATION ATTORNEYS HAVE WORKED IN THE COURTS AND ADMINISTRATIVE TRIBUNALS TO PROTECT AND EXPAND THE RIGHTS OF INDIVIDUAL EMPLOYEES TO REFRAIN FROM COMPULSORY UNIONISM AND FORCED FEES. THE FOUNDATION IS THE NATION'S PREMIER ORGANIZATION EXCLUSIVELY DEDICATED TO PROVIDING FREE LEGAL ASSISTANCE TO EMPLOYEE VICTIMS OF FORCED UNIONISM ABUSE.



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How do I exercise my rights under *Janus v. AFSCME*?

Public employees are free to join a union and pay dues or, on the other hand, to exercise their rights under *Janus* and not fund union activities. If you are not a union member, you cannot be required to pay union dues or fees. If you are a union member and choose to leave a union and stop payments of union dues or fees, you should notify both your employer and the union officials of your decision.

Your letter of resignation from the union given to your employer and the union officials should state that you have a First Amendment right to immediately resign from the union and any union dues must immediately stop being withheld from your wages. The letter should state that any previous agreements of membership and/or for the deduction of dues from your wages are void. Sample language for a resignation letter can be obtained through www.MyJanusRights.org

After you send your letter, check whether your employer has stopped collecting union dues or fees from your paycheck on your next paystub.

What can I do if union officials ignore my *Janus* rights?

If either your resignation or dues deduction revocation is not honored within a few weeks or you receive a negative response to your letter, contact the National Right to Work Legal Defense Foundation for free legal assistance. National Right to Work Legal Defense Foundation legal aid has directly helped enforce the *Janus* rights of well over 70,000 workers.

**To request free legal aid call 1-800-336-3600, email legal@nrtw.org
or go to www.NRTW.org/free-legal-aid**

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