Foundation Action

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Cases Challenge Restriction on Stopping Dues Payments after Union Contracts Expire

Employees seek to overturn Labor Board precedent used to trap workers in forced dues

TUKWILA, WA – For nearly 50 years, a controversial National Labor Relations Board (NLRB) precedent has granted union bosses the power to trap workers into paying union dues, even after the union monopoly bargaining contract has expired. Now, National Right to Work Foundation staff attorneys are advancing two cases for workers seeking to overturn this restriction on employees' right to end union dues deductions.



Cases by Brittani Butler (left) and Cypress Meadowlark (right) are taking aim at a decades-old NLRB precedent that has helped union officials keep dues flowing even after contracts expire. Their challenges could eliminate yet another barrier workers face when trying to cut off unwanted union payments.

New Labor Board Majority Could Swing Power Back to Employees

In Washington State, Brittani Butler and four coworkers resigned from Sheet Metal, Air, Rail and Transportation Workers (SMART) Local 55 and canceled their dues deductions after the union contract expired. Local 55 officials kept taking dues anyway and ignored their requests to stop.

The SMART [*sic*] union bosses relied on the 1979 *Frito-Lay, Inc.* decision, which lets unions restrict workers to canceling their dues deductions only during a short "window period" the union sets, even when no union contract is in effect. The result is that employees are forced to pay union dues when the underlying "justification" for dues payment -- the monopoly bargaining contract -- doesn't exist.

In Hammond, Louisiana, Cypress Meadowlark resigned from the United Food and Commercial Workers (UFCW) Local 455 union and canceled her dues deductions within the union-created window period. Despite having revoked within the window period, UFCW Local 455 officials ignored her request.

Now, in their respective cases, Ms. Butler and Ms. Meadowlark are asking the new NLRB majority to overturn the *Frito-Lay* precedent so workers can be free to cut off union dues any time there is no union contract in effect.

Foundation staff attorneys have long argued on behalf of employees that *Frito-Lay* is inconsistent with the Labor Management Relations Act, which clearly declares that workers may revoke their dues checkoffs any time "beyond the termination date" of a union contract. They are hardly the only ones to observe that

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Teamsters Local President Triumphs Against Union Retaliation Campaign

Fed up with union officials, UPS worker faced threats for advising others how to end union membership

POCATELLO, ID – Andrew Davis, an employee of United Parcel Service (UPS), prevailed in his dispute with Teamsters Local 983 at the National Labor Relations Board (NLRB). Davis was President of Teamsters Local 983 from 2014 until 2024, but eventually came to oppose the union and the cadre of union officials that took over after him.

In addition to resigning his own union membership in protest, Davis began informing others how to resign from the union so they could exercise their rights under Idaho's Right to Work Law and cut off union dues payments. That's when union bosses began their threats and retaliation.



Former Teamsters President Andrew Davis defeated union boss attempts to silence and threaten his efforts to inform other employees how to exercise their rights under Idaho's Right to Work Law.

Teamsters Brass Responded With Threats When Former Union Official Encouraged Others to Resign

As detailed in the charges and NLRB complaint that would follow, a group of union officials threatened Davis in front of a group of his colleagues, claiming that informing colleagues how to exercise their right to resign their union membership was "illegal" and a "federal crime." Not only is it not illegal, but informing coworkers of their legal rights when it comes to union affiliation is specifically protected by federal law.

At that point, National Right to Work Foundation staff attorneys helped Davis file charges against the local with the NLRB. The NLRB investigation triggered by those charges found multiple instances of Teamsters wrongdoing, including Teamsters union bosses further retaliating against Davis by filing internal union "charges" and imposing a fine upon him for filing the NLRB charge.

Under longstanding law, only fully voluntary union members can be subjected to internal union discipline, and workers cannot face discipline for actions that occur after a worker has resigned from union membership. But Local 983 officials ignored this longstanding legal protection for nonmember workers.

The NLRB complaint also concluded that Teamsters Local 983 maintained unlawful rules barring members from seeking recourse from any outside court or agency, including the NLRB, without first exhausting internal union appeals.

Teamsters Forced to Back Down After Blatant Violations of Federal Law

With union officials caught red-handed, the NLRB scheduled a trial for September to formally prosecute Local 983 for violating Davis' rights. At that point, Teamsters union bosses backed down and settled the case to stop the federal prosecution and avoid the trial.

In addition to rescinding unlawful fine threats against Davis, Teamsters Local 983 officials are required to post and email a notice informing

*See **'Victory: Teamsters Abandon Threats'** page 8*

Foundation *Action*

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TV and Radio Journalists Win Campaigns to Remove Unwanted Union Bosses

Texas Public Radio and Seattle ABC affiliate reporters give SAG-AFTRA union the boot

SEATTLE, WA – Although recognizable television reporters may have individually negotiated contracts, they can still be subjected to forced union dues requirements in states that lack Right to Work laws. For a group of on-air talent at ABC affiliate KOMO in Seattle, that arrangement was unacceptable.

That's why Emmy Award-winning journalist Jeremy Harris filed a decertification petition to end Screen Actors Guild/American Federation of Television and Radio Artists (SAG-AFTRA) union officials' monopoly bargaining and forced-dues powers with assistance from the National Right to Work Foundation. Describing the situation, one longtime Seattle journalist observed, "My sources confirm that the union is AWOL and does nothing except collect dues."

Weeks after a majority of KOMO's on-air talent signed the decertification petition, they voted to remove the union. By late August, National Labor Relations Board (NLRB) officials had certified the vote, meaning Harris and his colleagues are now free to negotiate their contracts individually with their employer without union interference and without mandatory dues or fees.

"Around the country, workers are questioning union bosses' priorities, especially when those officials are unresponsive and only seem to be around when it comes time to collect dues," said Patrick Semmens, Vice President of the National Right to Work Foundation. "No employee in America should be trapped under so-called union 'representation' they oppose, and we will proudly continue to help workers exercise their right to send unwanted union bosses packing."



KOMO reporter Jeremy Harris and his coworkers showed unwanted union bosses the door, joining Texas Public Radio employees in handing SAG-AFTRA back-to-back decertification defeats.

The on-air talent of KOMO weren't the only ones to oust unwanted SAG-AFTRA monopoly "representation" in recent months. Foundation attorneys also assisted employees of Texas Public Radio in San Antonio, Texas, in winning their independence from the union.

One Year After Union Bosses Gained Power, Texas Public Radio Employees Sent Them Packing

Although Texas has a Right to Work law protecting workers from forced union dues, federal law still grants union officials the power to impose monopoly "representation" over every employee in a work unit -- including those who never voted for, joined, or supported the union.

At Texas Public Radio, the news reporters and producers were so unimpressed with SAG-AFTRA's so-called "representation" that, with Foundation legal aid, they filed a majority-backed decertification petition nearly as soon as allowed by federal law: a little over one year after the union had been originally installed. Shortly after, the majority voted to remove SAG-AFTRA from their workplace, and within weeks the NLRB made it official.

"The petitioners here at Texas Public Radio are very pleased with the outcome of the union decertification vote," commented Brian Kirkpatrick, who filed the petition with Foundation-provided legal representation.

"We also want to thank our attorney from the National Right to Work Foundation for the invaluable counsel throughout the decertification process," added Kirkpatrick. "We encourage others in need of legal guidance on workplace matters such as this to do the same."

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Labor Day 2026: National Right to W

FOX NEWS

It's Labor Day, not Union Day. American workers deserve freedom of choice

A poll found 79% of current union members agree workers should never be forced to pay union dues.

– Op-ed in *Fox News*, September 7, 2026



The Detroit N

Michigan workers des protection of a right-to-work law | C

– Op-ed in *The Detroit N*





Washington

How Trump can stop Big La $100 million from disabl

– Op-ed in *Was*

Want to see more from the Foundation's Labor Day media blitz?

Scan the QR code or visit www.nrtw.org/laborday2026 to see and hear Foundation experts making the case for Right to Work this Labor Day.

Work in the News

Foundation Legal Information staff got the Right to Work message out in media outlets across the country for Labor Day 2026. Here are some of the highlights.



DC JOURNAL

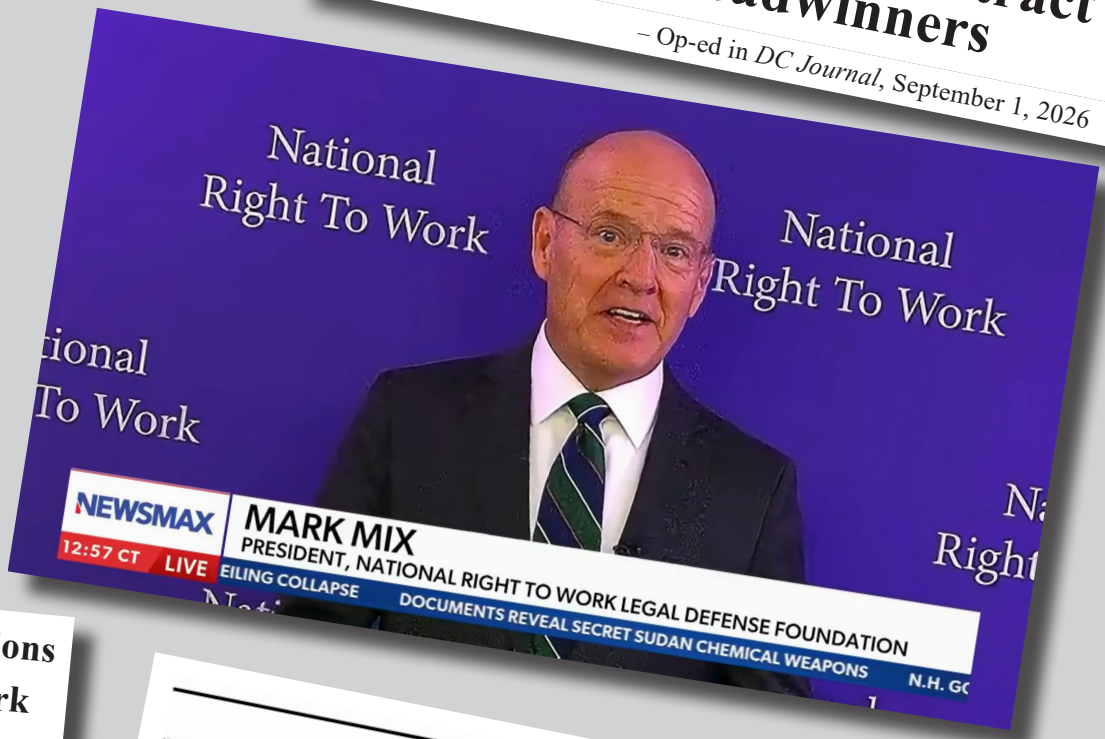
Right-to-Work States Attract Family Breadwinners

– Op-ed in *DC Journal*, September 1, 2026

News

serve the a Opinion

ews, September 6, 2026



the FEDERALIST RADIO HOUR

Labor Unions Only Work When Workers Are Free

– Mark Mix on *The Federalist Radio Hour*, September 4, 2026

THE DAILY WIRE

Make Unions Voluntary Again

Union bosses continue to reject voluntarism and double down on coercion.

– Op-ed in *The Daily Wire*, September 4, 2026

Examiner

bor from stealing led caregivers

hington Examiner, September 15, 2026

California Firefighter Wins *Janus* Rights Victory Against IAFF Union Bosses

Union bosses threatened retirement benefits of firefighter who exercised First Amendment rights

ORANGE COUNTY, CA – Peter Crary is a dedicated public servant who has protected his community as a Fire Apparatus Engineer for over 20 years with the Orange County Fire Authority (OCFA). That didn't stop union bosses from threatening his retiree healthcare because he exercised his First Amendment rights.

Crary, like all public employees in California and elsewhere, has a First Amendment right not to join or pay any dues or fees to a union, as established by the Foundation-won 2018 U.S. Supreme Court decision in *Janus v. AFSCME*. Crary, like many others, exercised that right in order to stop funding International Association of Fire Fighters (IAFF) Local 3631.

IAFF Bosses Demanded Back Dues, Membership to Access Employee-Funded Benefits

Rather than respecting firefighters' legal right to decide for themselves whether or not to join and fund union activities, in October 2025 IAFF bosses began threatening firefighters who exercised their rights under *Janus*.

Union officials announced that, starting in 2026, nonmembers would be denied access to a retirement healthcare plan administered by a union healthcare trust. The threat came despite the fact that funding for the plan came from mandatory deductions from every employee's paycheck (union member and nonmember alike).

Union officials even threatened that Crary would be denied access to his retiree healthcare (*which he contributed to through his wages*) unless he not only rejoined the union but also paid thousands of dollars of back dues for the entire period during which he was a nonmember.



Firefighter Peter Crary fought back and won, forcing IAFF bosses to rescind the policy that threatened nonmembers' retiree healthcare for exercising their rights under the Foundation-won Janus Supreme Court decision.

But Crary was no pushover, and took action to defend his rights (and the rights of other firefighters targeted by the policy) by filing charges at the California Public Employment Relations Board (PERB). The charges were filed against both IAFF Local 3631 and OCFA for their respective roles in the scheme.

Union Bosses Forced to Back Down from Anti-*Janus* Discrimination and Threats

Now, with the assistance of Foundation staff attorneys, Crary has secured a settlement that defends all Orange County firefighters against the IAFF's scheme to discriminate against anyone who exercised their First Amendment rights.

After California PERB officials investigated his charges, they issued a formal complaint against both the union and employer for interfering with public employees' protected legal rights. Ultimately though, both parties decided to reach a settlement rather than contest the charges against them at a hearing before the PERB.

Under the settlement to end the case, IAFF Local 3631 union bosses and OCFA officials had to sign a notice distributed to all OCFA workers informing them that the union's policy denying retirement benefits to nonmembers unless they rejoin and pay dues to the union has been withdrawn and rescinded.

"I am glad that my complaint and the Foundation's assistance with reaching a settlement agreement rescinded a policy that I believe coerced firefighters into paying thousands of dollars to rejoin the union in order to avoid losing health insurance in retirement," stated Crary.

Since securing the *Janus* victory at the Supreme Court, Foundation staff attorneys have filed over 50 cases to enforce public employees' rights under the decision. Those cases have directly assisted well over 70,000 workers' ability to exercise their First Amendment rights.

"We are pleased to have been able to assist Mr. Crary in defending his *Janus* rights against union bosses who just cannot accept that union affiliation and financial support must be voluntary for all public employees," said National Right to Work Foundation Vice President Patrick Semmens. "Enforcing our *Janus* victory remains a top priority of the Foundation, especially as union bosses get increasingly creative in their attempts to undermine the First Amendment rights of public employees."



Help the Foundation Challenge Big Labor Coercion 2026 Year-End Giving Options

There's still time to make a tax-deductible gift to the National Right to Work Legal Defense Foundation and strengthen the fight for individual liberty in the workplace!

Gifts made by December 31 can count for your 2026 tax return, so please consider these ways to give before year's end:

Cash. Starting this year, even if you don't itemize, you may deduct up to $1,000 (single filers) or $2,000 (joint filers) in cash gifts on your 2026 return.

Appreciated securities. Gifts of stocks, bonds, mutual funds, or other appreciated assets (held for more than one year) can let you avoid capital gains tax while allowing you to claim a tax deduction for the full current fair market value.

IRA Qualified Charitable Distribution (QCD). If you're 70½ or older, you can give directly from your IRA and have the gift count toward your required minimum distribution.

Donor-advised funds, private foundations, and charitable trusts. Recommend a grant to the Foundation from the giving vehicle you already use.

A lasting legacy. Include the Foundation in your will or estate plan to defend workers' freedom for generations to come.

If you have questions about these or other giving options, please contact Ginny Smith at 1-800-336-3600 Ext. 3303 or gms@nrtw.org. We also suggest you consult your tax advisor or estate attorney before making a long-term gift, IRA gift, or estate gift.

Please remember that a gift made by December 31 can help you and your family reduce your 2026 tax bill. Thank you for your support.

Workers Challenge Forced Dues, Labor Board Precedent

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this pro-forced dues precedent runs counter to federal law.

In 2019, then-NLRB General Counsel Peter Robb notified NLRB Regional Officers to bring cases seeking to overturn *Frito-Lay*, but Robb was removed in 2021 on President Biden's first day in office. This meant the Board didn't have the opportunity to reconsider the precedent during Robb's term.

Now, Foundation staff attorneys are working to ensure the new Trump Board is not denied the opportunity this time. Bringing such cases is especially important now since, as of August, the NLRB has three Trump-appointed members, who can provide the three votes necessary to overturn pro-union boss rulings enacted during the Biden Administration or before.

"It's outrageous that, for nearly 50 years, the NLRB's *Frito-Lay* decision has continued to grant union bosses the power to keep coercing dues out of the pockets of dissenting workers, even when the 'justification' for the dues payments no longer exists," commented National Right to Work Foundation President Mark Mix. "The new NLRB majority should finish the job started during the last Trump Administration and overturn *Frito-Lay* to ensure that no worker can be trapped into funding a union against their will when there is not even a valid contract in effect."

Victory: Teamsters Abandon Threats Against Former Local President Turned Union Dissident

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other UPS employees that Teamsters officials "will not" tell them it is "illegal or a federal crime to inform members on how to resign their union membership." The settlement further requires the Teamsters Local to declare that they "will not" require members to "exhaust internal union remedies" before filing Unfair Labor Practice charges with the NLRB.

In addition to having all Teamsters' records mentioning the union's charges and fines filed against Davis removed, the settlement also grants NLRB agents access (without notification) to Teamsters offices to confirm compliance.

"We're proud to have supported Mr. Davis as he stood up for his and his coworkers' rights against the Teamster bosses' thuggish tactics," commented National Right to Work Foundation Vice President and Legal Director William Messenger. "Cases like this demonstrate the urgent need for stronger federal protections for workers, even former union presidents, who stand up for their rights and dare to challenge union brass."

National Right to Work Legal Defense Foundation

Rated "A"

by

CharityWatch

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Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

National Right to Work Foundation staff attorneys argued and won *Janus v. AFSCME* at the U.S. Supreme Court in 2018, a decision *The Washington Post* called the "labor case of the century."

The ruling immediately freed half a million public sector workers from being forced to pay tribute to union bosses. Since then, employees exercising their *Janus* rights have denied government union bosses BILLIONS in forced dues.

But union officials have never accepted the limits that *Janus* put on their power. For eight years and counting, they've kept scheming to get around its core protection: no public employee can be forced to pay a union.

In that time, Foundation staff attorneys have filed dozens of cases on behalf of workers to enforce their *Janus* rights. And they just won another.

Peter Crary is a 20-year veteran of the Orange County Fire Authority in California. After he exercised his First Amendment right to stop funding the union, union officials threatened to strip him of his retiree healthcare benefits as punishment.

But Mr. Crary refused to back down. With help from Foundation staff attorneys, he secured a settlement (see page 6) that not only defends his rights, but also protects all other Orange County firefighters from facing similar retaliation for exercising their *Janus* rights.

Mr. Crary's case shows what's at stake. Without vigilant enforcement, *Janus* rights exist only on paper.

That's why enforcing our *Janus* victory remains a top Foundation priority. And that work is only possible thanks to the generosity of Right to Work supporters like you!

Sincerely,

Mark