

Feds file Supreme Court brief opposing 'fair share' union dues

The Trump administration has weighed in on an upcoming U.S. Supreme Court that could determine if labor unions can charge "fair-share fees" to employees who aren't union members.

On Dec. 6, the Justice Department and the Department of Labor filed a friend-of-the-court brief in support of the plaintiff in *Janus v. AFSCME*.

The case involves a child support specialist in Illinois, Mark Janus, who objects to paying about \$44 per month to the union that represents workers in his government office.

Nonmember dues cover the "fair-share" of the services the union provides to everyone, whether or not they belong to the union—services such as negotiating a collective bargaining agreement and conducting grievance hearings.

Janus argues—and the Trump administration agrees—that the collective bargaining process is, at its core, a political activity. He asserts that being compelled to support it with his fair-share dues violates his First Amendment free speech rights.

Quoting previous court rulings, the government's brief argues, "The First Amendment establishes a 'bedrock principle that, except perhaps in the rarest of circumstances, no person in this country may be compelled to subsidize speech by a third party that he or she does not wish to support.'"

Without fair-share dues, many unions would feel a real budget sting. Organized labor advocates and opponents alike view *Janus* as a real test of whether unions can remain viable.

Thirty-four percent of government employees are union members, compared to 6% of private-sector workers.

The Supreme Court is expected to hear oral arguments in *Janus v. AFSCME* early next year.