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LEGISLATIVE ACTION ALERT

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>>>>>>>>>>>>>>>This article supplied by our legal advisor Tom Kohn, Esq.<<<<<<<<<<<<<<<

DUES CHECKOFF AUTHORIZATIONS ARE FULLY ENFORCEABLE

Ever since the Janus decision, there have been various efforts by public employees to stop paying dues. Last week, in a case called Barlow v. SEIU Local 668, the Third Circuit, which has jurisdiction over Pennsylvania, New Jersey and Delaware, put to rest, at least for now, the argument that members who signed dues checkoff authorizations had a right to cease paying dues at any time by merely notifying the union that they were resigning their membership. The Court disagreed, holding that where the individual had voluntarily signed a checkoff authorization that contained a fixed period for terminating such authority to deduct dues, it was fully enforceable as a contract between the individual and the union. The Court specifically held that to be the case, regardless of whether the authorization was signed before or after the decision in Janus. The Court stated "that the First Amendment does not extend a right which overrides…contractual obligations to pay dues until an agreed upon date, regardless of a subsequent choice to relinquish union membership."

While this will certainly not be the last attempt to expand the Janus decision, and assuming that the Supreme Court declines to review the decision should the plaintiffs seek its review, the law in this Circuit is that a resigning member must continue to pay dues until he or she revokes their authorization in accordance with the provisions for doing so set forth in the authorization card.

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