

Operating Engineers Union Sues Over Duty To Represent Non-Dues-Paying Employees

February 26, 2018 | [Unions And Union Membership](#), [Labor And Employment](#)



**Gerald F.
Lutkus**

Of Counsel
(Retired)

Local 150 of the Operating Engineers Union [has fired the first blast](#) to deal with the expected result of the Supreme Court's upcoming decision in the *Janus v. AFSCME* case. In *Janus*, the Supreme Court [will decide](#) whether to overturn the fair share or agency fee requirements that exist in public sector unions. Under those arrangements, employees are required to pay dues equivalent to their "fair share" of the union's cost of representation. Labor unions active in the public sector are already scrambling to deal with the expected result of the case. But Local 150 is the first to file suit. [The law suit](#) seeks a declaratory judgment striking down portions of the Illinois Public Labor Relations Act that require unions to provide services to nonmembers. The suit which was filed in the U.S. District Court for the Northern District of Illinois contends the First Amendment permits unions to waive advocacy for workers refusing to contribute fair share fees. Local 150 President James M. Sweeney said it is "absurd" for state law to compel unions to provide representation to "free riders." According to Sweeney, "the free speech rights being invoked by the union-busters behind Janus work both ways, however, and will relieve us of any obligation to represent workers who refuse to pay for representation." Read additional news coverage on the new litigation [here](#).

RELATED PRACTICE AREAS

Collective Bargaining
Labor and Employment
Labor Relations
Union Avoidance

RELATED TOPICS

NonDuesPaying Employees
Operating Engineers Union
the Northern District of Illinois