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I Object! NLRB Rules Unions Can't Charge Non-Members For Lobbying Fees

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In states that [do not have right-to-work laws](#), employees can be compelled to pay union dues as a condition of employment. However, employees in those states have the legal right to object and refuse to pay union dues that are in excess of what is needed for a union's representational function (e.g., grievance processing, collective bargaining).

On March 1, the National Labor Relations Board provided more clarity on what unions can charge employees in this context. According to the agency's [press release](#):

"Nonmember objectors cannot be compelled to pay for union lobbying expenses, the National Labor Relations Board ruled today. The Board majority held that lobbying activity, although sometimes relating to terms of employment or incidentally affecting collective bargaining, is not part of the union's representational function, and therefore lobbying expenses are not chargeable to Beck objectors. The ruling relies on relevant judicial precedent holding that a union violates its duty of fair representation if it charges agency fees that include expenses other than those necessary to perform its statutory representative functions.

The Board majority also held that it is not enough for a union to provide objecting nonmembers with assurances that its compilation of chargeable and nonchargeable expenses has been appropriately audited. Citing the 'basic considerations of fairness' standard adopted by the Supreme Court, the

Board held that a union must provide independent verification that the audit had been performed. Failure to do so violates the union's duty of fair representation."

The ruling is significant not only because it lowers the amount of money objecting employees may have to pay, but also because unions will now be forced to be more accountable in terms of how they are spending members' dues money.