

Game On In Illinois: Democrats React To Governor's Fair Share Move

February 16, 2015 | [Unions And Union Membership](#), [Labor And Employment](#)



**Gerald F.
Lutkus**

Of Counsel
(Retired)

The week started in Illinois with newly elected Illinois Governor Bruce Rauner issuing an executive order ending a requirement that non-unionized state workers pay “fair share” union dues and filing suit in federal court seeking a declaration that the process was unconstitutional under the Supreme Court’s decision in *Harris v. Quinn*. The week ended with Illinois Attorney General Lisa Madigan, a Democrat, vowing to intervene in Rauner’s complaint in federal district court. In addition, Madigan contended that the state could not comply with the governor’s Executive Order 15-13. The order, signed by Rauner on Feb. 9, directs state agencies to deposit fair share dues withheld from employees’ paychecks into an escrow account during the litigation over the Executive Order. However, Republic Comptroller Leslie Munger, acting on Madigan’s legal analysis Madigan, has decided not to hold the funds in escrow. The legal analysis here would appear to hinge on whether the Supreme Court’s decision in *Harris v. Quinn* controls or, as Madigan asserts, public employee fair share dues are still allowed under U.S. Supreme Court’s decision in *Abood v. Detroit Board of Education* from 1977. More information can be found [here](#) and [here](#).

RELATED PRACTICE AREAS

Collective Bargaining
Labor and Employment
Labor Relations
Union Avoidance

RELATED TOPICS

Union Dues