

## Revoking Dues Check-offs – You’ve Got To Follow The Card

February 23, 2018 | [Unions And Union Membership, Labor And Employment](#)



**Gerald F.  
Lutkus**

Of Counsel  
(Retired)

The Sixth Circuit Court of Appeals has delivered the latest reminder to those attempting to stop paying union dues – you have to follow the language on your dues check-off card and you have to follow it precisely. In *Ohlendorf et al. v. United Food & Commercial Workers International Union, Local 876*, the plaintiffs had signed checkoff authorization forms, which like most dues check-off forms, declared that they could not be revoked by the employee for one year or until the termination date of the agreement, whichever occurred sooner. Thereafter, the authorization remained effective for yearly periods unless the employee sent in a signed revocation by certified mail during a 15-day annual window period. The plaintiffs here used regular mail instead of certified mail and attempted to revoke the authorizations outside of the 15-day window period. The union not surprisingly rejected the revocations and continued deducting dues. The 6<sup>th</sup> Circuit upheld the union’s position. “The problem with the employees’ claim is that they agreed to the window-period and certified-mail requirements when they signed the authorization form. Even if the requirements may seem burdensome, no one forced the employees to sign the checkoff authorizations. Having agreed to the two requirements, they are not in a position to say that the union acted arbitrarily in enforcing them.” The plaintiffs here also attempted to present a novel claim under the Labor Management Relations Act (“LMRA”). The LMRA makes it a crime for an employer to deduct union dues from an employee’s paycheck and for the union to accept the dues, unless the employee consents by signing a dues check-off authorization. The plaintiffs brought a civil action seeking to enforce the criminal provision of the LMRA. The trial court dismissed that claim and the 6<sup>th</sup> Circuit affirmed the dismissal. A copy of the [decision is available here](#).

### RELATED PRACTICE AREAS

Collective Bargaining  
Labor and Employment  
Labor Relations  
Union Avoidance

### RELATED TOPICS

Labor Management Relations Act (LMRA)