

## Switching Sides: DOJ Reverses Course, Now Opposes Mandatory Public Union Fees

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The battle over [mandatory public union fees](#) for government workers has been brewing for years, and the issue is again before the U.S. Supreme Court. The case, *Janus v. American Federation of State, County and Municipal Employees*, concerns an Illinois state employee who claims the fees violate his First Amendment rights. The employee is not a member of the American Federation of State, County and Municipal Employees, but is required to pay fees to the union as a state employee. Illinois law requires workers who choose not to join a union to “pay their proportionate share of the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and other conditions of employment.” More than 20 states have similar “fair share fees” laws. The Department of Justice (DOJ), under the Obama administration, previously supported the mandatory fees. Earlier this week, however, the DOJ reversed course and now is urging the Supreme Court to [declare the fees unlawful](#). This shift in position will provide more ammunition for the groups and individuals opposing such fees. This is not the first time the current DOJ has departed from a position it took under the prior administration, as it also did so with respect to [class action waivers](#) earlier this year. The Court will hear arguments early next year and is expected to issue a ruling by June 2018. To the extent such fees are ruled to be unlawful, it could have a significant impact on union financials (including their sizable political donations). Stay tuned.

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