



Legislation Text

File #: Res 1700-2017, Version: *

Res. No. 1700

Resolution calling on the United State Supreme Court to protect public sector collective bargaining in *Janus v. American Federation of State, County and Municipal Employees (AFSCME)*

By Council Members Torres, Miller, Johnson, Levine, Richards, Cornegy and Van Bramer

Whereas, Collective bargaining is the process in which working people, through their unions, negotiate contracts with their employers to determine terms and conditions of employment, including factors such as pay, benefits, and job health and safety policies; and

Whereas, In 1962, President John F. Kennedy granted federal employees the right to collectively bargain by signing Executive Order 10988, leading to a rapid increase in public sector union membership; and

Whereas, According to a 2016 news release from the Bureau of Labor Statistics, 7.1 million public sector employees in the United States belonged to a union, representing 34.4 percent of public sector workers; and

Whereas, According to the Union Membership and Coverage Database created by Barry T. Hirsch and David A. Macpherson, which uses Current Population Survey (CPS) data, New York State, in 2016, had 967,889 workers in the public sector that were members of a union and/or covered under a collective bargaining agreement, representing 70.2% of all employed workers in the public sector; and

Whereas, According to Ruth Milkman, Academic Director of the Joseph F. Murphy Institute for Worker Education and Labor Studies, using CPS data for 18 months spanning January of 2016 to June of 2017, there were 359,255 public sector workers that were members of a union and/or covered under a collective bargaining agreement within New York City; and

Whereas, The State of the Unions 2017 report by Ruth Milkman and Stephanie Luce states that New

York State's Taylor Law requires every New York State public sector union to represent all members in collective bargaining agreements, including non-union members, allowing these unions to collect mandatory dues and fees to cover the cost of representation for both union members and non-union members; and

Whereas, According to the Washington Examiner, the United States Supreme Court has agreed to hear *Janus v. AFSCME*, which deals with the constitutionality of public sector jobs requiring employees, regardless of union membership, to pay a fee (fair-share fee) that covers the union's costs in negotiating contracts for those employees; and

Whereas, A ruling in favor of the plaintiff could be a costly setback for public sector unions in 22 states, including New York, where such fees are authorized by law; and

Whereas, The United States Supreme Court has ruled on fair-share fees in the 1977 case of *Abood v. Detroit Board of Education*, in which the Court upheld the legality of fair-share fees; and

Whereas, In 2016, the United States Supreme Court was deadlocked, with a 4 to 4 vote, on the case of *Friedrichs v. California Teachers Association*, which dealt with fair-share fees; and

Whereas, According to the State University of New York (SUNY) Rockefeller Institute of Government, five of New York State's largest public employee unions collected nearly 500 million dollars in 2016 in dues and fees from the employees they represent; and

Whereas, If *Janus v. AFSCME* successfully overturns the 40-year old *Abood* Supreme Court Case, automatically deducting dues from employee paychecks could become unconstitutional, causing public sector unions, nationwide, to lose members and revenue, which could diminish union's power to collectively bargain for their workers; and

Whereas, The Economic Policy Institute claims that prohibiting fair-share fees could negatively affect millions of public sector workers in efforts to negotiate and improve their terms and conditions of employment; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Supreme Court to protect

public sector collective bargaining in *Janus v. American Federation of State, County and Municipal Employees*
(*AFSCME*)

LS #11532

10/26/17

KK