

U.S. SUPREME COURT CONSIDERS CASE THAT WOULD PUT MAPE'S FINANCIAL STABILITY AT RISK

The Facts You Need to Know

The U.S. Supreme Court will hear *Janus v. AFSCME* this term. The court's decision could jeopardize MAPE and other public sector unions' financial stability.

Some history

In 1977, the U.S. Supreme Court ruled in *Abood v. Detroit Board of Education* that "Agency Shops" are constitutional.

What is Agency Shop?

Agency Shop is a legal arrangement that requires employees represented by a union — who are not union members — to pay for union representation. These employees are called "fee payers." They pay an "agency fee."

MAPE has an Agency Shop because a majority of MAPE-represented employees voted in favor of Agency Shop. About 83% of the employees MAPE represents are union members. The remainder are agency fee payers.

If the Supreme Court rules Agency Shop to be unconstitutional, MAPE will still represent "fee-payers" except they will no longer be paying any fees.

Unions are required by law to represent agency fee payers and,

if there is no Agency Shop, the Union must represent employees who are not members. If the Supreme Court rules Agency Shop to be unconstitutional, MAPE will still have to represent employees who do not pay union dues — also known as "free-riders."

So...what's going to happen?

Most observers of the U.S. Supreme Court believe it will reverse its own unanimous decision from 1977 and outlaw agency shop for public sector unions since newly appointed Justice Neil Gorsuch will likely rule against the unions.

A similar case, *Freidrichs v. California Teachers Association*, was argued in January 2016. However, after Justice Antonin Scalia's death, the Court



deadlocked 4-4. Most observers think Justice Gorsuch will break the tie against the unions.

How will this affect us?

If the Court overturns its precedent, MAPE will have less revenue because fee payers will not be required to pay anything, not one cent, even though MAPE will have to represent them. Less revenue means less money to represent our members (and the free-riders) — to organize, to bargain, to process grievances and appeals, to file PERB charges, to go to Court and to advocate on behalf of the workers MAPE represents.