

Bond Case Briefs

Municipal Finance Law Since 1971

U.S. Supreme Court to Hear Illinois Mandatory Union Dues Case.

(Reuters) - The U.S. Supreme Court on Tuesday will hear arguments in a case brought by home health workers in Illinois that challenges the mandatory payment of union dues by public-sector employees.

Harris v. Quinn could upend a decades-old practice involving so-called fair-share agency fees, or union security clauses, in collective bargaining agreements, legal experts said.

The provisions require public-sector employees to pay union dues so long as the money is not spent on political activity. The Supreme Court affirmed the practice in the 1977 case *Abood v. Detroit Board of Education*.

But several of the court's current justices indicated in an unrelated case last term that they were skeptical of the legality of such provisions.

The legal team backing Pamela Harris in the case that will come before the court on Tuesday contends that the union dues she paid violated her right to free speech. Harris is an Illinois resident who cares for her 25-year-old son Josh Harris. He has a rare genetic syndrome and requires round-the-clock assistance. They participate in a program whereby Josh gets monthly Medicaid checks that pay Pamela for his care.

Due to an executive order signed by its governor, Illinois, like many states, considers home-based health workers paid with Medicaid funds to be state employees.

Home health workers in Illinois are represented by SEIU Healthcare Illinois-Indiana. The bargaining agreement between SEIU and the state says that all "personal assistants" must pay "compulsory fees" to the SEIU, said court documents.

In a promotional video about the case released in December, Harris said the dues subtracted from her check "interfere with Josh's care" and "intrudes" on her family.

ADVOCACY GROUPS INVOLVED

"Pam Harris isn't an employee, she's a mom ... to treat her as a state employee and have her unionized just doesn't make any sense," said Paul Kersey, director of labor policy at the Illinois Policy Institute, in the video.

The institute is a free-market advocacy group that has filed a friend-of-the-court brief supporting Harris' position.

The case is one of two this term backed by the National Right to Work Legal Defense Foundation, which represents workers in each case who do not want union representation.

Harvard Law School professor Benjamin Sachs told Reuters when the court agreed to hear the case that he expected the plaintiffs will advance two arguments on Tuesday.

First, that compelled dues are compelled association and therefore compelled speech. Second, that the personal assistants in the case are not state employees.

“What they’re trying to get the court to be afraid of is that a state could reach out into the population and say ‘Presto! You guys are employees!’” Sachs explained.

“The petitioners are trying to say you should be very afraid of states willy-nilly deeming people to be employees to get them into unions to pay dues,” he added.

The case is Pamela Harris, et al v. Pat Quinn, Governor of Illinois, U.S. Supreme Court, No. 11-681.

Amanda Becker