

LEGAL ALERT
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**NEW YORK BUDGET LEGISLATION LIMITS THE IMPACT OF EXPECTED
JANUS V. AFSCME DECISION ON PUBLIC SECTOR UNIONS**

A provision tucked into the state budget legislation gives public-employee unions the right to deny many services, such as free legal help, to covered employees who opt not to join or pay dues. In addition, the law makes it easier for unions to sign up workers and more difficult for workers to withdraw, by requiring revocations of membership to be made in writing in accordance with the due authorization, and public employers to begin dues deductions “no later than 30 days” after getting an authorization form.

This provision is viewed as a preemptive effort to diffuse the negative impact on unions of an expected ruling by the U.S. Supreme Court in Janus v. AFSCME. The Supreme Court is soon expected to decide whether states such as New York that give unions the right to compel payment of “agency fees” from workers who refuse to join violate those employees’ First Amendment rights.

The new state legislation, which amends the current Civil Service law, says unions are no longer obligated to provide any services to opt-out members beyond the enforcement or negotiation of collective bargaining agreements, such as during questioning by an employer, in statutory or administrative proceedings or to enforce statutory or administrative rights, or in any grievance, arbitration or other contractual process concerning evaluation or discipline where the non-member is permitted to be represented by his or her own advocate. For example, a non-member who is brought up on disciplinary charges now has to pay for his or her own lawyer instead of using a union attorney without charge.

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