

# You Can Quit But You Can't Leave

Public employee unions hide behind bureaucratic minutiae to prevent dissatisfied ‘members’ from leaving.

---

BY CATRIN WIGFALL

---

In April 2018, a field representative for AFSCME Council 5 urgently pulled Susan Halloran from a training session that was helping prepare her for a new position as a senior account clerk in the business office at Inver Hills Community College. He explained that she had not signed up for union membership, and that all she had to do was sign a dues authorization form on his tablet computer. Susan was given no information on how much the union dues would cost nor that she had the right to not join the union and not pay dues. Feeling rushed and pressured to return to her job training, Susan quickly signed her name. She then found out the union dues would cost approxi-

mately \$700 a year.

The very next day, Susan contacted the union representative and said that after finding out how much the dues would cost, she could not afford the paycheck deductions because of medical bills for tests, infusions, and daily oral chemotherapy.

Susan has been diagnosed with brain cancer.

The rep replied that Susan was obligated to pay the dues for one year, citing language the union uses to bind public employees to “revocation periods.”

“Unfortunately the card you have signed ha[s] a revocation period of one year. In order to revoke your membership

you need to be within the revocation period. Your membership has already been process[ed] I am sorry you are not within your revocation period.”

It isn’t supposed to be like this. The U.S. Supreme Court’s June 2018 landmark decision in *Janus v. AFSCME* freed all public employees from being forced to financially support a government union against their will. But like many dissatisfied union members, Halloran finds herself in Hotel California—you can check out any time you like, but you can never leave.

Vaguely worded dues authorization cards lock public employees into paying their unions for irrevocable one-year



**PLEASE  
DO  
NOT  
DISTURB**

\* The door only works  
a couple of days during  
the year anyway.

periods before they have the option to stop paying them. It is an attempt to circumvent the High Court's ruling and trap public employees into an agreement that can only be voided through a cumbersome and bureaucratic process. The tricky language written in very fine print on the bottom of the card automatically authorizes the deduction of union dues every year in perpetuity unless the public employee opts-out, which the cleverly worded card also limits to a certain number of days each year. Typical card language reads similar to the following:

*This authorization shall remain in effect and shall be irrevocable unless I revoke it by sending written notice to both my employer and union during the period not less than thirty (30) days and not more than forty-five (45) days before the annual anniversary of this authorization. This authorization shall be automatically renewed as an irrevocable check-off year to year unless I revoke it in writing during the above described window period, irrespective of my membership in the union.* [Emphasis added]

These burdensome resignation window periods thwart employees' ability to fully exercise their First Amendment rights and are being challenged across the country. Unions' unscrupulous tactics to get public employees to continue paying them confirms big labor is more concerned with giving public employees the run-around regarding their constitutional rights instead of proving to government workers that their services are worth paying for.

AFSCME Council 5 made no attempt to work with Halloran's unique circumstances or even consider her membership revocation that was issued *the very next day*; it dismissed her situation without regard for her well-being.

Halloran emailed the union field rep

several days straight asking for help retracting her membership status, each time explaining her health challenges and her inability to spare any income. She even provided copies of her medical bills to confirm the treatments she was receiving. "I don't want to have to call my Oncologist and tell her that I cannot take my oral chemo...[and] have the test[s]...and any of the infusions she said I need to be healthy," Halloran wrote. "I do believe that you can make this work out. Please see if there is a way to retract this and help me."

### A form letter

After getting nowhere with the field rep, Halloran emailed a resignation letter to the union's main office on April 24, 2018—a little over a week after she was pressured to sign the union card—explaining her fight against cancer and her multiple attempts to cancel her membership so she could afford her medical care.

The union's next response? A *form* letter dated April 30, 2018 with the generic language used to reject recognition of public-sector workers' First Amendment rights because Halloran was not within her "revocation period."

Halloran, represented by the Liberty Justice Center and Upper Midwest Law Center, is pursuing a lawsuit against AFSCME Council 5 for holding her captive as she fights to stay healthy and beat cancer.

"I was shocked by the tactics AFSCME used to secure my membership and money," Halloran said. "I made the union very aware that I needed to resign the next day yet they continue to stand in the way of me exercising my First Amendment rights."

Laura Loescher, a school site manager in the Forest Lake School District, is also facing an uncooperative union. Because

the Teamsters Local 320 union used her dues to elect candidates and enact legislation she disagreed with, Loescher decided to resign from membership. But there was no open door for her to exit from. Not only did the union refuse to process her resignation, it retaliated against Loescher by stripping her of her rights as a dues-paying member all while still taking a portion of her hard-earned paycheck.

"Pursuant to the terms of the application/maintenance of checkoff form you signed, you will continue to pay the full dues amount. However, you will no longer have the right to participate in contract negotiations, bargaining unit votes, receive mailings, attend union meetings, or receive other fraternal benefits of the Union."

**And public employees have not had a meaningful say in their exclusive representation relationship with the union since the 1970s.**

Rather than continue to plead with the union, Loescher sought legal advice on how to protect her constitutional rights. Represented by the Upper Midwest Law Center, Loescher's lawsuit is moving forward, and next steps will be determined this fall. It is unlawful for Loescher's union to take dues from her paycheck and then refuse to recognize her membership rights. Yet, these are the types of games unions are playing.

### First Amendment rights ignored

Abby Decker, a member of the same Teamsters Local 320 union, didn't see the value in her union and didn't want to automatically turn over a portion of her pay as dues—especially when those dues did not get her treated as a full member. But her multiple attempts to resign using a variety of opt-out language attesting to her First Amendment rights were continually ignored.



**Catrin Wigfall** is a Policy Fellow at Center of the American Experiment. She is the director of EducatedTeachersMN and EmployeeFreedomMN. Catrin spent two years teaching 5th grade general education and 6th grade Latin in Arizona as a Teach for America corps member before using her classroom experience to transition back into education policy work.

"I have been requesting to opt-out for an entire year. I keep getting denied," Decker said. "And they won't let me vote or treat me like a full member even though I pay full dues."

Decker expressed her concerns to Teamsters Local 320 President Sami Gabriel, but they were disregarded, and her desire to resign was further fueled by disparaging "freeloader" comments made by Gabriel about Decker's co-workers who were non-union members. "The fact that she [Gabriel] used that word in a room full of women (some single parents and some who have been on some sort of assistance) should be alarming and concerning to the entire face and reputation of Teamsters," Decker said in an email to the union's Secretary-Treasurer Brian Aldes.

Because unions fought for—and won—the right to exclusively represent both members and nonmembers, name-calling such as "freeloaders" and "scabs" by union officials and members is completely disingenuous. These claims belittle the public employees unions fought to represent. The union speaks for them, in their name, and on their behalf. Instead of assuming the worst in our civil servants by calling them names, shouldn't unions ask themselves why these public employees are looking for an exit?

"I have put in several requests to withdraw from your affiliation not only because your representatives do not reflect my standards of morals, or my political agenda, but also your office cannot keep basic bookkeeping accurate," Decker said in an email to Aldes. A clerical error also contributed to Decker having the incorrect dollar amount deducted from her checks paired with no member rights.

Because of her meticulous documentation of resignation requests and correspondence with union officials, EmployeeFreedomMN and the Upper Midwest Law Center worked with Decker to demand that the Teamsters Local 320 honor her resignation.

Decker continued to reach out to union leadership for explanations on why she was denied full member benefits, such as the right to attend meetings, vote to ratify or reject collec-

tive bargaining agreements and run for office, and why her requests to become a nonmember were ignored.

"To be charged what I was in dues and denied the stated above rights doesn't make sense to me," Decker said. "The union failed to provide me with basic rights for a full member and contractually hold up their end."

And then in August, Decker received the long-anticipated and fought for union



**The *Janus v. AFSCME* case broke down barriers that trapped workers who wanted to be free from financially supporting a union, but more dismantling is clearly required to eliminate other barriers that remain.**

response: "As of yesterday, your dues have been stopped." After a year-long battle to resign, the union finally decided to respect Decker's rights. But the run-around Decker received should not have happened in the first place, and unions need to be held responsible for their treatment of our civil servants.

### More dismantling required

Unions are replete with tactics to undermine a public employee's freedom of choice and freedom of association. And while the *Janus v. AFSCME* case

broke down barriers that trapped workers who wanted to be free from financially supporting a union, more dismantling is clearly required to eliminate other barriers that remain.

And Kathy Uradnik, a professor at St. Cloud State University, is leading the way to help public employees overcome the barrier of forced union representation. While Uradnik does not have to financially support a union, she and other public employees have to accept the union's representation. Known as compelled "exclusive representation," public servants—even as nonmembers—do not have the right to speak for themselves. This forced association comes with the job, and Uradnik wants to be released from being represented by a union that advocates for and supports areas with which Uradnik disagrees.

The Center connected Uradnik with The Buckeye Institute, which filed a lawsuit on her behalf to end the second-class treatment non-union faculty members at the university face. Nonmembers are barred from serving on any faculty search, service, or governance committee. Uradnik's passion to participate in the academic life of her institution was impaired, and she was discriminated against for her nonmember status. Despite the case's petition to file with the U.S. Supreme Court being denied in April, The Buckeye Institute will send the case back to the U.S. District Court to continue the fight on Uradnik's behalf.

"I have principled reasons for not wanting to join the union, and thankfully the Constitution gives me that choice," Uradnik said in a video produced by The Buckeye Institute. "I try every day in class to impress upon my students how important it is to stand up for your free speech rights."

Minnesota's public unions are deliberately creating obstacles and restrictive bureaucratic rules to prevent union members who wish to resign from doing so. But the Center will continue using its workplace freedom projects to stand up to big labor bent on undermining the First Amendment rights of American workers. Hotel California contracts have no place in public employees' new world of choice. ★