

Pa. Employees File Class Action Lawsuit to Leave SEIU Local 668 | RELEASE

The Fairness Center

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SEIU Local 668 Tries to Block Public Workers from Exercising Constitutional Rights

January 22, 2019, Harrisburg, Pa. – Three Pennsylvania public employees have sued their union for themselves and other employees similarly injured. Their lawsuit, a class action filed in the U.S. District Court for the Western District of Pennsylvania, alleges that the Service Employees International Union, Local 668 (“SEIU Local 668”) has violated the public employees’ constitutional rights by refusing to honor the employees’ union membership resignations.

In June 2018, the United States Supreme Court ruled in *Janus v. AFSCME, Council 31* that non-union member public employees cannot be compelled to pay union dues as a condition of their employment. Yet, in the months following the decision, SEIU Local 668 has ignored employees who’ve sought to exercise their *Janus* rights by resigning from the union. Rejecting these employees’ wishes, union leaders continue to deduct full membership dues from their paychecks, a process the employees are powerless to stop.

SEIU Local 668 justifies its rejection of these employees’ membership resignations by citing its multi-year collective bargaining agreement (“CBA”) with Pennsylvania, which limits union membership resignations to a 15-day window period immediately prior to the CBA’s expiration—a restriction called “maintenance of membership.” Approximately 9,000 Pennsylvania public employees are subject to the CBA’s provision. While Pennsylvania law currently allows unions to negotiate this narrow resignation window, that law has not been fully examined and ruled on by a court since the *Janus* decision.

Through their lawsuit, the public employees seek, on behalf of themselves and the proposed class members, to have the Court declare their unrestricted right to leave SEIU Local 668, award them a refund of dues improperly deducted after their resignations, and to strike down the Pennsylvania law and CBA provision authorizing maintenance of membership.

“Our clients believe that SEIU officials are ignoring their constitutional rights by rejecting or ignoring employees’ resignation letters,” commented Nathan McGrath, Vice President and Director of Litigation of the Fairness Center. “Our clients want the union to respect their choice to leave a private organization they no longer support. No American’s First Amendment rights to freedom of association and speech should be limited to a 15-day window period every three years.”

The Fairness Center separately represents plaintiffs in Allentown, [*Molina v. SEIU Local 668*](#), and Berks County, [*Neely v. AFSCME Council 13*](#), in individual lawsuits challenging maintenance of membership provisions.

Documents:

- [Complaint](#)
- [Backgrounder](#)

Fairness Center Vice President and Director of Litigation Nathan McGrath is available for comment. Contact Conner Drigotas at 844.293.1001 or cddrigotas@fairnesscenter.org to schedule an interview.

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