



**BACKGROUND
(December 2020)**

Bernard v. Public Employees Federation, AFL-CIO, et al.

THE EXECUTIVE SUMMARY

The Fairness Center represents Dolly Bernard, a New York State employee who resigned from her union, the Public Employees Federation, AFL-CIO (“PEF”), in August 2020, but whose resignation has been ignored while New York officials continue deducting union dues from her paycheck. Ms. Bernard is a Contract Management Specialist for the New York State Division of Criminal Justice Services, Office of Victim Services. She decided that she no longer wanted to be a union member, but the union and the state have not recognized her as a nonmember of the union nor have they stopped taking money from her paycheck. Ms. Bernard thus brings this lawsuit to vindicate her constitutional rights not to be forced to be associated with or to financially support a union.

THE CASE LOGISTICS

Plaintiff

Dolly Bernard

Defendants

The Public Employees Federation, AFL-CIO
Michael N. Volforte, in his official capacity as Director of the Governor’s Office of Employee Relations
Thomas P. DiNapoli, in his official capacity as the New York State Comptroller

Court

Federal District Court in the Northern District of New York

Judge

TBD

Date Filed

TBD

THE LEGAL TEAM

Nathan J. McGrath is President & General Counsel at the Fairness Center. Nathan oversees the firm's general operations and litigation to advance the Fairness Center's clients' best interests. Before joining the Fairness Center, Nathan was a staff attorney with a national nonprofit legal services organization, where he developed a national practice focused on constitutional, labor, and administrative law. Nathan began his legal career as an associate attorney with a general practice firm in Pittsburgh, Pennsylvania.

Tyler K. Patterson serves as Litigation Counsel at the Fairness Center. His work focuses on representing clients in state and federal courts as well as before state administrative boards. Prior to joining the Fairness Center, Tyler served as counsel with the Government Justice Center where he represented clients in constitutional challenges to improper government action as well as Freedom of Information Law lawsuits, and as an associate attorney at an employment law firm.