

RESOLUTION No. 2018-

***RELATIVE TO CONCERNS OVER JANUS DECISION WHICH WOULD WEAKEN  
PUBLIC SECTOR UNIONS***

BY:

Councilman Bill Kennedy  
Councilman Ezra Scott, Jr.  
Councilman Kenny Tompkins  
Council Chairman Andrew Touma

**WHEREAS**, the U.S. Supreme Court has heard arguments in the case of Janus v. American Federation of State, County and Municipal Employees; and

**WHEREAS**, the plaintiff in the case charges that the fair-share fees collected by public-sector unions from workers who don't become members are a violation of the dissenting workers' First Amendment rights; and

**WHEREAS**, this challenges federal case law set nearly 40 years ago when in 1977 the Supreme Court unanimously ruled in Abood v. the Detroit Board of Education that although public school teachers cannot be required to join a union or to contribute to the union's political expenditures, they can be required to pay their fair share of the costs that the union incurs in negotiating and administering an agreement on behalf of all teachers; and

**WHEREAS**, this case and its dangers are substantively similar to the case of Friedrichs v. California Teachers Association, for which a lower court ruling in favor of the defendants only prevailed due to a vacancy on the Supreme Court; and

**WHEREAS**, the Janus plaintiffs have followed the same legal strategy as the Friedrichs plaintiffs; and

**WHEREAS**, the newest Supreme Court Justice Neil Gorsuch is likely to side with the four justices who were willing to rule with the plaintiffs in Friedrichs; and

**WHEREAS**, this means that although public-sector unions would still be obligated to represent all members of their bargaining units, they would no longer be assured of receiving fees to compensate them for the costs of representing nonmembers, which could deeply undercut the unions' financial viability; and

**WHEREAS**, the Janus case is driven by the same movement that has been working for at least two decades to undermine labor unions so as to reduce their influence on politics and public policy on behalf of working people.

**NOW, THEREFORE, BE IT RESOLVED**, that this City Council expresses its grave concerns regarding the Janus case and its outcome for our economy and our workforce; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Assistant of the City Council forwarded certified copies of this resolution to the Niagara-Orleans Labor Council AFL-CIO, United Steelworkers Local 9434, the Local 801 Teachers Union, the Local 714 Fire Fighters Union, the Local 3359 Fire Officers Union, the Niagara Falls Police Club, Niagara Falls Captains and Lieutenants Association, local Niagara County Legislature, Congressman Brian Higgins, Assemblyman Angelo Morinello, and Senator Robert Ort.

**Kennedy \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Voccio \_\_\_\_\_ Touma \_\_\_\_\_**