

Members Of The Bargaining Unit Who Elect “Janus” Status Are Not CODE Members

For more than 40 years, from 1977 until 2018, public sector employees could be required to pay their “fair share” of the costs of union representation through automatic dues deduction from paychecks. Public employees could choose to fully support their union or receive a rebate for the money the union spent on non-representational activities like supporting political campaigns.

But, with a Republican president Trump appointing two new justices to the Supreme Court and creating an anti-union conservative majority, the 40-year precedent was turned on its head. On June 27, 2018, the Supreme Court issued its 5-4 decision in the case of *Janus v. AFSCME*. The narrow conservative majority ruled that all union activity is inherently political, and that requiring an employee to contribute anything was a violation of the employee’s First Amendment Rights. As a result, we have a new category of bargaining unit members – Janus employees. These employees contribute nothing to support the union that represents them in collective bargaining and disciplinary matters. They still receive the benefits of the collective bargaining agreement, receive the benefits of the union’s assistance in the adjustment of grievances and receive representation in disciplinary proceedings. In other words, they are “free riders.”

There is no honest or legitimate legal rationale for the conservative majority’s decision in *Janus*. It is an obvious product of republican partisan politics in retaliation for organized labor’s efforts to advocate for American workers and push back against corporate greed. Nonetheless, while CODE disagrees with the Supreme Court’s ruling, it is the law of the land, at least for now. Members of the bargaining unit who elect Janus status are not members of CODE. They will not participate in CODE’s internal operations or elections and they will have no right to access information available exclusively to members. They are merely members of the bargaining unit. They will benefit from the representational services CODE provides at no cost to themselves, and at the expense of all the responsible CODE members who pay their share.

CODE will continue to offer members the choice of whether to be a full dues paying member or a fair share member. Only full and fair share members may participate in union meetings, vote on union matters (including contract ratification), hold union office or access union information. Fair share members pay full dues and receive a rebate for the percentage of CODE’s expenditures on political spending, which is capped at 20% under CODE’s bylaws. Fair share members will receive a rebate proportional to CODE’s political spending, such that their dues are used only for representation-related matters.

CODE is an all-volunteer organization comprised of full time City of Cincinnati employees sitting on its Board. CODE must pay the City for the time its Board members spend on union matters, including representing the CODE membership and employees in grievance and disciplinary matters. As needed, CODE utilizes outside consultants and attorneys to assist CODE and the people it represents. But, none of this is free. CODE relies upon its membership to pay dues and provide ongoing support to the organization.

While CODE recognizes and respects the rights of the employees it represents, CODE is dependent on its full and fair share members to continue operation. CODE dues are only nine dollars per pay period, have been for some time, and there are no plans to increase them. This is a far lower contribution than every other City union and represents a strong value proposition to its membership. CODE thanks its full and fair share members for their ongoing support and looks forward to providing the highest quality representation.