



Written by [Raven Clabough](#) on March 12, 2019

Teachers Sue California Union Over Forced Deductions

Teachers in California have filed a lawsuit to stop the forced collection of union dues, the *Washington Times* reported Monday.

The case is a federal class-action lawsuit brought by the Freedom Foundation against the California Teachers Association. San Francisco lawyer Harmeet K. Dhillon is representing the teachers. “Unions are unjustly enriched and benefit themselves at the expense of plaintiffs by retaining the dues over the objections and without the consent of the plaintiffs,” said Dhillon.



The case against the unions is strengthened by the Supreme Court’s landmark [ruling](#) last year in *Janus v. AFSCME*. The ruling, written by Justice Samuel Alito, determined that it is a violation of the First Amendment rights of non-union workers when the state compels them to pay union fees because any negotiation with a government body involves advancing a public policy position. Mandatory union dues compels employees to support policies to which they may be opposed.

The *National Review* reports that the *Janus* ruling has had a clear impact, particularly following conservative efforts to inform workers of their new rights. In Oregon, for example, SEIU-represented employees declined from 21,666 to 16,108 between June and December last year.

The *Washington Times* reports that Monday’s lawsuit is just the latest post-*Janus* legal action brought by the Freedom Foundation, as it has also filed suits on behalf of public employees in Oregon and Washington.

According to the teachers involved in the lawsuit, the case is as much about financial freedom as it is about personal liberty. “This is a financial issue for many people as well as a personal choice,” special needs teacher Bethany Mendez said at a press conference in San Francisco. “It is unfathomable to me that after even receiving a revocation of consent, and the passing of *Janus*, that the local and state unions would continue to assert this mandatory deduction from our paychecks.”

Mendez says the district deducts \$1,500 a year from her paycheck for union dues, which has had a “negative financial impact” on teachers in the area.

Dhillon also observes that public employees have become increasingly uncomfortable with paying union dues as unions often use deductions to promote an agenda with which the employees do not agree.

Critics also contend that the unions have resorted to bullying and intimidation.

Mendez states that she was pressured by union officials to sign a recommitment card in June to have union dues withdrawn from her paycheck and that she was unaware of the upcoming *Janus* decision. When she notified the union in October that she resigned from the union and was revoking her dues collection authorization, she was told that she could only quit during a 30-day window “not less than thirty (30) days and not more than sixty (60) days before the annual anniversary date” of her recommitment.



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Mendez claims that two union representatives approached her in her classroom to persuade her to stay, which made her uncomfortable.

But according to Freedom Foundation attorney Mariah Gondeiro-Watt, regardless of the union's rules on her recommitment, any membership card signed before the June 27 *Janus* ruling is "worthless" unless the union can prove that the members were "fully appraised" of their rights. "It doesn't make any difference when the teachers signed their membership forms," Ms. Gondeiro-Watt said. "No membership agreement before or since *Janus* is valid unless the public-sector worker affirmatively and knowingly agreed to waive his or her First Amendment rights."

The lawsuit states that the union never informed the teachers of their rights outlined in *Janus*, and continued to imply that union dues were still mandatory.

"The Court puts the burden on unions to demonstrate through 'clear and compelling evidence' that an employee waived her right not to financially support a union. Despite this, the Unions' membership forms contain no language that would enable clear, prior, informed consent," Dhillon said at a press conference. "This lawsuit seeks to end these deductions."

But despite these allegations, the teachers union contends that the suit is merely an attempt to attack public education. "This is just another lawsuit from the Freedom Foundation to continue the attack on public education and public employees," said Claudia Briggs, a spokeswoman for the California Teachers Association, which has about 325,000 members.

The *California Globe* reports the lawsuit is seeking an order to require the union to obtain "legally valid consent before deducting union dues from the teacher-Plaintiffs' paychecks" and could compel all of the unions to refund all illegal deductions to date.

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