



# Pennsylvania Conference of Teamsters

**Strength in Numbers 95,000**

William Hamilton, President & Eastern PA Legislative Coordinator – Joseph Molinero, Sec.-Treasurer & Western PA Legislative Coordinator – Tim O'Neill, Consultant – Dan Grace, Trustee & Legislative Advisor – Robert Baptiste, Esq. Legal Advisor

## LEGISLATIVE ACTION ALERT



# Judge strikes down West Virginia right-to-work law

According to an article posted online by Metro News© a circuit judge has struck down key components of West Virginia's 2016 right-to-work legislation. Kanawha Circuit Judge Jennifer Bailey issued the opinion, three years after the Legislature first passed the law. The new law will require unions and union officials to work, to supply their valuable expertise and to provide expensive services for nothing," Bailey wrote in her 46-page ruling. "That is, in a word, arbitrary."

The overriding issue is whether employees who join a workplace represented by a union have to pay some form of dues, whether they embrace union representation or not. The unions argued that employees who don't would receive the benefits of collective bargaining without providing financial support to pay for those activities. In other words, they said, the right-to-work law takes union property.

Bailey concluded that association would not be forced on anyone. Instead, the judge wrote, the fees collected by unions "essentially function as taxes on collective bargaining members for the costs of 'legislative' and governmental services." The judge further concluded that prohibiting a union from

collecting such fees constitutes a taking of property: "It takes money from the union, and derivatively from its members, and essentially gives it to free riders."

Additionally, Judge Bailey wrote, "Membership is obviously the lifeblood of any labor organization. Members' dues provide unions with nearly all of their revenues for operating expenses, and members' commitment and participation give the organizations their capacity to represent workers effectively in dealing with employers. "S. B. seriously hampers the unions' ability to recruit new members and retain old ones."

Judge Bailey said, "If unions cannot exact agency fees, employees would be able to receive, without any cost to them, the full benefit of the union's services in negotiating and administering the contract. And if workers can get those services for free, they would have no incentive to join the union or remain a member. "In fact, those who do join or stay in a union would be paying a penalty for the privilege because their dues would have to be raised to underwrite the union's services provided to the free riders."

By Brad McElhinny full article at: <http://wvmetronews.com/2019/02/27/circuit-judge-strikes-down-west-virginia-right-to-work-law/>