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Janus Case Could Deliver Win for Workers and Boost Economy

BY KERRY JACKSON

Nerves are apparently raw in union halls across California. Labor leaders are waiting in dread over a coming Supreme Court ruling. The decision could cost them members, and more importantly to the union bosses, money.

The case they fear is *Janus vs. AFSCME*. Its outcome will determine if public-employee unions can force workers to support them when workers feel the union opposes their interests.

Plaintiff Mark Janus is an Illinois state employee who, according to the Court petition, “is being forced to pay agency fees to a union, AFSCME, Council 31, against his will.” His complaint, he said last year in a *Chicago Tribune* commentary, is paying dues to a union that’s not “working totally for the good of Illinois government.”

“For years,” he wrote, “it supported candidates who put Illinois into its current budget and pension crisis. Government unions have pushed for government spending that made the state’s fiscal situation worse.”

This is reminiscent of the Rebecca Friedrichs case, in which the teacher challenged the California Teachers Association over union dues. Like Janus, Friedrichs did not want her dues being used to fund a political agenda she didn’t agree with.

“My union uses forced teacher dues to defeat many common-sense reforms like vouchers, education savings accounts, and adjustments to the tenure laws that would allow administrators to do what’s in the best interest of the children and the taxpayers,” she said.

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Friedrichs became discouraged because every time she battled for reform that she believed would positively impact her students, community, and workplace, the “union that was forcing me to finance its side of the issue” fought against her.

The *Friedrichs* case went before the U.S. Supreme Court, but was not settled there. The death of Justice Antonin Scalia resulted in a 4-4 vote. The Ninth Circuit Court of Appeal’s ruling against Friedrichs was affirmed when the Supreme Court declined last year to rehear the case.

Should Janus win where Friedrichs came so close, the political influence swung like a club by powerful public employee unions will be diluted. In California, this might help policymakers deal with a crisis they have fueled for decades.

“Thanks to the U.S. Supreme Court, public sector unions could lose some of their power, which might – just might – open the door to real and lasting solutions to California’s pension crisis,” Beverly Hills city Councilman John Mirisch wrote in *Fox & Hounds Daily*.

Public employee pension funds are a wreck. Total debt is nearly \$1 trillion in California, according to the Stanford University Pension Tracker. Pacific Research Institute fellow Wayne Winegarden has found that as much as 60 percent of that debt has no funding because government employers have not lived up to their obligation to keep the funds financially healthy. They should be held to account.

But the officials who provided unionized public employees with their gold-plated retirements, and also failed to fund the programs, won’t be shy about dropping a bill on taxpayers to make up the shortfall. It’s a desperate act that could trigger a state recession. Winegarden calculates that if taxpayers’ wallets are forced open to close the gap, California’s economy will be 21 percent smaller over the next 30 years than it otherwise would have been.

Meanwhile, public employee pensions are already crowding out other government services. Public safety, libraries, parks and workforces are being cut so cities and counties can pay for their employees’ retirements.

More remote, but no less important, is the prospect that a ruling favorable to Janus will make it hard for policymakers in union-heavy California to continue burying the right-to-work argument. As defined by the analysis of a bill introduced in Sacramento earlier this year that died in committee, right-to-work prohibits forcing “an employee, as a condition of obtaining or continuing employment, to contribute financial support to a labor organization.” In other words, a worker does not have to join, or pay tribute to, a union just to hold a job.

Right-to-work goes beyond politics. There’s a powerful economic component, as well. According to Winegarden’s 50-State Small Business Regulation Index, “right-to-work laws have a statistically significant and positive impact on economic growth -- states that have right-to-work laws experience faster growth than states that do not have right-to-work laws.” Right-to-work states tend to be more appealing to businesses contemplating relocation or expansion since unions have a built-in, government-promoted advantage over them in the forced-union states.

Janus is such a consequential case that future history books could give it its own chapter. The heading should read: “A Win for Workers and a Boost for the Economy.”

Kerry Jackson is a fellow with the Center for California Reform at the Pacific Research Institute.