



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
THE COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE ATTORNEY GENERAL



JOSH SHAPIRO
ATTORNEY GENERAL

October 5, 2018

Patrick Hughes, President
Liberty Justice Center
190 South LaSalle Street, Suite 1500
Chicago, IL 60603

Dear Mr. Hughes:

Our offices together write to you in response to your recent letters sent to many of our states in which you threaten litigation unless we, “immediately cease and desist deducting any and all union payments, including membership dues and ‘agency fees,’ from employee paychecks, unless and until an employee clearly and affirmatively consents to paying membership dues or other fees.”

Our letter today is prompted by our shared belief that your letter is a misleading attempt to undermine the rights of public employees to organize, to join unions, and to engage in collective action for mutual aid or protection. Public sector unions play a critical role in our communities and states, and we will continue to honor collective bargaining agreements in our states.

Your letter misstates the Supreme Court’s holding of the *Janus* decision and contradicts various advisories and guidances that we have issued. Under *Janus*, public employers may no longer deduct *agency fees* from a nonmember’s wages, nor may a union collect *agency fees* from a nonmember, without the employee’s affirmative consent. However, all other rights and obligations of public sector employees and employers under state law(s) remain. Consistent with the *Janus* decision, we have made appropriate changes with respect to agency fees and are no longer deducting agency fees.

The *Janus* decision does not impact a public employer’s obligation to withhold union dues from union member’s wages. Public employers must continue to withhold union membership dues as required by specific collective bargaining agreements, consistent with state law. Accordingly, we have no intention to cease collecting union membership dues.

Sincerely,



Cynthia Mark
Chief, Fair Labor Division
Massachusetts Office of the Attorney General
One Ashburton Place
Boston, MA 02108



Nancy A. Walker, Esquire
Chief Deputy Attorney General
Fair Labor Section
Commonwealth of Pennsylvania
Office of Attorney General
1600 Arch Street, Suite 300
Philadelphia, PA 19103



Perry Zinn Rowthorn
Deputy Attorney General
Connecticut Office of the Attorney General
55 Elm Street
Hartford, CT 06106



Jane R. Flanagan
Chief, Workplace Rights Bureau
Office of the Illinois Attorney General
100 W. Randolph Street, 11th floor
Chicago, IL 60601



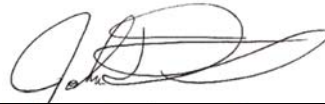
Leah Tulin
Special Assistant to the Attorney General
Maryland Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202



Tania Maestas
Chief Deputy Attorney General
Office of the New Mexico Attorney General
Hector Balderas
408 Galisteo Street
Santa Fe, NM 87504



Frederick M. Boss
Deputy Attorney General
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301



Joshua R. Diamond
Deputy Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609



Shane Esquibel
Chief Deputy Attorney General
Washington Office of the Attorney General
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504