

What does Supreme Court ruling on public-sector unions mean for your organization?



James J. Boutrous II, Miriam L. Rosen, David Schelberg | Thursday, June 28, 2018

In a landmark decision on June 27, 2018, the Supreme Court by a 5-4 margin overruled a thirty-year precedent requiring public employees to pay “agency fees” for non-union member individuals. What does this mean for the future? Detroit Free Press writer John Gallagher, who is also a union president for the Newspaper Guild of Detroit, offers the fascinating perspective on “why unions will survive” the court’s decision. Detroit-based McDonald Hopkins attorneys James Boutrous, Miriam Rosen, and David Schelberg have been considering how the decision will impact their clients and other organizations, public and private. Here is a look at some of their initial thoughts:

James Boutrous

*Under the auspice of the First Amendment, the court, in *Janus v. American Federation of State, County and Municipal Employees, Council 31, et al.*, Case 16-1466, held that the First Amendment was violated in compelling non-member public union workers to pay dues to support such union activities as political support, lobbying and the like. Naturally, the decision has caused shock waves through the organized labor ranks as they stand to lose millions of dollars in union dues which go to, among other things, the support of Democratic candidates that historically have been supported by organized labor. Many of our clients, such as public universities, will be impacted by this decision.*

Miriam Rosen

One outcome of this is that unions representing public employees may need to become more

what does supreme court ruling on public sector un

entrepreneurial and “better business people” to make sure they are able to attract and retain members by providing value-added services. The bottom line is an employee can pay the agency fee if they think it is worth it.

David Schelberg

Although this decision pertains directly to the public sector, private employers who have a unionized workforce should also take notice. This decision is likely another signal of a sea change in how courts will address organized labor issues and continue to reshape controlling law to be more favorable for management.



James J. Boutrous II

[Team member bio](#)



Miriam L. Rosen

[Team member bio](#)



David Schelberg

[Team member bio](#)