



The Washington Report

The Newsletter of the National Association of Police Organizations
Representing America's Finest

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NAPO WASHINGTON REPORT FLASH **SUPREME COURT LETS STAND** **FAIR SHARE PAYMENTS TO UNIONS**

In a huge win for NAPO today, the Supreme Court split 4-4 Tuesday on a challenge brought by public school teachers who objected to paying union dues, delivering a big win for the unions – in the first major case where the late Justice Antonin Scalia's vote likely would have proved decisive.

The California teachers in the case had challenged a state law requiring non-union workers to pay "fair share" fees into the public-employee unions to cover collective bargaining costs.

The court, with its split decision, left in place a lower court ruling favoring the unions.

The result is an unlikely victory for organized labor after it seemed almost certain the high court would rule 5-4 to overturn a system in place nearly 40 years. The court is operating with only eight justices after the death of Scalia, who had been expected to rule against the unions.

The one-sentence opinion Tuesday does not set a national precedent and does not identify how each justice voted. It simply upholds a decision from the 9th U.S. Circuit Court of Appeals that applies to California and eight other Western states.

Since Supreme Court decisions are not final until they are handed down, nothing Scalia did or said in connection with the case before his death mattered to the outcome.

NAPO filed an amicus curiae or "friend of the Court" legal brief in this case, urging that the Court allow the Abood decision to stand. This is a big victory for NAPO and its affiliated groups!

A group of California teachers backed by a conservative group said being forced to pay union fees violated the free speech rights of nonmembers who disagree with the unions' positions. They had urged the justices to overturn a nearly 40-year-old Supreme Court decision that allows the unions to collect the fees.

The high court had raised doubts about the viability of the 1977 precedent, *Abood v. Detroit Board of Education*, but it stopped short of overturning it in two recent cases. In *Abood*, the court said public workers who choose not to join a union can be required to pay for bargaining costs if the fees don't go toward political purposes.

Please contact NAPO Executive Director and General Counsel, Bill Johnson at bjohnson@napo.org , for more information on this case.

See, Fox News Politics Report, <http://www.foxnews.com/politics/2016/03/29/supreme-court-splits-4-4-in-challenge-over-teachers-dues-in-win-for-union.html?intcmp=hpbt2>, accessed March 29, 2016.

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