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Government Unions One Year after *Janus v. AFSCME*

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In *Janus v. AFSCME*, the U.S. Supreme Court freed nearly 330,000 Pennsylvania public sector workers from paying union fees if they choose not to become union members. The ruling's significance will take years to develop. However, [several trends](#) have appeared one year after the decision: unions lost significant fee-based revenue, fee-payers largely remain non-union, and existing members—frequently unaware of the ruling or restricted from resigning—often maintain membership.

Pennsylvania Government Unions

Pennsylvania's six most prominent public sector unions¹ report **losing 26,500 fee-payers and 1,600 active members**—or between 2-21% overall member/fee-payer declines per union. This deprived union leaders of an estimated **\$12.5 million** in annual dues and fees.

- AFSCME 13 experienced the largest overall decline (21.9%), driven by the loss of over 14,000 fee-payers and a minimal 50-member increase.
- AFT-Pennsylvania lost 1,900 fee-payers and gained 350 members, a 5.8% decline.
- PSEA [lost](#) 6,500 fee-payers and 1,200 members, a combined 5% decline.
- SEIU Healthcare and State Council lost 1,500 active members and 350 fee-payers. SEIU 668 gained 700 active members, yet with 3,400 lost fee-payers, they experienced a larger 14% combined decline.
 - Multiple SEIU 668 members/former members [have sued](#) the union for rejecting their membership resignation. Pending a class-action lawsuit, SEIU 668 reached a contract agreement [allowing members to resign at any time](#).

Amidst membership fluctuations and fee-payer losses, union leaders continued spending dues on “political activities and lobbying.” AFSCME 13 decreased political spending by \$100,000 and AFT-Pennsylvania and PSEA's spending remained largely unchanged. SEIU locals all *increased* political spending by a combined \$1.9 million.

Office of Open Records requests reveal unions representing state government workers (exempting the unions listed above) and Philadelphia and Pittsburgh school district employees

¹ U.S. Department of Labor, Form LM2, <https://olms.dol-esa.gov/query/getOrgQry.do>. Unions include American Federation of State, County, and Municipal Employees (AFSCME) Council 13, American Federation of Teachers (AFT) Pa., Pennsylvania State Education Association, and Service Employees International Union (SEIU) Local 668, Healthcare Pa., and State Council. Many public sector unions do not file a Form LM2. Membership figures rounded to the nearest hundredth.

experienced an additional net 3,500 loss (mostly fee-payers) and \$1.64 million less in annual dues and fees.

- Active membership remained stable, with an overall 1,100 gain. However, the loss of fee-payers from generally small unions caused between 12% increases and 53% decreases in membership/fee-payers per union.
- UFCW, representing liquor store workers, experienced the largest fee-payer loss at 1,450, slightly offset by a 500-member gain.
 - A member [sued](#) UFCW after they misrepresented his legal rights and rejected his resignation.
- Unions representing the School District of Philadelphia gained 1,000 members—half the number of lost fee-payers.
- Unions representing Pittsburgh Public Schools lost 46 members and 338 fee-payers.

Pennsylvania Public Sector Union Membership Post-*Janus* 2017-18



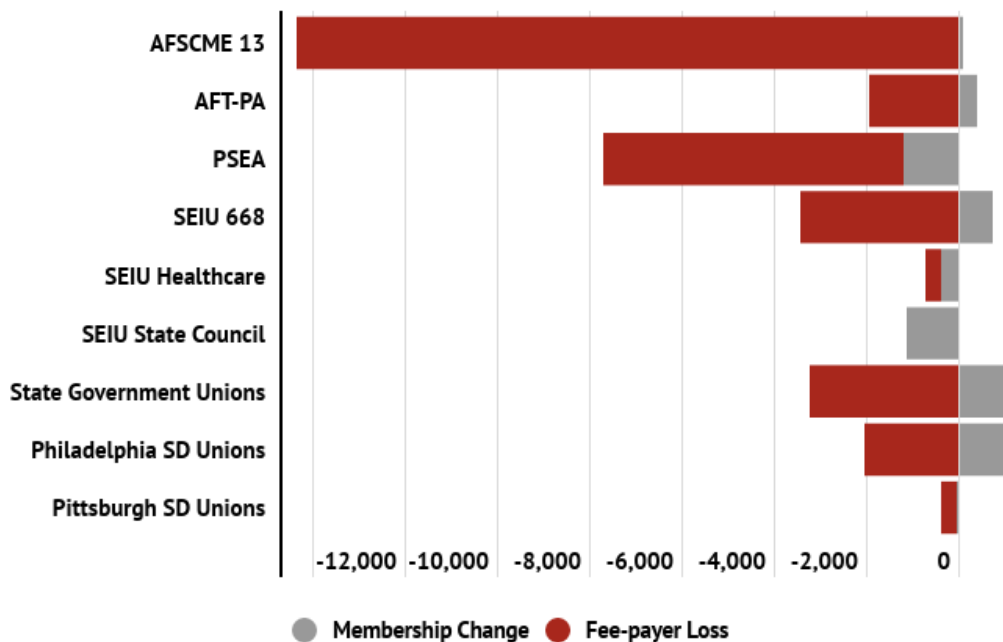
31,700

Lost members and fee-payers in Pennsylvania's largest government unions and school districts.



14 million

Combined lost annual dues and fees from the largest unions representing government workers and Philadelphia and Pittsburgh school district workers.



National Government Unions

Collectively, the four largest national unions gained 31,100 active members, but lost 381,000 fee-payers.

- AFSCME, AFT, and NEA gained between 8,400 and 15,400 active members each, while SEIU *lost* 4,500 members. The overall decrease in combined active members/fee-payers ranged between 2-9%.²
- AFSCME and SEIU nearly *doubled* their political spending amidst a 10% decrease in representation funding. NEA reduced political spending among overall budget constraints, and AFT's expenditures held constant.

National Public Sector Union Membership Post-*Janus* 2017-18



Overall Trends

Post-*Janus* impacts vary by union; for instance, SEIU increased political spending amidst the most significant membership losses. Generally, however, active membership remained stable while the severity of fee-payers losses fluctuated. A further underlying factor for every union is policies and laws confining members in their unions.

- **Less than half of teachers** know they can leave a union without paying a fee, according to recent polling,³ reflecting a union member **poll** taken shortly after the *Janus* decision.⁴

² Specifically: 9 percent (AFSCME), 8.87 percent (AFT), 2.29 percent (NEA), and 5.18 percent (SEIU)

³ Teacher Freedom, "One Year After Janus: Teacher Attitudes on Unions & Membership," June 2019, <https://teacherfreedom.org/janus-anniversary-teacher-poll/>.

⁴ CorCom, Inc., Carnegie Mellon University, "The Janus Juncture," August 2018, <http://employeefreedomweek.com/2017-survey-results-51-percent-of-union-workers-support-janus/>.

- Workers cannot exercise a right of which they are unaware, underscoring the need to inform public workers of their legal rights via the [Employee Rights Notification Act](#).
- Union maintenance of membership contract provisions—or brief “opt-out windows”—block members’ resignation attempts. Pennsylvania workers have filed over 10 lawsuits to leave their unions.
 - Proposed House Bills [624](#) and [506](#) can protect workers’ right to resign.

Public Sector Union Changes Occuring in 2018

National Unions		Membership Change	Fee-payer Change	Total Change
AFSCME	▲	8,482	▼ -110,018	▼ -9%
AFT	▲	13,244	▼ -84,600	▼ -9%
NEA	▲	15,439	▼ -87,764	▼ -2%
SEIU	▼	-4,457	▼ -98,689	▼ -5%
Pennsylvania Unions		Membership Change	Fee-payer Change	Total Change
AFSCME 13	▲	50	▼ -14,333	▼ -22%
AFT-PA	▲	350	▼ -1,948	▼ -6%
PSEA	▼	-1,200	▼ -6,500	▼ -5%
SEIU 668	▲	712	▼ -3,423	▼ -14%
SEIU Healthcare	▼	-373	▼ -356	▼ -3%
SEIU State Council	▼	-1,142	0	▼ -2%
FOP Unions	▲	82	▼ -56	▼ -2%
FOSCEP	▲	16	▼ -145	▼ -40%
ISSU	▲	71	▼ -373	▼ -42%
OPEIU	▲	4	▼ -90	▼ -36%
PDA	▲	2	▼ -46	▼ -29%
PLCB Officers	▼	-1	▼ -2	▼ -13%
PLEA	▲	8	▼ -30	▼ -15%
PPUCBA	▲	3	▼ -4	▼ -4%
PSCOA	▲	413	▼ -727	▼ -3%
PSRA	▼	-1	▼ -89	▼ -47%
UFCW	▲	514	▼ -1,450	▼ -27%
UGSOA	▼	-2	▼ -197	▼ -54%
Philadelphia SD	▲	1,003	▼ -2056	▼ -6%
Pittsburgh SD	▼	-46	▼ -338	▼ -10%

Source: Department of Labor, [OLMS Database](#), Form LM2; Right-to-Know Requests.

Note: Changes in membership can include employment changes for current workers, new employee hires, and unionization of additional bargaining units.