Fact Sheet - *Janus v. AFSCME*

On September 28, 2017, Supreme Court granted cert (agreed to hear the case) in *Janus v. AFSCME* Council 31, 851 F.3d 746 (7th Cir. 2017), *petition for writ of cert.*, (No. 16-1466).

In *Janus*, the plaintiffs seek to end fair share fees for public sector employees who do not join the union. Fair share fees have been found to be legally valid for non-members to pay to their union because they benefit from the union's collective bargaining agreement with their employer. In other words, plaintiffs intend to make public sector Local Unions in the United States so-called Right to Work in all 50 states.

Illinois Governor Rauner originally filed the case in 2015, suing public sector Local Unions in Illinois, including LIUNA. Governor Rauner falsely claimed that fair share fees were already ruled unconstitutional by the Supreme Court prior to Justice Scalia's death, which resulted in a 4-4 tie in the *Friedrichs* case. However, the governor was found to lack standing in the case because he was not covered by a union contract. Then, the National Right to Work Foundation and the Liberty Justice Center amended the case to include as plaintiffs two disgruntled Illinois health department employees in 2015, who were members of AFSCME, Council 31 and IBT. AFSCME is the defendant in this case, and Mark Janus, one of the state workers, is the named plaintiff.

The *Janus* case was heard by the district court on May 19, 2015 and by the 7th Circuit on March 21, 2017. The union won both times. The appeals court dismissed *Janus* simply by saying that the plaintiff failed to state a valid claim because neither the district court nor the appeals court can overrule *Abood*, the 1977 Supreme Court decision that held that fair share fees were constitutional.

Plaintiffs filed for cert - a request for the Supreme Court to hear a case - on June 6, 2017. AFSCME submitted its response on August 11. The Supreme Court granted cert (agreed to hear the case) on September 28, 2017. The Supreme Court will hear the *Janus* case on February 26, 2018, with a ruling by June 2018.