

SB 175
Mark Janus, plaintiff in *Janus v. AFSCME*
Monday, March 18, 2019
Senate Commerce Committee

Chairwoman Lynn and Members of the Committee,

I appreciate the honor of testifying before this committee.

When I became a child support specialist for Illinois state government in 2007, I was not informed that my position was covered by a collective bargaining contract or that in accepting the position I would be required to pay regular union fees to the American Federation of State, County and Municipal Employees (AFSCME). I was not a union member and didn't want to become one. I didn't agree with the union's policy and political positions, and the union did not represent my interests. Nonetheless, if I wanted to keep my job, I had to pay.

So pay I did, for almost a decade. Until thousands of dollars later, I had enough. I felt violated, and powerless. I was just one person in a strong political and union town, Springfield, Illinois, where the state capitol is located. What could I do?

I learned that even though I had opted out of union membership, I could not be let out of paying union fees. My only recourse was to fight for my rights by filing a federal lawsuit. I was fortunate to connect with the Liberty Justice Center and National Right to Work Legal Defense Foundation, who fought for me all the way to the U.S. Supreme Court. On June 27, 2018 the court ruled that requiring government workers to pay union fees was illegal.

This ruling affirmed the right of every public sector worker in America to decide for themselves whether they want to financially support a government union. It ended automatic union fees deductions. And finally,

workers like me, were free to choose for themselves whether the union at their workplace deserved part of their weekly paycheck. Since the ruling, workers all across America have exercised their “Janus rights.”

While I have heard from many workers who were successful in exercising their “Janus rights,” I am saddened to say I have also heard from workers who were not. In spite of the Supreme Court’s ruling, some workers are being told their union will not let them exercise their rights until a certain period or “*window*” opens. In almost all situations, these windows are set by the unions – not the workers. Some workers have reported to me that their unions and employers say they must wait months – even years – before they can exercise their “Janus rights.” These unions are denying these workers’ First Amendment rights to freedom of association and freedom of association. It is this very principle that I now fight for and advocate. I am here to let workers know they have *Janus* rights, the freedom to make their own decision on their union membership and whether to financially support a union.

To deny a worker the ability to stop union dues deductions is to restrict their First Amendment rights. “*Windows*” or any other term you wish to attach, should not be allowed.