

## **Beck Rights/Paycheck Protection**

### **Overview**

Beck rights, also known as "paycheck protection," provide workers an opportunity to decide if their compulsory union dues can be used for non-collective bargaining purposes, such as political activities.

In *Communications Workers of America v. Beck* (1988), the Supreme Court clarified that nonunion employees who work under a union security agreement, and therefore are required to pay union dues, are not required to contribute to union-supported political causes with which they disagree.

Employees who choose not to be union members have the right to object to the mandatory use of their union dues and fees for expenditures that are not related to representational activities. The Supreme Court concluded that the National Labor Relations Act (NLRA) does not permit a union to collect and expend dues beyond those necessary to finance collective bargaining, contract administration, and grievance adjustment if a nonunion member objects to the use of dues for political, legislative, social or charitable purposes.

On Feb. 17, 2001, President George W. Bush took a step toward protecting workers by issuing Executive Order 13201, "Notification of Employees Rights Concerning Payment of Union Dues or Fees." This order required all government contractors to notify employees that they have the right to be refunded any union dues used for political purposes. A federal district judge overturned the executive order on the grounds that it violates the NLRA; however, the U.S. Court of Appeals later voted to reverse the decision and uphold the president's executive order.

On Feb. 4, 2009, President Obama issued Executive Order 13496. This directive repealed Executive Order 13201, which required federal contractors and subcontractors to post notices informing employees of their right to refrain from joining or paying union dues for non-representational activity.

As a result of Executive Order 13496, federal contractors must post a notice in the workplace containing an incomplete and biased list of employee rights. The notice text fails to inform workers that they have the right to pay only the portion of union dues attributable to collective bargaining, contract administration, and grievance adjustment under *Communications Workers of America v. Beck*. The rule was finalized with no substantive changes in May 2010.

After the Department of Labor (DOL) rule was finalized, the National Labor Relations Board (NLRB) issued its own proposed rule in December 2010 to require the same poster for all employers under the NLRA (which includes the construction industry). Unlike the DOL/EO13496 rule, the NLRB poster requirement has not yet been finalized.

ABC strongly opposed both rulemakings, citing their lack of *Beck* language, and will continue to advocate for paycheck protection for all American workers throughout the 112<sup>th</sup> Congress.

### **ABC Supports**

- Paycheck protection for all American workers. Employees have a right to know how their union dues are spent and have a right to stop money from being taken out of their pockets that is not used for legitimate collective bargaining purposes.
- Stricter disclosure and paycheck protection requirements. Employees may be able to reduce their union payments by several hundred dollars.

### **ABC Opposes**

- Unions spending dues money on activities unrelated to union functions, without asking workers for their permission or telling them how they plan to spend members' money.