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PRESS RELEASE

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Federal lawsuit accuses Oregon, SEIU 503 of violating caregivers' rights to opt out

SALEM, Ore. – More than two years after the U.S. Supreme Court freed home-based caregivers from mandatory unionization, it may take a federal lawsuit to remind SEIU 503 and the state of Oregon the law applies to them, too.

On Wednesday, a case was filed in federal court in Eugene that alleges the First Amendment rights of three Medicaid-compensated home healthcare providers were violated when Service Employees International Union (SEIU 503), the labor union representing thousands of homecare workers in Oregon, declined to stop deducting dues after they had requested to opt out.

SEIU 503, Oregon Gov. Kate Brown and three other heads of state agencies were named as the defendants.

The plaintiffs are represented by the Freedom Foundation and Portland attorney Tyler Smith, in conjunction with the Washington, D.C.-based National Right to Work Legal Defense Foundation.

The Freedom Foundation, a Northwest-based nonprofit, free-market think tank, has successfully litigated numerous similar cases over the past two years.

Because the plaintiffs provide care for clients who qualify for state Medicaid funding, they were considered public employees for “the purposes of collective bargaining” only, a status that for many years allowed SEIU 503 to charge them union dues and fees as a condition of keeping their jobs.

But in 2014, the U.S. Supreme Court ruled in *Harris v. Quinn* that forcing in-home care providers to financially support a third party organization like SEIU 503 violated their First Amendment rights of freedom of speech and association.

The court recognized that in-home care providers are employees of the clients they care for – often their own elderly or disabled family members – and described

forcing these “partial-public employees” to pay union dues as a money-making “scheme” for the union.

Hundreds of homecare workers in Oregon have since requested that SEIU 503 stop taking union dues from their paychecks, but very few have had their requests processed or even received a response from the union.

That’s because soon after the *Harris* decision, SEIU 503 and the state held a meeting behind closed doors to modify the contract governing homecare workers.

While they eliminated the section now overtly unconstitutional, they created a host of procedural requirements designed to make it nearly impossible for caregivers to opt out of the union deductions. Most notably, they restricted each individual’s right to opt out to an arbitrary 15-day annual window, which is different for each person and unknown to the caregivers themselves.

SEIU 503 is now even refusing to accept opt-out forms received within the appropriate windows, when submitted every 15 days by the Freedom Foundation on behalf of caregivers to help them navigate the burdensome restriction.

Hundreds still wait for their requests to be accepted.

“Here’s a news flash for the state of Oregon and the unions whose dirty work it’s doing,” said Anne Marie Gurney, the Freedom Foundation’s Oregon director. “You’re not above the law. Unions created an exception to the Constitution in a secret meeting thinking they could get away with it—and the state of Oregon signed on the dotted line their approval. Oregonians should be appalled.”

The ruling will carry significant implications for the constitutional rights of tens of thousands of people who provide in-home healthcare, childcare and other in-home services throughout Oregon.

The Freedom Foundation is a member-supported, Northwest-based think and action tank promoting individual liberty, free enterprise and limited, accountable government.

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