

Michael L. Parson
Governor



Sarah H. Steelman
Commissioner

State of Missouri
OFFICE OF ADMINISTRATION
Division of Accounting
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Jefferson City, Missouri 65102
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Stacy Neal
Director

December 9, 2019

Nancy E. Cross, Vice President
SEIU Local 1
2725 Clifton Ave.
St. Louis, MO 63139

Ms. Cross,

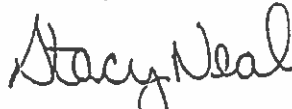
I am the Director of the Division of Accounting within the Office of Administration, which is responsible for administering payroll deductions for employees of the State of Missouri. I have been provided a copy of a letter from SEIU Local 1 to the Probation and Parole Central Office dated November 22, 2019, which requests that the State raise union dues for Probation and Parole Officers and Probation and Parole Assistants by \$5.00 per month. For the reasons stated in this letter, this request is refused and the Office of Administration will no longer deduct SEIU Local 1 union dues unless and until there are existing labor agreements and dues authorizations are constitutionally collected.

State regulation, specifically 1 CSR 10-3.010(6), allows the Commissioner of the Office of Administration to make "payroll deductions from employee compensation for authorized voluntary products," including labor union dues. "Dues" are defined at 1 CSR 10-3.010(6)(A)5. as "a fee or payment owed by an employee to a labor organization as a result of and relating to employment in a bargaining unit covered by an existing labor agreement or a payment owed by an employee for membership in an employee association." Because the three bargaining units of State of Missouri employees represented by SEIU Local 1 are not covered by any existing labor agreements, the Office of Administration will no longer make payroll deductions of SEIU Local 1 dues from State of Missouri employee compensation.

The Office of Administration further believes that the provisions in the three expired SEIU Local 1 labor agreements restricting employees' ability to cease the withholding of union dues, if still in effect, would be found to be unconstitutional in light of the United States Supreme Court's decision in *Janus v. AFSCME, Council 31, et al.*, 138 S.Ct. 2448 (2018). The Court's holding would appear to set the standard for each deduction of union dues, and the dues deduction provisions of the expired SEIU Local 1 labor agreements fail to meet that standard. The *Janus* court ruled that because employees are waiving their First Amendment rights by consenting to pay union dues, such a waiver cannot be presumed, must be freely given, and must be shown by clear and compelling evidence. *Id.* at 2486. Employee consent for dues deductions was given without

affirmatively advising employees that they could withdraw their consent at any time and, as such, that consent and any continuing authorization of dues deductions cannot be shown to have been freely given by clear and compelling evidence.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Neal". The signature is written in black ink and is positioned above the typed name and title.

Stacy Neal
Director, Division of Accounting
Office of Administration

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Stacy Neal
Director

December 9, 2019

Natashia Pickens, President
CWA Local 6355
1015 Locust St., Ste. 735
St. Louis, MO 63101

Ms. Pickens,

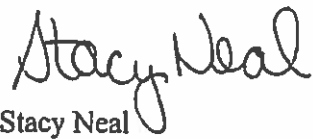
Your letter requesting the resumption of union dues deductions has been forwarded to me for response. I am the Director of the Division of Accounting within the Office of Administration, which is responsible for administering payroll deductions for employees of the State of Missouri. Your letter states that CWA "is exercising its right that was preserved August 2018 to voluntary payroll deductions of union dues for state employees." I am also familiar with your August 2018 letter requesting that the State of Missouri "terminate deduction of Union dues from all state employees' paychecks to CWA."

State regulation, specifically 1 CSR 10-3.010(6), allows the Commissioner of the Office of Administration to make "payroll deductions from employee compensation for authorized voluntary products," including labor union dues. "Dues" are defined at 1 CSR 10-3.010(6)(A)5. as "a fee or payment owed by an employee to a labor organization as a result of and relating to employment in a bargaining unit covered by an existing labor agreement or a payment owed by an employee for membership in an employee association." Because the bargaining units of State of Missouri employees represented by CWA are not covered by an existing labor agreement, the Office of Administration declines your request to resume payroll deductions of CWA dues from State of Missouri employee compensation.

The Office of Administration further believes that the provisions in the expired CWA labor agreement restricting employees' ability to cease the withholding of union dues, if still in effect, would be found to be unconstitutional in light of the United States Supreme Court's decision in *Janus v. AFSCME, Council 31, et al.*, 138 S.Ct. 2448 (2018). The Court's holding would appear to set the standard for each deduction of union dues, and the dues deduction provisions of the expired CWA labor agreement fail to meet that standard. The *Janus* court ruled that because employees are waiving their First Amendment rights by consenting to pay union dues, such a waiver cannot be presumed, must be freely given, and must be shown by clear and compelling evidence. *Id.* at 2486. Employee consent for dues deductions was given without affirmatively advising employees that they could withdraw their consent at any time and, as such, that consent

and any continuing authorization of dues deductions cannot be shown to have been freely given by clear and compelling evidence.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Neal". The signature is written in black ink and is positioned above the printed name.

Stacy Neal
Director, Division of Accounting
Office of Administration

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Stacy Neal
Director

December 9, 2019

Gary Gross, Executive Director
MOCOA
7141 Business 50 West
Jefferson City, MO 65109

Mr. Gross,

I am the Director of the Division of Accounting within the Office of Administration, which is responsible for administering payroll deductions for employees of the State of Missouri. It was recently brought to my attention that the State of Missouri has been withholding union dues for employees in bargaining units that are not covered by existing labor agreements. This includes the bargaining unit of Corrections Officers represented by MOCOA.

State regulation, specifically 1 CSR 10-3.010(6), allows the Commissioner of the Office of Administration to make "payroll deductions from employee compensation for authorized voluntary products," including labor union dues. "Dues" are defined at 1 CSR 10-3.010(6)(A)5. as "a fee or payment owed by an employee to a labor organization as a result of and relating to employment in a bargaining unit covered by an existing labor agreement or a payment owed by an employee for membership in an employee association." Because the State of Missouri employees represented by MOCOA are not covered by an existing labor agreement, the Office of Administration will no longer make payroll deductions of MOCOA dues from State of Missouri employee compensation.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Neal".

Stacy Neal
Director, Division of Accounting
Office of Administration