

- Any law authorizing unions to collect dues or fees from nonmembers will repeal the Right to Work law.

Case Law Citations:

- *AFSCME Local 2384 v. City of Phoenix*, 142 P.2d 234, 244 (Ariz. Ct. App. 2006);
 - *Florida Educ. Ass'n v. Public Employees Relations Comm'n*, 346 So.2d 551, 553 (Fl. Ct. App. 1977);
 - *Ficek v. Boilermakers Local No. 647*, 219 N.W.2d 860, 873 (N.D. 1974).
- Unions do not have to seek recognition as the exclusive representative of all employees in the bargaining unit. Unions and employers are permitted to engage in non-exclusive collective bargaining for union members only.

Case Law Citations:

- *Consolidated Edison Co. v. NLRB*, 305 U.S. 197, 236-37 (1938);
 - *Virginian Ry. Co. v. System Fed'n No. 40*, 300 U.S. 515, 549 n.6 (1937);
 - *NLRB v. Reliable Newspaper Delivery, Inc.*, 187 F.2d 547, 549-50 (3rd Cir. 1951);
 - *see also Garment Workers v. NLRB*, 366 U.S. 731, 736 (1961); *Garment Workers*, 366 U.S. at 741 (Douglas, J., dissenting).
- Even if a majority of the employees in a bargaining unit are union members, the employer and union may enter a collective bargaining agreement that only applies to union members, so long as the union has not been certified or recognized as the exclusive bargaining agent.

Case Law Citation:

- *Consolidated Edison Co.*, 305 U.S. at 236-37 (80% of employees were members of the union, but contracts only applied to union members).
- A union may disclaim exclusive representation of a bargaining unit at any time, including during the middle of a bargaining agreement's term, for any reason.

National Labor Review Board Decision:

- *Production & Maint. Union (Bake Line Prods.)*, 329 NLRB 247, 248 (1999).
- William Gould, appointed by President Clinton as chairman of the National Labor Relations Board, has written that federal law "permits 'members-only' bargaining without regard to majority rule or an appropriate unit and without regard to exclusivity."
 - William Gould, *Agenda for Reform: The Future of Employment Relationship and the Law* at 164, MIT Press (1993).
 - There is no legal authority prohibiting members-only bargaining.