

News

Cary Quoted in *InsideSources* Stories on *Janus v. AFCME*

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Nelson Cary, a partner in the Vorys Columbus office and a member of the labor and employment group, was quoted in two *InsideSources* stories on the Supreme Court of the United States' decision to hear arguments in *Janus v. AFCME*. According to the articles, the plaintiffs are seeking to end mandatory union dues for all public-sector workers.

One article titled "Will Public-Sector Unions Really See a Mass Exodus of Members?" states:

"Labor unions have plenty of reason to be concerned. The Bureau of Labor Statistics (BLS) found that the public-sector has the highest rate of unionized workers at 34.4 percent. In the private-sector, only 6.4 percent of workers are unionized.

'I'm sure, given the choice, there is going to be some number of government employees who are currently forced to pay dues or agency fees, who will decide that its no longer in their best interest to do so,' Nelson Cary, partner for the law firm Vorys, Sater, Seymour, and Pease, told InsideSources. 'The most recent example that I'm aware of, and maybe the best empirical basis on which to draw from, would be the experience in Wisconsin.'

Wisconsin Republican Gov. Scott Walker earned his reputation on how he reformed labor policy in his state. Act 10 allowed state employees to choose whether they wanted to pay union dues when it was passed in 2011. The union membership rate in the state dropped from 14.1 percent to just 9.0 percent by 2016."

A second article titled "12 Things You Should Know About Janus v. AFSCME" states:

"The argument is that workers will decide not to pay knowing they'll get the benefits anyway.

'The core of their substantive argument is going to come back to this free-rider concept,' Nelson Cary, partner for the law firm Vorys, Sater, Seymour, and Pease, told InsideSources. 'They're going to argue, I believe, that discharging this responsibility as

the exclusive bargaining representative costs money. The fair-share fees are the vehicle to obtain those funds.'

Cary adds that the unions will likely argue that mandatory fees serve a compelling state interest in keeping labor peace. Laws or policy that impact fundamental constitutional rights are evaluated by the court using a strict scrutiny test. That test requires that the law have a compelling state interest to justify its impact on constitutional rights."

[Click here](#) to read "Will Public-Sector Unions Really See a Mass Exodus of Members?"

[Click here](#) to read "12 Things You Should Know About Janus v. AFSCME."