



LEGISLATOR'S GUIDE TO THE ISSUES 2021-2022

Paycheck Protection

The Issue

Texas is a “Right to Work” state, meaning employees are free to choose whether or not to join and pay dues to a labor union at their place of employment including state and local governments and school districts. The U.S. Supreme Court has also ruled that government employees cannot be compelled to join a labor union or pay dues or fees as a condition of employment. However, if a government employee in Texas chooses to join a union, the government currently acts as the dues collector for the union by withholding the dues from the employee’s paycheck and disbursing the funds to the union. Governments should not be in the business of collecting and disbursing dues for labor unions.

Some states like Alabama, North Carolina, and Iowa have adopted laws prohibiting or limiting some state and local governments from collecting union dues on behalf of a labor union. These laws in no way limit the rights of employees to join or pay dues to their labor unions. They are free to make whatever payment arrangements they choose, but the state and local governments should not act as the dues collector by withholding funds from the employees’ paychecks.

Requiring all government employees, including union members, to make their own private arrangements for payment of union dues or other activities is important. Government employee unions such as the American Federation of State, County, and Municipal Employees (AFSCME) and the Service Employees International Union (SEIU) use funds collected from public sector employees’ dues to, among other things, fund advocacy and private sector union organizing drives. It is not the role of government to act as the middleman in collecting dues for private organizations like unions.

The Facts

- Texas government labor union participation rate is roughly 20%.
- Currently, the state of Texas and local governments collect and disburse dues to public sector labor unions.

Recommendation

Prohibit deduction of union dues from public sector workers’ paychecks.

Resources

[*State Labor-Management Policy and the Texas Model*](#) by Stanley Greer, Texas Public Policy Foundation (Feb. 2015).

[*The Texas Miracle and Labor Policy*](#) by Bill Peacock, Texas Public Policy Foundation (April 2015).

[*Janus v. American Federation of State, County, and Municipal Employees*](#), Council 31, 138 S. Ct. 2448 (2018).