

COURT RULING FREES NONUNION STAFF OF DUES

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ALBANY — The state comptroller's office will stop collecting "agency fees" from about 31,000 state employees as a result of a U.S. Supreme Court decision that ends the required payments by workers who have opted out of joining a union, a spokeswoman said Tuesday.

The court decision, *Janus v. AF-SCME*, will result in a bump in take-home pay for administrative employees on July 11 and for other employees on July 19.

Comptroller Thomas DiNapoli said the action will affect only nonunion workers or state employees who were identified as being required to pay fees to compensate for union protections even if they chose not to join a union.

The current state payroll lists about 225,000 workers.

The high court decision means workers can no longer be forced to contribute to labor unions that represent them in collective bargaining, a serious financial blow to Democratic-leaning organized labor, powerful in states like New York.

The 5-4 decision not only frees nonunion workers in nearly two dozen states from any financial ties to unions, but also could encourage members to stop paying dues for services the court said they can get for free.

"The stakes for the court now could not be higher: The future of healthcare, the environment, women's rights, workers' rights, LGBTQ rights, racial equity and more" is on the line "as President Trump ponders Justice Kennedy's successor," Nan Aron, of the liberal Alliance for Justice, wrote on Twitter.

The case was named for Mark Janus, a child-support worker in Illinois who challenged state rules requiring payment of dues to the Civil Service Employees Association as a condition of employment. It ended a practice that dated to 1977 and could now cost public employee unions significant revenues.

The Empire Center, a fiscally conservative think tank, estimates 200,000 workers in state and local governments and school districts pay about \$112 million a year in agency fees. The center said union dues range from \$600 annually for lower-paid workers to more than \$1,000 a year for some teachers and others.

THAT CITIZENSHIP Q

Judge allows census challenge to go forward

BY JOHN RILEY
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A Manhattan federal judge on Tuesday rebuffed the government's bid to throw out a lawsuit challenging a citizenship question on the 2020 census, finding "strong" evidence Commerce Secretary Wilbur Ross acted in "bad faith" in saying it was needed for voting-rights enforcement.

New York, other states and localities and advocacy groups have challenged the addition of the question, arguing that it is geared toward diminishing participation in the census by immigrants here, lawfully and unlawfully, affecting congressional apportionment and federal funding formulas.

U.S. District Judge Jesse Furman said initial claims by Ross that the question was sought by the Justice Department for voting-rights enforcement were "potentially untrue" and undermined by later disclosures that Ross had weighed the change for months and asked Justice to weigh in.

The judge said the plaintiffs were entitled to explore the real reasons behind the change through expanded document production and depositions of Commerce and Justice officials.

"It now appears the idea of having a citizenship question started with Secretary Ross and not the Justice Department," Furman said, noting the plaintiffs made a "strong" showing that they may find evidence the voting-rights claim was a "pre-text" and material "indicative of bad faith."

During the 2½-hour hearing, government lawyers argued that any undercount from the question would stem from individuals disregarding their legal duty to fill out the census form, not from government action, and said courts shouldn't "second guess" Ross' judgment about what data to collect.

Justice Department attorney Brett Shumate said the question was no different from other de-



NEW CITIZEN CELEBRATES. Mosammat Rasheda Akter, 33, of Bangladesh, holds her 7-month-old daughter at a citizenship ceremony held at The New York Public Library's Stephen A. Schwarzman Building in Manhattan on Tuesday.

mographic data, like race and sex, that had been included in census short forms until 1950 and had been included in the "long forms" distributed to one-sixth of residents as recently as 2000.

"It is a value judgment and a policy judgment as to what information the government should collect," Shumate said, arguing that Congress could step in if it is dissatisfied.

But a lawyer for New York said any census questions likely to interfere with the prime mission of the Constitution assigns to the census — an accurate count — merited scrutiny, and said the Commerce Department itself admitted a citizenship question would reduce initial response rates.

"That fact highlights the extreme and outlandish nature of the defendant's conduct here,"

said the state lawyer, Ellen Goldstein.

"Whether it was unconstitutional in 1970 when the world was different is not before the court," she told Furman. ". . . This question will inevitably jeopardize the count . . . and impact immigrant and Hispanic communities."

Furman said he would issue a full ruling in the next two weeks on the government's mo-