

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HOLLIE ADAMS, <i>et al.</i>,	:	
	:	
Plaintiffs,	:	No. 1:19-cv-00336 SHR
	:	
v.	:	
	:	
TEAMSTERS UNION LOCAL 429,	:	The Honorable Sylvia Rambo
<i>et al.</i>	:	
	:	Electronically Filed Document
Defendants	:	
	:	<i>Complaint Filed 02/27/19</i>
	:	

**DEFENDANTS’ SUPPLEMENTAL JOINT STATEMENT OF
MATERIAL FACTS NOT IN DISPUTE**

1. On or about January 26, 2010, Plaintiff Christopher Felker (“Plaintiff Felker”) signed the Local’s membership application and a dues authorization form. *See Supplemental Declaration of Kevin Bolig* (hereinafter “*Bolig Supp. Decl.*”), ¶

6. (A true and correct copy of Plaintiff Felker’s membership application and dues authorization form is attached as *Exhibit “A”* to the *Bolig Supp. Decl.*, which is attached to this *Supplemental Joint Statement of Material Facts Not in Dispute* (hereinafter “*Supp. Joint St.*”)

2. On or about November 7, 2017, approximately two years after the County hired her--during which time she was a non-member who paid fair share fees-- Plaintiff Karen Unger (“Plaintiff Unger”) signed the Local’s membership application and a dues authorization form. *See Bolig Supp. Decl.*, ¶ 7. (A true and

correct copy of Plaintiff Unger's membership application and dues authorization form is attached as *Exhibit "B"* to the *Bolig Supp. Decl.*, which is attached to this *Supp. Joint St.* as *Exhibit "1."*)

3. The membership application and the dues authorization form are contained on one page and were designed by the International Brotherhood of Teamsters for use by its various locals, including Teamsters Local Union No. 429. *See Bolig Supp. Decl.*, ¶ 8.

4. The membership application for both Plaintiff Felker and Unger reads in pertinent part:

I voluntarily submit this Application for Membership in Local Union ____, affiliated with the International Brotherhood of Teamsters, so that I may fully participate in the activities of the Union. I understand that by becoming and remaining a member of the Union, I will be entitled to attend membership meetings, participate in the development of contract proposals for collective bargaining, vote to ratify or reject collective bargaining agreements, run for Union office or support candidates of my choice, receive Union publications and take advantage of programs available only to Union members. I understand that only as a member of the Union will I be able to determine the course the Union takes to represent me in negotiations to improve my wages, fringe benefits and working conditions. And, I understand that the Union's strength and ability to represent my interests depends upon my exercising my right, as guaranteed by federal law, to join the Union and engage in collective activities with my fellow workers.

I understand that under the current law, I may elect "nonmember" status, and can satisfy any contractual obligation necessary to retain my employment by paying an amount equal to the uniform dues and initiation fee required of members of

the Union. I also understand that if I elect not to become a member or remain a member, I may object to paying the pro-rata portion of regular Union dues or fees that are not germane to collective bargaining, contract administration and grievance adjustment, and I can request the Local Union to provide me with information concerning its most recent allocation of expenditures devoted to activities that are both germane and non-germane to its performance as the collective bargaining representative sufficient to enable me to decide whether or not to become an objector. I understand that nonmembers who choose to object to paying the pro-rata portion of regular Union dues or fees that are not germane to collective bargaining will be entitled to a reduction in fees based on the aforementioned allocation of expenditures, and will have the right to challenge the correctness of the allocation. The procedures for filing such challenges will be provided by my Local Union, upon request.

I have read and understand the options available to me and submit this application to be admitted as a member of the Local Union.

See Bolig Supp. Decl., ¶ 9; *Exhibits “A” and “B”* attached to the *Bolig Supp. Decl.*

5. Plaintiffs Adams and Unger, as well as Plaintiffs Hollie Adams (“Plaintiff Adams”) and Plaintiff Jody Weaber (“Plaintiff Weaber”) all signed dues authorization forms. *See Bolig Supp. Decl.*, ¶ 10; *Exhibits “A” and “B”* attached to *Bolig Supp. Decl.*, ¶ 10; *Amended Declaration of Kevin Bolig* (hereinafter “*Bolig Amended Decl.*”), Docket No. 36-1, ¶¶ 4, 25, 33; *Exhibits* to *Bolig Amended Decl.*, Docket No. 36-1, *Exhibits “A,” “M,” “Q.”*

6. The dues authorization forms signed by Plaintiffs Adams, Felker, Unger, and Weaber read in pertinent part:

I, _____ hereby authorize my employer to deduct from my wages each and every month an amount equal to the monthly dues, initiation fees and uniform assessments of Local Union _____ and direct such amounts so deducted to be turned over each month to the Secretary-Treasurer of such Local Union for and on my behalf.

This authorization is voluntary and is not conditioned on my present or future membership in the Union.

This authorization and assignment shall be irrevocable for the term of the applicable contract between the union and the employer or for one year, whichever is the lesser, and shall automatically renew itself for successive yearly or applicable contract periods thereafter, whichever is lesser, unless I give written notice to the company and the union at least sixty [60] days, but not more than seventy-five [75] days before any periodic renewal date of this authorization and assignment of my desire to revoke same.

See Bolig Supp. Decl., ¶ 11; Exhibits “A” and “B” attached to *Bolig Supp. Decl.*; Exhibits to *Bolig Amended Decl.*, Docket No. 36-1, Exhibits “A,” “M,” “Q.”

7. When a bargaining unit employee of the County chose to become a union member, the Local provided him or her the membership application which included the dues authorization form. *See Bolig Supp. Decl.*, ¶ 12.

8. Bargaining unit employees who chose to become members would complete and sign the union membership application and then the dues authorization form. Thus, bargaining unit employees only signed a dues authorization form if they had signed the membership application. *See Bolig Supp. Decl.*, ¶ 13.

9. Prior to June 27, 2018, if a bargaining unit employee working at the County chose not to become a union member, he or she paid fair share fees rather than dues. *See Bolig Supp. Decl.*, ¶ 14.

10. Based on the dates that Plaintiffs Adams and Weaber signed their dues authorization forms, they signed their membership applications on or about May 6, 2013 and July 31, 2007, respectively. *See Bolig Supp. Decl.*, ¶ 15.

11. On or about May 10, 2019, the Local sent each Plaintiff a letter advising him or her that the Local was refunding all dues deductions received by the Local from the time he or she requested to resign his or her membership until dues deductions ceased. Each letter contained a check for the refunded dues along with statutory interest. *See Bolig Supp. Decl.*, ¶ 16; *Bolig Amended Decl.*, Docket No. 36-1, ¶¶ 13, 22, 31, 41.

12. In mid-June, each Plaintiff cashed the check provided by the Local. *See Bolig Supp. Decl.*, ¶ 17. (A true and correct copy of cancelled checks are attached as *Exhibit "C"* to the *Bolig Supp. Decl.*, which is attached to this *Supp. Joint St.* as *Exhibit "1."*)

[Signature Page Follows]

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WILLIG, WILLIAMS & DAVIDSON

/s/ John R. Bielski

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Dated: August 13, 2019