



May 2, 2024

Via email

Michael K. Maloney
Business Manager, Secretary-Treasurer:
Plumbers and Pipefitters UA Local 9
2 Iron Ore Rd @ Route 33
Englishtown, NJ 07726
mmaloney@ualocal9.org

Dear Mr. Maloney:

This firm represents Nicolo Giangrasso, a plumber employed by Hamilton Township School District, who is in the bargaining unit represented by UA Local 9.

Despite clearly being a public employee, shortly after beginning his employment, Mr. Giangrasso was told by representatives of UA Local 9 that he was required to join UA Local 9 and pay union dues.

Subsequently, Mr. Giangrasso learned that he has a First Amendment right not to be forced to join or pay money to a union as a condition of his employment with a public entity, such as Hamilton Township School District. When he submitted a written request to discontinue his union membership and union dues, he was told that the First Amendment, and specifically *Janus v. AFSCME*, did not apply because UA Local 9 is a private sector union. UA Local 9 refused to honor Mr. Giangrasso's request.

However, the Supreme Court in *Janus v. ASCME* and other cases involving government employees has been very clear that the First Amendment applies to government employees who may not be compelled to join or pay a union as a condition of their employment. Whether the union representing the bargaining unit of a government employer also represents employees of private-sector entities is irrelevant.

Further, the Supreme Court's decision in *Janus v. AFSCME* made clear that for a government employer to deduct union dues from an employee's payment, that employee must have "clearly and affirmatively" consented to the deduction.

Because Mr. Giangrasso was told that he must join UA Local 9 or lose his government job and subsequently was told that he may not opt out of union membership or dues, he could not have provided clear and affirmative consent. UA Local 9 gave him no choice but to join and pay the union. Thus, the withholding of union dues from his paycheck violated his First Amendment rights under *Janus*.

Therefore, I request that UA Local 9 provide notice to Hamilton Township School District that any union dues or fees shall immediately stop being withheld from Mr. Giangrasso's paycheck. In addition, UA Local 9 must reimburse Mr. Giangrasso for the dues withheld from his paycheck for the last two years.

If you do not comply with this request, Mr. Giangrasso is prepared to pursue litigation both to cease collection of union dues and fees and to recover dues and fees wrongfully taken from him.

I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read 'JS', with a long horizontal flourish extending to the right.

Jeffrey Schwab
Senior Counsel