Labor looks strong in NY, but a dire threat looms
Supreme Court could eviscerate unions' funding
By Greg David

Organized labor is maintaining its strong presence in New York, according to the latest data, but the U.S. Supreme Court could soon make life very difficult for public-sector unions.

Overall 24.2% of the workers in the city are union members, a small uptick from last year. More important, the number is more than double the 10.7% average for all 50 states, according to the recently released annual report from the Murphy Institute at the CUNY Graduate Center. Something like three-quarters of these workers are government employees.

New York requires workers represented by unions to pay union dues even if they don't want to be in the union, under the theory that they receive the contract benefits that the union wins. These workers can ask to be reimbursed for the fraction of the dues that goes directly to political activity.

Conservative legal organizations have challenged this requirement, arguing that union activity is inherently political and governments should not be able to require
workers to finance actions with which they do not agree.

The first such case to reach the Supreme Court resulted in a 4–4 deadlock last spring, which left a California law intact. But a second challenge, from Illinois, is on the court's docket for the current term, and the betting is that conservative Trump appointee Neil Gorsuch will provide the decisive fifth vote to strike down the rule nationally.

The chart on the left, from the Murphy report, shows the percentage of nonmembers represented by four of the largest unions in the city. These workers presumably will stop paying anything to unions almost immediately.

That's only the beginning of the problem. When Wisconsin made paying dues voluntary, union membership dropped precipitously, to 23%, last year, from 50% in 2013.

Unions are already intensifying their efforts to persuade nonmembers to join. It isn't clear if they are having any success. (Full disclosure: I pay dues to but am not a member of the Professional Staff Congress of CUNY, where I teach at the Graduate School of Journalism.)

But the political fallout in local elections, where public-sector unions play a large role, could be very significant. As their ranks shrink, unions will have a much harder time finding the money to spend on election politics. And it will become clear that they represent fewer voters than ever before.

Correction: The median hourly wage for union workers in New York City is $22.47 compared with $21.25 for non-union workers. The numbers were misstated in previous versions of this post.

A version of this article appears in the September 11, 2017, print issue of Crain's New York Business.