

June 25, 2002

Mrs. Peggy Williams  
City Attorney  
200 Castle Heights Avenue North  
Lebanon, TN 37087

Dear Mrs. Williams:

Elizabeth Shahan, from your office, has asked MTAS for an opinion regarding the deduction of union dues from firefighter's paychecks. As you know, the National Labor Relations Act of 1935 guarantees workers the right to join unions. Any or all of the employees of the City of Lebanon have a federally protected right to organize and join a union. Even though employees have this right, and some police and fire employees in Tennessee have exercised this right, Tennessee cities are not authorized to collectively bargain with such unions, with the exception of education and sanitation workers. This is the reason that every year in the legislature there is an effort to authorize cities to sign contracts with public employee unions. As of this date that has not occurred.

Tennessee Code Annotated 7-51-204 requires cities to deduct union dues from the firefighter's paycheck and remit it to the union association within 30 days provided that the union association certifies to the chief executive officer (Mayor Don Fox) that union membership is not less than forty (40) percent of the employees who qualify. Full time paid firefighters qualify.

I encourage you, Mayor Fox, and members of the city board to read a recent report that I prepared on "Public Employee Unions in Tennessee", which I will FAX to you tomorrow. This report encourages cities to take appropriate steps to remove the issues, real or perceived, that are making public employees feel that a public employee union is necessary. I believe that cities can do much to take the wind out of the sails that are driving employees to organize.

Please contact me if I may be of further assistance.

Sincerely,

Don J. Darden  
Municipal Management Consultant

cc Mayor Don Fox