

Federal Court Strikes Down Part of Georgia's Right to Work Law

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A federal court in Atlanta has struck down part of Georgia's right to work law that sought to allow employees to withdraw from union membership and stop paying dues at any time. Federal law permits unions to impose irrevocable authorizations up to one year.

The law at issue became effective July 1, 2013. Section 4 of the law prohibits an employer from deducting from "wages or other earnings of any employee any fee, assessment, or other sum of money . . . to be paid over to a labor organization except on the written authorization of the employee. Such authorization *may be revoked at any time* at the request of the employee." That same year, union organizations Georgia State AFL-CIO, Truck Drivers & Helpers Local No. 728, and United Food and Commercial Workers Local 1996 filed suit claiming Georgia's right to work law making checkoff authorizations revocable at will was not compatible with federal law allowing irrevocable authorizations not to exceed one year.

Ultimately, the unions filed a motion for summary judgment which the court granted last week, finding in part as follows: "This court agrees that the Georgia statute and federal law are at odds. The Georgia law requires that checkoff authorizations be revocable at will while federal law grants unions the ability to bargain for irrevocable authorizations not to exceed one year. As such, this state law creates potential scenarios whereby labor organizations taking advantage of this affirmative federal exception would be punished under state law." The court noted that in such cases when an activity is arguably subject to § 7 or § 8 of the National Labor Relations Act (NLRA), "the States as well as the federal courts must defer to the exclusive competence of the National Labor Relations Board if the danger of state interference with national policy is to be averted." The court declared the relevant portions of Georgia's law to be preempted by operation of the NLRA and therefore unenforceable.

There is no indication yet whether the state of Georgia will appeal this decision. A copy of the full decision can be [found here](#).

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