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Testimony IN OPPOSITON to SB 179
Before the Senate Commerce Committee
Wednesday, March 11, 2015

Madame Chair and Members of the Committee:

My name is Lisa Ochs, and I thank you for the opportunity to provide testimony in opposition to SB 179. AFT-Kansas is a federation of unions whose members are City employees, University employees, State employees, law enforcement, teachers, and nurses. AFT-Kansas opposes SB 179 because it proposes massive changes to the Kansas Public Employer-Employee Relations Act, which has been in place for more than 35 years.¹ The proposed changes to the Act would render the right of public employees to negotiate illusory. While this bill allows public employees to *supposedly* bargain over minimum wages and salaries, itself a dramatic change in the scope of issues that can currently be negotiated, public employers can *impose* a contract under this proposed legislation. Thus, employers could unilaterally hike employee health care costs at will, or do any number of other things—alterations of leave, performance evaluation, furloughs, or layoffs—that impact public employee’s jobs and the services they provide. We encourage lawmakers to stand for the continued protection of an employee’s freedom to associate and assemble to protect and improve their wages, hours, and working conditions, as well as their voice where their expertise can inform the services provided to Kansans.

Giving employees a collective voice through labor unions has benefits to the state, its employees, and those they serve. A union provides a way for workers and management to come together to address key issues and make improvements. Research shows that this process can increase productivity and improve efficiency, which is especially crucial at a time when our state agencies face record budget cuts.

Experience from all across the country tells us that when individual employees are each on their own, and can be fired or disciplined for any reason and with no due process, they’re far less able to speak up on issues such as workplace safety or the quality of the services the public receives. The elimination in SB 179 of a grievance procedure and other rights for public employees will assuredly have a chilling effect on public employees’ ability to speak about their conditions of employment and sound the alarm

¹ <https://www.dol.ks.gov/LaborRelations/faq.aspx>

about threats to quality public services. With state services already strapped, it seems counterintuitive to single out the very people who are the public's watchdogs.

This bill would hurt Kansans and our economy in ways that go far beyond public employees. For example, research shows that unions play a vital role in setting standards for wages. They lift up wages for all workers—unionized or not. This bill will accelerate the current race to the bottom for jobs and wages in our state. Wage earners will be less able to keep spending the millions they collectively pump into local businesses each year.

Moreover, the additional employer rights added in this bill also potentially conflict with procedures laid out in the state's civil service act. Under the legislation, the Public Employer-Employee Relations Act would not "circumscribe or modify the existing right of a public employer to....determine the criteria, procedures and methods by which candidates for hire, promotion, demotion, transfer, assignment, retention, furlough, lay-off or termination are identified; and determine which personnel shall be hired, promoted, demoted, transferred, assigned, retained, furloughed, laid-off or terminated." For classified service employees, the right to set "criteria, procedures and methods" for many employment decisions largely rests not with each public employer but rather the director of personnel services under the civil service act. (See generally K.S.A. 75-2925 et seq.) For example, the director of personnel must create classes and titles for jobs and these must be used for hiring and promotions (K.S.A. 75-2938). The civil service act also proscribes how vacancies are filled by promotions or transfers, probationary promotion procedures, and demotion procedures (K.S.A. 75-2944). This additional employer rights provision in SB 179 would create confusion for employers and employees alike and could undermine the common set of rules of the road the civil service act provides.

Finally, the bill modifies the opt-in requirement for public employers (besides the state and its agencies) to include a ballot question to be put before the voters to determine if the public employer will be governed by the Act. Why is this new costly and time-consuming process necessary, and do local governmental entities need or want the injection of the general public into personnel decisions?

At a time when we face some of the biggest budget challenges in the recent history of the state, this bill does nothing but seek to lay blame on hard working public employees. This bill will further lower public employees' morale and drive experienced, contributing workers out of our state. Kansas is already losing population faster than our neighboring states. Our state used to be a place where people came seeking a better life. Now it's a place people are forced to leave for more opportunity elsewhere. Instead of further shredding our state's economy and attacking working families, I challenge you as our elected leaders to focus on the *real* challenge: bringing Kansas back. If you want good jobs in Kansas, then you must also stand up for the workers who hold them. If you want a strong middle class then you can't silence the unions that built it. If you want higher wages for Kansans so they can be the economic engine that Kansas businesses need, then workers need a voice. It's time to stop the attacks on working people and invest in Kansas again.