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Testimony IN OPPOSITION to SB 212
Before the Senate Committee on Commerce
Submitted By: Rebecca Proctor
Executive Director, KOSE
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Chairperson Lynn and Members of the Committee:

Thank you for allowing me to address you today. My name is Rebecca Proctor. I am a life-long Kansan, a labor and employee benefits attorney by trade, and currently serve as Executive Director for the Kansas Organization of State Employees (KOSE). KOSE is a public employee union representing over 8,000 executive branch employees in over 300 workplaces spread across all counties of our State. On behalf of those employees, I urge you to oppose SB 212.

SB 212 prohibits use of a "public employer's resources to assist an employee organization…in collecting union dues from wages of public employees." When KOSE was formed, KOSE paid the cost of setting up payroll dues decution for covered employees. On top of the setup costs, KOSE also pays a fee to the state, every pay period, for every member employee. Please note your fiscal note does not quantify, or even mention, the fee loss.

KOSE is one of many vendors who pay the state a processing fee in order to receive funds via payroll deduction. Other vendors include civic organizations and charities. Interestingly enough, according to state records, for-profit institutions (such as insurance companies and financial institutions) do not pay any fees to compensate the state for processing payroll deduction. Payroll deduction is not provided to KOSE as a courtesy or a favor. It is a fee-based state service. Denying KOSE as a public employee labor union access to a state-offered, fee-based service, which is available to any and all other entities, is discrimination based on viewpoint. This type of discrimination violates the First Amendment of the United States Constitution and is illegal.

Additionally, payroll deduction of union dues is not a required subject of bargaining under the Kansas PEERA. If the State, or any other public entity, performs payroll deduction of union dues, it does so only because it has voluntarily negotiated to do so under the terms of a Memorandum of Agreement. As is the case with KOSE and its fee for payroll deduction, employers negotiating these provisions have the ability to set the terms of that payroll deduction…and to include fees to insure administrative costs are covered. Making payroll dues deduction suddenly prohibited will conflict with all validly bargained Memoranda of Agreement that contain a dues deduction article.

So, this bill limits not only the freedom of employees to do with their pay as they wish and pay their dues via payroll deduction, it also limits the freedom of employers to negotiate these provisions…and to honor contracts that have already been negotiated and ratified.

This week, this committee and others have heard bills that limit employee rights, all in the name of “flexibility” or becoming “more like the private sector.”   If the goal were really flexibility, bills should be encouraging use of payroll deduction because it is a more efficient, effective way for employees to route pay and can happen automatically. If the goal were really to become more like the prviate sector, bills would be focusing on bringing employee pay to market rates and improving hours and working conditions to compete for the best talent. This bill is about nothing more than killing yet another employee freedom. Please join me in opposing SB 212. I am happy to answer any questions you may have.