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Testimony IN OPPOSITON to SB 469
Before the Senate Commerce Committee
Wednesday, March 9, 2016

Madame Chair and Members of the Committee:

My name is Lisa Ochs, the President of the American Federation of Teachers-Kansas, and I thank you for the opportunity to provide testimony in opposition to SB 469. SB 469 would require the Department of Labor to annually hold recertification elections for all teacher and education employee bargaining units represented by professional employees' organizations in the state, replacing the current procedure to decertify a collective bargaining agent.

Under the bill, retention of union representation would require an affirmative vote from a majority of the total bargaining unit members as opposed to a majority of ballots cast. This is in contrast to the rules of nearly every democratic election in the Western world where a person's decision not to vote is not considered a "nay." I daresay that if we applied these rules to the Kansas legislature many of the seats in the state capitol would be empty.

Under the bill, the employees' exclusive representative may be required to pay a fee for the election and would be forced to spend limited resources to maintain a system of worker representation. Recertification elections are not required in the private sector and they should not be required in the public sector either.

This bill is a solution looking for a problem. Union members unhappy with their organization already have a remedy. Current law requires an election to be held to decertify an exclusive representative if 30 percent of current employees in a bargaining unit petition the Department of Labor. Almost all public sector collective bargaining statutes in the states allow for a similar process. And it works. In Kansas, according to the Department of Labor website, a total of 36 unit decertification elections have occurred

since 1976.¹ That's less than one per year. The fiscal note to this legislation estimates that the legislation would require more than 300 elections to be held at a cost to the state of \$340,000. The legislature should have better things to do than spending public dollars to increase the amount of red tape that Kansas unions have to follow.

This bill is just another attempt to distract from the state's real problems and attack public employee unions with out of state model legislation. The American Legislative Exchange Council (ALEC)—the out of state corporate funded bill mill--approved a model bill on this issue in 2012. Their model, known as the "Election Accountability for Municipal Employee Union Representatives Act," would require labor boards to hold recertification elections in the absence of any evidence employees desire such an election. The real sponsors of this bill, ALEC's corporate funders, are trying to take a labor movement that's already weakened and make it a whole lot weaker. That's not the right thing to do for Kansas.

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 teachers and their unions. We know that unions make workplaces safer. We know that unions bring working people's voices into the political process. We know that unions increase their members sense of wellbeing and that when we work together unions can help make workplaces more effective. Rather than working to make it harder for unions, we need to bring back lost jobs. We need to restore an economy that works for all Kansans—not just a few. We *can* bring prosperity and progress back to Kansas. It's time to stop the attacks on working people and invest in Kansas again.

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