



Testimony before the
House Commerce, Labor, and Economic Development Committee
On
HB 2023

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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide testimony in opposition to HB 2023. AFT-Kansas opposes HB 2023 because it is an unnecessary, unfair and unconstitutional scheme to undermine union democracy and the institutional integrity of unions themselves, and to silence working families and the unions who stand up for them in political and legislative affairs.

Supporters of HB 2023 contend the objective of this bill is to give employees more control over what is deducted from paychecks. This bill appears to be governmental intrusion in how individual citizens, even if they are public employees, are permitted to spend their own paycheck. However, when current laws and facts are examined, it becomes obvious that the proponents stated objective is more than a little misleading.

First, Kansas is a right-to-work state. In right-to-work states, all participation in an employee union is voluntary, including the payment of dues. Because Kansas is a right-to-work state, there are no closed shops where employees must join the union as a condition of employment. No Kansas employee can be required to remit any dues, fees, or other assessments to any union. Each employee has the right to choose whether to become a member of a union; only those who become members pay dues. No one is coerced or forced to join. Those employees who do pay dues do so not because they must, but because they have made a conscious choice to join their union.

Second, those unions that do operate political action committees do not fund those political action committees out of general dues income, but instead require a separate and additional signed authorization regarding withholding for political purposes. This is required in the private sector even in states with closed shops due to the United States Supreme Court decision in *Communication Workers of America v. Beck*, 487 U.S. 735 (1988). The Beck decision states that in closed shop situations where employees are required to belong to a union, employees can only be required to contribute for the costs of representation and may not be required to support or fund a union's

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House Commerce & Economic
Development Committee

Date: 1-23-13

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political activities. All union employees, whether working in Kansas or in states that allow closed shops, already have the ability to refrain from contributing to the union's political activities.

Third, for public employee unions in Kansas that fall under the Public Employee/Employer Relations Act (PEERA), it is already a prohibited practice to "endorse candidates, (or for the union to) spend any of its income, directly or indirectly, for partisan or political purposes or engage in any kind of activity advocating or opposing the election of candidates for any public office." K.S.A. 75-4333(d).

Considering all of these facts, it becomes evident that employees already have the kinds of options and protections proponents of HB 2023 are purportedly trying to provide. The supporters of HB 2023 conveniently do not discuss the fact that these protections already exist, and do not acknowledge that political activity by public employee unions is already limited by Kansas law.

Given that current law already protects employees, what does HB 2023 actually do? It does only one thing: it takes away employee choice and protections by eliminating a mechanism (payroll deduction) that many employees use to actively participate in their unions.

If the true goal is to protect employee paychecks from coerced deductions, this bill would go beyond unions and union political activity. For example, one common and widespread use of payroll deduction is to make donations to the United Way.

Consider, if you will, how United Way deductions originate. Employers run campaigns where employees are solicited and often pressured, in the workplace, for donations. Many employers set participation and/or contribution goals, and employees are encouraged to help the employer meet these goals. Most, if not all, employers track what employees have returned a pledge card. United Way campaign materials and websites encourage pledges to be collected via payroll deduction. These materials give two reasons why payroll deduction is preferred: it eliminates the need for employees to remit hard-copy checks (while also insuring all installments are timely received) and it allows employees to contribute more by spreading the donation over time.

While I certainly acknowledge the United Way is a good cause, it does not make sense that employees can be solicited in the workplace to give to a charity of *the employer's choosing* via payroll deduction, but cannot make the conscious choice, without workplace solicitation, to assign funds to a union for political purposes. Workplace solicitation, with follow-up by supervisors to determine if a pledge card has been returned, contains far more potential for coercion than an employee's individual election to contribute to a union's political activity. HB 2023, with its limited focus on unions and political activity, was clearly not drafted to protect employees' paychecks.

It is evident that HB 2023's true aim is to dilute organized labor's role in the political process. Unions have long been vital and influential players in the political arena. Middle- and working-class individuals can only be heard effectively when they combine their resources and act collectively. This is most easily and most commonly done through union activity. When unions' political activity is limited, an important balance in our democracy is lost.

In closing, when you consider HB 2023, please do not fall for the paycheck protection rhetoric. Recognize this bill for what it is: an attempt to make it more difficult for unions and the employees they represent to participate in the political process. If you really believe that public employees should be afforded the constitutional rights that all citizens enjoy and truly support employee choice and protection, reject HB 2023. Thank you for your time.