

HB 2354 Proponent Testimony - in person
First amendment rights for public employees
House Committee on Commerce, Labor, and Economic Dev.
Dave Trabert - CEO
February 24, 2021



Chairman Tarwater and Members of the Committee,

We appreciate this opportunity to testify in support of HB 2354, which brings Kansas statutes into conformity with the U.S. Supreme Court’s ruling in *Janus v. AFSCME*.

The court found in *Janus* that it is unconstitutional to compel a public employee to join or remain a member of a union or professional employee association as a condition of employment. *Janus* also requires the employer to have an affirmative ‘opt-in’ document for each person who chooses to join a union.

As a result of *Janus*, K.S.A. 75-5501 currently has an unconstitutional minimum 180-days dues withholding requirement with no provision for the employee to resign and stop paying dues whenever they wish.

The membership application for the Kansas National Education Association (KNEA) says, “...I hereby agree to pay the annual dues, fees and assessments established by these associations. I understand that those annual dues are subject to periodic change. If paying such dues and assessments by payroll deduction, I authorize the Board of Education to deduct such amounts from my salary. The payment of those annual amounts shall continue, regardless of membership status, unless I revoke this authorization in a signed writing provided to the local association between August 1 and August 31 of the membership year immediately preceding the membership year for which the authorization is to be cancelled.

And even then, some employees have been required to sign a form that appears to be an attempt to intimidate the employee from resigning. One teacher shared the attached KNEA resignation form with us, showing the teacher also had to certify he or she will not be ‘contributing to their profession.’ No one should be subjected to that kind of treatment to exercise a legal right to resign membership in an association.

Voters overwhelmingly believe public employees should have the freedom to choose. Across Kansas, 67% of voters say public employees should be allowed to end their union membership and stop paying dues whenever they wish; only 19% disagree. Government employees who participated responded similarly, with 67% in favor and only 14% opposed. The survey was conducted in December, 2019, on our behalf by SurveyUSA, one of the most respected pollsters in America.

Q7: Should public employees be allowed to end their union membership and stop paying dues whenever they wish?									
519 Registered Voters	All	Gov't Employee	Region				Ideology		
Credibility Interval: ± 4.8 pct points			Western Kansas	Wichita Area	Kansas City Area	Eastern Kansas	Conserv	Mod.	Liberal
Yes	67%	67%	79%	77%	60%	66%	75%	64%	56%
No	19%	14%	6%	15%	22%	20%	12%	19%	31%
Not Sure	15%	18%	15%	8%	18%	14%	12%	17%	13%
Composition of Adults	100%	100%	9%	14%	33%	44%	42%	31%	22%

Source: SurveyUSA, data collected Dec. 10, 2019 to Dec. 14, 2019

To be clear, HB 2354 and our support for it is not a derogatory comment on unions; it is simply about respecting each public employee’s constitutional right. Constitutional rights exist absolutely and cannot be subject to limitation by collective bargaining agreements or any other organizational practice.

In order to assure public employees that they can exercise their constitutional right to choose to leave a union or professional employee association whenever they wish, we encourage you to recommend HB 2354 favorably for passage.

Thank you for your consideration.



KANSAS NATIONAL EDUCATION ASSOCIATION

715 S.W. 10th Avenue, Topeka, KS 66612-1686

2020-2021

Active Professional/ESP Membership Application

All fields must be completed in order for membership to be activated.



Kansas National Education Association

Name _____
First Middle Last Maiden (if applicable)

SSN (last four) _____

Address _____

City _____ State _____ Zip _____

Phone _____ Home Cell

Personal Email Address _____

Work email address _____

Ethnicity (This information is optional and kept confidential.)

- Asian Caucasian Black Hispanic Native Hawaiian/Pacific Islander Multi-Ethnic Other
- American Indian/Alaska Native Unknown

Date of Birth _____ Gender Male Female

Local Association (or USD#) _____ Employer _____

Work Location _____

Position _____ Subject _____

Select Membership Type

Active Professional (Licensed)				ESP (Classified)				Substitute	
2020-21 Dues	Full-Time	1/2 Time	1/4 Time	2020-21 Dues	Full-Time	1/2 Time	1/4 Time	2020-21 Dues	Full-Time
NEA Dues	\$200.00	\$111.50	\$67.50	NEA Dues	\$121.50	\$72.50	\$48.00	NEA Dues	\$15.00
KNEA Dues	\$409.00	\$204.50	\$102.25	KNEA Dues	\$131.00	\$65.50	\$32.75	KNEA Dues	\$55.00
Local Dues	\$ _____	\$ _____	\$ _____	Local Dues	\$ _____	\$ _____	\$ _____	Local Dues	\$ _____
Total	\$ _____	\$ _____	\$ _____	Total	\$ _____	\$ _____	\$ _____	Total	\$ _____

- Is 2020-21 your first year of teaching? Yes No
- To the best of your knowledge, have you been a member of an NEA affiliate previously? Yes No
- Were you a student member last year? Yes No If so, how many years? _____ University? _____
- Are you a retired educator who has chosen to return to work? Yes No

Choose your payment method

- Electronic Funds Transfer Cash/Check (Include payment for full amount) Payroll Deduction
- Total Number of Deductions: _____

****If using Electronic Fund Transfer, please complete the bank information below and attach a voided check.****

Full Name of Bank _____

Routing Number _____

Account Number _____

Account Type Checking Savings

Prior to withdrawal of dues from the account listed above, written notification of the monthly withdrawal amount and the initial date of such withdrawal will be provided.

Membership Commitment and Annual Payment Authorization: I hereby request and voluntarily accept membership in the National Education Association, Kansas National Education Association and the local education association and agree to abide by the Constitution and Bylaws of all three associations. In consideration for services provided by these associations, I hereby agree to pay the annual dues, fees and assessments established by these associations. I understand that those annual dues are subject to periodic change. If paying such dues and assessments by payroll deduction, I authorize the Board of Education to deduct such amounts from my salary. The payment of those annual amounts shall continue, regardless of membership status, unless I revoke this authorization in a signed writing provided to the local association between August 1 and August 31 of the membership year immediately preceding the membership year for which the authorization is to be cancelled. I understand that this agreement is voluntary and not a condition of employment. I have the legal right to refuse membership without suffering any reprisal.

Signature _____ Date _____

After completing this application, the original signed copy should be sent to KNEA; a scan or photocopy should be provided to the local association and for personal records.

KNEA Use Only: _____ Date Received _____ Date Processed _____ Initials _____

If I resign my Association membership
Prior to May 15, 2012, I agree to terminate my benefits, rights and privileges, including,
but not limited to, those listed below. Please check each box.

FREE BENEFITS

- \$3,000,000 Liability Insurance
- Legal Services
- UniServ Director Services
- \$1,000 AD&D Insurance
- Dues Tab Life Insurance
- Monthly Publications
- Home/Vehicle Theft Protection
- Classroom Workshops

FINANCIAL SERVICES

- No Fee Credit Card
- Term Life Insurance
- Income Protection Insurance
- Disability Income Insurance
- Homeowners Insurance
- Auto Insurance
- NEA Home Financing
- Supplemental Health Insurance

I also understand that I will not be contributing to my profession through local bargaining or lobbying in
Topeka and Washington, to help gain these benefits:

- Increased funds for public schools
- Reduced class size
- Safer schools
- Better retirement benefits
- Fair treatment of educators
- Continued due process, illness/bereavement
& personal business leave, planning time,
duty-free lunch
- No cuts in funding for drug prevention, safe
schools, professional development, Head
Start, Title 1, vocational education
- Increased funds for special education

I have read the list above and checked each box. I hereby request cancellation of
my membership in the

(member's signature)

(date)

President)

... Standing Together for:

**Quality Public Schools*

**Strengthening the Teaching Profession*

**Well-Being of Members*