

SB 361 – Proponent Testimony – in person
Public employees’ right to resign from a union
Senate Commerce Committee
Dave Trabert – CEO
February 12, 2020



Chairwoman Lynn and Members of the Committee,

We appreciate this opportunity to testify in support of SB 361, 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

As a result of *Janus*, K.S.A. 75-4324 currently has an unconstitutional minimum 6-month 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) specifies that payroll deduction of membership dues will “...continue in force unless revoked...for succeeding membership year by giving written notice to that effect...on or before August 10. I understand that if my employment is terminated prior to the deduction of the amounts authorized therein, the unpaid portion of dues, assessments will be collected to maintain membership in good standing.” The membership application could also lead one to falsely believe membership in KNEA is mandatory in Kansas. It says in bold letters, “Membership in NEA, KNEA and the local association is required.”

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. The survey was conducted 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	Region				Ideology		
Credibility Interval: ± 4.8 pct points		Western Kansas	Wichita Area	Kansas City Area	Eastern Kansas	Conserv	Mod.	Liberal
Yes	67%	79%	77%	60%	66%	75%	64%	56%
No	19%	6%	15%	22%	20%	12%	19%	31%
Not Sure	15%	15%	8%	18%	14%	12%	17%	13%
Composition of Adults	100%	9%	14%	33%	44%	42%	31%	22%

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

To be clear, SB 361 and our support for is not a derogatory comment on unions; it is simply about respecting each public employee’s constitutional right. Constitutional rights exist absolutely and are not subject to limitation by collective bargaining agreements or any other organizational practice.

Adopting the provisions of SB 361 brings state law into compliance with the U.S. Supreme Court ruling in Janus, but not doing so will eventually bring legal action against the state for violation of public employees’ constitutional rights. Kansas Policy Institute has its own public-interest litigation center – Kansas Justice Institute – that protects the freedoms guaranteed by the Kansas and U.S. Constitutions.

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 approve SB .361.

Thank you for your consideration.



KANSAS NATIONAL EDUCATION ASSOCIATION

715 SW Tenth Avenue, Topeka, KS 66612-1686

2018-2019

Active Professional 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	
2018-19 Dues	Full-Time	1/2 Time	1/4 Time	2018-19 Dues	Full-Time	1/2 Time	1/4 Time	2018-19 Dues	Full-Time
NEA Dues	\$192.00	\$107.50	\$65.50	NEA Dues	\$116.50	\$70.00	\$46.75	NEA Dues	\$15.00
KNEA Dues	\$394.00	\$197.00	\$98.50	KNEA Dues	\$126.00	\$63.00	\$31.50	KNEA Dues	\$55.00
Local Dues	\$ _____	\$ _____	\$ _____	Local Dues	\$ _____	\$ _____	\$ _____	Local Dues	\$ _____
Total	\$ _____	\$ _____	\$ _____	Total	\$ _____	\$ _____	\$ _____	Total	\$ _____

Is 2018-2019 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 any withdrawal of dues from the account listed above, you will be notified in writing of the amount of the monthly withdrawal and the date that such withdrawals will commence. Dues payments are not deductible as charitable contributions for federal income tax purposes. Dues payments (or a portion) may be deductible as a miscellaneous itemized deduction.

Membership in NEA, KNEA and the local association is required. If paying by payroll deduction, I hereby authorize the Board of Education to deduct from my salary my professional dues and assessments, as these sums are established or suggested annual to the local NEA-affiliated teachers association as indicated and to forward such amounts to that local association. This authorization is to continue in force unless revoked by me for succeeding membership year by giving written notice to that effect to my local association on or before August 10. I understand that if my employment is terminated prior to the deduction of the amounts authorized herein, the unpaid portion of dues, assessments will be collected to maintain membership in good standing.

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*