

To: Representative Sean Tarwater and Members of the Committee
From: Jake Miller, Lobbyist, Working Kansas Alliance
Re: Testimony in Opposition of HB 2354
Date: February 24, 2021



Chairman Tarwater and members of the committee,

My name is Jake Miller, and I work for the Working Kansas Alliance (WKA). WKA is an organization made up of labor organizations and non-labor organizations that support workers' rights. Working Kansans and their families deserve protection for the jobs they perform. Primarily, public sector employees who educate our kids through a pandemic, protect our communities, make sure our roads are clear through snow and ice storms, or make sure our communities maintain power working around the clock like they did last week. WKA stands in opposition to HB 2354 due to its attempt to weaken public employees' collective voice.

This bill has had a hearing in either this committee or Senate Commerce every year for the last three years. Every year we hear from individuals who aren't from Kansas that we need to have this bill. They continually tell the Legislature that Kansas must do this to comply with *Janus v. AFSCME, Council 31*, 138 S. Ct. 2448 (2018). That is entirely false.

Janus v. AFSCME impacted many states across the United States; however, Kansas was not one. The case affected states who were not already right-to-work states for public sector employees. Kansas has been a right-to-work state for all employees since the 1950s, which means that Kansas has complied with *Janus* for over 60 years.

Taking away the *Janus* argument, what this bill aims to do is weaken public sector workers' voices. These workers are the ones who were deemed essential workers through the COVID-19 pandemic. This bill targets to weaken the voice of firefighters, police officers, corrections officers, teachers, electrical linemen, road crews, and many more. These workers have had an unprecedented year. As recently as last week, some have worked in excess of 12-hour days to keep Kansas's roads clear and lights on. Those are the workers this bill is targeting.

HB 2354 prevents union members from agreeing to a payroll deduction for a distinct period. This bill instead restricts members and unions by allowing them to reach agreements only under which the member can revoke his or her dues deduction commitment at any time. The widely accepted standard, which the federal government has adopted for its employees and the private sector, is one year. This bill interferes with private, voluntary contractual relationships.

Furthermore, the unions I know of allow their members to drop their union membership as soon as the request has been made. Meaning this bill is not actually needed.

SMART Transportation Division

Teamsters 696

International Association of Fire Fighters

Kansas National Education Association

Kansas Coalition of Public Retirees

Kansas Organization of State Employees

Kansas AFL-CIO

International Brotherhood of Electrical Workers Local 304

Kansas AFT

Teamsters Joint Council 56

Wichita Hutchinson Labor Federation

Tri-County Labor Council of Eastern Kansas

Kansas Chiropractic Association

Plumbers & Pipefitters Local 441

Laborers 1290 & Laborers 1290PE

Service Employees International Union Local 513

Brotherhood of Locomotive Engineers and Trainmen - IBT

Brotherhood of Maintenance of Ways Employees Division - IBT

Greater Kansas City Building & Construction Trades Council

Boilermakers Local 83

Bakery, Confectionary, Tobacco Workers & Grain Millers Local 218

Brotherhood of Maintenance of Way Employees Division

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Additionally, HB 2354 is inconsistent with the Legislature's established state policy and employee free choice. Kansas law provides public employees have the right to "form, join and participate in the activities" of unions and an equal right to refuse to join unions or participate in union activities. Kan. Stat. Ann. § 75-4324(a). Instead, HB 2354 would place a thumb on the scale attempting to sway employees from joining the union, which does not allow free choice. If an employee's free choice were the goal of this legislation, language would not be included, in 14-point font, to try and persuade them otherwise.

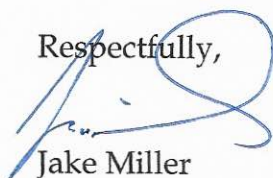
This bill also places a significant burden on public employers and school districts. The requirement for employers to email employees to confirm they signed their authorization cards for dues deductions. Every year, as this bill would require, when members sign their authorizations, local governments and school boards would have to follow up with an email to confirm they signed it. However, this bill does not require those entities to email individuals who chose not to join the union, asking them if they were genuinely choosing not to join the union. The whole idea of employee free choice is just that, free choice. Because forcing employers to tell the workers of only half of their rights, WKA must oppose HB 2354.

The Legislature should proceed with caution regarding this bill. This bill could open the state up to a constitutional challenge regarding equal protection. This bill singles out unions and their memberships but does not include any other types of memberships. Should this bill proceed, there could be a legitimate constitutional challenge brought against the State of Kansas.

This bill has not adequately been vetted and brings with its substantial costs to the State of Kansas, local governments, and school districts. Those costs have no choice but to be passed on to the taxpayer. After COVID-19, budgets are already too tight. Adding this burden will make it easier for local governments and school districts to pass tax increases onto their communities.

I thank the committee for allowing us to submit written testimony today. Should questions arise, feel free to contact me at jdm235@gmail.com.

Respectfully,



Jake Miller
Executive Director
Working Kansas Alliance



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