

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-908

AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR

Title: SUPPORT A UNION.

Vote Date: 3/18/2021

Vote Action: Joint Favorable

PH Date: 3/4/2021

File No.:

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SPONSORS OF BILL:

Labor and Public Employees Committee

REASONS FOR BILL:

There is disagreement as to the Janus Supreme Court decision as to issues such as union dues being taken directly from an employee's paycheck, and fully disclosing all options regarding union membership at the outset of employment.

RESPONSE FROM ADMINISTRATION/AGENCY:

MARTIN M. LOONEY, PRESIDENT PRO TEMPORE, CT GENERAL ASSEMBLY

Sen. Looney's testimony said this bill would ameliorate some of the damage done by the Janus decision of the US Supreme Court that enabled public sector workers, simply by quitting the union, to enjoy the benefits of union representation without having to pay for them. This result would appear somewhat absurd as these workers are benefitting from the contribution of others to the union while refusing to provide any support for the entity that is bargaining for their wages and benefits. While states are somewhat limited in how they can address this matter, he believes this bill offers a creative solution. It sets the ground rules regarding communication with and access to employees which is necessary in the post Janus world.

NATURE AND SOURCES OF SUPPORT:

STEPHEN ANDERSON, PRESIDENT, CSEA LOCAL 2001

Unions put power in the hands of workers and level the playing field by giving a stronger voice for health, safety, higher wages, protections from racial discrimination and sexual harassment. They lift up workers, especially black and brown employees. This bill clarifies existing labor laws to ensure both union and public employees their collective bargaining

rights as always being important, and in a time of growing inequality and a global pandemic, it is necessary to have this safeguard.

ROB BARIL, PRESIDENT, NEW ENGLAND HEALTHCARE WORKERS UNION, DISTRICT 1199

This bill ensures union members in public employment have the tools they need to exercise their statutory rights to organize, join unions and engage in collective action. It assures that unions view messages before they are sent to employees or applicants – confirming that the communication accurately reflects the law concerning union membership. It provides protection from employers that want to coerce and intimidate an employee to surrender their right to join or support a union. It is critical to ensure employees are protected and have accurate information.

JODY BARR, EXECUTIVE DIRECTOR, AFSCME COUNCIL 4

Despite a near constant attack from corporate conservative movements for the past several decades, workers have chosen to remain in a union and continue fighting for fair wages, retirement and safe workplaces. In "right to work" states, workers with lower wages and bad retirement benefits reduce the economic benefits of their work and have a higher number of workplace fatalities. Allowing the exclusive bargaining representative to have information provided on new hires in a timely manner as well as periodically being sent updated information will allow workers to be informed about their rights and any change in the agreements. It provides protections for the contractual relationship between an employee and their exclusive representative by honoring authorized cards for dues deductions and prohibiting influence over the employee-representative relationship.

WILLIAM BOUCHER, INTERIM PRESIDENT, CT POLICE AND FIRE UNION

This bill provides clear and precise guidance for the maintenance of information between a public sector employer and an employee organization/union. Labor unions will be the keepers of record for all employees who desire to be members and indemnifies the public employer from any claim made against them by their employee for the improper collection of union dues. Members who choose to revoke their union membership will communicate directly with the labor organization and not the employer. It establishes a uniform timeframe for new employee information to be provided to the labor union for the employee. The State is contractually required to collect member dues through State payroll, and any delay in this communication could result in several pay periods passing before dues are collected. No union member should face any undue hardship because their employer failed to effectively communicate with their union. Clear guidance in this area has been lacking for too long.

CARL CHISEM, PRESIDENT, MUNICIPAL EMPLOYEES UNION INDEPENDENT, SEIU LOCAL 506, CT EMPLOYEES UNION INDEPENDENT, SEIU LOCAL 511

This bill protects a public employee's right to join or support a union and clarifies the law to ensure union and public employees continue to work together and hold workplace meetings during meal breaks and other non-meal breaks within 30 days of being hired. Union membership results in higher wages and much needed labor standards. It provides workers with a voice and gives them the ability to negotiate for better working conditions. Working together helps create a prosperous economy that works for everyone. We must ensure workers have the freedom to make an informed choice about union membership and their right to collectively bargain.

CT WOMEN'S EDUCATION AND LEGAL FUND (CWEALF)

Women, especially women of color, who are affiliated with a union or whose job is covered by a union contract, earn higher wages and are much more likely to access employer-provided health insurance than women who are not in unions. There is still inequities between the wages of men and women, with CT women earning \$0.84 to every dollar of their male counterparts. This disparity is greater for women of color who earn between \$0.48 - \$0.57 for the same job. Elimination of the gender gap is critical to boost families out of poverty. Women's earnings increase when they participate in unions and they are more likely to have health insurance provided by their employers. Union participation is a critical contributor to the economic security and workforce advancement of women.

RICK HART, DIRECTOR, LEGISLATIVE AND POLITICAL AFFAIRS, UNIFORMED PROFESSIONAL FIREFIGHTERS ASSOCIATION

This is the direct result of the Janus v. AFSCME Council 31 Supreme Court decision. The purpose of the bill is to further support the Union movement, combat the deep pocket attacks on working men and women, whose only mission is to provide for their families. This bill assures all workers have the right to join a union and enjoy the benefits and opportunities to live the American dream to provide for their families and to retire with dignity.

JAN HOCHADEL, PRESIDENT, AFT CONNECTICUT, AFL-CIO

This bill clarifies existing laws to ensure unions and public employees continue to work together to provide vital services to the residents of CT. It clarifies existing laws and regulations that cover the collection of union dues. By passing this legislation, the CT General Assembly would take a proactive step in limiting exposure to the negative consequences of right-to-work statutes for a significant portion of the workforce.

DANIEL LIVINGSTON, LIVINGSTON, ALDER, PULDA MEIKLEJOHN & KELLY, PC

The benefits of public sector collective bargaining extend far beyond public employees. There is lower turnover and improved employer/employee communication. Employees are able to advocate for the people they serve, the services they provide and help provide a voice for those in communities whose voices are otherwise far too often muted or ignored. By empowering frontline workers, stress issues of workplace discrimination on the basis of age, gender, race and other forms of discrimination were cited. The testimony focused on sections of the Janus decision and told what they felt was wrong with the decision. It hasn't always been easy to protect the rights of working families and the public they serve against the attacks of those more aligned with privilege and inequality.

SAL LUCIANO, PRESIDENT, CT AFL-CIO

Unions raise wages and labor standards across the economy, improving the lives of all workers, union and nonunion. Through collective bargaining, workers are provided with a voice on the job and the freedom to make a decent living, support their families and have a secure, dignified retirement. It helps create a fairer economy. Wealthy individuals and corporations profit greatly from an economy that only benefits the privileged and the powerful. For decades they have worked to advance "right to work" laws designed to disempower unions by making it harder for workers to organize and build solidarity. Until the Janus decision is overturned, the right-wing and corporate elites will further thwart the aspirations of millions of working people. This bill protects the rights of public employees by requiring employers to provide access to orientation for new public employees to allow the union to

inform them of their right, benefits, duties and responsibilities. The union provides up-to-date bargaining unit lists with worksite locations and contact information so that the union can appropriately communicate and serve the members it represents. Unions clarify the authorization process for employee payroll deductions and recognize that the financial relationship exists between the employee and the union and not the employer. It maintains access to employee representation by allowing unions to meet with their members during the workday to investigate and discuss grievances, workplace complaints and other workplace issues. They urge support for this bill.

CARLOS MORENO, STATE DIRECTOR, CT WORKING FAMILIES ORGANIZATION

"Right to Work" laws are an attack on all CT families. Millionaires and billionaires are working with extreme politicians. These laws lower wages for all families and everyone who lives in a right to work state make up to \$5,000 less per year than those working where this law is not in effect. They have lower wages, lower union density and even lower voter turnout. Despite proponents' claims, research finds that these laws have no positive impact on job creation. These laws are designed to cripple organized labor and permit workers who decide not to join to fully benefit from union representation including higher wages, benefits, training, safety and protection from unfair discipline – without having to pay for it. If lawmakers truly want to make CT a place to work, raise kids and retire, then protecting unions is paramount.

JOHN MURPHY, UNITED AUTO WORKERS, REGION 9A

His testimony said they are in favor of this bill but did not elaborate reasons.

NATURE AND SOURCES OF OPPOSITION:

MICHAEL R. CRISS, FIRST SELECTMAN, TOWN OF HARWINTON

The changes in this bill would place many burdens on municipalities such as mandating the towns to provide information to the union, taking staff away from their normal work duties and delaying the hiring process even if the employee is non-union. This addition cost would unduly burden small towns where staff is limited and there is no allowance to back charge the unions for expenses. This would infringe unnecessarily on the autonomy of municipal employees to efficiently manage their operations and employees. It is nothing more than a mechanism to circumvent collective bargaining and disrupt the management union relationship. With all the money the union collects from its membership and for what little they get for that money, he finds it hard to believe they can't fund a meeting time, location, supplies and correspondence on their own time.

MICHAEL R. CRISS, CCM

Mr. Criss also submitted testimony on behalf of the Connecticut Conference of Municipalities. The changes outlined in this bill place new unfunded mandates on CT towns and cities by creating new administrative burdens. Many CCM members have open lines of communication with unions and bargaining units that represent their employees. The additional administrative costs associated would unduly burden town budgets. Fundamental shifts in functions and operations have traditionally been the responsibility of management. This infringes on the autonomy of municipal employees to effectively manage their operations and employees. This proposal is unnecessary.

BETSY GARA, EXECUTIVE DIRECTOR, CT COUNCIL OF SMALL TOWNS

This bill attempts to sidestep the Supreme Court's decision that agency fees, union dues or similar payments may not be deducted from an employee's pay unless the employee has expressly consented to the decision. This is done by providing unions with greater access and control over employees by requiring unions be provided with certain information about new hires and given access to new employee orientations. It mandates public employees, including municipalities and boards of education, provide unions with information about newly hired and current employees, give access to new employee orientations and the ability to access government buildings and facilities to conduct meetings with bargaining unit members. This bill will only serve to create unnecessary tension and friction between municipal employers and their employees.

MITCHELL R. GOLDBLATT, DIRECTOR OF HUMAN RESOURCES, TOWN OF GUILFORD, PRESIDENT, CT PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION. ORANGE BOARD OF SELECTMEN MEMBER, CCM POLICY COMMITTEE ON LABOR RELATIONS MEMBER

Plain and simple, the proposed changes are unnecessary and provide an overreaction to the current labor situation in cities and towns. They place unfunded mandates on municipalities and create issues where none may exist. Labor relations are about communications between the municipality and their respective labor unions. This bill implies towns are incapable of communicating effectively and imposes a huge unnecessary and unfunded burden on them. The need to negotiate the structure, time and manner of orientations is simply ridiculous and unnecessary. Towns with no HR departments can't even comply with the intent and restrictions in this bill without adding staffing. Municipalities don't make ANY payroll deductions including raises, medical cost sharing or retirement savings without written authorization from the employee themselves. To allow the union to do so is certainly unwise, exposing the employer to claims later and creating a dangerous precedent. A good portion of the bill discusses the resolution of disputes and unfair labor practices over dues deductions. This can easily be eliminated by not forcing the exclusive representative to be holding onto dues authorizations. This bill differs from others by eliminating the language on how an employee can opt-out of union membership. This is a major flaw and does not follow the Supreme Court decision. Nearly all these issues can be relieved by adding the phrase "or as agreed upon between the employer and the exclusive representative". Putting all these mandates together will only jeopardize and strain the future of labor-management relations.

CATHY HOPPERSTAD, MANCHESTER RESIDENT

She has been a public employee her entire working career, first in a municipal recreational department, then the US Army, and lastly, a public educator. In two of these positions she was required to join a union. The reason she opposes the bill is because she does not look to the taxpayers as an adverse foe and believes we work for them and in their best interest. She does not support any portion of dues, which are actually taxpayer's funds, going to support political candidates. AFT has donated more than \$2.2 million to political control groups over the past 5 years. When the Janus decision came down, she decided to pay just her agency dues and was thankful she could take 25% of her dues and use it for candidates of her choice. There are 3 main reasons she is against this bill. Municipalities should not be required to provide personal information to the union. New employees should be made aware of both sides of the union issue: to join or not to join. A decision to leave a union should not be cumbersome and an employee should have the right to leave at any time. If public unions were truly working for the best interest of public employees and the citizens of

this country, they would be transparent, work to resolve issues such as sick schools, lack of technology and supplies, violence in schools, the overburden of state mandates on teachers and securing pensions without additional burden to the taxpayers. She would support a bill that would prohibit public unions from donating any fund to political groups and use dues for its members' pension security and truly support teachers' ongoing struggles to work in a clean, healthy, safe and resource-rich environment.

This bill does none of this.

JOHN KALB, VICE PRESIDENT, NATIONAL RIGHT TO WORK COMMITTEE

This bill would give CT union officials greater access to employees in the public sector and their personal records by mandating each new employee undergo a union boss "orientation" as part of the on-boarding process and creating the first step towards giving CT an elite stranglehold over all public employees. It would also grant union bosses access to the phone numbers, home and work addresses, work shift, email addresses and job titles of every public employee. They will use this information to harass and intimidate those who refrain from joining a union. It grants them special privileges of using government email systems and the right to conduct union business in state facilities. It facilitates onerous "escape period" restrictions that prohibit employees from exercising their First Amendment right. It puts the "foxes in charge of the henhouse" when it comes to the constitutional duty to honor employees' exercise of their First Amendment rights under Janus. This bill forces taxpayers to pay union bosses to conduct their propaganda campaigns. This bill would cost local governments across the state by forcing them to finance what is nothing more than a union boss perk. No employer should be spending tax money to finance the recruiting efforts of a private organization. As distractive as that model is in the private sector, it's even more dangerous when this power is granted to government union officials. Instead, the legislature should be protecting the freedom and rights of its government workers.

ELIZABETH KINES, NATIONAL EXECUTIVE DIRECTOR
SUZANNE BATES, SENIOR WRITER AND RESEARCHER
AMERICANS FOR FAIR TREATMENT

While a public sector union is required to represent all employees in a bargaining unit, not all employees welcome this representation. Janus determined that public-sector unions are inherently political and held that public employees cannot be forced to fund unions as a condition for employment. CT does not permit employees to refuse the union's exclusive representation. They have concerns that the bill would require the state to provide personal information including the home address of public employees to the union regardless of the employees' union affiliation. Employees should have the right to choose if they want to share this information with the union. It gives unions unsupervised access to employees at their place of work during the workday. It does not take into account if the employee approves of this arrangement or not. The demands relating to deducting union dues is troubling. They should have the right to give consent before this begins. The changes in this bill would not improve labor relations or improve the work or private lives of public employees. It attempts to fix a problem that does not exist and actually creates additional problems.

NATHAN J. McGRATH, PRESIDENT/GENERAL COUNSEL, FAIRNESS CENTER

This testimony told of a client they represented who, because of religious beliefs, was compelled to resign her union membership and end financial support of any activities of her public sector union. After she resigned her membership, the union simply did not respond, forcing her to spend nearly 3 years trying to stop the deduction of union dues from her

paycheck. She appealed to her employer, but he referred her back to the same union official who had been ignoring her. Only after she brought a federal lawsuit, alleging the dues taken after her resignation violate her constitutional rights, was her situation fully resolved. This bill may place other public employees in a similar roundabout situation. The bill seems to give labor organizations unilateral authority to set procedures that employees must follow to stop the state from deducting union dues. Public employees would be required to direct employee requests to cancel or change deductions to the employee organization and shall rely on information provided by the public employee organization regarding whether deductions for the employee organization were properly canceled or changed. Other employees are often seeking to have their union and employer honor their choice about whether or not to be a member. They encourage rejection of any provisions that make it more challenging for employees to assert their constitutional rights.

FRANK RICCI, FORMER UNION PRESIDENT, NEW HAVEN FIRE FIGHTERS LOCAL 825, SENIOR STRATEGIST, YANKEE INSTITUTE

This bill is based on a false premise and it is disheartening that union leaders would give misleading information to elected officials. The right to join or support a union is already well-established and respected, but much of the language is troubling, enshrining union membership language into state law and making it difficult for public employees to exercise or know their rights. This bill is really about obtaining personal private information without consent and without any safeguards to prevent the union from selling or giving the information to a third party. It is a dangerous attempt to keep members in the dark and prevent management from informing employees about their rights regarding union membership. This action hurts the union as much as the employees. When a union knows that a member can leave at any time, they are then accountable to perform at the highest level and be free of corruption to earn that member's dues. This bill is not about the right to join or support a union, it is legislation to compel the government to provide a private organization with the personal information of its own employees and allow union leadership to keep members in the dark about their rights.

TONY SALVATORE, TOWN MANAGER, TOWN OF CROMWELL, CCM

The proposed changes outlined in this bill represent a fundamental shift in functions and operations that have traditionally been the responsibility of management. They would infringe on the autonomy of municipal employees to efficiently manage their operations and employees and place employers in precarious and potentially compromising positions. Since the Janus decision, CCM has not seen an issue between labor and management. These changes are unnecessary. This is a solution looking for a problem. CCM supports open communication between municipal employers and the union, but this bill mandates additional reporting requirements for towns and cities which creates a new administrative burden imposed on municipal employers. It is an unfunded mandate. This bill would give union representatives virtually unrestricted access to municipal facilities, buildings and electronic communication systems. Towns are neutral when it comes to employee's choice to join a union – these requirements harm the relationship between management and labor. This bill would delegate certain payroll functions to the union. Deductions should not be made without written authorization from the employee. The bill may also interfere with contracts some employers have with third party payroll vendors. Alterations may result in a negative fiscal impact and increased administration burdens. Changes outlined in these proposals should be subject to collective bargaining.

LAUREN WIGGINS, ELEMENTARY PUBLIC SCHOOL TEACHER

About a year ago, she considered getting more involved with the union and taking a leadership position. Her views and knowledge evolved and changed. After 14 years she decided to leave the union. It was an easy and stress-free process. The reason she left was because she discovered she didn't believe in many things the union supported or the way it attempted to push political issues down her throat. She has a right to be a free thinker and make decisions that best align with her personal morals and beliefs. Nobody should feel trapped in a union and be bullied for trying to leave a union. That would be the result if this bill is passed. This will impose negative impacts to many people in CT.

KEITH WILLIAMS, FORMER PUBLIC SCHOOL TEACHER, NEW OXFORD, PA

His testimony said he worked in the public education system for over 20 years and also served as a coach. He said he volunteered in a program for our school's at-risk youth and led an innovational outdoor education program in locations like the Grand Canyon, Crater Lake, Yellowstone, and Acadia National Park. His life was one of public service and he served in search and rescue in New York City after the 9/11 terrorist attacks. Protecting the individual rights of public servants is the duty of the legislature, and this is why this bill should not be passed. Personal information should not be given away by employers without consent. Political lobbying is done to sell employees to join the union and takes time out of a work day. Does the oath to protect constituents' individual rights change based on party interests? Nowhere in this legislation are employers required to notify new or existing employees of their right not to join a union. A failure to notify employees of their First Amendment rights – whether or not they are convenient to a party interest – is much like omitting Miranda Rights during an arrest. This legislation cherry-picks procedures and personal information beneficial to union executives while omitting protections or notice to employees that might suggest they have other options. The legislature should actively protect the rights of employees rather than extend favors to union executives. While it is well within the rights of workers to unionize, this legislature should consider the damage this bill will do to the individual and privacy rights of CT's public servants and the disincentive it provides public sector unions to serve and protect their own members.

DAVID WORSLEY, SUPERVISING MICROBIOLOGIST, CT DEPT. OF PUBLIC HEALTH LABORATORY

He does not support this bill because it appears a new employee will not be informed that they also have the choice not to join a union. Informing a new employee of their option to resign or decline union participation may be interpreted as a prohibited practice and is clearly biased. Sound decisions are based on the evaluation of all available options, not on one-sided promotion by pro-union forces. This legislation is in the interest of proponents of collective bargaining and the political forces that benefit thereof, not in the interest of all people.

KEN GIRARDIN, DIRECTOR OF POLICY AND RESEARCH, YANKEE INSTITUTE

The General Assembly, in structuring public sector labor relations, whether for state workers, municipal employees, or teachers, has one prevailing concern – labor peace. This is preventing strikes and work stoppages that disrupt the delivery of public services. The state's collective bargaining laws are designed to provide the framework that facilitates good-faith bargaining and affords dispute-resolution mechanisms. In terms of avoiding strikes and work stoppages, the state has been successful – both before and after Janus. The state is experiencing labor peace, and the discussion should end there. In reality, this legislation is a

naked and transactional attempt to benefit political organizations. It would grant special privileges on public-sector unions at the expense of state and local taxpayers and of individual public employees. Membership cards are often drafted deliberately to make it difficult for an individual to withdraw their consent for dues that routinely cost over \$800/year. So if an employee changes their mind at the outset of their employment, they often must wait more than 10 months before they are able to stop paying dues. The very fact that many of these demands are already attainable through the bargaining process, but that the unions are seeking them through legislative action is a testament to the political nature of public-employee unions – and why none of these demands should be granted.

Reported by: Marie Knudsen, Assistant Clerk

Date: April 5, 2021