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Written testimony
Senate Bill 361
Senate Commerce Committee
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Senate Bill 361 is the one in which the state imposes its judgement over the judgement of the individual citizen. Citizens, under this bill, need to be reminded by the state that the state does not like labor unions and needs to be in the business of interfering in the individual's decision to join a union.

This despite the fact that Kansas is a right to work state under which no one is forced to join a union or to pay a representative fee while still benefiting from the work of the union. This also despite the fact that statute already requires public employers to remind employees that they don't have to join a union if they don't want to. This bill attempts to solve a problem that simply doesn't exist and in doing so hassles and annoys anyone who chooses to be a member of a union.

We choose to focus our comments on page three of the bill at this time.

First, on lines 9-11, a union member is prohibited from authorizing dues payment via payroll deduction for more than one year. This is essentially a state-forced drop of membership in that members have to pay dues and a failure to timely submit a new payroll deduction form might result in a loss of representation - not because the employee wanted it but because it apparently serves the state. Citizens should be allowed to make decisions about memberships and dues payments using their own judgment. It is inappropriate for the state to consider its judgment to be greater than that of the individual.

Next, on lines 15-24, the bill requires a statement to be presented to each potential union member that is a twisted version of the first amendment to the United States Constitution. The language comes from a recent Supreme Court decision in which the Court struck down representation fees that are sometimes charged to non-members by unions. The Court determined that since the first amendment gave one the right to associate (as in join a union), it should also be true that one has the right NOT to associate. The Constitution guarantees the right to associate; it is a reversal of that language to say the Constitution guarantees a right NOT to associate.

The statement is also intended to frighten the individual by signing a statement that they "waive their first amendment rights." No, they don't waive their first amendment rights by joining a union. In point of fact, an individual is exercising the first amendment right of freedom of association by joining the union.

Further, the Court decision was not about the right to join or not to join a union; it was not about the right to use or not use payroll deduction for dues. It was about the right of the union to charge a representation fee to non-members. Unions in Kansas have never had the right to charge such a fee. As a right to work state, the Supreme Court decision had no impact on Kansas.

Finally, on lines 25-34, it would appear that the state does not believe the individual is competent enough to make the decision for himself or herself. Once a payroll deduction form is submitted to the employer, the employer must then send an email to the employee making sure that he/she really wants to do this - as if it is assumed the individual made a mistake. And the employee must then respond to the employer's message by indicating that yes, he/she actually did mean it when signing that form.

Why, one wonders, is it assumed that the individual erred in joining the union but did not err in dropping membership? There is no requirement in the bill in the section starting on page 2, line 36 and continuing through page 3, line 8 that the employer verify that the employee really did want to end membership. Why is that?

This verification process only applies to starting payroll deduction for the collection of union dues. Is the state assuming then that the employee is exercising good judgement in making contributions to the United Way by payroll deduction but exercising bad judgement in doing the same for union dues?

The intent of this bill is not to protect anyone. The intent is very clear. It is designed to interfere in the ability of public sector unions to recruit members and to collect dues. It is intended to harass and annoy individuals who choose to exercise their first amendment right to freedom of assembly by choosing to join a union.

We ask you to oppose Senate Bill 361.