



Pennsylvania Conference of Teamsters

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LEGISLATIVE ACTION ALERT

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PA Anti-Union Legislation Being Reintroduced

MEET YOUR ANTI-UNION REPS.



Ryan Mackenzie
Lehigh County
Labor & Industry
Republican Chair



Dawn Keefer
York County

More worried about screwing with unions instead of introducing legislation that benefits workers



PA House Bill 357 Prohibiting Political Contributions through the Government Payroll System



PA House Bill 836 would be required to conduct, during a one-year period, a secret ballot election for the recertification for the Commonwealth's public-sector unions



PA House Bill 834 eliminates the ability of public sector unions to negotiate "maintenance of membership" clauses in collective bargaining agreements. The elimination of such clauses effectively allows union members to resign their membership at any time.

MEMORANDUM

From: [Representative Ryan E. Mackenzie](#)
To: All House members
Subject: Prohibiting Political Contributions through the Government Payroll System

In the near future, I will be reintroducing legislation to prohibit payroll deductions from public sector employees for political action committee (PAC) contributions. This prohibition will stop government resources, including the government payroll system, from being used for political purposes, regardless of the cost associated.

PAC deductions processed by the government payroll system are voluntarily made by union members. However, they are unique in that they are the only deductions made through the government payroll system that are used directly for partisan political activity. Other voluntary contributions or payments made for services rendered through the government payroll system include those made to insurance companies, financial institutions, and charitable organizations. These contributions or payments are not used for partisan political activity.

My legislation will stop any individual from making contributions to partisan PACs through the government payroll system.

Introduced as [HB357](#)

MEMORANDUM

From: [Representative Dawn W. Keefer](#)
To: All House members
Subject: Providing Public-Sector Employees with a Voice in Their Professional Representation

I am preparing to reintroduce HB 2037 from the prior session to provide public-sector employees with the opportunity to regularly vote on their professional representation.

The Commonwealth, in 1970, with the passage of Act 195 of 1970 (the Public Employee Relations Act) allowed for all public-sector employees to unionize. The Commonwealth had previously given this right exclusively to police and firemen under Act 111 of 1968. Under the Act 195 public employees seeking union representation are required to go through a petition process and then a secret ballot representation vote. If a majority of the collective bargaining unit votes for union representation, the Pennsylvania Labor Relations Board (Board) then certifies the union as the exclusive representative of the unit.

Once a union is certified as the collective bargaining agent, it serves as the exclusive representative *indefinitely*, unless a decertification petition is filed, and a decertification election is held (a very rare occurrence). Thus, there are very common instances where a union has been certified for decades and where a large number, if not all, of the public employees in that collective bargaining unit never cast a vote to be represented by the union. In essence, current members of a collective bargaining unit inherited union representation, and never had a “direct say” on the issue.

This lack of a say for public employees was noted a few years ago as it was reported, with respect to school districts, 427 of the 500 school districts (85%) certified union representation in 1970 or 1971. Current estimates indicated, at the time, less than 1% of current school district employees represented by unions originally voted for representation. This is lack of a say for public employees in their union representation is not limited to school districts as other major unions such as United Food and Commercial Workers 1776 and the Service Employees International Union 668 held their last elections for state employees over 40 years ago.

The unintended consequence of Act 195 has been to leave new employees without a voice or say in their professional representation. Since Act 195 allowed for public unions to serve as the exclusive representative for a bargaining unit in perpetuity union management no longer need to be responsive to needs or desires of the employees they represent.

In order to provide public-sector employees a say in their professional representation, I plan to re-introduce legislation which would amend Act 195. Under my legislation the Board would be required to conduct, during a one-year period, a secret ballot election for the recertification for the Commonwealth’s public-sector unions. This initial election would take place two years following the enactment of my legislation. Following the initial representation vote by members of a

collective bargaining union; the legislation requires another recertification vote every six years.

Several states have recently adopted some form of requiring recertification elections for public sector employees. These states include Missouri (recertification vote every 3 years adopted in 2018), Iowa (recertification vote one month before end of contract adopted in 2017), and Wisconsin (recertification vote annually adopted in 2011). As a result of these changes employees are empowered to choose their own representation as demonstrated by the State of Iowa which saw 88% of union members participate in the first election.

This legislation offers a reasonable timeframe for recertification elections while ensuring that public-sector employees have direct input on whether they desire union representation. Additionally, this bill will help keep union management accountable and more importantly responsive to their members they represent. Please join me and co-sponsor this legislation to provide public-sector employees with a voice in their professional representation.

Introduced as [HB836](#)

MEMORANDUM

From: [Representative Dawn W. Keefer](#)
To: All House members
Subject: Requiring Notification of Right to Resign Membership in Public Sector Union

I will be re-introducing HB 2036 (Rothman) from the prior session to amend the Public Employee Relations Act (Act 195 of 1970) to allow members of public sector unions to terminate their membership at any time. Under current law, Act 195 states that a public employee can only resign their membership from their representative union during the 15-day period before a collective bargaining agreement ends.

Traditionally, public sector unions have argued that "maintenance of membership" provisions are important in collective bargaining agreements to ensure stability of their membership. These "maintenance of membership" provisions provide, when employees who have joined a union, they must remain union members for the duration of a collective bargaining agreement; the law provides a very limited window in which a member can resign (15 days).

Though not required to notify workers of their upcoming resignation window, union leaders often mandate members submit a resignation letter by certified mail to a specific address within the narrow time frame. As a result, this burdensome resignation process severely limits employees' right to free association.

I believe that allowing public sector union members to resign at any time ensures their constitutional rights with respect to freedom of speech and freedom of association. These rights were recently reinforced for non-members of public sector unions by the U.S. Supreme Court in *Janus v. AFSCME* with respect to payment of compulsory fair share fees levied on non-union workers; the Court ruled that non-members cannot be forced to associate or make payments to the representative union. In practice, I believe "maintenance of membership" clauses are against the spirit of this court ruling because they force employees to fund the activities and politics of an organization they no longer support (and want to resign from).

My proposed legislation eliminates the ability of public sector unions to negotiate "maintenance of membership" clauses in collective bargaining agreements. The elimination of such clauses effectively allows union members to resign their membership at any time.

Please join me in co-sponsoring this important piece of legislation.

Introduced as [HB834](#)