



Pennsylvania Conference of Teamsters

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LEGISLATIVE ACTION ALERT

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UNIONS REPRESENTING PUBLIC SECTOR MEMBERS ARE UNDER ATTACK IN PA

PA HOUSE BILL 2042

House of Representatives
Session of 2021 - 2022 Regular Session
MEMORANDUM

From: [Representative Kate A. Klunk](#)
To: All House members
Subject: Employee Rights Notification and Protection

I am preparing to reintroduce House Bill 785 from last session which would require public sector employees to be notified of their rights under the 1st Amendment and state law.

As you may know, a decision by the U.S. Supreme Court ruled that public employees cannot be required to pay money to a union unless the employee agreed to join the union or consented to donate money to the union. State law provides public employees with the right to decide whether to join the union – and the right to refrain from being involved in union activity.

My legislation would provide notification of employee rights as follows:

- Public employees who are not union members would be notified annually that they are not required to pay any money to the union unless they agree to do so.
- New employees for public jobs would be notified of their right to choose whether or not to join the union – and of their 1st Amendment right to not pay any funds to an organization they did not consent to support.

Additionally, two state laws (requiring public employees to pay fair share fees if they do not join the union) that have been rendered unenforceable by the Supreme Court will be repealed.

This bill is not intended to help or harm public sector unions. Simply put, the bill aims to help public employees understand their rights and to protect those rights from being intentionally or unintentionally violated.

I hope that you will join me by cosponsoring this legislation.

Introduced as [HB2042](#)

PA HOUSE BILL 2036

From: [Representative Greg Rothman](#)
To: All House members
Subject: Requiring Notification of Right to Resign Membership in Public Sector Union (Previously HB506 of 2019-20)

I will be re-introducing legislation from last session (HB 506 in 2019/20 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.

Prior Session Cosponsors: MACKENZIE, KNOWLES, KAUFFMAN, GLEIM, ZIMMERMAN, DELOZIER, METCALFE, HELM, EVERETT and DIAMOND

[View Attachment](#)

Introduced as [HB2036](#)

PA HOUSE BILL 2037

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 478 (Grove) 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 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.

Prior Session Sponsors: GROVE, RYAN, GLEIM, ZIMMERMAN, DUSH, JONES, KEEFER and COX

[View Attachment](#)

Introduced as [HB2037](#)

PA HOUSE BILL 2048

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 introducing 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. This bill will not prohibit the deduction of regular union dues for union members who elected to join or have an impact on police officers, firefighters, or other public employees who are prohibited from striking.

Please join me in co-sponsoring this important legislation.

[View Attachment](#)

Introduced as [HB2048](#)

PA HOUSE BILL 844

From: [Representative David H. Rowe](#)

To: All House members

Subject: PERA – Employee Privacy

In the near future, I will be reintroducing legislation (former HB901 - F. Keller) designed to protect sensitive personal information of Commonwealth employees. Specifically, this legislation will amend Section 705 of the Public Employee Relations Act (Act 195 of 1970), to prohibit social security numbers and home addresses of public sector employees from being proper subjects of collective bargaining.

There is simply no public policy justification for the transmission of this type of employee information. Moreover, the dissemination of this information (malicious or inadvertent) can result in a myriad of undesirable outcomes, including unwanted solicitations or identity theft.

It is my strong conviction that legislative action is necessary to ensure the confidentiality of this sensitive personal information, and to protect the privacy of our Commonwealth's workforce.

Please join me in co-sponsoring this legislation.

Introduced as [HB844](#)

PA HOUSE BILL 845

From: [Representative David H. Rowe](#) and [Rep. Tommy Sankey](#)

To: All House members

Subject: Public Notice Prior to Signing Collective Bargaining Agreements

In the spirit of openness and transparency, we will be reintroducing legislation (former HB250) to provide public notice of public employee collective bargaining agreements prior to approval. Taxpayers have the right to know how their hard-earned money is being spent. Public employers across the commonwealth currently negotiate contracts costing billions of dollars without any public review or oversight.

Our legislation will require any proposed public employee collective bargaining agreement to be made available on the public employers' publicly accessible Internet website within 48 hours. The proposed agreement must be posted online two weeks prior and thirty days following the signing of the collective bargaining agreement. The posting shall include the

following information:

1. A statement of the terms of the proposed collective bargaining agreement
2. An estimate of the costs to the public employer associated with the agreement

This legislation also establishes that proposed collective bargaining agreements and any documents presented by the public employer or received from the employee organization in the course of collective bargaining are to be public records subject to the Right-to-Know Law.

Taxpayers have a vested interest in the details of negotiations between public employers and their collective bargaining units, because they will be paying the bill. The public should have the right to review proposed agreements before they are signed. Requiring an online posting of the proposed collective bargaining agreements is a straightforward reform to advance government transparency and ensure taxpayer money is spent effectively.

Introduced as [HB845](#)

PA HOUSE BILL 1117

From: [Representative David H. Rowe](#)
To: All House members
Subject: Protecting the Rights of Pennsylvania Public Employees

Please join me in sponsoring legislation to ensure that we protect the rights of Pennsylvania public employees. For too long, special interests have used the levers of government to entrench and enrich themselves off of the backs of workers. My legislation is designed to level the playing field so that all Pennsylvanians can enjoy their rights. Details of the bill are below.

This legislation would:

- Guarantee that public employees' First Amendment rights are protected by repealing an unconstitutional statute and helping government workers know their legal rights.
- Allow government workers to leave a union at their choice, rather than waiting for a narrow 15-day window at the end of a multi-year contract.
- Establish affirmative consent for union membership, wherein a worker's consent to join a union cannot be presumed, rather it must be in writing.
- Require workers to recertify a union, through an election, every three years.
- Enable workers to represent themselves in contract negotiations.
- End the taxpayer-funded collection of union dues and PAC money.

Please join me in sponsoring this important piece of legislation.

Introduced as [HB1117](#)

THESE BILLS CANNOT BECOME LAW

LET YOUR REPS KNOW THE TEAMSTERS ARE STRONGLY OPPOSED TO ALL THE ABOVE BILLS

