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HOUSE OF REPRESENTATIVES

LABOR AND INDUSTRY COMMITTEE
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WEDNESDAY, SEPTEMBER 5, 2018
1:31 P.M.

PRESENTATION ON
HOUSE BILL 2571, LEGISLATION PROTECTING THE RIGHT OF
NONMEMBERS TO FORGO CONTRIBUTING TO A UNION,
JANUS DECISION COMPLIANCE

BEFORE:

HONORABLE ROB KAUFFMAN, MAJORITY CHAIRMAN
HONORABLE SHERYL DELOZIER
HONORABLE CRIS DUSH
HONORABLE SETH GROVE
HONORABLE DAWN KEEFER
HONORABLE FRED KELLER
HONORABLE KATE KLUNK
HONORABLE DAVID MALONEY
HONORABLE JACK RADER
HONORABLE JESSE TOPPER
HONORABLE JOHN GALLOWAY, DEMOCRATIC CHAIRMAN
HONORABLE MORGAN CEPHAS
HONORABLE MARIA DONATUCCI
HONORABLE LEANNE KRUEGER-BRANEKY
HONORABLE JEANNE MCNEILL
HONORABLE DAN MILLER
HONORABLE ED NEILSON
HONORABLE PAM SNYDER

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

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I N D E X

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P R O C E E D I N G S

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MAJORITY CHAIRMAN KAUFFMAN: All right. The time is 1:31, and I'm going to call this meeting of the House Labor and Industry Committee to order.

We had the Pledge this morning. That will serve as the Pledge for this afternoon's session as well. And I'd like to welcome all to this afternoon Committee meeting. Of course, the meeting is being recorded, as was this morning's, so please silence devices as you can to minimize interruptions.

And I'm going to ask the Secretary if she would please call the roll for this afternoon's meeting.

(Roll was taken.)

MAJORITY CHAIRMAN KAUFFMAN: Thank you very much.

Today, we will be discussing House Bill 2571, and this is a legislative proposal by Representative Klunk, which would bring Pennsylvania into compliance with the U.S. Supreme Court's ruling in *Janus v. AFSCME*.

Representative Klunk is obviously a Member of this Committee, so first, before we begin with our first panel, I'd like to recognize Representative Klunk to make some brief remarks and give any background she would like

1 regarding her legislation. Representative Klunk?

2 REPRESENTATIVE KLUNK: Sure. Thank you,
3 Mr. Chairman, for the opportunity to discuss with you and
4 the Committee my legislation, House Bill 2571.

5 As you all know, the United States Supreme Court
6 issued its decision in *Janus v. AFSCME* that government
7 employees who have opted out of their unions should not be
8 forced to pay union agency fees or fair-share fees. And
9 this ruling does not apply to private-sector unions and
10 employees.

11 *Janus* is certainly a very important First
12 Amendment victory for all government employees throughout
13 the Commonwealth. This ruling helps to ensure that these
14 vital employees have a choice to support unions that may
15 not hold their own personal political beliefs.
16 Specifically, the Supreme Court ruled that taking money
17 from workers who did not affirmatively consent to fund this
18 political activity violates their constitutional rights.

19 Unions spend big money on political activity, and
20 these fair-share employees contribute quite a bit to this
21 activity. And now, political activity isn't just
22 campaigns. *Janus* did hold that it's union activity,
23 including wage, pension, benefit, anything that is part of
24 those contract negotiations.

25 One hundred and fourteen million dollars has been

1 spent by public-sector unions on politics over the last 10
2 years. These are the very unions who have opposed reforms
3 of our woefully underfunded pension system. These are the
4 very same unions who have worked to block popular changes
5 to our State-owned liquor stores. And these are the very
6 same unions who have stood in the way of job-promoting
7 regulatory changes often over the objection of government
8 workers themselves.

9 Twenty-eight thousand Pennsylvanians who are
10 workers here in the State pay fair-share fees. Fair share
11 costs these employees a collective \$9.7 million just in one
12 year. And that equals just shy of \$350 per worker per
13 year.

14 My legislation, House Bill 2571, simply ensures
15 that the law of the land is enforced here in Pennsylvania
16 and that these government employees are made aware of their
17 rights. Ultimately, House Bill 2571 is a consumer-worker
18 protection issue.

19 House Bill 2571 would further protect the rights
20 of individuals in a collective bargaining unit who are not
21 members of the representative union, also known as those
22 fair-share payers. Specifically, the legislation proposes
23 the following four changes to Act 195:

24 First, it directs public-sector unions to inform
25 nonunion members of the *Janus* decision, and that these

1 once-required fair-share fees to the union are now purely
2 voluntary. These workers will also be informed that their
3 employment status will not be affected if they do or do not
4 decide to contribute on their own accord to the union.

5 Second, the bill requires a public employer to
6 notify job applicants that being a member of the
7 representative union is not a condition of employment, and
8 that, as a nonmember, they have no obligation to make any
9 payments to the representative union.

10 Third, the bill prohibits public employers from
11 making any payroll deductions from wages of nonmembers and
12 requires employees to make voluntary payments directly to
13 that representative union. And this helps to ensure that
14 those payments are purely voluntarily and consented to by
15 the employee.

16 Finally, the bill repeals two Pennsylvania laws
17 that authorized the payment of these fair-share fees by
18 nonmembers, Act 84 of 1988 and Act 15 of 1993. This will
19 help to ensure that Pennsylvania law complies with the
20 *Janus* decision and takes these unconstitutional laws off
21 the books.

22 House Bill 2571 represents a huge opportunity for
23 us to expand worker freedom here in Pennsylvania, to
24 protect our workers and their rights, and to foster
25 fairness in our political system. Again, this is

1 ultimately a consumer-worker rights protection bill.

2 Mr. Chairman, I thank you and the Committee for
3 their time, and I look forward to hearing from our
4 testifiers.

5 MAJORITY CHAIRMAN KAUFFMAN: Thank you,
6 Representative Klunk.

7 Now, we are going to move into the first panel
8 discussion. For that first panel, we have David Osborne,
9 an attorney with the Fairness Center, Keith Williams with
10 Americans for Fair Treatment, and Beth Anne Mumford of
11 Americans for Prosperity.

12 I just want to remind our panelists if you could
13 summarize your testimony and keep it to about five minutes,
14 and our research analyst Shannon Walker on the end of your
15 table will give you the signal. So that is your signal,
16 and you may begin, and then we'll open up to questions
17 after you're done.

18 David, if you want to begin.

19 MR. OSBORNE: Sure. Good afternoon. Thanks to
20 Chairmen Kauffman and Galloway, Representative Klunk, and
21 to the rest of the House Labor and Industry Committee for
22 your attention to this issue.

23 My name is David Osborne. I'm President and
24 General Counsel of the Fairness Center, a public-interest
25 law firm that protects those who are hurt by public-sector

1 union officials. The Fairness Center represents various
2 public-sector employees, some of whom are members, some of
3 whom are nonmembers who would be impacted by this or other
4 bills that have been introduced. I am here to represent
5 those clients today.

6 On June 27th, the United States Supreme Court
7 decided a case called *Janus v. AFSCME, Council 31*,
8 involving a public employee from Illinois named Mark Janus.
9 Mark Janus claimed that Illinois law unconstitutionally
10 permitted his Illinois union to extract agency or fair-
11 share fees as a condition of public employment. He argued
12 that it was a violation of his First Amendment rights to be
13 forced to subsidize the political speech of a private
14 organization, particularly when he disagreed with that
15 private organization.

16 The Supreme Court in *Janus* decided in Mr. Janus'
17 favor, holding that agency fees authorized by Illinois law
18 violated the First Amendment. As Justice Samuel Alito
19 wrote in the majority opinion, "The idea of public-sector
20 unionization and agency fees would astound those who framed
21 and ratified the Bill of Rights."

22 In reaching this conclusion, the Supreme Court
23 overturned its own precedent dating back to 1977 under
24 which it tried to draw a distinction between union
25 political activities and core representation activities.

1 Over the decades, that distinction proved arbitrary and
2 unworkable for one simple reason: everything public-sector
3 unions do is political.

4 The Supreme Court also addressed a question that
5 Mark Janus did not actually ask: whether unions could
6 nevertheless charge agency fees with nonmember employees'
7 affirmative consent. And the answer to that question,
8 according to the Supreme Court, is yes. Provided the union
9 secures a truly voluntary waiver of an employee's right not
10 to pay agency fees or some other payment, it can continue
11 to deduct those fees or payments going forward.

12 I advocate on behalf of my clients for three
13 basic changes to Pennsylvania law in light of the Supreme
14 Court's decision in *Janus*:

15 First, it is essential that Pennsylvania bring
16 itself into alignment with *Janus* by repealing its fair-
17 share fee laws. Pennsylvania's public-sector employees
18 should have the right to stop paying their unions and can
19 justifiably expect that their unions will honor that right,
20 but it is not automatic. Eight of the Fairness Center's
21 clients have pending cases that were affected by *Janus*, but
22 the courts have yet to rule on how *Janus* impacts
23 Pennsylvania law. *Janus* addressed the issue generally and
24 Illinois law specifically, but Pennsylvania's fair-share
25 fee laws are still on the books. That is not just a

1 technical point. Our fair-share fee laws may be used
2 against public employees unless the General Assembly
3 repeals those laws. House Bill 2571 does that.

4 Second, the General Assembly should proactively
5 oversee the unions' efforts to secure nonmember fees going
6 forward. Again, *Janus* ruled that extraction of agency fees
7 as a condition of employment is unconstitutional, but it
8 does allow public-sector unions to take fees from
9 nonmembers, as long as they give affirmative voluntary
10 consent. For the moment, the process of obtaining such
11 consent is completely unregulated. That raises a number of
12 questions. For example, what form can a request for
13 consent take? And at what times can such requests be made?
14 The bill under consideration today at least begins to
15 address these issues by ending payroll deductions and
16 requiring a notice to nonmembers and new hires of their
17 rights under *Janus*.

18 Thirdly and finally, the General Assembly should
19 repeal its maintenance-of-membership law. Pennsylvania's
20 maintenance-of-membership law purports to keep public
21 employees from exercising their right by limiting their
22 opportunity to leave a union and limit that to a 14-day
23 period prior to the expiration of a collective bargaining
24 agreement, which may span several years. The bill under
25 consideration today does not address maintenance of

1 membership, but I believe other bills will.

2 For those on the Committee who did not celebrate
3 *Janus*, I think these measures are still worthy of your
4 support. Pennsylvania has an opportunity to implement
5 *Janus* in a way that will serve and preserve the rights of
6 public employees at every level of government.

7 For those who celebrated the *Janus* ruling, I just
8 want to emphasize on behalf of my clients that implementing
9 that ruling here in Pennsylvania is not automatic. Public
10 employees are counting on their legislators.

11 Thank you. I'd be happy to address any questions
12 you may have.

13 MAJORITY CHAIRMAN KAUFFMAN: And Keith, you may
14 go next. We'll do questions at the end of the panel.

15 MR. WILLIAMS: All right. So thank you, Chairmen
16 Kauffman and Galloway, Representative Klunk, and to the
17 rest of the House Labor and Industry Committee for the
18 opportunity to testify today on behalf of H.B. 2571.

19 My name is Keith Williams, and I am the Director
20 of Outreach at Americans for Fair Treatment, an
21 organization dedicated to public-sector employee advocacy.

22 For the past 21 years I've actually been a
23 public-school teacher, so you heard from an attorney; I'm
24 going to bring it down a little bit. Eighteen of these
25 years were spent at New Oxford High School where I taught

1 several English classes, including a Middle-States-
2 accredited course that took students to places like
3 Yellowstone, the Grand Tetons, Grand Canyon, Zion, Redwoods
4 National Park. I've sacrificially served both my school
5 and my community as a track and cross-country coach, and
6 through over a decade of volunteerism in search and rescue.

7 In my new role as Pennsylvania Director at
8 Americans for Fair Treatment, I am a passionate advocate
9 for the rights of public-sector workers, particularly our
10 public-school teachers, and that's because I've been a
11 teacher, a coach, and a volunteer for the overwhelming
12 majority of my professional career.

13 When it comes to unions, I am here to testify as
14 a public-sector employee for over two decades. Believe me
15 when I tell you that I understand how union membership
16 works at the ground level more than anyone else you'll hear
17 here today.

18 In addition to my testimony, you'll also hear
19 from organizations and unions that they support, perhaps
20 there are even some individuals here today who owe their
21 elected positions to public-sector unions. What you most
22 certainly will not hear is testimony from a public-sector
23 employee who thinks that being kept in the dark about his
24 or her rights is a fantastic idea. And to that I would
25 point to Representative Klunk's comment about H.B. 2571 and

1 why it's necessary. This really is a consumer-protection
2 issue. People simply have the right to know what their
3 rights are.

4 It's necessary because I know from personal
5 experience as a public-sector employee that unions cannot
6 be trusted to hold themselves accountable. After a few
7 years of short- and long-term substitute positions, I
8 entered the classroom as a full-time teacher in August of
9 2000, and like any new teacher, I was assigned a mentor who
10 offered guidance and support as I navigated those anxiety-
11 ridden first few weeks of school. And I endured those
12 absolutely delightful State-mandated induction meetings.

13 On that first school in-service day, my mentor
14 pulled me aside, and she warned me that as a young man and
15 a coach, I needed to be particularly concerned about
16 protecting my job. The questions began. What if a student
17 makes a false accusation? What if something happens at
18 practice? The what-if questions continued as I was led to
19 the PSEA registration table, where I was sold on the idea
20 that I needed liability insurance. So, begrudgingly, I
21 became a union member in that first year of teaching and a
22 de facto donor to the Democratic Party under the promise of
23 "protection."

24 I joined because I was led to believe that it's
25 just part of becoming a teacher. I was never told

1 otherwise, and my mentor led me to believe that, as a
2 professional, joining a labor union was just some reality
3 of public-sector employment, that all teachers did it.

4 Obviously, overtly forcing an employee to join a
5 public-sector union as a condition of employment is both
6 illegal and a gross overreach of a political lobbying
7 group. Public-sector unions are clearly aware of this
8 fact. However, the reality is that employees across the
9 Commonwealth are led to believe that they must join a union
10 as a condition of employment every single day.

11 In my experience, and that of most employees
12 across the Commonwealth, the union paperwork is subtly
13 included with our health insurance and other new-employee
14 induction paperwork. Membership is assumed, and the option
15 of not joining is never mentioned.

16 As little as four months ago, nonmembers were
17 still forced to become agency feepayers, which many workers
18 chose in an attempt to avoid supporting union political
19 activity. Now, after the U.S. Supreme Court decision in
20 *Janus v. AFSCME*, it is even more important that employees
21 understand that they are no longer forced to pay a union in
22 order to keep their jobs.

23 In my experience, unions are usually smart enough
24 to fly under the radar and only verbally imply that
25 membership is a requirement. Some unions, however, are not

1 so smart or so subtle. Some of these unions are willing to
2 deceive employees through overt lies to gain members and in
3 some cases will go so far as to state in writing that union
4 membership is actually a condition of employment.

5 We are here today and this bill exists because
6 public-sector unions and their political benefactors
7 clearly understand that they can create and maintain a
8 revenue stream by keeping employees in the dark about their
9 options. House Bill 2571 protects public-sector employees,
10 employers, and taxpayers from the deception and the
11 manipulation that unions practice in securing their income
12 stream.

13 That public-sector union representatives would
14 show up today and have the temerity to openly oppose a bill
15 that ensures that employees know their rights is an
16 indictment of unions' true intentions. People have a right
17 to know their options. H.B. 2571 helps to ensure that that
18 happens.

19 Thank you for your time today and for the
20 opportunity to speak on behalf of my fellow public-sector
21 employees across the Commonwealth.

22 MS. MUMFORD: Thank you. Thank you, Members of
23 the Committee, Chairman Kauffman, Chairman Galloway,
24 Representative Klunk, for introducing this bill.

25 I'm Beth Anne Mumford. I'm State Director of

1 Americans for Prosperity Pennsylvania. We're a grassroots
2 organization that aims to recruit, educate, and mobilize
3 citizens to fight for the ideals and values of a free
4 society at the local, State, and Federal level. Our
5 grassroots volunteers advocate for policies that break down
6 barriers and enable people to work hard, provide for their
7 families, and achieve the American dream. I appreciate the
8 opportunity to participate here today and express my
9 support for this legislation, H.B. 2571.

10 An important part of our mission to break down
11 barriers that stand in the way of people realizing their
12 full potential is identifying and championing policies that
13 expand worker freedom and protect employee rights.
14 Specifically, exactly what this bill does in aiming to
15 protect the rights of employees in a collective bargaining
16 unit who are not members of a representative union.

17 H.B. 2571 made possible directly by the *Janus*
18 decision is an important step in the right direction toward
19 worker freedom and the defense of employee rights. In
20 States that have passed similar right-to-work-type
21 legislation long before the *Janus* decision, the evidence is
22 clear that such policies provide not only better overall
23 individual rights for public workers but also better laws
24 governing measures that affect taxpayers and State and
25 local budgets.

1 According to a recent report released by the
2 Commonwealth Foundation that measured the impact of a
3 variety of union-related State laws and regulations,
4 Pennsylvania was given a D letter grade for its required
5 collective bargaining, binding arbitration during contract
6 negotiations, and forced unionization. These policies
7 actively limit workers' rights. By contrast, neighboring
8 West Virginia, which recently passed its own public-sector
9 labor reforms, received a letter grade of B.

10 Looking at government-sector union membership
11 across the United States, it's clear that the *Janus*
12 decision could lead to a large number of Pennsylvania
13 public employees wishing to exercise their constitutionally
14 protected right to serve the public without joining a
15 union. Twenty seventeen shows that the public-sector union
16 membership rate in right-to-work States is less than half
17 of the membership rate of non-right-to-work States. Recent
18 data indicates, for instance, that although only 44 percent
19 of teachers reside in non-right-to-work States, 69 percent
20 of the membership of the National Education Association
21 resides in those same non-right-to-work States. In the
22 three States that recently added a right-to-work status for
23 teachers -- Wisconsin in 2010, Indiana in 2011, and
24 Michigan in 2012 -- NEA membership has decreased 59
25 percent, 18 percent, and 17 percent respectively.

1 While *Janus* only applies to government employees
2 in Pennsylvania, other States with full right-to-work laws
3 have enjoyed positive economic outcomes that are worth
4 noting. According to the Wisconsin Policy Research
5 Institute, the presence of right-to-work added an average
6 of about 6 percentage points to the State's annual growth
7 rate between 1983 to 2013. Specifically, between 1970 and
8 2013, the 22 States with right-to-work laws experienced
9 income growth rates nearly twice as large as non-right-to-
10 work jurisdictions. In other words, those 22 States
11 produced 28.75 percent of America's personal income in 1970
12 but over 8 percentage points more -- 37.32 percent -- in
13 2013. Since 1990, in fact, the job growth in right-to-work
14 States is up 47 percent versus just 21 percent in non-
15 right-to-work States. Looking at two States that recently
16 became right-to-work, since 2012, Indiana's payrolls have
17 grown by 5.7 percent, and in Michigan they've grown by 4.5
18 percent.

19 The data is strong. Policies that enhance worker
20 freedom help to strengthen a State's economy. Now that
21 *Janus* has restored the constitutional rights of workers,
22 it's time for Pennsylvania to begin dismantling the
23 barriers placed before its public employees. Their rights
24 against forced speech and association, being just as valid
25 as any other employee rights, would at long last be

1 codified by the legislation before this Committee. H.B.
2 2571 promotes the values that Americans for Prosperity and
3 its members, specifically that each of us deserves the
4 opportunity to freely pursue own interests. As such, we're
5 proud to support this bill.

6 And thank you for your time and the opportunity
7 to speak on this this afternoon. I look forward to
8 addressing any questions or comments. Thank you.

9 MAJORITY CHAIRMAN KAUFFMAN: First, I'm going to
10 recognize Chairman Galloway.

11 DEMOCRATIC CHAIRMAN GALLOWAY: Thank you. Thank
12 you, Mr. Chairman. Thank you for being here.

13 Just give me one second. There was a lot of talk
14 in the beginning of this. And to be honest with you, I
15 understand the Supreme Court decision. I get it, as long
16 as people understand that the benefits -- one of the
17 reasons why you have members -- and people that you had
18 spoken about, one of the reasons why they enjoy doing what
19 they do is because of the collective bargaining and the
20 work done by those very same distrustful -- I'm sorry, what
21 was the word? Deceptive. What were the words you used?

22 MR. WILLIAMS: Deceptive and manipulative.

23 DEMOCRATIC CHAIRMAN GALLOWAY: Deceptive and
24 manipulative unions. Mr. Williams, is your organization
25 actively encouraging members to drop out of their union?

1 MR. WILLIAMS: We are not. Our primary focus is
2 simply on basically what Representative Klunk's bill does
3 today at a State level. We are informing people of their
4 rights, and we are protecting people when they seek to get
5 out of a union and receive pushback or intimidation or
6 workplace humiliation. That is our focus.

7 DEMOCRATIC CHAIRMAN GALLOWAY: So when you say
8 you support H.B. 2571, you support the notification
9 procedures, processes and procedures. You're aware that
10 there's going to be notification literally every payday of
11 an employee's right to not join a union?

12 MR. WILLIAMS: Yes.

13 DEMOCRATIC CHAIRMAN GALLOWAY: Do you know how
14 much those things are going to cost? How are we going to
15 notify employees of these rights?

16 MR. WILLIAMS: That would simply be a -- as I
17 envision it, it could be a line item on the paystub.

18 DEMOCRATIC CHAIRMAN GALLOWAY: Is it going to
19 cost anything? You don't know. That's good.

20 MR. WILLIAMS: It won't cost -- I mean, it's the
21 cost of ink on a piece of paper. I mean, that's --

22 DEMOCRATIC CHAIRMAN GALLOWAY: Do you believe,
23 for example -- you just want to notify the employees of
24 this particular right? You don't want to educate them on
25 all of their rights, right? You don't want to educate them

1 on the right that they have a right to actually join the
2 union and the benefits of that union? You just want to
3 notify them of their right to not join the union and
4 benefit from the collective bargaining of that union and
5 not pay for it? That's what you want to advocate for?
6 That's what you want to indicate there, right? You don't
7 want to educate them on everything, right?

8 MR. WILLIAMS: Our focus is to educate people
9 about their rights, their rights to join a union --

10 DEMOCRATIC CHAIRMAN GALLOWAY: All their rights?

11 MR. WILLIAMS: -- their rights not to join --

12 DEMOCRATIC CHAIRMAN GALLOWAY: So you would be in
13 favor of them being notified of all their rights?

14 MR. WILLIAMS: Absolutely. I think everyone
15 should have a right to know all their rights.

16 DEMOCRATIC CHAIRMAN GALLOWAY: So you would be in
17 favor of amending this legislation to include all the
18 workers' rights, including the right to actually join a
19 union and educate them on the benefits of the collective
20 bargaining and being part of that union?

21 MR. WILLIAMS: If we're going to get off --

22 DEMOCRATIC CHAIRMAN GALLOWAY: Leaving off the
23 deceptive and manipulative rhetoric, right?

24 MR. WILLIAMS: If we're going to get off into the
25 weeds of --

1 DEMOCRATIC CHAIRMAN GALLOWAY: No, I'm not
2 getting off into the weeds. You want to notify nonmembers
3 of their right to not join a union.

4 MR. WILLIAMS: Right.

5 DEMOCRATIC CHAIRMAN GALLOWAY: The question is do
6 you want to notify them --

7 MAJORITY CHAIRMAN KAUFFMAN: I think --

8 DEMOCRATIC CHAIRMAN GALLOWAY: -- of their right
9 to join that union?

10 MR. WILLIAMS: Yes.

11 MAJORITY CHAIRMAN KAUFFMAN: Chairman Galloway, I
12 think they already have that right. I think that's what
13 we're getting at here.

14 DEMOCRATIC CHAIRMAN GALLOWAY: They already have
15 the right but you're not --

16 MAJORITY CHAIRMAN KAUFFMAN: They actually have
17 union reps sitting in the room with them when employees are
18 hired. They actually have a union rep with them, so I
19 think that's -- well, not anymore maybe, but that's where
20 we were, so you're going off in the weeds.

21 DEMOCRATIC CHAIRMAN GALLOWAY: I'm not going off
22 in the weeds. This is the bill, H.B. --

23 MAJORITY CHAIRMAN KAUFFMAN: Would you like to
24 ask a question or badger the witness? I mean, you just ask
25 a question. At some point we have to get to the end of

1 your rantings.

2 MR. WILLIAMS: If your question is simply do
3 people have the right to know --

4 DEMOCRATIC CHAIRMAN GALLOWAY: I'll be honest
5 with you, to characterize what I just said as rantings
6 after what we just heard for a half hour is ridiculous. I
7 got to be honest with you. What was ranting about what I
8 just said?

9 MAJORITY CHAIRMAN KAUFFMAN: Do you have a
10 question?

11 DEMOCRATIC CHAIRMAN GALLOWAY: I did have a
12 question.

13 MAJORITY CHAIRMAN KAUFFMAN: Okay. Then ask the
14 question --

15 DEMOCRATIC CHAIRMAN GALLOWAY: Did he support --

16 MAJORITY CHAIRMAN KAUFFMAN: -- and let him
17 answer it.

18 DEMOCRATIC CHAIRMAN GALLOWAY: Do you support
19 notification, taxpayer-paid notification of all employees'
20 rights, including the right to join a union and the
21 benefits therefore?

22 MR. WILLIAMS: I absolutely support the right of
23 employees to know all of their rights.

24 DEMOCRATIC CHAIRMAN GALLOWAY: Thank you.

25 MR. WILLIAMS: Absolutely.

1 MAJORITY CHAIRMAN KAUFFMAN: Thank you.

2 Representative Neilson?

3 REPRESENTATIVE NEILSON: Thank you, Chairman.

4 I have to put a disclosure. I've been a member
5 of the IBW for 35 years, proud. I know what this decision
6 does to people. I know what it does to individuals. And I
7 just -- the National Labor Relations Board covers a lot of
8 this stuff, that makes certain union and nonunion members
9 are both -- all the rights of workers are protected and
10 they all have a right to join or not to join.

11 However, today, your testimony here has been
12 focused on not to join, and I think that's what Chairman
13 Galloway was saying. You know, we're saying we want to
14 tell them, hey, you don't have to join, you don't have to
15 join. Me as a member or you as a member -- you were a
16 member -- do you think it's fair to you for the person next
17 to you to pay union dues, to pay the salaries of the people
18 negotiating your wages, don't you think people should all
19 share that burden? I mean, everybody should pay a little
20 something because you're going to benefit from it. You're
21 going to benefit from that holiday. You're going to
22 benefit from that increase in wages.

23 I mean, Representative Klunk pointed out that,
24 you know, 20,000 employees, okay, how can you negotiate
25 with each one of those employees? I mean, there's not

1 enough time in a lifetime to negotiate the salary of each
2 one of those employees. So don't you think everybody who's
3 part of that unit should pay a fair share to help share
4 that cost or should I as the union person say, hey, don't
5 worry about it, you don't have to pay a thing. You know
6 what, I'll put all my money in so you can get a raise. I
7 mean, where's the balance of that?

8 MR. WILLIAMS: As I always explained it to
9 people, one of the benefits of teaching -- one of the great
10 things about teaching was I could look at my pay scale and
11 I could say, okay, with this many years of teaching and
12 this many credits I'm going to make this much, but one of
13 the --

14 REPRESENTATIVE NEILSON: As a teacher looking at
15 that pay scale --

16 MR. WILLIAMS: Right.

17 REPRESENTATIVE NEILSON: -- okay, you knew that,
18 you know, for 100 years that union negotiated --

19 MR. WILLIAMS: Okay.

20 REPRESENTATIVE MCNEILL: -- on your behalf,
21 fought for you to get your summers off paid and all that
22 stuff. Okay.

23 MR. WILLIAMS: So that was the benefit, right?
24 But then it gets turned around and I say one of the
25 frustrations about it is that I know with this many years

1 of teaching and this many credits, no matter how hard I
2 work, I'm only going to make this much. And I understand
3 what you're saying and that's a -- you know, again, I've
4 heard that argument a lot and I understand it --

5 REPRESENTATIVE NEILSON: It's not an argument;
6 it's a fact --

7 MR. WILLIAMS: I understand it's a frustration
8 but you also have to consider, you know, it's the -- and we
9 haven't used the term there yet but the free-rider
10 argument, you know, to that I would counter it's a forced-
11 rider situation. I certainly did not ask for that
12 representation.

13 REPRESENTATIVE MCNEILL: So should you --

14 MR. WILLIAMS: You know, I think in the case of
15 my school district we had over 40 teachers who were not
16 union members who were at one point when the union elected
17 to go fair share for two years forced them to pay fair-
18 share fees, and once they realized that they were
19 compelling 25 percent of the faculty to support political
20 causes that they didn't necessarily agree with --

21 REPRESENTATIVE MCNEILL: Well, okay --

22 MR. WILLIAMS: -- went back on it.

23 REPRESENTATIVE MCNEILL: -- I'll touch on the
24 political causes because I was the Treasurer and the
25 Political Director of my particular union, and as a right,

1 okay, they all signed co-cards according to the Federal
2 Government. We have to sign a card that we contribute.
3 You have the ability to ask for that money back, and we
4 have members that always every year ask for that money back
5 because they wanted to make certain they knew exactly where
6 their donation is.

7 Say when I was running for office for the first
8 time, they wanted to make certain that all their
9 contributions to that political education fund went to me
10 and not to anybody else because they knew me. They felt
11 invested in it. But they had that right under the Federal
12 law. I mean, that's already Federal law. You can request
13 it. And under Federal law, just like I said I was
14 Treasurer, okay, there's not a nickel, a penny spent within
15 that union that isn't approved by the members. So now, as
16 a former member or whatever, how many meetings did you go
17 to?

18 MR. WILLIAMS: I was --

19 REPRESENTATIVE MCNEILL: Because I went to four
20 meetings a month. I mean, that was me.

21 MR. WILLIAMS: Right.

22 REPRESENTATIVE MCNEILL: But I voted on -- every
23 penny spent in that union has to be approved by the
24 membership. I mean, it's clear as day. So if you don't
25 take an active role at your union and you decide not to go,

1 I mean --

2 MR. WILLIAMS: But if you don't --

3 REPRESENTATIVE NEILSON: -- is that their fault
4 or yours?

5 MR. WILLIAMS: I mean, if you don't agree with
6 what the NRA stands for, should you join the NRA and have a
7 say in the vote?

8 REPRESENTATIVE NEILSON: They already have that
9 option not to become -- I mean, what we're trying to do is
10 we're trying to legislate -- I mean, I heard it through
11 testimony that, you know, a right to work. You have the
12 right to organize -- and, Chairman, I'm going to make sure
13 I get questions in, too, because I know you're going to
14 correct me, and if all three of you can address it. Maybe
15 all three of you come up, one question to all three and
16 then I'll be done, Chairman. Do you believe in the right
17 to organize?

18 MR. WILLIAMS: Absolutely.

19 MR. OSBORNE: Yes.

20 MS. MUMFORD: Yes.

21 REPRESENTATIVE NEILSON: You talk about
22 representing people --

23 MAJORITY CHAIRMAN KAUFFMAN: I thought that was
24 your question, wasn't it?

25 REPRESENTATIVE MCNEILL: That was one. I didn't

1 say --

2 MAJORITY CHAIRMAN KAUFFMAN: I thought you said
3 you had a question for all three of them.

4 REPRESENTATIVE MCNEILL: We got a lot of time
5 left, Chairman.

6 MAJORITY CHAIRMAN KAUFFMAN: Okay. Go for it.

7 REPRESENTATIVE NEILSON: Chairman, we got a lot
8 of time left.

9 MAJORITY CHAIRMAN KAUFFMAN: Number two now.

10 REPRESENTATIVE NEILSON: I got pages and pages of
11 questions, Chairman. I'm sorry.

12 MAJORITY CHAIRMAN KAUFFMAN: Oh, I'm sure you do.

13 REPRESENTATIVE NEILSON: I'm sorry, Chairman.
14 You say you represent a lot of people, and you do it out of
15 the goodness of your heart, you know, and I thank you for
16 that. How many cases did you have last year representing
17 members that their union rights were --

18 MR. OSBORNE: Yes, we're talking in any given
19 year something like 10, 12 cases among --

20 REPRESENTATIVE NEILSON: Ten cases a month?

21 MR. OSBORNE: No, no --

22 REPRESENTATIVE MCNEILL: Okay.

23 MR. OSBORNE: -- in a year.

24 REPRESENTATIVE NEILSON: In a year.

25 MR. OSBORNE: Among three attorneys.

1 REPRESENTATIVE NEILSON: So you have three cases
2 a year, 12 out of 25,000?

3 MR. OSBORNE: Well --

4 MAJORITY CHAIRMAN KAUFFMAN: Are you going to
5 go --

6 REPRESENTATIVE MCNEILL: The number was 25,000 --

7 MAJORITY CHAIRMAN KAUFFMAN: -- over his business
8 model now?

9 REPRESENTATIVE NEILSON: Do you notify them or
10 something -- do you notify everybody that you're there? I
11 mean, how do you do that?

12 MR. OSBORNE: I'm --

13 REPRESENTATIVE MCNEILL: Because, I mean, if I
14 needed help, I want to come see you. I want to point
15 somebody over to you, say, hey, you have an employment
16 problem, go see this guy. I'm going to have them call you.
17 I can't wait till next week. But how do you notify them
18 that you're there?

19 MR. OSBORNE: You know, one of the principal
20 things that we do when we represent a client is we
21 represent them in the court of public opinion. People hear
22 about us because we're doing work for other people.

23 REPRESENTATIVE NEILSON: Last question --

24 MR. OSBORNE: You know, I'm surprised. A lot of
25 times people come to us because they thought they were the

1 only person out there who was having trouble with the
2 unions, and as it turns out, we're litigating the exact
3 same case.

4 REPRESENTATIVE NEILSON: But that's all you do is
5 go after unions, right?

6 MR. OSBORNE: No, we represent public employees
7 when they experience problems with their public-sector
8 union officials.

9 REPRESENTATIVE NEILSON: All right. So you just
10 go against the unions. You litigate against the unions,
11 right? That's your sole practice? I didn't have homework
12 because the testimony wasn't given to us prior or I would
13 have -- okay? That's why I'm just trying to --

14 MR. OSBORNE: Look at our cases. I mean, in many
15 instances what we have to do is --

16 MAJORITY CHAIRMAN KAUFFMAN: Okay. Moving on to
17 number three, the third question. Keep this moving.

18 REPRESENTATIVE NEILSON: All right, Chairman.
19 All right. Who funds you? That would be to all three of
20 you. Who funds you? How do you get your funding?

21 MR. WILLIAMS: I'll take that. For us it's
22 basically business owners, private donations from people
23 who agree with simple principles of worker freedom.

24 MR. OSBORNE: Us, we're a nonprofit. We don't
25 take fees from our clients in order to the work. Instead,

1 like any other nonprofit, we have to raise our money.

2 MS. MUMFORD: Yes, same for us. We're funded
3 through voluntary contributions.

4 MAJORITY CHAIRMAN KAUFFMAN: All right. Moving
5 on, Representative Dush.

6 REPRESENTATIVE DUSH: Thank you, Chairman. I'd
7 like a quick opportunity to answer a couple of questions.
8 The question to Keith about education of the benefits of
9 unionization versus a simple line that says you have the
10 right not to unionize, I would have no -- or be a member of
11 the union, I would have no problem with "or join as you so
12 wish." But the Minority Chairman went longer than that and
13 beyond that in saying expand on the so-called benefits of
14 the union. So I would be adamantly opposed to doing that.
15 They're already doing it in my experience, and I'm sure
16 Wayne's as well is that in the workplace the unions are
17 doing it every day and they're talking to nonmembers and
18 trying to convince them to become members and putting
19 pressure on them in some cases. So, yes, that --

20 MR. WILLIAMS: Yes.

21 REPRESENTATIVE DUSH: -- is something that
22 actually gets done and happens. Is that your experience?

23 MR. WILLIAMS: Yes. In most cases, unions
24 already enjoy special privileges within the workplace. I
25 can speak to, you know, in our own school district. They

1 have the privilege of using the school Internet for union
2 activity. They've got several locations where they can
3 post union information on bulletin boards --

4 REPRESENTATIVE DUSH: Yes.

5 MR. WILLIAMS: -- and faculty-accessible areas.
6 Again, that's again very one-sided. That is advertising
7 the benefits. You know, basically what we're looking for
8 is just simply informing people that it's very
9 straightforward, that you have a right to join, you have a
10 right not to join and leaving it at that. So --

11 REPRESENTATIVE DUSH: And just one other point of
12 clarification. When the point was made that you were
13 benefiting from 100 years of somebody negotiating ahead of
14 you, the problem with that is I think right now there might
15 be one or two teachers in the entire Commonwealth of
16 Pennsylvania that have actually voted to select who they
17 wanted to represent themselves, and without having the
18 ability to -- the decertification process, I've lived
19 through it twice with AFSCME, and it's a very daunting
20 task.

21 So the numbers from Wisconsin speak for
22 themselves. Fifty-nine percent of the NEA members walked
23 when they were given the opportunity. There's something
24 wrong with their representation -- and I'll use that in
25 quotes -- when 59 percent, well over half of members

1 decided to turn around and walk when given the first
2 opportunity. Thank you.

3 MAJORITY CHAIRMAN KAUFFMAN: Thank you. Moving
4 on, Representative Keefer.

5 REPRESENTATIVE KEEFER: Thank you, Chairman. I
6 have a question. Having a spouse that was a longtime
7 member of the union, I certainly see the value of them, and
8 in his profession, I don't know why anybody wouldn't join
9 the union, but I think that they demonstrate that case
10 well.

11 I've gotten calls from my office, though,
12 regarding how to -- the opt in and the opt out time frame,
13 as well as the process to do that has not been as a simple
14 as one would think it would be. And I'm all for let's give
15 everybody their information, so you have the right to opt
16 in or opt out and these other recourses for that, so I'm
17 not sure what the big deal is with Representative Klunk's
18 legislation that demonstrates that. So what is -- is this
19 a founded issue, do you believe, as far as opting in and
20 opting out and what that procedure is or does that need to
21 be better defined?

22 MR. WILLIAMS: Yes, and, David, maybe you can
23 speak to this a little bit, too. I can speak, you know,
24 again, from the classroom side of it, you know, boots-on-
25 the-ground type of thing. The maintenance of membership

1 certainly creates an issue. You know, we have -- again,
2 I'll speak to school districts. We have 500 school
3 districts in Pennsylvania. In theory you could have 500
4 different maintenance-of-membership windows. And
5 basically, what that contract says is -- that maintenance
6 of membership clause basically says you can only get out of
7 this union within a 15-day window prior to the ending of
8 that contract. So if a contract goes four years, you
9 basically have a 15-day window prior to the end of the
10 contract. That's the only time that you can get out. And
11 if you miss that window, oh, sorry about your luck. You're
12 locked in for the next contract.

13 REPRESENTATIVE KEEFER: Does the union have any
14 kind of responsibility to communicate that, for example,
15 your health, you know, you can change and you have that
16 window to opt in and opt out but you get that notification
17 that, hey, your time frame is here and you have to do
18 that --

19 MR. WILLIAMS: Yes, there is no --

20 REPRESENTATIVE KEEFER: -- that you're aware of?
21 No.

22 MR. WILLIAMS: -- notification of that. No.

23 REPRESENTATIVE KEEFER: Thank you.

24 MR. WILLIAMS: Yes.

25 MAJORITY CHAIRMAN KAUFFMAN: Thank you.

1 Representative Leanne Krueger-Braneky.

2 REPRESENTATIVE KRUEGER-BRANEKY: Thank you, Mr.
3 Chairman. And thank you each for testifying here today.

4 Mr. Williams, I'm curious about something you
5 said in your testimony. How exactly were you contributing
6 to the Democratic Party through your dues to the teachers
7 union?

8 MR. WILLIAMS: Based on contributions, when you
9 look at the breakdown of where money has gone, I can speak
10 to the 2015/16 election cycle when you look at total
11 government union political action committee contributions,
12 of \$6,224,580, 89 percent of that went directly to
13 Democrats, \$5,564,600 --

14 REPRESENTATIVE KRUEGER-BRANEKY: And are you
15 aware of the fact that unions have to solicit separate
16 funds for political contributions and they've always been
17 prohibited from using dues or fair-share fees for political
18 contributions?

19 MR. WILLIAMS: I am aware of that for the
20 political action campaign, yes. However, when you look at
21 anything outside of that, the argument that dues cannot be
22 used for any sort of political statement, I would point you
23 to the AFT convention that they just had --

24 REPRESENTATIVE KRUEGER-BRANEKY: I'm sorry, which
25 AFT is this? Is this the --

1 MR. WILLIAMS: This is the --

2 REPRESENTATIVE KRUEGER-BRANEKY: -- teachers
3 union or your organization?

4 MR. WILLIAMS: We go by AFFT, so --

5 REPRESENTATIVE KRUEGER-BRANEKY: Oh, that's --

6 MR. WILLIAMS: -- yes.

7 REPRESENTATIVE KRUEGER-BRANEKY: -- very close.

8 MR. WILLIAMS: Yes. It is close. But AFT's
9 convention, you know, again, conventions can use union
10 dues, and at that convention they had Elizabeth Warren,
11 they had Bernie Sanders, they had Hillary Clinton speaking.
12 At the NEA convention they had David Hogg. You know,
13 certainly these are very politicized public figures.

14 REPRESENTATIVE KRUEGER-BRANEKY: But again, you
15 said that your contributions were directly going to the
16 Democratic Party, which is and has always been illegal.
17 Unions need to solicit other funds to do that.

18 You said to my colleague that your organization
19 is not encouraging members to leave their unions. I'm
20 looking at your website right now, and there's a section
21 that says, "my choice, my vote, three steps to resign from
22 your public sector union." So can you tell me again, are
23 you encouraging union members to disenroll from their
24 union?

25 MR. WILLIAMS: We are giving them the tools that

1 they need to exercise their rights, yes.

2 REPRESENTATIVE KRUEGER-BRANEKY: So yes, you are?

3 MR. WILLIAMS: We are giving them the tools they
4 need to exercise their rights, yes.

5 REPRESENTATIVE KRUEGER-BRANEKY: And is your
6 organization affiliated with the Koch brothers in any way?

7 MR. WILLIAMS: No.

8 REPRESENTATIVE KRUEGER-BRANEKY: Are you
9 associated --

10 MR. WILLIAMS: Or Betsy DeVos or like --

11 REPRESENTATIVE KRUEGER-BRANEKY: What about the
12 Commonwealth Foundation?

13 MR. WILLIAMS: -- throw them all out there. I'm
14 sorry?

15 REPRESENTATIVE KRUEGER-BRANEKY: What about the
16 Commonwealth Foundation?

17 MR. WILLIAMS: No, we are our own separate
18 501(c)(3).

19 REPRESENTATIVE KRUEGER-BRANEKY: Is the CEO of
20 the Commonwealth Foundation not one of the three members of
21 your board?

22 MR. WILLIAMS: He's on the board, yes.

23 REPRESENTATIVE KRUEGER-BRANEKY: So you are
24 associated with the Commonwealth Foundation?

25 MR. WILLIAMS: To the extent that there is a

1 member of our board who was involved --

2 REPRESENTATIVE KRUEGER-BRANEKY: Okay.

3 MR. WILLIAMS: -- in the Commonwealth Foundation,
4 yes.

5 REPRESENTATIVE KRUEGER-BRANEKY: And the
6 Commonwealth Foundation also has ties to the Koch brothers
7 as well.

8 One last question for Ms. Mumford. You talk
9 about grassroots volunteers. Are you actively encouraging
10 union members to disenroll from their unions right now?

11 MS. MUMFORD: No.

12 REPRESENTATIVE KRUEGER-BRANEKY: So Americans for
13 Prosperity opened a new field office in my district about
14 two weeks before the *Janus* decision came down in Delaware
15 County. I drive by it because it's right down the street
16 from my legislative office. Exactly what kind of
17 grassroots activity is happening out of that field office?

18 MS. MUMFORD: So you are free to stop by at any
19 point. Our Field Director has been working there for about
20 a year. I think that office opened fairly recently, but he
21 lives in Delaware County. That's where he's from. This
22 week, he had a fantasy football draft in his office for
23 activists who were there. There are training activities
24 going on. Grassroots leadership academy, phone-banking,
25 door-knocking, all of that stuff happens out of that

1 office, but you are more than happy to come by at any
2 point.

3 REPRESENTATIVE KRUEGER-BRANEKY: They're welcome
4 to stop by my office and see me, too.

5 MS. MUMFORD: Sure, no, that sounds great.

6 REPRESENTATIVE KRUEGER-BRANEKY: And so the door-
7 knocking, the canvassing this happening, are you targeting
8 union members with that activity?

9 MS. MUMFORD: No, I mean that's not a specific
10 target. We do issue advocacy, so it depends on the issue
11 that we are working on, so if we're talking about taxes,
12 we'll talk to citizens who we think care about taxes and
13 spending. If we're talking about energy issues, we'll talk
14 to citizens we think care about energy issues. Often we're
15 just door-to-door trying to figure out what issues citizens
16 care the most about so --

17 MAJORITY CHAIRMAN KAUFFMAN: Representative, do
18 you have any questions on the bill or the issue rather than
19 the --

20 REPRESENTATIVE KRUEGER-BRANEKY: Yes.

21 MAJORITY CHAIRMAN KAUFFMAN: -- organizations
22 testifying?

23 REPRESENTATIVE KRUEGER-BRANEKY: Yes, last
24 question. Have any of your organizations filed Freedom of
25 Information Requests to identify union members in

1 Pennsylvania?

2 MR. WILLIAMS: We have.

3 MS. MUMFORD: I have not.

4 MR. OSBORNE: I believe we have for the purposes
5 of some of our cases, yes.

6 REPRESENTATIVE KRUEGER-BRANEKY: Okay. Thank
7 you, Mr. Chairman.

8 MAJORITY CHAIRMAN KAUFFMAN: Thank you.
9 Representative McNeill.

10 REPRESENTATIVE MCNEILL: Thank you, Mr. Chairman.

11 This comment or question is directed to Ms.
12 Mumford. When you mentioned West Virginia being one of the
13 States that passed their own public-sector laws, I decided
14 to Google, and according to Google, West Virginia is the
15 lowest-paid teacher average rate in the State, and
16 Pennsylvania is the ninth-highest. West Virginia is 45 and
17 change and Pennsylvania is 63 and change. My guess is that
18 we're better off having *Janus* not in the public sector. I
19 think our wages will not be able to be sustained and we'll
20 have teachers making much less money.

21 MS. MUMFORD: Well, the Supreme Court's already
22 ruled on *Janus* --

23 REPRESENTATIVE MCNEILL: I realize that --

24 MS. MUMFORD: -- so we can't --

25 REPRESENTATIVE MCNEILL: I'm just saying that --

1 MS. MUMFORD: -- make that decision.

2 REPRESENTATIVE MCNEILL: -- it's going to hurt us
3 here in Pennsylvania if we add our own laws to it.

4 MS. MUMFORD: Well, our interest is giving
5 individuals the opportunity to be free to make their own
6 choices. Significantly just understanding what their
7 rights are, as we talked about earlier is important given
8 the *Janus* ruling, so that's what we are here to support,
9 Representative Klunk's bill.

10 REPRESENTATIVE MCNEILL: I know I support any
11 teacher making a higher wage, and Pennsylvania pays pretty
12 decently to support a family. Thank you, Chairman.

13 MAJORITY CHAIRMAN KAUFFMAN: Thank you.
14 Representative Cephas.

15 REPRESENTATIVE CEPHAS: Thank you, Chairman.

16 And so I have a couple of questions. So each of
17 you discussed that you represent a particular constituency
18 that you're advocating for. Can you give me the
19 demographic breakdown of each of the constituencies that
20 you are referencing during this hearing, like what is their
21 gender or what's their race, what's their average income
22 for the people that you're representing?

23 MR. OSBORNE: So let me tell you about homecare
24 workers. We represent a home-care worker and the man for
25 whom he cares in a case that was decided just recently by

1 the Pennsylvania Supreme Court. Homecare workers make on
2 average \$20,000 a year. The union that was enabled by the
3 executive order wanted to take a 2 percent cut out of
4 everybody's paycheck, 2 percent cut out of a \$20,000-a-year
5 salary. It adds up for the union to quite a lot of money.
6 There are 20,000 homecare workers across Pennsylvania, so
7 you're talking \$8 million for the unions involved.

8 REPRESENTATIVE CEPHAS: And last question for the
9 other two, we're constantly referencing the issue around
10 political contributions and then pushing political
11 candidates. What other issues have your clients raised
12 that have been a concern with the unions outside of
13 political contributions?

14 MR. OSBORNE: So nearly everything that we do has
15 happened to involve work outside of the political
16 contribution area. There was one case that we filed
17 involving Pennsylvania law that's been in place since 1970
18 that prohibits unions from using dues dollars to contribute
19 to a candidate directly or indirectly or to a party or to a
20 political organization. However, unions have been doing
21 that as well so --

22 REPRESENTATIVE CEPHAS: So I'm asking outside of
23 the political contribution argument, what are the other
24 reasons that your constituency brings up as to why they
25 want to be out of the unions --

1 MR. WILLIAMS: I --

2 REPRESENTATIVE CEPHAS: -- outside of the
3 political contributions?

4 MR. WILLIAMS: I can speak to that for a few
5 people that I've actually spoken with in the last two
6 weeks, issues with representation. I have a situation
7 where we have a client who he's a member of AFSCME in a
8 school and doesn't feel like AFSCME has any business being
9 in a school, doesn't feel like he's well-represented there
10 or that they understand the needs of him in a school and
11 wants to get out. So it's not necessarily -- I would say,
12 you know, speaking for the people that I've spoken to, it's
13 very across the board, but I think if I were going to say
14 the majority, it would probably be political activity is
15 their most --

16 REPRESENTATIVE CEPHAS: So they're not talking
17 about the collective bargaining? They're not talking about
18 the pay raises?

19 MR. WILLIAMS: No.

20 REPRESENTATIVE CEPHAS: They're talking about the
21 political contributions --

22 MR. WILLIAMS: Yes.

23 REPRESENTATIVE CEPHAS: -- that are indeed
24 illegal for --

25 MR. OSBORNE: But, Representative Cephas --

1 REPRESENTATIVE CEPHAS: -- dues --

2 MR. OSBORNE: -- I do think you have to
3 understand what *Janus* said. *Janus* was not about those sort
4 of overt political activities that we've all recognized in
5 the past. What *Janus* said was that it's all political, top
6 to bottom. When a union goes and bargains over collective
7 bargaining, benefits, salary, there are inherent tradeoffs.
8 So a school, for instance, that ends up agreeing to, you
9 know, whatever it is that the union wants -- and I'm not
10 taking a side on any of those issues -- but there have to
11 be tradeoffs. If it's not a benefit, you know, it's a
12 curriculum or it's computers for kids. I mean, these are
13 all inherently political matters.

14 The point of *Janus* and what the U.S. Supreme
15 Court held was that an individual shouldn't be compelled to
16 support that, regardless of, you know, where they fall on
17 the political spectrum.

18 REPRESENTATIVE CEPHAS: Okay. Thank you.

19 MAJORITY CHAIRMAN KAUFFMAN: Thank you.

20 Representative Klunk?

21 REPRESENTATIVE KLUNK: Thank you, Mr. Chairman.

22 And I would actually like to get back on topic to the bill
23 and the *Janus* decision.

24 The *Janus* decision talked about this affirmative
25 consent when it comes to, you know, paying these fair-share

1 fees. Since introducing this legislation, it has come to
2 my attention that a number of employees who were nonunion
3 have been approached by members of the union to sign
4 different contracts and pledge a certain amount of money to
5 the union. I think in anticipation of *Janus*, maybe the
6 unions saw the writing on the wall, anticipated it, and
7 tried to get those employees on the hook prior to the *Janus*
8 decision.

9 So my question is more of a legal question if you
10 can give us any insight into what do you see happening with
11 those particular contracts that may have been signed prior
12 to the *Janus* decision? And how does *Janus* play into that
13 for affirmative consent if those individuals now see the
14 *Janus* ruling and really don't want to contribute anymore
15 because they know that they actually have these rights
16 under *Janus*. It needs to be, you know, affirmatively made
17 on their behalf, that it's not a condition of employment.
18 What do you see happening with those contracts that were
19 signed prior to *Janus*?

20 MR. OSBORNE: Yes, so it's true. Prior to *Janus*,
21 there were a number of different contracts that started to
22 pop up, contracts that asked people to become a member of
23 the union and to agree to pay that union a particular
24 amount, regardless of their membership status. So even if
25 someone was to become a nonmember at some point in the life

1 of -- you know, the agreement usually pertains to a
2 particular period of time -- they would still have to pay
3 union dues even though they're a nonmember.

4 To my knowledge, the courts haven't addressed
5 basically the constitutionality of a provision like that
6 because, you know, they're new. But I know there are a
7 number of cases in the works to decide that question.

8 MAJORITY CHAIRMAN KAUFFMAN: All right. Thank
9 you very much for your testimony today, for being here, and
10 we are going to move on to the next panel. We are actually
11 surprisingly ahead of schedule even though we went off into
12 the weeds many times.

13 REPRESENTATIVE NEILSON: [inaudible].

14 MAJORITY CHAIRMAN KAUFFMAN: Well, if you want to
15 hang around longer, Representative Neilson -- so now we
16 have our next panel joining us. And first, we have Steve
17 Catanese from SEIU Local 668, Stuart Knade from the
18 Pennsylvania School Boards Association, and Jim Vaughan
19 from the Pennsylvania State Education Association.

20 And I'd like to remind the panelists to please
21 summarize your remarks to five minutes, and Shannon will be
22 there to give you the sign when it's time. And then we can
23 move on to questions after you have completed. So welcome,
24 and you can go in the order that you were called, Steve,
25 Stuart, and then Jim at the end. Thank you.

1 MR. CATANESE: I thought we might draw straws.
2 All right. Good afternoon, everyone. Thank you, Chairman
3 Kauffman, Chairman Galloway, the general body, brothers and
4 sisters in the audience and on the body. My name is Steve
5 Catanese. I'm the President of SEIU Local 668. We're a
6 union that represents 19,000 workers primarily in social
7 services. I myself am a member of my own local. I come
8 from being a caseworker myself, recently was a caseworker
9 in a county assistance office. Happy to have the
10 opportunity to testify here today.

11 So as Representative Klunk's co-sponsorship memo
12 notes, this bill is designed to ensure public employee
13 union compliance with the Supreme Court of the United
14 States' decision in *Janus v. AFSCME*, which held that unions
15 that represent public-sector employees such as our local,
16 could no longer negotiate fee arrangements with employers
17 for representational services to nonmembers of bargaining
18 units.

19 It is therefore remarkable that the Supreme
20 Court, who's current composition has been described by many
21 pundits as pro-corporate, has codified into law that
22 certain individuals receive services from private
23 organizations completely free of charge. However, while
24 the outcome baffled us, while it continues to baffle us,
25 the decision is law. It's a law by which we've abided and

1 will continue to abide.

2 Prior to the decision being announced, we sent
3 letters to the employers that we bargain with on a daily
4 basis, telling them that in the event of an adverse
5 decision in the *Janus* case, they should stop collecting
6 fair-share fees immediately. Following the decision, we
7 sent an additional letter advising them to cease collecting
8 fair-share fees, which brings us to H.B. 2571.

9 We have long complied with our obligation to
10 ensure that nonmembers only paid their fair portion for
11 representational services. If there were widespread
12 violations of this law before June of 2018, then the State
13 Legislature could have enacted measures to ensure
14 compliance. The Pennsylvania State Legislation has not
15 because such evidence does not exist. There is no need to
16 ensure that public employee unions comply with the decision
17 and consequently no need for this bill as there's no
18 evidence that we've never complied with the previous law.

19 The onus, though, to comply with the decision and
20 this legislation falls as much if not more so on employers
21 than on unions. It's remarkable that, with the exception
22 of Mr. Knade from the Public School Boards Association, who
23 is now not with us today but that those who would bear the
24 lion's share of the responsibility for implementation of
25 House Bill 2571, including public colleges, county

1 employers, and nonprofits are not here given the
2 opportunity to testify today.

3 There are a number of contradictions inherent in
4 the bill itself as well. Section 402(a) of Act 195, the
5 Public Employee Relations Act, would be amended under this.
6 This would mandate the employer would repeatedly notify
7 even before the start date for employees that they do not
8 have to enjoin a union. This would constitute an unfair
9 labor practice under the act in Article 7, Section 1201(a).
10 Repeated notification to an employee by an employer 26
11 times a year that they do not have to join a union is the
12 very definition of coercive activity and flies in the face
13 of established law. Moreover, such notification undermines
14 the very principle of freedom of association upon which
15 Mark Janus hinged his arguments.

16 If I as a future public employee am told that I
17 do not have to join a union repeatedly from my employer,
18 who is in a position of authority over me, then a coercive
19 effect of that notification impairs my ability to associate
20 with the union freely of my choice. If I presume rightly
21 or wrongly that ignoring the repeated notification of my
22 employer about not joining a union will lead to disparate
23 treatment, discipline, or otherwise retaliatory actions
24 from the employer, then the law constitutes an impairment
25 of my constitutional right of free association.

1 As a union, we invite employees to join us freely
2 of their own will. To do so, we have negotiated
3 orientations in some contracts. This is not standard but
4 it does exist. These same contracts include clear
5 procedures for how an individual may join or disenroll from
6 the union. Attendance at such orientations are completely
7 voluntary. Despite what was stated earlier, we are not
8 sadly given the opportunity to sit with someone when they
9 get hired on day one and make them join the union. We do
10 sometimes get a moment in some workplaces to speak to
11 people about what the union's about and how they can join.

12 This bill would create a law that would
13 statutorily force an employer to intimidate employees into
14 not joining a union. How would this not impair an
15 individual's First Amendment rights? Such actions beg the
16 question what are the priorities of this body? Why is this
17 much attention, time, and taxpayer resources being paid to
18 enact a bill that would create a new regulation on
19 employers clearly intended to discourage employees from
20 joining a union? Is similar time being invested in the
21 regulation of bad employers who regularly seek to prevent
22 hardworking taxpayers from exercising their legal right to
23 organize a union?

24 Thirty seconds? I'm a long talker.

25 Notification of union rights to all employees

1 should be made out there. Now, I'll really rush through
2 the rest of this. And the point I was going to make there
3 is if we're going to notify some workers that they don't
4 have to join a union, every worker, whether they're in a
5 workplace that's organized or not, should be notified of
6 their rights that they can of their own free will engage in
7 concerted activity and join a union.

8 Flatly, our union is predominantly female. Over
9 two-thirds of our members are women. The collective
10 bargaining agreements that we negotiate actually provide
11 pay equity in the workplace. Pay equity in the workplace
12 for public servants who earn less in the exercise of saving
13 lives on a daily basis are members from 911 dispatchers,
14 children and youth caseworkers, unemployment compensation
15 officers who've testified in front of this board recently
16 to help fix government that was broken by this Assembly,
17 they do that because they care about helping people. What
18 this bill would do was impact those members, two-thirds
19 again of which are female, and those workers who, for the
20 first time in their life, have had equal pay at the
21 workplace because we bargained it with the same pay scales
22 that were disparaged earlier, they would lose that ability.
23 What we're talking about is undermining that ability for
24 people to actually bring bread home to their family, for
25 once be the breadwinner that actually can come home from

1 work and say I have a union contract with benefits that
2 save and help my family out.

3 In closing -- I got to catch up to where I was in
4 my written remarks -- we do believe that H.B. 2571 is
5 unnecessary and unsound. It's driven ultimately by
6 corporate special interests to erode the rights of
7 hardworking taxpaying Pennsylvanians. This will put costs
8 on State Government that would be passed on to taxpayers.
9 This is not good government.

10 I do appreciate you giving me the time and the
11 ability to show some passion at this podium. Thank you all
12 very much.

13 MR. KNADE: Good afternoon. I'm Stuart Knade,
14 Senior Director of Legal Services for the Pennsylvania
15 School Boards Association. Chairman Kauffman, Chairman
16 Galloway, thank you for inviting us to testify here today.

17 We are employers. The public school entities
18 that we represent in this big equation are the employers.
19 Our individual members, elected school directors, thousands
20 of elected school directors in their private lives, you
21 know, may be employees, may be business owners, may be
22 employers themselves, but when they sit on a school board,
23 they are collectively employers. And one of their chief
24 concerns is making sure that they comply with the law, that
25 they don't violate employee rights, which gets a little

1 more complicated in the public sector.

2 And the issues that *Janus* confronted are issues
3 that really only arise in the public sector. We're talking
4 about employee First Amendment rights and the involvement
5 of government in the form of a government employer agreeing
6 to things that have an impact on employee expressive and
7 associational First Amendment rights.

8 So *Janus* is a big deal, but it was not a
9 surprise. As you can see in our written testimony, the
10 writing began to appear on the wall a number of years ago,
11 so, as I think our first witness or -- I'm sorry, I didn't
12 catch the last name -- but indicated both the employers and
13 the unions that we work with were very proactive. We sort
14 of saw it coming. The result was not much of a surprise I
15 think to most of us. And we did a lot of proactive
16 measures to make sure that on the day that the decision was
17 issued that any collection of fair-share fees stopped
18 immediately and, you know, months and months in advance we
19 put out information to say to employers here's how you
20 should prepare to do that so that it isn't a mad scramble
21 for you. This is something you can just simply execute
22 once you get confirmation.

23 And this was also important. Once the *Janus*
24 decision was issued, even though it didn't address
25 Pennsylvania law, so it had to be analyzed to make sure

1 that it had the same impact on Pennsylvania law that it had
2 on the Illinois law that it was directly confronting. And
3 it was crystal clear at least to us at the School Boards
4 Association, you know, that the Pennsylvania law was
5 equally infirm under *Janus* and we could no longer be
6 implemented.

7 And so that sort of brings us to the topic of the
8 bill, which I think some have referred to it as sort of
9 cleaning up. You know, we think it's generally not a good
10 idea to leave laws on the books that can't be implemented
11 constitutionally. So repealing them is appropriate. It's
12 a good idea. The bill does that.

13 It's also not a bad idea to tell employees what
14 their rights are. We're kind of used to that as employers.
15 We have big bulletin boards in the workplace that notify
16 employees of all kinds of different rights that they have
17 under State and Federal laws and that are important to
18 them. How many employees actually read those bulletin
19 boards? It's difficult to say, just like how many
20 employees actually look at their paystubs. It's also
21 difficult to say.

22 Nonetheless, we take steps to notify employees of
23 their rights in a number of different contexts, and it's
24 hard to say that that's ever a bad idea to tell employees
25 what their rights are. The real question is how do you do

1 so in a cost-effective and administratively efficient way.
2 We generally think that the goals of the bill are
3 appropriate, and we'll be happy to have further
4 conversations about whether or not we can make the actual
5 mechanisms as cost-effective as we can.

6 MAJORITY CHAIRMAN KAUFFMAN: Thank you. And just
7 to note, we did invite the Pennsylvania State Association
8 of Township Supervisors, as well as the Pennsylvania State
9 Association of Boroughs to testify as well, and they
10 declined. And with that, we can only assume that they
11 didn't have great issues with the legislation either as
12 public employers.

13 And you may proceed, Mr. Vaughan.

14 MR. VAUGHAN: Thank you. Good afternoon,
15 Chairman Kauffman, Chairman Galloway, and Members of the
16 Committee. I'm Jim Vaughan. I'm the Executive Director of
17 the Pennsylvania State Education Association. I'd like to
18 thank you on behalf of PSEA for inviting us to participate
19 in this discussion surrounding House Bill 2571, which was
20 introduced in the aftermath of the *Janus v. AFSCME* ruling
21 recently handed down by the Supreme Court.

22 For context, PSEA has slightly more than 181,000
23 dues-paying members. Of those, 142,000 approximately are
24 active school employees, including teachers and education
25 support professionals. Prior to June 27th of this year,

1 PSEA also received fair-share fees from an additional 6,800
2 feepayers. I'm estimating those figures.

3 Now, we were certainly disappointed in the 5-4
4 ruling that overturned a decades-old precedent, and we
5 don't agree with the rationale that the ruling was based
6 on. Nevertheless, the United States Supreme Court has
7 ruled, and PSEA is acting in compliance with the decision.

8 PSEA and our local associations clearly
9 understand that fair-share provisions in public-sector
10 collective bargaining agreements are now unconstitutional,
11 and to this end, we've done everything to fully comply with
12 the Court's decision. In the interest of time, I've
13 detailed our actions in my written testimony and attached
14 copies of correspondence to school employers and nonmember
15 employees following the Court's decision, and in sum, I can
16 assure you that we have notified all former feepayers of
17 the ruling, and we are no longer collecting fair-share fees
18 from those individuals.

19 Within hours of the ruling, PSEA reached out to
20 contact school employers via email, mail, and phone, and
21 directed them to immediately cease payroll deductions for
22 fair-share fees. Today, we continue to partner with
23 employers to obtain the information necessary to refund any
24 fees where employers were unable to modify a scheduled
25 payroll. We established a restricted account to ensure

1 that any nonmember feepayers are refunded expeditiously and
2 with interest.

3 Now, I'd like to turn my attention to House Bill
4 2571, and it's my hope to be clear and succinct on this
5 point. We believe the notice requirements contained in
6 House Bill 2571 are both unnecessary and may expose parties
7 to unfair labor practices. As has been pointed out, post-
8 *Janus*, public employers are prohibited from deducting fair-
9 share fees from nonconsenting nonmembers, which makes the
10 proposed mandate superfluous. PSEA has already provided
11 this notice to nonmembers who were formerly feepayers. It
12 seems illogical to require notice to nonmembers that they
13 are no longer required to have any dealings with the union
14 when, because of *Janus*, they are no longer required to have
15 any dealings with the union.

16 It should also be noted that the bill is silent
17 with regard to the means by which the notification must be
18 delivered, which creates the potential for abuse and
19 exposes parties to potential unfair labor practices,
20 discrimination in hiring, and interference with employee
21 rights under PERA. And even if employers do provide the
22 notification in a fair manner, as has been mentioned
23 before, the legislation ensures antiunion bias by only
24 explaining one side of the choice.

25 In Pennsylvania, employees and their colleagues

1 can determine for themselves whether or not to join a
2 union. Individual employees always have the free choice to
3 engage in or refrain from union activities, and if the
4 stated intent of the bill is truly to ensure that
5 nonmembers are aware of their rights following the *Janus*
6 decision, the bill should require notice of their full
7 rights. Instead of exclusively focusing on telling public
8 employees of their right to not join a union, it should
9 include notice of their rights to join a union as well,
10 just as the overwhelming majority of school district
11 bargaining unit employees have chosen to do in this State.

12 In fact, PSEA could entertain supporting this
13 legislation if it simply provides for an access to the full
14 range of information to employees of their rights. Again,
15 if the intent is to mandate notice to nonmembers every pay
16 period of their right not to join a union, we believe it
17 only makes sense to provide notification informing them of
18 their rights to join a union as well.

19 We believe it would be a disservice to public-
20 school employees to deliberately exclude union rights and
21 benefits from proposed notice requirements, especially
22 since we believe it's been proven that a strong union is in
23 the best interest of employees, students, and their
24 schools.

25 I and PSEA am proud of the benefits and services

1 we provide to our members. Our members are, too. In the
2 months leading up to the *Janus* ruling, local associations
3 engaged in tens of thousands of conversations with
4 nonmembers, new employees, and existing members, and we are
5 encouraged and invigorated by those conversations.
6 Overwhelmingly, these discussions showed that public-school
7 employees value PSEA and have made clear the value of our
8 union is not simply bargaining and enforcing a contract but
9 also, the heart of our membership is a resounding desire to
10 be supported and recognized for the challenging and
11 important work that our members do on behalf of
12 Pennsylvania's students and schools every day.

13 We will continue to provide the tools,
14 protections, and resources our members need to perform
15 their work because we know that they are constantly
16 striving to improve their practice and to grow
17 professionally because all our members are committed to
18 making sure students receive a high-quality education.

19 Thank you for your time, and I look forward to
20 answering any questions you may have.

21 MAJORITY CHAIRMAN KAUFFMAN: Thank you,
22 gentlemen. I appreciate it. And I was notified that --
23 although I didn't have her on a list, I was notified that I
24 missed Representative Donatucci last round, so we're going
25 to start with Representative Donatucci.

1 REPRESENTATIVE DONATUCCI: Thank you, Mr.
2 Chairman.

3 This question is for Steve Catanese and James
4 Vaughan. Your testimony mentions your local associations
5 have reached out to nonmembers. What is the typical
6 response from these nonmembers?

7 MR. CATANESE: Sure, I don't mind going first. I
8 mean, as having been a workplace steward myself before
9 being in this role, it's not much different than the usual.
10 We reach out to workers, explain the benefits of joining a
11 union, why they should. They don't have to. Sometimes
12 people do. In the wake of the *Janus* decision, remarkably,
13 a lot more people who were previously feepayers joined
14 because they felt in some sense they were paying a fair
15 share. They didn't want to be a free rider, so we've
16 actually seen a very strong response in the wake of it.

17 MR. VAUGHAN: I can't speak to specifics of
18 individual conversations because I don't have those. What
19 I can tell you, though, is we have had hundreds of either
20 nonmembers or former feepayers have chosen to join the
21 union either prior to or in the wake of *Janus*, and we
22 simply view this as a way to actively engage nonmembers in
23 the union, explain the potential benefits of joining, and
24 to answer any questions or concerns they may have and try
25 to engage them in the union and make them active

1 participants.

2 REPRESENTATIVE DONATUCCI: Okay. So is it your
3 belief that public employers in Pennsylvania are already
4 complying with the *Janus* decision?

5 MR. VAUGHAN: I can speak from PSEA's experience.
6 We've worked very closely with public employers and the
7 employers that had fair-share provisions in their
8 contracts, and we believe we are doing a very good job of
9 complying with the court case at this point and stopping
10 the deduction of fees. And in our case where it's
11 necessary refunding certain amounts of fair-share fees.

12 REPRESENTATIVE DONATUCCI: Okay. And lastly, are
13 unions required by law to represent nonunion members?

14 MR. CATANESE: Yes, and bargaining unit, yes.

15 REPRESENTATIVE DONATUCCI: Okay. Thank you.

16 MAJORITY CHAIRMAN KAUFFMAN: All right. Moving
17 on, Representative Keller.

18 REPRESENTATIVE KELLER: Thank you, Mr. Chairman,
19 and thank you, gentlemen, for your testimony.

20 I want to focus on a couple things that were
21 brought out. Mr. Catanese and Mr. Vaughan, you had
22 mentioned increased activity in people wanting to join the
23 union in the wake or prior to the *Janus* decision. Are you
24 aware of any collective bargaining agreements that actually
25 went around seeking people to sign papers that might be

1 fair-share people that might not be union members? Did
2 your collective bargaining agencies do that?

3 MR. CATANESE: I think this echoes back to a
4 point that was attempted to be made earlier. What do you
5 mean in terms of collective bargaining agreements having
6 people sign papers? Are you talking about --

7 REPRESENTATIVE KELLER: In other words, the
8 collective bargaining unit --

9 MR. CATANESE: -- members --

10 REPRESENTATIVE KELLER: -- going around saying,
11 hey, there's this Supreme Court decision out here. You
12 better join or, you know, you're going to lose rights.

13 MR. CATANESE: So if you're asking if union
14 members went around and talked to their coworkers and said
15 there's a --

16 REPRESENTATIVE KELLER: No, union officials,
17 elected, like the -- I'm just wondering if --

18 MR. CATANESE: People like myself?

19 REPRESENTATIVE KELLER: -- your locals, if your
20 shop stewards, if your people that represent the union went
21 around to people and tried to get them to sign on to the
22 union membership?

23 MR. CATANESE: Our shop stewards ask members and
24 nonmembers to sign up every day, yes.

25 REPRESENTATIVE KELLER: Okay.

1 MR. CATANESE: That's a regular course of action
2 in a union.

3 REPRESENTATIVE KELLER: And there was no
4 increased activity around the *Janus* case?

5 MR. CATANESE: Was there increased -- yes --

6 REPRESENTATIVE KELLER: Okay.

7 MR. CATANESE: -- we went around and asked
8 people --

9 REPRESENTATIVE KELLER: Okay.

10 MR. CATANESE: -- if you're not a member, there's
11 a really good reason to sign up, and most people saw why.

12 REPRESENTATIVE KELLER: Okay. The reason I ask
13 -- and I'm going to go back to you Mr. Catanese -- you
14 talked about getting a notice every two weeks that you
15 didn't have to join. You thought that was a little bit
16 overbearing.

17 MR. CATANESE: So --

18 REPRESENTATIVE KELLER: That's what you said
19 earlier, correct? That's harassment I think is the way you
20 said it earlier.

21 MR. CATANESE: And I want to go back to something
22 Representative Klunk said when she introduced the bill
23 earlier, that this would actually require unions to notify
24 people of this. And this came up in an op-ed, the
25 Commonwealth Foundation --

1 REPRESENTATIVE KELLER: Well, no, I want to --

2 MR. CATANESE: -- that this is a union --

3 REPRESENTATIVE KELLER: Excuse me. Mr. Chairman,
4 can we stick to the --

5 MR. CATANESE: -- notification. This is public
6 employer notification.

7 REPRESENTATIVE KELLER: No, but --

8 MR. CATANESE: So the difference between a worker
9 talking to a coworker and an employer repeatedly sending
10 notification out is different.

11 REPRESENTATIVE KELLER: And a union President.
12 Because I'm going to give you an example. You said that
13 getting notice every two weeks would be considered
14 harassing or, you know, a violation of someone's rights
15 because you're continually hounding them. I know of a
16 person coming up to this -- it was actually an AFSCME
17 collective bargaining unit, one employee over three weeks
18 was visited six times with a paper put under her nose
19 saying you need to sign this. The last time, two people.
20 The last time, two people. So I guess the point I want to
21 make is that you're making this sound like people just went
22 and did this of their own free will when I know in fact
23 that people were coerced into signing this. "You're the
24 only one that didn't sign it, you're the only one that
25 didn't sign it." So I guess I just want the Committee to

1 know that while this all sounds like an attack on organized
2 labor, it's not. It's just simply letting everybody know
3 what their rights are because they are continually getting
4 bombarded from the other side.

5 I'm going to get off of that for right now. The
6 question I guess I would have to Mr. Vaughan, how do you
7 measure teacher performance?

8 MR. VAUGHAN: How do we measure --

9 REPRESENTATIVE KELLER: Oh, excuse me. I'm
10 sorry. School Boards Association is Mr. Knade. I'm sorry.
11 How do you measure teacher performance?

12 MR. KNADE: Well, we have a mandatory evaluation
13 system that we're required to use in terms of annual
14 evaluations for professional employees.

15 REPRESENTATIVE KELLER: Okay. So you care more
16 about how well they're teaching the students? That's
17 really the goal of a public-school employee?

18 MR. KNADE: Ultimately, that's our most --

19 REPRESENTATIVE KELLER: Okay.

20 MR. KNADE: -- important priority, yes.

21 REPRESENTATIVE KELLER: Right. So if I'm a
22 public-school employee and it's been decided that if I have
23 this much experience and this much education, this is what
24 I make, what's my incentive to want to try and do better if
25 everybody's getting paid the same no matter how I perform?

1 MR. KNADE: I think you ask a valid question that
2 comes up in the context of labor relations in any
3 context --

4 REPRESENTATIVE KELLER: Okay.

5 MR. KNADE: -- which is --

6 REPRESENTATIVE KELLER: Because I've heard from
7 the Committee that, you know, it's all about pay, and we
8 want people to earn a good living, but we also want to make
9 sure that our students are learning, the people that are
10 providing services for the Commonwealth are getting the
11 best service they can get, and when everybody is paid the
12 same no matter what, you don't always get -- just because
13 you pay more doesn't mean --

14 DEMOCRATIC CHAIRMAN GALLOWAY: Mr. Chairman, can
15 we stay --

16 REPRESENTATIVE KELLER: -- you got better --

17 DEMOCRATIC CHAIRMAN GALLOWAY: -- on the bill,
18 please? This really has nothing to do with the bill.

19 MAJORITY CHAIRMAN KAUFFMAN: We were on lots of
20 rabbit trails last time if you remember, and most of them
21 were yours.

22 REPRESENTATIVE KELLER: Well, I guess I just want
23 to make the point that people should earn a good living,
24 but the point is being in a collective bargaining unit
25 doesn't guarantee you that. What guarantees it is

1 performance. And I just want to make the other point,
2 since it was brought out in testimony that it would be
3 harassing to let everybody know every two weeks what their
4 rights would be, it's also harassing to have an employee
5 get visited every two and a half days for a period of three
6 weeks to sign a paper. Thank you.

7 MAJORITY CHAIRMAN KAUFFMAN: Representative
8 Cephas.

9 REPRESENTATIVE CEPHAS: Thank you. A couple of
10 quick questions. I know the one gentleman mentioned the
11 demographics of your union earlier in your testimony. Can
12 the other two unions let us know what your demographics
13 are? I mean, since he brought up the issue around pay
14 equity, I had a hearing a couple of weeks that talked about
15 the intersection between the *Janus* ruling and pay equity
16 for women, so if you can mention that, that would be great.

17 MR. VAUGHAN: Certainly. I can tell you off the
18 top of my head that roughly three-quarters of our union
19 members are female. Beyond that, I don't have the specific
20 demographic ethnic breakdowns off the top of my head, but
21 I'd be happy to provide that --

22 REPRESENTATIVE CEPHAS: Great.

23 MR. VAUGHAN: -- to the Committee. Also if I
24 could, with regard to the prior line of questioning, I
25 would also be happy to share a number of studies that

1 indicate that unionized educators and well-paid
2 educators --

3 REPRESENTATIVE CEPHAS: Perform better.

4 MR. VAUGHAN: -- have better-performing schools
5 and better-performing students.

6 REPRESENTATIVE CEPHAS: Great.

7 MAJORITY CHAIRMAN KAUFFMAN: Representative Dush.

8 REPRESENTATIVE DUSH: Thank you, Chairman.

9 First of all, both to SEIU and the PSEA, I want
10 to thank you for the proactive way you've notified, getting
11 the letters out. I saw the letters, and I appreciate that.
12 But I want to go into a few things here. With the previous
13 panel, Representative Cephas brought up about other issues,
14 and, Steve, you brought up about the issue last session,
15 the beginning of this session and blamed the Legislature
16 for what was going on with Secretary of Labor and the \$400
17 million of taxpayers' money that was being wasted on the
18 Ben Mod, the Benefits Modification Program. The Secretary,
19 the Administration is the one that terminated those
20 employees. We gave \$30 million to the Secretary, and she
21 didn't hire them back. Your guys were demonstrating out
22 here in the hallway until I stepped into the middle of it
23 and started explaining it to them. For the remaining two
24 or three weeks and the whole way through till we finished
25 that legislation, your employees were up in my office

1 because they weren't getting the scoop from you. That is
2 one of the other issues. And since --

3 REPRESENTATIVE NEILSON: Chairman, Chairman,
4 Chairman, Chairman --

5 REPRESENTATIVE DUSH: -- both of you guys --

6 REPRESENTATIVE NEILSON: -- we're getting way,
7 way off. This is another --

8 REPRESENTATIVE DUSH: No, this is --

9 REPRESENTATIVE NEILSON: -- issue in itself.

10 REPRESENTATIVE DUSH: This is why --

11 REPRESENTATIVE NEILSON: This has nothing to do
12 with the written testimony or the bill on hand right now,
13 and I'd respectfully ask -- because I've been --

14 MAJORITY CHAIRMAN KAUFFMAN: Well, the
15 testifier --

16 REPRESENTATIVE NEILSON: -- working real
17 patiently is hard, too.

18 MAJORITY CHAIRMAN KAUFFMAN: -- opened the door
19 when he chastised the Legislature for the problems in the
20 unemployment compensation system.

21 REPRESENTATIVE NEILSON: This is --

22 MAJORITY CHAIRMAN KAUFFMAN: That's where it
23 started.

24 REPRESENTATIVE NEILSON: This is not unemployment
25 compensation. That's not --

1 MAJORITY CHAIRMAN KAUFFMAN: Well, I know --

2 REPRESENTATIVE NEILSON: -- what we're here to
3 talk about today.

4 MAJORITY CHAIRMAN KAUFFMAN: -- but he's the one
5 who brought it up, not us.

6 MR. CATANESE: If I may --

7 REPRESENTATIVE DUSH: Chairman, if I can address
8 his issue --

9 REPRESENTATIVE NEILSON: I just -- yes.

10 REPRESENTATIVE DUSH: I can address your issue.

11 REPRESENTATIVE NEILSON: Yes, I just want to
12 stick to this because I'm trying to -- and we're not even
13 getting --

14 REPRESENTATIVE DUSH: I'm sticking actually to
15 it. Representative Cephas asked a specific question about
16 what other issues are causing members of the unions to not
17 want to be members.

18 REPRESENTATIVE NEILSON: And that was the other
19 panel.

20 REPRESENTATIVE DUSH: And this is one of them.

21 REPRESENTATIVE NEILSON: That was the other
22 panel.

23 REPRESENTATIVE DUSH: And I'm going to --

24 REPRESENTATIVE NEILSON: That has nothing to do
25 with -- you could have followed up with that other panel to

1 say, "Did you ever hear about this?" They wouldn't hear
2 about this. I mean, we're on a whole separate panel and
3 you just had their testimony. Nothing in their
4 testimony -- nothing --

5 REPRESENTATIVE DUSH: Steve is the one who
6 brought this up.

7 Now, to the second point --

8 MR. CATANESE: Well, if I may --

9 REPRESENTATIVE DUSH: -- the second part of this
10 is both of you guys --

11 MR. CATANESE: May I respond at least --

12 REPRESENTATIVE DUSH: Sure.

13 MR. CATANESE: -- to that portion of it. I'd be
14 happy to because I recall the moment that you walked down
15 the hall to find our members because it was me that ended
16 up talking with you for a little bit. And as you claimed,
17 you tried to explain to them why things were going wrong.
18 The key thing you weren't doing at the time was listening.
19 I didn't blame any individual legislator but I blame the
20 General Assembly because it was the General Assembly that
21 did not pass funding. And it was the effort of our members
22 who were here lobbying every day to explain to every person
23 in this General Assembly, especially in this body, the harm
24 that was being done to Pennsylvanians every single day no
25 action was taken.

1 MAJORITY CHAIRMAN KAUFFMAN: I can appreciate --

2 MR. CATANESE: So I believe very strongly --

3 MAJORITY CHAIRMAN KAUFFMAN: I can appreciate
4 that --

5 MR. CATANESE: -- that their right to organize --

6 MAJORITY CHAIRMAN KAUFFMAN: -- but you come to
7 the Committee --

8 MR. CATANESE: -- in a workplace --

9 MAJORITY CHAIRMAN KAUFFMAN: -- that worked very
10 hard to get things done. So I take offense with that
11 because I worked very hard to make sure you guys were back
12 in your seats.

13 REPRESENTATIVE DUSH: Absolutely.

14 MR. CATANESE: And to, again --

15 REPRESENTATIVE DUSH: And you said if --

16 MAJORITY CHAIRMAN KAUFFMAN: So let's move on.
17 And if we want --

18 REPRESENTATIVE DUSH: All right.

19 MAJORITY CHAIRMAN KAUFFMAN: -- strict behavior
20 in this Committee, we will stick to the issues. So move
21 on. Get to the questions. There will be no latitude if
22 that's the way Committee would like it.

23 REPRESENTATIVE DUSH: All right. Mr. Chairman,
24 what I'd like to address is the reasons, as it was brought
25 up, why members should be aware of their rights not to.

1 And the question was raised what other issues. Since both
2 of you guys have members who are working in the
3 Pennsylvania Department of Corrections, where have you guys
4 been while people's lives have been on the line? It was me
5 that organized family members and retirees, not using
6 active members simply because I want to protect their jobs.
7 You guys get paid for this kind of activism. Where were
8 you? We've got your people, the people you represent
9 getting sick from K2, fentanyl, carfentanil, and you guys
10 have been silent. This is why your members want to --

11 MAJORITY CHAIRMAN KAUFFMAN: Hey, Cris, can we
12 move on?

13 REPRESENTATIVE DUSH: -- get out. It's not
14 just --

15 MAJORITY CHAIRMAN KAUFFMAN: Can we move on,
16 Cris?

17 REPRESENTATIVE DUSH: Thank you.

18 MAJORITY CHAIRMAN KAUFFMAN: Do you have a
19 question for the testifier.

20 REPRESENTATIVE DUSH: I want to know where you've
21 been.

22 MR. VAUGHAN: If I could, Mr. Chairman, I can't
23 speak to the specifics of that right now. I would be happy
24 to bring our staff member in who works directly with that
25 bargaining unit and have them discuss our actions with you.

1 REPRESENTATIVE DUSH: But this is why your
2 members want the latitude --

3 MR. CATANESE: I do remember myself --

4 REPRESENTATIVE DUSH: -- that Mr. Keith --

5 MR. CATANESE: -- directly being involved in a
6 conversation last week to help make sure protective gear
7 was being given to our members so they were healthy. We
8 were also discussing how we could better talk with and
9 notify more people and make sure that we know what's going
10 on in the shops so that we can advocate for what they need
11 to be safe. If you'd like to know what we're doing, we'd
12 be happy to tell you as well.

13 REPRESENTATIVE DUSH: Well, there are a lot your
14 members who are asking me where have you been.

15 MR. CATANESE: Tell them, feel free to get in
16 contact with us. We enjoy talking to our membership.
17 Thank you for the question.

18 MAJORITY CHAIRMAN KAUFFMAN: Representative
19 Snyder.

20 REPRESENTATIVE SNYDER: Thank you, Mr. Chairman.
21 I want to thank the testifiers for being here today, and I
22 have a couple of questions for Steve and Jim.

23 Outside of the bargaining contract negotiations
24 you do, what other kind of benefits do your members get?

25 MR. CATANESE: Are you sure you want to ask me?

1 REPRESENTATIVE SNYDER: I do.

2 MR. CATANESE: It tends to get loud. No, so at
3 least in terms of being members of the union, being a
4 member gives you a say in every aspect of our process.
5 We're a democratically run organization. Beyond that, we
6 try to work with different organizations to provide member
7 benefits for insurance rates, things like that, to kind of
8 help folks out. We also give them legal advice as needed
9 from time to time depending on the situation and really
10 work to help enforce the collective bargaining agreement,
11 but I think that's the other part of your question you
12 didn't really want answered.

13 MR. VAUGHAN: I'd agree --

14 REPRESENTATIVE SNYDER: Jim?

15 MR. VAUGHAN: -- with what Steve said. And some
16 people think it might just be about liability insurance or
17 free access to professional development, but what's really
18 showing through -- and I alluded to it in my verbal
19 comments -- was the fact that our members really appreciate
20 kind of a sense of community and shared values and know
21 that PSEA has their interests and the interest of public
22 education at the forefront. And there's a real
23 appreciation for that and that we respect the jobs that
24 they do and try to provide them the support they need.

25 REPRESENTATIVE SNYDER: Thank you. And I would

1 just like to make some comments about what I've heard here
2 today. I know my public-school teachers very well, and I
3 know how hard they work. And, Representative Keller, your
4 comments about what is their incentive if they're not being
5 paid more, I can tell you firsthand that the public-school
6 teachers that I know -- and I have eight school districts
7 in my district -- not only are they dedicated, committed,
8 knowing the budget constraints that we have in the State of
9 Pennsylvania, they spend a lot of money out of their
10 pockets to make sure that their students have what they
11 need.

12 I see it every day. My daughter is a
13 kindergarten teacher, and I know the commitment she has.
14 It doesn't matter what she gets paid. That commitment is
15 the same every day, and all of her fellow teachers and the
16 teachers that I know are the same way. Our schoolteachers
17 spend more time with our kids every day than we do as
18 parents, so I respect what they do.

19 I would like to know from Jim and Steve how you
20 felt when you heard Mr. Williams say you shouldn't even be
21 here to testify today. How did that make you feel?

22 MR. VAUGHAN: I believe we were invited here. We
23 have a right to testify, and I'm happy and proud to do it
24 on behalf of our membership.

25 REPRESENTATIVE SNYDER: Well, I would just like

1 to point out also, you know, the two-week notice by the
2 employers, you want to compare it to your union steward
3 asking you to sign a union card, not even in the same
4 ballpark. That union steward doesn't have the ability to
5 fire that employee or let that employee go.

6 So I want to thank all of you. It's no secret
7 how I feel about unions and the working people, and I will
8 continue to feel that way and be a strong advocate. Thank
9 you.

10 MAJORITY CHAIRMAN KAUFFMAN: Representative
11 Krueger-Braneky.

12 REPRESENTATIVE KRUEGER-BRANEKY: Thank you, Mr.
13 Chairman.

14 For Steve and -- I want to ask a question to
15 clarify something that was said in the previous panel. So
16 for PSEA and SEIU, are member dues used for political
17 contributions?

18 MR. CATANESE: No.

19 MR. VAUGHAN: There's a prohibition against
20 direct contributions to candidates.

21 REPRESENTATIVE KRUEGER-BRANEKY: There's a
22 prohibition against direct contributions to candidates.

23 MR. VAUGHAN: Yes, and to that end, not to go
24 down a rabbit hole, but fair-share fees were created to --
25 we are allowed to talk to our members about -- we call it

1 member-to-member advocacy about elections. In terms of the
2 fair-share fee, the costs of that were calculated and
3 removed from the dues to arrive at a fair-share fee figure.
4 And we had that arbitrated from objectors for well over a
5 decade, and arbitrators agreed that our fee was properly
6 calculated each and every year. So for those quote/unquote
7 internal member purposes, those were extracted from fair-
8 share fees, so those weren't going to support those
9 efforts.

10 MR. CATANESE: And just to echo that, I mean, we
11 have a similar process. We go through a similar auditing,
12 filing, paperwork's done every year to make sure the fee is
13 calculated, and it was readjusted every year to be
14 reflected of the services we gave.

15 REPRESENTATIVE KRUEGER-BRANEKY: So fair-share
16 fees are not or never have been used for political
17 contributions?

18 MR. CATANESE: No.

19 REPRESENTATIVE KRUEGER-BRANEKY: Okay. And, Jim,
20 PSEA was really under the microscope on the last panel. Do
21 you endorse Republicans as well as Democrats here in
22 Pennsylvania?

23 MR. VAUGHAN: Yes.

24 REPRESENTATIVE KRUEGER-BRANEKY: Actually, where
25 I live, sometimes it's more Republicans than Democrats. So

1 your political support is not just going to members of one
2 political party?

3 MR. VAUGHAN: [inaudible].

4 REPRESENTATIVE KRUEGER-BRANEKY: Okay. And the
5 *Janus* decision at the end of June basically rolled back 40
6 years of precedent that supported the rights of workers to
7 unionize. And I want to point out that this bill goes even
8 further than that *Janus* decision. Payroll deductions from
9 consenting nonmembers were not actually struck down by the
10 Supreme Court, but this bill, House Bill 2571, would go
11 even further and prohibit public employees from using
12 payroll deductions for consenting nonmembers even if they
13 wish to make a payment to the union.

14 Now, Representative Klunk mentioned in her
15 opening remarks that there's 28,000 members who pay fair-
16 share fees in Pennsylvania, so if this bill were to pass
17 and we were no longer able to use payroll deductions, what
18 would the cost of that be and what would the impact be?

19 MR. CATANESE: Go ahead first. Yes.

20 MR. VAUGHAN: That's hard to ascertain because I
21 can't tell you how many of those nonmembers or former fee
22 payers would choose to join and pay, so it's hard to put a
23 concrete figure on that, but we could try to calculate it.
24 But I can't sit here today and estimate what that would be.

25 MR. CATANESE: Basically a similar answer on that

1 as well.

2 REPRESENTATIVE KRUEGER-BRANEKY: And what would
3 the mechanism be for those nonmembers who want to
4 voluntarily make a contribution. If there was no payroll
5 deduction, how would that payment actually get made?

6 MR. VAUGHAN: It depends upon what local they're
7 in within PSEA. We have direct dues set up within a small
8 amount of our locals right now. Most likely, they could
9 write a check.

10 MR. CATANESE: And yes, for us it would have to
11 be a myriad of systems, whether it's writing a check to
12 direct pay system. I mean, simply, just like any employer,
13 we try to go for the simplest route. If someone freely
14 chooses to be a member, we go for the simplest way for them
15 to pay dues. If they choose to not be a member, their dues
16 deduction stops. So for us it generally ends up being
17 payroll. If it was not payroll, you know, it just makes a
18 situation that is intended to cause greater havoc.

19 REPRESENTATIVE KRUEGER-BRANEKY: Okay. Thank
20 you.

21 MAJORITY CHAIRMAN KAUFFMAN: Representative
22 Neilson.

23 REPRESENTATIVE NEILSON: In good spirit, Mr.
24 Chairman, I will try and stay on subject and point.

25 Thank you, gentlemen, for your testimony today.

1 I don't have a whole lot of stuff. I appreciate your
2 testimony. You talked about notification. You brought
3 that up and who's going to pay for it, how's it going to
4 happen, and you talked about the signs. Do you think it's
5 right that the Legislature mandates all employers to notify
6 -- instead of doing signs, notify them for every little
7 safety, every little OSHA sign that we mandate? We mandate
8 child labor laws, all that stuff. Why you agree with this
9 legislation and you say, yes, we should notify them of
10 these rights, do you think we should mandate all
11 Pennsylvania employers to mandate for all those signs in
12 the back of your facility?

13 MR. KNADE: Well, Representative --

14 REPRESENTATIVE NEILSON: Because we should do
15 that every two weeks like this, right, or every week or
16 whatever?

17 MR. KNADE: I think what I said was more along
18 the lines of it's hard to argue that it's a bad idea to
19 tell employees what their rights are. How that's done is
20 another question. I can tell you that if you look at those
21 -- and fortunately, to make it easier for employers, the
22 Departments of Labor and Industry at the State and Federal
23 level will sell you these posters that have everything --

24 REPRESENTATIVE NEILSON: Wow.

25 MR. KNADE: -- that supposedly is mandated by law

1 in terms of notifications. You can --

2 REPRESENTATIVE NEILSON: For one low price of
3 like \$1,000 annually?

4 MR. KNADE: Fortunately, it's not quite that
5 much --

6 REPRESENTATIVE NEILSON: All right.

7 MR. KNADE: -- but there is a cost to it. Any
8 kind of notification has a cost to it. And I think it's
9 helpful to understand we deal with notifications with
10 students, too, and their families and annual notifications
11 and the boilerplate -- have you looked at a school calendar
12 lately with all of the boilerplate in the back about all
13 the annual notifications? So I think it's worth more
14 conversation about how to accomplish the goals of the bill
15 in a way that's efficient and actually works, actually gets
16 the message across. As I alluded to before, you could put
17 boilerplate in a paystub, but that doesn't mean anybody's
18 really going to read it every week or every two weeks I
19 should say.

20 It's also helpful, I think, to keep in mind that
21 employers of any kind, public sector or private sector,
22 they don't deduct anything from anybody's pay if the
23 employee does not provide an authorization for the payroll
24 deduction unless it's one of the things like Federal tax
25 withholdings and, you know, Medicare and Social Security.

1 So there are a number of things that are already
2 at work, and it may be best to piggyback on those to
3 actually ensure that when somebody provides that
4 authorization, the employer's not going to make a deduction
5 without, that might be probably a more efficient and
6 effective way to provide the notice that the bill
7 contemplates than sort of an every-two-week-boilerplate-in-
8 the-paystub kind of thing.

9 So I think that's worth a further conversation.
10 It's certainly not something that I think anybody wants to
11 try to nail down right now, but I thank you for your
12 question.

13 REPRESENTATIVE NEILSON: Thank you, Chairman.
14 That will be all for me tonight.

15 MAJORITY CHAIRMAN KAUFFMAN: Thank you,
16 Representative Neilson.

17 Representative Klunk?

18 REPRESENTATIVE KLUNK: Thank you, Mr. Chairman.
19 And thank you to my colleagues for joining us today and our
20 panelists as well.

21 I just wanted to make a note that if I did
22 misspeak earlier, I wanted to clarify that the bill does
23 direct public-sector employers to inform nonunion members
24 about the *Janus* decision. Just if I misspoke, I apologize.

25 But I first want to thank you, our union folks

1 who are here today, for your proactive nature and the
2 School Boards Association in making sure that your
3 employees knew about the *Janus* decision and were proactive
4 in informing all of those members in all of the districts
5 all throughout the State. I really do appreciate that.

6 I wanted to touch on a couple different things.
7 I first wanted to reiterate that this payroll deduction,
8 you know, taking that out is really important because we
9 need to make sure that that employee, based on that *Janus*
10 decision, affirmatively decides to contribute if you will
11 that fair-share fee so that there's no question of whether
12 or not the individual might change their mind and might not
13 be able to get in there to say, hey, I don't want this, you
14 know, to be deducted this week. I'm actually going to
15 change that, and then you have to refund their money, you
16 know, if it would be a proactively upfront -- do you guys
17 -- actually, just a question to PSEA.

18 I'm assuming you have a mechanism on your -- do
19 you have a mechanism on your website now to collect for
20 political dues where you can go in and, you know, give your
21 credit card information and make a political contribution
22 to PSEA?

23 MR. VAUGHAN: For our --

24 REPRESENTATIVE KLUNK: On your website.

25 MR. VAUGHAN: -- political action committee?

1 REPRESENTATIVE KLUNK: Yes.

2 MR. VAUGHAN: Yes.

3 REPRESENTATIVE KLUNK: So if you're doing that
4 now for your political action committee, you could have an
5 employee who wants to provide fair-share fee money or
6 whatever, they could make that through your PSEA website?
7 So you have a mechanism to do that online, correct?

8 MR. VAUGHAN: Right now, we have no plans to
9 collect voluntary fees from individuals. We view
10 nonmembers as potential members and would really prefer
11 they join the PSEA and become an active member. We don't
12 have plans to collect voluntary contributions from
13 nonmembers.

14 REPRESENTATIVE KLUNK: But you could, based on
15 the fact that you do have a mechanism on your website to
16 collect --

17 MR. VAUGHAN: We could collect fees --

18 REPRESENTATIVE KLUNK: -- other fees -- in any --

19 MR. VAUGHAN: -- in any number of ways. That's
20 not how our business model is set up, to account for who is
21 a member and who is a nonmember at the local level because
22 PACE is a separate legal entity. So we could set it up,
23 but we are not set up for that.

24 REPRESENTATIVE KLUNK: Okay. But you could.
25 There's a mechanism to do that, so I wanted to check with

1 you on that.

2 In your testimony -- it's Jim? Jim or you go by
3 James?

4 MR. VAUGHAN: Jim.

5 REPRESENTATIVE KLUNK: Jim, okay. My brother's
6 Jim and he doesn't like me to call him James. It's James
7 if he's in trouble. So, Jim --

8 MR. VAUGHAN: It was for me, too.

9 REPRESENTATIVE KLUNK: Good. So in your
10 testimony you talk about -- and I know you had spoken about
11 it, too, you know, making sure that if we're going to
12 notify these nonunion members about, you know, their *Janus*
13 rights with fair-share fees, that you would prefer to also
14 let essentially all employees know that they could join a
15 union as well. So, you know, if we were to, you know, talk
16 further about this, would you be in support of the bill in
17 concept if we would, you know, potentially move forward to
18 allow or to require the notification of *Janus* rights, as
19 well as the right to join a union?

20 MR. VAUGHAN: I believe the current requirement
21 is for nonmembers, and we're happy to talk about the
22 legislation further after this hearing.

23 REPRESENTATIVE KLUNK: So you'd be potentially on
24 board if we would include all employees --

25 MR. VAUGHAN: I don't --

1 REPRESENTATIVE KLUNK: -- not just nonmembers,
2 including members of the union as well?

3 MR. VAUGHAN: We've not given consideration of
4 that, and I don't have the authority. We're a small D
5 democratic organization, and our legislative positions are
6 taken from the ground up, so I cannot commit to that and
7 would have to take that back to our membership.

8 REPRESENTATIVE KLUNK: That is certainly
9 something that -- you know, I know you testified on it, you
10 would be willing to have further discussions on?

11 MR. VAUGHAN: We're always willing to have
12 discussions.

13 REPRESENTATIVE KLUNK: Thank you.

14 MAJORITY CHAIRMAN KAUFFMAN: Thank you. Well,
15 unless I missed someone on that list, wave your hand now if
16 I did.

17 REPRESENTATIVE NEILSON: Second round?

18 MAJORITY CHAIRMAN KAUFFMAN: You have to deal
19 with your colleagues there.

20 All right. Well, with that, we will adjourn this
21 meeting of the House Labor and Industry Committee. Thank
22 you for the spirited afternoon, and I'll see most Members
23 tomorrow morning at 9:00 a.m. sharp. Thank you.

24

25 (The hearing concluded at 3:14 p.m.)

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2 are a true and accurate transcription produced from audio
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4 transcript of the same.

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