

Approved: February 10, 1998
date

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on February 5, 1997 in Room 123-S of the Capitol.

Members present: Senators Salisbury, Barone, Brownlee, Donovan, Feleciano, Gooch, Jordan, Ranson, Steffes, Steineger and Umbarger.

Committee staff present: Lynne Holt, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Betty Bomar, Committee Secretary

Conferees appearing before the committee:

Geraldine Larson, Service Employees Representative, Local #513, Hays
Joe Taggart, Machinists District Lodge #70, Wichita
Bill Moore, Teamsters Representative, Local #696, Topeka
Tom Hammond, Attorney, Hammond, Zongker & Farris, Wichita
Terry Leatherman, Kansas Chamber of Commerce and Industry
Stephen Richards, Yellow Corporation, Overland Park
Hal Hudson, State Director, National Federation of Independent Business
Kevin Godar, Executive Director, Association Builders & Contractors
Ken Daniel, Chairman, Midway Wholesale

Others attending: See attached list

Upon motion by Senator Barone, seconded by Senator Jordan, the Minutes of the February 4, 1998 Meeting were unanimously approved.

SB 305 - Fair share representation fee for labor organizations from non-member employees

Bob Nugent, Revisor of States, stated **SB 305** is a bill carried over from last year. Federal law requires labor unions to represent everyone who is in an employment unit, whether they are union members or not. This representation is in all areas of employment, including rates of pay, wages, hours of employment, grievance procedures and other conditions of employment. Nonunion members do not pay any fees, and **SB 305** requires them to pay a fair share representation fee based on actual costs of representation incurred by the union. These fees are only assessed when an employee requests the union to represent them in a grievance procedure. If the nonmember refuses to pay the representation fee, the union has the right to bring an action in any court for the repayment of such service fee, together with attorney fees.

Jerry Donaldson, Research Analyst, submitted a copy of the Federal Labor-Management Relations Act, Section 159 which states "shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment": (Attachment 1), a copy of the Kansas Constitution, Section 12, Right to Work amendment (Attachment 2), and a copy of an Attorney General's Opinion dated March 24, 1992 relating to the constitutionality of fair share representation legislation. (Attachment 3)

Geraldine Larson, Business Representative, Service Employees Union, Local #513, testified in support of **SB 305**. Ms. Larson stated that under current law, all workers benefit from union negotiated wages, working conditions and collective bargaining, whether they pay union dues or not. Unions can no longer stand by and see workers who have never paid a dime in dues deplete their funds. Arbitration can cost the union between \$2000 and \$5000, and if the grievant is not satisfied with the outcome, the nonmember can then file suit against the union. With passage of **SB 305**, the burden is shared by all persons who utilize the services of the union by assessing a representation fee on the nonunion member. (Attachment 4)

Joe Taggart, Business Representative, District Lodge # 70, AFL-CIO, Wichita, testified in support of **SB 305**, citing the costs involved in representing nonmembers through the grievance and arbitration

procedures. Mr. Taggart stated that union money should be spent on union activities. He cited as an example, a local lodge which had approximately 565 dues paying members, with monthly dues of \$8.30+ per month. The union was required to represent a nonunion member in a grievance procedure at a cost of \$5,000. The grievant lost in arbitration and sued the company and the union. After 4 years of litigation, the case was withdrawn but the cost was equal to 8 years of dues. **SB 305** rectifies this inequity to union members.

Bill Moore, Representative, Teamsters Local #696, testified in support of **SB 305**. Mr. Moore cited a hypothetical when a person does not choose to belong to a union and becomes disgruntled with a company and rather than risk their position with the company, urges the union to take their grievance to the company. The nonunion individual has no loyalty to their fellow workers or to the company. The cost to the company and to the union can cost up to \$5000 for arbitration and more if there is a court hearing, simply because the nonunion person wants to put pressure on the company. Mr. Moore stated **SB 305** is not a reversal of the right to work law in the state, it is about workplace fairness and financial fairness. (Attachment 5)

Tom E. Hammond, Hammond, Zongker & Farris, attorneys for District Lodge #70, testified in support of **SB 305**, stating District Lodge #70 represents workers at Boeing, Cessna, Learjet, Raytheon and several other employers in the Wichita area. Mr. Hammond stated **SB 305** will provide that persons using the services of a union in filing a grievance against their employer will be required to pay the cost of the union services. (Attachment 6)

Terry Leatherman, Executive Director, Kansas Chamber of Commerce and Industry, testified in opposition to **SB 305**, stating the "fair share representation fee" proposal is tantamount to forced unionism. Mr. Leatherman stated that without union exclusive bargaining rights provided under the National Labor Relations Act, unions would have to compete with nonunion workers in management negotiations. Nonunion workers currently are required to accept a union as their representative before management, and **SB 305** would demand they pay a fee for representation from a union they have chosen not to join. (Attachment 7)

Stephen Richards, Yellow Corporation, testified in opposition to **SB 305**, stating nonunion employees would be forced to make payment to the teamsters union for union representation. To assess a fee on employees, where unions represent the job in a bargaining agreement, is not providing a freedom of choice. **SB 305** provides for an open ended fee structure and legal action for the collection of such fees against nonunion employees. Yellow Corp. is of the belief that **SB 305** provides labor organizations with a clear path to union membership recruiting activity and is a backdoor effort to enhance union funds through the representation fee. (Attachment 8)

Hal Hudson, Director, National Federation of Independent Business, testified in opposition to **SB 305**, stating 92% of its members are opposed to a fair share representation fee. Employees in companies that have union representation have the right to join, but by not joining an employee should not be penalized by the requirement of paying a representation fee. (Attachment 9)

Kevin Godar, Executive Director, Associated Builders & Contractors, testified in opposition to **SB 305**, stating its provisions undermine the constitutional rights of all Kansas citizens to withhold support from labor unions. Mr. Godar stated it should not be the responsibility of government to mandate organizational membership, especial when dealing with an organization entrenched in politics. Mr. Godar stated instead of considering mandated union dues as provided in **SB 305**, the legislature should adopt legislation that makes it easier for all employees to withhold money that is being used for political purposes that they oppose. Model legislation was submitted. (Attachment 10).

Ken Daniel, Chairman, Midway Wholesale, testified in opposition to **SB 305**, stating the right to work provisions of our Constitution guarantee that workers cannot be forced to join unions. **SB 305** violates that right as it is an attempt to force workers to pay union dues even though they are not members. (Attachment 11)

Letters from the following individuals stating their opposition to **SB 305** were distributed to member of the Committee: Carl E. Orser, President/CEO, Shawnee Steel & Welding, Inc. (Attachment 12), Michael C. Maddock, President, Superior Office Snacks, Inc. (Attachment 13), Pat Shelley, President, Teague Electric Construction, Inc. (Attachment 14), Robert Pallanich, Sheet Metal Services, Inc. (Attachment 15), and George Lederman, Executive Director, Kansans for the Right to Work, (Attachment 16).

Tim Anderson, employee at Raytheon, Wichita, stated union members feel their dues should not go toward helping employees who are not union members and have not paid anything for union services. If this bill is passed, those persons who do not choose to join a union do not have to, but they should have to pay for any grievances brought against a company.

John Weber, Wichita, stated the federal government presently has in place a provision that any dues paying member who does not wish to contribute his portion to a political campaign can be withdrawn. Union members already have that option.

Ivan Dunn, a machinists employed at Eaton Corporation, Hutchinson, former union representative,

stated companies are displeased with employees who have no allegiance to a company or a union, more time is lost on the job of nonunion members complaining. Companies have to defend against employee complaints, the experience of Eaton was that nonunion members requesting union help for free created more problems, more lost time, more lost wages than union members because they are a group who do not understand the process. Union members understand the process, understand the law, are conciliatory. Some of these companies do not belong to the KCCI because they wish the representation fee could be assessed in order to alleviate frivolous grievances by nonunion employees.

The public hearing on **SB 305** was concluded.

Mr. Leatherman, in response to a question from Senator Gooch regarding a statement he made that current law required nonunion employees to accept union representation, stated they were required to accept the procedure for grievances, policies and procedures negotiated by unions. Therefore, a nonunion employee cannot pursue a grievance with a company without union representation.

In response to questions Mr. Taggart, District Lodge #70, stated membership in locals vary from company to company. Some are as low as 45% of total employees in a company and others are as high as 90%. Mr. Taggart stated **SB 305** only seeks fees for service, and excludes any affiliation fees in which the union is involved outside of services, i.e. political action activity, community services, educational fund, etc. Therefore, the representation fee being assessed on a monthly basis would be fairer to individuals than being assessed on a one service basis which could be a large amount.

The Committee asked Mr. Leatherman to clarify his statement on Page 2 relating to "Current law requires them to accept a union as their representative before management."

A number of letters from union members supporting **SB 305** were left with the Committee Secretary.

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for Tuesday, February 10, 1998.

SENATE COMMERCE COMMITTEE COMMITTEE GUEST LIST

DATE: February 5, 1998

NAME	REPRESENTING
Bill Moore	TEAMSTERS 696
Sherry Larson	SEIU Local 513
Tom Hammond	Machinists
DEON HOCKEN SMITH.	EMPLOYEE
Hal Hudson	WFIB/KS
KEN DANIEL	MIDWAY WHOLESALE
BOB GRANT	KCL
Kevin Godar	Associated Builders & Contractors
Mark Barcellina	KDOCAH
Janie Clark	Hallmark
Terry Leatherman	KCCI
Steve Rickard	Yellow Reporter
Ivan Dunn	MACHINISTS
Jim Anderson	MACHINISTS
Shila P. Prindle	Machinists
Rita P. Teggart	Machinists
Kerth Tate	Dept. of Admin.
Robert Perez	TCU/Carmen Local 6887
DOUG FARMER	DOB

§ 158a. Providing facilities for operations of Federal Credit Unions

Provision by an employer of facilities for the operations of a Federal Credit Union on the premises of such employer shall not be deemed to be intimidation, coercion, interference, restraint or discrimination within the provisions of sections 157 and 158 of this title, or acts amendatory thereof.

Dec. 6, 1937, c. 3, § 5, 51 Stat. 5.

Historical Note

Codification. Section was not enacted either as a part of the Labor Management Relations Act, 1947, which comprises this subchapter, or as a part of the National Labor Relations Act, which comprises this subchapter.

Library References

Labor Relations ↪366.

C.J.S. Master and Servant § 28(46) et seq.

§ 159. Representatives and elections—Exclusive representatives; employees' adjustment of grievances directly with employer

(a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: *Provided further*, That the bargaining representative has been given opportunity to be present at such adjustment.

Determination of bargaining unit by Board

(b) The Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this subchapter, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof: *Provided*, That the Board shall not (1) decide that any unit is appropriate for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or (2) decide that any craft unit is inappropriate for such purposes on the ground that a different unit has been established by a prior Board determination, unless a

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Attachment # 1

13. Adoption of 1948 amendment did not nullify intoxicating liquor laws. *Manning v. Davis*, 166 K. 278, 279, 280, 281, 282, 201 P.2d 113; *State v. Springer*, 166 K. 283, 201 P.2d 116.

14. Dispensing alcoholic liquors by the drink in exchange for coupons constitutes an open saloon. *State v. Larkin*, 173 K. 112, 118, 244 P.2d 686.

15. Liquor price control act (L. 1959, ch. 217) invalid; unconstitutional delegation of legislative power. *State, ex rel., v. Mermis*, 187 K. 611, 612, 358 P.2d 936.

16. Kansas may tax liquor sales on military reservation; no unreasonable burden upon interstate commerce; Kansas may not regulate liquor in federal enclave; such a tax, if inseparable from regulation, is void. *Murphy v. Love*, 249 F.Ed. 783, 788. *Certiorari denied*: 355 U.S. 958, 78 S.Ct. 544, 2 L.Ed.2d 533.

17. The private club act, 41-2601 et seq., not in conflict herewith; power of legislature hereunder considered. *Tri-State Hotel Co. v. Londerholm*, 195 K. 748, 749, 752, 754, 755, 756, 757, 758, 761, 408 P.2d 877.

18. Cited in upholding constitutionality of 41-1111 et seq. providing for price control of alcoholic liquor sold to distributors. *Laird & Company v. Cheney*, 196 K. 675, 414 P.2d 18. *Dismissed*: 385 U.S. 371, 87 S.Ct. 531, 17 L.Ed.2d 430.

19. City ordinance setting specific hours for closing of private club does not conflict with statute. *Blue Star Supper Club, Inc. v. City of Wichita*, 208 K. 731, 733, 495 P.2d 524.

20. Mentioned; action by passenger train corporation (Amtrak) to enjoin enforcement of state liquor laws. *National Railroad Passenger Corporation v. Miller*, 358 F.Supp. 1321, 1327.

21. 1978 amendments to 41-2601 et seq. and to 41-806 authorized maintenance of "open saloon" in violation of this section. *State, ex rel., Schneider v. Kennedy*, 225 K. 1, 2, 586 P.2d 276; 225 K. 13, 15, 16, 25, 30, 31, 36, 587 P.2d 844.

22. Cited in reviewing history of prohibition and regulation of sale of alcoholic beverages in Kansas; unreasonable ordinance held unconstitutional. *City of Baxter Springs v. Bryant*, 226 K. 383, 386, 598 P.2d 1051.

23. 1979 amendments to Kansas Liquor Control Act declared constitutional; exclusive franchising and price fixing of liquor by distributors valid exercise of authority granted hereunder and by the 21st Amendment to the U.S. Constitution. *Colby Distributing Co. v. Lennen*, 227 K. 179, 180, 192, 606 P.2d 102.

24. Noted; absent legislation, suppliers of alcohol not liable to victims of intoxicated tort-feasors; declaration of public policy normally legislative function. *Ling v. Jan's Liquors*, 237 K. 629, 637, 640, 703 P.2d 731 (1985).

25. Cited; under 21-3610, seller need not have knowledge of minor's age; 21-3610 meets constitutional tests. *State v. Robinson*, 239 K. 269, 273, 274, 718 P.2d 1313 (1986).

§ 11.

History: L. 1919, ch. 321, § 1; repealed, L. 1972, ch. 396, § 1; Aug. 1, 1972.

Revisor's Note:

Section related to state aid in purchase of farm homes.

§ 12. Membership or nonmembership in labor organizations. No person shall be denied

the opportunity to obtain or retain employment because of membership or nonmembership in any labor organization, nor shall the state or any subdivision thereof, or any individual, corporation, or any kind of association enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of membership or nonmembership in any labor organization.

History: L. 1957, ch. 235, § 1; Nov. 4, 1958.

Cross References to Related Sections:

Civil remedies for violations of this amendment, see 44-831.

Research and Practice Aids:

Labor Relations ⇐ 243, 251.

C.J.S. Master and Servant §§ 28(2) et seq., 28(40).

Law Review and Bar Journal References:

Self-executing features and barring of compulsory unionism discussed, Leonard F. Banowetz, 27 J.B.A.K. 207 (1958).

Analyzed in detail in article on the right to work amendment, Dan Hopson, Jr., 8 K.L.R. 18, passim (1959).

Agency shop prohibition discussed in comment, 1 W.L.J. 299 (1961).

Remedies mentioned in panel discussion, 31 J.B.A.K. 208 (1962).

Discussed in note on labor law and state court damages under tort theory for alleged unfair labor practice, 11 K.L.R. 165, 167 (1962).

"Free Riders and the Agency Shop," Andrew S. Hartnett II, 5 W.L.J. 249, 253, 257, 259 (1966).

"Labor Law: Expansion of State Court Jurisdiction in Labor-Management Controversies," Louis M. Clothier, 19 W.L.J. 182, 183 (1979).

"The Kansas Public Employer-Employee Relations Law," Raymond Goetz, 28 K.L.R. 243, 244 (1980).

CASE ANNOTATIONS

1. Section, by implication, prohibits forced payment of union dues; "agency shop" prohibited; section consistent with federal Labor Management Relations Act. *Higgins v. Cardinal Manufacturing Co.*, 188 K. 11, 360 P.2d 456. *Certiorari denied*: 368 U.S. 829, 82 S.Ct. 51, 7 L.Ed.2d 32.

2. Common law action for damages for intermeddling in the contractual rights of another may be sued in tort and this section aids and fortifies such action. *Taylor v. Local Union 101*, 189 K. 137, 138, 139, 141, 368 P.2d 8.

3. Union forbidden and has no right to urge plaintiff's dismissal from his job because he is not a member. *Taylor v. Local Union 101*, 189 K. 137, 139, 368 P.2d 8.

4. Petition in libel case alleging violation of this section to be libel per se considered; held within fair editorial comment. *Local Union No. 795 v. Kansans for the Right to Work*, 189 K. 115, 121, 125, 368 P.2d 308.

5. Cited; case concerning labor relations. *Johnson Builders, Inc. v. United Bro. of C. & J., Loc. U. No. 1095*, 422 F.2d 137, 139, 141.

6. Alleged violation in discharging union members not supported by record; mandamus not proper remedy. *Arm-*

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Attachment # 2



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

March 24, 1992

MAIN PHONE: (913) 296-2215
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ATTORNEY GENERAL OPINION NO. 92- 42

The Honorable Frank D. Gaines
State Senator, 16th District
State Capitol, 140-N
Topeka, Kansas 66612

Re: Constitution of the State of Kansas --
Miscellaneous -- Membership or Nonmembership in
Labor Organizations; Representation Fee

Labor and Industries -- Employer and Employee
Relations -- Rights of Employees

Synopsis: 1992 Senate Bill No. 174 does not violate the
provisions of article 15, section 12 of the Kansas
constitution. Cited herein: K.S.A. 44-803;
44-809; Kan. Const., art. 15, sec. 12.

* * *

Dear Senator Gaines:

As Senator for the sixteenth district you request our opinion
as to whether the provisions of 1992 Senate Bill No. 174
contravene the provisions of article 15, section 12 of the
Kansas constitution.

Senate Bill 174, as amended by the Senate committee on labor,
industry and small business, amends K.S.A. 44-803 by adding
the following language:

"(b) Any labor organization that has been
certified or formally recognized as the
exclusive bargaining agent under the
national labor relations act and that is

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required by such federal act to represent all members of the bargaining unit whether members of the labor organization or not shall have the right to bargain for a fair share service fee to be assessed may assess a fair share representation fee to those nonmember employees who by federal mandate the labor organization must represent to the same extent as dues paying members of such labor organization for representation services provided to such nonmember employee pursuant to a specific request made by such nonmember employee to the labor organization for representation of such nonmember employee by the labor organization in any matter relating to an individual grievance concerning such nonmember employee.

"(c) The fair share service representation fee assessable to employees not members of the labor organization shall not exceed the actual cost of representing such nonmember employees in all aspects of such nonmember employees' conditions of employment any matter relating to an individual grievance concerning such nonmember employee as provided in subsection (b). Such service fee shall not include the cost of any additional benefits provided to union members through their dues but shall be no more than the actual cost of representing such nonmember employees to the extent required by the national labor relations act.

"(d) Failure of a nonmember employee to pay such nonmember employee's fair share service representation fee as provided in this section shall give the labor organization the right to bring an action in any court of competent jurisdiction for the payment of such service fee, together with costs and attorney fees. An employee's failure to pay such service fee shall not prejudice the employee's right to continued employment with the employer. It is unlawful for a labor organization or an

employer to discriminate against an employee in any way because of the failure of an employee to pay the fair share representation fee. Payment or nonpayment of the fair share representation fee shall in no way be a condition of employment.

"(e) The labor organization may bargain with the employer, subject to the individual written authorization of a nonmember employee, for a deduction from the nonmember employee's wages the amount of the fair share service representation fee determined as provided in this section. The written authorization of such nonmember employee to have the fair share service representation fee deducted from the employee's salary or wages shall remain effective for not less than 100 days and shall be terminated anytime thereafter upon 30 days' notice to the employer and the labor organization of the employee's desire to terminate the authorization for the fair share service representation fee deduction from the salary.

"(f) A change in the amount of the fair share service fee to be deducted cannot be made more often than twice in any fiscal year.

"(g) A nonmember employee may renew an authorization to deduct the fair share service representation fee after such fee is terminated as above provided upon 10 days' notice to the employer and the labor organization.

"(h) Payment of all moneys deducted from the employer's payroll shall be paid by the employer to the labor organization."

Article 15, section 12 of the Kansas constitution has been interpreted as "prohibiting compulsory membership in a labor organization as a condition of employment or continued employment, includ[ing] by necessary implication a prohibition against forced payment of initiation fees, union dues and assessment, or the equivalent, by a worker to a labor

organization as a condition of employment or continued employment." Higgins v. Cardinal Manufacturing Co., 188 Kan. 11, 23 (1961). (Emphasis added).

Furthermore, K.S.A. 44-803, while allowing employees to join labor organizations, also spells out that such employees "shall also have the right to refrain from any or all such activities" and no person shall be allowed to use means to "coerce or intimidate any employee in the enjoyment of his or her legal rights (K.S.A. 44-809)."

These provisions and the case law interpreting them emphasize that article 15, section 12 of the Kansas constitution and K.S.A. 44-801 et seq. were drafted so as to prohibit "agency shops" and therefore allow employees the right to work without being forced into the membership of the union.

Senate Bill No. 174 states that if a nonmember requests the union to represent the nonmember regarding a grievance then the union may assess a fair share representation fee. The bill goes on to state that "[s]uch service fee shall not include the cost of any additional benefits provided to union members through their dues."

It is our opinion that because the provisions of Senate Bill No. 174 allow unions to assess a representation fee only if the nonmember seeks the union's assistance, this allows the employee the ability to exercise his or her freedom of choice regarding who shall represent him or her in the grievance matter. There does not appear to be any language which coerces or intimidates the employees in this decision making process.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Mary Jane Stattelma
Assistant Attorney General

RTS:JLM:MJS:bas

Wednesday, February 5, 1998

Senate Commerce Committee
Room 123-S, 8:00 am

Geraldine Larson
Business Representative
Service Employees International Union, Local No. 513, AFL-CIO, CLC
2302 Timber Drive
Hays, Kansas 67601

Fair Share Service Fee Senate Bill 305

Good morning and thank you for the opportunity to testify regarding the Fair Share Service Fee. During these times when Americans everywhere have accepted the idea of personal responsibility through welfare reform, affordable health care, and higher education we are asking that the same personal responsibility be realized for workers.

Under the current law, workers who reap the benefits of Union negotiated wages, benefits and working conditions but who choose not to support the collective efforts of the workers by paying their union dues may do so without penalty. These individuals mistakenly believe that these wages and benefits will continue to exist whether they pay their dues or not. Some working people today are not old enough to remember and from my experience would deny that paid holidays, sick leave and workers compensation did not exist until a few brave workers joined together to make America and Kansas a better place to work and live.

The burden for these workers has been placed unfairly on the backs of the dues paying union members with absolutely no recourse. When I am called to represent a non-union member it is my responsibility to afford them the same service as those who pay my salary. Someone in private sector business would find it impossible to sell their product if they were required by law to give it away for free. Anyone entertaining the thought would be laughed right out of the chamber of commerce. Our global neighbors in the former U.S.S.R. have demonstrated that lesson for all the world.

So why must workers who pay union dues pay to provide service for those who pay nothing?

Our Local Union representing mostly Public Sector workers, receive calls each week from distraught workers who for whatever reason require our services. Doesn't it make good sense that we should serve those who pay for our service. Each of our staff comes to SEIU from one of our represented units. Each of us

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has paid our dues year in and year out. You see, we understand the sacrifice of money and time. We have all served as a volunteer, as a steward, as an unpaid elected officer. We have a vested interest to see our brothers and sisters do well at their jobs and at the bargaining table. Call it sweat equity, if you will.

We can no longer stand by and see workers who have never paid a dime in dues deplete our hard working members funds. An Arbitration can cost the union between \$2000. and \$5000. In the event the grievant is not satisfied with the outcome, the non-member then can file suit against the union. One case we have had was a non-member not initiating a grievance in a timely manner and then suing the union. While we were found not guilty of misrepresentation we spent \$20,000.00 of our members money defending ourselves.

In a time when there is no free lunch, when people are expected to pay for service, let us charge a fee for our service. With passage of the Fair Share Service Fee, let us take this burden from the backs of those who carry on the tradition of building a country that values a hard days work. Please recommend passage of Senate Bill 305.

Thank you and I would be happy to answer any questions that you may have.

Good morning:

I am here to speak on SB 305. This issue is one of fairness.

This is also an issue that many times negatively impacts the Company.

A person who has consciously chosen to not belong to a Union, often times does so out of their own idea of radicalism. This person then becomes disgruntled with the Company, and rather than risk their position with the Company, comes to the Union to urge the Union to take their issue to the Company. They have absolutely nothing involved at this point. They have no membership in the Union. They have no loyalty to their fellow workers, and they have no loyalty to the Company.

As the law stands today, the Union not only has to spend the money of Members who put the money there, for a person that did not, but in many cases, the Union takes cases it would otherwise deny, to avoid Duty to Fair Representation Charges from the Non Union Worker.

With Nothing invested but the 'will to get even with the company' the Non Union person can carryout this grudge match with no personal or financial involvement whatsoever. This can cost the Company up to \$5000 for an Arbitration and even more for a Court hearing, simply because this Non Union person wants to put pressure on the Company.

A Union member has been to meetings and understands the Labor Law to a greater degree. A Union member understands the Golden goose theory. A Union member understands the need to work things out and reach mutual settlements.

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The Non Union worker has no interest in any of the above.
This is not fair to the Members of the Union.

Where else in the employment arena does anyone have the right to expect their peers to pay their way? Business does not give its products to those that choose not to pay for them! In fact, it is a Jail Term offense for taking a product without paying for it.

Unions tend to be JOB INSURANCE for an employee. It works just like Insurance. You are never sure when you are going to need it, but when you do it is great to have it. If you do not have it when you need it, you pay monthly for several years of your life. Blue Cross Does NOT GIVE policies away, and if you need medical care without the policy, YOU PAY. Blue Cross does not allow that because 90% of the Policy group pays their insurance, that Blue Cross just GIVES THE REMAINING 10% coverage. WBCBC

When a Public Servant runs for Office, I see many of them going door to door. I see many of them sending letters requesting monetary assistance. Very rarely, if ever, have I heard of a rule among the Democrats and/or the Republicans, wherein they all must pool their resources for those that do not produce the Campaign support for themselves. Would you vote to pool all your resources to protect the job of a fellow Public Servant that did nothing to protect his own?

When Casino's were allowed just north of here, you did not pass legislation that those who did not want to pay, could still play and win. Only those with money get to play. They do not

just give away quarters there, simply because a person requests participation.

Under Kansas Perb, non union workers are allowed to vote when a Union is voted in, and they are allowed to vote, and even cause a vote to get a Union out. The Non Union can cast their will on the Union Supporters, but then after doing so, even if the Union Supporters will ~~prevails~~ ^{prevails}, the Non Union do not have to pay for the gains or the protections earned by those who expressed their will FOR A UNION.

This is not about Right to work. Right to work makes it illegal to have a UNION shop where the worker must join the Union or resign. We are not asking for reversal of this law. I grew up with it. I can live with it. I do not like it, but I can live with it.

What I am talking about is **Workplace Fairness**. What I am talking about is **Public Fairness**. What I am talking about is **financial fairness**.

When members pay dues, they are in essence putting it in a **bank for future protection**. It is their money. They put it there to help themselves and the others that are putting it there. The non Union person is "taking" from the investments of others without putting anything in the pot to cover their "taking".

How long would a Mutual Fund stay in business, if they guaranteed that you can participate in the fund simply by writing a request and not putting any money in! Do you want your mutual funds balancing your return on investment to include 10 or 15% non paying participants.? Of course not. If money was paid to NON INVESTORS, you would sue the fund.

You would scream out, "If you want to play, pay". That is all we request. IF someone wants to take money and effort out of the members "Workers Protection Fund" they have to replace it in equal amounts.

Surely this Body is not against workers financial fairness!!

Senate Commerce Committee

testimony on

Senate Bill 305

Fair Share Representation Fee

by

Tom E. Hammond

of

Hammond, Zongker & Farris, L.L.C.

Attorneys for District 70

International Association of Machinists and Aerospace Workers

February 5, 1998

Senate Commerce Committee

Date 2-5-96

Attachment #6-1 thru 6-3

My name is Tom Hammond and I am the attorney for District Lodge No. 70, International Association of Machinists and Aerospace Workers, Wichita KS. Our members work at Boeing, Cessna, Learjet and Raytheon Aircraft Companies and several other employers in the Wichita area. Our members and families have a very strong interest in the passage of S.B. 305.

I appear before you today to testify in favor of Senate Bill No. 305, commonly known as the "fair share" legislation. As you know, Kansas is a "right-to-work" state. Our state constitution provides that a person's employment cannot be conditioned on the requirement that the person join a labor organization.

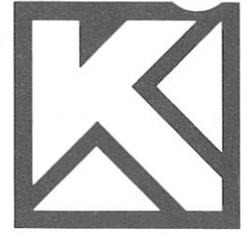
S.B. 305 addresses a problem that all unions in Kansas face. Federal labor laws have been interpreted by the United States Supreme Court to require labor unions to represent everyone in their bargaining unit who requests

representation whether the employee is a member of the union or not. These rulings have resulted in unions be required to represent employees who are not members even though the person has paid no fees to the union. These rulings apply to unions in states with right-to-work laws.

The cost of representing these employees who are not union members ultimately winds up being paid by those employees who are members. S.B. 305 will simply provide that persons using the services of a union in filing a grievance against their employer will be required to pay the cost of the union services. There has been substantial cost, both in manpower and expenses, to the unions I represent in filing and processing grievances for non members. This is especially true in those grievances which result in arbitration. S.B. 305 would address this inequity. I urge your consideration and support of S.B. 305.

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry



835 SW Topeka Blvd. Topeka, KS 66612-1671 (785) 357-6321 FAX (785) 357-4732 e-mail: kcci@kspress.com
SB 305 February 5, 1998

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the
Senate Committee on Commerce

by
Terry Leatherman
Executive Director
Kansas Industrial Council

Madam Chairperson and members of the Committee:

I am Terry Leatherman, with the Kansas Chamber of Commerce and Industry. Thank you for the opportunity to explain why the Kansas Chamber opposes SB 305.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 46% of KCCI's members having less than 25 employees, and 77% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

SB 305 proposes to require non-union workers to pay a fee for union representation in a grievance proceeding. If the non-union worker does not pay, SB 305 further gives the union the right to sue the employee. It may be called the "fair share representation fee" bill, but, from KCCI's perspective, SB 305 is tantamount to forced unionism.

Senate Commerce Committee

Date 2-5-98

Attachment # 7-1 thru 7-2

It is important to understand that representing non-union workers is not a burden which unions must endure, but a privilege which the national labor movement has fought hard to retain.

Certification under the National Labor Relations Act grants a union exclusive bargaining rights for all employees with management. Without exclusive bargaining rights, unions would have to compete with non-union workers in management negotiations. If representing non-union employees has become a burden, labor organizations should urge Congress to relieve them of their exclusive bargaining responsibility.

For a moment, consider this issue from the non-union worker's perspective. Current law requires them to accept a union as their representative before management. Now, SB 305 would demand they pay a fee for representation from a union they have chosen not to join.

Kansas' long tradition of Right-to-Work grants its citizens the right to work at the labor they choose and the right to support the organizations they wish to join. The Kansas Chamber would urge you not to attack this traditional value by passing SB 305.

Thank you for the opportunity to explain KCCI's position opposing passage of SB 305. I would be happy to answer any questions.

Y E L L O W C O R P O R A T I O N

**Testimony Before the
Kansas Senate Commerce Committee
by Stephen Richards
Yellow Corporation
February 5, 1998**

Senate Bill 305

Madame chairperson and members of the committee

My name is Steve Richards, manager of Government Relations for Yellow Corporation, parent company to Yellow Freight System. I appreciate the opportunity to speak to you in opposition to Senate Bill 305.

We believe that provisions of Senate Bill 305 undermine one of the long-standing key principals of the Kansas business climate as a right to work state. Requiring a non-union employee to pay a fee for union representation is tantamount to requiring those employees to join the union. In fact, provisions of Senate Bill 305 may well impose greater financial burdens than union dues.

Yellow Freight System and it's terminal employees are represented by the teamster union. This union represents specific job categories in collective bargaining agreements and grievance hearings. However, Kansas allows these employees to elect not to become members of the teamsters union without jeopardizing their job. Under the provisions of Senate Bill 305, these individuals, exercising their right to work as a non-union employee, would be forced to make payment to the teamsters union for union representation. An underlying

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Date *2-5-98*

Attachment # *8-1 thru 8-2*

principal in a right to work state is to allow both union and non-union employees to perform the same job responsibilities. To assess a fee on employees, where unions represent the job in a bargaining agreement, is not providing that freedom of choice. In addition to imposing this fee against non-union employees, provisions of Senate Bill 305 allow for an open-ended fee structure and legal action for collection of the fee. Remember, these employees have chosen not to be a member of the local union and, as such, do not want union representation.

We believe Senate Bill 305 is a measure that provides the labor organization a clear path to union membership recruiting activity. Passage of Senate Bill 305 is back door union membership through a representation fee that could well be a greater financial hardship on employees that have elected not to be union members. Every Kansan has the right to work and has the right to choose union representation. Imposing financial burdens on employees and requiring union representation is contrary to the tradition of Kansas and it's right to work. Yellow Corporation urges this committee not to abandon these principals and oppose Senate Bill 305.

Thank you for the opportunity to speak with you this morning. I will be happy to answer any questions.



NFIB Kansas

**TESTIMONY OF
HAL HUDSON, KANSAS STATE DIRECTOR
NATIONAL FEDERATION OF INDEPENDENT BUSINESSES
Before the Senate Commerce Committee
on Senate Bill 305
February 5, 1998**

Madam Chair and members of the Committee: Thank you for allowing me to appear here today. My name is Hal Hudson, and I am the state director for the Kansas Chapter of the National Federation of Independent Business - the largest small business advocacy group in Kansas and in our nation.

This is my sixth year of appearing before you as a representative of the more than 7,000 Kansas members of NFIB. If my recollection serves me right, there have been "Fair Share" bills here or in the House committee or both every one of those years.

I guess some people just never tire of trying to undermine our State of Kansas Constitution. Call it what you will, SB 305 is nothing more than an attempt to get around the "Right-to-Work" provision of our Kansas Constitution.

If employees in companies that have union representation wanted to join unions, they would. By not joining, they are exercising their right guaranteed by the Right-to-Work amendment not to join a union -- not to pay out part of their earnings in union dues.

SB 305 would take away that right. It would require workers, who don't want to pay any union dues, to pay a fee in lieu of dues.

We have asked NFIB/KS members the question on previous Ballot surveys. The last response, two or three years ago was 92+ percent were opposed to a fair share representation fee being imposed by state law. Most of our members are small firms. Over 80 percent have 15 or fewer employees. Far fewer than the remaining 20 percent deal with collective bargaining units representing their employees. But almost all - 92 percent - are opposed to this "back door" attempt to undermine a constitutional right.

Let's guarantee the right of all Kansans to work where they can find work, without being forced to pay tribute to an organization they choose not to join. Please vote no on SB 305.

Thank you.

Senate Commerce Committee

Date 2-5-98

Attachment # 9



**ASSOCIATED BUILDERS
AND CONTRACTORS, INC.
HEART OF AMERICA CHAPTER**

1998 BOARD OF DIRECTORS

PRESIDENT

Dan Bowden
Bowden Contracting Company

FIRST VICE PRESIDENT

David Meyer
Meyer Brothers Building Company

VICE PRESIDENT

Pat Shelley
Teague Electric Construction

VICE PRESIDENT

Gene Dean
Miller-Stauch Construction Company

TREASURER

Mark Radetic
Henderson, Warren & Eckinger

PAST PRESIDENT

Ernest J. Straub, III
Straub Construction Company

Richard Liddeke

Capitol Painting Company

Pat Mirocke

Fogel-Anderson Construction Company

Wayne Stumpf

KC Heating, Cooling & Sheet Metal

Weston Sechtem

Miller Law Firm

Gib Keller

Cretcher-Lynch & Company

Larry Malach

SKC Electric

Lanny Kern

Century Concrete

OPPOSITION TO KANSAS SENATE BILL 305

submitted by

Kevin Godar

Executive Director

Associated Builders & Contractors

Heart of America Chapter

My name is Kevin Godar and I am the executive director of the Associated Builders and Contractors Heart of America Chapter. Our national association consists of nearly 20,000 contractors and construction related professionals who believe in free and open competition. The ABC Heart of America Chapter is based in Mission, Kansas and has more than 225 company members.

The majority of our contractor members do not have union labor agreements, but we do have a small percentage that are signatory to the building trades unions. Regardless, Senate Bill 305 undermines the constitutional right of all Kansans to withhold support from labor unions.

I am sure we all can agree that Kansas is a great place to live. It is a great place to live because an individual has the right to choose what organizations he or she supports without the threat of being denied the opportunity to work.

All organizations should be obligated to prove the benefits of membership and they should succeed on the basis of merit. It is incumbent upon the leadership of organizations to develop a program that will attract members. It should not be the responsibility of government to mandate organizational membership to the citizens of Kansas especially when you are dealing with an organization entrenched in politics.

I am sure everyone is aware of the \$35 million dollars the AFL-CIO contributed to the political races of 1996. Dr. Leo Troy, an economist at Rutgers University, estimated that the AFL-CIO, through soft-money contributions and dedicated staff time, spent more than \$300

Senate Commerce Committee

Date *2-5-98*

million on the election. More than ninety percent of those resources were used to promote democrat candidates even though demographic studies reveal 36 percent of union members individually voted for republican candidates.

Instead of considering mandated union dues for the citizens of Kansas, we should be adopting legislation that will make it easier for all employees, including union employees, in Kansas to withhold money that is being used for political purposes that they oppose. Unions should be required to get authorized written releases from members before they begin skimming money for political purposes. This would give the union member the right to support his or her individual concepts and ideas.

I have included model legislation in my written testimony for the committee to consider in the future.

Kansas has long been a state where individual freedom has been protected and free association has been guaranteed. It would be a serious mistake to shackle the citizens of Kansas to philosophy they do not accept in their hearts. I urge the committee members to oppose Senate Bill 305. Thank you for this very valuable opportunity.

Model Labor Organizations Deductions Act

An Act relating to labor and election law; requiring labor organizations to establish a separate fund for political purposes; establishing registration and disclosure requirements for the fund; establishing certain criminal provisions governing a labor organization's political activities; and prohibiting employees from authorizing automatic payroll deductions of contributions to a labor organization's political committee or fund.

Text: Be it enacted by the legislature of the state of [x]:

Section 1. Section [x] is enacted to read:

- (1) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters.
- (2) (a) "Contribution" means any of the following when done for political purposes:
 - (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a filing entity;
 - (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to a filing entity;
 - (iii) any transfer of funds from a labor organization to a filing entity;
 - (iv) compensation paid by any labor organization for personal services provided without charge to a filing entity;
 - (v) remuneration from any labor organization to compensate a legislator for a loss of salary or income while the legislature is in session;
 - (vi) goods or services provided by a labor organization to or for the benefit of a filing entity at less than fair market value.
- (b) "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of the filing entity.
- (3) "Filing entity" means a candidate, officeholder, political action committee, political issues committee, political party, and each other entity required to report contributions under title x, chapter x, campaign and financial reporting requirements.

- (4) "Fund" means the separate segregated fund established by a labor organization for political purposes according to the procedures and requirements of this part.
- (5) (a) "Labor organization" means any association or organization of employees and an agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- (b) "Labor organization" does not include organizations governed by the National Labor Relations Act, 29 U.S.C. Sec. 151 et. Seq.
- (6) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
 - (a) candidate for public office at any caucus, political convention, primary, or election; or
 - (b) ballot proposition.

Section 2. Section x is enacted to read:

Limits on labor organization contributions.

- (1) Except as provided in subsection (2), a labor organization may not make a contribution to any candidate.
- (2) (a) A labor organization may make contribution to candidates if the labor organization establishes a separate segregated fund to be used for political purposes.
- (b) The labor organization shall ensure that:
 - (i) contributions to the fund are solicited independently from any other solicitations by the labor organization;
 - (ii) dues or other fees for membership in the labor organization are not used for political purposes, transferred to the segregated fund, or intermingled in any way with fund monies;
 - (iii) the cost of administering the fund is paid from fund contributions and not from monies or other fees for membership in the labor organization;
 - (iv) contributions are not made from money collected from payroll deductions; and
 - (v) each contribution is voluntary.

- (3) The labor organization has the burden of proof to establish that the requirements of subsection (2)(b) are met.

Section 3. Section x is enacted to read:

Criminal acts - - Penalties.

(1) (a) It is unlawful for a labor organization to make a contribution by using money or anything of value:

(i) secured by physical force, job discrimination, membership discrimination, or financial reprisals, or threat of force, job discrimination, membership discrimination, or financial reprisals;

(ii) from dues, fees or other moneys required as a condition of membership in a labor organization or as a condition of employment; or

(iii) obtained in any commercial transaction.

(b) At the time the labor organization is soliciting money for the fund from an employee, it is unlawful for a labor organization to fail to:

(i) inform an employee of the fund's political purpose; and

(ii) inform an employee of the employee's right to refuse to contribute without fear of reprisal.

(c) It is unlawful for a labor organization to solicit monies for the fund from any person other than its members and their families.

(d) It is unlawful for a labor organization to pay a member for contributing to the fund by providing a bonus, expense account, rebate of dues or other membership fees, or by any other form of direct or indirect compensation.

(2) Any person or entity violating this section is guilty of a class a misdemeanor.

Section 4. Section x is enacted to read:

Registration - - Disclosure.

Each fund established by a labor organization under this part shall:

(1) register as a political action committee as required by this chapter; and

(2) file the financial reports for political action committees required by this chapter.

Section 5. Section x is amended to read:

Assignments to labor unions – effect. (1) except as provided in subsection (4), an employee of any person, firm, school district, or private or municipal corporation within [state] may sign and deliver to his employer a written statement directing the employer to:

- (a) deduct a specified sum of up to 3% per month from his wages; and
 - (b) pay the deduction to a labor organization or union or any other organization of employees as assignee.
- (2) An employer who receives a written statement shall:
- (a) keep the statement on file;
 - (b) deduct the specified sum from the employee's salary; and
 - (c) pay the deducted amount to the organization or union designated by the employee.
- (3) The employer shall continue to make and pay the deduction as directed by the employee until the employee revokes or modifies the deduction in writing.
- (4) Notwithstanding subsection (1), an employee may not direct an employer to deduct monies from his wages and pay them to:
- (a) a registered political action committee;
 - (b) a fund as defined by section [s]; or
 - (c) any intermediary that contributes to t registered political action committee or fund as defined in section [s].
- (5) Nothing in this section prohibits an individual from making personal contributions to a registered political action committee or to a fund as defined by section [x].



Midway Sales & Distributing, Inc. d/b/a

MIDWAY WHOLESale

Topeka • Salina • Lawrence • Manhattan

TESTIMONY ON SENATE BILL 305

February 5, 1998

TO: KANSAS SENATE COMMERCE COMMITTEE

BY: Ken Daniel, Chairman and Chief Executive Officer
Midway Wholesale

TO THE KANSAS SENATE COMMERCE COMMITTEE:

My name is Ken Daniel, and I am the Chairman of the Board and Chief Executive Officer of Midway Wholesale. I wish to speak in opposition to Senate Bill 305.

The Right to Work provisions of our constitution guarantee that workers cannot be forced to join unions. This bill is a violation of that right. It is a poorly disguised attempt to force workers to pay union dues even though they are not members.

This law is not needed. The unions have every opportunity to sell fellow workers on the benefits of membership in their organizations. Furthermore, if fairness is the issue, the unions should have no trouble convincing non-union co-workers to reimburse them voluntarily.

This bill is a license for unions to promote fights between employee groups within a company. With the threat of legal action, it gives the union a huge club while

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leaving the worker defenseless. If this passed, next year we would doubtless see a bill allowing the union to sue the employer or forcing the employer to withhold union payments from non-union employee checks.

This bill is an attempt to get the camel's nose under the edge of the tent and reinstate compulsory unionism. Please vote no on Senate Bill 305.



SHAWNEE STEEL & WELDING, INC.

February 3, 1998

Senator Alicia Salsbury, 120 S

I am opposed to Senate Bill 305. Kansas is a Right to Work state. No one should be forced to pay dues, if they don't want to pay. We need "LESS" government, not more government.

Carl E. Orser
President / CEO

Senate Commerce Committee

6124 MERRIAM DRIVE

MERRIAM, KANSAS 66203

Date 2-5-98

Attachment # 12

Superior Office Snacks, Inc.

15075 W. 116th Street
Olathe, Kansas 66062

913-888-0008

FAX: 913-451-1531

February 2, 1998

Alicia Salisbury, Chairperson
Senate Commerce Committee
Kansas State Capitol
Topeka, KS 66612

9374

Dear Senator Salisbury,

I would like to express my strong opposition to SB 305. Many of our employees also oppose this bill.

No citizen should be forced to pay anything to an organization that they are opposed to joining and with whose policies they disagree. It is no more acceptable to force a worker to pay a "fair share fee" than it is to force "Everyman" to pay a "fair share fee" to The Ku Klux Klan. This bill undermines the rights of all Kansans.

Please vote no on SB 305. Your help in defeating this bill is greatly appreciated.

Sincerely,



Michael C. Maddock
President

Senate Commerce Committee

Date 2-5-98

Attachment # 13

TEAGUE ELECTRIC CONSTRUCTION, INC.

14535 W. 96th Terrace

Lenexa, KS 66215

Phone: 913-894-6691

Fax: 913-894-9468

February 2, 1998

Senator Alicia Salisbury
1455 SW Lakeside Dr.
Topeka, Ks 66604

1205

Senator Salisbury

I have just become aware of the hearings on Senate Bill 305 that are being held later this week. I can not personally attend the hearings but I would like to express my strong opposition to this measure.

Kansas attracts many of the companies that relocate here because we are a "Right to Work" state - this bill would serve only to enhance the political clout of the AFL-CIO and could greatly diminish this attraction.

We are a Lenexa based construction firm with over 100 employees. We have been the target of several organizing campaigns by the AFL-CIO and we have a great appreciation for the strength of this organization. Their own organizing literature states that their goal is to control the economy by controlling the labor force. Senate Bill 305 would only strengthen this position to the detriment of all Kansans.

Pat Shelley
President, Teague Electric

Senate Commerce Committee

Date 2-5-98

Attachment # 14

SHEET METAL SERVICES, INC.

P.O. BOX 2741 SHAWNEE MISSION, KANSAS 66201

(913) 236-6767

Sen. Salisbury, 1205
TO Senate Commerce
Committee Members.
SUBJECT S. Bill 305
DATE 2-4-98

Please oppose this bill!
It is just another attempt by the AFL-CIO to
extort money from Kansans.
If Kansans wish to join a union they can; if
they wish not to join they should also have
that right.
Forcing them to contribute is the same as
joining!
Unions claim it is a "burden" to them, but
they fight for the financial support.

SIGNED

Robert Pallanias

Senate Commerce Committee

Date 2-5-98

Attachment # 15

KANSANS

CHARLES BENSCHIEDT
PRESIDENT
HUTCHINSON, KS

RANDALL HARDY
VICE PRESIDENT
SALINA, KS

E. TOM HENDERSON
SECRETARY
WICHITA, KS

ROBERT D. LOVE
TREASURER
WICHITA, KS

for THE RIGHT TO WORK

P.O. BOX 2457

PHONE: (316) 838-9166
WICHITA, KANSAS 67201

GEORGE LEDERMANN
EXECUTIVE DIRECTOR

attn: Senator Pat Ransom

TO WHOM IT MAY CONCERN --

February 4, 1998

Position on the "fair share" bill (so-called) by statewide membership of Kansans for The Right to Work is one of absolute opposition since it is nothing more than a disguised "agency shop" bill which would allow unions to charge non-union employees for services they didn't ask for under the complaint that the union has to represent all workers. This is the "exclusive representation" clause that the unions got into the FEDERAL law — but they cry mightily because now it doesn't look so good — They can't get hold of the non-union members money. The law they asked for says clearly that they must represent union and non-union employees alike — which is pure agency shop reach but NOT GOOD ENOUGH since agency shop is illegal in Kansas (thanks to Right to Work).

Kansans for The Right to Work has been laying out the truth of the matter before various committees for six years and as a result "fair share" has been exposed for the grab it is...so now it's around again, under a different number. Again — it still is not legal. In our Right to Work state, noone can be forced to join a union or can anyone who exercises their freedom not to join be charged for services the union wants to impose.

May 1998 be the last year we see this one in the hopper. It won't fly because its against the law in Kansas.

KANSANS FOR THE RIGHT TO WORK

By: *George Ledermann*
Executive Director

DIRECTORS

Ronald D. Anderson
Topeka

Charles Benschiedt
Hutchinson

Arden Booth
Lawrence

Jerry Busch
Wichita

Mabel Barker
Oswego

David Crofoot
Morton

Louis Earle
Wichita

Philip Eldar
Valley Center

Jim Fleagle
Wichita

Willard Garvey
Wichita

Dale Gordon
Wichita

James R. Grier III
Wichita

Randall Hardy
Salina

E. Tom Henderson
Wichita

Charles L. Jarvis
Hutchinson

Harrison F. Johnson
Independence

G. Lawrence Keller
Wichita

Reed Larson
Springfield, VA

Robert D. Love
Wichita

Robert McGregor
Olathe

C.A. McNeal
Towanda

Belden Mills
Wichita

George Neitels, Jr.
Pittsburg

Bill Pollock
Fort Scott

H.W. Reece
Scandia

Denis Schoenhofel
Salina

W.H. Shears
Hutchinson

Bill Simons
Wichita

Jack Simpson
Wichita

Kathy Smith
Wichita

George Trombold
Wichita

Louis Weles
Augusta

Vernon L. Williams
Wichita

Clarence Wilch
Topeka

D. Wayne Zimmerman
Olathe

Senate Commerce Committee

Date 2-5-98

Attachment # 16

Senate Commerce Committee