HB 2354 Proponent Testimony – in person First amendment rights for public employees House Committee on Commerce, Labor, and Economic Dev. Dave Trabert – CEO February 24, 2021



Chairman Tarwater and Members of the Committee,

We appreciate this opportunity to testify in support of HB 2354, which brings Kansas statutes into conformity with the U.S. Supreme Court's ruling in *Janus v. AFSCME*.

The court found in *Janus* that it is unconstitutional to compel a public employee to join or remain a member of a union or professional employee association as a condition of employment. *Janus* also requires the employer to have an affirmative 'opt-in' document for each person who chooses to join a union.

As a result of *Janus*, K.S.A. 75-5501 currently has an unconstitutional minimum 180-days dues withholding requirement with no provision for the employee to resign and stop paying dues whenever they wish.

The membership application for the Kansas National Education Association (KNEA) says, "...I hereby agree to pay the annual dues, fees and assessments established by these associations. I understand that those annual dues are subject to periodic change. If paying such dues and assessments by payroll deduction, I authorize the Board of Education to deduct such amounts from my salary. The payment of those annual amounts shall continue, regardless of membership status, unless I revoke this authorization in a signed writing provided to the local association between August 1 and August 31 of the membership year immediately preceding the membership year for which the authorization is to be cancelled.

And even then, some employees have been required to sign a form that appears to be an attempt to intimidate the employee from resigning. One teacher shared the attached KNEA resignation form with us, showing the teacher also had to certify he or she will not be 'contributing to their profession.' No one should be subjected to that kind of treatment to exercise a legal right to resign membership in an association.

Voters overwhelmingly believe public employees should have the freedom to choose. Across Kansas, 67% of voters say public employees should be allowed to end their union membership and stop paying dues whenever they wish; only 19% disagree. Government employees who participated responded similarly, with 67% in favor and only 14% opposed. The survey was conducted in December, 2019, on our behalf by SurveyUSA, one of the most respected pollsters in America.

| wish? | | | | | | | | | |
|---|------|--------------------|-------------------|-----------------|---------------------|-------------------|----------|------|--------|
| 519 Registered Voters | All | Gov't. Employee | Region | | | | Ideology | | |
| Credibility Interval: ± 4.8 pct points | | | Western Kansas | Wichita Area | Kansas City Area | Eastern Kansas | Conserv | Mod. | Libera |
| Yes | 67% | 67% | 79% | 77% | 60% | 66% | 75% | 64% | 56% |
| No | 19% | 14% | 6% | 15% | 22% | 20% | 12% | 19% | 31% |
| Not Sure | 15% | 18% | 15% | 8% | 18% | 14% | 12% | 17% | 13% |
| Composition of Adults | 100% | 100% | 9% | 14% | 33% | 44% | 42% | 31% | 22% |

Wichita Office: 250 N. Water St., Suite 216 | Wichita, KS 67202 | 316.634.0218 Overland Park Office: 12980 Metcalf Ave., Suite 430 | Overland Park, KS 66213 | 913.213.5038 To be clear, HB 2354 and our support for is not a derogatory comment on unions; it is simply about respecting each public employee's constitutional right. Constitutional rights exist absolutely and cannot be subject to limitation by collective bargaining agreements or any other organizational practice.

In order to assure public employees that they can exercise their constitutional right to choose to leave a union or professional employee association whenever they wish, we encourage you to recommend HB 2354 favorably for passage.

Thank you for your consideration.

KansasPolicy.org | KansasOpenGov.org | ChoosingFreedom.org | SentinelKS.org



KANSAS NATIONAL EDUCATION ASSOCIATION

715 S.W. 10th Avenue, Topeka, KS 66612-1686

2020-2021



Active Professional/ESP Membership Application

All fields must be completed in order for membership to be activated.

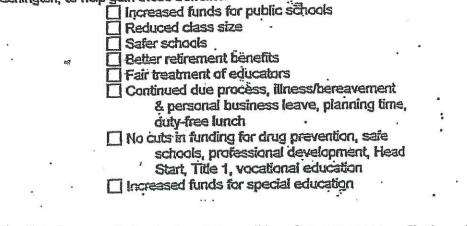
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| avings | | | |
| horization: I hereby request and vo n association and agree to abide by he annual dues, fees and assessme sessments by payroll deduction, I a ardless of membership status, unles year immediately preceding the me | oluntarily accept membership in the the Constitution and Bylaws of all nts established by these associatio uthorize the Board of Education to s I revoke this authorization in a sig mbership year for which the author | ne National Education Association, Kansa I three associations. In consideration for s ons. I understand that those annual dues o deduct such amounts from my salary. T igned writing provided to the local associ orization is to be cancelled. I understand | services are he iation |
| | State and kept confidential.) lispanic Native Hawaiia Inknown Select Member Select Member Select Member So Select Member So Select Member So Select Member Image: Select Member So Select Member Se | | |

__Date Processed _____

If I resign my Association membership **Prior to May 15, 2012**, I agree to terminate my benefits, rights and privileges, including, but not limited to, those listed below. <u>Please check each box.</u>

| FREE BENEFITS | FINANCIAL SERVICES No Fee Credit Card Term Life Insurance Income Protection Insurance Disability Income Insurance Homeowners Insurance Auto Insurance NEA Home Financing Supplemental Health Insurance |
|---------------------|--|
| Ctassroom Workshops | LI Supplemental Health Insurance |

I also understand that I will not be contributing to my profession through local bargaining or lobbying in Topeka and Washington, to help gain these benefits:



I have read the list above and checked each box. I hereby request cancellation of my membership in the ne

(member's signature)

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(date)

... Standing Together for:

President)

*Quality Public Schools

*Strengthening the Teaching Profession

*Well-Being of Members