



Testimony

House Labor and Industry Committee

Public Sector Union Legislation

HB 844, HB 845, HB 2036, HB 2037, HB 2042, HB 2048

November 15, 2021

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Chairman Cox, Chairman Mullery, and Members of the Committee, I am John P. Gasdaska, Director for the Office of Employee Relations & Workforce Support.

On behalf of the Secretary for Administration (OA) Secretary Michael Newsome, and OA staff, thank you for the opportunity to submit testimony on the Public Sector Union legislation: HB 844, HB 845, HB 2036, HB 2037, HB 2042, and HB 2048.

OA functions in a management and policy-making role with respect to commonwealth employees including those represented by unions covered by Collective Bargaining Agreements (CBAs). In our management role, it is not appropriate for OA to take a position on legislation affecting unions and their membership. Therefore, OA has no position with respect to HB 844, HB 845, HB 2036, HB 2037, HB 2042, and HB 2048.

There is one bill -- HB 2037 (union recertification) -- that, for OA, poses significant implementation, administrative, and operational impediments and concerns.

HB 2037 proposes to amend Pennsylvania's Public Employee Relations Act (PERA) by adding a section to Article VI to require the Pennsylvania Labor Relations Board (PLRB) to conduct periodic recertification elections using a secret ballot vote among the public employees in a collective bargaining unit to determine if a majority of the employees of the unit desire to continue to be represented by the certified bargaining representative/union. If more than 6 years have elapsed since acquiring representation, the PLRB shall conduct a recertification election within 2 years after the effective date of the legislation, and then every 6 years thereafter. If a majority of employees in the unit vote not to continue representation by the current union, all duties of that union stop, including the collection of any dues, the representation of employees and the pursuit of grievance arbitration. However, despite the removal of the union as a representative, the CBA will remain in effect for that unit of employees with respect to "wages, hours and conditions of employment." The union, displaced by a vote, is barred for 2 years from petitioning to represent the unit.

This certification/recertification by vote will be extremely burdensome on the PLRB as well as on the commonwealth as an employer. The commonwealth

is represented by 20 unions comprised of over 50 bargaining/supervisory units of employees with which it is required to bargain and/or meet and discuss. As part of any election before the PLRB in which commonwealth employees/units are involved, the commonwealth must provide lists of current employees to the PLRB and cooperate fully with the PLRB in any election process, including ensuring that employees are available to vote in an election if they so choose. The administrative burden placed on the commonwealth due to the sheer number of unions/units and employees would be unreasonable.

In addition, it is unclear with whom the commonwealth will be dealing regarding the CBA and employees' wages, hours, and working conditions in the event a union is decertified via the recertification election process. There would be open issues and matters that OA would need to address and resolve such as but not limited to:

- How will employees enforce their CBA without a union representative?
- With whom is the employer to deal to interpret and/or change terms and conditions and/or administer the grievance procedure of the CBA?
- Who will employees call upon for mutual aid and protection?

In short, from OA's management perspective, labor relations likely would be dramatically impacted and, in many respects, unworkable under a CBA absent a union or a representative of employees.

Lastly, another administrative concern is HB 2037 does not appear to address first-level supervisory "meet and discuss" units, with whom the commonwealth has Memoranda of Understanding.

On behalf of Secretary Newsome and the OA staff, we thank all of you who continue to support our work. Once again, thank you for the opportunity to submit testimony on the proposed legislation.

*** END OF TESTIMONY ***