

Testimony – Pennsylvania House Bill 950

Testimony of Spencer Irvine, Senior Writer and Senior Researcher, Americans for Fair Treatment

Members of the Committee, I thank you for the opportunity to submit written testimony on behalf of Americans for Fair Treatment (AFFT) and our members. AFFT is a non-profit organization that offers a free membership program for public employees and helps them understand and exercise their First Amendment rights in the context of a unionized workplace. Today, on behalf of our Pennsylvania members, I urge you to oppose House Bill 950.

The constitutional amendment proposed by this bill prioritizes the interest of union executives at the expense of workers by enshrining collective bargaining into the Commonwealth's constitution, placing it on the same level as essential constitutional freedoms, such as freedom of speech, freedom of religion, freedom to have a speedy trial by one's peers, and the freedom from unlawful searches and seizures of property.

It is quite difficult to repeal a constitutional amendment, and therefore, would gift labor leaders almost-permanent power for decades to come.

Notably, the proposed amendment is a carbon copy of Illinois's Amendment 1 which passed this past November. Unions spend hundreds of millions of dollars each year on political activity and lobbying across the country, and this bill reeks of those special interest efforts.

The proposed amendment would ban any potential or future law or ordinance which "interferes" with union executive's newly expanded collective bargaining powers. This would take power away from the legislature to set law, and potentially set up collective bargaining contracts that override current state law.

The unusual and extreme vagueness of the amendment's phrasing would give union executives a large and unequal amount of bargaining power. Typically, collective bargaining is limited to negotiating pay and benefits, but this amendment would extend unions' power to be able to bargain "to protect their economic welfare and safety at work." The vagueness of this phrase makes it ripe for abuse. If pay and benefits are already covered, what does "economic welfare" mean?

This type of vagueness invites litigation and encourages union executives to test the boundaries of the law for their own enrichment.

Since there is no true definition of "economic welfare", union leaders could force bargaining over a host of issues that they deem related to "economic welfare"— including politically charged issues.

Union leadership has become increasingly partisan in recent years and could use the broad collective bargaining language to install politically driven ideology into workers' contracts. Many of our members— public sector workers—have already experienced the political nature, and coercive powers, of union executives firsthand.

For example, an AFFT member who works as a teacher in Pennsylvania was appalled to find out that their union contract included the partisan ideology of "restorative justice" as a requirement for teachers to handle classroom discipline. The member said, "Progressive political ideology and progressive professional development programs, like restorative justice, as their mission show how out of touch the

union is with teachers and why they teach. These concepts push a political ideology rather than helping teachers or students.”

Cheri Gensel, a teacher in Northeastern Pennsylvania found that her own union dues were being spent trying to change her political affiliation. She explained,

“I received two letters [from PSEA]. One told me to --- change my political affiliation -- and then vote for Wolf in the primary. The second letter was addressed to my husband, telling him to join me in voting for Wolf as governor. Both letters also informed me my teaching ability was dependent on who I voted for --- these missives were infuriating.”

Last year, the PSEA spent \$3.2 million on political activities and lobbying.

Pennsylvania unions have proven they’re political, and this amendment would empower them to incorporate even more political rhetoric directly into collective bargaining agreements.

The amendment would also prevent right-to-work laws, ensuring unionized private employees will never have the right to choose.

Contrary to union leaders’ claims, right-to-work laws have protected the interests of private workers by affording these hardworking Americans the freedom of association. Right-to-work laws ensure an employee never has to pay fees to a private organization as a condition of employment.

Here is what one of our members, Kenneth Hemmler, said about how this proposal will affect his freedoms as a worker in Pennsylvania:

“House Bill 950 is problematic for public employees like me because it opens Pennsylvania up to Big Labor’s interests even more. I left my union because I no longer had a voice, and this constitutional amendment could further erode workers’ rights and their freedom of speech.”

We urge Pennsylvania lawmakers to protect the interest of the Commonwealth’s workers, not the special interests of government union executives.

Thank you for the opportunity to share our concerns on this legislation.