

The Maine Heritage Policy Center Testimony to Oppose LD 1451

“An Act Providing Labor Unions with Reasonable Access to Current and Newly Hired Public Sector Workers”

Senator Bellows, Representative Sylvester and distinguished members of the Committee on Labor and Housing, my name is Jacob Posik and I am the communications director at The Maine Heritage Policy Center. Thank you for the opportunity to testify in opposition to LD 1451, “An Act Providing Labor Unions with Reasonable Access to Current and Newly Hired Public Sector Workers.”

LD 1451 is being introduced in response to the *Janus v. AFSCME* decision that allows public employees to opt-out of paying “fair share” or agency fees to public-sector labor unions.¹ This bill would give public-sector labor unions exclusive access to all names, home addresses, telephone numbers, personal email addresses and birth dates of municipal, state, judicial, and University of Maine system employees. In addition, it requires employers to give public-sector labor unions a space to meet with employees, a right to meet with new employees for a minimum of 30 minutes during work hours, and the right to use the employer’s email system to communicate with employees.

Giving public-sector unions exclusive access to current and new employees’ information while excluding it from outside organizations that have a different perspective only gives public employees a one-sided view in favor of joining a union. In addition, it prevents outside organizations from educating workers on their constitutional rights to opt-out of paying dues and agency fees. According to a recent survey, a majority of public employees do not want to be forced to pay dues.² In essence, this bill gives public-sector labor unions a monopoly over public employees’ personal information regardless of whether a public employee wants this information to be accessible to a union.

This begs the question: Why would we allow public-sector unions to have exclusive access to public employees’ private information, even if they choose not to unionize? The answer is simple: public-sector unions do not want public employees to learn how to opt-out of paying dues, or that they can no longer be forced to pay agency fees.

¹ https://www.supremecourt.gov/opinions/17pdf/16-1466_2b3j.pdf

² <https://fee.org/articles/a-majority-of-public-employees-dont-want-to-be-forced-to-pay-union-dues-survey-finds/>

This tactic is far from being new. Within two weeks of the *Janus* ruling, Governor Andrew Cuomo of New York signed an executive order to prevent public entities from sharing public employees' contact information with outside groups. In essence, he did not want outside groups to inform public-sector employees of their rights to opt-out.³ LD 1451 would have the same effect and bolster the influence of labor unions over public-sector employees, effectively shielding them from learning about their constitutional rights under the *Janus* decision.

Despite the *Janus* ruling, this committee refused to agree on removing provisions from Title 26 that require public employees to pay agency fees.⁴ Let us be clear in saying that the pro-union sentiment on this committee does not trump the Supremacy Clause of the United States Constitution. In this regard, moving forward with LD 1451 would only add insult to injury.

Lastly, this bill does not give public employees a chance to withhold their information from public-sector unions. What if a new employee does not want to be bombarded with information from a union? At its core, this bill is an attempt to work around the *Janus* ruling by giving public employees' contact information to unions without consent, and withholding the same information from other groups that have an interest in informing employees of their constitutional rights.

This bill is not pro-worker, as it totally disregards the wishes of public employees. This bill only serves the interests of labor unions who fear the gravy train will be shut off as a result of the Supreme Court's decision in *Janus v. AFSCME*.

For those reasons, The Maine Heritage Policy Center strongly urges the committee to vote, "Ought Not to Pass" on LD 1451. Thank you.

³ <https://www.manhattan-institute.org/public-sector-unions-after-janus>

⁴ <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280072479>