

# NEW JERSEY STATE AFL-CIO

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March 5, 2018

Dear Members of the Senate Labor Committee:

### Re: Please Support S-2137 (Sweeney): The Workplace Democracy Enhancement Act

Thank you Chairman Madden for posting this bill and thank you to Senate President Sweeney for his leadership on this issue. The bill before you today seeks to provide stability and streamline communication provisions that impact public sector unions and their members in light of the Janus vs. AFSCME case currently being debated before the U.S. Supreme Court.

Oral arguments on the case began last week and it is anticipated that the court will rule in favor of Mark Janus, the plaintiff. This ruling will undue over 40 years of precedent that began with the Abood v. Detroit Board of Education. In that ruling, the court stated that “fair share” fees for union representation of non-members was constitutional. When Janus is decided, not only will “fair share” fees most likely be declared unconstitutional, but 100% of union dues could be ruled as a violation of the First Amendment. This would basically allow all union members and “fair share” non-members to get the benefits associated with collective bargaining and union representation without having to pay dues. The Janus v. AFSCME case is basically a nationwide Right-to-Work law for all public sector union members.

Of course, the motivations for the Supreme Court taking up this case has a hefty dose of politics involved. For this reason, attached is an article titled “The Two Faces of Janus” which does a great job of connecting the political dots and illustrating exactly what the financial and political motivations are behind Janus v. AFSCME.

Here in New Jersey, many state level policy makers recognize the value of workplace employee organizations and the benefit they bring, including labor stability and the enhancement of the delivery of services. These same policy makers, as well as the sponsors of this bill, recognize that it is in the public’s interest to maintain public sector unions as well as the collective bargaining process in general. To that end, this bill makes several adjustments so these negotiating units can effectively carry out their duties by having access to and free communication with the employees it represents.

Thank you and we respectfully ask for your support.

Sincerely,

Charles Wowkanech  
President

Laurel Brennan  
Secretary-Treasurer

CW:LB:jd  
Attachment  
OPEIU:153