

**Testimony of Brunilda Vargas**  
**To the United States House of Representatives**  
**Subcommittee on Health, Employment, Labor, and Pensions**  
**Hearing: November 30, 2023**

Chairman Good, Ranking Member DeSaulnier, and members of the Committee,

My name is Brunilda Vargas. I am an attorney at the Defender Association of Philadelphia. I have been employed as an Assistant Defender for about twenty-seven years. Recently, the attorneys in my office voted to unionize and become a newly created chapter of the United Auto Workers union known as Local Chapter 5502. Our employer and Local 5502 subsequently entered into a collective bargaining agreement.

Several of my colleagues and I who were opposed to the unionization effort emailed the Local Chapter president, Mary Henin, regarding our concerns about union membership and the payment of union dues. I was surprised and disappointed with the lack of a direct response to our concerns. In summary, her email stated that paying union dues via automatic deduction from our paychecks was a condition of our employment.

I informed Ms. Henin that a few other attorneys and I would be filing a *Beck* objection so that we could refrain from joining the union and pay reduced fees that exclude union political expenditures. I followed the procedure outlined by the UAW International to become an objector, but I found that the International's *Beck* procedure is not readily available and places the onus on the individual.

Despite having properly invoked my rights as a *Beck* objector, Mary Henin was not satisfied. Further emails we received from her focused only on obtaining our signatures on the dues-deduction authorization cards. These emails continued for several months. Local 5502 made no effort to calculate or provide us with the amount of the

reduced *Beck* fees despite receiving the percentage from International. Instead, we continued to receive emails that went so far as to threaten our employment and threaten to seek a clawback of our salary increase if we did not sign the cards.

It was at that point that I contacted the National Right to Work Foundation for legal assistance in addressing the union's threats. I worked with one of their staff attorneys, Byron Andrus, who filed an Unfair Labor Practice charge on my behalf against the union with the National Labor Relations Board. I received a favorable finding from the NLRB, and the union quickly settled the matter. One of the conditions of the settlement was that the union send a notice to all of my colleagues stating that it would no longer threaten employees who did not want to authorize automatic dues deductions. It was only after the NLRB finding that my colleagues and I received notice of the calculation of the reduced *Beck* fees.

None of this would have happened if we had been given a choice to refuse to pay any money at all to the union, which is the cornerstone of the National Right to Work Act. The pressure the union exerted on us regarding the loss of our employment and salary decrease was abominable. As public defenders, we are under pressure and stress daily. The guidance, assistance, and encouragement that National Right to Work attorney Byron Andrus provided was invaluable in alleviating the concerns we had in dealing with an area of law with which we are not familiar. As attorneys, we do have a level of sophistication when it comes to the law and legal processes. However, I cannot imagine a lay person having to face this type of pressure. I believe that most people sign union membership and authorization cards because they believe they have no choice, and they are often told that.

If we had the protections offered by the National Right to Work Act, we would not have had to endure the harassment we faced. I do not believe any employee should be compelled to pay fees of any kind to a union. Unions argue that non-members may benefit from being represented by a union and therefore in fairness should pay. However,

the simple response to that argument is that the decision should be left up to the individual to decide if he or she is benefitted by the union. If the individual decides they want the benefit of representation by a union, then they can voluntarily pay. If not, they should not have to pay. They should also be able to choose to directly negotiate with their employer. This may foster a higher level of productivity and more responsiveness on the part of the union.

Compulsory payment for compulsory representation between an employer and employee denies individual choice and can intrude in, interfere with, and create strained relations between employer and employee. Compulsory payments and turning management into a collection agency for the union creates a closer relationship between union officials and management. This relationship creates a conflict of interest between the union, its membership, and non-union members. The choice of both joining and paying money to a union should belong to the individual. It is for these reasons that I ask you to support the National Right to Work Act.