

“Standing with Public Servants: Protecting the Right to Organize”

House Committee on Education and Labor

Subcommittee on Health, Employment, Labor, and Pensions

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Missouri Senate, District 2

June 26, 2019

Madam Chairwoman, Ranking Member Walberg, Members of the Committee, for the record I am Bob Onder, State Senator from Missouri’s Second District. Thank you for the opportunity to testify today.

I was elected to the Missouri Senate in 2014, and in 2017 and 2018 I chaired the Senate General Laws Committee, which handled all of Senate’s labor bills. I was the author and senate sponsor of HB 1413, Missouri’s comprehensive public sector labor reform bill that was passed and signed into law last year.

Today I appear to testify in favor of the right of states and their political subdivisions to set their own public labor policies, and as such I testify in opposition to the two bills being discussed today.

Private sector collective bargaining has been governed by federal law since the National Labor Relations Act was signed by President Roosevelt in 1935. Congress has long recognized that public sector collective bargaining is fundamentally different than that in the private sector, and as such has allowed states and local governments to set their own labor policies. FDR himself recognized this distinction when he stated, “All government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service.”

It is important to recognize, as did your predecessors, that government unions are fundamentally different than private sector unions. In the private sector employers are private companies; government, and by extension, the people, are the employers in the public sector. Government unions, through their aggressive political activity, often end up electing their own bosses, potentially leading to conflict between the interests of citizens and taxpayers and that of the unions. In the private sector there are natural checks and balances on the power of unions; if union demands make a company uncompetitive, everyone suffers; witness the US auto industry.

Government, on the other hand, just tends to grow and grow. If we look at states with the worst fiscal conditions and the highest taxes — such as Illinois, New Jersey, Connecticut— what they have in common is very strong government unions.

If there is one thing that everyone in this room can agree on it is that different states take very different approaches to labor policy. The majority of states allow firefighters, police and teachers to collectively bargain. Some mandate it. Others ban it. Other states have no set law on the matter and allow political subdivisions to work out their own policies. The great majority of states ban strikes for firefighters, police, and teachers. But two states allow firefighters and police to strike, and twelve allow teachers to strike.

These varying policies often evolved over decades of legislation and litigation at the state level. Missouri has allowed public sector collective bargaining since 1965, and since then policy has been made by statutes passed by legislature, by regulations promulgated by the state Department of Labor and the Board of Mediation, and by the decisions of hundreds of cities, counties, school and fire boards, and other political subdivisions across the state. Congress has no business centralizing all of this state and local decision making in the Federal Labor Relations Authority. This would be an enormous overreach by the federal government and a violation of the principle of federalism. And it would require a massive expansion of the Federal Labor Relations Authority to micromanage nearly every aspect of state and local labor policy.

Finally, federalization of public sector labor law would likely preclude reform efforts by states to protect both workers and taxpayers. Examples of such reforms include provisions of Missouri's Government Worker Protection Act, HB 1413, which was signed into law last year. With this bill we codified the certification process, gave workers the right to vote every three years as to whether they wanted to continue to be represented by a government union or choose a different union, gave workers the right to annually opt in or out of union dues withholding, and promoted financial transparency by requiring unions to report their finances, similar to federal LM reporting for private sector unions. Protections such as these could be preempted and nullified by federal legislation and regulation.

Alexander Hamilton wrote in Federalist 9 that the proposed Constitution “leaves in the states’ possession certain exclusive and very important portions of sovereign power.” Our current system of state control of public sector labor relations allows states to use their sovereign power to balance the interests of public employees, government unions, citizens, and taxpayers. I urge this committee to reject the federal takeover of this state function.

Thank you.