

**Testimony of Timothy Judson  
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**Before the United States House of Representatives  
Democratic Steering and Policy Committee**

**At the Hearing on State-by-State and Congressional Assaults on Workers'  
Rights and the Middle Class  
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Madame Leader, Co-Chairs DeLauro and Miller, and members of the Committee, thank you for the opportunity to share my observations on these matters of vital interest to our country. My name is Timothy Judson and I lead the Workers' Rights Program for Progressive States Network, a national, non-partisan nonprofit that works with state legislators and advocates to develop and advance progressive legislation in the states. While our primary mission is to promote policies that advance progressive values such as workers' rights, we also provide support to legislators and advocates defending against regressive measures that undermine the interests of working families.

I have been asked to testify today as to the scale of the assault on workers' rights and the middle class, and the positive measures states can take, and some are taking, to advance the economic security of working people. This year, in particular, we are seeing what must be acknowledged as a full-scale campaign to dismantle the very foundations of America's social and moral progress over the last century. Major anti-labor legislation has been introduced in at least thirty-seven states so far this session, and in twenty-three states more than one such piece of legislation is in play. Included in this assessment are bills on the following policies:

- Repeals of collective bargaining rights for public sector employees in eighteen states.
- So-called Right-to-Work Laws in sixteen states.
- Repeals of state minimum wage and prevailing wage laws in eighteen states.
- Bans on the use of project labor agreements in twelve states.
- Bills and resolutions preemptively seeking to interfere with implementation of the Employee Free Choice Act in three states, and a ballot initiative campaign in a fourth.

These measures target two of the most fundamental components of workers' rights policy in the United States: protections of workers' right to organize, and the government's role in establishing and raising wage standards. The scope of efforts to roll back labor standards at the state level is not limited to these types of legislation. There are also efforts to undermine child labor laws, minimum wage rates, overtime protections, family and medical leave, enforcement of wage-and-hour laws, and several other measures. However, those bills are primarily being introduced in states where major anti-worker legislation is also in play.

While such legislation is being introduced almost exclusively by Republican legislators, the assault on workers' rights is not limited to states where Republicans control both the legislature and the governor's office. In fact, these efforts are concentrated in states where

Republicans recently increased their control or see opportunities to do so. Of the twenty-two states where there was a strong shift in Republican party control of government following the 2010 elections, there are now major assaults on workers' rights in all but three. Of the thirteen states where major attacks on workers are not underway, seven have Republican-controlled state governments, and ten are right-to-work states with well-established anti-labor climates.

It is also clear that these policies are being advanced for political and ideological reasons, without regard to sound policy-making or the public interest. We have seen this most nakedly in Wisconsin Governor Scott Walker's now famous conversation with someone he believed to be his largest campaign contributor, billionaire David Koch. It is also obvious that they are being introduced for political purposes, both from cases where multiple near-identical bills are being introduced within the same legislative chamber, and in other cases the presence of provisions that are redundant or irrelevant to existing state law. Republican legislators in Iowa have introduced two bills in each chamber of the legislature to mandate that state agencies advertise the fact that Iowa is a right-to-work state. In Missouri, four different right-to-work bills have been introduced in the state Senate. A law enacted in Idaho this week is titled "Right to Work," even though Idaho is already a right-to-work state and the bill's actual provisions are to ban project labor agreements and prevailing wage standards. Also, the prevailing wage provision in the bill is redundant, since Idaho repealed its prevailing wage law nearly three decades ago, in 1985.

In many cases, major legislation is being rushed through, early in the session, with little opportunity for debate. In addition to the bill passed by the Wisconsin Assembly, in the last two weeks, bills to revoke collective bargaining rights for public sector workers have been passed in the Indiana and Ohio state senates after being considered for just days. In addition:

- Last Thursday, Idaho enacted its law banning project labor agreements and prevailing wage standards.
- Three weeks ago, the New Hampshire House of Representatives passed the right-to-work bill after considering it for less than a week.
- On March 1, the Missouri House of Representatives passed a bill to nullify the minimum wage amendment to the state constitution enacted in 2006 by 76% of the voters.
- On February 11, the Labor, Health and Social Services Committee in the Wyoming House of Representatives approved a bill to repeal the minimum wage law approved overwhelmingly by voters in 2006.

In addition to Iowa, other states that already have right-to-work laws have seen legislation introduced to elevate the profile of the policy. A bill was introduced in Mississippi to make violating the right-to-work law a misdemeanor criminal offense. And legislators in Virginia introduced companion bills to add right-to-work to the state constitution. Those three bills have all died in committee, though it is clear that conservatives want to introduce anti-labor measures even where they are redundant in order to amplify what is essentially an ideologically-charged, "shock-and-awe" campaign against workers' rights.

That this is happening now, on the heels of the Great Recession and historic levels of unemployment and economic insecurity would be ironic if it were not so historically pertinent. The labor standards now being attacked were first advanced nationally during the last comparable economic upheaval. The Fair Labor Standards Act and the National Labor Relations Act helped our country emerge from the Great Depression by protecting the fundamental rights of workers and establishing basic principles of fairness and decency that within twenty years created our legendary middle class and a level of shared economic prosperity and opportunity that had never been seen in the world before. That the peak value of the minimum wage, the height of private-sector union membership, and the most balanced distribution of income in our history all occurred within two to three years of one another demonstrated the success of those policies.

Not everyone has forgotten that lesson, and legislation to advance workers' rights and economic security is also advancing this year. Illinois and Maryland are considering bills restore the minimum wage to its 1968 value of \$10 per hour, and adjust the wage annually to keep up with inflation. Connecticut is poised to advance the long-neglected issue of paid leave standards this year, by becoming the first state to enact a paid sick days law. Legislation to provide basic wage-and-hour protections for workers not covered by the Fair Labor Standards Act – domestic workers, farmworkers, and home healthcare workers – is being advanced, respectively, in California, New York, and Maryland. Legislation to deter wage theft and employee misclassification is being proposed in several states, including Kansas, Nevada, Arkansas, Ohio, Oregon, Utah, Virginia, and Wyoming. And Legislators in West Virginia have introduced bills to grant public sector workers collective bargaining rights and to establish a living wage standard for public employees.

Illinois, where legislators from both Wisconsin and Indiana have sought refuge to block anti-worker legislation, is probably the best single example of what states can do. Last year, Illinois enacted one of the nation's strongest wage enforcement laws, which will help low-wage workers in Chicago alone recoup \$380 million per year in wages stolen by their employers. In January, the state filled over 40% of its projected revenue shortfall by raising personal and corporate income tax rates for the first time in over twenty years. Together with the minimum wage bill, which if enacted will raise the wage floor to \$10.50 per hour by 2014, these measures don't just take a balanced approach to the economy, they show a true commitment by elected officials to put the needs of ordinary people first.

Even in the case of Illinois, however, it can be hard to see how individual policies at the state level can set the country on the path toward an economic recovery that everyone can share in. This year, Progressive States Network has taken the best examples of what states are doing to create a policy platform for that vision. Our Blueprint for Economic Security identifies policies in four key areas – Building Prosperity, Job Security, Health Security, and Job Creation – that will shore up working families, get people back to work, and sustain vital public services and infrastructure. Included with my testimony is a copy of the Blueprint and a list of legislation in the states to advance the policies that comprise it. As a counterpoint, it may help the committee see more clearly the destructive, ideological agenda behind the attacks on workers' rights we are experiencing this year.

Thank you again for the opportunity to share this information.

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