
Committee Report

REGULAR CALENDAR

February 14, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 622-FN,

AN ACT prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. Having considered the same, report the same with the following resolution: **RESOLVED**, that it is **INEXPEDIENT TO LEGISLATE**.

Rep. Timothy Soucy

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 622-FN
Title:	prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.
Date:	February 14, 2019
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The majority of the committee still believes that Right to Work would not be beneficial to the State of New Hampshire. As stated previously, it would insert government into the employee and employer relationship. There is no data showing that businesses would relocate to NH if we were a Right to Work state. Finally, Right to Work has been defeated many times in this state.

Vote 12-6.

Rep. Timothy Soucy
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 622-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy Soucy for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority of the committee still believes that Right to Work would not be beneficial to the State of New Hampshire. As stated previously, it would insert government into the employee and employer relationship. There is no data showing that businesses would relocate to NH if we were a Right to Work state. Finally, Right to Work has been defeated many times in this state. **Vote 12-6.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Labor

BILL NUMBER: HB 622

TITLE: Prohibiting collective bargaining agreements that require employees to join or contribute to a labor Union

DATE: 2/13/19 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

The majority of the committee still believes that Right to Work would not be beneficial to the state of NH. As stated previously it would insert government into the employee + employer relationship. There is no data showing that businesses would relocate to NH if we were a Right to Work state. Finally, Right to Work has been defeated many times in this state. A vote of ITL was recommended. ITL passed by a ~~12-6~~ 12-6 vote

COMMITTEE VOTE: 12-6

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Timothy Soucy
For the Committee

REGULAR CALENDAR

February 14, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 622-FN,

AN ACT prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Jack Flanagan

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 622-FN
Title:	prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.
Date:	February 14, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The minority feels that Right to Work legislation falls under the 1st Amendment; that is, freedom to associate or not associate be default. Additionally, the recent federal court *Janus* case already allows public employees to not join a union. Finally, this legislation makes union leadership more accountable to its members.

Rep. Jack Flanagan
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 622-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. **OUGHT TO PASS.**

Rep. Jack Flanagan for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority feels that Right to Work legislation falls under the 1st Amendment; that is, freedom to associate or not associate be default. Additionally, the recent federal court *Janus* case already allows public employees to not join a union. Finally, this legislation makes union leadership more accountable to its members.

MINORITY REPORT

COMMITTEE: LABOR

BILL NUMBER: 622-FN

TITLE: PROHIBITING COLLECTIVE BARGAINING AGREEMENTS THAT REQUIRE EMPLOYEES TO JOIN OR CONTRIBUTE TO

DATE: 2-13-19 CONSENT CALENDAR: YES NO ^{LABOR} _{UNION}

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

MINORITY FEELS THAT RIGHT TO WORK
LEGISLATION FALLS UNDER THE 1ST AMENDMENT
THAT IS FREEDOM TO ASSOCIATE OR NOT ASSOCIATE
BE DEFAULT. ADDITIONALLY, THE FEDERAL COURT
CASE, JANIS, ^{CASE} ALREADY ALLOWS PUBLIC EMPLOYEES
TO NOT JOIN A UNION. FINALLY, THIS LEGISLATION
MAKES UNION LEADERSHIP MORE ACCOUNTABLE
TO ITS MEMBERS

COMMITTEE VOTE: 12-6

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep. [Signature]
For the Minority

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 622-FN

BILL TITLE: prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

DATE: February 13, 2019

LOB ROOM: 307

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Soucy

Seconded by Rep. Baroody

Vote: 12-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep Manny Espitia, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 622-FN

BILL TITLE: prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

DATE: 2/13/19

LOB ROOM: 307

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Saucy Seconded by Rep. Baroody Vote: 12-6

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES NO

Minority Report? Yes _____ No If yes, author, Rep: Flanagan Motion # OTP

Respectfully submitted: _____
Rep Manny Espitia, Clerk

OFFICE OF THE HOUSE CLERK



1/14/2019 3:23:04 PM
 Roll Call Committee Registers
 Report

2019 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: HS 622 Motion: ITL AM #: _____ Exec Session Date: 2/13/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Sullivan, Brian M. Chairman	12		
Soucy, Timothy A. Vice Chairman	4		
Baroody, Benjamin C.	2		
Cahill, Michael D.	3		
DiSilvestro, Linda A.	4		
Schmidt, Janice E.	5		
Toomey, Dan	6		
Bordy, William E.	7		
Bouchard, Donald J.	8		
Espitia, Manny Clerk	9		
Hall, Brett R.	10		
Kanzler, Harrison	11		
Flanagan, Jack B.		1	
Seaworth, Brian		2	
Avellani, Lino M.		3	
O'Day, John E.		4	
Renzullo, Andrew - not present			1
Callum, John M. - not present			2
Mackie, Jonathan D.		5	
Nunez, Hershel		6	
TOTAL VOTE:	12	6	2

Hearing Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 622-FN

BILL TITLE: prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

DATE: February 7, 2019

LOB ROOM: 307 **Time Public Hearing Called to Order:** 1:01 p.m.

Time Adjourned: 1:35 p.m.

Committee Members: Reps. Sullivan, Soucy, Espitia, Baroody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bordy, Bouchard, Seaworth, O'Day, Renzullo, Callum, Mackie and Nunez

Bill Sponsors:
Rep. Forsythe

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. Prime Sponsor – Representative Robert Forsythe – Recommends OTP –

Right to Work because the first amendment gives money to political committees and I am against that.

Question -Rep Soucy: You mention someone is giving money to a union is there a difference from PAC and union? **Ans – No** **Question -** It is against the law to take union dues and put them in PAC? **Ans-** Yes, I agree with that

Question - Rep Bouchard: – Do you think it's fair for someone to be represented by a group and get the benefits of a CBA and not have to be in the game?

Ans- I believe it makes the union stronger.

Question – Rep Seaworth: – You mentioned the first amendment, are you familiar with the Janus ruling it was based on public employees, do you know what applies to private sector?

Ans- I think it should be applied to all

Question – Rep Baroody: – No one is forced to join a union?

Ans- You are forced to join

Question / Staement – According to Supreme Court, you have to pay an agency fee

Ans- I don't believe you should be paying that

Question – Do you know what an agency fee is?

Ans - No

Question - So if you got into trouble would you expect your neighbors to pay your legal fee?

Ans- I would appreciate it but not expect it.

***2. Glenn Brackett – NH AFL-CIO – Oppose –**

***Written Testimony**

Question - Rep O'Day: Your unions have political action committees don't those go too?

Ans- Our political actions are from our NH residents and not from union dues

Question – Rep Mackie: The Union Dues can't be given to candidates, right? **Ans-** Right

Question – They can be given to advocacy groups? **Ans-** No

Question- What percentage of your dues come from union dues? **Ans -** None

Question - Rep Nunez: Are you a part of an umbrella national organization?

Ans- Yes, the National AFL-CIO

3. Brandin Stapleton – Self - Oppose

As I entered my 30's most of my memories dealt with getting ready for my newest brother. When my brother was born, we were able to get through pre-term birth thankfully through the March of Dimes and my parents' union dues. We were able to make it through, but without the ability to unionize we would have suffered heavily.

Question – Rep Nunez: States that have Right to Work laws have what kind of rating?

Ans- All state with right to work have D or F.

4. *McKayne Boedecker – NE Citizens for Right to Work– Support–

*Submitted Written Testimony

Question- Rep. Baroody: The morally right thing to do would be for someone to represent someone who doesn't pay them? **Ans-** Unions can negotiate members only

Question - They could be fined heavily for not representing them.

Ans- They could create the members only

Question – Rep Bouchard: Are you aware that it's the law that they have to represent them?

Ans- They are not any compulsion that they have represent all.

Question - Do you have the data to show that to me? **Ans -** Yes I can email that to you

Question – Rep. Toomey: I want to clarify the process, say that .me and 9 other members wanted to be a union. Would we be able that all people in the 10 members. So would they all have to pay dues? **Ans-** No, I don't believe so.

5. Greg Moore–AFP-NH – Support

We represent about 50,000 activists who are supporters of freedom. Right to Work has been something that has been around for the last 15 (fifteen) years. It was a big issue when I worked with Health and Human Services. As I have been around for the last 15 years, this is incredibly important and there is data. There are so many benefits such as higher wages and more benefits. It usually comes down to personal stories and anecdotes. One of my top activists works for an agency shop and 30 people who are on the old system and about 10 of them who are on 401K systems. When they were there for a CBA they went with a majority rule. This isn't fair. Another example is when I was working for the House Chief of Staff, we were in the middle of a heated Right to Work debate. I asked the employers why they wanted to come to the state. They believed it was to bring in new members and the senior level officials. We want more workers. The data is never a factor unfortunately.

Question – Rep. Nunez: Can you talk to us about some of the advantages of the recent state who joined right to work?

Ans- Mechanically this bill would prohibit agency fees. These new states like Indiana, Kentucky, and Louisiana. Indiana was in 2011 and they are seen as an outlier. The Chicago FED has economic index and IN went from negative to the top state. This is also due to business taxes which are also good for the economy. In 2010, we had 98,000 manufacturing jobs and they are one of the important jobs and now we are 70,000 jobs.

Question – Rep. Baroody: You said you have about 50,000 members?

Ans- We don't call them members because we don't have dues.

Question - How do you get these numbers?

Ans- People who have signed up online, at events, or other issues.

Question – Chairman Sullivan: Would you consider that more of a collection e-mails rather than..

Ans- Well, we could consider that as people who have taken a step.

Question - Out of the 50K do you know how many are members?

Ans- No, we don't

✓ 6. Blake Huber- Self- in Support

I am a former union steward. I am a Right to Work former union steward. They told me that as a former employee of an agency we had to pay dues or lose my job. Each union steward had to manage people and the phone company treated people properly. I saw a value of the union.

Question -- Rep. Bordy: You mention you're a visitor. Why are you testifying?

Ans- I am very passionate about the issue. I am on a tour. I wanted to go see how a committee hearing ..

Question -- So you happen to be here randomly? Where do you live?

Ans- Denver, Colorado

Question -- Why are you here?

Ans -- I am here to present on approval voting

Question -- Rep Bouchard: Do you believe workers do better when they are represented by others?

Ans- Yes, but I was prohibited from doing that

Question - Do you believe to be in the union, you should have to pay the dues?

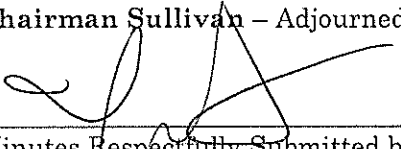
Ans- That's a difficult question. There shouldn't be a two-tiered system, but we are not talking about that. As a unionist, you have to sell yourself to the members.

Question -- I know there are libertarians who wouldn't want to have unions, would they want unions? **Ans-** I have asked people, do they have more power as a union, but they enjoy their individual power.

Question -- Rep. Mackie: Do you support voluntary union membership?

Ans -- Yes, but I just don't want to be part of it. I was anti-union until I saw terrible working conditions.

Chairman Sullivan -- Adjourned hearing.


Minutes Respectfully Submitted by,
Rep. Manny Espitia Committee Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL, AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB ~~612~~ ⁶²²

DATE: 2-7-2019

Draft

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. Prime Sponsor – Representative Robert Forsythe – Recommends OTP – Right to Work because the first amendment gives money to political committees and I am against that.

Q- Soucy – You mention someone is giving money to a union is there a difference from PAC and union?

Ans – No

Q- It is against the law to take union dues and put them in PAC?

Ans- Yes I agree with that

Q Bouchard – Do you think its fair for someone to be represented by a group and get the benefits of a CBA and not have to be in the game?

Ans- I believe it makes the union stronger.

Q – Seaworth – You mentioned the first amendment, are you familiar with the Janus ruling it was based on public employees, do you know what applies to private sector?

Ans- I think it should be applied to all.

Q – Baroody – No one is forced to join a union?

Ans- You are forced to join

Q – According to Supreme Court, you have to pay an agency fee?

Ans- I don't believe you should be paying that

Q – Do you know what an agency fee is?

Ans - No

Q- So if you got into trouble would you expect your neighbors to pay your legal fee?

Ans- I would appreciate it but not expect it.

2. Glenn Brackett – NH AFL-CIO – Oppose –

*Written Testimony

Q - O'Day – Your unions have political action committees don't those go to

Ans- Our political actions are from our NH residents and not from union dues

Q – Mackie - The Union Dues can't be given to candidates right?

Ans- Right

Q – They can be given to advocacy groups?

Ans- No

Q- What percentage of your dues come from union dues?

Ans - None

HOUSE COMMITTEE ON LABOR, INDUSTRIAL, AND REHABILITATIVE SERVICES

Question Nunez— Are you a part of an umbrella national organization?

Ans- Yes the National AFL-CIO

3. Brandin Stapleton – Self - Oppose – As I entered my 30's most of my memories dealt with getting ready for my newest brother. When my brother was born, we were able to get through pre-term birth thankfully through the March of Dimes and my parents union dues. We were able to make it through, but without the ability to unionize we would have suffered heavily.

Q- Nunez – States that have Right to Work laws have what kind of rating?

Ans- All state with right to work have D or F.

4. McKayne Boedecker – NE Citizens for Right to Work– Support–

*Written Testimony

Baroody – The morally right thing to do would be for someone to represent someone who doesn't pay them?

Ans- Unions can negotiate members only

Q- They could be fined heavily for not representing them

Ans- They could create the members only

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Q – Baroody – You said you have about 50,000 members?

Ans- We don't call them members because we don't have dues.

HOUSE COMMITTEE ON LABOR, INDUSTRIAL, AND REHABILITATIVE SERVICES

Q- How do you get these numbers?

Ans- People who have signed up online, at events, or other issues.

Q- Chair – Would you consider that more of a collection emails rather than

Ans- Well we could consider people who have taken a step.

Q- Out of the 50K do you know how many are members?

Ans- No we don't

5. Blake Huber– Self- Support I am a former union steward. I am a Right to Work former union steward. They told me that as a former employee of an agency we had to pay dues or lose my job. Each union steward had to manage people and the phone company treated people properly. I saw a value of the union.

Q – Bordy – You mention your visitor. Why are you testifying?

Ans- I am very passionate about the issue. I am on a tour. I wanted to go see how a committee

Q – So you happen to be here randomly?

Ans-

Q- Where do you live?

Ans- Denver, Colorado

Q – Why are you here?

Ans – I am here to present on approval voting

Q – Bouchard- Do you believe workers do better when they are represented by others?

Ans- Yes but I was prohibited from doing that

Q- Do you believe to be in the union you should have to pay the dues?

Ans- That's a difficult question. There shouldn't be a two tiered system, but we are not talking about that. As a unionist, you have to sell yourself to the members.

Q – I know there are libertarians who wouldn't want to have unions, would they want unions?

Ans- I have asked people do they have more power as a union, but they enjoy their individual power.

Q- Mackie – Do you support voluntary union membership?

Ans – Yes, but I just don't want to be part of it. I was anti-union until I saw terrible working conditions.

Minutes of public hearings before the ED&A committee – February 7, 2019

House Bill 665-FN. relative to New Hampshire cost-of-living information.

*Rep. Skip Cleaver, sponsor of House Bill 665-FN submitted written testimony.

Rep. Latha Mangipudi spoke in support of House Bill 665. Demographic information for the state of NH is not available on the internet. This bill will be a good starting point on which to gather data. We live in a data driven society and this is very important information that should be collected.

Rep. Laura Telerski spoke in favor of the bill. There is currently no tool available in the state of NH to access this data. We must have this data available.

*Judy Stadtman, representing the Granite State Organizing Project supports this bill.

Respectfully submitted

Rep. Kathy Desjardin Acting Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 622 Date 2-7-19

Committee LABOR

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
REP. JOHN POTUCEK	Rock. 6-DERRY			<input checked="" type="checkbox"/>	
Daria Socolo	Professional Firefighters of NH				<input checked="" type="checkbox"/>
REP. DAVID MEUCE	PORTSMOUTH				<input checked="" type="checkbox"/>
Rep Dick Hinsh	House Republican office			<input checked="" type="checkbox"/>	
Alvin See	Loudon		Self	<input checked="" type="checkbox"/>	
Bob Blairdell	NH Troopers Association				<input checked="" type="checkbox"/>
ED NAILE	Coalition NH Taxpayers			<input checked="" type="checkbox"/>	
BOBBY JONES	AFSCME 293				<input checked="" type="checkbox"/>
REP. BOB GREENE			HILLS 37	<input checked="" type="checkbox"/>	
Rep JASON JOURNIN			Rock 37		<input checked="" type="checkbox"/>
Chrissie Gernish					<input checked="" type="checkbox"/>
Marie Morgan	Goffstown				<input checked="" type="checkbox"/>
CHARLES FLAHERTY	SACON		TEAMSTERS		<input checked="" type="checkbox"/>
GLENN BRACKETT			NH AFL-CIO		<input checked="" type="checkbox"/>
DAVID Pelletier			WA Local 131		<input checked="" type="checkbox"/>
Amanda Sears		867-4433			<input checked="" type="checkbox"/>
Denis Bourdes			IBEW 490		<input checked="" type="checkbox"/>
Rep Tray Mercher	Coos#7		Lancaster		<input checked="" type="checkbox"/>
Senator Kevin Cavanaugh	Manchester				<input checked="" type="checkbox"/>
Rep Rob Forsythe	Merri			<input checked="" type="checkbox"/>	
Rep. Doug Ley			House Majority Leader		<input checked="" type="checkbox"/>
ZANDRA RICE HAWKINS			Granite State Progress		<input checked="" type="checkbox"/>
Forrest Repier	Manchester 03102		Self		<input checked="" type="checkbox"/>

PI-5-5

LABOR
H8 222



8-7-19

HB ESS
WABAS

Testimony



NEW HAMPSHIRE AFL-CIO

#2 Speaker
Testimony
Glenn Brackett
HB 622

EXECUTIVE VICE PRESIDENT
David Pelletier

SECRETARY/TREASURER
Laura Hainey

PRESIDENT EMERITUS
Mark S. MacKenzie
Harland W. Eaton

SECRETARY-TREASURER
EMERITUS
William A. Stetson
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The Position of the New Hampshire AFL-CIO on HB 622-FN

Chair and members of the committee,

My name is Glenn Brackett and I am the President of the NH AFL-CIO. The NH AFL-CIO is the largest labor organization in the State of New Hampshire. I am here today to testify - again - against the American Legislative Exchange Council's attempt to inflict Washington-drafted, failed anti-union policy on the economy of New Hampshire. I urge you, on behalf of our members, to vote inexpedient to legislate on ALEC's model legislation, this year titled HB 622, an act prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

Since the last time we met here and debated the shortcomings of this model legislation, we've seen an interesting development in ALEC's national efforts to insert themselves in state labor markets around the country. Last year, the voters of Missouri were asked what they thought of so-called "right-to-work" legislation. Unlike a number of states where right-wing legislators have forced bills like this on the public without directly hearing their voices, this anti-employee legislation was actually put before Missouri voters. And the voters of Missouri - once they heard both sides of the argument - overwhelmingly voted to reject this policy. While supporters of right-to-work made every effort to mislead voters - from authorizing dishonest ballot language that was thrown out by a court to repeating debunked claims about the economic impact of anti-employee legislation— over 76% of Missouri voters rejected legislation like this.

As I am certain that my colleagues in labor and other supporters of workers and employees will make clear the many negative consequences that this legislation would cause, I would like to add a couple of observations about what this legislation purports to do as opposed to the claims made on its behalf.

This legislation claims to be a conservative solution but would instead put the government of the State of New Hampshire between every worker and every employer in the state by dictating on what terms a person may be employed.

This legislation claims to protect employees freedom to choose but would have the effect of denying the option of effective collective bargaining to New Hampshire's workers.

And this legislation claims to care about fairness but would urge employees to become "free riders" and demand services from unions for which they are unwilling to pay.

We still believe that New Hampshire doesn't need guidance from Washington, DC-based right-wing lobbyists when it comes to our workers and employers working together. Please take the opportunity to vote inexpedient to legislate and send a message that we are capable of building an economy that works for everyone on our own terms.

Thank you,

Glenn Brackett

President, NH AFL-CIO

PROFESSIONAL FIRE FIGHTERS

O F N E W H A M P S H I R E

#4

Thursday, February 7, 2019

The Honorable Brian Sullivan, Chair
House Labor, Industrial Relations and Rehabilitative Services Committee
33 North State Street
Concord, NH 03301

Chairman Sullivan and Members of the Committee:

The Professional Fire Fighters of New Hampshire represent approximately two thousand active and retired career firefighters, paramedics and fire officers in forty-two Locals across over thirty cities and towns in our state. Our members, New Hampshire's first line of defense, provide fire and EMS protection to over sixty-five percent of the population of this state.

Our statewide labor organization has been and remains opposed to "Right to Work," introduced by Representative Forsythe this year in the form of House Bill 622. Despite the Supreme Court ruling in *Janus v AFSCME, et al* last summer, your career firefighters stand in solidarity with all working families in their ability to organize and cover expenses associated with economically lifting up all employees. We call upon this committee to stand with New Hampshire's firefighters in opposing not only this terrible piece of legislation, but to denounce the continual deceitful campaign launched by organizations such as the Virginia-based National Right to Work Committee, the Koch-backed Americans for Prosperity, and its New Hampshire chapter.

These out-of-state groups, in an attempt to sell their policies of special interest, would in the blink of an eye destroy time-tested labor-management relationships. Relationships that through negotiation, cooperation and discussion make the economic engine of New Hampshire work today. I ask you to remember that it was conservative Governor Meldrim Thompson who gave public employees the ability to bargain with their employers, making government more effective and efficient by eliminating the need of the legislature to address multiple bills being filed relative to pay increases and working conditions.

The concept of a closed shop agreement between the employer and the union – representing the employer's workers requiring that the employer hire only union labor members – is just not true here in New Hampshire.

The Taft-Hartley Act passed in 1947 amended the National Labor Relations Act of 1935 and has done away with the closed shop era in America; an era during which an employee who either resisted joining the union or lost his union membership as a result of failing to pay dues or another violation was required to be dismissed by the employer. This Act of Congress passed over seventy years ago outlawed such practices. The National Labor Relations Board expressly states that employees shall have the right to refrain from joining a union. Unions are prohibited from using coercive tactics to influence an employee's decision about whether to engage in concerted activity. Employees cannot be forced to participate in collective activity and any attempts to do so should be filed with the labor board as an unfair labor practice charge.

Additionally, in 1988 *Communications Workers v Beck* 487 U.S. 735, the court ruled that workers could not be forced to pay a fee portion of their union dues that went for political purposes with which they did not agree. Current New Hampshire law is even more precise as RSA 275:1 states "No person shall coerce or compel, or attempt to coerce or compel, any person into an agreement, either written or verbal,

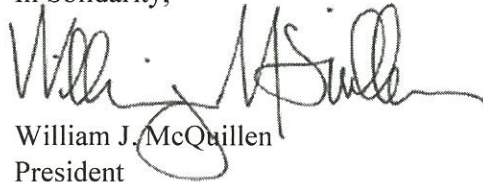
not to join or become a member of any labor organization, as a condition of securing or continuing in any employment.”

House Bill 622 and its concept is profoundly unfair and undemocratic in that it intends to elevate the objections of the minority over the democratically elected majority of the workers in the workplace to determine choices of the majority of workers.

I am asking this committee to find this piece of legislation and its concept Inexpedient to Legislate. I hope you will agree with me that this is a case of government overreach by trying to force legislation which mandates what employers can and cannot do with their private-sector employees. Members of the Committee – please join your trusted firefighters and emergency medical personnel of this state in opposing so-called “Right to Work” bills, and get back to addressing the numerous important matters before this legislature.

Sincerely,

In Solidarity,

A handwritten signature in black ink, appearing to read 'William J. McQuillen', written over a circular stamp.

William J. McQuillen
President

#6

Blake Huber

Blake Huber was an Approval Voting Party candidate for Colorado Secretary of State. Huber lost the general election on November 6, 2018.

Elections

2018

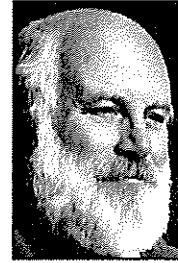
See also: Colorado Secretary of State election, 2018

General election

General election for Colorado Secretary of State

Jena Griswold (D) defeated incumbent Wayne W. Williams (R), Amanda Campbell (American Constitution Party) and Blake Huber (Approval Voting Party) in the general election for Colorado Secretary of State on November 6, 2018.

Blake Huber



Approval Voting Party
Report an official for change

Unions don't guarantee happy workers

I'd like to offer another perspective to Rep. Susan Emerson's Right-to-Work viewpoint published in the July 12 edition.

First, let's clarify what we're talking about. A Right-to-Work law guarantees that no person can be compelled, as a condition of employment to join a labor union or to pay dues to a union.



June
O'Day

I grew up in the 1960s and '70s in Indiana, the daughter of a blue-collar, middle-class, factory worker making \$10,000 per year. My father worked for Uniroyal and was a mandatory dues paying member of the United Rubber Workers Union. Contract negotiations between the union

and the company usually resulted in my dad being "on strike."

Sometimes it was days ... sometimes it was months. But one thing it always was on my parents was stressful. How would we pay our bills? Would we lose our house? Do we have enough to buy groceries? As a kid I so wanted to buy Maxine Nightingale's hit song "Right Back Where We Started From" on a 45 rpm record. But I held back, thinking my parents might need that 67 cents. No, I'm not joking. I remember overhearing the phone calls to the mortgage and utility companies explaining our situation.

I would often go with my dad when he

Sometimes [the strike] was days ... sometimes it was months. But one thing it always was on my parents was stressful. How would we pay our bills? Would we lose our house?

had to do "picket duty." If the weather was nice, that meant standing outside at the entrance to the factory. If it was rainy or cold, we were bundled up in the car with a thermos. My dad took the time to explain to me how unions work. He showed me his pay stub, where his union dues were deducted weekly from his pay. I questioned why he would let them do that! And he chuckled and said he didn't have a choice. I learned that while most of the employees were happy with their salaries and the working conditions at the plant in Mishawaka, Indiana, the union, representing workers from across the country, could still force a strike nationwide. Even unions representing completely different occupations, such as the United Auto Workers, could cause my dad to once again be on strike, as the rubber and tire industry would lend its support to its brother union. Oh brother.

The bottom line was my dad didn't have

a choice. It wasn't the right to work that hurt my parents' economy. The hurt came when the right was taken away.

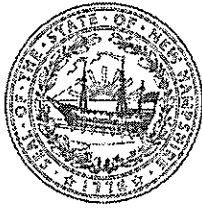
Originally unions were organized to protect workers from safety hazards, wage injustices, excessive hours, unfair hiring/firing practices - the list goes on. But over the years we've passed laws and regulations to deal with these concerns. We've got OSHA, the Labor Board, the Whistle Blower's Act, Workman's Comp... and that list *really* goes on and on. So how much value does an employee really get from joining a union? Is union membership necessary for an employee to be happy?

The Ledger-Transcript profiled two businesses - Microspec and Hutter Construction - in the same paper that featured Rep. Emerson's viewpoint. "At Microspec, it's a family" and "Hutter Construction is a company that wants lifetime employees." I called both. Neither have a union.

So just what do the unions do with the billions of dollars collected annually? While some actually does go toward contract negotiation related expenses and staff salaries, a large percentage goes to funding Political Action Committees. Following that "money trail" was indeed informative.

I wish my N.H. House Representative Susan Emerson shared my view on right-to-work. That's why I'll be voting for my husband, John E. O'Day for that spot this September. He does.

June Sailor-O'Day lives in Rindge.



HOUSE COMMITTEE RESEARCH OFFICE

New Hampshire House of Representatives

4th Floor, Legislative Office Building

Concord, NH 03301-6334

TEL: (603) 271-3600

TDD Access: Relay NH 1-800-735-2964

D.C. Bates, House Committee Researcher
603-271-3385; dc.bates@leg.state.nh.us; LOB 408

MEMORANDUM

TO: Representative Sullivan, Labor, Industrial and Rehabilitative Services

FROM: D.C. Bates, House Committee Research

DATE: February 1, 2019

SUBJ: HB 622, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

Representative Sullivan,

You asked me provide a legislative history of right-to-work legislation in New Hampshire. Because of the large number of bills filed on this topic since 1979, when the first such legislation was introduced, I've provided below a list of bills and their dispositions. For bills filed from 1989 on, which are available online, I've hyperlinked the bill docket. Please contact me if you need more specific information on any point.

Year	Bill	Title	Status
2018	HB 438	AN ACT eliminating the automatic union dues payment for state employees.	Inexpedient to Legislate
2017	SB 11	AN ACT prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.	Passed Senate, Indefinitely Postponed in House
2016	HB 1341	AN ACT relative to employee payments to unions.	Interim Study
2015	SB 107	An ACT prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.	Died on the Table
2015	HB 658	AN ACT prohibiting collective bargaining agreements that require employees to join a labor union.	Passed House, Died on Table in Senate
2015	HB 402	AN ACT establishing the Franklin Partin right-to-work act	Inexpedient to Legislate
2014	SB 217	AN ACT prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.	Inexpedient to Legislate
2013	HB 323	AN ACT establishing the Franklin Partin right-to-work act.	Inexpedient to Legislate
2012	HB 1663	AN ACT relative to payment of union fees by non-members.	Interim Study
2012	HB 1685	AN ACT relative to collective bargaining under the public employee labor relations statutes.	Died on the Table

2012	<u>HB 1570</u>	AN ACT relative to the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.	Inexpedient to Legislate
2012	<u>HB 1677</u>	AN ACT relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.	Passed House, Laid on Table in Senate
2011	<u>HB 474</u>	AN ACT relative to freedom of choice on whether to join a labor union.	Vetoed by Governor
2010	<u>HB 1645</u>	AN ACT relative to freedom of choice on whether to join a labor union.	Inexpedient to Legislate
2007	<u>SB 115</u>	AN ACT prohibiting mandatory fees for state employees.	Inexpedient to Legislate
2007	<u>HB 819</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor union.	Inexpedient to Legislate
2006	<u>SB 247</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor union.	Laid on Table
2006	<u>HB 1496</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor union.	Inexpedient to Legislate
2004	<u>SB 528</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor union.	Interim Study
2003	<u>HB 821</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor union.	Inexpedient to Legislate
2001	<u>HB 221</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor union.	Inexpedient to Legislate
1998	<u>HB 1489</u>	AN ACT eliminating the duty of a public employee labor organization to represent employees who elect not to join the employee organization.	Inexpedient to Legislate
1997	<u>HB 339</u>	AN ACT establishing a freedom of employment association act.	Inexpedient to Legislate
1997	<u>HB 323</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor union.	Inexpedient to Legislate
1995	<u>SB 36</u>	AN ACT prohibiting an employer from requiring union membership as a condition of employment.	Inexpedient to Legislate
1994	<u>HB 1330</u>	AN ACT prohibiting an employer from requiring union membership as a condition of employment.	Inexpedient to Legislate
1993	<u>HB 516</u>	AN ACT eliminating the duty of a public employee labor organization to engage in collective bargaining on behalf of employees who elect not to join the organization.	Inexpedient to Legislate
1993	<u>SB 19</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor organization.	Inexpedient to Legislate
1992	<u>HB 1432</u>	AN ACT establishing a right to work act which provides for freedom of choice on whether to join a labor organization.	Inexpedient to Legislate

1989	<u>SB 92</u>	AN ACT relative to the bargaining rights of state employees.	Inexpedient to Legislate
1985	HB 597	An Act relative to the right of employees to freely decide whether to support labor organizations.	Indefinitely Postponed
1983	SB 71	An Act relative to the right of employees to freely decide whether to support labor organizations.	Indefinitely Postponed
1981	HB 538	An Act relative to the right of employees to freely decide whether to support labor organizations.	Indefinitely Postponed
1981	HB 667	An Act eliminating exclusive representation for public employee unions.	Inexpedient to Legislate
1979	HB 536	An Act relative to the right of employees to freely decide whether to support labor organizations.	Indefinitely Postponed
1979	SB 237	An Act relative to the right of employees to freely decide whether to support labor organizations.	Inexpedient to Legislate

Fiscal Note

HB 622-FN- FISCAL NOTE
AS INTRODUCED

AN ACT prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill prohibits collective bargaining agreements that require employees to join or contribute to a labor union.

The Judicial Branch indicates there are several provisions of this bill that may result in a fiscal impact to the Branch:

- Proposed RSA 273-D provides for a misdemeanor for directly or indirectly imposing upon a person any requirement prohibited by the act.
- Proposed RSA 273-D:10 provides for civil remedies for violations or threatened violations of the act. Civil remedies can be damages or injunctive relief.

The Branch has no information on how many additional cases may result from the bill but has provided information on estimated costs for various case types.

Judicial Branch	FY 2020	FY 2021

Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Complex Civil Cases (Actions for Damages)	\$774	\$782
Complex Equity Case (Injunctive Relief)	\$783	\$788.45
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		

The Department of Justice indicates the Department and the county attorneys would be obligated to investigate and prosecute any claimed criminal violation of the proposed statute. The Department assumes the bill would likely result in some additional investigative and prosecutorial responsibilities, the Department has no basis upon which to estimate the extent of the extra work and the resulting fiscal impact. There would be no additional revenue to the Department.

The Department of Labor assumes it would be involved by ensuring any withholdings associated with the payment of union dues were defined/demonstrably voluntary. The Department states this would not require additional staff as this type of review is within the scope of existing inspection activities.

The Public Employees Labor Relations Board's jurisdiction is limited to public sector collective bargaining which covers state, county and local governments. The Board indicates the extent to which enforcement activity may be required cannot be determined based on information currently available, therefore the fiscal impact is indeterminable.

The New Hampshire Municipal Association states the fiscal impact on municipal expenditures is indeterminable. The Association assumes it is possible there would be a fiscal impact, but cannot predict what the effect will be. There would be no impact on municipal revenues.

The Department of Administrative Services, Division of Personnel states this bill would have no fiscal impact on the Department.

AGENCIES CONTACTED:

Judicial Branch, Departments of Justice, Labor, Administrative Services, Public Employees Labor Relations Board, New Hampshire Association of Counties and New Hampshire Municipal Association

Bill as
Introduced

HB 622-FN - AS INTRODUCED

2019 SESSION

19-0688

04/01

HOUSE BILL **622-FN**

AN ACT prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

SPONSORS: Rep. Forsythe, Merr. 8

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join or contribute to a labor union.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Name of Act. It is the intent of the general court that this act be known as "The New
2 Hampshire Right to Work Act."

3 2 New Chapter; Right to Work. Amend RSA by inserting after chapter 273-C the following new
4 chapter:

5 CHAPTER 273-D

6 RIGHT TO WORK

7 273-D:1 Short Title. This chapter may be cited as the "Right to Work Act."

8 273-D:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in
9 order to maximize individual freedom of choice in the pursuit of employment and to encourage an
10 employment climate conducive to economic growth, that all persons shall have, and shall be
11 protected in the exercise of, the right freely, and without fear of penalty or reprisal, to form, join, or
12 assist labor organizations, or to refrain from any such activity.

13 273-D:3 Definitions. In this chapter:

14 I. "Employer" means any individual, corporation, association, organization, or entity that
15 employs one or more persons. The term includes, but is not limited to, the state of New Hampshire
16 and its agencies, every district, board, commission, instrumentality, or other unit whose governing
17 body exercises similar governmental powers. The term "employer" includes, but is not limited to,
18 employers of agricultural labor.

19 II. "Labor organization" means any organization of any kind, or agency or employee
20 representation committee or plan, which exists for the purpose, in whole or in part, of dealing with
21 employers concerning grievances, labor disputes, wages, rates of pay, hours of work, or other
22 conditions of employment.

23 273-D:4 Freedom of Choice Guaranteed; Discrimination Prohibited. No person shall be
24 required, as a condition of employment or continuation of employment:

25 I. To resign or refrain from voluntary membership in, voluntary affiliation with, or
26 voluntary financial support of a labor organization;

27 II. To become or remain a member of a labor organization;

28 III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor
29 organization;

30 IV. To pay any charity or other third party, in lieu of such payments, any amount

1 equivalent to or a pro-rata portion of dues, fees, assessments, or other charges of a labor
2 organization; or

3 V. To be recommended, approved, referred, or cleared by or through a labor organization.

4 273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from
5 the wages, earnings, or compensation of any employee any dues, fees, assessments, or other
6 charges, to be held for, transferred to, or paid over to a labor organization, unless the employee has
7 first presented, and the employer has received, a signed written authorization of such deductions,
8 which authorization may be revoked by the employee at any time by giving written notice of such
9 revocation 30 days in advance of its effective date. Every employer who receives such an
10 authorization from an employee shall have a duty to promptly notify that employee in writing that
11 the employee may revoke an authorization at any time by giving the employer 30 days written
12 notice.

13 273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal.
14 Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor
15 organization and employer which violates the rights of employees as guaranteed by the provisions of
16 this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike,
17 picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or
18 attempting to induce an employer to enter into any agreement prohibited under this chapter is
19 hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

20 273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep
21 continuously displayed the following notice at such a place or places in the business, establishment,
22 or premises where it may be readily seen by all employees, and it shall be the further duty of every
23 employer to furnish a copy of such notice to each employee at the time the employee is hired:

24 EMPLOYEES FREEDOM OF CHOICE

25 Under the law of the state of New Hampshire, employees are protected in the exercise of their free
26 choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor
27 union to enter into a contract or agreement requiring them to pay dues, fees, or charges of any kind
28 to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not
29 discharge or otherwise discriminate against an employee because of joining or refusing to join a
30 labor union, or to pay dues, or other charges to a labor union.

31 273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor
32 organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened
33 or actual intimidation of an employee or prospective employee, or the employee's parents, spouse,
34 children, grandchildren, or any other persons residing in the employee's or prospective employee's
35 home, or by any damage or threatened damage to property, to compel or attempt to compel such
36 employee to join, affiliate with, or financially support a labor organization or to refrain from doing
37 so, or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be
38 unlawful to cause or attempt to cause an employee to be denied employment or discharged from

1 employment because of support or nonsupport of a labor organization by inducing or attempting to
2 induce any other person to refuse to work with such employees.

3 273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an
4 employer or labor organization, who directly or indirectly imposes upon any person any
5 requirement prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA
6 651:2, shall be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not
7 exceeding 90 days, or both.

8 273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened
9 violation of the provisions of this chapter shall be entitled to injunctive relief against any and all
10 violators or persons threatening violation, and may also recover any or all damages of any
11 character, including costs and reasonable attorney fees, resulting from such violation or threatened
12 violation, cognizable at common law. Such remedies shall be independent of, and in addition to, the
13 penalties and remedies prescribed in other provisions of this chapter.

14 273-D:11 Duty to Investigate. It shall be the duty of the attorney general and of each county
15 attorney, to investigate any complaints of violation of this chapter, and to prosecute all persons
16 violating any of its provisions, and to use all means at their command to insure effective
17 enforcement of the provisions of this chapter.

18 273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered
19 into on or after the effective date of this chapter and shall not apply to existing contracts, but shall
20 apply to any renewal or extensions of such existing contracts.

21 273-D:13 Exceptions. The provisions of this chapter shall not apply:

- 22 I. To employers and employees covered by the federal Railway Labor Act.
- 23 II. To federal employers and employees.
- 24 III. To employers and employees on exclusive federal enclaves.
- 25 IV. Where they would otherwise conflict with, or be preempted by, federal law.

26 273-D:14 Severability. If any provision of this chapter or the application thereof to any person
27 or circumstance is held invalid, the invalidity does not affect other provisions or applications of the
28 chapter which can be given effect without the invalid provisions or applications, and to this end the
29 provisions of this chapter are severable.

30 3 Effective Date. This act shall take effect January 1, 2020.