

LEGISLATIVE COMMITTEE MINUTES

SB61

Bill as Introduced

SB 61 - AS INTRODUCED

2021 SESSION

21-0312
04/06

SENATE BILL

61

AN ACT

prohibiting collective bargaining agreements that require employees to join a labor union.

SPONSORS:

Sen. Reagan, Dist 17; Sen. Gannon, Dist 23; Sen. French, Dist 7; Sen. Gray, Dist 6; Sen. Bradley, Dist 3; Sen. Morse, Dist 22; Sen. Daniels, Dist 11; Rep. Marston, Hills. 19; Rep. McGuire, Merr. 29; Rep. Spillane, Rock. 2; Rep. A. Lekas, Hills. 37

COMMITTEE:

Commerce

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty One

AN ACT prohibiting collective bargaining agreements that require employees to join 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 "right to work."

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;

1 IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent
2 to or a pro-rata portion of dues, fees, assessments, or other charges of a labor 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 charges,
6 to be held for, transferred to, or paid over to a labor organization, unless the employee has first
7 presented, and the employer has received, a signed written authorization of such deductions, which
8 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 labor
30 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

SB 61 - AS INTRODUCED

- Page 3 -

1 unlawful to cause or attempt to cause an employee to be denied employment or discharged from
2 employment because of support or nonsupport of a labor organization by inducing or attempting to
3 induce any other person to refuse to work with such employees.

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

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

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

19 273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered
20 into on or after the effective date of this chapter. This chapter shall not apply to contracts which
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24 I. To employers and employees covered by the federal Railway Labor Act.

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27 IV. Where they would otherwise conflict with or be preempted by federal law.

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

32 3 Effective Date. This act shall take effect upon its passage.

SB 61 - AS AMENDED BY THE HOUSE

3Jun2021... 1047h

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21-0312

04/06

SENATE BILL **61**

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SB 61 - AS AMENDED BY THE HOUSE

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Committee Minutes

SENATE CALENDAR NOTICE

Commerce

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: January 20, 2021

HEARINGS

| Tuesday | 01/26/2021 | |
|---------------------|-----------------|--|
| (Day) | (Date) | |
| Commerce | REMOTE 000 | 9:00 a.m. |
| (Name of Committee) | (Place) | (Time) |
| 9:00 a.m. | SB 68 | requiring an employer to provide reasonable accommodations for pregnant employees. |
| 9:15 a.m. | SB 69-FN | requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. |
| 9:30 a.m. | SB 61 | prohibiting collective bargaining agreements that require employees to join a labor union. |

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97183002309>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-646-558-8656, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-9128
3. Or iPhone one-tap: 13017158592,,97183002309# or 13126266799,,97183002309#
4. Webinar ID: **971 8300 2309**
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtRjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 68

Sen. Hennessey
Sen. Sherman
Sen. Whitley
Sen. Gray
Rep. DeSimone

Sen. Gannon
Sen. Ricciardi
Sen. Carson
Sen. Prentiss
Sen. Birdsell

Sen. Watters
Sen. Rosenwald
Sen. Perkins Kwoka
Rep. Marsh

Sen. D'Allesandro
Sen. Reagan
Sen. Bradley
Rep. Deshaies

SB 69-FN

Sen. Whitley
Sen. Cavanaugh
Rep. Marsh

Sen. Hennessey
Sen. Soucy
Rep. Abel

Sen. Perkins Kwoka
Rep. McWilliams

Sen. Bradley
Rep. Wazir

SB 61

Sen. Reagan
Sen. Bradley
Rep. McGuire

Sen. Gannon
Sen. Morse
Rep. Spillane

Sen. French
Sen. Daniels
Rep. A. Lekas

Sen. Gray
Rep. Marston

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

SB 61, prohibiting collective bargaining agreements that require employees to join a labor union.

Hearing Date: January 26, 2021

Time Opened: 10:51 a.m.

Time Closed: 2:19 p.m.

Members of the Committee Present: Senators French, Gannon, Bradley, Soucy and Cavanaugh

Members of the Committee Absent : None

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

Sponsors:

Sen. Reagan

Sen. Gannon

Sen. French

Sen. Gray

Sen. Bradley

Sen. Morse

Sen. Daniels

Rep. Marston

Rep. McGuire

Rep. Spillane

Rep. A. Lekas

Who supports the bill: Please refer to sign in sheets

Who opposes the bill: Please refer to sign in sheets

Who is neutral on the bill: Gregory Albert (NH DOJ)

Summary of testimony presented in support:

Senator John Reagan

- This bill would prohibit collective bargaining agreements that require employees to join a labor union.
- Senator Reagan said that many people, including members of the committee, are familiar with this legislation.
- According to Senator Reagan, the people who would benefit from New Hampshire becoming a right-to-work state don't know who they're yet because new employers haven't come into the state to offer better jobs.
- Senator Reagan said that the people who were testifying against this bill had been riled up by people who are rewarded magnificently by union dues.

- **Senator Cavanaugh** declared a conflict of interest because he serves on the executive council of the New Hampshire AFL-CIO. He asked why this bill was introduced in the middle of a pandemic, especially given the harm it might cause to frontline workers. Also, he said that similar legislation has been defeated repeatedly over the years.
 - **Senator Reagan** replied that he didn't see how this bill would harm frontline workers.
- **Senator Cavanaugh** said that unions give a voice to frontline employees who may be afraid to ask for personal protective equipment and other things related to job safety.
 - **Senator Reagan** responded that he didn't understand how this bill would interfere with that. He said that there would be frontline workers complaining about how unfair it's for people to make the same wage as them; however, those were talking points used by unions. Senator Reagan concluded that the committee most likely wouldn't hear from businesses who would move here and create manufacturing jobs if New Hampshire became a right-to-work state.

McKayne Boedeker, Executive Director, New England Citizens for Right to Work

- Mr. Boedeker said this bill would protect individuals from being compelled to pay union dues or fees in order to keep their job. In other words, this bill would allow workers to decide for themselves whether a labor union deserved their financial support.
- If this bill were passed, New Hampshire would become the 28th right-to-work state.
- Currently, Mr. Boedeker said that unions can choose to implement a monopoly over bargaining, which takes away an individual's right to negotiate on their own behalf. According to Mr. Boedeker, polls indicate that a majority of voters think this practice is wrong.
- Without right-to-work protections, he said union officials have little incentive to offer good services to their members. He added that good unions don't need to force dues, while bad unions don't deserve to collect them.
- Mr. Boedeker discussed several impacts this bill would have.
 - First, it would improve New Hampshire's economic outlook.
 - From 2009 to 2019, employment grew by 8.1 percent in New Hampshire and by 9.6 percent in other non-right-to-work states.
 - In contrast, right-to-work states saw a 16.9 percent increase in employment.
 - Second, according to area development surveys, between 50 and 80 percent of businesses leaders and site selection consultants consider a state's right-to-work status as being important or very important when choosing where to build.

- Finally, workers in right-to-work states earn \$4,500 more on average per year when taking into consideration cost of living.
- Mr. Boedeker concluded that right-to-work would help to protect the freedom of New Hampshire workers and help the economy.
- **Senator Cavanaugh** asked Mr. Boedeker if he was familiar with the Taft-Hartley Act of 1947.
 - **Mr. Boedeker** replied that he was and that it allows states to introduce their own right-to-work laws.
- **Senator Cavanaugh** asked if this bill would be repetitive since federal law already prohibits forced unionization from occurring.
 - **Mr. Boedeker** said this bill wouldn't be repetitive. He reiterated that federal law has given states the ability to pass right-to-work legislation.
- **Senator Cavanaugh** said he read an article in the Union Leader that Mr. Boedeker had formed political action committees in New Hampshire.
 - **Mr. Boedeker** said that he would only answer questions pertaining to the bill.

Mark Mix, President, National Right to Work

- Mr. Mix said this bill would give an individual the choice to join a labor union if they would like to.
- Under federal law, Mr. Mix said that unions can force workers to contribute up to 100 percent of their pay towards dues.
- Recent right-to-work states, which include Michigan, Indiana, Wisconsin, West Virginia, and Kentucky, have seen increases in union density.
 - Last year, Mr. Mix said that 14 right-to-work states had increased union membership, while 13 non-right-to-work states had decreased membership.
 - Between 2019 and 2020, New Hampshire lost 7,000 union members. During the same period, other non-right-to-work states had a net loss of 301,000 union members. In contrast, right-to-work states had an increase of 177,000 union members with only a net loss of 9,000.
- Mr. Mix said that an employee should be able to make their own value judgment about the benefits provided by a union. He stated that newer workers are often discriminated against because they haven't been in a union long enough.
- Mr. Mix reiterated that no worker should be compelled to join a union. He concluded that unions don't have to be the exclusive bargaining unit; however, they have chosen to do so, which has limited the ability of individuals to represent themselves.
- **Senator Soucy** asked Mr. Mix what organization he represented and where he was located.
 - **Mr. Mix** responded that he's the president of National Right to Work, which is headquartered in Springfield, Virginia.

Greg Moore, State Director, Americans for Prosperity-New Hampshire

- If passed, Mr. Moore said this bill would make New Hampshire the only New England state with right-to-work protections.
- Mr. Moore addressed three concerns raised by opponents of the bill.
 - First, this bill wouldn't interfere with the relationship between an employee and an employer. Instead, unions interfere with the relationship between an employer and non-union members by choosing to exclusively represent all employees. He said this bill would interfere less than existing federal law.
 - Second, despite not paying dues, non-union members are forced to be represented by a union. Essentially, non-union members give up the ability to negotiate the terms and conditions of their employment.
 - Finally, right-to-work states have only seen wage increases.

Dave Juvet, Senior Vice President, Business & Industry Association of New Hampshire

- New Hampshire has difficulty attracting businesses due to high taxes, high housing costs, and a high cost of living.
- Mr. Juvet said this bill would be a way to get businesses to relocate or to expand in New Hampshire at no cost to the state.
- In response to criticism from opponents of this bill, Mr. Juvet said that the BIA doesn't force a business to join their organization. Instead, they're required to prove their value to their existing members as well as to prospective members. He wondered why labor unions shouldn't have to do the same thing.
- Mr. Juvet concluded that he didn't understand the concern that this bill would result in the death of organized labor.
- **Senator Gannon** said that the committee heard that on average employees in right-to-work states make between \$8,000 and \$10,000 dollars less a year; however, he wondered if that took into consideration cost of living differences.
 - **Mr. Juvet** said he didn't have enough data to respond, but as Ms. Shapiro stated in her testimony, there are a lot of factors that must be considered.
- **Senator Soucy** asked why the government should interfere in the relationship between employees and employers.
 - **Mr. Juvet** replied that the government has already intruded into the collective bargaining process through the National Labor Relations Act. If this bill were passed, he didn't understand how allowing members of a closed shop to opt out of paying dues or agency fees amounted to government interference.

Summary of testimony presented in opposition:

Jim Donchess, Mayor of Nashua

- Mayor Donchess said that the city negotiates with 17 unions and only one of them is closed shop.
- A union cannot be closed shop unless all parties agree to it, including the employer.
- Mayor Donchess said this bill would impair the freedom of unions and employers to negotiate with one another.
- Mayor Donchess concluded that it doesn't make sense to change the system, which has operated successfully over many years, in the middle of pandemic.

John Buonopane

- Mr. Buonopane said that right-to-work isn't good for working families, nor would it attract jobs that New Hampshire needs or wants.
- Union density has reached an all-time low, which Mr. Buonopane attributed to right-to-work and other anti-union laws.
- Mr. Buonopane said this bill is disingenuous because it would force a union to represent people without payment.
- Mr. Buonopane took exception to Senator Reagan's remarks because he felt it was disrespectful to tell working people that they don't know what's good for them.

Janice Kelble

- Ms. Kelble said she was a retired postal worker. She joined a union because it allowed her to obtain benefits, which were necessary as a single parent.
- At the Postal Service, there are union members and non-union members known as casuals. Ms. Kelble said that casuals were known for doing the same amount of work; however, they received less pay, accrued no sick leave, and they had no retirement benefits.
- Ms. Kelble compared working for the Postal Service like working for a right-to-work state because unions are required by law to represent non-union workers who don't pay any dues. She said she witnessed the resentment and division this created among workers.
- According to Ms. Kelble, 15 years ago, one day of arbitration cost a union about \$1,500.
- Ms. Kelble said that people should pay for the benefits they receive, and a worker has the right to choose a job where they don't have to join a union.
- Ms. Kelble concluded that the government shouldn't interfere with collective bargaining.

David DellIsola

- Mr. DellIsola said he has witnessed the negative effects right-to-work has on wages, benefits, and the economy.
- If passed, this bill would weaken the ability of New Hampshire companies to attract loyal, highly skilled, and experienced workers.
- Additionally, if this bill were passed, Mr. DellIsola said that people would drive across the border to Massachusetts to be paid higher wages and to receive better benefits.
- Mr. DellIsola concluded that this legislation is defeated every two years because workers don't want the government to get involved in private business agreements between themselves and their employer.

Rick Gelinias

- Mr. Gelinias said that the Taft-Hartley Act ended compulsory union membership.
- Mr. Gelinias said this bill is funded by out-of-state interests that want to restrict the ability of unions to raise financial resources that are necessary for negotiating benefits. Consequently, he said this would only increase the wealth gap that exists in the state.
- Mr. Gelinias said it didn't make sense for the government to insert itself into the negotiation process, and that this bill would alter the New Hampshire advantage.
- Mr. Gelinias said he has benefited from being in a union. He said he belongs to the middle class and that through his disposal income he has been able to buy a home, go on vacations, and donate to local organizations.
- Mr. Gelinias concluded that this bill is offering a solution to a problem that doesn't exist, and if it's passed, it will lead to unintended consequences.

Mike Quinn, President, United Steelworkers 12012-03

- Mr. Quinn said that unions have been the backbone of labor for many years, and that they have provided better wages, safer workplaces, and better benefits.
- Mr. Quinn said that the purpose of this bill is to break the foundation of unions.
- Further, this bill would allow workers to renege on paying their fair share of dues, even though they accepted a position knowing that dues were part of their employment.
- Mr. Quinn urged the committee to reject this bill on a bipartisan manner.
- **Senator French** asked what the average cost of dues were in his union.
 - **Mr. Quinn** responded that dues were about one-fourth of one percent, or .25 percent, of a person's weekly pay, which amounted to about 20 dollars a week.

Carl Gagnon

- Mr. Gagnon said he was a Republican voter opposed to this bill for several reasons.

- First, this bill would violate the spirit of free enterprise by allowing the government to interfere in fee for service exchanges. Through this interference, the government would create free riders by providing union benefits to those who didn't pay for them.
- Second, a significant portion of union dues are used to fund job safety and training programs throughout the state. According to Mr. Gagnon, workplace death rates are 49 percent higher in right-to-work states.
- Finally, there's existing federal law that has made it illegal for a worker to be forced into joining a union.
- Mr. Gagnon concluded that the free market empowers individuals to make their own choices, which this bill would undermine.

James Petrillo

- Mr. Petrillo said it doesn't make sense for a union to represent someone who doesn't pay for union benefits. He said that if his car broke down and he called AAA, they would first ask him if he were a member before they provided services.
- Mr. Petrillo stated it would be appalling if this bill moved forward.

Jonathan Nuno

- Mr. Nuno said that studies have shown that right-to-work states have lower wages, higher poverty rates, and lower rates of health insurance coverage.
- Given the ongoing pandemic, Mr. Nuno said that the focus should be on providing good benefits to workers and their families, not taking them away.
- By being a member of a union, Mr. Nuno said he has been able to purchase a home and have health insurance.

Thomas Mooney

- Reiterating previous speakers, Mr. Mooney stated that this bill has been voted down repeatedly because it doesn't help working people.
- According to Mr. Mooney, this bill should be referred to as the right to work for less. He said that workers in right-to-work states earn \$8,700 less per year.
- Mr. Mooney said that the coercion and intimidation provision (section 273-D:8) was unnecessary. When he applied to a union job, he said he felt in no way pressured or coerced to join.
- Mr. Mooney concluded that this bill would be good for CEOs and investors by allowing them to pay less on bids and contracts.

Richard Metcalf

- Mr. Metcalf said that there are many important issues facing New Hampshire, but this isn't one of them.
- Reiterating previous speakers, Mr. Metcalf said that people have the freedom to choose whether to become a union member or not.

- Mr. Metcalf concluded that this bill was a partisan attempt to restrict, rather than expand, rights.

Phil Larry

- Mr. Larry said unions dues are no different than paying a membership fee.
- Reiterating previous speakers, Mr. Larry said that unions have the safest and most trained workers and work sites.
- According to Mr. Larry, studies have shown that workers in right-to-work states make \$10,000 less a year, while CEOs get 320 times richer.

Hope Hutchinson

- Ms. Hutchinson said her union, United Steelworkers 12012-09, contributes a portion of dues towards programs that help New Hampshire citizens with services ranging from breast screenings to education.
 - For example, Women of Steel provides a variety of services to women and their families, such as financial planning, helping with college, and assisting in job interviews.
 - Another portion of dues go to NextGen, which is a mentoring program for young union workers. Through this program, Ms. Hutchinson said that workers can stay and grow with the company.
- Ms. Hutchinson concluded that if unions don't receive dues, then citizens of the state will miss out on these programs.

Jim Durkin, on behalf of AFSCME Council 93

- Mr. Durkin said that the United States has been a right-to-work country since the Supreme Court's *Janus* decision.
- Mr. Durkin said that right-to-work states have higher instances of workers being hurt or killed, and they have more people on taxpayer funded health care programs. Additionally, through reduced buying power, small businesses are hurt in these states.
- He said that unions in right-to-work states are required to pay legal fees for non-members who may have been suspended or fired, which can cost thousands of dollars.
- If this bill were passed, Mr. Durkin said that elected officials would see the negative impact this would have on their communities for many years.

Reverend John Gregory-Davis, Meriden Congregational Church, United Church of Christ

- Reverend Gregory-David said that proponents of this bill were lying and being dishonest, and that the bill should be renamed right to exploit. He said that the bill wouldn't protect workers, instead it would only protect employers.

Reverend Dr. Gail Kinney, Economic Justice Committee, New Hampshire United Church of Christ

- Reverend Dr. Kinney didn't understand why a state that embraces limited government would want to intervene in collective bargaining.
- She said that this bill would weaken worker cohesion, which would decrease the likelihood that negotiated contracts would provide living wages and safety protections. She said that the Gospel of Mark states, "[i]f a house is divided against itself, that house cannot stand."
- Reverend Dr. Kinney said right-to-work originated from the 1940s Jim Crow era. She said that one of the key architects of right-to-work, Vance Muse, proudly stated that he was a white supremacist.

Tiler Eaton

- If this bill were passed, Mr. Eaton was concerned that contracted workers from right-to-work states might not be able to work at job sites in non-right-to-work states.
- Mr. Eaton said this bill would affect every industry, not just manufacturing.
- He concluded that right-to-work is an idea promoted by out-of-state interests from Virginia.

Jeff Padellaro

- Mr. Padellaro challenged the committee members and the Legislature to find a more democratic process than the process of forming a union.
- To initiate the formation of a union, Mr. Padellaro said that individuals need to sign a card. Once a plurality of workers decide they want to form a union, a state or federal agency conducts a secret ballot. If a majority of voters approve of unionizing via the secret ballot, the newly organized members meet and decide on a contract proposal before entering negotiations. After negotiations have been completed, a vote on the contract is held. Workers are able to vote for their representatives as well.
- He said that there's a process for workers to decertify exclusive representation too.
- Mr. Padellaro said this bill fails to acknowledge the good unions have done for local and state governments, such as providing hundreds of employees with non-government subsidized health insurance.
- According to Mr. Padellaro, the *Janus* and *Beck* cases allow individuals who don't want to be part of a union the ability to refuse to join one.
- Under this bill, Mr. Padellaro concluded that unions would be asked to provide services to non-members at no cost, which no legitimate business would ever do.

Emmett Soldati

- Mr. Soldati said he has never been a member of a union; however, as a business owner, he's dedicated to growing businesses and the economy of New Hampshire.

- He said the biggest challenge for his businesses, along with many other downtown area businesses, is income inequality and poverty.
- To support small local businesses and communities, Mr. Soldati said working families need access to livable wages and good benefits.

William Legrand

- According to Department of Labor statistics, 69,000 or roughly 10.3 percent of workers in New Hampshire are union members.
- Mr. LeGrand asked why legislators would attack the bargaining rights of construction workers when there are increasingly fewer opportunities for them to earn living wages and receive health benefits.
- He said that the National Right to Work Committee donated \$100,000 to 10 sitting senators. He emphasized that dollars don't vote, but constituents do.
- Mr. LeGrand questioned why unions are singled out for their membership structure, while other organizations are allowed to charge membership fees.

Kurt Ehrenberg

- Mr. Ehrenberg said it didn't make sense to introduce a bill, which would overburden the Department of Justice.

Jeff Hamel

- Without dues, Mr. Hamel said that unions would struggle to operate and represent everyone.
- Reiterating previous speakers, he said this isn't the time to divide union workers.

Lisa Shapiro, Economist at Gallagher, Callahan & Gartrell, on behalf of NH AFL-CIO

- Ms. Shapiro said simple comparison data analysis was the most common method used when discussing the economic impact of right-to-work legislation. This approach, however, doesn't consider other controls which might explain aggregate state differences.
- In her own research, Ms. Shapiro used two controls – the business tax climate and electric prices – to help explain why right-to-work states might have an economic advantage.
 - In right-to-work states, electric prices were on average 6 cents, whereas non-right-to-work states had electric prices more than 50 percent higher.
 - Also, when examining a variety of taxes, such as corporate, sales, individual, and property, right-to-work states seemed to have better business tax climates. Although, Ms. Shapiro noted that New Hampshire consistently scores in the top 10 states with the best business tax climate.
- Ms. Shapiro also examined peer review articles to assess the economic impacts of right-to-work.

- A study published in the *Journal of Financial Economics* found wages grew slower behind inflation, there was an increase in executive compensation and dividends, and employment grew in lower wage jobs after right-to-work legislation was adopted.
- While the aggregate data is still unclear, Ms. Shapiro said that the negatives to passing right-to-work include lower wages, less job security, and fewer benefits. In comparison, the positives of passing right-to-work were higher CEO compensation, higher dividends on Wall Street, and new employers paying wages at lower rates.
- Ms. Shapiro concluded that famed libertarian economist Milton Friedman was opposed to right-to-work because it amounted to government intervention into the marketplace and contracts.

Former State Senator Dan Feltes

- Senator Dan Feltes couldn't testify, but he wanted to register his opposition to this bill.

Jacob A. Bennett, Ph.D.

- Mr. Bennett disclosed that the research he provided to the committee was done while he was pursuing his doctoral degree at the University of New Hampshire.
- Mr. Bennett said that right-to-work legislation has been introduced in the New Hampshire Legislature at least 36 times over the last 40 years. He said that many of the bills introduced have had almost the exact same language since 1992.
- Historically, Mr. Bennett found that those who supported right-to-work were significantly outnumbered by those opposed to such legislation.
 - For example, in 2017, during the public hearing on HB 520, 97 percent of those who signed up were opposed to right-to-work.
- This year, Mr. Bennett said that both National Right to Work and New England Right to Work sent out mailers stating that 80 percent of New Hampshire citizens believe forced unionism was wrong. After numerous failed attempts to get clarification on the methodology used to get these statistics, Mr. Bennett said these claims should be viewed as unverifiable.

Former State Representative Peggy McCarthy

- Representative McCarthy said she is a union member.
- As a Republican, Representative McCarthy couldn't think of another circumstance where the government would require a private business to provide free services, or involve itself in negotiations between two private entities, or advocate for the expansion of government at the taxpayers' expense.
- Representative McCarthy concluded that of the 20,000 union members in New Hampshire, only 26 percent are registered Democrats.

Richard Gulla

- Mr. Gulla said this legislation is nothing more than a union busting bill, which will hurt workers, businesses, and the economy.
- According to Politico, New Hampshire ranks as the top state for life quality when taking into consideration factors like per capita income, crime, and education. Mr. Gulla said four out of the five top states are non-right-to-work. In contrast, right-to-work states rank below average or in the bottom 20 of the list.
- Mr. Gulla said that workers in right-to-work states make \$1,500 less a year, have 15 percent smaller GDPs, lower rates of health insurance, and more injured or killed workers. He also said that seven out of the ten states with the highest unemployment are right-to-work states.

Michael Smith

- Mr. Smith said an individual needs to have special skills and expertise to become an iron worker, which are acquired through years of education and job training.
- Job training is provided to workers through funds raised by local members and through collective bargaining agreements. Mr. Smith said that these job training programs don't cost taxpayers anything and they're good for a free market economy.
- Mr. Smith said that both workers and contractors provide value to one another. The iron workers receive training, fair pay, and good working conditions, while contractors have highly trained workers to meet their obligations.
- Mr. Smith said this bill would destroy funding to job training programs. He also wondered how this bill would end forced unionization when union membership in the construction industry is only between 5 and 10 percent.
- Currently, Mr. Smith said that 23 states with right-to-work have higher unemployment rates than New Hampshire.
- Mr. Smith concluded that if something isn't broken, then it shouldn't be fixed. Additionally, he felt that legislation that would make certification and education more readily available should be prioritized instead.

Marco Lacasse

- Reiterating previous speakers, Mr. Lacasse said that free riders would stretch unions to their breaking point.
- He also reiterated that right-to-work harms working families and the economy. Further, businesses would be harmed by right-to-work legislation because they will be unable to find highly skilled individuals in a timely manner.

Glenn Brackett, President, NH AFL-CIO

- For the last 30 years, Mr. Brackett said that right-to-work has been rejected by both parties regardless of who's in the majority.

- Local leaders, according to Mr. Brackett, have repeatedly recognized that the government shouldn't intervene in contracts between private employers and labor unions.
- In 2019, the House rejected a right-to-work measure after Governor Sununu stated that "there is no need to pursue any additional legislation for right-to-work." Mr. Brackett said that Governor Sununu recognizes that the government shouldn't intrude into the free market or place undue regulations on private businesses.
- Last week, Mr. Brackett said this committee had a discussion on whether taxpayers should be forced to absorb the cost of apprenticeship programs. He said that during that hearing, Senator Gannon had asked why the government needed to be involved in private industry. Mr. Brackett said that reasoning applied to this bill, and he wondered why the government needed to get involved in the contractual agreements between partners in private industries.
- Mr. Brackett concluded that an individual either supports the free market or they don't.

Larry Moquin

- Mr. Moquin said it's unconscionable that the Legislature would consider such a partisan bill during a pandemic.
- He concluded that this bill would only lead to further workforce shortages, less skilled employees, and a less productive workforce.

Stephaun Gonsalves

- Mr. Gonsalves said this bill would reverse the growth the state had seen recently before the pandemic.
- He said that while wages had gone up in right-to-work states like Michigan and Wisconsin, he didn't consider wages going from lower to low as a reasonable wage increase.

Karen Irwin

- Ms. Irwin said that a lot of what is done in this bill is already accomplished through existing state and federal law.
 - State employees, for example, can voluntarily join a union if they want to or not.
 - Further, the right to strike is already prohibited, which would make the provision in section 273-D:6 unnecessary.
- Ms. Irwin didn't understand what would warrant an individual to be fined and/or jailed under section 273-D:9.
- Ms. Irwin concluded that this bill isn't necessary, especially given the pandemic, and that it would impact a process that has been beneficial for many years in preserving jobs, lowering medical costs, and increasing wages.

Patrick Burns

- Mr. Burns said this bill would infringe on an individual's First Amendment right to collectively bargain. Further, it would force unions to provide services to members that don't pay, which no other business is required to do.
- Mr. Burns concluded that this bill would add insult to injury to seasoned workers who have paid into their union for many years.

Rick Loughman

- Mr. Loughman wanted Senator Reagan to produce a list of businesses here in New Hampshire that want right-to-work legislation passed.
- Mr. Loughman urged legislators to listen to the voices of New Hampshire voters, not out-of-state interests.

Kevin Foley

- Mr. Foley said he didn't know of any worker who would want to work for less pay and benefits or work in unsafe conditions.
- Mr. Foley wanted the committee to know that there have been over 5,000 Teamsters who have worked throughout the pandemic to keep the economy going.

Timothy Thibault

- Mr. Thibault said he was a registered Republican, and he believed this bill would result in a theft of services and it would constitute government overreach.

Viola Katsiiume, on behalf of GSOP

- Over the past decade, Ms. Katsiiume said there's been an organized attack on labor by corporate interests.
- Through right-to-work legislation, income for the middle class has declined. Ms. Katsiiume said the economy is dependent upon those in the middle class.
- Unions also help to bridge the income gap experienced by African American workers. Ms. Katsiiume said that African American union members earn 16 percent more than their non-union counterparts. Additionally, they're 50 percent more likely to have access to employment benefits and a retirement fund.
- Ms. Katsiiume concluded that the Legislature should be focused on boosting New Hampshire's economy and ensuring that workers have a voice.

Asma Elhuni, on behalf of Rights and Democracy

- Ms. Elhuni said that Senator Reagan's remarks were indicative of how workers are seen on this issue.
- Ms. Elhuni felt it was inappropriate to say that workers don't know what's good for them, but corporations do.
- Ms. Elhuni was concerned this bill would attract businesses that pay lower wages and that don't invest in their workers. She also worried that these

businesses would leave the state if there were more profitable opportunities available. Overall, she was concerned about the impact this would have on working people who are vulnerable, especially people of color.

- Ms. Elhuni said this bill is racist because of its association with Vance Muse.
- Ms. Elhuni said the Legislature should listen to people like Martin Luther King, Jr. who said, “[i]n our glorious fight for civil rights, we must guard against being fooled by false slogans, such as ‘right to work.’ It is a law to rob us of our civil rights and job rights.”
- **Senator Gannon** said he agreed workers know what is good for them, so he wondered why they wouldn’t want to join a union on their own if it’s beneficial.
 - **Ms. Elhuni** replied that this is a way to get people together to decide if they want to bargain. She said if there aren’t enough people to bargain, then they can’t get the rights for themselves.

Jan Schaffer

- Ms. Schaffer said that the testimony provided by Mr. Moore about exclusive representation was misleading. The National Labor Relations Board states, “[a] union has the duty to represent all employees – whether members of the union or not – fairly in good faith without discrimination.”

Dexter Arnold

- Mr. Arnold said he’s the vice president of his local union and that they don’t have a fair share clause.
- He said that the company he works for misclassified an employee. Despite the employee not paying dues, the union successfully negotiated a new contract, which reclassified the person resulting in better pay and health benefits.

Greg Murphy

- Mr. Murphy said that this bill would make it harder for unions to represent their members, which is not good for New Hampshire.

Dennis O’Brien

- Reiterating previous speakers, Mr. O’Brien was concerned that this bill would divide working people during a pandemic.

Arnie Alpert

- Mr. Alpert said there had been conflicting testimony provided by economists and about exclusive representation.
- Under existing law, Mr. Alpert said that closed shops are illegal.
- Mr. Alpert said that if Mr. Juvet is advising out-of-state businesses on whether to relocate to New Hampshire he hopes he’s explaining to them that a union and workers cannot impose agency or fair share fees if an employer doesn’t want them as part of a collective bargaining agreement.

- Mr. Alpert said he has testified on right-to-work legislation since 1983, and that Senator Reagan's comments were disturbing because he told committee members to ignore those who came to testify.

Paul Ells

- Mr. Ells reiterated previous speakers by stating that this bill would amount to a theft of services.
- Also, he reiterated that right-to-work harms everyone through decreased wages, decreased access to health insurance coverage, decreased investment in education, and higher rates of infant mortality.

Former State Representative Michael McCarthy

- Representative McCarthy said this is a perennial bill, which would be detrimental to organized labor.
- Representative McCarthy warned that Republicans had lost legislative control in one or both chambers after previous right-to-work attempts in the 2010 and 2016 sessions.

Neutral Information Presented:

Gregory Albert, Assistant Attorney General in the Consumer Protection Bureau, New Hampshire Department of Justice

- Attorney Albert said that the department had a neutral position on the bill; however, they were concerned about the duty to investigate provision, which is contained in section 273-D:11.
- Historically, the department hasn't been responsible for investigating labor-related cases. As a result, Attorney Albert said that there are no bureaus within the department that could feasibly absorb this new investigatory task. Further, he said the bill doesn't name or suggest a bureau to take on this new responsibility.
- Attorney Albert raised some concerns about the bill.
 - First, it would place an additional resource constraint on the department.
 - Second, county attorney's offices and the Department of Justice would have to concurrently investigate labor-related cases, which would create double work and raise concerns about double jeopardy.
 - Third, this bill would create a new crime, which isn't covered under the Consumer Protection Act.
 - Finally, the use of "shall" in section 273-D:11 would require the department to both investigate and prosecute cases, which would undermine the practice of prosecutorial discretion.
- **Senator Cavanaugh** asked if Attorney Albert thought the bill needed a fiscal note.

- **Attorney Albert** responded that would help because there's a concern that the bill doesn't fit the investigative and legal work currently being done by the department.
- **Senator Cavanaugh** asked if Attorney Albert was a practicing attorney in the state. He also asked if someone needed to be part of the Bar Association to practice as an attorney here in New Hampshire.
 - **Attorney Albert** answered in the affirmative to both questions.

AJ

Date Hearing Report completed: January 31, 2021

Speakers

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|-----------------------|---|-----------------|-------------------|
| legrand, Bill | Myself, and Family | Oppose | Yes |
| MOQUIN, LARRY | Myself | Oppose | Yes |
| Kinney, Rev. Dr. Gail | NH United Church of Christ Economic Justice Committee | Oppose | Yes |
| Thibault, Timothy | Myself | Oppose | Yes |
| Juvet, David | Business & Industry Association | Support | Yes |
| Murphy, Gregory | Myself | Oppose | Yes |
| O'Brien, Dennis | Myself | Oppose | Yes |
| Leary, Phillip | Myself | Oppose | Yes |
| Berlo, Joseph | Myself | Oppose | Yes |
| Zuba, Michael | Myself | Oppose | Yes |
| Bennett, Jacob | Myself | Oppose | Yes |
| Durkin, James | AFSCME Council 93 | Oppose | Yes |
| Lacasse, Marco | Myself | Oppose | Yes |
| Katusiime, Viola | Granite State Organizing Project | Oppose | Yes |
| Gonsalves, Stephaun | Myself | Oppose | Yes |
| ginnard, mark | Myself | Oppose | Yes |
| Donchess, James | Myself | Oppose | Yes |
| Gulla, Richard | SEA/SEIU L1984 | Oppose | Yes |
| Smith, Michael | Myself | Oppose | Yes |
| Palacios, Dionisio | Myself | Oppose | Yes |
| Ganter, Aimee | Myself | Oppose | Yes |
| whelan, Tom | Myself | Oppose | Yes |

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|--------------------|---|-----------------|-------------------|
| Knight, Allen | Myself | Oppose | Yes |
| Morrissey, Charlie | Myself | Oppose | Yes |
| French, Sean | Myself | Oppose | Yes |
| Kilroy, Kathleen | Myself | Oppose | Yes |
| Irwin, Karen | Myself | Oppose | Yes |
| Mix, Mark | National Right to Work Committee | Support | Yes |
| Soldati, Emmett | Myself | Oppose | Yes |
| Stutzman, Joshua | Myself | Oppose | Yes |
| Burns, Patrick | Myself | Oppose | Yes |
| deblois, edward | Myself | Oppose | Yes |
| Gagnon, Carl | Myself | Oppose | Yes |
| Marchand, James | Myself | Oppose | Yes |
| PADELLARO, JEFFREY | Myself | Oppose | Yes |
| ARSENAULT, MATTHEW | Myself | Oppose | Yes |
| Ells, Paul | Myself | Oppose | Yes |
| alpert, arnie | Myself | Oppose | Yes |
| McCarthy, Michael | Myself | Oppose | Yes |
| Arnold, Dexter | Myself | Oppose | Yes |
| Elhuni, Asma | Rights and Democracy | Support | Yes |
| Albert, Greg | Department of Justice | Neutral | Yes |
| Begin, Joel | Myself | Oppose | Yes |
| brackett, glenn | NH AFL CIO | Oppose | Yes |
| Fogarty, Maggie | American Friends Service Committee - NH | Oppose | Yes |

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|--------------------------|--|-----------------|-------------------|
| Quinn, Mike | USW12012-03 | Oppose | Yes |
| Nuno, Jonathan | The carpenters | Oppose | Yes |
| Mooney, Thomas | Myself as a member of IBEW Local 490 | Oppose | Yes |
| Buonopane, John | Employees | Oppose | Yes |
| Kelble, Janice | Myself | Oppose | Yes |
| DelliSola, David | United Steelworkers | Oppose | Yes |
| Metcalf, Richard | Myself | Oppose | Yes |
| Gelinas, Rick | Myself | Oppose | Yes |
| Hutchinson, Hope | Myself | Oppose | Yes |
| Eaton, Tiler | Working Families | Oppose | Yes |
| Gregory-Davis, Rev. John | Meriden Congregational Church, UCC | Oppose | Yes |
| Boedeker, McKayne | New England Citizens for Right to Work | Support | Yes |
| Moore, Greg | Americans for Prosperity-New Hampshire | Support | Yes |
| Ehrenberg, Kurt | Myself | Oppose | Yes |
| HAMEL, JEFF | Myself | Oppose | Yes |
| Shapiro, Lisa | AFL-CIO | Oppose | Yes |
| Reagan, Senator John | Myself | Support | Yes |
| Padellaro, Jeff | Myself | Oppose | Yes |
| Mccarthy, Peggy | Myself | Oppose | Yes |
| Mink Covello, Lucy | Myself | Oppose | No |
| sargent, timothy | Myself | Oppose | No |
| Lapointe, Louis | Myself | Oppose | No |
| Silvani, Jacquelyn | Myself | Oppose | No |

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|---------------------|----------------------|-----------------|-------------------|
| Dolce, Linda | Myself | Oppose | No |
| Corringham, Josh | Myself | Oppose | No |
| Laflamme, Paul | Myself | Oppose | No |
| Ward, Jay | SEA, SEIU Local 1984 | Oppose | No |
| Nardino, Marie | Myself | Oppose | No |
| Gove, Scott | Myself | Oppose | No |
| Benjamin, Padellaro | Myself | Oppose | No |
| Tiernan, Cullen | Myself | Oppose | No |
| Reynolds, Steven | Myself | Oppose | No |
| Johnston, Daniel | Myself | Oppose | No |
| Trites, Stephen | Myself | Oppose | No |
| McDermott, Jane | Myself | Oppose | No |
| Everett, Robert | Myself | Oppose | No |
| Russell, Theodore | Myself | Oppose | No |
| Lamphier, Regan | Myself | Oppose | No |
| Russell, Hope | Myself | Oppose | No |
| Russell, Dylan | Myself | Oppose | No |
| Smith, Ryan | Myself | Oppose | No |
| Parker, Ben | Myself | Oppose | No |
| Schaffer, Janet | Myself | Oppose | No |
| Abbott, Gary | Myself | Support | No |
| Hoover, Ryleigh | Myself | Oppose | No |
| Josephson, Helina | Myself | Oppose | No |

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|---------------------|---------------------|-----------------|-------------------|
| Rafter, Hal | Myself | Oppose | No |
| Joseph, Berlo | Myself | Oppose | No |
| Wolper, Mitchell | Myself | Oppose | No |
| Thomas, William | Myself | Oppose | No |
| Girouard, Peter | Myself | Oppose | No |
| Rejwan-Day, Inbal | Myself | Oppose | No |
| Dick, David | Myself | Oppose | No |
| Klee, Patricia | Myself | Oppose | No |
| Gray, Senator James | Senate District 6 | Support | No |
| Cornell, Patricia | Myself | Oppose | No |
| Plunkett, Robert | Myself | Oppose | No |
| Perencevich, Ruth | Myself | Oppose | No |
| Turgeon, Jeffrey | Myself | Oppose | No |
| Shaffer, Bryan | Myself | Oppose | No |
| Roberts, Jenaya | Myself | Oppose | No |
| Plunkett, Catherine | Myself | Oppose | No |
| Dusenberry, Craig | Myself | Oppose | No |
| Perry, William | Myself | Oppose | No |
| Hanson, Blaine | Myself | Oppose | No |
| Gaines, Steven | Myself | Oppose | No |
| hamer, douglas | Myself | Oppose | No |
| Remick, David | Myself | Oppose | No |
| Simard, Gabby | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|--------------------------------|---------------------|-----------------|-------------------|
| Allen, James | Myself | Oppose | No |
| Kimball, Jean | Myself | Support | No |
| Roy, Joseph | Myself | Oppose | No |
| Fontneau, Timothy | Myself | Oppose | No |
| Batchelor, Eric | Myself | Oppose | No |
| Porter, Marjorie | Hillsborough D 1 | Oppose | No |
| Vincent, Laura | Myself | Oppose | No |
| Katsos, Steven | Myself | Oppose | No |
| Harvey, Representative Cathryn | Myself | Oppose | No |
| Hinebauch, Mel | Myself | Oppose | No |
| Legrand, Tracy | Myself | Oppose | No |
| Vail, Suzanne | Myself | Oppose | No |
| Heath, Mary | Myself | Oppose | No |
| Moore, Tyler | Myself | Oppose | No |
| Legrand, Hunter | Myself | Oppose | No |
| Boyle, Mary | Myself | Oppose | No |
| Telerski, Laura | Hillsborough 35 | Oppose | No |
| Noonan, Janyce | Myself | Oppose | No |
| Demers, Maranda | Myself | Oppose | No |
| Husby, Tristan | Myself | Oppose | No |
| Schamberg, Tom | Myself | Support | No |
| Willing, Maura | Myself | Oppose | No |
| Reynolds, Deidre | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|--------------------|--|-----------------|-------------------|
| Ryll, Brian | Professional Fire Fighters of NH | Oppose | No |
| Telerski, Benjamin | Myself | Oppose | No |
| See, Alvin | Myself | Support | No |
| Perez, María | Myself | Oppose | No |
| Murray, Kate | Myself | Oppose | No |
| Lievens, Susan | Myself | Oppose | No |
| Corrow, Carisa | Myself | Oppose | No |
| D, J | Myself | Oppose | No |
| Lievens, Jason | Myself | Oppose | No |
| Yokela, Josh | Rockingham 33 | Support | No |
| DeBonis, Jim | Myself | Oppose | No |
| Berger, Scott | Myself | Oppose | No |
| Almy, Susan | Myself | Oppose | No |
| Mouradian, Tom | Myself and fellow union workers of new england | Oppose | No |
| Pyer, Larissa | Myself | Oppose | No |
| Tremblay, Nicole | Myself | Oppose | No |
| McGhee, Kat | Hillsborough 27 | Oppose | No |
| Young, Michael | Myself | Oppose | No |
| Clark, Eric | Myself | Oppose | No |
| Avery, Darren | Myself | Oppose | No |
| Veilleux, Daniel | Hillsborough 22 | Oppose | No |
| Houle, Ray | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|----------------------|-------------------------|-----------------|-------------------|
| Stadtman, Judith | Myself | Oppose | No |
| SPRIGGS, William | Myself | Oppose | No |
| Brodman, Erin | Myself | Oppose | No |
| Briger, Fred | Myself | Oppose | No |
| Goodwin, Christopher | Myself | Oppose | No |
| Johnson, Andrew | Myself | Support | No |
| Schapiro, Joe | Myself | Oppose | No |
| Leblanc, Thomas | Myself | Oppose | No |
| Caza, Michael | Myself | Oppose | No |
| Sapienza, Tony | Myself | Oppose | No |
| Shore-Goss, Joseph | Myself | Oppose | No |
| Newman, Sue | Myself and constituents | Oppose | No |
| Horrigan, Timothy | Myself | Oppose | No |
| Oxenham, Evan | Myself | Oppose | No |
| Glavin, Matthew | Myself | Oppose | No |
| Newman, Ray | | Oppose | No |
| Bowes, Jesse | Myself | Oppose | No |
| Stavis, Laurel | Myself | Oppose | No |
| Wood, Andreww | Myself | Oppose | No |
| Zirpolo, Jay | Myself | Oppose | No |
| Hutcheson, Jeff | Myself | Oppose | No |
| Giroux, Jimmy | Myself | Oppose | No |
| Dodge, SANDRA | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|-----------------------|---------------------|-----------------|-------------------|
| Dalton, Marlene | Myself | Oppose | No |
| ASLIN, Robert | Myself | Oppose | No |
| Prentiss, Senator Sue | Myself | Oppose | No |
| Herbert, Trevor | Myself | Oppose | No |
| Labonte, Melanie | Myself | Oppose | No |
| Freeman, Raymond | Myself | Oppose | No |
| Trottier, John | Myself | Oppose | No |
| Collette, Jeffrey | Myself | Oppose | No |
| Caggiano, Luigi | Myself | Oppose | No |
| Reyes, Carlos | Myself | Oppose | No |
| Colon, Felix | Myself | Oppose | No |
| McQuesten, Richard | Myself | Oppose | No |
| LaFontaine, Dan | Myself | Oppose | No |
| McQuesten, Lisa | Myself | Oppose | No |
| Hullum, Tyrell | Myself | Oppose | No |
| Wilson, Michael | Myself | Oppose | No |
| Denning, Curt | Myself | Oppose | No |
| Keefe, Lisa | Myself | Oppose | No |
| LaFontaine, Samantha | Myself | Oppose | No |
| Gonyea, Thomas | Myself | Oppose | No |
| lawrence, steve | Myself | Oppose | No |
| Spechuilli, David | Myself | Oppose | No |
| sandock, beth | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|---------------------|---------------------|-----------------|-------------------|
| Croteau, Alyssa | Myself | Oppose | No |
| Morrow, William | Myself | Oppose | No |
| Dontonville, Roger | Myself | Oppose | No |
| DI SILVESTRO, LINDA | Myself | Oppose | No |
| Lang, William | Myself | Oppose | No |
| Membrino, Robert | Myself | Oppose | No |
| Keresey, Gary | Myself | Oppose | No |
| Taylor, DeWitt | Myself | Oppose | No |
| Larivee, Anthony | Myself | Oppose | No |
| Hebert, Suzanne | Myself | Oppose | No |
| Lane, Connie | Merrimack 12 | Oppose | No |
| woodcock, stephen | ccd2 | Oppose | No |
| Grassie, Rep. Chuck | Strafford 11 | Oppose | No |
| Hyland, Stephanie | Hillsborough 38 | Oppose | No |
| Walz, Mary Beth | Merrimack 23 | Oppose | No |
| Meuse, David | Rockingham 29 | Oppose | No |
| Parshall, Lucius | Cheshire House 10 | Oppose | No |
| Plaisted, Kelly | Myself | Oppose | No |
| Jones, Scott | Myself | Oppose | No |
| Levesque, Cassandra | Myself | Oppose | No |
| Juszczak, Brian | Myself | Oppose | No |
| Bettencourt, Helio | Myself | Oppose | No |
| Mann, Patricia | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|-----------------------|-----------------------|-----------------|-------------------|
| Cohen, Rep Bruce | Myself | Oppose | No |
| Rung, Rosemarie | Myself | Oppose | No |
| Simpson, Alexis | My constituents | Oppose | No |
| Schmidt, Jan | Myself | Oppose | No |
| Mullen, Sue | Myself | Oppose | No |
| Flaherty, Michael | Myself | Oppose | No |
| Knight, Tanya R | Myself | Oppose | No |
| Dalton, Thomas | Myself | Oppose | No |
| Petit, mason | Myself | Oppose | No |
| Hamblet, Joan | Myself | Oppose | No |
| Laflamme, Larry | House District Coos 3 | Oppose | No |
| ahern, John | Myself | Oppose | No |
| Rogers, Rep Katherine | Myself | Oppose | No |
| Myler, Mel | Myself | Oppose | No |
| Martineau, Justin | Myself | Oppose | No |
| Cannon, Gerri | Myself | Oppose | No |
| Kerr, Nicholas | Myself | Oppose | No |
| Govoni, John | Myself | Oppose | No |
| Frost, Sherry | Strafford 16 | Oppose | No |
| Murray, Megan | Hillsborough 22 | Oppose | No |
| Goodchild, Jennifer | Myself | Oppose | No |
| Buco, Rep. Tom | Myself | Oppose | No |
| Laliberty, James | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|-----------------------|---------------------|-----------------|-------------------|
| Anastasi, Joy | Myself | Oppose | No |
| Smithurst, John | Myself | Oppose | No |
| Weinberg, Sara | Myself | Oppose | No |
| madden, larry | Myself | Support | No |
| Tellier, Brandon | Myself | Oppose | No |
| Martel, James | Myself | Oppose | No |
| Holt, David | Myself | Oppose | No |
| Weeks, Jack | Myself | Oppose | No |
| Crane, Todd | Myself | Oppose | No |
| Smith, Kristine | Myself | Oppose | No |
| Rardin, Laurie | Myself | Oppose | No |
| Guzman, Luis | Myself | Oppose | No |
| fraser, david | Myself | Oppose | No |
| Wilkins, Kevin | Myself | Oppose | No |
| OBRIEN, THOMAS | Myself | Oppose | No |
| Platt, Elizabeth-Anne | Myself | Oppose | No |
| Josephson, Tim | Myself | Oppose | No |
| Richman, Susan | Myself | Oppose | No |
| Clark, Martha | Myself | Oppose | No |
| Long, Rep. Patrick | My Constituents | Oppose | No |
| Henry, Sarah | Myself | Oppose | No |
| KENISTON, SEAN | Myself | Oppose | No |
| Passerini, Anthony | Myself | Oppose | No |

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Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|---------------------|---------------------|-----------------|-------------------|
| Martin, Conor | Myself | Oppose | No |
| Vannatta, Michael | Myself | Oppose | No |
| Passerini, Laureen | Myself | Oppose | No |
| Boutwell, Scott | Myself | Oppose | No |
| Mott-Smith, Wiltrud | Myself | Oppose | No |
| Moore, Rhiannon | Myself | Oppose | No |
| Moore, Brandon | Myself | Oppose | No |
| Garber, Marcia | Myself | Oppose | No |
| Blanchard, Chad | Myself | Oppose | No |
| Iannacci, Jennifer | Myself | Oppose | No |
| Hunt, Martha A | Myself | Oppose | No |
| Meagher, Charles | Myself | Oppose | No |
| Roberts, David | Myself | Oppose | No |
| McAllister, John | Myself | Oppose | No |
| Silva, Joao | Myself | Oppose | No |
| Magnifico, Alecia | Myself | Oppose | No |
| King, Mike | Myself | Oppose | No |
| Thompson, William | Myself | Oppose | No |
| Thompson, Andrea | Myself | Oppose | No |
| Proulx, James | Myself | Oppose | No |
| Caplan, Tony | Myself | Oppose | No |
| Antman, Alyssa | Myself | Oppose | No |
| Marshall, James | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|---------------------|--------------------------|-----------------|-------------------|
| Krohn, Matthew | Myself | Oppose | No |
| Stewart, Renee | Myself | Oppose | No |
| Kindeke, Grace | Myself | Oppose | No |
| Lawrence, Michelle | Wife | Oppose | No |
| Pimentel, Rod | Myself | Oppose | No |
| Barber, Jarrod | Myself and my family | Oppose | No |
| Gray, Gary | Myself | Oppose | No |
| Corkery, Catherine | Myself | Oppose | No |
| Brander, Marc | Myself | Oppose | No |
| Lovato, Carlos | Myself | Oppose | No |
| Stevens, Paul | Myself | Oppose | No |
| Benson, Thomas | Myself | Oppose | No |
| Bouldin, Amanda | Hillsborough District 12 | Oppose | No |
| Bouldin, Andrew | Hillsborough District 12 | Oppose | No |
| Toomey, Dan | Myself | Oppose | No |
| Rothwell, Richard | Myself | Oppose | No |
| Freitas, Mary | Myself | Oppose | No |
| Wentworth, Robert | Myself | Oppose | No |
| jean, tony | Myself | Oppose | No |
| Koufopoulos, Thomas | Myself | Oppose | No |
| Jesionowski, Mark | Myself | Oppose | No |
| LeClerc, Daniel | Myself | Oppose | No |
| abbott, michael | Cheshire District 1 | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|------------------------|---------------------|-----------------|-------------------|
| Corell, Elizabeth | Myself | Oppose | No |
| Cardillo, James | Myself | Oppose | No |
| Neville, Betsey | Myself | Oppose | No |
| Brennan, Nancy | Myself | Oppose | No |
| Petrillo, James | Myself | Oppose | No |
| O'brien, Karen | Myself | Oppose | No |
| Lenz, Elaine | Myself | Oppose | No |
| Judge, Keith | Teamsters Local 633 | Oppose | No |
| Lenz, James | Myself | Oppose | No |
| McNamee, Brigid | Myself | Oppose | No |
| Foley, Kevin | Teamsters Local 633 | Oppose | No |
| MENGLER, francis | Myself | Oppose | No |
| Cummings, Daniel | Myself | Oppose | No |
| Spencer, Louise | Myself | Oppose | No |
| Cali-Pitts, Jacqueline | Rockingham30 | Oppose | No |
| sawtelle, Joshua | Myself | Oppose | No |
| Reale, Dennis | Myself | Oppose | No |
| Doucette, Jonathan | Myself | Oppose | No |
| LeBlanc, Dan | Myself | Oppose | No |
| Burr, Robert | Myself | Oppose | No |
| Sr Germain, Diane | Myself | Oppose | No |
| Laracy, Matt | Myself | Oppose | No |
| LaFave, Deborah | Myself | Oppose | No |

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|---------------------|--|-----------------|-------------------|
| Garza, David | Myself | Oppose | No |
| Cullen, James | Myself | Oppose | No |
| Oxenham, Lee | Sullivan Co., District 1 | Oppose | No |
| Dalton, Kaitlyn | Myself | Oppose | No |
| Martel, Jennifer M | Myself | Oppose | No |
| Wiegand, Charles | Myself | Oppose | No |
| Harrison, Brian | Myself | Oppose | No |
| Melanson, Robert | Myself | Oppose | No |
| normand, lynda | Myself | Oppose | No |
| Toll, Amanda | Myself | Oppose | No |
| burgess, keith | Myself | Oppose | No |
| Warren, Cyrus | Myself | Oppose | No |
| Reardon, Brandie | Myself | Oppose | No |
| Montgomery, Huck | Liberty (natural gas and electric utility) | Oppose | No |
| Hackmann, Kent | Myself | Oppose | No |
| Glynn, Nancy | Myself | Oppose | No |
| Cousineau, Laura | Myself | Oppose | No |
| Young, Sherman | Myself | Oppose | No |
| Allen, Jeremy | Myself | Oppose | No |
| King, Mark | Myself | Oppose | No |
| Rosenwald, Cindy | SD 13 | Oppose | No |
| Webster, David | Myself | Oppose | No |
| Pickering, Jonathon | Myself | Oppose | No |

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|------------------------|------------------------|-----------------|-------------------|
| Brown, Jordan | Myself | Oppose | No |
| Rossik, Joseph | Myself | Oppose | No |
| Altschiller, Rep Debra | Statham, Rockingham 19 | Oppose | No |
| Istel, Claudia | Myself | Oppose | No |
| Booras, Efstathia | Constituents | Oppose | No |
| Reynolds, Mack | Myself | Oppose | No |
| Anagnos, Alex | Myself | Oppose | No |
| D'Allesandro, Lou | SD-20 | Oppose | No |
| christman, Rich | Myself | Support | No |
| Espitia, Manny | Myself | Oppose | No |
| Bennett, Michael | Myself | Oppose | No |
| Jenkins, Robert | Myself | Oppose | No |
| Fitzgerald, Kyle | My self | Oppose | No |
| Lessard, David | Myself | Oppose | No |
| Bruaw, Jeff | Myself | Oppose | No |
| Ponce, Michael | Myself | Oppose | No |
| Stevens, Matthew | Myself | Oppose | No |
| Curran, Jerry | NH Sierra Club | Oppose | No |
| Gavin, Sean | Myself | Oppose | No |
| Andersen, Jeff | The working class | Oppose | No |
| O'Neil, Daniel | Myself | Oppose | No |
| Burke-Michaud, James | Myself | Oppose | No |
| P, Jason | Myself | Oppose | No |

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|------------------------|---------------------|-----------------|-------------------|
| Mosher, Kyle | Myself | Oppose | No |
| Marino, Doug | Myself | Oppose | No |
| Greenwood, Nancy | Myself | Oppose | No |
| Corey, Kyle | Myself | Oppose | No |
| Freeman, Richard | Myself | Oppose | No |
| O'Brien Sr., Michael | District 36 | Oppose | No |
| Hastings, Leah | Myself | Oppose | No |
| rocheleau, terri | Myself | Oppose | No |
| Haire, Gerard | Myself | Oppose | No |
| Plante, philip | Myself | Oppose | No |
| Cassidy, Don | Myself | Oppose | No |
| Bleakley, Devin | Myself | Oppose | No |
| Pike, Heather | Myself | Oppose | No |
| Buckley, Gail | Myself | Oppose | No |
| Buckley, John | Myself | Oppose | No |
| Pannapacker, Christian | Myself | Oppose | No |
| Roussel, Keith | Myself | Oppose | No |
| Marino, Sonja | Myself | Oppose | No |
| Chalue, Michael | Myself | Oppose | No |
| PERREAULT, LEE | Myself | Oppose | No |
| Vogeley, Mariah | Myself | Oppose | No |
| Scarponi, Steve | Myself | Oppose | No |
| Lafond, Rick | Myself | Oppose | No |

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|---------------------------|---------------------|-----------------|-------------------|
| Mazeau, Michael | Myself | Oppose | No |
| Elliott, Judith | Myself | Oppose | No |
| Werfel, Neil | Myself | Oppose | No |
| Coddens, Alan | Myself | Oppose | No |
| Battaglio, Kindra | Myself | Oppose | No |
| black, beran | Myself | Oppose | No |
| Harriott-Gathright, Linda | Myself | Oppose | No |
| Carleton, Derrick | Myself | Oppose | No |
| Bunker, Lisa | Myself | Oppose | No |
| Rodriguez, Kimberley | Myself | Oppose | No |
| Kenton, Elizabeth | Myself | Oppose | No |
| Lanier, Jonathan | Myself | Oppose | No |
| Henderson, Robert | Myself | Oppose | No |
| Podlipny, Ann | Myself | Oppose | No |
| King, Angel | Myself & Local 7 | Oppose | No |
| Racicot, Roger | Myself | Oppose | No |
| Jodoin, Joseph | Myself | Oppose | No |
| Corey, Kayla | Myself | Oppose | No |
| Rezendes, Randall | Myself | Oppose | No |
| Ruckus, Daniel | Myself | Oppose | No |
| Judge, Matt | Myself | Oppose | No |
| Hersey, Jonathan | Myself | Neutral | No |
| Joyal, Joseph | Myself | Oppose | No |

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|---------------------|------------------------------|-----------------|-------------------|
| Mckeon, Charles | Myself | Oppose | No |
| Roberge, James | Myself | Oppose | No |
| Johnston, Dale | Myself | Oppose | No |
| Voisine, Jeff | Myself | Oppose | No |
| wright, jeffrey | Myself | Oppose | No |
| Pinto, Josie | New Hampshire Youth Movement | Oppose | No |
| Dubois, Jillian | Myself | Oppose | No |
| Baldwin, Adam | Myself | Oppose | No |
| Porter, Eric | Myself | Oppose | No |
| Schultz, Kris | Myself | Oppose | No |
| Laughton, Richard | Teamsters Local 633 | Oppose | No |
| Kwoka, Rebecca | Myself | Oppose | No |
| Gilman, Julie | Town of Exeter | Oppose | No |
| Maggiore, Jim | Myself | Oppose | No |
| Dionne, Anthony | Myself | Oppose | No |
| Hawkins, Brian | NEA-NH | Oppose | No |
| Padellaro, Laurie | Myself | Oppose | No |
| McCool, Gary | Myself | Oppose | No |
| Russell, Adam | Myself | Oppose | No |
| Torpey, Jeanne | Myself | Oppose | No |
| Paine, Mike | Myself | Oppose | No |
| Watters, Sen. David | Myself | Oppose | No |
| Wells, Rev. Jason | Myself | Oppose | No |

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|----------------------|---------------------|-----------------|-------------------|
| Silva, Andy | Myself | Oppose | No |
| Chretien, Jacqueline | Myself | Oppose | No |
| Grob, Jeremy | Myself | Oppose | No |
| Mangipudi, Latha | Hills 35 | Support | No |
| Votour, Estelle | Myself | Oppose | No |
| Mars, Kenneth | Myself | Oppose | No |
| Cahill, Michael | Myself | Oppose | No |
| Pedersen, Michael | Hillsborough 32 | Oppose | No |
| Massimilla, Linda | Grafton 1 | Oppose | No |
| Walker, Dan | Myself | Oppose | No |
| Cutler, Chris | Myself | Oppose | No |
| Wilke, Mary | Myself | Oppose | No |
| Titus, Paul | Myself | Oppose | No |
| Locke, James | Myself | Oppose | No |
| sable, troy | Myself | Oppose | No |
| Knoy, Sarah | Myself | Oppose | No |
| Brousseau, mark | Myself | Oppose | No |
| St.Martin, Hon Tom | Myself | Oppose | No |
| Clifford, Virginia | Myself | Oppose | No |
| Munroe, Chris | Unions in America. | Oppose | No |
| Tappin, Stephen | Myself | Oppose | No |
| SMITH, Eric | Myself | Oppose | No |
| Lunn Owen, Molly | Myself | Oppose | No |

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|-----------------------|---------------------|-----------------|-------------------|
| Beene, Holly | Myself | Support | No |
| Traffie, Norma | Myself | Oppose | No |
| Staub, Kathy | Myself | Oppose | No |
| Daniels, Senator Gary | SD 11 | Support | No |
| Lalonde, Curtis | Myself | Oppose | No |
| Sullivan, Brian | Myself | Oppose | No |
| Fordey, Nicole | Myself | Oppose | No |
| Hartmann, Sylvia | Myself | Oppose | No |
| McSweeney, Janet | Myself | Oppose | No |
| John, Mainella | Myself | Oppose | No |
| Dell'Orto, Michael | Myself | Oppose | No |
| Gallagher, Joseph | Myself | Oppose | No |
| Raff, Alan | Myself | Oppose | No |
| Ballard, Larry | Myself | Oppose | No |
| McWilliams, Rebecca | Merrimack 27 | Oppose | No |
| Mulvey, Michael | Myself | Oppose | No |
| Knight, Anne | Myself | Oppose | No |
| Prakop, Jill | Myself | Oppose | No |
| Labrecque, Melissa | Myself | Oppose | No |
| Spencer, Cassidy | Myself | Oppose | No |
| Lehmenkuler, Robert | Myself | Oppose | No |
| Bomba, Lisa | Myself | Oppose | No |
| King, Phil | Myself | Oppose | No |

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| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|--------------------|-----------------------------------|-----------------|-------------------|
| Deptula, Christine | Myself | Oppose | No |
| McKinsey, Martin | Myself | Oppose | No |
| ientile jr, Joey | Myself | Oppose | No |
| Reed, Barbara D. | Myself | Oppose | No |
| Duval, Vincent | Myself | Oppose | No |
| Martin, Patricia | Myself | Oppose | No |
| Campe, Courtney | Myself | Oppose | No |
| Piispanen, Amy | Myself | Oppose | No |
| Welch, Stephanie | Myself | Oppose | No |
| Welch, Finnian | Myself | Oppose | No |
| Hatcher, Phil | Myself | Oppose | No |
| Maynard, Richard | Myself | Oppose | No |
| Dominguez, Natasha | Myself | Oppose | No |
| Leonard, Stacey | Myself | Oppose | No |
| Damon, Claudia | Myself | Oppose | No |
| Reed, Judith | Myself | Oppose | No |
| Till, Mary | Myself | Oppose | No |
| Viveiros, Patricia | Myself and Public School Teachers | Oppose | No |
| Kirk, Rita | Myself | Oppose | No |
| Hainey, Laura | Myself | Oppose | No |
| Klayman, Micah | Myself | Oppose | No |
| Gelineau, Karen | Myself | Oppose | No |
| Talcott, Erin | Myself | Support | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|------------------------|---------------------|-----------------|-------------------|
| Fazi, Judy | Myself | Oppose | No |
| Fortin, James | Myself | Support | No |
| English, Joshua | Myself | Oppose | No |
| Hamer, Heidi | Myself | Oppose | No |
| Hamer, Gary | Myself | Oppose | No |
| Acheson, William | Myself | Oppose | No |
| Dawson, Jean | Myself | Oppose | No |
| Thorne, Sarah | Myself | Oppose | No |
| Jewett, Dawn | Myself | Oppose | No |
| Duval, John | Myself | Oppose | No |
| Ouellette, Guy | Myself | Oppose | No |
| Aykroid, Tim | Myself | Oppose | No |
| Sytnyk, Volodymyr | Myself | Oppose | No |
| Powell, Kevin | Myself | Oppose | No |
| Drake, Angela | Myself | Oppose | No |
| Bolduc, Jamie | Myself | Oppose | No |
| Hoffman, Gary | Myself | Oppose | No |
| Butkiewicz, Thomas | Myself | Support | No |
| French, Senator Harold | Myself | Support | No |
| Scalco, Dario | Myself | Oppose | No |
| Gannon, Senator Bill | Senate District 23 | Support | No |
| Casey, Seamus | Myself | Support | No |
| David, Doherty | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|-------------------------|---------------------------------------|-----------------|-------------------|
| Wazir, Safiya | My constituents | Oppose | No |
| Donelan, James | Myself | Oppose | No |
| SMARACKO, LAWRENCE | Myself | Oppose | No |
| Roos, Jodi | Myself | Oppose | No |
| Sullivan, Nathan | Myself | Oppose | No |
| Howes, Deb | Myself | Oppose | No |
| Ellis, Donna | Myself | Oppose | No |
| Bartlett, Rep Christy | Merrimack 19 | Oppose | No |
| Boisseau, Lawrence | Myself | Oppose | No |
| Donovan, Terri | Myself | Oppose | No |
| Werner, Rob | League of Conservation Voters | Oppose | No |
| McCary, Michael | National Correctional Employees Union | Oppose | No |
| Garcia Ochoa, Alejandro | Myself | Oppose | No |
| MacIver, Robert | Myself | Oppose | No |
| Allison, Suzanne | Myself | Oppose | No |
| Jette, Melinda | Myself | Oppose | No |
| Nelson, Brett | Myself | Oppose | No |
| Blanchard, Joan | Myself | Oppose | No |
| Brown, Chris | Myself | Oppose | No |
| Schuett, Dianne | Merrimack County, Dist. 20 | Oppose | No |
| Douston, Samantha | Myself | Oppose | No |
| Kane, Derek | Myself | Oppose | No |
| morrison, Ryan | Myself | Oppose | No |

Commerce Committee Testify List for Bill SB61 on 2021-01-26

Support: 24 Oppose: 549 Neutral: 2 Total to Testify: 64

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|------------------|---------------------|-----------------|-------------------|
| romano, richard | Myself | Oppose | No |
| Welch, Jeffrey | Myself | Oppose | No |
| Beaudin, Richard | Myself | Oppose | No |

Testimony

PROFESSIONAL FIRE FIGHTERS

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

Honorable Chairman Harold French
Senate Commerce Committee
107 North Main Street, Room 100
Concord, NH 03301

RE: Opposition to SB 61 *prohibiting collective bargaining agreements that require employees to join a labor union.*

Dear Chairman French and Members of the Commerce Committee,

My name is Brian Ryll and I serve as the President of the Professional Fire Fighters of New Hampshire, representing 42 Local Unions and 2,000 active and retired fire fighters statewide. Additionally, I am a Captain for the City of Portsmouth Fire Department.

As a member of the labor community, I am providing testimony in opposition to SB 61 *prohibiting collective bargaining agreements that require employees to join a labor union.* New Hampshire has seen Right to Work legislation and others like it for several decades and our communities have come together in recognition of the fact that right to work laws and attacks on the working class have no home here.

For the last year, we have been battling a global pandemic where we have seen businesses shuttered, families failing to make ends meet, and nearly 1,000 people across our great state succumbing to Covid-19. Those that have been lucky enough to survive, as well as keep their jobs, have been expected to step onto the frontlines, put themselves in the path of this pandemic and ensure that New Hampshire communities and businesses stay afloat. To now once again face Right to Work legislation where these very same workers could have their right to workplace protections, fair pay, or proper health insurance stripped from them, is truly unacceptable.

Right to Work laws don't exist in a vacuum and have lasting rippling impacts on the states and economies they exist in. Recent analysis of Right to Work laws throughout the country show that it worsens the ability of both union and non-union workers to get health insurance or pensions through their job and that these laws do nothing to increase job growth. [1] Right to Work makes it harder for working people to form unions and collectively bargain for better wages, benefits and working conditions. Not only are these laws bad for everyday people, they're unnecessary, as no person can be compelled to join a union according to the National Labor Relations Act, which ensures that Americans are protected from being forced to do so. Right to Work is nothing more than an attempt from special interest groups to erode the rights of workers throughout our country. I truly believe that New Hampshire and those elected to lead us are better than that. We must stand together to make sure that laws like Right to Work stay out of New Hampshire.

PROFESSIONAL FIRE FIGHTERS

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

The Professional Fire Fighters of New Hampshire stand with working class families in New Hampshire and strongly oppose this piece of legislation. We ask this committee to do the same.

Respectfully Submitted,



Brian Ryll
President
Professional Fire Fighters of New Hampshire

¹Lafer, G. (2011, April 5). 'Right-to-Work' Wrong for New Hampshire. Retrieved January 25, 2021, from https://www.epi.org/publication/right-to-work_wrong_for_new_hampshire/

SENATE BILL 61 – RIGHT TO WORK

TESTIMONY OF MARK GINNARD, PRESIDENT/OWNER

NEW HAMPSHIRE STEEL FABRICATORS LLC & NEW HAMPSHIRE STEEL ERECTORS LLC

Good morning. My name is Mark Ginnard. I am the founder, owner and president of New Hampshire Steel Fabricators and New Hampshire Steel Erectors, both of which operate out of Goffstown, New Hampshire. I want to thank this Senate Committee for allowing me to speak about Senate Bill 61. New Hampshire Steel has been a very successful construction subcontractor for over 40 years, so I would like to address the bill from the perspective of an employer. Between the two of them, my companies employ over one hundred people at our facility in Goffstown and on nearly two dozen active construction jobsites in and around the Boston area. I proudly include among my employees over 50 union ironworkers out of Local 7.

Very early on in the life of my company, (back in the 20th century), I realized that if my steel fabrication operation was going to be successful, grow and continue to thrive into the future, I needed to improve the service end of it, because that's what the general contractors demanded. I knew immediately that I would need the help of the Ironworkers Union to provide the kind of trained and reliable workforce that would bring success. That's when I established New Hampshire Steel Erectors as a union erection company. I made that decision freely and of my own accord. Clearly, it was one of the best decisions I ever made for my company and its employees. But I want to reiterate the important thing is that I made the decision as my own choice. I believe this bill would interfere with my right as an employer, or any employer's right to choose how to run his or her business.

I made my decision based upon my knowledge that when I use union ironworkers I am putting well-trained, safety-minded professionals on my job sites, who will do the job well the first time. That makes my customers happy, allowing me to secure more work, and protects my bottom line, allowing me to grow the company and hire more people. I do not believe allowing government into the middle of my negotiations with workers, which is what this bill does, will do anything to boost employment or grow the economy.

Right to work will force me to change the way I negotiate with my workers because the government decided it can set terms better than I can for my own projects.

I know I made the right choice when I chose to work with the union. The proof is in the pudding. New Hampshire Steel is one of the largest, strongest, most well-respected Miscellaneous Metals subcontractors in New England. We have seen consistent growth since our inception, and have weathered three deep recessions and a pandemic, thriving when many of our competitors went under. I can honestly say signing a union contract was a major part of that success. If this so-called right to work law had been in effect all this time, I cannot say we could have done as well as we have.

I will let others testify as to how right to work laws depress wages, stifle growth and slow economic opportunity.

In closing, I'm here to say that as an employer I don't want the government getting into my business and interfering with my ability to hire quality employees that help my business grow. It should be my right to be a union operation or not. Just as it should be the employee's right to work at a union shop or not. It's just not fair for an employee to enjoy the benefits of a negotiated union contract without paying their fair share of what it took to secure those benefits. This bill is a bad idea. It is not good policy. Please reject SB61. Don't interfere with my right to choose how to run my business. Thank you.

My name is Emmanuel Krasner. I reside at 31 Reservoir Rd in Farmington, NH 03835

For 40 years I was self employed as the proprietor and senior partner at the Krasner Law Office.

I am now a "non-equity partner" at a larger law firm.

I wish to submit the following testimony in opposition to SB 61, the so-called "right to work" bill.

The bill should be defeated for two reasons:

1. It is harmful to people who work for a living, and their families
2. It is a terrible government overreach, and unconstitutional

1. We do not have to speculate or use theories to know that this bill will harm working people and their families. Experience tells us that it will. In those states where a so-called right to work law has been adopted, wages for hourly workers are lower than they are in states that have not made the mistake of adopting this law. I do not think any member of the committee needs to be told that earning less money is bad for the wage earner and his or her family.

The harm is particularly acute here in New Hampshire because most hourly wage jobs do not pay enough to allow a person to earn enough to be able to pay housing costs at the rate of one-third of their income. Average monthly rents in our communities range from \$1995 in Lebanon to \$699 in Gorham. A person earning \$10 an hour can not afford either rent and have adequate money for life's other necessities. Even two wage earners in a family working 40 hours a week can't afford this rent and have adequate income to meet other basic needs. Passing this bill will make this situation worse and harm working families.

2. This bill is an attempt by government to poke its nose into a place it does not belong and where it is forbidden by the U S Constitution. I owned and ran my own small business (yes a law office is a small business) for many years. If I had negotiated with my employees and decided to agree to a union shop, why should the state government tell me what I can, or can not put into my contract with the employees? The State never helped me with my business. It never

participated in my business. Where does the State get off, telling what I can agree to in a contract for my business? This kind of government overreach, of interference in contract relationships, is what the Founders were trying to prevent in Article I Section 10 (1) of the Constitution when they said “No State shall...pass any Law impairing the obligation of Contracts... .”

Please reject this bill which will hurt working families and will bring the government into a place where it does not belong.

Thank you for your consideration

Aaron Jones

From: William Thomas <nhvfp@comcast.net>
Sent: Monday, January 25, 2021 11:23 AM
To: Aaron Jones
Subject: SB 61 (for Commerce Committee members)

SB 61- "Right to Work"

Dear Committee Members,

I am a retired high school US History and Government teacher.

As a supporter of the US Constitution, the Bill of Rights and the Universal Declaration of Human Rights, I oppose SB 61.

Workers for over a hundred years have fought for the right to organize and to form labor unions. Why would they do this? Was it because of unsafe, unhealthy and dangerous working conditions that meant 12-14 hours of work for five days and a 1/2 or more on Saturday? Was it because their children, some as young as 10, were forced to work as well?

Unions have played a key role in strengthening our democracy and in expanding it. I strongly believe that Workers Rights are Human Rights, but if SB 61 were to pass, it would erode or weaken such rights. Despite past criticism, the majority of union leaders have been democratic and worked hard to bargain for paid vacations, an 8-hour work day, the week-end and safer and healthier working conditions and an end to child labor. Another item to consider is that unions have won widespread employer-based health coverage and through collective bargaining have provided workers with fair wages but those states that have passed "Right to Work" legislation have seen wage decreases.

However, in 1973 a corporate lawyer, Lewis Powell, sent a memo to business and corporate leaders warning them that, God forbid, workers in unions were gaining more strength. So thus began the corporate effort working with the national Chamber of Commerce and the National Association of Manufacturers, et al, to weaken and/or to destroy unions. Not long after the Powell Memo, the Koch Brothers arrived on the scene. Influenced by their father, a member of the John Birch Society, the Brothers believed that government should not interfere with the "free market" economic system and that workers' associations and unions were detrimental to economic "progress" and the capitalistic system.

The Kochs helped create and financed the American Legislative Exchange Council (ALEC) and also the State Policy Network (SPN) which send out legislative templates to various conservative state legislators across the US. Moreover, Koch Industries helped to fund the NH chapter of Americans for Prosperity and endorsed the Josiah Bartlett Center for Public Policy. All of these organizations support the anti-worker so-called "Right to Work" legislation.

To reiterate, as a lifetime union member, I strongly oppose SB 61 which would lead to the weakening of workers' rights. We must remember that one-third of the electorate are poor or part of the working class. They would benefit from unions. Please don't ignore them.

William Thomas
Auburn, NH 03032

Aaron Jones

From: Claudia Damon <cordsdamon@gmail.com>
Sent: Friday, January 22, 2021 10:02 PM
To: Aaron Jones
Subject: SB61 NH citizen's written opposition testimony

January 26, 2021
Testimony against SB 61

Right to Work laws do not provide for more jobs or for better working conditions. The Taft-Hartley Act already provides an employee the right to work without joining a union. A Right to Work law is redundant. Right to Work means the right to work for less: a Right to Work law will result in low-paying businesses moving to NH and paying people low wages. The states that have Right to Work laws have apparently been low-wage states and wages have not increased as they have in other states.

Please read this carefully researched, very interesting and informative article from Forbes magazine. It discusses the myths of Right to Work laws and the realities, based on studies conducted in states that have passed these kinds of laws. These laws are not good for the people of New Hampshire. If you want to improve life for the working people who provide the backbone of the state's economy, don't pass SB 61.

<https://www.forbes.com/sites/rickungar/2012/12/11/right-to-work-laws-explained-debunked-demystified/?sh=27cde2bf480b>

It seems to me that any legislator who wants to stay in office should see to it that their constituents are able to improve their economic status, and I mean all of their constituents, not the larger businesses that might back SB61 so they can pay workers less and keep more money for their owners who can gain wealth on the backs of their workers. It isn't to the benefit of anyone to have people earn such low wages that they go on welfare—that costs us all.

Fundamental fairness argues against Right to Work Laws.

Claudia Damon
Concord

January 24, 2021

Re: SB 61, prohibiting collective bargaining agreements that require employees to join a labor union.

To: Mr. Chair Sen. French and the members of the Commerce Committee

Don't kid yourself. This is an anti-union bill.

My grandfather led Lodge 461 of the Brotherhood of Railway Carmen in Mart, Texas, from its creation in 1907 until its demise after the National Railroad Strike of 1922. He fought hard for an 8-hour work day, compensation for injuries on the job, and for worker pensions. So I have a deep, gut-level understanding of the importance of unions in the development of our great nation, particularly to the development of its middle class.

Too many people have conveniently forgotten the history of the early 20th century when the United States went through an earlier period of economic disruption, as we moved from a dominantly agricultural society to a dominantly industrial one. This was also a time of great concentration of wealth, whose dangers were recognized even by the Republican presidents Teddy Roosevelt and William Howard Taft. Did you know it was Taft who signed the legislation creating an independent Department of Labor, headed by a cabinet-level secretary?

Roosevelt and Taft understood that the government had a role to play to provide a balance between labor and capital. They understood that a strong middle class made for a strong society, where opportunity would abound. They understood that without a middle class there is no one for businesses to sell their products to. And, in fact, they understood that without a mass market there is no incentive to be an entrepreneur or an innovator.

When the founders of our country got together "to form a more perfect Union", not everyone agreed on the constitution that was adopted. There were votes against. But in a democracy we all agree to respect the vote of the majority. And then we work like heck to convince our fellow citizens to work with us to move forward in the way we think is best.

And on April 15 many people grumble about paying taxes. But we all have a responsibility to pay our fair share.

Workplace unions are the same. When your colleagues organize into a union, you may not like it and you may vote against it, but if you lose, you should respect their decision, and then you have a responsibility to support the union by paying your dues, while working within the union to change its course, or even to decertify it. This is democracy in action.

SB 61 is not just anti-union. It is also anti-democracy and anti-responsibility.

At a time when we need to come together, this bill only divides us further.

Thank you.

Phil Hatcher
Dover, NH
603-988-8034
phil.hatcher@gmail.com



NATIONAL CORRECTIONAL EMPLOYEES UNION

20 Maple Street, Springfield, MA 01103

January 26, 2021

Senate Commerce Committee
State House, Room 100
Concord, NH 03301

Committee Members:

On behalf of the National Correctional Employees Union (NCEU) and our 250 members working at county jails in Carroll, Grafton, Hillsborough, Merrimack, Rockingham, and Sullivan Counties, I write in strong opposition to Senate Bill 61 *an Act to Prohibit Collective Bargaining Agreements that Require an Employee to Join a Labor Union*. Passage of this bill would have a detrimental impact on employees throughout New Hampshire and a harmful impact on the economy of the state at large.

The immediate impact of passage of this bill would be to make it illegal for unions to negotiate a contract which requires all employees who benefit from the contract to pay a share of the cost associated with negotiating and enforcing the agreed upon terms. To be clear, the intent of the bill is to attempt diminish the collective bargaining power of unions by choking-off the funding support they require to effectively advocate for workers. According to the Economic Policy Institute, employees in states with "Right to Work" laws such as the one proposed have lower average wages and fewer employee benefits than states which have not passed such laws.

Proponents of "Right to Work" suggest that the aim of this bill is to increase New Hampshire's competitiveness and foster a climate conducive to economic growth. The reality is that this bill would create a race to the bottom, with employees earning lower wages and enjoying less economic security.

As currently drafted, this bill applies to both public and private sector workers alike. More than 60,000 employees in New Hampshire are union members, the vast majority of them working public sector jobs. To put a face on the workers who would be harmed by this proposal, we are talking about law enforcement, firefighters, teachers and care givers across New Hampshire who would see their wages and benefits decline. In the case of the NCEU, we have serious concerns that corrections officers would have a far more difficult time negotiating fair pay and maintaining properly staffed jails which are essential to the safety of inmates, employees and the public.

To assert that diminishing the pay, benefits, and workplace safety of public sector employees, particularly those involved in corrections and law enforcement, would make New Hampshire more economically competitive is false logic. Public sector workers provide the services that employers look for when choosing where to locate, and strong unions make sure workers are safe, healthy, and economically secure so that they can patronize businesses and purchase goods and services.

"Right to Work" is bad public policy for New Hampshire. It is bad for workers, and it is bad for our economy. We appreciate your consideration of our testimony today and we urge you to oppose SB61.

Best regards,

Christopher Murphy, President
National Correctional Employees Union

Office: 413-788-6238 Fax: 413-273-1023

www.nceu.org



January 26, 2021

Senate Bill 61 is "An act prohibiting collective bargaining agreements that require employees to join a labor union." Can this be any more misleading? The truth is that nobody can be forced to join a labor union. Passed in 1947, the Taft Hartley Act ended compulsory union membership. Employees already have that "Freedom of Choice" referenced in the text of this bill.

Let's be honest, the bill's true intent is to deprive labor organizations of the financial resources they need to negotiate good wages and benefits for workers. It is being pushed here by out of state monied interests seeking to divide our people and further the wealth gap in our country. Workers in so-called Right to Work states make on average 15% less annually than workers in other states. There is no demand for this in New Hampshire. Employers and workers are not requesting this of our legislators. Fortunately, every time the National Right to Work committee has pushed this in the past, there has been bi-partisan opposition to it.

Personally, I have been at my place of employment for nearly 33 years. In all that time I have been a member of my union. At times I have held various leadership positions. In that time I have served on the bargaining committee and participated in the negotiation of 6 agreements. At no time did my employer or a coworker ever propose what this ill intended legislation seeks to do. Which begs the question as to why would the government want to insert itself into this process. Why would you want to alter this component of the New Hampshire Advantage.

Thanks to my union contract and my employer, I find myself squarely in the middle class. I was able to buy my home at 23 years old. I have the disposable income to take my family skiing or any number of other activities. I'm able to support my church. I'm able to contribute to deserving organizations such as The New Hampshire Food Bank, New Hampshire Special Olympics, New Hampshire Public Radio, New Hampshire Public Television, The Nashua Soup Kitchen and Shelter, The Nashua Children's Home and more.

It seems to me this bill is a solution to a problem that doesn't exist here in the 603. I ask you to consider the unintended consequences of its becoming law. I respectfully ask you to oppose this bill.

Respectfully,

Richard Gelinias
Nashua, NH

NFIB – NH

National Federation of Independent Business

Testimony on Senate Bill 61, prohibiting collective bargaining agreements that require employees to join a labor union.

Senate Commerce Committee

January 26, 2021

Dear Chairman French and Members of the Committee:

Please accept this letter in support of Senate Bill 61 as representing the National Federation of Independent Business-NH's position on this issue important to New Hampshire's business community. NFIB-NH represents over 1000 small businesses throughout our state and our members have consistently supported the individual worker's right to decide whether he or she wishes to be part of union or not.

Over the years, a lot of debate has taken place on the issue of "right to work" both here in NH and across the country. But at the end of the day there is really only one fundamental issue that drives NFIB-NH's view of this matter. That one fundamental issue boils down to whether the individual worker or employee shall have the choice to join or contribute to a union in his or her place of employment.

If a person chooses to work for a business that is organized or becomes organized, the individual should not be forced to join or contribute to a union at their place of employment. Additionally, if a worker opts out of union membership, there should not be any deductions from his or her paycheck for any activity supporting union activities. This again comes down to the choice of and honoring the rights of the individual worker.

It is clear from studies in states that allow for this type of choice for their workforce that these states perform better economically than states that require union membership in workplaces that are organized. People are moving to states where they have a "right to work" rather than being encumbered by unwanted union involvement in their work life. This activity supports the work of economist, Richard Vedder, who found "a very strong and highly statistical relationship between right to work laws and economic growth." His work showed that workers in right to work states experienced a 23% faster increase in per capita income over the 30 years between 1977 and 2007. Mr. Vedder also pointed out that the Northeast and Midwest lost the most jobs in recent years and most of those states have mandatory union membership laws.

Beyond these performance measures that clearly show New Hampshire's economy would be enhanced by allowing worker choice on the union membership issue, why is the State

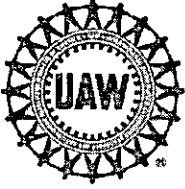
of New Hampshire weighing in on a matter that should be negotiated between the private parties?

NFIB-NH urges you to allow the free market to dictate whether a business organizes or not and to let the individual worker at that business decide whether membership in the union is the best choice for him or her.

Right to work laws enables the worker to make a choice about union membership while also making states more economically competitive. Please consider supporting Senate Bill 61 so that New Hampshire may better thrive and that workers have more rights.

Sincerely,

Bruce A. Berke
State Director
NFIB-NH



BEVERLEY BRAKEMAN
DIRECTOR
REGION 9A UAW
111 SOUTH ROAD
FARMINGTON, CONNECTICUT 06032-2560
PHONE: (860) 674-0143
FAX: (860) 674-1164

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

TO: Members of the NH Senate Commerce Committee

FROM: UAW New Hampshire Community Action Program Council

DATE: January 25, 2021

RE: Senate Bill 61: Urging the Committee to Vote “Inexpedient to Legislate”

This communication comes to you on behalf of hundreds of United Auto Workers (UAW) members and retirees in New Hampshire – and our families. The UAW in NH encompasses workers from the City of Concord and the Concord School District, the City of Nashua, the mobile units, phlebotomists and apheresis technicians at the American Red Cross in Manchester, writers in all corners of the state, and retirees.

SENATE BILL 61 WOULD OUTLAW ‘FAIR SHARE CLAUSES’ IN UNION CONTRACTS WHICH DOES NOTHING TO CREATE JOBS OR ADVANCE DECENT EMPLOYMENT FOR NH RESIDENTS; RATHER, IT IS DESIGNED TO UNDERMINE WORKERS’ PAY AND BENEFITS AND WEAKEN COLLECTIVE BARGAINING

We have been told that Legislative and Executive Branch leaders in Concord are committed to a laser-like focus on job creation and strengthening the NH economy. If this is truly the case, you need to vote no on SB 61. It is wasting valuable legislative time and does *nothing whatsoever* to create jobs or enhance the NH economy. What this bill *would* do is convey a message to the nation and the world that NH lawmakers do not care if their state is a low wage state with diminished benefits, workplace safety and respect for worker and employer partnerships.

THIS BILL IS BASED ON A FALSEHOOD – THAT WORKERS ARE “FORCED” TO JOIN UNIONS

The notion of “forced unionism” is a fabrication. It is a ruse to whip up a frenzy of support for this disingenuous legislation. NO ONE in NH or elsewhere is forced to join a union. It is illegal.

THIS BILL IS NOT A JOB CREATION OR ECONOMIC DEVELOPMENT BILL

Despite claims that SB 61 will bring new business to New Hampshire, there is no empirical evidence to support this claim. Businesses choose locations for various reasons like energy costs and whether the workforce has the training that the business needs. Businesses are not concerned about whether there is a so called “right to work” law. It is also not true that so-called right to work laws are about giving workers more freedom to get ahead. There is no evidence that so-called “right to work” laws improve work opportunities, job security, or employment

conditions. Additionally, there is no evidence that these laws increase personal income; to the contrary the evidence shows that states that have “right to work” laws have vastly reduced wages for low- and middle- income households. **Such a law would create real hardship for New Hampshire families and communities as New Hampshire families start to get back on their feet during the pandemic.**

IF YOU SUPPORT NEW HAMPSHIRE’S LIBERTARIAN STREAK AND BELIEVE THAT GOVERNMENT SHOULD NOT DICTATE TO BUSINESSES HOW THEY SHOULD RUN THEIR INTERNAL AFFAIRS, YOU SHOULD SOUNDLY REJECT SB 61

In 1975 – 42 years ago – under a Republican administration, the U.S. Postal Service issued a stamp that says *Collective Bargaining: Free Enterprise – The American Way*. So, let us look at the American Way – and the New Hampshire Way. ***The New Hampshire Way includes the freedom of labor and management to decide for themselves what is best for their own workplaces*** in terms of the provisions in their collective bargaining agreements, including whether their agreement includes what is known as a “fair share clause.” Under federal and state law, unions are required to equally and fairly represent all workers covered by the collective bargaining agreement, regardless of membership status. That means non-members as well as members get the same wages, hours and working conditions established through contract negotiations. A fair share clause means non-members pay only the proportion of union dues related to collective bargaining expenses, so that the cost is fairly shared by all represented employees. If New Hampshire enacts “Right to Work,” union members will be forced to pay not only their own share of representation costs, but also the full cost of representing non-members. All that SB 61 would do is take away the right of the union and the employer to agree to a fair share agreement. Employers often agree to fair share clauses because they value teamwork and workplace harmony because that is what maximizes productivity. Employers want to steer clear of the conflicts and tensions that occur when some employees pay the cost of representing those others who do not pay. ***It is the New Hampshire Way that, when labor and management sit down at the bargaining table, they should be free from legislative interference.***

We thank the Commerce Committee for your consideration of our comments – and we urge you: for the sake of New Hampshire values, please find SB 61 “inexpedient to legislate.”

Testimony in Opposition to SB 61

Submitted by:

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I am opposed to SB 61, a so called Right to Work bill.

I support collective bargaining units as a major way to protect worker rights within our economy.

This bill should more accurately be referred to as a right to work for less bill. It purports to support workers, but is designed to diminish the ability of workers to bargain collectively for improved wages and working conditions. It is a bill that supports the unfettered power of management. Workers have no power to negotiate equally within such a power imbalance. The ability of workers to organize is the only way to equalize power between workers and management. Unions impact wages and working conditions favorably even in sectors that have not organized.

I am retired and saw the impact of unions in many roles over a thirty-four year career in education. I began teaching in a so called Right to Work state with no work place protections or ability to impact my wages. My brother continues to teach in this state and his wages are depressed and his working conditions are changed by management without any input from him and do not even include a duty free lunch break.

In New Hampshire I have served as Grievance Chair for a school bargaining unit insuring that contract language was upheld. I have also taught in a school district where teachers were not unionized and where if it rained, I did not get a duty free lunch break.

Most significantly, I have been a principal in a district where teachers were unionized and one in which they were not. Working relationships were clearer and easier in the district where teachers were unionized. There were structures in place which clarified the responsibilities of everyone within the school environment. As part of mid-level management, I found support within the contract language. It is important to remember that a contract is negotiated with the interests of both parties in mind. Both management and workers benefit from a clear statement of expectations within the work environment.

State government should uphold the rights of employers and workers to bargain and not intrude in those negotiations.

I urge the commerce committee to vote this bill inexpedient to legislate.



Liberty-NH
15 Bultrick Rd
Londonderry, NH 03053

January 26, 2021

The Honorable Chair, Senator Harold French
Senate Commerce Committee
State House Room 100
Concord, NH 03301

Testimony in Opposition to SB61, "Prohibiting collective bargaining agreements that require employees to join a labor union."

Dear Chairman French and members of the committee:

Thank you for the opportunity to provide testimony on SB61. SB61 would be a burdensome and costly intrusion upon Liberty's freedom as a privately held business, and would threaten Liberty's ability to provide safe, reliable, and affordable utility service to families and businesses in New Hampshire. At its core, SB61 runs contrary to New Hampshire's "Live Free or Die" principles by inserting state government into private business affairs.

Like many utilities, Liberty has chosen to enter into union contracts which require certain employees to become members of the union. We find that Liberty's freedom to choose whether or not to agree to any particular provision at the bargaining table is essential to our ability to maintain a highly effective and skilled workforce, and to meet our obligations as a regulated public utility.

At present, 186 Liberty employees are members of a union, including our customer service team, and the frontline workers who build, operate, and maintain our electric and gas distribution systems. 143 Liberty employees are members of the United Steelworkers (USW), while 43 of our employees are members of the International Brotherhood of Electrical Workers (IBEW). This highly skilled essential workforce is the backbone of Liberty's business in New Hampshire.

Liberty is proud to have a great, collaborative working relationship with both the IBEW and USW, and finds that SB61 would place unnecessary harmful pressure on these crucial relationships. SB61 would invalidate Liberty's existing union contracts, forcing Liberty, the IBEW and USW back to the bargaining table despite having already agreed to mutually acceptable contracts. The cost burden of these unnecessary contract negotiations, and any cost increases which may be necessary to accommodate the restrictions in SB61, would be borne by Liberty's customers on



their gas and electric bills. In addition to the unanticipated cost burden of the contract negotiations themselves, Liberty's costs related to hiring, training, and administering employee benefits would go up under SB61. Further, Liberty finds that SB61 would have a harmful impact on employee morale, creating two classes of workers performing the same job, making it harder to attract and retain world-class talent.

In conclusion, Liberty finds that SB61 would increase gas and electric bills for Liberty's customers without any corresponding benefit, while at the same time making it more difficult for Liberty to maintain a highly effective workforce and to serve our customers' needs. For these reasons, Liberty opposes SB61 and urges the Committee to find it "Inexpedient to Legislate."

Thank you for your consideration.

Sincerely,

Susan Fleck
President
Liberty-NH

About Liberty

Liberty provides natural gas service to 92,000 residents and businesses in 31 communities in New Hampshire. We also provide electric service to 44,000 customers, in 21 communities in New Hampshire, primarily located in the Upper Valley and Salem-area. With a local approach to management, service and support, Liberty Utilities delivers efficient, dependable services to meet customer needs. Liberty Utilities provides a superior customer experience through locally focused conservation and energy efficiency initiatives, and programs for businesses and residential customers. Performance is measured in terms of service reliability, an enjoyable customer experience, and an unconditional dedication to public and workplace safety. For more information, visit www.libertyutilities.com.

Testimony on SB61, NH Senate Commerce, 26 Jan 2021

Thank you to the Committee for hearing this testimony. My name is Jacob Bennett and I represent myself in this testimony. In documentation submitted to the Committee prior to this hearing, I describe research I conducted through legislative archives, including online and physical records of the more than 40 years of debates and public hearings on 36 previous attempts to pass bills just like SB61, which I oppose. For the sake of full disclosure I would like to note that I am currently employed as an adjunct faculty member in the Education Department at UNH and conducted the research described below while funded to pursue my doctorate in the same department.

The headline of my testimony is this: 97% of the 482 people who signed up to testify or indicate a position on HB520 in 2017 were opposed to so-called “right to work” (RTW). Put another way, the records show that people registering their position were 31 times more likely to oppose than support RTW, 467 to 15. The 2017 bill is identical in all meaningful ways to the bill before this committee in 2021, and I suspect that its support is just as minimal among the people of NH. In every archival record for every bill proposed since 1979 the support for bills like the one considered today is overtopped by opposition. That opposition relies on arguments rooted in the economics of collective bargaining, moral standards espoused by religious leaders and public servants, and a common sense that no one person can possibly improve their wages, benefits, or working conditions on their own, not when their employer is already organized.

These bills are not grassroots efforts, no matter how proponents attempt to present them as such. Based on “model legislation” designed and promoted by national organizations with ideological animus against unions, the text in today’s bill is nearly indistinguishable from every bill brought up since 1992, though the substance has remained the same since at least 1979. The current bill is modeled on text drafted by the American Legislative Exchange Council (ALEC), but campaigns on behalf of such bills arrive in NH from other organizations hostile to the premise and practice of collective bargaining, among them the State Policy Network (SPN), Americans for Prosperity (AFP), the National Right to Work Committee (NRTWC), and the seemingly local New England Citizens for Right to Work (NECRTW), which is actually just one employee with a Manchester address with funding funneled through the Virginia-based NRTWC.

Both the National and New England RTW organizations send out mailers whenever RTW is likely to appear on the docket, and have compared agency fees to modern slavery. In this year’s batch of pre-printed postcards addressed to the Governor and Republican leadership in the General Court, NECRTW claims that “tens of thousands of workers are forced to pay union dues just to get or keep a job” which is a sly confusion of the facts and distinctions between union dues paid by members who opt to be in the union and agency fees collected from non-members to cover the cost of negotiating and enforcing the collective bargaining agreements that protect and benefit all unit employees under the legal rubric of fair duty of representation. Unions run elections and decertification is an option if a majority of unit workers decide to drop the union.

In addition to that fudging of facts, the postcards claim that “nearly 80% of New Hampshireites” believe so-called forced unionism is wrong. I have inquired by email and telephone contact information provided by NECRTW and asked for clarification of the methodology used to arrive at that figure, or to see the survey instrument itself. I have received no response after multiple attempts, and so I ask the Committee to consider such claims from NECRTW as unverified at best and dubious in their supposed statement of fact.

With that I close my testimony and ask that you vote this bill inexpedient to legislate, as the people of NH have asked this body to do time and again, and then focus on bills that actually serve your constituents and their families.

Sincerely,

Testimony on SB61, NH Senate Commerce, 26 Jan 2021

Jacob A. Bennett, Ph.D.

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January 26, 2021

Honorable Senator Harold French, Chairman
Commerce Committee
Members of the Committee
Representative's Hall
Concord, NH 03301

Re: Public Hearing on "Right to Work" Bill SB 61

I am writing to express the following concerns regarding SB61 since most of the following items in this bill are already encapsulated in federal or state legislation: 1) That Janus vs. AFSCME decision eliminated the "fair share membership requirement" that paid for the cost of negotiation of a fair contract and defending the collective bargaining agreement when necessary. 2) Every State employee that joins a union already signs a card stating that they are requesting to join a union and have the dues come out of their paychecks. 3) That the right to strike is already prohibited by State legislation 4) That the need to fine and put someone in jail for an unknown reason is not a necessary part of a workers "right to work"; and 5) The state contract has been negotiated for years by union representation said unions were formed by employees and employees joined together to have a voice and representation in the negotiation process through elected leaders to the negotiation committee and union management.

1. The Supreme Court ruled on June 27, 2018 in Janus v. AFSCME that non-union government workers cannot be required to pay union fees as a condition of working in public service. SB61 does not differentiate between public and private employment. It is currently the requirement for state and municipal government.
2. State employees have always had the right to join a union or not join. They agree when they sign a union card to be part of the labor union and is a benefit to the State by not having to negotiate with individuals for individual contracts so proposed section 273-D:5 is not needed.
3. The right to strike is already prohibited in RSA 271-A:13 for all unions so it is unnecessary as written in 273-D:6.
4. The right to fine and put someone in jail for up to 90 days is not a necessary part of any labor legislation and is already part of 273-A:13. I do not understand what specifically would be an action that would warrant a fine and jail time. I would delete section 273-D:9 of this bill.
5. The right to collectively bargain for pay and benefits has been a process that has worked well over the years. I was part of a collective bargaining team that worked for the same goal with the Governor at the time of preserving jobs cutting medical costs and getting a pay increase. SB61 does not maximize personal freedom as its purpose seems to describe.

As of 2020, 5 unions and their local chapters represent 9,409 of the 2020 State of New Hampshire classified full time employees of 10,511. Those kind of membership numbers represent that workers like to have the support of unions so that they can feel protected by the member supported right to work in a consistent fair manner and that infractions of any labor law will be supported through union representation if necessary. I respectfully request any bill consider that the NH workers have already demonstrated their worker rights through their voluntary membership in the many labor unions in the State of New Hampshire so that SB61 is not a necessary NH worker priority especially in COVID times.

Respectfully Submitted,

Karen K. Irwin

Karen K. Irwin

Testimony re: SB 61 Rough Draft

I stand opposed to SB 61 commonly cited as Right to Work

The Bill purports to support the maximizing of individual freedom of choice in the pursuit of employment.

This Bill tramples on the rights of workers throughout this great state who have organized and voted for Union representation via a democratic process that is rivaled by none. The process requires the majority to affirmatively vote for Union representation.

The current process allows for employees to decertify their exclusive representative by a vote if that is their desire.

All employees currently enjoy the benefit of the bargain provided by the Union's representation. The terms and conditions are bargained for between the Employer and the Employees by agreed upon rules supplemented by guidance from the NLRB.

This Bill fails to acknowledge the public good that Unions have accomplished that directly benefit the state and local government. Union agreements in NH allow hundreds of part-time workers to receive employer paid healthcare, not government subsidized healthcare just to highlight one.

What industry, whether it be private or public sector, allows someone to join an organization, buy real property, operate a business, and then allows the member, homeowner, or entrepreneur to opt out of paying, dues, membership or taxes if they so choose for whatever reason. None do. The organization, government entity, or business would cease to exist. This legislation is a not so thinly veiled attempt to put labor organizations out of business.

Just as disturbing as the absurdity of being allowed to receive the benefits of the bargain without contributing to the process is the use of law enforcement to crush the labor movement, and in essence silence open dialogue by both parties. Is coercion and intimidation inclusive of when an employer pays Union busting firms to come in and explain the dire ramifications to their future employment if they vote to go Union? Without a strong labor representative what is the likelihood of an individual reporting a violation to the attorney general or county attorney and still have "harmony" in the workplace. None.

This Bill is the solution to a problem that does not exist in NH. Prior to, and in some cases, even during the COVID-19 Pandemic, employers were desperate for employees to hire. Good paying private and public employment opportunities go unfilled because we lack the job applicants in NH. This Bill does not answer or address a need in NH.

In closing, I, on behalf of five thousand (5000) Teamster members and their families that are supported by our members, stand in opposition to this legislation, which is ill conceived and, in the end, will result in lower wages and benefits for the citizens of NH if the bill is passed.



Testimony of David Juvet
Business and Industry Association
SB 61 – Senate Commerce Committee
January 26, 2021

Good morning Mr. Chair and members of the Senate Commerce Committee. For the record, my name is David Juvet, and I am Senior Vice President for Public Policy at the Business and Industry Association, New Hampshire's statewide chamber of commerce and leading business advocate. I am here this morning to testify in support of Senate Bill 61. This legislation would establish New Hampshire as a "Right to Work" state, and would make New Hampshire the only "Right to Work" state in the Northeast U.S.

SB 61 represents an extraordinary economic development opportunity for New Hampshire to separate itself from every other state in the Northeast. Passing this bill puts New Hampshire on the map for employers around the country who will only consider locating or expanding in "Right to Work" states. Twenty-eight (28) states around the country have passed "Right to Work" legislation. Without SB 61 on the books, New Hampshire isn't even on the radar for companies who will only locate or grow in 'Right to Work' states. This is something that New Hampshire can do right now, today, to give our state an economic shot in the arm, all at no cost to the state.

At heart 'Right to Work' is a fairness and freedom issue. Employees who object to a union or disagree with being unionized shouldn't be forced to join and pay, against their will, to accept or keep their jobs. Business groups like BIA, local chambers of commerce, and trade associations can't force businesses to become our members, despite our good work that benefits employers well beyond our respective memberships. We must prove our value every day. We believe unions should be held to the same standard. We urge you to give Senate Bill 61 an "Ought to Pass" recommendation.

This concludes my testimony; I am happy to answer questions from the committee.

No. 16-1466

IN THE
Supreme Court of the United States

MARK JANUS,

Petitioner,

—v.—

AMERICAN FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES, COUNCIL 31, *ET AL.*,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SEVENTH CIRCUIT

**BRIEF FOR FAITH IN PUBLIC LIFE,
RELIGIOUS ORGANIZATIONS, AND FAITH LEADERS,
AS *AMICI CURIAE* SUPPORTING RESPONDENTS**

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QUESTION PRESENTED

Should *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977), be overruled and public-sector fair-share agency-fee arrangements declared unconstitutional under the First Amendment?

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INTEREST OF AMICI¹

Amicus curiae Faith in Public Life files this brief joined by religious organizations and faith leaders who share a deep conviction that labor unions are indispensable to achieving social justice.

Social justice for laborers has deep roots in scripture and tradition and the importance of unions has been acknowledged by organized religion since the nineteenth century. In addition to expressing our denominational support for unions, amici are also interested in protecting the rights of our community members, our parishioners, to form and be part of fully functional unions. Representing many faith traditions, the religious amici filing this brief feel compelled to speak on behalf of labor unions, as many have before them.

In his 1891 encyclical *Rerum Novarum*, Pope Leo XIII addressed working people's rights and the critical importance of labor unions to human dignity in the modern workplace because, as he put it, "by keeping silence we would seem to neglect the duty incumbent on us." *Rerum Novarum* (no. 16). On *Rerum Novarum's* centenary, Pope John Paul II reiterated that duty to speak on behalf of labor. *Centesimus Annus* (no. 53) (quoting *RN* (no.16)).

¹ Pursuant to Supreme Court Rule 37.6, counsel for amici curiae certifies that he personally authored this brief, that no party or counsel for any party authored any portion of the brief, and that no person or entity other than amici and amici's counsel has made or promised any monetary contribution to the brief's preparation or submission. Pursuant to Rule 37.3(a), all parties have consented to the brief's filings, through blanket letters of consent filed with the Clerk.

In the spring of 1968 the Rev. Dr. Martin Luther King, Jr., the well-known Progressive National Baptist pastor and civil-rights leader, answered a call to speak for social justice in the City of Memphis, where sanitation workers were on strike against a City that refused to recognize their union or to facilitate the collection of dues to finance its operation. Struck by an assassin's bullet, the Rev. Dr. King "perished in the struggle for union rights."² But his public witness and personal sacrifice helped Local 1733 of the American Federation of State, County and Municipal Employees (AFSCME) to gain recognition, and "gave added impetus for an organizing surge among public employees that made AFSCME into one of the largest unions in the country."³

Once again, religious voices have an interest in speaking on behalf of labor unions and their ability to collect the funds they need to operate.

Faith and Public Life is a strategy center advancing faith in the public square as a positive and unifying force for justice, compassion and the common good. Religious organizations and faith leaders who join it in filing this brief are listed in the Appendix to the brief.

² Michael K. Honey, *Introduction*, in MARTIN LUTHER KING, JR., "ALL LABOR HAS DIGNITY" xvi (Michael K. Honey, ed.; Boston: Beacon Press, 2011).

³ *Id.*

SUMMARY OF ARGUMENT

Petitioner Mark Janus asks this Court to rule that public employees' unions cannot enter agreements under which public employers withhold from represented workers' paychecks the fair-share fees that the unions need to function as effective representatives of all employees, both union members and non-members alike. This Court should decline the invitation.

As religious organizations and faith leaders, amici know that labor unions are indispensable components of a just society. The Rev. Dr. Martin Luther King knew this. The Roman Catholic Church's papal encyclicals have for more than a century called for nations to encourage the formation and functioning of robust labor unions. Amici of many faith traditions unite in this brief to affirm the importance of organized labor for securing human dignity and social justice.

They also unite in recognizing that labor unions must be able to collect fair-share agency fees from all who benefit from the union's representation. Without doubt, some states have hindered labor unions by enacting right-to-work laws. That may be their political prerogative, however ill-advised the policy of right-to-work laws may be. But this Court should not preempt normal democratic processes by outlawing fair-share agency fees for public employees' unions.

ARGUMENT

This case concerns the ability of public employees' labor unions to collect from all the employees whose interests they represent in collective

bargaining and in grievance proceedings the fair-share agency fees that are needed to cover all the necessary expenses of effective representation. This Court's decision in *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977), struck a balance recognizing public employees' right to opt out of financing labor unions' political expenditures, while preserving the unions' ability to collect the fair-share agency fees needed to sustain effective representation in collective bargaining and in grievance proceedings.

With *Chicago Teachers Union v. Hudson*, 475 U.S. 292 (1986), this Court gave full effect to *Abood*, setting out procedures protecting public employees' right to opt out of supporting political speech to which they object, while preserving the fair-share agency fees needed to cover the funding for effective representation in collective bargaining. For decades *Abood* and *Hudson* were settled law, effectively and fairly balancing employees' right to opt out of financing political activities, while bearing their fair share of the costs of representation in the workplace.⁴

Though dictum in two later decisions has questioned this balance, fueling Petitioner's contentions that *Abood* should be overruled, amici respectfully submit that the balance established by this Court's precedents for the past four decades should be preserved, so that unions may continue to effectively represent public employees.

⁴ See *Locke v. Karass*, 555 U.S. 207 (2009); *Davenport v. Washington Educ. Ass'n*, 551 U.S. 177 (2007); *Lehnert v. Ferris Faculty Ass'n*, 500 U.S. 507 (1991); *Chicago Teachers Union v. Hudson*, 475 U.S. 292 (1986); *Ellis v. Brotherhood of Ry. Clerks*, 466 U.S. 435 (1984).

The issue is an important one to people of faith who recognize the importance of public employees' unions as organizations critical to empowering workers seeking justice in the workplace.

A. As People of Faith, Amici Affirm that Labor Unions are Critical Components of a Just Society

In 1968, after two public employees were crushed to death in their City garbage truck's trash compactor, sanitation workers went on strike against the City of Memphis. They demanded that the City recognize their union, and asked it to deduct dues from their paychecks, so that the union could effectively represent the public employees' interests. The City refused, answering strikers and their supporters – including clergy – with billy clubs, tear gas, and mace.⁵

The Rev. Dr. Martin Luther King, Jr., could not remain silent in the face of sanitation workers' plea for union rights and social justice in the workplace. He repeatedly flew to Memphis in the spring of 1968, to speak and organize on behalf of the public employees' right to collective bargaining. The strike had dragged on as the City refused to honor the sanitation workers' demand for effective union

⁵ Jason Sokol, *Dynamics of Leadership and the Memphis Sanitation Strike*, 60 TENN. HIST. Q. 258, 266 & 270-72 (2001); see generally MICHAEL K. HONEY, *GOING DOWN JERICHO ROAD: THE MEMPHIS STRIKE, MARTIN LUTHER KING'S LAST CAMPAIGN* (New York & London: W.W. Norton & Co., 2007); JOAN TURNER BEIFUSS, *AT THE RIVER I STAND* (Memphis: St. Lukes Press, 1990).

security including deduction from paychecks of dues sufficient for the union to function. Struck by an assassin's bullet while in Memphis to support the strikers, the Rev. Dr. King "perished in the struggle for union rights."⁶ But his public witness and personal sacrifice helped to achieve recognition for Memphis sanitation workers' Local 1733 of the American Federation of State, County and Municipal Employees (AFSCME), and providing "added impetus for an organizing surge among public employees that made AFSCME into one of the largest unions in the country."⁷

King recognized that public employees need labor unions to represent their interests, and that their labor unions need adequate funding in order to function effectively.

With this proceeding, however, Petitioner Mark Janus seeks to destroy the ability of public employees' union representatives to obtain by payroll deductions the fair-share agency fees needed to provide effective representation.

Dr. King was a Progressive National Baptist pastor. But concern for the rights of working people, and the necessity of effective union representation, are not limited to one denomination. Speaking in Memphis, on March 18, 1968, Dr. King declared: "We have Baptists, Methodists, Presbyterians, Episcopalians, members of the Church of God in Christ, and members of the Church of Christ in God,

⁶ Michael K. Honey, *Introduction*, in MARTIN LUTHER KING, JR., "ALL LABOR HAS DIGNITY" xvi (Michael K. Honey, ed.; Boston: Beacon Press, 2011).

⁷ *Id.*

we are all together,” along with the many “other denominations and religious bodies that I have not mentioned.”⁸ Local churches of many denominations had, indeed, provided space for mass meetings, and their clergy offered leadership for the sanitation workers’ strike.

Some of those clergy had been gassed and maced when local police attacked marching strike supporters. And Dr. King, for his trouble on behalf of striking employees, received death threats – causing the delay of Dr. King’s April 3, 1968, flight from Atlanta back to Memphis, when authorities felt compelled to screen luggage for bombs. Dr. King spoke about the death threats that night, in what would be his last public address before being felled by an assassin’s bullet the next morning. He told striking sanitation workers that God had “allowed me to go up to the mountain. And I’ve looked over and I’ve seen the promised land. I may not get there with you. But I want you to know tonight that we as a people will get to the promised land.”⁹

⁸ Martin Luther King, Jr. *All Labor Has Dignity* in MARTIN LUTHER KING, JR., “ALL LABOR HAS DIGNITY 171 (Michael K. Honey, ed.; Boston: Beacon Press, 2011) (Dr. King’s March 18, 1968, speech before a rally for the American Federation of State, County and Municipal Employees (AFSCME), at Memphis, TN, March 18, 1968). On the contribution of Catholics to the Memphis movement see Amy Delong, *Change from the Inside Out: The Contribution of Memphis Catholics in Civil Rights Activism, 1961-1968*, 67 *Tenn. Hist. Q.* 125, 138-44 (2008).

⁹ Martin Luther King, Jr., April 3, 1968, speech at an AFSCME rally, in MARTIN LUTHER KING, JR., “ALL LABOR HAS DIGNITY 171 (Michael K. Honey, ed.; Boston: Beacon Press, 2011) (from Dr. King’s April 3, 1968, speech before a rally for the American Federation of State, County and Municipal Employees 9AFSCME0, at Memphis, TN, March 18, 1968).

Dr. King was by no means the first, nor will he be the last religious leader to speak on behalf of effective unions as a basic element of social justice. Honor for organized labor is embedded in many of our nation's faith traditions.

The Roman Catholic Church is by far America's largest religious denomination, with perhaps a quarter of the nation's population identifying as Catholic.¹⁰ Since the late nineteenth century, the Roman Catholic Church has recognized the critical importance of labor unions to achieving social justice for working people. Many of its clergy and lay people have worked tirelessly on behalf of America's workers.¹¹ Current church doctrine "*recognizes the fundamental role played by labor unions,*" which clearly "are a positive influence for social order and solidarity, and are therefore an *indispensable element*

¹⁰ See YEARBOOK OF AMERICAN & CANADIAN CHURCHES 2012 at 12 (Eileen W. Lindner ed.; Nashville: Abingdon Press, for the National Council of the Churches of Christ in the United States, 2012) (placing the Catholic Church first among denominations for U.S. church membership); *id.* at 18 (tables showing that Catholics account for roughly 24% of the U.S. population).

¹¹ See generally, e.g., PATRICK J. SULLIVAN, CATHOLIC LABOR PRIESTS IN THE UNITED STATES: A 20TH CENTURY STORY OF SOLIDARITY – VOLUME 1, FIVE GIANTS IN THE BISHOPS' SOCIAL ACTION DEPARTMENT AMONG MORE THAN 400 U.S. CATHOLIC LABOR PRIESTS (Washington, D.C.: Pacim in Terris Press, 2014); GEORGE GILMARY HIGGINS & WILLIAM BOLE, ORGANIZED LABOR AND THE CHURCH: REFLECTIONS OF A "LABOR PRIEST" (Paulist Press, 1993); JOHN J. O'BRIEN, GEORGE G. HIGGINS AND THE QUEST FOR WORKER JUSTICE: THE EVOLUTION OF CATHOLIC SOCIAL THOUGHT IN AMERICA (Lanham, MD: Rowan & Littlefield Publishers, Inc., 2005); HARRY J. BROWNE, THE CATHOLIC CHURCH AND THE KNIGHTS OF LABOR (Washington, D.C.: Catholic University Press, 1949).

*of social life.*¹² “*Properly speaking, unions are promoters of the struggle for social justice, for the rights of workers in their particular professions[.]*”¹³

This understanding that robust labor unions are critical components of a just social order is firmly grounded in the Church’s papal encyclicals.

Pope Leo XIII’s 1891 encyclical *Rerum Novarum* spoke to the rights of working people because “by keeping silence we would seem to neglect the duty incumbent on us.” *Rerum Novarum* (no. 16). The pope emphasized that under the Church’s view of social justice, “whatever shall appear to prove conducive to the well-being of those who work should obtain favorable consideration.” *RN* (no. 34). Of associations addressing workers’ needs, moreover, Pope Leo XIII wrote that “[t]he most important of all are workmen’s unions.” *RN* (no. 49). He declared it is “greatly to be desired that they should become more numerous . . . how notably they are needed.”

Later popes have reiterated Pope Leo XIII’s central points. Pope John Paul II declared in his 1981 encyclical *Laborem Exercens*, for example, that the “experience of history teaches” that labor unions are “an indispensable element of social life, especially in modern industrialized societies.” *Laborem Exercens* (no. 20) (Sept. 14, 1981).

A decade later, Pope John Paul II declared Pope Leo XIII’s *Rerum Novarum* an “immortal

¹² PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CATHOLIC CHURCH (no. 305) (Washington, D.C.: U.S. Conference of Catholic Bishops, 2004) (emphasis in original).

¹³ *Id.* (no. 306) (emphasis in original).

document,” whose Centenary in 1991 marked “an occasion of great importance for the present history of the Church and for my own Pontificate.” *Centesimus Annus* (no. 1). John Paul II observed that principles of social justice required society and the state to ensure adequate wages, and that “[t]he role of trade unions in negotiating minimum salaries and working conditions is decisive in this area.” *Centesimus Annus* (no. 15). Trade unions play a critical role “in negotiating contracts,” and also “serve the development of an authentic culture of work,” helping “workers to share in a fully human way in the life of their place of employment.” *Centesimus Annus* (no. 15). Both “the freedom to join trade unions and the effective action of unions . . . are meant to deliver work from the mere condition of ‘a commodity,’ and to guarantee its dignity.” *Centesimus Annus* (no. 16).

Here we find a wide range of *opportunities for commitment and effort* in the name of justice on the part of trade unions and other workers’ organizations. These defend workers’ rights and protect their interests as persons, while fulfilling a vital cultural role, so as to enable workers to participate more fully and honorably in the life of their nation and to assist them along the path of development.

Centesimus Annus (no. 35).

Warning against governmental actions that may “limit the freedom or the negotiating capacity of labor unions,” Pope Benedict XVI in 2009, reiterated “[t]he repeated calls issued within the Church’s social doctrine, beginning with *Rerum Novarum*, for the promotion of workers’ associations that can defend their rights must therefore be honoured today even more than in the past.” *Caritas in Veritate* (no. 25).

Pope Francis also speaks powerfully on behalf of labor. When he addressed the United States Congress, Pope Francis chose to specifically honor just four Americans who “shaped fundamental values which will endure forever in the spirit of the American people”—namely, “Abraham Lincoln, Martin Luther King, Dorothy Day and Thomas Merton.”¹⁴ King, a Progressive National Baptist pastor, was a civil-rights agitator and union organizer. Just two of the four were devout Catholics: Dorothy Day, leader of the Catholic Worker Movement, and Thomas Merton, who published articles in *The Catholic Worker*. The choice of Day and Merton is particularly significant, in light of how the “*Catholic Worker* supported labor for ‘the fundamental truth that men should be treated not as chattels, but as human beings, as ‘temples of the Holy Ghost.’”¹⁵ Taking the side of organized labor in cemetery workers’ 1949 strike against the Roman Catholic Archdiocese, Dorothy Day was arrested for leafletting and picketing the residence of Cardinal Spellman himself.¹⁶ Pope Francis could not have

¹⁴ *Address of the Holy Father before the Joint Session of the United States Congress*, Sept. 24, 2015.

¹⁵ NANCY L. ROBERTS, *DOROTHY DAY AND THE CATHOLIC WORKER* 116 (Albany: SUNY Press, 1984); see David L. Gregory, *Dorothy Day’s Lessons for the Transformation of Work*, 14 *HOFSTRA LABOR L.J.* 57, 124-25 (1996).

¹⁶ See David L. Gregory, *Dorothy Day, Workers’ Rights and Catholic Authenticity*, 26 *FORDHAM URBAN L. J.* 1371, 1384 (1998); JOHN COONEY, *THE AMERICAN POPE: THE LIFE AND TIMES OF CARDINAL SPELLMAN* 180 (New York: Dell, 1986); see also Francis Barry, *Why Pope Francis’ Embrace of Dorothy Day Matters*, *CHICAGO TRIBUNE*, Sept. 28, 2015, <http://www.chicagotribune.com/news/sns-wp-blm-news-bc-pope-day-comment28-20150928-story.html> (visited Jan. 15, 2018)

selected a stronger advocate of organized labor than Day.

This underscores the depth of Pope Francis's commitment to the right of working people to organize in unions that can operate within a structure that enables them to be effective representatives. "Unions are an expression of the *prophetic* profile of society," according to Pope Francis, that "are born and reborn every time that, like the biblical prophets, they give a voice to those who have none," and that at their best "unmask the powerful who trample the rights of the most vulnerable workers."¹⁷ "The capitalism of our time does not understand the value of the trade union because it has forgotten the *social nature of economy*, of business. This is one of the greatest sins."¹⁸

("Day supported the strikers and was even arrested for passing out leaflets in front of Spellman's residence."); Teresa Tritch, *When Prominent Catholics Opposed Dorothy Day*, TAKING NOTE – THE EDITORIAL PAGE EDITOR'S BLOG, New York Times, Sept. 30, 2015, <https://takingnote.blogs.nytimes.com/2015/09/30/when-prominent-catholics-opposed-dorothy-day/> (visited Jan. 2, 2018) (discussing Day's challenge to Cardinal Spellman in supporting the cemetery workers' strike).

¹⁷ Pope Francis, *Address of His Holiness Pope Francis to Delegates from the Italian Confederation of Workers' Unions (CISL)*, June 28, 2017 (online https://w2.vatican.va/content/francesco/en/speeches/2017/june/documents/papa-francesco_20170628_delegati-cisl.pdf (visited Jan. 6, 2018)).

¹⁸ *Id.*; see also John Gehring, *Francis Revives the Workers' Church*, The American Prospect (October 23, 2017) (online <http://prospect.org/article/francis-revives-workers'-church>) (visited Jan. 6, 2018).

America's Catholic Bishops have, for their part, reiterated the Church's social doctrine supporting organized labor. In 1986, the National Conference of Catholic Bishops declared:

The Church fully supports the right of workers to form unions or other associations to secure their rights to fair wages and working conditions. . . . No one may deny the right to organize without attacking human dignity itself.¹⁹

Religious support for working people's right to organize and bargain collectively cuts across denominations.

The Central Conference of American rabbis in 1993 reiterated that "Jewish leaders, along with our Catholic and Protestant counterparts, have always supported the labor movement and the rights of employees to form unions for the purpose of engaging in collective bargaining and attaining fairness in the workplace."²⁰ In 2005 the Union for Reform Judaism resolved "to support the rights of workers to organize and bargain collectively," and to oppose the adoption

¹⁹ NATIONAL CONFERENCE OF CATHOLIC BISHOPS, ECONOMIC JUSTICE FOR ALL: PASTORAL LETTER ON CATHOLIC SOCIAL TEACHING AND THE U.S. ECONOMY (NCCB, Washington, DC: 1986).

²⁰ Preamble to Workplace Fairness Resolution, *Annual Convention of the Central Conference of American Rabbis* (1993) (as quoted in KIM BOBO, WAGE THEFT IN AMERICA: WHY MILLIONS OF WORKING AMERICANS ARE NOT GETTING PAID – AND WHAT WE CAN DO ABOUT IT 314 (New York: The New Press, 2010).

of “right-to-work” laws that hinder unions’ ability to function.²¹

The 75th General Convention of the Episcopal Church resolved in 2006 to “reaffirm[] the right of workers in the United States to organize and form unions as a means to securing adequate wages, benefits, and safety conditions and encourage all levels of the church to be informed about, and act accordingly, when rights of workers to associate is being jeopardized”²² Episcopalians pledged to “support actively the right of workers to form a union, and increase the support in our cities and states for passage of ‘living wage’ legislation That the Convention commit the Church at all levels to contract solely with union hotels in its meetings, or to obtain confirmation that local prevailing ‘living wages’ are paid by all hotels the Church uses.”²³ The

²¹ *Workers’ Rights in the United States*, 68th Union for Reform Judaism General Assembly, at Houston, November 2005 (online <https://urj.org/what-we-believe/resolutions/workers-rights-united-states> (visited Jan. 6, 2018)), reprinted in *A WORKER JUSTICE READER: ESSENTIAL WRITINGS ON RELIGION AND LABOR* 98, 100 (Joy Hein, ed.; Maryknoll, New York: Orbis Books, 2010).

²² *Reaffirm the Right of Workers to Organize and Form Unions*, Resolution 2006-C008, JOURNAL OF THE 75TH GENERAL CONVENTION OF THE EPISCOPAL CHURCH, COLUMBUS, 2006 at 455-56 (New York: General Convention, 2007) (online https://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2006-c008) (visited Jan. 6, 2018); see BOBO, *supra* note 20, at 315-16.

²³ *Support Worker Unions and a Living Wage*, Resolution No. 2006-D047, JOURNAL OF THE 75TH GENERAL CONVENTION OF THE EPISCOPAL CHURCH, COLUMBUS, 2006 (New York: General Convention, 2007), pp. 667-668 (online <https://www.episcopalarchives.org/cgi->

76th General Convention of the Episcopal Church in 2009 resolved to “urge the Congress of the United States to pass, and the President to sign into law, labor law reform legislation designed to better protect employees seeking to engage in collective bargaining, to simplify and streamline the procedures by which employees may choose to organize, and to assist employers and employees in reaching agreement.”²⁴

The Twenty-First General Synod of the United Church of Christ in 1997 spoke to the right of workers, including public employees, to organize and bargain collectively: “Therefore, Be It Resolved that the Twenty-first General Synod reaffirms the heritage of the United Church of Christ as an advocate for just, democratic, participatory and inclusive economic policies in both public and private sectors, including ... the responsibility of workers to organize for collective bargaining with employers regarding wages, benefits, and working conditions, and the responsibility of employers to respect not only worker rights but also workers’ dignity, and to create and maintain a climate conducive to the workers’ autonomous decision to organize.”²⁵

[bin/acts/acts_resolution.pl?resolution=2006-d047](https://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2006-d047)) (visited Jan. 6, 2018).

²⁴ *Reform Labor Laws to Protect Collective Bargaining Rights*, Resolution No. 2009-D039, JOURNAL OF THE 77TH GENERAL CONVENTION OF THE EPISCOPAL CHURCH, AT ANAHEIM, 2009 at 378-79 (New York: General Convention, 2009) (online at https://www.episcopalarchives.org/cgi-bin/acts/acts_search.pl) (visited Jan. 6, 2018).

²⁵ *Resolution Affirming Democratic Principles in an Emerging Global Economy*, Resolution No. 97-GS-18, Twenty-first General Synod of the United Church of Christ; see United Church of Christ, *Unions: Why People of Faith Support Labor Unions*,

American Baptists too have declared: “We reaffirm our position that workers have the right to organize by a free and democratic vote of the workers involved. This right of organization carries the responsibility of union leadership to protect the rights of workers, to guarantee each member an equal voice in the operation of its organization, and to produce just output labors for income received.”²⁶

The Unitarian Universalist Association 2017 Statement of Conscience on *Escalating Economic Inequity* specifically decries “actions and policies” that “have led to the decline of labor unions,” and calls on individuals to “[a]ctively support or participate in unions, union retiree groups, worker centers, and organizing drives.”²⁷ The UUA’s 2003 Statement of Conscience on *Economic Globalization* asserts that recognizing the inherent worth and dignity of every person requires national governments to respect workers’ right “to bargain collectively in

http://www.ucc.org/justice_worker-justice_unions_whysupportunions (visited Jan. 6, 2018); United Church of Christ, *Labor Unions*, http://www.ucc.org/justice_worker-justice_unions (visited Jan. 6, 2018); see BOBO, *supra* note 20, at 317.

²⁶ *American Baptist Resolution on Labor*, Resolution No. 8083:3/81 (adopted by the American Baptist Convention in 1966, and affirmed as an American Baptist Churches Resolution, March 1981) (online <http://www.abc-usa.org/wp-content/uploads/2012/06/LABOR.pdf> (visited Jan. 6, 2018)).

²⁷ *Escalating Economic Inequity* (2017 UUA Statement of Conscience) (online <https://www.uua.org/action/statements/escalating-economic-inequity> (visited Jan. 18, 2018)).

independent labor unions.”²⁸ The UUA has over the years issued many other statements supporting working people, organized labor, and union activity.²⁹

B. Effective Unions Require Effective Financing, with All Represented Employees Bearing Their Fair Share of the Union’s Expenses

The imperative duty of unions to bargain effectively on behalf of workers requires, however, that the unions have adequate funding – which Petitioner Janus seeks to deny public-employee unions by making it unlawful for contracts permitting all employees to be assessed agency fees sufficient to support the union’s collective bargaining on their

²⁸ *Economic Globalization* (2003 UUA Statement of Conscience) (<https://www.uua.org/action/statements/economic-globalization> (visited Jan. 8, 2018)).

²⁹ See, e.g., *Support of the United Farm Workers’ Boycott of Gallo Wines* (2005 UUA General Assembly Action of Immediate Witness) (online <https://www.uua.org/action/statements/support-united-farm-workers-boycott-gallo-wines> (visited Jan. 8, 2018)); *Interfaith Action for Economic Justice* (1985 UUA General Assembly Resolution) (online <https://www.uua.org/action/statements/interfaith-action-economic-justice> (visited Jan. 8, 2018)); *Support UFW Boycott* (1974 UUA General Assembly Resolution) (<https://www.uua.org/action/statements/support-ufw-boycott>) (visited Jan. 8, 2018); *Boycott of Safeway and A&P Stores* (1973 UUA General Assembly Resolution) (<https://www.uua.org/action/statements/boycott-safeway-and-ap-stores>) (visited Jan. 8, 2018); *Lettuce Boycott* (1972 UUA General Assembly Resolution) (<https://www.uua.org/action/statements/lettuce-boycott> (visited Jan. 8, 2018)).

behalf. He would have this Court override democratic processes to impose, by judicial fiat, the rule mandated in some states by right-to-work legislation. This Court should not give Janus what he cannot, in Illinois, win at the ballot box.

Many people of faith see injustice and oppression in so-called “right-to-work” laws, through which some states prohibit union shops and fair-share agency fees, permitting employees to become “free riders” who opt out of paying fair-share agency fees.³⁰ Bishop Thomas Gumbleton, of the Diocese of Detroit, declared in 2012 that right-to-work legislation “should not just offend Catholics, but all Christians and members of all faith traditions,” since “[a]t the core of Christianity, Judaism, Islam and all great religions are the values of dignity and respect, values from which economic justice and the right to organize can never be separated.”³¹

Dr. King joined other faith leaders in opposing “right-to-work” laws in the late 1950s. “As early as 1958, he spoke out against deceptively worded ‘right to work’ laws, and in 1964, he helped to defeat such a proposal in Oklahoma that he said ‘provides no

³⁰ See, e.g., GENE BURNS, *THE FRONTIERS OF CATHOLICISM: THE POLITICS OF IDEOLOGY IN A LIBERAL WORLD* 94 (Berkeley: University of California Press, 1992) (noting the “widespread Catholic opposition to right-to-work laws in the 1950s”).

³¹ Thomas Gumbleton, *Right to Work Laws Devastate Economic Justice*, MLive.com, http://www.mlive.com/opinion/kalamazoo/index.ssf/2012/12/right-to-work_laws_devastate_e.html (Dec. 10, 2012) (last visited Jan. 16, 2018).

'rights' and no 'work.'"³² King emphatically warned that in working for civil rights and human dignity,

we must guard against being fooled by false slogans such as 'right-to-work.' It is [a] law to rob us of our civil rights and job rights. . . . Its purpose is to destroy labor unions and freedom of collective bargaining by which unions have improved wages and working condition[s] of everyone. Wherever these laws have been passed, wages have been lower, job opportunities are fewer and there are no civil rights.³³

Some who supported right-to-work laws hoped to maintain social structures of white supremacy.³⁴ Dr. King, for his part, declared that

³² Michael K. Honey, *Introduction*, in MARTIN LUTHER KING, JR., "ALL LABOR HAS DIGNITY" xvi-xvii (Michael K. Honey, ed.; Boston: Beacon Press, 2011); HONEY, GOING DOWN JERICHO ROAD, *supra* note 5, at 175.

³³ EMMETT MURRAY, *THE LEXICON OF LABOR: MORE THAN 500 KEY TERMS, BIOGRAPHICAL SKETCHES, AND HISTORICAL INSIGHTS CONCERNING LABOR IN AMERICA 178-79* (New York: the New Press, rev. ed. 2010) (quoting King in entry on "right-to-work law/right-to-work state"); SCOTT SERNAU, *SOCIAL INEQUALITY IN A GLOBAL AGE* 314 (Los Angeles: SAGE/Pine Forge Press, 2014) (also quoting King). *See also* Oklahoma NAACP, *Vote No on State Question 409* (1964), available at <http://www.thekingcenter.org/archive/document/vote-no-state-question-409-oklahoma-naacp#>

³⁴ The Christian American Association was perhaps "the first in the nation to champion the 'Right-to-Work' as a full-blown political slogan." Marc Dixon, *Limiting Labor: Business Political Mobilization and Union Setback in the States*, 19 J. OF POL'Y HIST. 313, 321 (2009). Its leader, Vance Muse, lobbied tirelessly against unions – and for segregation. *See* GLENN

it is no accident that the forces of race hatred . . . are also the partisans of reaction on every other issue. The American labor movement has discovered this when it tries to organize workers or when it faces the fact that “Right-to-Work” laws are a favorite instrument of the leaders of the White Citizen Councils and the Klan.³⁵

Religious authors have long recognized that effective bargaining requires an effective means for unions to collect the funds that they need to operate.³⁶ For public employees’ unions to be able to bargain collectively, they need the agency fees that Janus would have this court outlaw by overruling *Abood*.

Yet, the values that *Abood* balanced remain important ones – and in order to provide effective representation in collective bargaining, unions need financial support from all the employees whose interests they work to represent.

FELDMAN, THE GREAT MELDING: WAR, THE DIXIECRAT REBELLION, AND THE SOUTHERN MODEL FOR AMERICA’S NEW CONSERVATISM 79 (2015). Testifying before a U.S. Senate Special Committee, he bragged that he was “for white supremacy.” Vance Muse [III], *Making Peace with Grandfather*, TEXAS MONTHLY, Feb. 1986, at 142.

³⁵ Martin Luther King, Jr., *The Negro is Part of that Huge Community who Seek New Freedom in Every Area of Life* (New York, Feb. 1, 1959), in 5 THE PAPERS OF MARTIN LUTHER KING, JR.: THRESHOLD OF A NEW DECADE, JANUARY 1959-DECEMBER 1960, at 116-17 (Clayborne Carson, ed.; Berkeley: University of California Press, 2005).

³⁶ See, e.g., John F. Cronin, *Right-to-Work Laws*, The Catholic Lawyer, July 1956, at 189.

CONCLUSION

This Court should honor the ability of public employees to organize and bargain collectively, by rejecting the invitation to overrule the settled precedent established by *Abood*, and the many decisions that have applied and followed it over the last four decades.

Respectfully submitted,

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Justice

APPENDIX

APPENDIX

Organizational amici joining this brief

Aytzim – Ecological Judaism

Aytzim is a New York-based Jewish-environmental nonprofit, would be proud to sign the amicus brief supporting unions in the Janus case. At Aytzim, we are concerned about people as well as the planet, and recognize that unions have played a large role in building America by strengthening its middle class.

Bend the Arc: A Jewish Partnership for Justice

Amicus curiae Bend the Arc: A Jewish Partnership for Justice is the nation's leading progressive Jewish voice empowering Jewish Americans to be advocates for the nation's most vulnerable. Bend the Arc mobilizes Jewish Americans beyond religious and institutional boundaries to create justice and opportunity for all, through bold leadership development, innovative civic engagement, and robust progressive advocacy.

California Council of Churches

The California Council of Churches ("CCC") is a faith-grounded public-policy voice educating and clarifying issues within the public arena. Standing on the social justice tradition of Protestant Christianity, CCC helps our 1.5

million members within 20 denominations understand the background and import of today's most pressing concerns. Founded in 1913, CCC has provided over a century of leadership in creating a living and effective democracy. Guided by the Constitution and by respect for the separation of church and states, CCC helps our members speak from their faith values for a vibrant democracy without seeking to impose narrow rules upon that system.

Catholic Labor Network

The Catholic Labor Network is a place for Catholics — lay, religious and clergy — who find inspiration in Catholic Social Teaching on labor and work, and wish to share it with the world. For more than two decades, the Catholic Labor Network has promoted the cause of worker justice and Catholic Social Teaching in labor unions, Church organizations and to the wider public.

Catholic Scholars for Worker Justice

CSWJ's mission is to promote Catholic Social Teaching on the rights of workers and the indispensable role that unions play in securing justice (1) for workers and their families, (2) in the workplace, and (3) for the universal common good.

The Center for Jewish Ethics at the Reconstructionist Rabbinical College

The Center for Jewish Ethics of the Reconstructionist Rabbinical College was

established in 1994 to address Jews' struggle for ethical learning and their need for guidance as they encounter the ethical demands of contemporary life. The Center for Jewish Ethics generates ethical guidance grounded in Jewish tradition and responsive to the diverse challenges of contemporary life.

The Church of the Village

We follow the Holy Spirit's call to maintain a ministry in the West Village. We strive to share our faith in Christ, to provide compassion and understanding to all God's children, to carry out God's will in transforming our community, and to build a deeper relationship with God through prayer, worship, study, and action.

Clergy and Laity United for Economic Justice

As CLUE, we educate, organize, and mobilize the faith community to accompany workers and their families in their struggle for good jobs, dignity, and justice. CLUE's mission is to bring together clergy and lay leaders of all faiths to join low-wage workers and other economically-disadvantaged communities in their struggles for justice.

Conference of Major Superiors of Men

The Conference of Major Superiors of Men (CMSM) is organized as the national representative body of the leadership of male religious institutes, monastic communities, and societies of apostolic life in the United States.

Faith in Public Life

Amicus curiae Faith in Public Life is a strategy center advancing faith in the public square as a positive and unifying force for justice, compassion and the common good. Faith in Public Life has played an important role in changing the narrative about the role of faith in politics, empowering new religious leaders to fight for social justice.

Franciscan Action Network

The Franciscan Action Network is a grassroots organization amplifying the justice efforts of Franciscans and Franciscan-hearted people around the country. Join our growing movement that endures from St. Francis of Assisi and his call for compassion for the poor and for creation over 800 years ago.

General Synod of the United Church of Christ

Amicus curiae General Synod of the United Church of Christ is the representative body of this Protestant denomination of more than 900,000 members and more than 5000 churches. The General Synod of the United Church of Christ has a long history of standing with unionized labor and fighting for economic justice for workers, and believes people of God must stand with workers as they seek dignity on the job, a voice at work, safe workplaces, and fair and adequate compensation for their labor.

The Institute Leadership Team of the Sisters of Mercy

Sisters of Mercy is an international community of Roman Catholic women who dedicate our lives to the Gospel of Jesus and take vows of poverty, chastity, obedience and service. Inspired by the life of Jesus and by our founder Catherine McAuley, we envision a just world for people who are poor, sick and uneducated. We commit our lives to God and our resources to serve, advocate and pray for those in need around the world.

Interfaith Center on Corporate Responsibility (ICCR)

Amicus curiae Interfaith Center on Corporate Responsibility is a coalition of over 300 global institutional investors whose managed assets currently exceed \$400 billion. ICCR pioneered the use of shareholder advocacy to press companies on environmental, social, and governance issues. ICCR members regularly engage management to identify and mitigate social and environmental risks resulting from corporate operations and policies.

Interfaith Worker Justice

Interfaith Worker Justice (IWJ) is a national network that builds collective power by advancing the rights of workers through unions, worker centers, and other expressions of the labor movement and by engaging diverse faith communities and allies in joint action,

from grassroots organizing to shaping policy at the local, state and national levels.

Islamic Circle of North America Council for Social Justice

ICNA CSJ is a social justice organization that strives to systematically facilitate assertive Muslim involvement for the rights of the poor and oppressed.

Jewish Alliance for Law and Social Action (JALSA)

The Jewish Alliance for Law and Social Action (JALSA) is a membership-based non-profit organization based in Massachusetts, working for social, economic, and environmental justice and civil rights and liberties for all people. Inspired by Jewish teachings and values, JALSA has a history of supporting the rights of working people and the labor movement, which allows workers to have a collective voice in creating a humane and dignified workplace.

Justice and Witness Ministries of the United Church of Christ

One of four Covenanted Ministries in the UCC, the Justice and Witness Ministries helps local congregations and all settings of the church respond to God's commandments to do justice, seek peace and effect change for a better world. The work of JWM is guided by the pronouncements and resolutions approved by the UCC at General Synod.

Leadership Conference of Women Religious

The Leadership Conference of Women Religious (LCWR) is an association of the leaders of congregations of Catholic women religious in the United States. The conference has about 1350 members, who represent nearly 80 percent of the approximately 48,500 women religious in the United States. Founded in 1956, the conference assists its members to collaboratively carry out their service of leadership to further the mission of the Gospel in today's world.

Nuns on the Bus, Ohio

Inspired by Jesus, motivated by Catholic Social Teaching, impelled by a vision of an interdependent creation, in solidarity with those at the margins, Nuns on the Bus Ohio network and advocate for a just and peaceful world.

Reconstructionist Rabbinical Association

Established in 1974, the Reconstructionist Rabbinical Association ("RRA") is the professional association of Reconstructionist rabbis. The RRA represents the rabbinic voice within the Reconstructionist movement, bringing the teachings, stories, and traditions of Judaism to bear on contemporary issues and challenges, and helping to define Reconstructionist positions on Jewish issues for our time.

Reconstructionist Rabbinical College/Jewish Reconstructionist Communities

Reconstructionist Rabbinical College/Jewish Reconstructionist Communities is the seat of the Reconstructionist movement. We train religious leaders, provide support and services for communities affiliated with Reconstructionism, and offer a progressive Jewish perspective in the public square.

T'ruah: The Rabbinic Call for Human Rights

T'ruah: The Rabbinic Call for Human Rights brings together rabbis and cantors from all streams of Judaism, together with all members of the Jewish community, to act on the Jewish imperative to respect and advance the human rights of all people. Grounded in Torah and our Jewish historical experience and guided by the Universal Declaration of Human Rights, we call upon Jews to assert Jewish values by raising our voices and taking concrete steps to protect and expand human rights in North America, Israel, and the occupied Palestinian territories.

Unitarian Universalist Association

Amicus curiae Unitarian Universalist Association is a denomination comprising more than a thousand congregations in the United States, from New England's founding churches to recently organized fellowships. Unitarian Universalists everywhere affirm human dignity and freedom.

Faith leaders joining this brief as individuals.

with institutional affiliations indicated for purposes of
identification only

Imam Taha Hassane, Islamic Center of San Diego,
CA

Rev. Allan B. Jones (Retired), Santa Rosa, CA

Robert Brown, United Church in University Place,
Fircrest, WA

Rev. Rich Hagopian, Smoky Row Brethren Church,
Columbus, OH

Rev. Maurita Bernet, Franciscan, Little Falls, MN

Rev. Megan LeCluyse, Presbyterian, Philadelphia, PA

Rev. Lynn Bozich Shetzer, Presbyterian, North
Canton, OH

Rev. Felicia Bruce, Interfaith, Fort Pierce, FL

Lawrence E. Couch, National Advocacy Center of the
Sisters of the Good Shepherd, Silver Spring, MD

Sister Kathleen Hebbeler, Dominican Sisters of Hope,
Cincinnati, OH

Rev. R. Leon Carroll, Jr., Decatur, GA

Tony Langbehn, Maryland United for Peace and
Justice, Bowie, MD

Rev. Patrick Hurley, First Presbyterian Church,
Pueblo, CO

Rev. Dr. William Flippin, Jr., Emmanuel Lutheran
Church (ELCA), Atlanta, GA

Bruce Reyes-Chow, Presbyterian Church, San
Francisco, CA

Min. Latrall Simon, Jacksonville, FL

Rev. Bob Thompson, Compassionate Atlanta, Atlanta,
GA

Linda Brown, First United Methodist Church, Reno,
NV

Rev. Ann Deibert, Central Presbyterian Church
(USA), Louisville, KY

Prof. Kathleen Maas Weigert, Loyola University
Chicago, Chicago, IL

Rev. Dr. Elliott J. Bush, St. Stephen's Episcopal
Church, Upper Arlington, OH

Rev. Richard Ward, Episcopal Church, Eugene, OR

Rev. Yolanda S. Broad, Friends Meeting at Indiana,
Indiana, PA

Rev. J. Howard Cherry, ELPC, Pittsburgh, PA

Canon Jana Sundin, Episcopal Diocese of Arizona,
Phoenix, AZ

David O'Brien, Emeritus, College of the Holy Cross,
Holden, MA

Rev. David Lewicki, North Decatur Presbyterian
Church, Decatur, GA

Sister Mary Margaret Switlik, Congregation of St.
Joseph, Wichita, KS

Rev. Carla Gilbert, Berea, KY

Rev. Dr. Lanny Peters (Retired), Oakhurst Baptist
Church, Decatur, GA

Dr. Tim Ahrens, First Congregational United Church
of Christ, Columbus, OH

Sister Elizabeth Carpentier, Alton, IL

Sister Wanda Wetli, Congregation of St. Joseph,
Tipton, IN

Rev. Ian Lynch, Old South UCC, Kirtland, OH

Dr. Eric H. Brown, Woodland Christian Church,
Columbus, OH

Rev. Jennifer Butler, Washington, DC

John Coleman S.J., San Francisco, CA

Rev. Joan Maples, Cooperative Baptist Fellowship,
Midlothian, VA

Rev. Mark Koenig, Presbyterian Church (USA), New
York, NY

Rev. Dr. Bryan N. Massingale, Fordham University,
Bronx, NY

Rev. David Rice Wooster, First Presbyterian Church,
Wooster, OH

Lynn Locher, St. James Episcopal Church in
Fremont, Fremont, CA

Rev. Katherine Penick, Zion United Church of Christ,
Essex, MD

Rev. Kathy Schillreff (Retired), Naples, FL

Rev. Dr. George Dole, Swedenborgian Church, Bath,
ME

Imam Ali Siddiqui, Muslim Institute for Interfaith
Studies & Understanding, Lorton, VA

Rev. Dr. Richard Gilbert, Rochester, NY

Sister Marie Corr, Sisters of Charity, BVM, Dubuque,
IA

Sister Ellen Nelson, RSCJ, Washington, DC

Sister Carren Herring, Sisters of Mercy, Cincinnati,
OH

Kathryn Getek Soltis, Villanova University,
Havertown, PA

Jason Miller, Franciscan Action Network,
Washington, DC

Rev. Lynda Smith, First Unitarian Universalist
Church of Columbus Ohio, Columbus, OH

Tom Secco, Medinah, IL

Rev. Dr. Doug Wingeier, United Methodist, Evanston,
NC

Sister Patricia Kirk, Benedictine Sisters of Baltimore,
Lutherville, MD

Rev. Dr. Paula Jackson, Church of Our Saviour/La
Iglesia de Nuestro Salvador, Cincinnati, OH

Rev. Emily Gage, Oak Park, IL

Rev. Cecil Prescod, Ainsworth United Church of
Christ, Portland, OR

Rabbi David David Shneyer, Am Kolel, Rockville, MD

Bishop Carroll A. Baltimore, Progressive Nat'l
Baptist Conference, Lorton, VA

Norman Wernet, St. Stephen's Episcopal Church and
University Center, Bexley, OH

Rev. Patty Willis, Unitarian Universalist, Salt Lake
City, UT

Dr. Donald Saunders, Presbyterian Church USA,
Blowing Rock, NC

Alexandra Ryan, Outcry Lay Committee, Atlanta, GA

Tesse Donnelly, St. Giles Family Mass Community,
Oak Park, IL

Pastor Phil Thorsen, St. Marks Lutheran Church,
Salisbury, NC

Rev. Sally Dries, United Church of Christ, Sunbury,
PA

Myles Duffy, Church of MD, Washington, DC

Dr. John Sniegocki, Xavier University, Cincinnati,
OH

Dr. Susan Ross, Loyola University Chicago, Skokie,
IL

Steven Kranowski, Blacksburg Jewish Community
Center, Blacksburg, VA

Rev. Jessie Kearns, Commonwealth Baptist,
Woodbridge, VA

Rev. Mark Meeks, Denver, CO

Rev. Deniray Mueller, Epsicopal Diocese of Southern
Ohio, Columbus, OH

Rev. William W. Givens, Cooperative Baptist,
Atlanta, GA

Patrick Carolan, Franciscan Action Network, Silver
Spring, MD

Ben Parker Sutter, Cherith Brook Catholic, Kansas
City, MO

Rev. Ian Lynch, Old South Church, Kirtland, OH

Rev. Jill McAllister, Unitarian Universalist,
Corvallis, OR

Rev. Rachel Gunter Shapard, Cooperative Baptist
Fellowship of Florida, Jacksonville, FL

Rev. Allen Ewing-Merrill, HopeGateWay, Portland,
ME

Rabbi Joshua Chasan, Ohavi Zedek Synagogue,
Burlington, VT

Marla Bottesch, Faith in Public Life, Norridgewock,
ME

Rev. Elizabeth Morris Downie, St. Augustine's -
Wilmette, Winnetka, IL

Dena Morris, Church of the Good Samaritan, West
Union, OH

Dr. Joseph Fahey, Catholic Scholars for Worker
Justice, Venice, FL

Dr. Daniel Finn, St. John's University, Saint Cloud,
MN

Rev. Anne Godbold, Mariner UMC, Spring Hill, FL

Robert Lane, Faith Alliance for a Moral Economy,
Pleasanton, CA

Imam Abdurrahman Sykes, Islamic Society Leading
American Muslims Inc., Orlando, FL

Dr. Richard Miller, Associate Professor of Theology
Creighton University, Omaha, NE

Rev. Maria Hammons, Emanuel Lutheran Church
Manchester CT, New London, CT

Rev. Mary Kay Will, United Methodist Church,
Upland, CA

John Tischhauser, St. John XXIII Church,
Albuquerque, NM

Rev. Holly Tickle, Trinity Presbyterian Church,
Suwanee, GA

Katherine Chatelaine-Samsen, ELCA, Washington,
DC

Prof. Joseph A. McCartin, Kalmanovitz Initiative for
Labor & the Working Poor, Georgetown University,
Bethesda, MD

Rosemary Colson, St. John's Episcopal Church,
Tallahassee, FL

Rev. Joe Parramore, New Journey Ministries, Quincy,
FL

Rev. Kara Wagner Sherer, St. John's Episcopal
Church, Chicago, IL

George Marsh, Associate Sisters of St. Francis of
Tiffin, Tiffin, OH

Rev. Dr. Lori Dick, MCC, Claremont, CA

Pastor Jeff Wells, UM Church of the Village, New York, NY

Rev. Christine Jones-Leavy, Unitarian Universalist, Westerville, OH

Rev. Bruce Tischler, Presbyterian Church (USA), New Rochelle, NY

Rev. Joan VanBecelaere, Unitarian Universalist Justice Ohio, Columbus, OH

Dr. Daniel DiLeo, Creighton University, Omaha, NE

Emma Amos, Atlantic Institute, Atlantic Beach, FL

Rev. Dr. Mark Wendorf, United Church of Christ, Sanford, ME

Sandra Miller, Interfaith Sacred Conversation on Race & Diversity, Takoma Park, MD

Rev. Phil Tom, Presbyterian Church USA, Mount Vernon, NY

Rev. Jennifer Marie Marcus, Esquire, Association of Roman Catholic Women Priests, Rochester, MI

Pastor Kevin Johnson, Calvary Presbyterian Church, Detroit, MI

Rev. Belinda Curry, Louisville, KY

Rev. Emily McGinley, Urban Village Church, Chicago, IL

Rev. Dr. Wesley Woo (Retired), San Francisco, CA

Tom Heger (Retired), San Antonio, TX

Shannon Webster, Presbytery of Sheppards and
Lapsley, Birmingham, AL

Rev. Karen Hernandez-Granzen, WPC, Princeton, NJ

Prof. Paul Voytas, Redeemer Lutheran, Springfield,
OH

Rev. Mark Burnham, South Presbyterian Church,
Bergenfield, NJ

MT Davila, Andover Newton Theological School,
Newton Center, MA

Rev. Martha M Cruz, Member of ELCA Church, Port
Chester, NY

Rev. Brian Hamilton, Westminster Presbyterian,
Washington, DC

Rev. Dr. Christian Losso, Louisville, KY

Prof. Peter Beisheim, Ph.D., Stonehill College, North
Easton, MA

Rev. Brint Keyes, All Souls Presbyterian Church,
Henrico, VA

Sister Brigid Lawlor, Congregation of our Lady of
Charity of the Good Shepherd, Silver Spring, MD

Dr. Christopher Conway, College of St. Benedict and
St. John's University, Saint Joseph, MN

Rev. Dr. Michael Patella, Saint John's Abbey,
Collegeville, MN

Rev. Sally May, Malletts Bay Congregational Church,
UCC, Jeffersonville, VT

Juliann Heller, College of Saint Benedict/Saint John's
University, Grey Eagle, MN

Dr. Patricia Kennedy, College of Saint Benedict, St.
Joseph, MN, Saint Joseph, MN

Dr. Vincent Smiles, College of St. Benedict & St.
John's University, Saint Joseph, MN

Alexandros Taliadoros, Kalmanovitz Initiative for
Labor and the Working Poor, Washington, DC

Dr. Gerald Beyer, Villanova University, Ardmore, PA

Thomas Foley, Georgetown University, Silver Spring,
MD

David Jacobs, Fabranken DC, Silver Spring, MD

Rev. Grace Kaori Suzuki, San Francisco, CA

Dawn Carpenter, Georgetown University,
Washington, DC

Jason Kelley, Unitarian Universalist, West Jordan,
UT

Ellen Payzant, South Valley Unitarian Universalist
Society, Sandy, UT

Sister Elizabeth Lavelle, Congregation of St. Joseph,
Rocky River, OH

Prof. Kenneth R Himes, OFM, Theology Department,
Boston College, Chestnut Hill, MA

Dr. Jeffrey Kaster, Saint John's University School of
Theology and Seminary, Collegeville, MN

William Austin, Eno River Unitarian Universalist
Fellowship, Durham, NC

Rev. Michael Livingston, The Riverside Church, NYC

Rev. Dr. Ken Brooker Langston, Executive Director,
Disciples Center for Public Witness Christian Church

Sister Patricia McDermott

Rabbi Mordechai Liebling, Reconstructionist
Rabbinical College, Board Member, Philadelphia
Jewish Labor Committee

Granite State Organizing Project

A voice for justice in the Granite State

Senate Commerce Committee

Testimony in Opposition of SB 61: Prohibiting collective bargaining agreements that require employees to join a labor union.

Tuesday, January 26, 2021

Good morning, members of the Senate Commerce Committee.

My name is Viola Katusiime, I am testifying on behalf of the Granite State Organizing Project. The Granite State Organizing Project (GSOP) is a grassroots, non-partisan institution in New Hampshire uniting faith, labor, and community groups to work towards a more just world.

I am writing to express our opposition to SB 61: Prohibiting collective bargaining agreements that require employees to join a labor union.

Over the past decades, there has been an attack on organized labor by corporate interests. And as unions have declined, income inequality has also soared. Curtailing collective bargaining for working people has contributed to reduced middle-class incomes while incomes of those at the top rise.

According to a 2016 report by the Center for Policy and Research^[1], unions help bridge the racial inequality gap. Black workers in the union receive 16% higher wages than their non-unionized counterparts. Similarly, they are 17.4% more likely to have employee health insurance and 18.3% likely to have an employer retirement plan. Additionally, unions standardize wages for workers in the same position bridging the racial wage gap. The middle class is the backbone of our economy; without the voices of workers and unions, racial and income inequality will exacerbate.

Our elected officials should be focused on policies that create good-paying jobs, boost the local economy, increase consumer spending and strengthen the middle class rather than considering the right to work laws to lure in low-wage paying industries with an agenda to reduce benefits for workers, weaken workplace safety standards and undermine their right to band together.

I conclude by urging committee members to oppose SB 61. Thank you.

Viola Katusiime
Concord, NH 03301

¹ Center for Research and Policy. Black Workers, Unions, and Inequality. <https://cepr.net/images/stories/reports/black-workers-unions-2016-08.pdf?v=2>

December 28, 2020

Dear Friend:

Right to Work is simple: It means no worker can be forced to join or support a union as a condition of employment.

Yet today, tens of thousands of Granite State workers are forced to pay tribute to union bosses just to get or keep their jobs.

As nearly 80% of New Hampshireites agree, that's just plain wrong.

That's why I hope you'll send the enclosed blue postcards to Governor Chris Sununu, Senate President Chuck Morse and the House Speaker's Office at once.

And will you ask friends, relatives and business associates to send the extra postcards as well?

Passage of a New Hampshire Right to Work bill would free New Hampshire workers from the shackles of compulsory unionism.

But ending compulsory unionism means more than just freeing tens of thousands of New Hampshire workers -- it would also go a long way toward boosting our economy.

In fact, forced unionism puts New Hampshire at an enormous disadvantage compared to those states with Right to Work laws.

The U.S. Department of Labor's statistics show that over the last decade, private sector job growth surged almost 24% in Right to Work states -- double what New Hampshire saw.

PHH Fantus, the nation's longtime leading business relocation firm, explained that at least half of all businesses automatically eliminate non-Right to Work states like New Hampshire when relocating.

And those jobs New Hampshire has been missing out on are good, high-paying jobs.

George Mason University's Nobel Prize-winning economic department found that families in Right to Work states average \$2,800 more in purchasing power than families in non-Right to Work states.

Aaron Jones

From: Josh Elliott
Sent: Tuesday, January 26, 2021 12:00 PM
To: Aaron Jones
Subject: FW: Testimony of John Buonopane

Josh Elliott
Deputy Chief of Staff
New Hampshire State Senate
State House 302
Concord, NH 03301
(o) 603-271-6931

From: Buonopane, John <jbuonopane@usw.org>
Sent: Tuesday, January 26, 2021 11:20 AM
To: Josh Elliott <josh.elliott@leg.state.nh.us>
Subject: Testimony of John Buonopane

Written Testimony of John Buonopane in opposition to SB61

Members of the Committee,

My name is John Buonopane, I am a Staff Representative with the United Steelworkers Union.

Thank you for the opportunity for me to testify in opposition to SB61.

I have proudly represented employees in MA and New Hampshire for over 20 years, people employed with Liberty Utilities, National Grid, Amerigas, Unutil, and Northern Utilities. Together we have dealt with many issues that have impacted working people throughout NH. I write this testimony in opposition to SB61.

With all do respect to everyone on the Committee, I honestly can't believe in 2021 people think a law like Right to Work is a good thing for working NH families (I can send you the data that demonstrates why it does not actual work for employees, it does not attract jobs).

Union density in this country is at an all-time low, one of the reasons for this are laws like Right to work. Some people may be okay with this, most working NH families are not okay with this.

Unions help people stand up for themselves and their fellow employees, helps gives them have a voice, help gives them a say in the direction of their livelihoods. Right to work completely undermines a Unions ability to help employees stand up for what they deserve.

Right to work is disingenuous in its name, because of the National Labor relations act and decided litigation; Right to Work forces an organization like a Union to provide services with no payment for services; **THIS IS UNAMERICAN!**

Right to Work is not what NH working families want, they have said NO 37 times to Right to Work. Please support working families and say no to Right to Work.

John Buonopane

Staff representative USW

100 Medway Road Suite 403

Milford,MA 01757

Aaron Jones

From: Tom Mooney <mooneytom1@gmail.com>
Sent: Tuesday, January 26, 2021 11:46 AM
To: Aaron Jones
Subject: Statement

Mr. Jones:

Below is my statement for the committee's consideration in case I am not able to speak because of the list of speakers.

Good morning!

Thank you for giving me the opportunity to speak to you today. I come to this discussion representing myself as a lifelong citizen of NH and also as a proud union member of IBEW Local 490.

I will keep my remarks brief. I am speaking out against this bill. It is not what we stand for here in NH.

We have already discussed this previously in the legislature. 2017 to be exact. There was a Republican led House of Representatives, like there is now. This legislature voted 200-177 Against union-targeted "Right to Work" It also then voted to kill consideration of right to work for the rest of the session putting it out of consideration for at least two years.

This brings us to today's hearing. If this legislation was voted down previously, it proves that the legislature, not matter what side of the aisle you are on, understands the value of unions and the vital role that unions play in securing jobs for working people.

This legislation does nothing for the working people of NH. It actually is detrimental. It should be named, "Right to work for less!" The average wage in RTW states is an average of \$8700 less than the same wage in non RTW states like NH.

A specific piece in this bill I would like to speak to, is 273-D:8 Coercion and Intimidation prohibited

Five years ago, I voluntarily walked into the IBEW LU 490 office looking for work. I was employed at the time in the north country of NH. I was looking for change. In no way did I feel pressured or coerced to join this organization. In fact, the gentleman I spoke with wanted to make sure I was serious about joining as I am in my mid 40s now. I have no regrets.

Do I speak to other electricians about the union? Yes. Am I proud of what I am a part of? Yes! Have I had conversations with people who have no love for unions? Yes! Am I upset when someone has no interest in the union? No. Do I pressure people to join in conversation? No! I know what I have in my hands. I have worked in many industries since graduating from St. Anselm College. I need to go back to something I said. I do have a regret. I do not regret a day of my education. My only regret is that I did not find this opportunity to be a part of this union sooner!

I am a Father, a brother, a son, and an uncle. My 6 year old wants to be an electrician when he grows up! I hope he will follow my footsteps and join the union. But alas, it is his choice! This legislation is not good for NH families. It is good for the CEOs and Investors.

Please vote against this bill. Thank you.

Regards,

Tom Mooney, IBEW Local 490

Aaron Jones

From: Josh Elliott
Sent: Tuesday, January 26, 2021 10:17 AM
To: Aaron Jones
Subject: FW: Right to Work

To be added to the record:

From: David Spechuilli <ports976@gmail.com>
Sent: Tuesday, January 26, 2021 10:12 AM
To: Josh Elliott <josh.elliott@leg.state.nh.us>
Subject: Right to Work

Right to work means right to work for less

I am writing to speak out against right to work, recently there have been letters sent to homes urging people to vote for Right to Work. In the letters they use false information to try to sell their agenda. There are pre-made forms made out to Governor Sununu, Senators, and the speaker of the House. They continue to say that thousands of workers are forced to join unions and are coerced into paying union dues, that Right to Work is needed to address the alleged wrongs. They pass themselves as New England Citizens for Right to Work out of Manchester but in researching about them, they don't even come from New Hampshire. They are activists from Maryland and Virginia.

The fact is that New Hampshire law already protects workers from being coerced or compelled inot becoming a member of a laborer organization. NH RSA 275:1 states: "Union Membership- 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."

RTW sounds great to anyone who doesn't truly know what the Bill is trying to pass off as. It makes it sound as if it gives everyone the right to work. The real agenda of RTW is to cripple any Unions in order for Corporations to make more financial gains. On average a CEO of a corporation will make 350 times more income than that of a worker in a RTW state. On average in a RTW state families lose \$8,700 compared to non-right to work states. It helps to strip away health care benefits from working families and decrease work opportunities for women and minorities . In short it hurts the middle class working families and helps corporations make more profits off the backs of workers.

Without RTW, New Hampshire's economy is one of the strongest in the nation. Employers will continue to expand and come to New Hampshire because of our strong workforce, production and dedication to work. Witness the planned expansion at Lonza and other companies at Pease Tradeport, the additions of Manchester hospitals, and the proposed buildings for Amazon in several areas of New Hampshire. New Hampshire doesn't need Maryland and Virginia's RTW committee's spreading false propaganda interfering with our prosperity and way of life for our hard working citizens.

--
David J. Spechuilli
Business Manager, Laborer's Local 976
155 West Rd
Portsmouth, NH 03801
office 603-436-4910
cell 603-944-2603

Aaron Jones

From: Margaret Fogarty <MFogarty@afsc.org>
Sent: Tuesday, January 26, 2021 8:50 AM
To: Aaron Jones
Subject: Testimony in opposition to SB 61

Importance: High

Testimony from Maggie Fogarty, NH Program Director, American Friends Service Committee

Statement of opposition to SB 61, prohibiting collective bargaining agreements that require employees to join a union.

I am Maggie Fogarty, Director of the American Friends Service Committee's New Hampshire Program. I am also a member of UNITE-HERE Local 66L and the UNITE-HERE New England Joint Board. I am pleased to be able to appear before you today both as a union member and as a representative of my employer to urge your rejection of SB 61, the latest so-called "right to work" bill.

The American Friends Service Committee is a 104-year-old Quaker organization. Throughout almost our entire history, going back to 1922 when we provided humanitarian assistance to unemployed coal miners in West Virginia and Pennsylvania, we have assisted working people who have sought to better their lives and working conditions. In 1936, a year after President Roosevelt signed the National Labor Relations Act, the AFSC Social-Industrial Section drafted a statement "on the attitude that the AFSC should take towards organized labor." The statement noted, in part:

Collective bargaining by groups of workers with employers is therefore desirable in order that workers may meet management on something like equal terms when they bargain for rates of pay, conditions of work, and security of employment.

Since then, from the textile mills of North Carolina to the orange groves of Florida to the grape fields of California, to the maquiladora factories along the Mexican border, and in countless kitchens and construction sites, the AFSC has stood with people who have sought employment, living wages, and dignity on the job.

The ability of working people to attain a decent standard of living is threatened in our country and in our state. According to the NH Housing Finance Authority, the statewide median rent of a two-bedroom apartment in New Hampshire was \$1,413 in 2020, a 4.9% increase from 2019. That means it takes an income of more than \$56,500 a year to afford a typical apartment. That's 3.8 times what a worker makes at the current federal minimum wage and 1.8 times what a worker earning \$15 an hour would be able to afford.

If the purpose of SB 61 were to provide jobs at decent wages so that working people could afford decent housing, we would be enthusiastic about it. But what is called "right to work" is not about ensuring that all people have the right to a decent job. To the contrary, it is about undermining the ability of working people to organize among themselves and bargain collectively with their employers.

By making it more difficult for workers to organize, "right to work" would force down the wage levels of all working people in New Hampshire. The ability to afford health care would be threatened. The ability to pay taxes to support schools would be diminished. The state's housing crisis would intensify. More people would seek public assistance.

We must acknowledge the extent to which the COVID-19 pandemic has laid bare the tremendous vulnerability of U.S. workers – especially low-wage workers who are disproportionately women and people of color. Much has been said of the heroism of essential workers, but weak labor laws and disregard of employers for workers' well-being has put a terrible burden on those forced to work for low-wages, without adequate protective gear, without paid sick leave, and with no protections for speaking up to demand better treatment.

In this way, the pandemic makes a compelling case for strengthening - not eroding - the ability of workers to collectively bargain. Workers' collective advocacy in the workplace is a potent antidote to these abuses, as described in a recent report by the Economic Policy Institute ("Why unions are good for workers, especially in a crisis like COVID-19"): "*Where workers have been able to act collectively and through their union, they have been able to secure enhanced safety measures, additional premium pay, and paid sick time. Unionized workers have had a voice in how their employers navigate the pandemic, including negotiating for terms of furloughs or work-share arrangements to save jobs.*"

As they have throughout history, strong unions improve the workplace and standard of living for all of us and enhance our capacity to weather economic and public health crises.

Please send a strong "inexpedient to legislate" recommendation to your fellow Senators. This anti-worker proposal will hurt New Hampshire people.

*Maggie Fogarty, NH Program Director
American Friends Service Committee
4 Park Street, #304
Concord, NH 03301
(603)224-2407
www.afsc.org/newhampshire*

Pronouns: She, her, hers



**American Friends
Service Committee**

INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL & REINFORCING IRON WORKS

MASSACHUSETTS • MAINE

Local 7

A.F.L. - C.I.O.

NEW HAMPSHIRE • VERMONT

DIRECT ALL CORRESPONDENCE TO:

195 COLONY AVENUE • P.O. BOX 7 • SOUTH BOSTON, MASSACHUSETTS 02127 • 617-268-4777 • FAX 617-268-7878

BUSINESS MANAGER
MICHAEL HESS

January 26, 2021

PRESIDENT
ROBERT MACNEIL

FINANCIAL
SECRETARY-TREASURER
WILLIAM P. HURLEY

BUSINESS AGENTS
VINCENT COYLE, JR.
KEVIN COLLINS
MICHAEL DOUCETTE

BUSINESS AGENT
INDUSTRY ANALYST
WALTER BELMONTE, JR.
STEPHEN WILLIAMS
DANIEL MORGANELLI
FIORE GRASSETTI
MICHAEL SMITH
GRANT PROVOST

Dear Chairman French and Honorable Members of the Committee:


As Business Manager of Ironworkers Local 7, I represent thousands of hardworking men and women from across the region, including the great state of New Hampshire. As you know, the Ironworker trade is among the most dangerous of the construction trades, with workers manipulating iron beams high above the ground with no protection from the elements and only a harness to keep them from falling.

Our members and workers in all the trades earn every single penny of their wages. Without the protection of a union, those wages would be the first place developers would seek to cut costs, since material costs are harder to reduce. We always thought that "Right to Work" was a misnomer that really means "Work for Less" because that is always the practical impact of these laws. While we know that workers do not always enjoy paying dues, we do know that they appreciate the protections afforded them thanks to collective bargaining, appropriate workers compensation, a livable wage, and safer working conditions that only result from the collective efforts of union fellowship.

These laws are not only an insult to the very workers they purport to protect, but an enormous step backwards in our efforts as a nation to honor hard work and put people over profits.

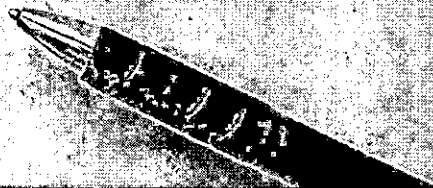
I urge you in the strongest possible terms to reject SB61.

Thank you for your consideration.

Sincerely,

Michael Hess, Business Manager
Ironworkers Local 7

- Unions provide safer working conditions for all
- Unions provide higher wages for skilled workers
- Unions negotiate and fight for better benefits for workers and their families
- Unions support workers rights and protection against arbitrary discipline or dismissal
- Unions give workers a collective voice for training, working conditions, safety and health issues
- Unions job security for skilled trade workers to flourish and benefit their employers and their industry
- Unions ~~provide~~ members have more retirement security

as a 34 year union member, the union has provided myself and my family a good life with work and home balance so important, especially during hard times.



**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

January 26, 2021

The Honorable Harold French
Chair, Senate Commerce Committee
State House
107 North Main Street
Concord, New Hampshire 03301

Re: Senate Bill 61 Testimony

Dear Chairman French and Members of the Senate Commerce Committee:

Assistant Attorney General Gregory Albert testified today with respect to Senate Bill 61. We are prepared to defend and enforce the bill as presented today. The purpose of the testimony was simply to alert the Committee to the potential for an increase in the workload of the Department of Justice in a subject matter area where it currently lacks any jurisdiction or enforcement authority. The extent of any increase will, of course, depend on the volume of complaints received.

If it is helpful to the Committee, we stand ready to identify the resources that might be required should Senate Bill 61 be enacted or to provide any other technical assistance. Please let me know.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Kate Giaquinto".

Kate Giaquinto
Director of Communications and Legislative Liaison

#3034152

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # SB 61

Hearing date: 1/26/21

Executive Session date: 2/1/21

Motion of: OTP Vote: 3-2

| Committee Member | Made by | Second | Yes | No |
|----------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Sen. French, Chair | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gannon, V-Chair | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Bradley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Cavanaugh | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sen. Soucy | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Motion of: _____ Vote: _____

| Committee Member | Made by | Second | Yes | No |
|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Sen. French, Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gannon, V-Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Bradley | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Cavanaugh | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Soucy | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Motion of: _____ Vote: _____

| Committee Member | Made by | Second | Yes | No |
|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Sen. French, Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gannon, V-Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Bradley | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Cavanaugh | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Soucy | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Reported out by: SEN. FRENCH

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Monday, February 1, 2021

THE COMMITTEE ON Commerce

to which was referred **SB 61**

AN ACT

prohibiting collective bargaining agreements that
require employees to join a labor union.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-2

Senator Harold French
For the Committee

Aaron Jones 271-4063

COMMERCE

SB 61, prohibiting collective bargaining agreements that require employees to join a labor union.

Ought to Pass, Vote 3-2.

Senator Harold French for the committee.

Docket of SB61

Docket Abbreviations

Bill Title: prohibiting collective bargaining agreements that require employees to join a labor union.Official Docket of **SB61**.

| Date | Body | Description |
|-------------|-------------|---|
| 1/19/2021 | S | Introduced 01/06/2021 and Referred to Commerce; SJ 3 |
| 1/20/2021 | S | Remote Hearing: 01/26/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; SC 8 |
| 2/1/2021 | S | Committee Report: Ought to Pass, 02/11/2021; SC 10 |
| 2/11/2021 | S | Ought to Pass: RC 13Y-11N, MA; OT3rdg; 02/11/2021; SJ 4 |
| 3/9/2021 | H | Introduced (in recess of) 02/25/2021 and referred to Labor, Industrial and Rehabilitative Services HJ 4 P. 48 |
| 3/25/2021 | H | Public Hearing: 03/25/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/98630616522 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened. |
| 3/30/2021 | H | Executive Session: 03/30/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/91970098494 |
| 3/31/2021 | H | Majority Committee Report: Ought to Pass with Amendment #2021-1047h (Vote 11-9; RC) HC 26 P. 26 |
| 3/31/2021 | H | Minority Committee Report: Inexpedient to Legislate |
| 6/3/2021 | H | Amendment #2021-1047h: AA VV 06/03/2021 |
| 6/3/2021 | H | FLAM #2021-1835h (Reps. Abramson, Binford, Love): AF DV 183-190 06/03/2021 |
| 6/3/2021 | H | Reconsider Amendment 2021-1835h (Rep. Bordes): MF DV 178-193 06/03/2021 |
| 6/3/2021 | H | Lay on Table (Rep. Infantine): MF RC 168-207 06/03/2021 |
| 6/3/2021 | H | Ought to Pass with Amendment 2021-1047h: MF RC 175-199 06/03/2021 |
| 6/3/2021 | H | Lay on Table (Rep. Osborne): MF DV 171-204 06/03/2021 |
| 6/3/2021 | H | Indefinitely Postpone (Rep. Soucy): MA RC 196-178 06/03/2021 |
| 6/3/2021 | H | Reconsider (Rep. Sullivan): MF DV 163-201 06/03/2021 |

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 61

Senate Committee: Commerce

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate

as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Arcon Jones
Committee Aide

7/21/21
Date

Senate Clerk's Office [Signature]