

— LEGISLATIVE —
TESTIMONY

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STEVE DELIE

Opposition to SB 169

Michigan House Labor Committee

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The following is testimony submitted for presentation to the Michigan House Labor Committee by the Mackinac Center's Steve Delie on October 19, 2023. This testimony and others can be read online at mackinac.org/testimony.

Opposition to SB 169

My name is Steve Delie, and I am the Director of Labor Policy at the Mackinac Center. We are a 501(c)(3) nonprofit research and educational institute that advances the principles of free markets and limited government. Through our programs, we challenge government overreach and advance free-market policies that free people to realize their potential and dreams. I write today to oppose SB 169.

SB 169

If adopted, SB 169 would require that public employers regularly provide a public employee's private contact information to that employee's collective bargaining unit. This information includes not only information about how an employee can be contacted at work, but also their home address, personal telephone number, and personal e-mail address. This is far from innocuous.

Personal contact information can and has been misused in order to intimidate employees into joining a union. In a 2007 congressional hearing, a former union organizer for the United Steelworkers testified that he was instructed to threaten migrant workers with being reported to immigration officials if they refused to support the union. That same organizer described other aggressive union tactics, such as making multiple visits to employees' homes in an effort to frustrate them or cause them to fear for the safety of their families and property. A UAW organizer also testified that some employees were visited at their homes as many as five separate

times. Once the employee agreed to support the union, the visits stopped.¹ This pales in comparison to the experience of one health care worker who had a union organizer threaten to take her children and slash her tires.²

These examples help illustrate that unions have shown a willingness to take inappropriate and coercive actions to win certification elections and obtain exclusive representative status.

To the extent SB 169 is to be adopted, we would strongly recommend both of the following amendments be made. First, we recommend that the information provided be limited to only an employee's work contact information. This change would help mitigate some of the intimidation identified above, while still accomplishing the primary purpose of the act.

Second, we recommend that SB 169 be amended to provide public employees with a notice of their rights under the Supreme Court's 2018 *Janus v AFSCME* opinion. In that case, the Court recognized that all activity undertaken by a public-sector union is inherently political, and, as a result, an employee could not be forced to pay a union without having knowingly and voluntarily chosen to become a member. SB 169 should be amended to ensure public sector employees are aware of this decision and know that it is up to them whether to join a union. Adopting this amendment will allow employees to make a knowing and fully informed choice about whether to join a union.

1 F. Vincent Vernuccio, "Protecting the Secret Ballot: The Dangers of Union Card Check" (Mackinac Center for Public Policy, Oct. 22, 2019), 4-6, <https://perma.cc/6TR9-L9BV>

2 "HCF Inc. d/b/a Shawnee Manor and District 1199 SEIU, The Health Care and Social Service Union, AFL-CIO, Petitioner (Case 8-RC-15261)," (The National Labor Relations Board, Aug. 27, 1996), <https://perma.cc/42RP-JF8X>. It should be noted that the NLRB found this behavior to be insufficient grounds to overturn the union's election as exclusive bargaining representative.

Conclusion

SB 169 will not benefit employees. The bill increases the likelihood of harassment campaigns, and exposes workers' private information without their consent. If an employee's contact information is going to be shared to unions or other private interests, only work contact information should be provided. Employees' privacy rights do not end simply because they choose government employment, and those rights deserve to be protected.



Steve Delie is the director of labor policy and Workers for Opportunity at the Mackinac Center for Public Policy.

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