



# TESTIMONY

February 1, 2016

## REGARDING GOVERNMENT UNION ACCOUNTABILITY REFORM

*By John Wright*

Testimony Before the House Workforce Standards and Development Committee

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### TO THE HONORABLE MEMBERS OF THIS COMMITTEE:

My name is John Wright and I am a policy researcher for the Show-Me Institute, a nonprofit, nonpartisan, Missouri-based think tank that supports free-market solutions for state and local policy. The ideas presented here are my own. This testimony is intended to summarize research that analysts for the Show-Me Institute have conducted and reviewed regarding public sector labor relations.

HB 1722 includes a number of important, pro-worker labor reforms. The financial disclosure provisions will give Missouri's government union members the same access to union financial data that private sector union workers already enjoy. The bans on evergreen clauses and

closed-door collective bargaining between public officials and unions will help protect the interests of taxpayers. But the union elections that this bill would require are particularly important for preserving worker freedom.

Imagine we voted for our public officials only one time and for a lifetime appointment, and that after the initial election the only way to remove a governor or legislator from office was through an impeachment process. This wouldn't be fair. So why does unionization work this way?

In Missouri, once a union becomes the "exclusive representative"<sup>1</sup> for a group of public employees, that union remains in power indefinitely. Another election is not scheduled unless employees organize, petition, and gather enough signatures for a decertification election.<sup>2</sup> Unions

sometimes punish employees for attempting to decertify the union; in one recent case a government union successfully sued a group of employees for thousands of dollars for attempting to decertify it.<sup>3</sup>

The automatic union elections proposed by this bill would solve these problems. A regular, secret-ballot election serves as a good check on the abuses that may occur when a representative body is not accountable to its constituents. It's what we use to keep public officials in check. Without that safeguard, it would be misleading to call our form of government democratic.

The benefits of union elections are clear. Union executives may oppose such elections because they would mean having to run for re-election every two years. But elections benefit rank-and-file union members by allowing them to hold their leaders accountable.<sup>4</sup>

A legitimate concern with union elections is the potential cost to taxpayers.

The Show-Me Institute published a study of the costs of this type of union election last year. In it I showed how Missouri could hold union elections that would not cost taxpayers a dime.<sup>5</sup> In this study, I found that the monetary cost could be reduced or eliminated if the statute included language that:

- Encourages the State Board of Mediation to contract out for elections services;
- Allows for alternative methods to traditional paper ballots, such

as telephone or internet-based voting; and

- Requires unions to pay for the remaining cost with a small filing fee.

This bill incorporates these recommendations. If properly implemented, it can deliver the benefits of a more accountable government union without forcing taxpayers to pay for it. To conclude, this bill provides several positive labor reforms that benefit both taxpayers and public employees. These policies would be a good first step in improving the accountability of government unions in Missouri.

## NOTES

1. In the United States, unions typically seek to represent employees as an exclusive representative. An exclusive representative is a union to which the government or the employer awards the privilege of being the only representative for a given class of employees. An exclusive representative represents each employee of the class, whether or not each employee is a union member. Where an exclusive representative represents employees, employees may not represent themselves.

2. Missouri Code of State Regulations Rules of Department of Labor and Industrial Relations Division 40 – State Board of Mediation Rules Chapter 2.040.

3. See International Association of Fire Fighters v. Moon, Mo. WD 73811, WD 73847 (2012).

4. Sherk, James, "Unelected Unions: Why Workers Should Be Allowed to Choose Their Representatives," The Heritage Foundation (2012).

5. Wright, John, "The Low Cost of Labor Reform," The Show-Me Institute (2015).

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## NOTES



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