



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2876		DATE: 4/17/2024	
COMMITTEE: Emerging Issues			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: BENJAMIN STRAKA		PHONE NUMBER: 541-556-3372	
REPRESENTING: FREEDOM FOUNDATION		TITLE: RESEARCH & GOVERNMENT AFFAIRS ASSOCIATE	
ADDRESS: P.O. BOX 18146			
CITY: SALEM		STATE: OR	ZIP: 97305
EMAIL: bstraka@freedomfoundation.com		ATTENDANCE: In-Person	SUBMIT DATE: 4/17/2024 2:58 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

Chair Hardwick and members of the committee, My name is Ben Straka, and I am representing the Freedom Foundation, a national 501(c)(3) nonprofit organization whose mission is to advance the principles of individual liberty, free enterprise, and limited, accountable government. I want to start by thanking Representative Baker for his leadership on this bill, which would limit taxpayer support of union activities and give public employees more control over their workplace representation, while at the same time safeguarding the continuity of the state's emergency services. Before covering the need for the policies proposed by House Bill 2876, I'd like to mention that we do believe a few minor cleanup amendments are needed to the introduced bill—including, for example, repeal of the existing section 105.503 and a handful of other minor changes. Missouri's statutes in this area have historically been minimal, and state law contains few provisions governing the nature of unions' interactions with the government and public employees. This lack of statutory guardrails means that, when contracts are reached, a number of provisions can be negotiated that go beyond matters like compensation and working conditions to secure taxpayer support for union activities and advocacy. Unions are private organizations, and there are few policy justifications for supporting them with taxpayer-funded resources. In the public sector, the fact is that they are also inherently political interest groups with a unique desire and ability to influence policymaking processes. Of course, there's nothing wrong with a private membership organization, like a union, conducting its affairs and freely supporting whatever causes, candidates or policies it likes—but there is no need for the government to allow the use of taxpayer-funded resources to subsidize such activities. Representative government is often about balancing competing interests, and the use of taxpayer funds to subsidize union activity provides an unfair advantage over equally important voices, such as families and taxpayers, who may be advocating for policy but do not benefit from comparable government backing. Furthermore, taxpayers already fund the government's operations in bargaining and labor relations; they shouldn't have to foot the bill for the other side of the bargaining table, too—and certainly not for advocacy that may be against their own interests. Current state law also lacks adequate secret ballot protections for public employees when electing or removing their union and does not provide for transparency in the government's negotiations with unions involving taxpayer dollars. House Bill 2876 would address these and other issues in the following ways: First, it would require most public bodies to conduct their negotiations with unions in public meetings and all public bodies to publish copies of executed union agreements on their websites. Second, it would standardize union election procedures by guaranteeing public employees' right to a secret ballot vote and eliminating arbitrary restrictions on their ability to change or remove a union. Third, it would prohibit most public bodies from using taxpayer funds to support unions in a number of specific ways, including:- Using government payroll systems to

deduct dues or fees from an employee's pay on behalf of a union;- Providing more personal contact information of public employees to a labor organization than is legally disclosable under the Missouri Sunshine Law, unless authorized by the employee;- Requiring public employees to meet or interact with a union;- Distributing communications or membership solicitations on a union's behalf;- Granting a union more favorable access to and use of government facilities and resources than is available to other unions or nonprofit organizations; and- Granting paid time off to public employees to perform union work at taxpayer expense.Fourth, it would repeal provisions in chapter 208 relating to the treatment of Medicaid-compensated, in-home personal care attendants under the state's public-sector collective bargaining statutes, for which there are a number of valid reasons. Finally, it would balance these reforms with the state's public safety interests by including limited exemptions for specific, statutorily defined public safety bodies and by strengthening the state's longstanding no-strike statute as it applies to public safety bodies and employees. In 2018, the legislature attempted to address some of these issues with the passage of House Bill 1413, but the bill was subsequently struck down by the state Supreme Court on equal protection grounds due to the method by which "public safety labor organizations," as defined by the bill, were exempted.Despite the legal roadblock encountered in 2018, there remains both a legitimate need for government union reform in Missouri and a valid rationale for giving heightened consideration to public safety services. In its ruling on HB 1413, the court did not find inherent flaws in those exemptions themselves, but rather in the specific way they were written.With improved bill language and a more narrowly tailored scope that places the legislation on solid legal footing, the Missouri General Assembly can deliver on its promise of such good government, pro-taxpayer reform with House Bill 2876.Thank you.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DAVID STOKES		PHONE NUMBER: 314-454-0647	
BUSINESS/ORGANIZATION NAME: SHOW-ME INSTITUTE		TITLE: DIRECTOR OF MUNICIPAL POLICY	
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CITY: ST. LOUIS		STATE: MO	ZIP: 63108
EMAIL: david.stokes@showmeinstitute.org	ATTENDANCE: Written	SUBMIT DATE: 4/17/2024 10:07 AM	

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To the Honorable Members of this Committee: My name is David Stokes, and I am Director of Municipal Policy 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 2876 includes a number of important, pro-worker labor reforms. In particular, the union elections that this bill would require are important in trying to preserve 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"¹ 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.² Unions sometimes punish employees for attempting to decertify the union; in one previous case a government union successfully sued a group of employees for thousands of dollars for attempting to decertify it.³ 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 it means 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.⁴ A legitimate concern with union elections is the potential cost to taxpayers. In 2015 the Show Me Institute published a study of the costs of this type of union election. In it, the author, John Wright, demonstrated how Missouri could hold union elections that would not cost taxpayers a dime.⁵ He found that the monetary cost could be reduced if the statute included language that:

- Encourages the State Board of Mediation to contract out for election 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.

If properly implemented, this bill can deliver the benefits of a more accountable government union without forcing taxpayers to pay for it. Other important changes in this bill include removing the public union employee status of Medicaid compensated, in-home care providers. While they provide a valuable service to our community, they are not properly considered public employees and should not have public employee union collective bargaining rights. This bill also includes a requirement that labor organizations refund governments for the cost of paying union officials who perform union work

during time for which they are being paid to work for the government. The ability of public employees to perform their union roles while on government time is highly troubling and subject to substantial abuse. The reforms to this practice in this bill will protect the interest of both taxpayers and union members. In this bill there remain exemptions from these changes for certain public employee unions, primarily those considered public safety employees. The many positive changes in this bill would benefit everyone, including public safety employees, and those exemptions should be removed. Furthermore, we know from prior rulings that the judiciary may find these exemptions problematic. Moreover, Missouri could do more to foster greater financial transparency by public unions. 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. NOTES1.

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,” Show-Me Institute (2015).



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: HOLLY GOGEL	PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: MISSOURI CENTURY FOUNDATION	TITLE: POLICY DIRECTOR	
ADDRESS:		
CITY: ST. LOUIS	STATE: MO	ZIP: 63105
EMAIL: holly@missouricentury.com	ATTENDANCE: Written	SUBMIT DATE: 4/17/2024 3:27 PM
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Thank you for the opportunity to provide testimony in support of HB 2876. Missouri Century Foundation is an organization that was created to promote free market, forward-looking policies that will ensure the health and stability of our state for our current and future generations of citizens. Government unions represent our hardworking public workers and, in doing so, negotiate with public bodies for taxpayer dollars. Government unions are in the unique position of not only getting to negotiate with public bodies, but also have the power through their political activity to influence who is elected and, ultimately, who they bargain with. House Bill 2876 includes elements of the legislation we supported in 2018's House Bill 1413 that was ultimately overturned by the Missouri Supreme Court. We are still in support of the comprehensive reforms set out in HB 1413, and believe they should apply to all public workers in Missouri. Given that, we believe HB 2876 is a promising start to reaching the goals of the 2018 legislation, specifically those of prohibiting employer paycheck deductions, setting out a standard election process for exclusive bargaining representatives, limiting taxpayer-funded release time, and requiring open collective bargaining. Government union membership rates remain high. The Bureau of Labor Statistics reports that as of 2023 the rate of government union membership is five times greater than the union membership rate in the private sector. We believe it is the right time to enact reasonable measures to ensure government unions are held accountable to both their members and to all Missouri taxpayers.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ANGELA MACK		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: sweetpea071115@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 4/17/2024 8:31 PM
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To: The Honorable Representative Hardwick, Chairman And The Honorable Members of the Missouri House of Representatives Committee on Emerging Issues
 Re: House Bill 2876
 From: Angela Mack, Steward for Communications Workers of America Local 6400, AFL-CIO
 11 Blue Bunting Circle
 Moscow Mills MO 63362
 Date: April 17, 2024
 Representative Hardwick and Honorable Members of the Committee,
 My name is Angela Mack. I am a proud union steward of CWA Local 6400 Missouri State Workers Union. I am also a proud worker in the Missouri Department of Social Services - Family Support Division. The work we do is challenging and rewarding. I help make lives better for many Missouri residents each day. I am submitting written testimony concerning House Bill 2876 that will have a severe and negative impact on our ability to exercise our rights as union members. There are a variety of things that legislators can do to improve my life as a state worker and public sector union member; such as passing pay raises to keep up with the rising cost of living or hiring more staff to reduce caseloads. This legislation is definitely not one of them and will make it significantly hard for state workers to advocate for issues that will improve our livelihood and help us better serve the residents of Missouri. HB 2876 would prohibit me and my fellow state employees from having union dues deducted from our paychecks. This creates a burden for me and severely weakens my democratic rights as a union. I would like us to work together to make life easier, not more difficult for state workers and the residents we serve. I currently have other voluntary deductions coming out of my paycheck that the State of Missouri processes on my behalf; which include life insurance and Aflac. I choose to have these deductions come out of my paycheck because they are services that I value and are necessary to the benefit of me and my family. The same goes for my union dues paycheck deduction which allows me to advocate for the needs of my family, the residents I serve, and myself. Please vote against HB 2876 so I can continue to have the freedom to choose which things I would like to pay for out of my hard-earned paycheck. Thank you for your time and consideration. Angela Mack



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: arniedienoff@mail.com	ATTENDANCE: Written	SUBMIT DATE: 4/17/2024 11:58 PM
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I am Opposed to this Proposed Bill in its present form. I like the Public openness and to Disclose all Contracts to the Public. A lot of additional work and debate NEEDS to take place before moving forward.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: HARRISON HINER		PHONE NUMBER: 903-445-0302	
BUSINESS/ORGANIZATION NAME: COMMUNICATIONS WORKERS OF AMERICA DISTRICT 6		TITLE: LEGISLATIVE-POLITICAL COORDINATOR	
ADDRESS: 4801 SOUTHWEST PARKWAY, SUITE 145			
CITY: AUSTIN		STATE: TX	ZIP: 78735
EMAIL: hhiner@cwa-union.org	ATTENDANCE: Written	SUBMIT DATE: 4/17/2024 9:22 PM	

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To Chairman Bill Hardwick and the Honorable Members of the House Emerging Issues Committee My name is Harrison Hiner, Legislative-Political Coordinator with the Communications Workers of America (CWA) District 6. CWA District 6 represents the Missouri State Workers Union, CWA Local 6400 along with 5,000 private and public sector workers throughout Missouri. I am submitting written testimony in opposition to HB 2876. HB 2876 strips public employees of their right to join a labor union safely and securely through voluntary paycheck deductions. The opportunity to join a labor union through paycheck deduction means that public employees have a convenient, and secure method of having a voice to advocate for their livelihoods and on behalf of the services they provide. HB 2876 unfairly singles out certain public-sector labor unions and employee organizations by prohibiting their paycheck dues deductions while allowing deductions for various non-profit organizations, causes, and businesses. This bill also discriminates against certain classifications of employees by establishing one set of labor rights for public safety workers and weaker labor rights for public employees not classified as public safety. In addition to prohibiting paycheck dues deduction, HB 2876 bans the most basic functions and operations of public sector unions. This includes prohibiting informational bulletin boards in state workplaces, prohibiting union email communications and notices to public employees, and blocking the release of public information. HB 2876 drastically diminishes the democratic rights of public employees to advocate for themselves, their families, and the residents of the Missouri that they served. For that reason, CWA District 6 respectfully requests that the members of the House Emerging Issues Committee oppose HB 2876. The following CWA Local Presidents of Missouri stand in solidarity in strong opposition to HB 2876: Natasha Pickens, Executive Vice President of CWA Local 6400, Missouri State Workers Unions, St. Louis, MO Tom Gebken, President of CWA Local 6360, Independence, MO Tanya Holmes, President of CWA Local 6327, Kansas City, MO Floyd Bell, President of CWA Local 6300, St. Louis, MO Laura Cox, President of CWA Local 6313, Joplin, MO Thank you for your consideration.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JACOB HUMMEL		PHONE NUMBER: 573-634-6115	
REPRESENTING: MISSOURI AFL-CIO		TITLE:	
ADDRESS: 131 E. HIGH			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/17/2024 12:00 AM	
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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: KAY MILLS	PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: MISSOURI JOBS WITH JUSTICE VOTER ACTION	TITLE:	
ADDRESS:		
CITY: ST. LOUIS	STATE: MO	ZIP: 63139
EMAIL: kay@mojwj.org	ATTENDANCE: Written	SUBMIT DATE: 4/17/2024 1:38 PM
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Missouri Jobs with Justice Voter Action is a statewide organization committed to building an economy and a democracy that works for all of us. We work with faith leaders, students, union members, and everyday Missourians—Black, Brown, and White—to build a state where we can all thrive. We work to build workplaces, neighborhoods, and communities where each of us has what we need for a safe and healthy life, from cradle to grave. As an organization committed to economic security, we oppose HB 2876 and urge you to vote no on this bill. We believe that working families should have control over our futures. One of the ways we do that is by protecting the rights of all workers in Missouri to organize and collectively bargain in our workplaces. We are clear that any bill that interferes with workers and our unions is an attack on our families and our futures. Unionizing and collective bargaining have raised the standards not only for unionized workers but for all workers and communities. It is also a powerful force to address racial and economic disparities. The Missouri constitution guarantees the right of all workers to organize and bargain collectively through representatives of their own choosing. Our public workers provide critical services including public safety, keeping our roads clear in winter weather, protecting children and seniors from abuse and harm, and caring for our vulnerable neighbors. They are no less deserving of a voice at work simply because they are dedicated to serving the public. Such ideas, when proposed by the legislature, were overwhelmingly rejected in 2018 via public referendum. We urge you to vote against HB 2876.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MARK BRUNS		PHONE NUMBER: 573-632-4209	
REPRESENTING: MISSOURI FRATERNAL ORDER OF POLICE; KANSAS CITY FRATERNAL ORDER OF POLICE; ST. LOUIS POLICE OFFICERS ASSOCIATION		TITLE:	
ADDRESS: 715 JEFFERSON STREET			
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EMAIL: mark@brunslobby.com	ATTENDANCE: Written	SUBMIT DATE: 4/17/2024 4:16 PM	
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We are opposed to HB2876



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MARK HABBAS		PHONE NUMBER: 314-393-9757	
REPRESENTING: MO STATE COUNCIL OF FIRE FIGHTERS		TITLE:	
ADDRESS: 205 E. CAPITOL AVE.			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/17/2024 12:00 AM	
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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: NATASHIA PICKENS		PHONE NUMBER: 314-420-3903
BUSINESS/ORGANIZATION NAME: COMMUNICATIONS WORKERS OF AMERICA MSWU LOCAL 6400		TITLE: EXECUTIVE VICE PRESIDENT
ADDRESS: 1015 LOCUST ST STE 735		
CITY: SAINT LOUIS	STATE: MO	ZIP: 63101
EMAIL: npickens.cwa.mswu@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 4/17/2024 7:07 PM

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To: The Honorable Representative Hardwick, Chairman
 And The Honorable Members of the Missouri House of Representatives Committee on Re: House Bill 2876
 From: Natasha Pickens, Executive Vice President for Communications Workers of America Local 6400, AFL-CIO
 1015 Locust Street, Suite 735 Saint Louis, MO 63101
 Date: April 17, 2024
 Representative Hardwick and Honorable Members of the Committee,
 My name is Natasha Pickens. I am the executive vice president of CWA Local 6400 Missouri State Workers Union. We represent public sector workers. I am writing to you concerning House Bill 2876 regarding union members' dues and rights as public sector union members. HB 2876 is severely problematic for many reasons yet I will focus on a couple. The bill addresses problems that do not exist. Missouri's state employees are among the most poorly compensated state workers in the United States. Most state agencies in Missouri have trouble recruiting new workers and have even more of a problem retaining staff. Workers often do not feel safe in their buildings for various reasons, including fear of being attacked, mold, poor ventilation, etc. These are the real problems affecting state employees that legislators should focus on. And we, the Missouri State Workers Union are ready and willing to work with legislators to find real solutions to our needs as public servants. Taking away workers' ability to choose to have their union dues deducted from their paychecks, just as they have the freedom to choose with various other voluntary contributions, would only create more problems for state workers, not solve them. Finally, HB 2876 is egregiously unfair. Largely due to this bill establishing one set of union rights for public employees classified as public safety workers and another set of weaker union rights for public employees who are non-public safety. Please vote no on HB 2876. Thank you for your time and consideration



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: OTTO FAJEN		PHONE NUMBER: 573-634-3202	
REPRESENTING: MISSOURI NEA		TITLE: LEGISLATIVE DIRECTOR	
ADDRESS: 1810 E. ELM ST.			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: otto.fajen@mnea.org	ATTENDANCE: In-Person	SUBMIT DATE: 4/17/2024 2:28 PM	

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The Association opposes the bill. The bill enacts many new provisions regarding public sector bargaining. The cumbersome new language would interfere with existing bargaining in school districts and local governments across the state. The bill also prohibits public employers from deducting union dues as directed by union members who are employees.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RHIANNON DURYEA		PHONE NUMBER: 314-367-0013	
REPRESENTING: SERVICE EMPLOYEES INTERNATIONAL UNION MO/KS STATE COUNCIL		TITLE:	
ADDRESS: 2725 CLIFTON AVE.			
CITY: ST. LOUIS		STATE: MO	ZIP: 63139
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: RON BERRY		PHONE NUMBER: 660-537-2239
REPRESENTING: SEIU HEALTHCARE, SERVICE EMPLOYEE INTERNATIONAL UNION, AMERICAN FEDERATION OF TEACHERS, ST. LOUIS COUNTY POLICE ASSN.		TITLE:
ADDRESS: P.O. BOX 722		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/17/2024 12:00 AM
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: SHANNON COOPER		PHONE NUMBER: 660-890-1432
REPRESENTING: CARPENTERS REGIONAL COUNCIL		TITLE:
ADDRESS: 208 MADISON STREET		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/17/2024 12:00 AM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SUSAN GIBSON		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: Onesuegibson@protonmail.com	ATTENDANCE: Written	SUBMIT DATE: 4/16/2024 8:11 PM
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This bill is anti-worker. Working Missourians deserve better.