



Testimony on House Bill 5637 (an act concerning clear and conspicuous statements regarding state and municipal employees' right to opt out of union membership)

Submitted by Scott Shepard, Policy Director

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Good afternoon. My name is Scott Shepard. I am the Policy & Research Director for the Yankee Institute for Public Policy, Connecticut's free-market think tank. I submit this note in support of **House Bill 5637**.

This bill does nothing more than to enact obligations that fell to Connecticut constitutionally upon the rendering of the *Janus* decision¹ by the United States Supreme Court. That decision clarified that as a matter of First Amendment Free Speech protections, government employees enjoy the right to work and collect their pay free of union dues or "agency fee" equivalents unless and until those employees give "affirmative consent" to the withdrawal of dues.² As should be self-evident, to be effective, affirmative consent must be informed.

This bill takes the minimum steps necessary to ensure that the *Janus*-required affirmative consent is informed. We at Yankee Institute believe that *Janus* goes much further, to require that the state take steps to ensure that *Janus* elections be made on free, neutral and safe ground, at any reasonable time, free of unnecessary fear of union interference or retaliation. We have testified to this effect in submissions related to other bills under consideration today. While this bill may not provide all of the consent and protection for this vital civil right that are required under *Janus*, it is a necessary and strong first step in that direction.

¹ See *Janus v. AFSCME*, 585 U.S. ____ (2018).

² *Id.* at *48 ("Neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed.").