

Hand Received

JUL 12 2018



Office of the Governor

Washington State Senate

Senator Mark Schoesler
9th Legislative District

Olympia Address:

PO Box 40409
Olympia, WA 98504-0409
Phone: (360) 786-7620
FAX: (360) 786-7520
E-mail: Mark.Schoesler@leg.wa.gov

Residence:

1588 E. Rosenoff Rd.
Ritzville, WA 99169
Res: (509) 659-1774
FAX: (509) 659-4545
Hotline: 1-800-562-6000

The Honorable Governor Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

July 12, 2018

Governor Inslee,

I had expected a direct reply to my July 9, 2018 letter. I was seeking your cooperation in ensuring that labor unions with state-employee members comply fully and immediately with the U.S. Supreme Court's *Janus* decision of June 27, 2018. It appears the point of my July 9 letter was either ignored or not understood.

The issue is not whether unionized state employees follow the provisions of terminating their union membership as spelled out in contracts or on cards. The issue is whether the unions will respect those requests without the sort of pushback shown in the communication one Washington Federation of State Employees member received, which I shared with you in my July 9 letter.

What's more, it would appear WFSE is maneuvering around the *Janus* decision and continuing to charge fees that violate the spirit of *Janus*. Recently, an employee who opted out of WFSE membership received a communication notifying them that the deduction of "representation fees" ceased but on their next pay stub, they noticed that they were paying a new fee called "Maintenance of Membership."

This employee called the union again to have the fee removed. They also asked that the fee be credited, which many employees may not realize is an option. Apparently, there is only one person with this union who can perform that task and an employee would have to make the request to that person directly.

This is unacceptable. *Janus* gives employees – union members and non-members – the right to decide if they join a union or continue their membership. It does not give unions an excuse to levy new similar fees or to make it difficult for employees who need to rectify union actions.

It is also unacceptable that WFSE would slough the burden of compliance with *Janus* onto the employee. These tactics set the state up for future lawsuits. Union leaders should be notified by you immediately that this will not continue.

Just as the Office of Financial Management reached out by e-mail to union leaders on the very day of the *Janus* ruling, it would be a simple matter for you to reach out with another e-mail to those same leaders now. This email would advise them to accommodate fully state workers who may want to exercise their new freedom of choice resulting from the *Janus* decision.

You and I would agree that labor unions have helped bring about the passage of important reforms concerning pay and working conditions. I hope you would also agree with me that a worker should be able to associate with others, as in a union setting, by choice rather than by force or manipulation.

For that reason, I must repeat the point of my previous letter – that you and your negotiators clearly convey the need for full compliance with the *Janus* decision. State government recently lost \$53 million in federal support for Western State Hospital because of its inability to comply with a federal audit. I do not want to see noncompliance with the *Janus* decision result in a lawsuit that consumes more state resources.

Additionally, while I do not see any need to renegotiate collective bargaining agreements because of *Janus*, despite OFM's recommendation to do so, I do see this as an ideal time to open the collective bargaining of future agreements to public view. That way the people whose taxes pay state-worker salaries can be assured that your labor negotiators are working in their best interests, not the interests of organizations with a different agenda.

Respectfully,



Senator Mark Schoesler
Senate Republican Leader