

Good Afternoon Madam Chair, distinguished members of the NYS Legislature, Guests, and fellow NYS Public Employees:

I would like to take a moment to begin with a sincere thank you for facilitating these budget hearings. I know that these can be long and grueling; however, public hearings provide Citizens with the opportunity for our voice to be heard. For that, we are most appreciative.

I also want to give a shout out to the Governor for his ongoing commitment to stand with organized labor. Recognizing that the Janus Decision has a potential to wreak havoc, the Governor moved quickly to protect organized labor in NYS and for the future of the labor movement.

Significant changes were made to the Taylor Law that, in theory, would help Unions survive what has been dubbed 'free loaders'. This was touted as a big win for the Labor Organization.

But what about the Collective Bargaining Unit Employees who are not 'free loaders'?

Public employees provide outstanding services to all NYer's and beyond. From emergency services, family services, health services, financial services, environmental safeguards, and the technology to efficiently carry out these programs, your Public Employees are on the front line every day making sure NYer's are safe and that NY is open for business.

Since we only have a few minutes, and I could go on for hours about how fabulous our workforce is, I must focus my time on the potential impact that the proposed changes to the Taylor law will have on the public employees who are, by nature of employment with NYS, placed in Collective Bargaining Units.

Although the Budget has taken strong positions towards protecting the Public Sector Labor Organization, it falls short on safeguarding the fundamental rights of the Collective Bargaining Unit Employees.

I am very pro-Union. Labor Unions will always play a vital role in our State's work force. Representation, collective power, safe working conditions, fair treatment, and pride in the work we do are all workplace rights that we achieve and deserve. Unions are instrumental in sustaining a quality of life for working families.

I am a strong believer in 'Collective Bargaining' and the good it has done in securing the Collective Bargaining Agreements (CBA) that provide the necessary checks and balances between Labor and Management. The CBA is the blueprint for our negotiated terms and conditions of employment.

I am also a very strong advocate in making sure that every employee in any Collective Bargaining Unit is treated fairly, honestly and is represented without bias.

Public Employees must feel free to join, speak, and participate in shaping their terms and conditions of Public Employment. Without fear of the politics, interference or retaliation from the Union aka 'exclusive representative'.

Hence, the Taylor Law.

While the intent of the Taylor Law was to provide a mechanism to resolve conflicts between Individuals, Employers, and/or the Employee organization, recent changes have only taken into consideration the needs of the Labor Organization. Completely left out has been the Collective Bargaining Unit Employee.

We cannot simply sit back and make the broad assumption that just because a NYS Employee chooses to not 'join' a Union, that they are doing so because they want to 'free load'.

The misnomer perception of 'free loader' has caused a divide and conquer problem in the NYS Workplace. The Collective Bargaining Unit employee is ridiculed and called a 'free loader' when in fact, that is not the reason why he/she has determined that the Union is not a 'club' they want to belong to. Union v non-union has led to adversarial insolences toward each other in the workplace. This, in effect, has undermined the ability for collective action.

Didn't the Taylor Law provide the freedom of choice without retaliation?

Recent changes to the Taylor Law also took away the duty of fair representation from the NYS Employees who choose not to 'join' the Union. This has forced the NYS Employee to either 'join' the Union or give up representation. Most public labor organizations have made it clear, either join or we will not represent you. Labor Organizations touted this as a 'huge' win for themselves.

Answer these questions:

What if the reason the NYS Employee did not want to be a member of the Labor Organization was for reasons other than 'free loading'?

If the Labor Organization is the 'exclusive representative' how can the NYS Employee 'represent' themselves? When the CBA sets the terms of how a labor dispute can be grieved?

How can a CBA contract provide benefits for only those that choose to 'join' the Union, when a CBA is for the entire Collective Bargaining Unit?

Will the CBA be weakened because of this?

Had a more purposeful study been done, and all affected parties provided a safe place to discuss, we might not have had to sacrifice the duty of fair representation as it is today. Let's be frank here, a 'Contract Grievance' is much stronger than a 'Non-Contract' grievance.

We are not defending the perceived 'free loader' problem, rather we are encouraging a more robust discussion, that includes NYS Collective Bargaining Employees, not just the Union bosses, before any further changes are made to the Taylor Law. This will be the key to being successful in the survival of Public Sector Collective Bargaining.

In my opinion, I would argue that it is the Labor Organization that must self-reflect and understand the needs of the Collective Bargaining Unit Employees. It should be on them to understand why their membership has so much apathy. During the 2018 election of one of the largest white-collar Labor Organizations in NYS, over 87% of the Collective Bargaining Unit did not vote. (It is important to note that the Election is still under protest, investigation and review by the US Department of Labor).

Janus/Taylor Law Changes

We strongly oppose any further changes to the Taylor Law until an exhaustive study has been undertaken. We recommend that a panel be formed, and a formal report be provided to the NYS Legislature before any Legislative action is taken. The continuance of 'codifying' Labor Organizational rules in the Taylor Law could be construed as an unfair labor practice.

The Budget proposes changes to the Taylor Law that would make it an improper practice for a NYS Public Employer to disclose the home address, personal telephone, cell phone number, and personal email addresses for NYS Employees. Private, Personal and Identifiable (PPI) data. **We thank you.**

However, the Budget also proposes a change to the Taylor Law would **require**, at the request of the Union, that the State provide all Public Employee(s) name, address, job title, employing agency or department, and the work location for those employees in the Collective Bargaining Unit.

We adamantly OPPOSE the release of NYS Employee PPI data. Without codified guidelines as to how this NYS data can be used, you are potentially placing NYS Employees in harms way.

Of late, and I know that many of you sitting here have some awareness, there has not been such a harmonious relationship between a Union, aka the 'Exclusive Representative' and some of its Collective Bargaining Unit Employees.

As much as this is not the forum that we would wanted to discuss the recent data breaches from this particular NYS Union, we cannot sit silent. We must make sure that our NYS Employee data is not used for any other purpose other than what it is intended for. We need assurance that when NYS data sharing is proposed, that NYS takes the necessary steps to ensure that the data is secured and not used for inappropriately.

Before any such release of NYS Data is authorized to any outside entity there must be:

For the NYS Employee:

Ability for the NYS Employee to 'opt out' the release of their NYS employment data

Clear language of how the NYS Employee data can be used

Fund, established by the Labor Organization, to 'represent' employees who are breached

*The opt-out is a win-win. It prevents the appearance that the State is interfering with our existing Taylor Law right to choose by providing the Labor organization our employment data

For the Labor Organization:

Must certify that a comprehensive data security process is implemented

Access Controls, with auditing

Data will not be shared

Data will not be used for political purposes

Non -NYS Employees must have security training

Accountability to the Labor Organization if this data is breached

These are just the bare essentials that must be in place prior to any Legislation that release NYS Employee PPI Data. The proposed panel shall be empowered to seek experts that will draft the controls necessary to ensure data protection.

In as much as we must keep our Labor Unions strong, so we can continue to fight for the working people, we cannot ignore the democratic rights of the public sector employees.

There has got to be a balance between the 'Exclusive Representative' and the 'Collective Bargaining Unit Employees.

I know I am up against a labor wall, and will most likely be chastised and called anti-union. As I said earlier, I am very PRO-Union. I am against Union abuse.

Thank you for your time and consideration.

God Bless,

Nikki Brate
Citizen Brate
Nikki.Bratae@outlook.com