

**Oral Testimony of the Honorable Pete Ricketts,
Governor of Nebraska
U.S. House Education and the Workforce Committee Hearing on
Compulsory Unionization Through Grievance Fees
June 3, 2015**

Chairman Kline and members of the Committee, I thank you for examining the new and serious threat to state Right to Work laws from the National Labor Relations Board (NLRB). Should the NLRB's threat be carried out, the Board's actions would seriously impair employees' personal freedom, the economies of the 25 current Right to Work states, and the U.S. economy.

According to the Bureau of Labor Statistics, Nebraska has the lowest unemployment rate in the country at 2.5%. We know our right-to-work status contributes to that because it sends the right message to employers and employees.

When I was the President of Accutrade, a subsidiary of what is now TD Ameritrade, which is located in Omaha, we were considering expanding our operations which had the potential to employ several hundred people. We received a call from another state to move the call center there. Our company had a key question: are you a right to work state? The answer was no, and that was the end of the conversation. There is no doubt being a right to work state is a competitive advantage.

Last year, I was elected governor of Nebraska. Nebraska has a long history of standing up for freedom. In 1946, Nebraskans voted 60 percent to 40 percent to adopt a Right to Work law prohibiting compulsory union membership. This was even before Congress had passed the Taft-Hartley Act reaffirming the power of states to approve and enforce such laws.

Like the overwhelming majority of my constituents, I am a strong supporter of the nearly seven-decade-old Right to Work provision in Nebraska's Constitution.

Along with other likeminded Nebraskans, I will fight with determination against any and all federal attempts to undermine the power of states to protect employees within their borders from forced union affiliation.

Now, the NLRB is threatening to usurp the power of states and impose fees on free people through Board fiat. The board would grant private-sector union officials compulsory workplace grievance privileges. The intended consequences will undermine Right to Work freedom currently granted by Nebraska and 24 other states.

Requiring a nonmember to pay for the union's participation is unreasonable. And, it makes perfect sense that both the courts and the NLRB have up to now consistently barred Organized Labor from charging nonmembers in Right to Work states to get their grievances processed when union members can have their grievances processed for free.

But now the NLRB seems poised to do an about-face on its own precedents going back to 1953.

The NLRB's apparent eagerness to suddenly give a green light to forced grievance fees is especially disturbing to Nebraskans. Right to Work supporters in our state actually fought this battle a decade ago, and until the NLRB's proposed actions this spring we thought we had won.

In 2005 and 2006, top officers of the Nebraska AFL-CIO lobbied to enact LB230, a state measure very similar in its effect to what the NLRB is now proposing.

LB230 would have entitled Organized Labor to collect forced agency fees from non-union members. And it would have empowered union officials to sue workers who refused to pay for grievance services they were effectively forced to accept.

Supporters of the legislation managed to attach the language in LB230 to a high-priority workers' compensation reform bill.

But grassroots opponents, assisted by the National Right to Work Committee, kept fighting back. Finally, State Sen. Adrian Smith, who I am happy to say now represents Nebraska in the U.S. House, vowed he would lead a protracted fight to stop the workers' comp reform bill if it came to the floor with the forced-unionism language still attached. In the end, the forced grievance fees provision was not enacted.

Mr. Chairman, the 2005-2006 battle to defeat LB230 in Nebraska is a classic example of representative government in action. It will be unfortunate if the NLRB now chooses to bureaucratically override the will of the people.

This is an issue of precedence and states' rights. This is about the people I represent, who respect the right to organize and respect the right to decline.

Nebraska and 24 other states protect the rights of workers to handle their grievances as they see fit. This proposal is a

solution in search of a problem and would hurt individual rights, employers, and continued economic growth.

Thank you very much for the opportunity to testify.