



# WSLC

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# Legislative Update

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A weekly report from the Washington State Labor Council, AFL-CIO



# Worker Privacy Act ready for floor votes

## Business lobby engaged in desperate bid to retain compulsory indoctrination of workers on religious, political issues

Amid a legislative session dominated by debate about painful budget decisions, it was a worker-rights bill that inspired the most discussion at the Washington State Labor Council's 2009 Legislative Conference in Olympia on Thursday: the Worker Privacy Act.

"Workers should not be compelled to attend meetings about particular religious or political beliefs that they may not share," Senate Majority Leader Lisa Brown said, earning thunderous applause from the standing-room-only crowd of some 350 union members and leaders at the conference.

Brown was referring to the Worker Privacy Act (HB 1528 and SB 5446), which would allow workers in Washington state to choose whether or not to participate in employer communication on issues of individual conscience, including politics, religion, unionization, and charitable giving.

This week, the legislation was passed from the House and Senate labor committees after being amended to reaffirm that employers would retain their freedom of speech on *all* issues, including those of individual conscience. The difference under the Worker Privacy Act is that employers would not be able to force employees to participate in such meetings, or punish or fire those who choose to opt out.

Meanwhile, the business community's leather-soled legions of lobbyists in Olympia are doing everything they can to undermine support for the Worker Privacy Act. The Association of Washington Business is misrepresenting a flawed, cursory 3-page "informal opinion" written by a deputy in the Attorney General's office to be the final word in whether the legislation is preempted by federal law. They continue to claim "the Attorney General has concluded..." when the AG's web site indicates, "informal opinions should not be described or cited as 'Attorney General Opinions'... (they) should be cited as a letter or memorandum of the attorney who signed the opinion." In this case, the memo by Deputy Solicitor General Jeffrey T. Even is refuted by extensive legal analyses by the former General Counsel of the National Labor Rela-

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tions Board, Connecticut's Attorney General, and many legal scholars and experts who agree that states absolutely do have the right to enact such a law.

The Worker Privacy Act has already inspired thousands of emails, phone calls and letters of support to legislators. It has 47 sponsors in the House and 21 sponsors in the Senate, and plenty of votes to pass, according to vote counts by WSLC staff that have discussed the issue with legislators.

So it's time to step up the pressure for floor votes in the House and Senate. The cutoff day for bills to receive votes in the houses of origin is Thursday, March 12. Let's vote on it!

## Senate's one-sided U.I. reform bill needs fixing

This week, the Senate Labor, Commerce and Consumer Protection Committee advanced a major overhaul of the state's Unemployment Insurance tax system that would save employers hundreds of millions of dollars over the next few years. But it included almost no benefits for workers and, in fact, took a step backward in one area.

In its current form, SB 5963 is considered a "bad labor vote" for the WSLC legislative voting record. It is just bad policy to make a permanent structural change to the tax system without any corresponding permanent benefit change.

The WSLC and others have urged legislators to restore the benefit multiplier to 4.0, where it was for decades before being cut to 3.85 in 2005. (This means your weekly benefit is 3.85% of the average of your two highest-earning quarters.) If legislators "Restore to 4," U.I. benefits would increase \$8 to \$19 per week, costing \$20-30 million per year depending on unemployment levels. It would not be phased in until 2010,

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after the temporary \$45-a-week benefit boost, enacted as an economic stimulus, has expired.

Compare that to what businesses will save in U.I. taxes. The employers' own analysis finds that, in its current form, SB 5963 will save them up to \$583 million if unemployment continues at its current baseline, projected above 8% through 2012. If the economy plummets into the Worst Downturn Since the Great Depression™ -- with 10% unemployment rates out to the year 2015 -- they still save \$312 million in taxes between 2010 and 2015. Seems like making unemployed workers whole by restoring the traditional 4.0 multiplier, which costs \$20-\$30 million a year, is a fair and equitable change.

Adding insult to injury, SB 5963 also undoes an important Supreme Court decision granting the Employment Security Commissioner some flexibility in determining whether workers have quit their jobs for "good cause" and are due benefits. The court found a previous list of good-cause quits established in the labor-opposed U.I. reform of 2003 was too restrictive and unfair to workers in unique circumstances. Restoring that restrictive list in SB 5963 doesn't even save any money because commissioner discretion has been used so infrequently. It's just a matter of fairness.

The good news: on Thursday, Senate Majority Leader Lisa Brown told the WSLC's Legislative Conference, "We know that bill needs some more work."

So while we are hopeful that the Senate will restore some balance to this year's U.I. reform, it's important to **call the Legislative Hotline at 1-800-562-6000 and leave a message for your State Senator to OPPOSE SB 5963 unless it is amended to give workers permanent benefit increases alongside the employers' permanent tax cuts.**

## A major step forward on health care

Legislation passed the Senate Health and Long-Term Care Committee this week that encapsulates the vision of the state's Blue Ribbon Commission on Health Care and sets Washington on a course to achieve significant savings for consumers, businesses and the state government. SB 5945, sponsored by the committee's chair, Sen. Karen Keiser (D-Kent), would establish the Washington Health Partnership to:

- Commit Washington to working with the federal government to achieve the goal of guaranteeing secure, quality, affordable health care for all state residents by the year 2012;
- Seeks a federal waiver that would allow the state to offer coverage—through an Apple Health program—to adults in families with incomes up to 200% of the federal poverty level;
- Consolidate state purchasing of health coverage and streamline administration;
- Examine the health reform proposals studied by Mathematica (five comprehensive health care reform proposals commissioned to be studied in 2008's SB 6333) and selecting

one, or a combination, for consideration.

SB 5945 positions Washington to take full advantage of federal money that is part of President Obama's economic stimulus legislation. Those additional federal matching dollars for Medicaid will help preserve our state's health care safety net: the Basic Health Plan, public health and children's health programs, long-term care, mental health or family planning.

Union members and other supporters of affordable, accessible health care are urged to support SB 5945 and other important legislation at the **Healthy Washington Coalition's Lobby Day on Wednesday, March 11**. The HWC is a coalition of unions, businesses, health care providers, consumer groups and others who support this goal. Learn more and RSVP to attend the Lobby Day at [www.HealthyWACoalition.org](http://www.HealthyWACoalition.org).

## State's only labor college on chopping block

Another issue that created quite a buzz at the WSLC Legislative Conference this week was the fate of the state's only labor college, the Labor Education & Research Center at The Evergreen State College. It is the only statewide higher education outreach program providing direct educational and research services to labor unions and worker-centered organizations. And it's on the legislative chopping block.

There are countless publicly funded institutions in Washington whose mission is to train the next generation of business managers and executives. These business colleges teach tomorrow's management to treat labor as a mere cost that needs to be contained in order to maximize profits.

Yet it's the Labor Center, the one college in Washington that empowers workers to learn and exercise their rights, that faces elimination. And, as the WSLC reported earlier this week on our web site, there is evidence the targetting of the TESC Labor Center is being prompted by the right-wing Landmark Legal Foundation as part of a national campaign to eliminate funding for labor colleges across the nation.

The WSLC will keep you informed of this developing story as state budget talks progress.

## Organized labor is "part of the solution"

Rep. Steve Conway (D-Tacoma), Chairman of the House Commerce and Labor Committee, reminded those assembled at the WSLC Legislative Conference of something President Barack Obama said recently: "I do not view the labor movement as part of the problem. To me, it's part of the solution."

We hope state lawmakers share the president's philosophy as they address the challenges of the 2009 legislative session. Washington's labor movement is fighting for policies that empower the state's citizens to improve their lives. It's people, not profits, that will lead the way to better times ahead.