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Paycheck Protection Back Again in the Form of a Constitutional Amendment

Anti-union forces in Pennsylvania are seeking to undermine public sector unions through a proposed amendment to the Pennsylvania Constitution that they deceptively refer to as “Paycheck Protection.” As is often the case with proposals advanced by those hostile to workers’ rights, the name of this proposal is intentionally deceptive because it has absolutely nothing to do with protecting anyone’s paycheck. Paycheck Protection is designed to weaken the organized labor movement by eliminating automatic payroll deduction of union dues, fair share fees, and political contributions for state and public school employees.

In both the public and private sector, union dues are typically collected through automatic payroll deduction. The administrative cost to maintain automatic payroll deduction is very minimal and it ensures that union dues are always paid on-time. The Pennsylvania Treasury estimates that automatic payroll deduction for union dues costs the state a mere \$100 per year. Collecting union dues through payroll deduction works well because it is a convenient method for members to pay union dues and make political contributions.

If this amendment passes, unions for state and public school employees would be prohibited from collecting union dues and political contributions through automatic payroll deduction. Rather than focusing on the fight for workers’ rights, unions would be placed in the uncomfortable position of having to act as a bill collector against their own members when they fail to pay dues in a timely manner or have insufficient funds in their bank account. Members would also be inconvenienced because they would need to write a check for union dues and political contributions every pay period or sign-up for automatic debit from a bank account.

Although similar legislation has been proposed before, this is the first time efforts have been made to enact Paycheck Protection through the constitutional amendment process. In order to amend the Pennsylvania Constitution, a bill must be passed in two consecutive legislative sessions and then the proposed amendment must be approved in a voter referendum. Unlike ordinary legislation, a constitutional amendment cannot be vetoed by the Governor. As Governor Tom Wolf has indicated that he will veto Paycheck Protection, proceeding through the constitutional amendment process allows the proposals’ advocates to avoid a veto. Furthermore,



the extended process required to amend the Constitution would make it more difficult to undo Paycheck Protection in the future.

On Monday, February 23, 2015, Paycheck Protection advanced from the Pennsylvania Senate's State Government Committee by a 6-5 vote. When Paycheck Protection was brought before the full State Senate, it narrowly failed to pass by a vote of 24-24. However, the State Senate kept the proposed amendment alive by voting 29-19 a short time later to reconsider it at another time. Given how close Paycheck Protection came to passing in the Senate, there is a good chance that the proposal will pass when it is reconsidered. As such, it is critically important for union members to contact their State Senators and Representatives to urge them to vote against Paycheck Protection. JPI will keep Joint Council 40 updated regarding any new developments involving this matter.

Respectfully submitted,

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