

# Right To Work Legislation in Indiana

Fort Wayne Sertoma Club

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# MIKE DOWNS CENTER FOR INDIANA POLITICS

The Mike Downs Center for Indiana Politics is a non-partisan organization that tries to help people understand the role of politics and government in their daily lives.

By doing this we hope to encourage participation in political and public processes.

# Disclaimer

I am not an expert in labor law generally or the right to work issue more specifically. This talk is more about the politics of the issue than the merits of the issue.

# Outline

- What is right to work?
- Legislation in the 2011 session of the Indiana General Assembly
- Summer Study Committee
- How bills become laws

# Right To Work

- Free Rider
  - Those who refuse to pay for a public good but receive its benefits just as much as those who are willing to pay for it.
  - Voluntary groups face this problem because potential members can gain the benefits of the group's actions whether they join or not.

# Right To Work

- Labor organizations were able to deal with the free rider problem through requirements to join a union if the place of employment was unionized.
- Taft Hartley Act (1947): Allowed states to adopt legislation that outlawed the mandatory joining of a union (22 states have done so as of September 2011)

# Right To Work

- Supporters of right to work legislation claim:
  - It will improve the per-capital income of Indiana workers (Indiana Chamber of Commerce)
  - It is favored among Hoosiers by a margin of 3 to 1 (Indiana Chamber of Commerce)
  - Adoption of right to work in 1977 would have resulted wages being \$2,925 higher by 2008 (Dr. Richard Vedder)
  - Adoption of right to work in 2011 would result in wages being \$968 higher in 10 years (Dr. Richard Vedder)

# Right To Work

- Those opposed to right to work legislation claim:
  - wages in right to work states are 3.2% lower than wages in non-right to work states (Economic Policy Institute)
  - workers in non-right to works states are slightly better educated than workers in right to work states (Economic Policy Institute)
  - Growth in personal income in right to work states was greater before the passage of right to work legislation (Higgins Labor Studies Program)
  - Overall poverty and child poverty rates are higher in right to work than in non-right to work states (Pennsylvania AFL-CIO)



# Right To Work

- National Right To Work Legal Defense Foundation: <http://www.nrtw.org/>
- National Right To Work Committee: <http://www.right-to-work.org/>
- Bad For Indiana: <http://www.badforindiana.org/>
- Economic Policy Institute: <http://www.epi.org/>

# Right To Work

- Cautionary notes
  - It may be impossible to know the full effects of right to work legislation and therefore each side will be able to find supporting evidence and make their case convincingly.
  - The data and arguments presented during debates do not provide the answer to whether or not right to work legislation is a good or bad idea, they provide evidence that helps people make a decision about right to work legislation.

# 2011 Legislation

- In 2011, there were at least 3 pieces of right to work legislation introduced in the Indiana General Assembly (HB 1043, HB 1468; SB 395). None of them passed. They were very similar.

# 2011 Legislation

- HB 1468 would have
  - made it a Class A misdemeanor for an employer to require an individual to:
    - become or remain a member of a labor organization;
    - (2) pay dues, fees, or other charges to a labor organization; or
    - (3) pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment.
  - Established a separate private right of action for violations or threatened violations.
  - Exempted individuals employed in the construction industry, employed by the United States, or subject to the federal Railway Labor Act

# 2011 Legislation

- Four possible reasons no legislation passed
  - It is not easy to pass legislation (10.8% bills passed in 2011; slightly lower percentage than other years)
  - While there are plenty of examples and there has been much research done on the issue, the effects in Indiana of the proposed legislation was not studied carefully before the session.
  - The Governor is supportive of the concept of right to work, but he did not support the introduction and passage of legislation in 2011.
  - In order to get the Democrats to return to Indianapolis, the issue had to be taken off of the table.

# 2011 Study Committees

- There is an interim study committee gathering data about right to work.
  - They have met 2 times (7/26 and 9/7) and will meet again on October 6<sup>th</sup> at 8:00 AM in the Senate Chambers of the Indiana State House.
  - Information about the study committee can be found at <http://www.in.gov/legislative/interim/committee/empl.html>

# Legislative Process

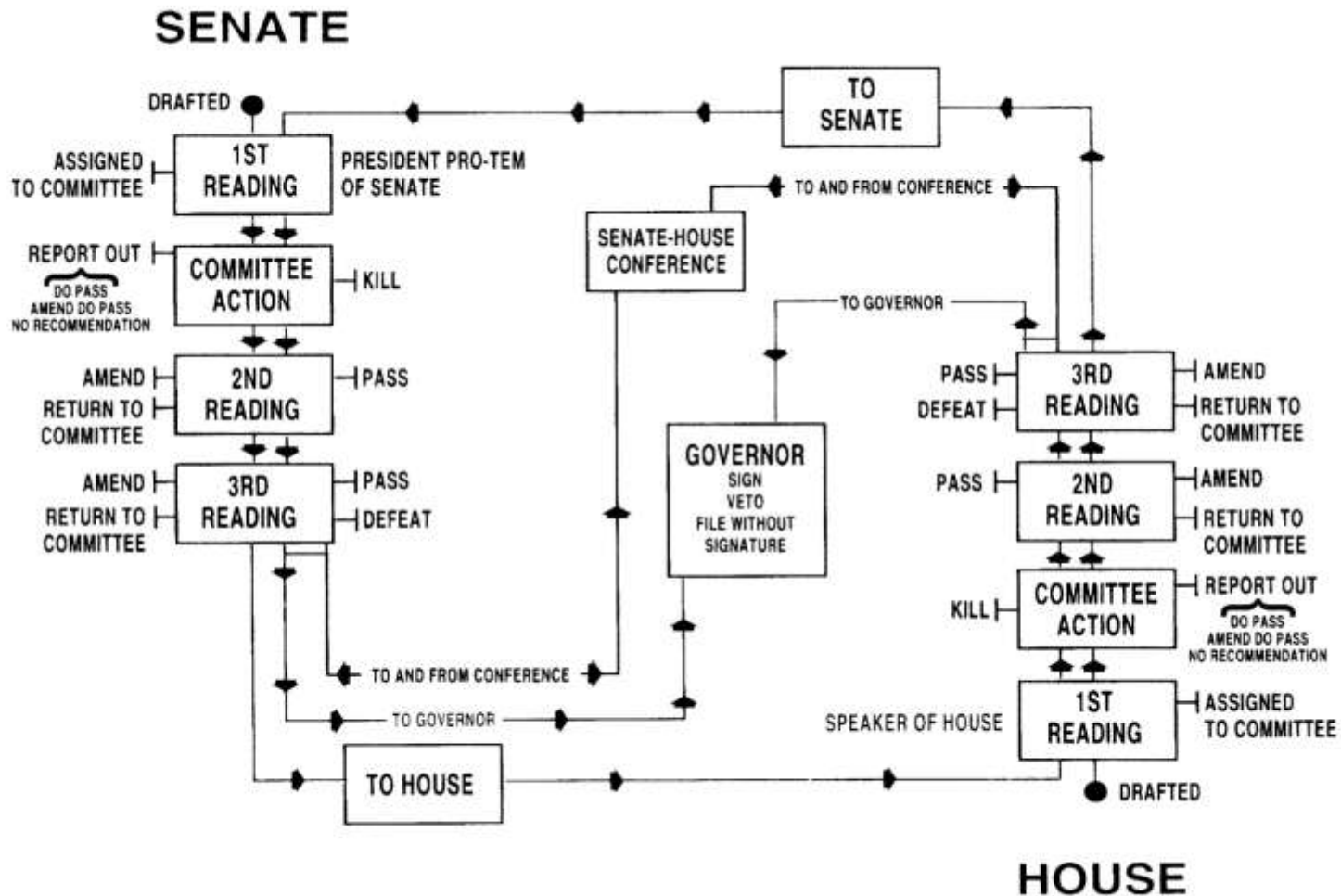
- Who writes the laws?
  - Legislators do not
  - Citizens and residents do not
  - Lobbyists do not
  - Office of Bill Drafting and Research of the Indiana Legislative Services Agency

# Legislative Process

- When do laws get passed?
  - Organization Day is the 3<sup>rd</sup> Tuesday after the 1<sup>st</sup> Monday in November
  - Sessions can begin any time after Organization Day, but must begin by the 2<sup>nd</sup> Monday in January
  - Long session must end by April 29<sup>th</sup> (odd-numbered years)
  - Short session must end by March 14<sup>th</sup> (even-numbered years)



# How a Bill Becomes a Law



Source: *Here Is Your Indiana Government 2009-2010*.  
Indiana Chamber of Commerce

# “Lobbying”: What Can I Do?

- Prepare for a long battle
- Build a coalition of interested parties
- Research issues and their costs
- Find out what the Indiana Code says
- Find out if the legislature has done anything regarding this subject
- Analyze previous activities

# “Lobbying”: What Can I Do?

- What you are doing is providing information to legislators and administrators
- Identify members of both political parties in both chambers to approach about support
- Identify what is in it for them (whoever “them” is)
- Recognize and accept that many decisions about legislation are not made in committee meetings
- Don’t get greedy

# “Lobbying”: What Can I Do?

- Communicate with legislators
  - Know what they have done even if it is unrelated
  - Thank them for their efforts
  - Be brief
  - Give them a concise handout
- Methods of communication
  - In-person
  - Telephone
  - E-mail
  - Letters

# “Lobbying”: When should I do it?

- Meet with legislators when the General Assembly is not in session
  - One-on-one
  - In a group
  - With other groups
- Attend study committee meetings
- Provide information to study committees
- Testify at study committee meetings
- If the General Assembly is in session
  - Stick to the basics
  - Know the deadlines (e.g. deadline for a Senate Bill to have a third reading in the Senate)



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# Internet Research

1. [www.in.gov](http://www.in.gov)
2. Click on “Legislative” on the right side of the screen
3. Click on “Bills and Resolutions”
4. If you want to search for a specific bill, click on “Overview”
  1. House bills = hb xxxx
  2. Senate bills = s xx or s xxx
5. If you want to search by subject, click on “Subject Listing”
6. There are other ways to search such as “Legislation by Legislator”

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3. Click on “General Assembly”
4. Click on “Study Committees” on the left side of the screen