

Right to work benefits not clear

Labor sees faltering influence, proponents see business upside

By Pamela Pritt Register-Herald Reporter Jan 24, 2016

CHARLESTON — A right to work law is making its way posthaste through the West Virginia Legislature and will land soon on Gov. Earl Ray Tomblin's desk — ready for a potential veto and a veto override.

With a narrow 17-16 vote, Senate Republicans claimed victory on the first of their agenda bills, which also include repealing the state's prevailing wage and creating charter schools.

Right to work — which has been dubbed “Workplace Freedom” here — means employers cannot require union membership at their businesses and, thus, unions cannot collect fees and dues from those workers who choose not to join their membership. The bill carries criminal penalties for business owners who order their employees to belong to a union. Fines range from \$50 to \$500 a day.

According to the National Labor Relations Board, non-union workers are still protected by the union and enjoy the benefits that union leaders negotiate for their membership. That's the law. The 1947 Taft-Hartley Act passed by a Republican Congress ensures that all individuals have the right to decline union membership, but still receive the benefits. Non-union members are required to pay “agency fees” to the union to cover the cost of union negotiations.

So right to work or Workplace Freedom already exists, guaranteed for nearly 70 years. Proponents of newer right to work laws say they boost economic development by attracting business to the state, while those who oppose the measure say it's only about further eroding unions' power and increasing company profits.

Republicans are rolling the dice with right to work, a bill backed by the state Chamber of Commerce, the West Virginia Business and Industry Council and the American Legislative Exchange Council (ALEC), all conservative groups. Union members, who typically support Democratic candidates, are responding with boots-on-the-ground participation in their government, showing up for committee meetings and floor sessions and holding a rally that packed the State Capitol rotunda on two floors while chanting “Right to work is wrong.”

The trouble with researching the effects of right to work laws is that the great glut of research is funded by either conservative business groups or union supporters. They get what they pay for. Reading those studies makes it hard to determine with any certainty if the law will improve West Virginia's economic landscape or further lower wages in a state that already trolls the bottom of the nation's average income.

But that piece of information may provide a clue to the impetus behind right to work laws. Business-oriented groups focused on profit-making have an agenda when it comes to right to work. Unions battle that with a one-track focus in keeping their membership well-paid and

well-benefited, as well as working in safe conditions.

‘\$10 an hour less’

Barry McCoy of Prosperity provides some personal insight into real-life experience with right to work. McCoy is an electrician who belongs to the International Brotherhood of Electrical Workers Local 466. He’s a self-described “gypsy” worker who travels in four states — both right to work and nonright to work — for contract jobs. Last year, he had a job in North Carolina, which has right to work, on a Google data center.

“In North Carolina the wage scale was \$10 an hour less than in West Virginia,” McCoy, 61, said. “The job conditions were bad.”

He said the “hurry up and get it done” attitude swept aside the safety preventative measures he was used to on a job of that size or any job in West Virginia.

McCoy thinks that well-funded, outside influences have taken the reins of West Virginia’s government. He said he didn’t remember Republican candidates in 2014 talking about the issues on their agenda now.

“But when they get in there, Bill Cole starts talking about (repealing) prevailing wage and right to work. That wasn’t what we were told during the campaign,” McCoy said.

Cole, R-Mercer, is Senate president and the lead sponsor of the right to work bill.

“No matter how many studies you look at, there’s nothing that proves being a right to work state attracts employers,” said Ken Hall, general secretary and treasurer of the Teamsters Union. “This is not an issue that is good for West Virginia. This is absolutely, clearly being promoted by out-of-state interests, wealthy people and corporations to increase their profit.”

Hall said state Republican leaders invited the Heritage Foundation, a conservative think tank, to come to West Virginia to promote right to work. According to sourcewatch.org, the Heritage Foundation receives funding from Charles and David Koch, Kansas billionaires, who also are “key funders” of the American Legislative Exchange Council (ALEC).

In fact, Hall said, ALEC provides draft legislation, and a comparison of its draft with SB1, the West Virginia bill, finds it “straight out of the playbook.”

“It’s almost word for word,” he said. “Frankly, they’re just spreading propaganda that is not fact-based and they want to increase their profit levels. That’s all this is about.”

Hall said he had no problem with CEOs and investors who have greater responsibility or who have taken risks to make more money than the average worker. “But the fact is from 1970 to today, we’ve seen CEO pay increase from 24 times the rate of an hourly worker to 337 times the rate of an hourly worker.”

He thinks the law will slowly erode unions, as younger workers don't understand a union's value.

"It's a pocketbook issue," Hall said, because if workers can get the same benefits without membership, they won't choose to belong to a union. "Right to work weakens the union. There's no question what this is about and that's what corporate America wants to do," he continued.

He said lowering the unions' revenue will mean fewer representatives, which will mean weaker negotiations and, eventually, lower wages.

Hall cites statistics that say of the eight states with the highest unemployment rates of 6 percent or higher, five are right to work states as are seven of the 10 states with the lowest annual personal income and highest poverty rates.

'We're in last place in almost everything'

But West Virginia falls into those same categories without right to work.

"We're in last place in almost everything and those of us that love it here, and there are a lot of us who love it here, we just really want to see change," said Danielle Waltz of the West Virginia Business and Industry Council. "What we've been doing hasn't been working."

Waltz said the BIC conducted forums around the state and in every region, economic development directors or business leaders brought up right to work.

"Several of the economic development directors said it was absolutely a critical piece when they were trying to get businesses to come to West Virginia," she said. "(They said) some of them would not come here without this law being on the books."

Waltz said right to work is a "piece of the puzzle" in improving the state's economic climate. After Kentucky passed its right to work law, Warren County saw an increase of 5,000 jobs, she said.

"Will that exact thing happen here? There's no way to tell," she said. "We take down the hurdle to those companies that won't come here and we give that tool to all of our economic development people to go back to those companies who they know (wouldn't) deal with them."

Waltz said BIC has a simple philosophy.

"The best thing we can do for West Virginia workers is provide them a job," she said. "We're taking a look at a policy that has created jobs in other locations. We have to take a look at it."

It's a philosophy shared by Senate Majority Leader Mitch Carmichael, R-Jackson, who said he believes right to work will mean more jobs in the state, noting "everything starts with a job."

He said the law won't prevent anyone from joining a union or paying dues and won't impede

collective bargaining.

“I want people to be able to go to websites or want ads in newspapers and open them up and see opportunity, and whether or not they’re union jobs really doesn’t concern me,” Carmichael said. “We’re not here to create union jobs; we’re here to create jobs.”

“They’re being attacked’

That’s what concerns Kenny Perdue, president of the West Virginia AFL-CIO. Non-union jobs typically pay less, and although he thinks the erosion of unions in this state will be slow, membership will eventually dwindle until the unions have less power to bargain on behalf of workers.

“Union workers have to — have to — understand what’s going on,” Perdue said. “They’re being attacked; it’s critical for them to stand up and speak. They have to get registered to vote and vote for the right person.”

Perdue said union laborers have to see past emotional issues like gun control, same-sex marriage and abortion, and vote in their own self-interest.

“That’s a trap designed by the GOP to lure so many people, and they go in willingly,” Perdue said. “The only thing they’re voting on does not put bread on the table, feed the kids or send them to school.”

SB1, The West Virginia Workplace Freedom Act, moves to the House of Delegates Monday, where it will be assigned to a committee. With a 64-36 Republican majority, the bill is likely to have an easy ride to passage in the House. Since the appointment of a Republican to replace Daniel Hall, who resigned from his seat this month, the GOP has a clear majority, albeit narrow, and can override a veto if Gov. Earl Ray Tomblin takes that route.

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