

2020 State & Local Candidate Questionnaire

International Brotherhood of Teamsters

I. Candidate Information

Name _____

Office Sought _____ District (if applicable) _____

Campaign Address _____

Campaign E-mail _____ Phone _____

Teamster Joint Council/Local Union _____ State _____

Please answer the following questions:

Labor Law & Standards

I. Right-to-Work

In state houses across the country, anti-worker groups are advocating enactment of Right-to-Work laws in an effort to weaken workers and their unions. These laws are sometimes introduced under the guise of other deceptive titles, such as Employee Rights Act or Workplace Freedom Act. What is forgotten is that unions exist in a workplace only when a majority of the workers freely choose a labor organization to represent them.

Right-to-Work advocates claim that passage would mean economic benefit for workers at the state and local level, but evidence indicates otherwise. In Right-to-Work states wages are substantially lower, fewer workers have health care coverage, and there are higher rates of workplace injuries and fatalities.¹

If elected, would you support or oppose Right- to-Work legislation?

Support Oppose

“Fair Share” legislation protects contracts and strengthens negotiations while giving workers the choice to abstain from union membership by requiring non-members to pay a service fee for representation by a collective bargaining unit.

If elected, would you support or oppose Fair Share legislation?

Support Oppose

II. Paycheck Deception

By wide margins, union members of all political backgrounds say they want their unions involved in the issues that affect their lives. Members know that if working families are without a strong political voice, anti-worker forces – which already outspent working families by 15-to-1 in the 2016 mid-term elections – will be free to eliminate important worker protection programs.²

However, anti-worker forces are not content to simply outspend union members and are constantly working to further tilt the political playing field more to their advantage. State legislation has been introduced across the country to restrict the ability of unions to collect and spend funds for a variety of purposes, including legislative and political education.

If elected, would you support or oppose restrictions on the use of union funds for political and legislative activities?

Support Oppose

If elected, would you support or oppose legislation to prohibit automatic dues check-off for labor union dues?

Support Oppose

III. Collective Bargaining & Union Rights

Over the last five years, American workers witnessed an unprecedented attack on their rights, most notably in public employees' right to collectively bargain. In states across the country, elected officials attempted to pass (and in some cases, were successful) legislation to limit collective bargaining rights for public employees and their unions.

If elected, would you support or oppose workers' rights to collectively bargain with both public and private entities on issues including, but not limited to, healthcare and pensions?

Support Oppose

Union recertification legislation seeks to undermine negotiated agreements by interrupting the contract term with annual votes to recertify the union as the exclusive bargaining agent for represented employees. This process diverts union resources away from representation and contract enforcement towards the administrative costs of an annual recertification process. This legislation also creates a high hurdle for securing and sustaining a workplace union by requiring a majority affirmative vote of *all* members in the bargaining unit to sustain certification, meaning a non-voter is effectively treated as a “no” vote in the recertification process.

If elected, would you support or oppose legislation requiring periodic union recertification?

Support Oppose

When a majority of workers say they want a union, employers routinely threaten employee rights with a campaign of coercion, harassment, and firings. Academic studies suggest 89% of employers force employees to attend closed-door captive audience meetings to hear anti-union propaganda; 64% of workers are interrogated about how they and their coworkers are going to vote; and, 57% threaten to shut down if employees join together in a union.³ Even after workers win a National Labor Relations Board election to form a union, one third still fail to gain a first contract.⁴

If elected, would you support or oppose urging employers to remain neutral during employee organizing campaigns?

Support Oppose

If elected, would you support or oppose legislation prohibiting mandatory captive audience meetings by employers during union organizing campaigns?

Support Oppose

The Teamsters Union believes it is wrong to use public funds to subsidize an employer's cost related to influencing their employees' decision to form or join a union. State resources should not be used to either deter or support organizing efforts by organized labor.

If elected, would you support or oppose legislation prohibiting holding meetings against unionization on state property or while employees are performing work on state service or public works contracts?

Support Oppose

IV. Worker Misclassification

Workers are afforded certain benefits and protections under the law by being classified as employees. In some cases, employers attempt to shirk their responsibility to workers by misclassifying them as "independent contractors" or "owner-operators". As a result, misclassified workers are not entitled to overtime, Social Security protections, health care coverage, paid leave (vacation and sick), employer pension plans, workers' compensation, unemployment insurance, the right to organize, legal protections from discrimination and safety and health violations, and other rights that would be afforded them if they were classified as employees. These bad-acting employers also cheat the federal and state governments out of billions of dollars a year in income and employment tax revenue –billions at the state and federal level annually⁵ – and put law-abiding employers at a competitive disadvantage.

If elected, would you support or oppose legislation that would crack down on bad-acting employers who misclassify workers as independent contractors?

Support Oppose

V. Little Davis-Bacon/Prevailing Wage

Several states have enacted legislation modeled after the 1931 federal Davis-Bacon Act that requires the payment of prevailing wages on state government-funded construction projects. These “Little Davis-Bacon” laws assure local contractors who uphold prevailing rates of pay in a geographic area a fair chance to compete for government projects without being undercut by outside firms using cut-rate labor. They also protect the government from fly-by-night operators seeking to win state contracts by paying wages too low to attract capable craftsmen.

If elected, would you support or oppose legislation enacting “Little Davis-Bacon” in your state, if no such statute exists?

Support Oppose

VI. Project Labor Agreements

Project labor agreements (PLA’s) are negotiated between project owners (or government agencies or construction management firms) and unions before a project starts or workers are hired. Congress recognized the value of these pre-hire agreements when they were made lawful under amendments to the Taft-Hartley Act. The terms of the agreements can vary by project, rules, working conditions, hiring practices, and methods for settling disputes – usually with the stipulation that there will be no strikes by labor and no lockouts by management.

For gubernatorial, mayoral, and county executive candidates:

If elected, would you initiate the negotiation of a PLA on projects to be built in your city, county, or state?

Yes No

If elected, would you invite labor union representatives to participate in pre-job negotiating meetings?

Yes No

VII. Unemployment Insurance

The Unemployment Insurance (UI) system is often referred to as the “first line of defense” in the event of a recession, not just because it is relied upon to provide income support when

needed to unemployed workers but also because the money invested in UI benefits during a recession significantly boosts and stabilizes the economy. However, due to outdated rules, most unemployed workers do not collect UI, and those that do collect do not receive sufficient funds or the training necessary to return to the workplace. In addition, since 2011, anti-worker elected officials throughout the country have worked to decrease benefits for unemployed workers.

If elected, would you support or oppose legislation to expand UI eligibility to low-wage, part-time, and seasonal workers (e.g., school bus drivers)?

Support Oppose

If elected, would you support or oppose legislation to boost the value and length of UI benefits?

Support Oppose

If elected, would you support or oppose legislation to extend benefits for workers in training programs and increase the number of state-funded training programs?

Support Oppose

VIII. Paid Sick Leave

Nearly four in 10 private sector workers and 80 percent of the lowest-wage workers do not have paid sick days to care for their own health, and millions more don't have paid sick days to care for a sick child.⁶ For these workers, the decision to take time off from work to recover from an illness or to care for a sick child or family member is a choice between their health and their financial security. Workers need a paid sick days standard that gives them the economic security to stay home when sick, when they need to see a doctor, or when a family member needs medical care.

If elected, would you support or oppose legislation to ensure employees receive earned paid sick days?

Support Oppose

IX. Workers' Compensation

The Teamsters believe that workers have the right to adequate health care and financial compensation when injured at the workplace; however, those rights have been under attack at the state level. Since 2003, legislators in 33 states have passed workers' comp laws that reduce benefits or make it more difficult for those with certain injuries and diseases to qualify for benefits and in 37 states, workers can't pick their own doctor or are restricted to a list provided by their employers. The use of "Independent Medical

Examiners (IMEs)” leads to findings favorable to the employer or insurer who has hired them, and in some states IMEs do not even have to perform an actual physical exam on an injured worker.⁷ State agencies can provide a mechanism for appointing IMEs to ensure appropriate oversight exists to protect workers.

If elected, would you support or oppose legislation allowing injured workers to select their own medical providers?

Support Oppose

If elected, would you support or oppose legislation that would provide a fair and equitable mechanism for appointing IMEs?

Support Oppose

If elected, would you support or oppose legislation to increase workers’ compensation benefits to injured workers?

Support Oppose

Public Sector Issues

I. Retirement Security

The Teamsters Union proudly represents more than 270,000 employees in the public sector across the country, including many law enforcement officers, public health care workers, and school employees. On average, state and local public employees earn **7% less in wages and benefits** than their private sector counterparts.⁸ Moreover, a vast majority of state and local public employees are required to make mandatory contributions towards their pensions. Since the recession in 2009, more than 35 states have increased required employee contribution rates for retirement benefits.⁹ Despite public employees’ contributions to our communities and their own retirement security, elected officials and their political allies have attempted to demonize them as the cause of the country’s recent economic struggles. These same elected officials have often ignored penalizing those actually responsible for the recession and neglected to fulfill their obligation to public pension retirement security.

If elected, would you support or oppose efforts to protect public employees and their retirement from unfair attacks?

Support Oppose

If elected, would you support or oppose efforts to ensure that public entities fulfill future pension obligations to public sector employees?

Support Oppose

In an effort to skirt a state or municipality's pension obligation, elected officials are often attempting to shift employee retirement systems from a Defined Benefit (DB) pension system to a riskier Defined Contribution (DC) program; one that compromises retirement security of workers to the whims of Wall Street traders.

If elected, would you support or oppose efforts to shift current public employees to a Defined Contribution retirement system?

Support Oppose

If elected, would you support or oppose legislation requiring public employee union recognition when a majority of employees choose to form or join a union?

Support Oppose

If elected, would you support or oppose efforts to put new public employee hires into a Defined Contribution retirement system?

Support Oppose

II. Privatization of Public Services & Assets

As states continue to face the worst economic crisis in generations, the privatization of public assets remains an attractive option for yielding immediate revenues. Despite an initial cash infusion into state and local budgets, these proposals are often short-sighted, and public bodies lose control of revenue-generating assets or have a limited, if any, role in the execution of privatized contractual services. Private entities typically focus on increased revenues from these assets and ignore safety and employee concerns that may arise. Public employees who performed these services face potentially losing their jobs to less-skilled workers, and collective bargaining units may be dissolved in the execution of these deals.

If elected, would you support or oppose state efforts to privatize public assets that would provide short-term funding but compromise the long-term safety of our communities?

Support Oppose

III. Responsible Bidding

Employees performing work under a state or local government contract deserve wages, benefits, and protections that will allow them to support their families and not have to turn to

public assistance in order to do so, which ultimately costs state and local governments even more in the long run. Some state legislatures have already taken the initiative by requiring that contracts be awarded to the lowest responsible bidders, whose bids include such provisions as labor peace, payment of the prevailing wage or a livable wage, health care benefits for employees, and worker retention, whereby employees working under the previous contract are offered positions under new contracts.

If elected, would you support or oppose legislation that would require state and local government contracts be awarded to the lowest responsible bidder?

Support Oppose

IV. Budget Priorities

Facing the most difficult economic conditions in generations, state and local elected officials are being forced to make a number of difficult decisions about budgets and ever-growing gaps. In some instances, these same officials are considering instituting draconian caps on revenue and expenditures despite the need to invest in infrastructure, education, and healthcare for the most vulnerable citizens of those communities.

If elected, would you support or oppose legislative efforts to institute caps on revenues and expenditures?

Support Oppose

Free Trade Agreements

For nearly three decades, free trade agreements between the United States and partnering nations have had a disastrous impact on state and local economies and our communities as a result of the outsourcing of millions of American jobs. What's worse is that these agreements, often negotiated behind closed doors, pre-empt state and local policies on a number of issues, ranging from environmental standards to financial institution regulations. Currently, the United States Congress has the ability to review and amend these trade agreements in advance of implementation, but this small amount of transparency is at risk.

If elected, would you support or oppose the creation of a state and/or local trade review commission which examines future trade agreements' impact on workers and communities in your state?

Support Oppose

Rail Issues

The following questions are for candidates for the state legislature.

I. High-Speed Rail

The Teamsters Rail Conference believes that jobs created by federal high-speed rail funds must be safeguarded for railroad workers and wants to ensure that all workers in the project are covered by federal laws relating to railroad workers, including the Railway Labor Act, Railroad Retirement Act and the Federal Employers' Liability Act. All workers on a high-speed railroad system must be considered to be railroad workers and be entitled to all of the rights and privileges conferred by that distinction. To ensure the safety of high-speed rail, any system built must be considered a railroad carrier under the existing law, so that federal law protects the workers and the communities that high-speed rail runs through.

Safety is the key to any high-speed corridor, and the Teamsters Rail Conference believes that any high-speed train that runs in this nation must be operated by federally certified locomotive engineers and trainmen (conductors) on roadbeds constructed, inspected and maintained by maintenance of way employees who already build, inspect, and maintain our nation's railroads because they are highly skilled and well trained, and they must remain on the job to ensure that our nation's passengers and public are kept safe.

If elected, would you support or oppose legislation requiring that workers on any project funded by a high-speed grant must be covered by all applicable federal railway labor and safety laws?

Support Oppose

II. Commuter Rail

Railroad workers are covered by federal laws including the Railway Labor Act, Railroad Retirement Act, and the Federal Employers' Liability Act. In recent years, we have seen these rights come under attack during the creation of new passenger/commuter rail systems as well as those on existing rights of way. In several instances, states purchase rail corridors, buy insurance for those corridors and assume responsibility for damages caused by accidents on those corridors. The newly created rail entity then arbitrarily classifies employees of railroads performing services under contract with or on the behalf of the entities as employees of the state or contractor employees operating on the line. By making the employees state workers or contractor employees, these newly created entities deprive railroad workers of their historical rights under numerous federal statutes, including the federal legal right for railroad workers injured during the course of their employment by a railroad's negligence to recover damages. The workers on these lines lose their jobs or suffer a significant reduction in wages, benefits, and working conditions in such situations.

The Teamsters Rail Conference believes that all workers on these systems are and should be treated as railroad workers.

If elected, would you support or oppose legislation requiring that workers employed on any commuter rail project created by federal funds must be covered by all applicable federal railway labor and safety laws?

Support Oppose

If elected, will you support state legislation to create dedicated funding for the development, improvement and advancement of passenger rail service?

Support Oppose

III. Two Person Crew

Recent accidents involving the transportation of oil and other hazardous materials by rail have highlighted the need for safer operations in the railroad industry. The Teamsters Rail Conference believes that a critical safety component of these operations is mandating that a certified locomotive engineer and a certified conductor be on the crew of each freight locomotive.

If elected, would you support or oppose legislation mandating two crew members, a certified locomotive engineer and a certified conductor, be on every freight locomotive?

Support Oppose

IV. Crew Van Regulations

Railroads often use the services of outside vendors, referred to as contract carriers, to transport crews to and from trains and between terminals. The contract carriers often use a small passenger van designed to transport eight or fewer passengers, including the driver. These trips may travel hundreds of miles in all weather conditions. The Teamsters Rail Conference believes that contract carrier laws should be amended to require drug and alcohol testing of vehicle operators, which will lessen the likelihood of impairment-related accidents that can injure contract carrier vehicle passengers or the public at large; set a minimum standard for insurance coverage, including both under- and un-insured motorist coverage; and require a person who operates a vehicle to hold a commercial driver's license.

If elected, would you support or oppose legislation that would mandate the regulation of contract carriers to include the above requirements?

Support Oppose

V. Whistle Posts

A Whistle Post is a marker that is placed along the railroad right of way approximately one quarter mile from a public road. These whistle posts are used as a reference marker to

remind locomotive engineers that they are approaching a public crossing. Locomotive Engineers are required by the federal regulation to sound the locomotive whistle from the quarter mile marker. Around the country, countless whistle posts are missing or in poor condition. The Teamsters Rail Conference believes that legislation is needed to require railroad companies to erect a sign that is: visible from an approaching train; at least 1/4 mile in advance of a crossing (except a crossing subject to a local whistle ban) to remind the locomotive engineer to sound the locomotive's whistle; and to maintain the sign in good repair or replace the sign. The Rail Conference also believes that legislation should provide that a railroad company that violates this requirement is liable to the state for a penalty of at least \$250 but not more than \$5,000 to be recovered in a civil action brought by the state in the circuit or superior court of the county where the crossing is located.

If elected, would you support or oppose legislation that requires railroad companies to properly maintain this valuable piece of safety equipment?

Support Oppose

Upon completion, please submit this questionnaire to the appropriate Teamsters Local Union or Joint Council and submit directly to the International Brotherhood of Teamsters via e-mail to tlongpine@teamster.org or via fax to (202) 624-6992.

¹ "Right to Work." AFL-CIO. Web. Accessed 22 April 2015. <http://www.aflcio.org/Legislation-and-Politics/State-Legislative-Battles/Ongoing-State-Legislative-Attacks/Right-to-Work>

² "Business-Labor-Ideology Split in PAC & Individual Donations to Candidates, Parties, Super PACs and Outside Spending Groups." *OpenSecrets.org*. Center for Responsive Politics. Web. Accessed 22 April 2015. <http://www.opensecrets.org/overview/blio.php>

³ Bronfenbrenner, Kate (Senior Lecturer and Director of Labor Education Research, Cornell ILR School). Written Testimony for NLRB Public Meeting for RIN 3132-AA08 Panels E1 and E3 "Election timing, employer free speech and unfair labor practice occurrence: Whose rights are at risk?" (Date: 4/11/2014).

⁴ Bronfenbrenner, Kate and Hickey, Robert, "Changing to Organize: A National Assessment of Union Organizing Strategies" (2004). *Articles & Chapters*. Paper 54. Web. Accessed 23 April 2015. <http://digitalcommons.ilr.cornell.edu/articles/54>.

⁵ "Employment Arrangements: Improved Outreach Could Help Ensure Proper Worker Classification." *United States Government Accountability Office*. Web. Accessed 23 April 2015. <http://www.gao.gov/new.items/d06656.pdf>

⁶ "Quick Facts." *Support Paid Sick Days*. National Partnership for Women and Families. Web. Accessed 29 April 2015. <http://www.paidicksdays.org/research-resources/quick-facts.html#.VUEe1ZMYEcQ>

⁷ Grabell, Michael, and Howard Berkes. "The Demolition of Workers' Compensation." *The Demolition of Workers' Comp*. ProPublica and NPR, 04 Mar. 2015. Web. Accessed 24 April 2015. <https://www.propublica.org/article/the-demolition-of-workers-compensation>

⁸ Slater, Joseph, and Elijah Welenc. "Are Public-Sector Employees 'Overpaid' Relative to Private-Sector Employees? An Overview of the Studies." *Washburn Law Journal* 52.3 (2013): 533-555. Web. Accessed 22 April 2015. <http://contentdm.washburnlaw.edu/cdm/ref/collection/wlj/id/6214>

⁹ "NASRA Issue Brief: Employee Contributions to Public Pension Plans." National Association of State Retirement Administrators, February 2015. Web. Accessed 22 April 2015.

<http://www.nasra.org/files/Issue%20Briefs/NASRAContribBrief.pdf>