



# Opposition to SB 1968

Relating to the organization of public employees

**April 22, 2015**

Senate Bill (SB) 1968 by Sen. Joan Huffman would terminate a Texas professional educator's option of paying association dues by using payroll deductions, by repealing Section 22.001 of the Texas Education Code. **ATPE opposes SB 1968 und urges legislators to vote against it.**

Public school employees who join ATPE do so of their own volition, without coercion, and with adherence to Texas's Right-to-Work laws. Collective bargaining and meet-and-confer agreements are prohibited in public education because Texas is a Right-to-Work state. ATPE supports Right-to-Work laws, and our organization exists for the purpose of providing a professional association model for Texas educators who do not wish to join a union.

Using the payroll deduction method of paying professional association dues is a safe, reliable, and convenient way for public school employees to manage their own money and provides an effective hedge against identity theft by eliminating credit cards from the mix. This school district practice is identical to making a payroll deduction donation to the United Way, school districts' own foundations or other charities, as well as health care expenditures and cafeteria plans. The relationship in this transaction is between the employee and their employer.

Under current law, school districts may charge a fee for this payroll deduction. Section §22.001(c) provides that a district may charge an administrative fee for making the deduction amounting to the lower of the actual administrative cost or the lowest cost charged for similar salary deductions. Thus, it creates no undue burden or cost to the school district.

Additionally, passage of this legislation raises First Amendment Constitutional concerns.

- There is Constitutional scrutiny when the government allows payroll deduction for some purposes but prohibits it for others.
- The government must show that there is a rational basis for the distinctions. A rational basis can be shown if there is a legitimate purpose in the distinctions.
- Viewpoint suppression is not a legitimate purpose and so cannot form a rational basis for a distinction between entities.
- The current prohibition on collective bargaining in public education limits the danger of internal strife between labor organizations and therefore limits elimination of strife as a rational basis for the prohibition.
- The current law that allows districts to pass on costs to the labor organization limits the effectiveness of the cost of processing payroll deduction as a rational basis for the prohibition.

**ATPE urges you to oppose SB 1968.** This bill is not needed, will limit educators' options for handling their own money, and has serious constitutional issues.

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*The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with more than 100,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for 5 million public schoolchildren. ATPE is the ally and the voice of Texas public school educators.*