

Resolution on Government Workers' Right to Unionize
Adopted by the 2020 JCPA Delegates Assembly

Jews have always been concerned with treating workers fairly. The Torah makes clear, “You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger... You must pay him his wages on the same day, before the sun sets... else he will cry to God against you and you will incur guilt” (Deuteronomy, 24:14-15). The Mishnah instructs employers to meet or exceed local custom in terms of wages and benefits. The Babylonian Talmud gives town residents the right to intervene between a local employer and a worker to ensure that wages are fair.

Contemporary Halakhic decisions are consistent. In 1938, Sephardic Chief Rabbi Meir “recognized the regulations of a craftsman’s guild or union of laborers or clerks in the general labor federation, or other federations of professionals.” In 1945 Askenazi Rabbi Waldenberg recognized the right of workers to organize and strike. The Conservative Movement’s Committee on Jewish Law and Standards called on Jewish organizations and synagogues to allow internal collective bargaining.

The National Labor Relations Act passed in 1935 provided workers in the private sector with the right to bargain collectively. Government workers were excluded because it was thought that some private employers exploit workers while the government, with no profit motive, does not. But, of course, the government, too, can slash pay and benefits and prevent employees from performing their duties to further their agency’s mission.

The National Labor Relations Act left the status of state and local workers to those authorities. By the 1960s, some states gave these employees the right to unionize. Approximately three-quarters of states now have some form of collective bargaining. Others, such as Virginia, do not allow any. And some restrict the right to firefighters or police. The first of the recent teachers strikes for improved working conditions took place in West Virginia, where employees have no collective bargaining rights. Of course, the Supreme Court’s *Janus* decision and recent legislative actions have weakened considerably the right to collectively bargain in those localities

where it is allowed. And in the 28 “right to work” states, members of the bargaining unit do not have to pay agency fees.

As to federal workers, the 1978 Civil Service Reform Act provided the right to bargain collectively. Unions operate in an open shop environment and cannot collect a service fee from those who choose not to join. Federal employee unions cannot strike and are limited as to the subjects they can negotiate. For example, they cannot bargain as to pay and health care. The present Administration issued three executive orders which severely curtail the limited rights that federal unions have. The unions challenged the issuance but lost in September 2019. The three executive orders shorten the length of performance improvement plans to 30 days, exempt adverse personnel actions from grievance proceedings, streamline collective bargaining negotiations, and significantly reduce the number of work hours union members can spend on official time. In addition, many employees are not allowed to bargain. These include, for example, those in the Foreign Service, Department of Justice, and CIA. These employees must accept a grievance procedure management designs and have no collective voice, especially challenging when dealing with political appointees.

The Jewish Council for Public Affairs:

- Affirms that the right to bargain collectively at the state and local government level must become a federally-protected right.
- Calls on Congress to adopt legislation to: Require states and localities to guarantee the right to collectively bargain over wages, hours, and terms and conditions of employment; the right to strike (with few exceptions); access to dispute resolution forums such as mediation or arbitration; voluntary payroll deductions for union dues; and the right to enforce these rules in court.
- Affirms that the worker rights in the 1978 Civil Service Reform Act should extend to all federal employees and that attempts to curtail such rights through the executive branch should be rejected.

The Jewish community relations field should:

- Advocate at the state and local level for legislation that guarantees the rights outlined above.