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Label Letter

Union Label & Service Trades Department, AFL-CIO

After More than a Week, West Virginia Teachers Win

On February 22, roughly 20,000 teachers and 13,000 support staff walked out of schools across the state of West Virginia, to demand pay increases and a long-term fix to the health insurance program for public employees.

The teachers voted to strike after West Virginia Governor Jim Justice signed a bill that gave teachers a two percent raise in July 2018, and another one percent in 2020 and 2021. The teachers, who are among the lowest paid in the country, were also facing continuing increases to their health insurance costs which many say were killing them financially.

By February 27, just four days in to the strike, Justice announced via social media, that they had a deal, and the teachers and students would return to school. However, the deal fell through when the state legislature failed to pass the full, agreed upon increase, opting instead to pass a bill that would give the teachers a lower four percent raise. So on February 28, the school employees returned to the picket lines.

It would be another five days before Justice would again announce that they had a deal. The Governor's office had found ways to cut spending elsewhere in the budget, and teachers and all public employees would receive a five percent raise. The legislature unanimously passed the proposed legislation and Governor Justice has signed it in to law. This is the largest pay increase in the state's history. ■

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WV Teachers Inspire Educators Around the Country

In late February, the country watched as teachers in West Virginia walked out of their classrooms and stood on the picket lines for nine days demanding better pay and benefits. West Virginia is a right-to-work state, which means that the unions that represent the teachers and support staff in the public schools are considered voluntary associations that can lobby on their behalf and assist employees in grievance or disciplinary proceedings but cannot collectively bargain for wages and other economic benefits. Under West Virginia law, the state legislature dictates wages and benefits for public employees. The brave men and women who walked the line, did so unlawfully. They did nothing illegal, but technically they are not allowed to strike.

And now their solidarity and determination has inspired teachers around the country to stand up and say 'no more!'

In Oklahoma, teachers are expressing the same frustrations as those in West

CONTINUED ON PAGE 6

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- Fresh Start Laundry Detergent
- HiLex Bleach
- J.R. Watkins Laundry Detergent
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- Lysol
- Love My Carpet
- Mini Safe Scour
- Minwax
- Mop & Glo
- Mountain Pine
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- Wisk

WALK IN MY SHOES

IBEW Local 725 RENEW Members

Reprinted with permission from the IBEW

Members of Terre Haute, Ind., Local 725 help a local animal rescue wire its new barn. Pictured: Bob Mickelson, left, Travis Beckley and his son Jaxson and Will Penrod. Photo credit: Horse Shoe Equine Rescue

The first 24 hours are crucial when you're nursing an emaciated horse back to health, says Tammy Barnett, co-owner of the Horse Shoe Equine Rescue. That's why she's spent entire nights outside, in the freezing cold, monitoring and slowly feeding the neglected animals. Now, thanks to volunteers including members of Terre Haute, Ind., Local 725, those nights are over.

The rescue, located just outside Terre Haute, recently experienced an uptick in the number of animals in need – it takes in all kinds. It also runs on donations of time and money. So, with a grant from the Wabash Valley Community Foundation, Tammy and her husband and co-owner, Ron, were able to afford a new pole barn with power, which Local 725 members installed for free.

"We couldn't have gotten the barn without them," she said. "They've been a blessing."

When the Local got the call to help, members of the Reach Out and Engage Next-gen Electrical Workers chapter stepped up. RENEW is the IBEW's initiative to encourage young workers to get involved with their local unions. Along with its counterpart in Canada, it comprises the RENEW/NextGen initiative.

"I thought it was a great opportunity, especially for our younger apprentices," said Will Penrod, Local 725's RENEW Chair. "They worked on switches and receptacles, and even a little motor work, while also helping the community and pushing back on that anti-union stigma."

Local 725 members have helped animal shelters before, usually just installing new lights. But the Barnetts needed something different, said organizer Shawn Stewart. Fortunately for the animal-loving couple, Stewart had recently built his own barn.

"Shawn had already gone through a lot of the trial and error, so we benefited from that," Tammy Barnett said.

About five members, including Stewart, have been volunteering their Saturdays to wire the new facility that will house the horses, hay and a tack room, where saddles and other equipment are kept. Some have even brought their kids with them, encouraged by Ron Barnett, to play with the animals.

"It can be hard to get away when you've got children, so being able to bring them was a real help," Stewart said. "And Ron was great with them. One time, we even all went out for pizza afterward."

The team has installed about 26 LED lights and a panel so far. Once more of the barn is built, they'll install overhead heaters and fans in the horse stalls and do the outdoor lighting. Supplies were donated by signatory contractor Crown Electric and others, Stewart said. They expect to finish sometime this summer.

"It's good for us to give back, and this is such a unique facility," Stewart said. "A lot of people don't know about us, and this is a good way to show that we're part of the community."

In addition to horses, the rescue, which opened around 2011, has taken in pigs, goats, donkeys and alpacas. When the weather permits, the Barnetts open the ranch to visits from the public, including developmentally disabled adults and children, to interact with the animals. Some of the adults help with cleaning and feeding. For many though, the animals provide some fun and even therapy. With the new facility, the Barnetts say they will be able to stay open year-round.

"We're just thrilled with everything they've done for us," Tammy Barnett said. ■

Campaign Workers Guild Seek to Unionize All Democratic Campaign Staffs

Ironworkers Local 8 member in Wisconsin, Democrat Randy Bryce is running to unseat Republican Speaker of the House Paul Ryan. A self-proclaimed 'union man' Bryce has organized with workers, marched picket lines, and rallied against Republican assaults on labor rights. And, true to his union allegiance, Bryce's campaign became the first in the country to be staffed by a unionized campaign workforce.

Nate Rifken, the digital director for Bryce's campaign brought up the idea of organizing workers on the campaign to which Bryce said, "let's do this."

Rifken and other campaign staffers contacted the Campaign Workers Guild, a new national union that organizes non-management campaign staff. The group met with Meg Reilly, who serves as vice president of the Guild, and negotiated the first collectively bargained contract on a political campaign.

The contract covers eight members of Bryce's campaign staff.

Since organizing Bryce's campaign staff, the Campaign Workers Guild also organized the three-member team behind Jess King in Lancaster, who is running in Pennsylvania's 16th District and the staff for Chris Wilhelm, who is running for an at-large County Council seat in Montgomery County, Maryland.

According to its website, the Campaign Workers Guild is "committed to improving our work conditions, empowering organizers, and promoting healthy career longevity." ■

Murphy Oil v. NLRB Could Strip Workers' Rights to Collective Action

Another case in the Supreme Court which is getting less attention in the media unfortunately could have wide-ranging implications for current labor law. Argued on October 2, 2017, the case pending decision any day now by the Supreme Court could strip workers of safeguards under the National Labor Relations Act (NLRA) that have been in place for over 80 years.

The case — which was consolidated from three similar lawsuits, Epic Systems v. Lewis, from Wisconsin; National Labor Relations Board v. Murphy Oil U.S.A., from Alabama; and Ernst & Young LLP v. Morris, from California — involves several employees' claims that their employers denied them overtime pay and other legally required benefits. The Court's decision could determine whether employers can require their employees to sign arbitration agreements in which they give up their right to bring class action suits to address workplace disputes in the courts.

According to the International Business Times, "A ruling in management's favor in National Labor Relations Board v. Murphy Oil would be no mere tweak of American labor law. Justice Stephen Breyer has said it could cut out 'the entire heart of the New Deal,' which put in place the modern framework for labor and management relations."

WHAT'S AT STAKE

What's at stake in this case is the employees' ability, under the NLRA, to engage in "concerted protected action" when suing their employers for wage theft or for other violations of their workplace rights. The pro-business defense in these cases are arguing that the Federal Arbitration Act passed in 1925 (FAA) should take priority in this and in any other case where employees have signed an arbitration agreement as a condition of their employment.

About 60 million people — more than half of the non-union private sector workforce — are covered by mandatory arbitration agreements, according to an Economic Policy Institute study. An estimated 25 million of these arbitration agreements also include "class action waivers," in which employees give up their rights to band together to collectively address workplace disputes in the courts.

In an unusual move, the Trump Administration's Solicitor General's Office switched sides and argued on the side on the employers while the National Labor Relations Board (which brought the Murphy Oil lawsuit) remained on the side of the employees.

NLRA PROTECTS WORKER RIGHTS

Advocates for the employees argue that the NLRA, as well as its precursor, the Norris–LaGuardia Act (NLA), protects employee rights to concerted action for mutual aid and protection and thus invalidates employer-compelled waivers like arbitration agreements and thus cannot be trumped by the Federal Arbitration Act.

A core protection of the NLRA is the right of workers to engage in concerted activities for mutual aid and protection, regardless of whether the workplace is unionized. Any agreement between an employer and employee that suppresses the right to act in concert with other employees to pursue legal action therefore would seem to be as illegal as one purporting to bar the workers from organizing or protesting or striking.

LIMITS ON ARBITRATION USE LIFTED LAST YEAR

For many years, the Federal Arbitration Act was largely limited to enforcing agreements to arbitrate commercial disputes. And it has garnered a great deal of attention recently because of its wide use in consumer disputes. Large corporations exploited arbitration agreements to the point where the Consumer Financial Protection Bureau under the Obama Administration created a rule against their use in consumer agreements. The rule was popular with consumers, but very unpopular with business interests, and the Senate repealed the rule in October 2017 in a 51-50 vote (Vice President Mike Pence cast the tie-breaking vote).

While the Federal Arbitration Act has been used to reach agreements to arbitrate employment disputes, the Act was passed before the NLA and NLRA, which should give the latter two statutes greater sway in the arguments before the Court now, but there are no guarantees. Given the climate of the Court, the Justices could very well rule that the Federal Arbitration Act takes precedence and could quash the concerted action arguments.

"Many significant cases dealing with workers' rights have been brought as collective or class actions," wrote EPI's Celine McNicholas in a blog post on EPI's website. "So, if the Court is persuaded by corporate interests and the Trump administration in this matter, Murphy Oil may be the last workers' rights case the Supreme Court has the opportunity to consider for the foreseeable future."

A ruling is expected soon. ■

Will a Ruling in Favor of Janus Bring Labor Unrest?

In late February, the Supreme Court heard opening arguments in Janus v. AFSCME Council 31. Mark Janus, a social worker for the Illinois Department of Healthcare and Family Services, backed by the deep pocketed, anti-union, corporate interests—who have for years been trying to strip public employee unions of their right to collectively bargain—filed suit against AFSCME Council 31 arguing his agency fees violate his First Amendment rights.

If the ruling in the case goes as pundits expect, public employee unions across the country will no longer be allowed to collect agency fees from those who choose not to join the union. This blatant attempt by corporate interests is aimed at stripping unions of their income and, in turn, stripping them of their political power.

Will a ruling in favor of Janus bring labor unrest? Many in the labor community believe it will. "A loss of collective bargaining would lead to more activism and political action, not less," American Federation of Teachers President Randi Weingarten told the *Washington Post*. "Collective bargaining exists as [a] way for workers and employers to peacefully solve labor relations."

Weingarten pointed to the historic strike in West Virginia, a right-to-work state, where some 35,000 teachers and support staff walked the picket lines for nine days to win better pay and fixes to its broken public employee insurance plan. Under right-to-work, public employees in West Virginia are not required to pay agency fees to the union, but all of the employees joined with union members in the strike.

"A loss of collective bargaining would lead to more activism and political action, not less."
—Randi Weingarten, AFT President

Illinois Solicitor General David L. Franklin argued that the fair share fee requirement benefits public employers.

"We have an interest at the end of the day in being able to work with a stable, responsible, independent counter-party that's well-resourced enough that it can be a partner with us in the process," said Franklin. "There are plenty of studies that show that when unions are deprived of agency fees, they tend to become more militant, more confrontational. They go out in search of short-term gains that they can bring back to their members and say 'stick with us.'"

Illinois and 20 other states have asked the Court to respect states' rights to decide how to manage their own employment relations.

Justice Elena Kagan focused on the negative effects of ruling against the unions pointing out that 23 states, the District of Columbia and Puerto Rico would have to renegotiate contracts with their public employee unions, because laws on the issue in those jurisdictions would become unconstitutional.

AFSCME's attorney David Frederick, in his oral arguments to the Court, pointed out that the agency fees are routinely traded for a no-strike clause in most union contracts. Should those clauses disappear, employers will have chaos and discord on their hands.

"The fees are the tradeoff. Union security is the tradeoff for no strikes," Frederick said. "And so if you were to overrule Abood, you can raise an untold specter of labor unrest throughout the country." ■

Two Wisconsin Locals File Lawsuit over Act 10

The International Union of Operating Engineers Locals 139 and 420 have filed a federal lawsuit seeking to invalidate Act 10, the law passed in 2011 that restricts collective bargaining in Wisconsin.

The plaintiffs argue Act 10 violates free speech and free association under the First Amendment. Citing Janus v. AFSCME and other recent lawsuits that suggest that collective bargaining by public employees is classified as political speech, the unions contend that Act 10 is unconstitutional to restrict who can bargain collectively or what subjects are permissive for bargaining.

The lawsuit states that "Act 10 is a content-based restriction infringing on Plaintiffs' right to free speech." Among its many restrictions, Act 10 prohibited public employees from bargaining over "any factor or condition of employment except wages…"

"The organizations supporting the Plaintiff in the Janus case are seeking to weaken unions, but a 'victory' in this instance will have broad unintended consequences,"
— Terrence McGowan IUOE Local 139 President

"The organizations supporting the Plaintiff in the Janus case are seeking to weaken unions, but a 'victory' in this instance will have broad unintended consequences," said IUOE Local 139 President-Business Manager Terrence McGowan. "If collective bargaining is elevated to a constitutional right, anything resembling a limitation will be ripe for legal challenge, and those challenges will come quickly."

"Public employees' livelihoods have been under attack for seven years under Act 10," said IUOE Local 420 Business Manager Mark Maierle. "By failing to consider the consequences of applying free speech protections to collective bargaining, anti-union interests have left the door open for public employees to negotiate for increases to wages, pensions, and healthcare benefits." ■

TEACHERS

CONTINUED FROM PAGE 1

Virginia. The state teachers union in Oklahoma announced on March 7 that they would give lawmakers until April 1 to pass a budget with meaningful pay raises for teachers and increased funding for education. If an agreement is not reached before then, teachers will go on strike and schools will close.

In addition to their demands, Oklahoma unions are calling for raises for support staff and state employees.

In Kentucky, teachers are seeing cuts to their retirement benefits which could be a precursor to a statewide strike. The legislature there took steps in early March to pass a bill that would cut annual cost-of-living raises for retired teachers and up the annual contribution amount to the teachers, retirement system's health fund.

In a statement the Kentucky Education Association said, "Kentucky's students deserve high quality teachers and support staff, and pensions that are reliable and well-funded to keep current educators in the classroom and attract new employees to the profession."

Middle School art teacher Su Sherican, who is nearing retirement after a 33-year career was quoted in the *Washington Post* saying, "there's people talking about a strike, I'm going to tell you that now. And would I support it? I would have to. Here's the thing: We're all calling and saying 'no' to senate bill whatever, and I thought that would do it. But, you know, I'm not sure they're listening to phone calls."

Overworked and underpaid teachers in Arizona began the #REDforED campaign wearing red to show solidarity. Teachers there are planning rallies to call for better pay—Arizona is currently ranked 43rd in the nation in terms of how much it pays its teachers, according to the National Education Association.

CNN reports that Arizona teachers are hoping their public show of frustration will pressure state leaders. But, "at the same time, many rank-and-file teachers are talking about the possibility of a strike." ■

Union's Ability to Represent Workers Undermined by Secretary DeVos' Team

Photo Credit: Caitlin Emma

The Department of Education, having made headlines over the past year for its attacks on both teachers and students, has now launched its newest attack directly at public employees. In a violation of the law, the Department of Education implemented a management edict that aims to kill the union and deny workers their legal right to representation, the American Federation of Government Employees said.

After months of anti-union proposals and hostile behavior at the bargaining table, Department of Education management told AFGE Council 252 President Claudette Young on Friday, March 9, that it would not negotiate and would instead implement its own terms. The so-called "collective bargaining agreement" referred to by management is an illegal management edict that guts employee rights, including those addressing workplace health and safety, telework, and alternative work schedules.

"AFGE did not agree to these unilateral terms," Young said. "AFGE is, and has been, eager to return to the table to negotiate a fair and just contract, which all employees deserve."

Education Secretary Betsy DeVos' vendetta on public education has now taken stage within the Department of Education by gutting employees' right to representation in the workplace, and interfering with AFGE's legal obligation to represent employees by taking away representational time for union representatives. Education's management edict subverts the statutory process established by Congress 40 years ago to facilitate the representation of all employees covered by a collective bargaining agreement, regardless of their decision to join or not join the union.

AFGE Council 252 represents 3,900 Department of Education employees across the country, all of whom will be adversely impacted by this new anti-union decree. Joining the union is voluntary for workers, yet AFGE and other federal unions are required by law to represent everyone covered by the union contract – even if they choose not to join. For this reason, Congress provided representational time so that the union can carry out its legal duty of fair representation to all those who are covered by the contract, including those who choose not to pay dues. Removing access to this time is like asking the fire department to operate without firetrucks or a firehose.

DeVos's new edict requires shop stewards and local union officers to use leave without pay to carry out their statutory representational duties – which include things like meeting with employees and managers to resolve workplace disputes, addressing issues of discrimination and retaliation, and effecting improvements in work processes. This edict is counterproductive and wrong. It's bad for public employees, and it's bad for public education. ■

AFL-CIO NATIONAL BOYCOTTS

MAR-APR

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Please support the workers in these hotels by continuing to boycott the following properties:

- **ANCHORAGE, AK: Hilton; Sheraton**
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- **RHODE ISLAND: Renaissance Providence Downtown Hotel**
- **SEATTLE: Grand Hyatt Seattle and Hyatt at Olive 8 Seattle**

OTHER

SUBMITTED BY Farm Labor Organizing Committee (FLOC)

- **Reynolds American, Inc., Vuse e-cigarettes**

FOOD

SUBMITTED BY United Steelworkers (USW)

- **PALERMO PIZZA**

SUBMITTED BY Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM)

- **Mondelez International Snack Foods (those made in Mexico)**

LEGAL

SUBMITTED BY American Federation of State, County & Municipal Employees

- **Gleason, Dunn, Walsh & O'Shea**
- **Mcdonald, Lamond, Canzoneri and Hickernell**

When some labor disputes with businesses cannot be resolved, the AFL-CIO supports its affiliates by endorsing their boycotts. A boycott is an act of solidarity by voluntarily abstaining from the purchase or use of a product or service.

POLICY GUIDELINE FOR ENDORSEMENT OF AFFILIATES' BOYCOTTS

The AFL-CIO Executive Council has developed policy guidelines that regulate how the federation endorses boycotts undertaken by its affiliates. To get AFL-CIO sanction, boycotts should be directed at primary employers.

THE GUIDELINES INCLUDE THESE PROVISIONS:

- All requests to the national AFL-CIO for endorsement must be made by a national or international union.
- Any affiliated union with a contract in force with the same primary employer will be contacted by the AFL-CIO to determine whether there is an objection to the federation's endorsement.
- Affiliates will be asked to provide the AFL-CIO with background information on the dispute in a confidential information survey. Prior to endorsement of the boycott, the executive officers, or their designees, will meet with the national union's officers, or their designees, to discuss the union's strategic plan and timetable for the boycott, or other appropriate tactics, and to discuss the federation's role.
- The national or international union initiating the boycott is primarily responsible for all boycott activities; the AFL-CIO will provide supplemental support.
- Boycotts will be carried on the AFL-CIO national boycott list for a period of one year, and the endorsement will expire automatically at the end of that time. National and international unions may request one-year extensions of the listings for actions where an organizing or bargaining campaign is actively in place.

(These guidelines were adopted by the AFL-CIO Executive Council in April 2011.)

In This Issue...

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End Notes

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By Rich Kline, *President, UL&STD*

Labor Can Lead the Resistance

Despite the raft of threatening news pertaining to the labor movement, signs of renewed activism, militancy and resistance abound.

This issue and previous ones of the Label Letter have marked legal, legislative and corporate attacks on the rights of workers and their unions. The assaults have had an unexpected consequence and an unwelcome one for enemies of the labor movement.

Novel legal theories may exploit the situations created by the money-is-speech crowd and allow greater militancy on the part of public sector unions. Working people fed up with low wages and costly health insurance may rebel as the West Virginia teachers did.

More union members are running for office at every level. Union-backed candidates are benefitting from phone banking and door-to-door solicitation. Campaign workers are organizing and some office seekers are planning to have organized workers in their Congressional offices if they win.

Young people on campuses are supporting union causes such as defending the rights of Mondelez workers represented by the BCTGM. Graduate students with teaching duties are fighting for representation at numerous colleges and universities.

Some observers said that when things got bad enough, workers would react. Well, things seem to be bad enough. Working people and their unions are reacting creatively and forcefully.

Organized labor has played a big part in recent political upsets resulting in worker-friendly candidates winning elections. Activism, solidarity and organization work. A spirit of resistance to negative trends and events is growing across the country. The labor movement should provide direction, leadership and organization to the resistance. ■