



Label Letter

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Union Label & Service Trades Department, AFL-CIO

UAW Calls for Comprehensive Labor Law Changes After VW Organizing Campaign

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The UAW called on Congress to take a comprehensive look at the country's labor laws and NLRB rules that made it almost impossible for Volkswagen workers to form a union.

"VW workers endured a system where even when they voted, the company refused to bargain," said Brian Rothenberg, spokesman for the UAW. "Clearly Volkswagen was able to delay bargaining with maintenance and ultimately this vote among all production and maintenance workers through legal games until they could undermine the vote."

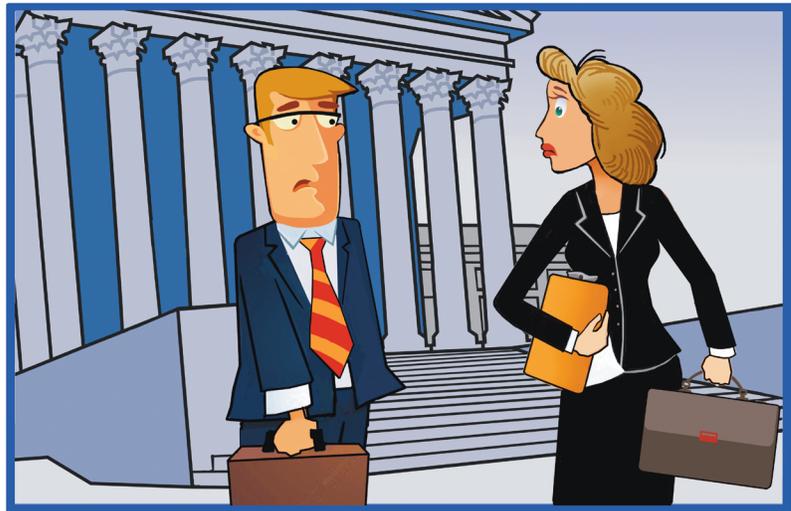
"Our labor laws are broken," said Rothenberg. "Workers should not have to endure threats and intimidation in order to obtain the right to collectively bargain. The law doesn't serve workers, it caters to clever lawyers who are able to manipulate the NLRB process."

Tracy Romero, UAW organizing director, said she was proud of the Chattanooga Volkswagen workers in the face of the fear they endured.

"The Company ran a brutal campaign of fear and misinformation," said Romero. Fear of the loss of the plant; fear of their participation in the union effort; fear through misinformation about the UAW; fear about current benefits in contract negotiations. Over a period of nine weeks – an unprecedented length of time due to legal gamesmanship – Volkswagen was able to break the will of enough workers to destroy their majority."

Romero indicated that the UAW intends to ask for the help of VW labor leaders in Europe to help protect Chattanooga workers from any retaliation. "Chattanooga workers deserve the right to vote and deserve the right to be treated fairly and we will hold Wolfsburg to that."

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"Labor-friendly policy reform is growing by millions...
... unfortunately that's people, not dollars."

Trump Administration Unilaterally Imposes Labor Agreement at SSA

A Trump-appointed federal impasse panel issued a decision in May to impose a new union contract for the 45,000 federal employees at the Social Security Administration.

The move came despite a federal judge's decision last year to strike down most provisions in similarly issued orders for violating collective bargaining rights for federal employees. SSA management had appealed to the impasse panel after it declared impasse at the bargaining table over a few items it was still negotiating with the union.

The American Federation of Government Employees (AFGE) representing workers at the Agency said the Agency is trying to bust the union. The new contract imposed by the panel will reduce the time allotted to employees for union activity from 250,000 hours annually to

50,000. It also disallows any union-related work in government offices, or on government computers or emails.

The agreement eliminated over 1,400 Memorandums of Understanding that the union and agency management had collectively bargained over the past 10 years. And allows for managers to discontinue telework at their discretion.

The 1978 Civil Service Reform Act mandated collective bargaining and union rights for federal employees. By barring union representatives who are also employees of the SSA from working out of the government offices on protected union activities, the union can no longer effectively do its job.

"Once Trump signed those executive orders, all employees who were union representatives lost the right to hold files

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Happy LABOR Day



From Labor Day, **Monday, September 2, through Sunday September 8, 2019** American labor will observe **Union Label Week**—the time traditionally set aside for union families and all consumers to make a special effort to support good jobs by looking for union-made goods and union-produced services when they shop.

Please join with us on Labor Day and the week that follows to celebrate the skills of union workers and honor the work they do by looking for union-made goods and services.

FOR YOUR LABOR DAY PICNIC LOOK FOR THESE UNION-MADE PRODUCTS

FOR THE GRILL

- » Alexander & Hornung
- » Ball Park Franks
- » Dearborn Sausage
- » Hebrew National
- » Always Tender Pork Tenderloins
- » Excel Fresh Meats
- » Farm Fresh
- » Farmer John
- » Hormel

CONDIMENTS & TOPPINGS

- » Heinz Ketchup
- » French's Mustard
- » Gulden's Spicy Brown Mustard
- » Open Pit
- » Franks Red Hot
- » Amaral Ranches Lettuce
- » Hidden Valley Ranch Dressing
- » Vlasic pickles
- » Eurofresh tomatoes

BREAD AND ROLLS

- » Alfred Nickels Bakery Bread and Rolls
- » Stroehmann
- » Arnold
- » Francisco

SIDES

- » Frito-Lay Chips
- » Van Camps Baked Beans
- » Suddenly Salad
- » Betty Crocker Specialty Potatoes
- » Amaral Ranches Broccoli
- » Andy Boy
- » Lays Potato Chips and Dips
- » Mission Foods
- » Heinz Baked Beans

BEER

- » Anheuser-Busch
- » Budweiser
- » Landshark Lager
- » Leinenkugel Brewing Co.
- » Michelob
- » Miller Lite
- » Milwaukee's Best
- » Natural Ice & Ligh
- » O'Doul's
- » Shock Top

WINE

- » Almaden
- » Bartles & Jaymes
- » Black Box
- » C.K. Mondavi
- » Carlo Rossi

- » Charles Krug
- » Chateau Ste. Michelle
- » Columbia Crest
- » Corbett Canyon Vineyard
- » Dubonnet
- » Fairbanks
- » Franzia
- » Gallo Estate Wines
- » Robert Mondavi
- » St. Supery
- » Turning Leaf

OTHER BEVERAGES

- » Barq's Root Beer
- » Tropicana
- » Dr. Pepper
- » Welch's Juices
- » Minute Maid
- » Hawaiian Punch
- » Mott's
- » Sprite
- » Mountain Dew
- » Pepsi
- » Diet Pepsi
- » Coke
- » Diet Coke

The Union Label and Service Trades Department, AFL-CIO, does its best to verify products are union-made. If you find a product listed is no longer union-made, please email unionlabel@unionlabel.org. Always check the label as many products are made in both union and non-union facilities.

Walk in My Shoes

Anaam Jabbar — USW Local 366,
Portland Maine, American Roots



Photo Credit: Steve Dietz

Excerpted from USW@Work, the United Steelworker's membership magazine

In 2008, Anaam Jabbar was making ends meet by altering garments for neighbors on a small machine in her home in Iraq. Today, she is a proud Woman of Steel, making clothing for a living and serving as unit chair for United Steelworkers Local 366 in Portland, Maine.

Jabbar is one of about two dozen USW members who produce American Roots Wear (AR), a 100 percent U.S.-sourced, union-made line of customized fleece sweatshirts, jackets and blankets.

"I'm proud to be USW," said Jabbar, who was one of the first four hourly workers at the startup company, part of the group that heard appeals from representatives of a handful of union before deciding to join the USW in 2015.

"We chose the Steelworkers," she said. "We saw what they could do for the workers."

One thing the USW has done for the workers at AR has been to help create a sense of community for a small but growing workforce largely comprised of female immigrants, while providing them with family-supporting wages and benefits.

"We take enormous pride in our workforce," said AR co-owner Ben Waxman, who founded the company with his wife, Whitney Reynolds. "We are all immigrants. That's what makes our country great."

Shop American Roots at <https://www.americanrootswear.com/shop/>. ■

SPOTLIGHT THE LABEL

Office and Professional
Employees International Union



The Office and Professional Employees International Union (OPEIU) was chartered in 1945 and has more than 104,000 members. The OPEIU has locals in every state, Puerto Rico and Canada.

OPEIU represents employees and independent contractors in credit unions, hospitals and medical clinics, insurance, higher education, transportation, shipping, utilities, hotels, administrative offices and more.

Professional organizations and Guilds affiliated with OPEIU are a diverse group that includes podiatrists, registered nurses, clinical social workers, hypnotists, teachers, Minor League Baseball umpires, and helicopter pilots.

For more information on the OPEIU visit their website at www.opeiu.org.

WHAT'S YOUR STORY?

In 150 words or less—accompanied by a picture of you at work...Help us walk in your shoes. We're open to all union members, active, retired, laid off.

"We want rank and file members to help us to illustrate the rich, diverse tapestry of hard working men and women who make up the American labor movement. They are proud of their work and proud of the contributions they make to their communities," explains Union Label Department President Richard Kline. "We want to demonstrate to American consumers and businesses that union labor gives added value in quality and reliability to products and services that are bought and sold."

The pictures and stories we get will be published in the Label Letter and posted on the Department's website—and perhaps in posters and other promotional materials. E-mail a Walk in Your Shoes to: union-label@unionlabel.org; or send by regular mail to:

Walk In My Shoes

c/o Union Label Dept. (AFL-CIO)
815 16th St. NW,
Washington, DC 20005 ■

in their offices, lost the right to represent employees unless we used our own personal leave or leave without pay and even with that management wouldn't approve leave to represent people," said Sherry Jackson, a social security field office employee in Connecticut who also works as a union representative in her region.

Jackson said: "If the government is going to be a premier place to work, employees are going to have to be treated more than indentured servants and have working conditions comparable to private industry, where freedom is not going to be restricted by a few, or otherwise the government is not going to be able to hold and sustain employees."

Agency employees fear that moves like this are imposed on the employees to destroy the union. The nearly "at-will" employment environment will fail to protect whistleblowers, for example, who come forward to report fraud.

"They want to make us ineffective," said Marlin Jenkins, AFGE deputy director of field services. "They want to be able to point to the fact that, well, you have a union, and your union isn't doing anything for you. They want us to remain in name, but they want to prevent us from using, or having access to the tools to do our job."

Jenkins says other federal agencies are experiencing similar impositions by the impasse agency that the union thinks may be out of bounds.

"We're reviewing all legal strategies. The panel itself hasn't been challenged historically. There are questions about whether the panel can or cannot be challenged in court. There are questions about how far the panel's jurisdiction extends," Jenkins said of AFGE's next steps with the impasse panel. "We are currently reviewing all litigation challenges as it relates to this panel and the decisions they're making."

"We've never seen anything like it," said David Cann, director of bargaining for the AFGE. "As we've been in negotiations with the Trump administration, we've seen a level of hostility toward labor unions that is unique and more coordinated from what we've seen with other administrations, even Republican administrations that are philosophically opposed to the mission of labor and the empowerment of workers." ■

Federal Judge Rules Scabby Protected Under First Amendment



In a blow to the National Labor Relations Board (NLRB) General Counsel Peter Robb, U.S. District Judge Nicholas Garaufis ruled the LiUNA affiliate Construction & General Building Laborers Local 79's use of Scabby the Rat and other inflatables in protest of a Staten Island grocery store's nonunion construction project can continue.

The NLRB had asked the court to issue a preliminary injunction that would put an end to a month's long protest by the New York construction union.

Judge Garaufis, in siding with LiUNA, found that the Local's "peaceful use of stationary, inflatable rats and a cockroach to publicize a labor protest is protected by the First Amendment."

The judge also warned the NLRB that a federal court enjoining expressive conduct would be "untenable" and "raised serious constitutional concerns."

Robb, a Trump administration appointee, is seeking reinterpretation of federal labor laws that in certain cases would classify the use of inflatables, including the iconic Scabby the Rat, as "unlawful coercion" of businesses that employ protesting workers and overrule the First Amendment consideration.

Judge Garaufis found no merit in the Board's argument. "The union didn't engage in picketing or coercive activity," said Garaufis.

Picketing a secondary employer is unlawful under federal labor law, and Robb wanted to get LiUNA's actions recognized as such.

This isn't the end of this case however, in mid-July an Administrative Law Judge (ALJ) is expected to review the case. After that review, the case could be brought before the Board in Washington for review. A Board review could change how federal labor laws interpret use of inflatable animals during secondary protests.

A Philadelphia case involving Scabby the Rat is already before the Board, making a new board law possible even sooner.

According to Bloomberg Law, Local 79's attorney Tamir Rosenblum believes

"The NLRB is now going to go against the union with a set of facts that a judge told them isn't even reasonable"

— LiUNA Local 79 attorney Tamir Rosenblum

that Judge Garaufis' decision rebutting the NLRB's case is likely to have made it "more likely that an ALJ would side with the union."

"The NLRB is now going to go against the union with a set of facts that a judge told them isn't even reasonable," said Rosenblum.

"The Board can decide what it wants," Rosenblum said. "This judge has basically written a decision that very clearly elucidates why it is that this project the Trump general counsel is engaged in is just manifestly illegal under the constitution." ■

House Passes Measure to Give Back Pay to Low-Wage Federal Contractors Impacted by Government Shutdown

In late June, the US House of Representatives passed a measure providing back pay to low-wage federal contract workers that were barred from working during the historic 35-day government shutdown.

Rep. Ayanna Pressley (D-Mass.), who, along with District Del. Eleanor Holmes Norton, introduced the measure, said, "I'm thrilled the House has passed the

legislation that would finally provide federal contract workers the back pay. Our government relies on these hardworking men and women to keep our government buildings running and we have a moral obligation to make them whole for the pay they lost during the shutdown."

The Fair Compensation for Low-Wage Contractor Employees Act of 2019 (H.R.

678) stipulated that "service employees" and "laborer or mechanic" employees were the ones who would receive back pay for the shutdown under the bill.

A press release issued by Rep. Pressley's office stated that the legislation would allow federal contract employers to be reimbursed for covering costs associated with the shutdown, including retroactive backpay for worker, in an amount equal to their weekly compensation or up to 200 percent of the federal poverty level for a family of four. As well, the release stated that janitorial, food service, and security employees and those working on construction projects and other administrative supports receive backpay for lost wages.

The legislation still has to pass the Senate and be signed by the president for it to become law. ■

Illinois IKEA Distribution Center Workers Vote to Join Machinists Union

A group of 186 distribution center workers at IKEA distribution centers in Joliet and Minooka, Ill., voted in early July to join the International Association of Machinists and Aerospace Workers (IAMAW). IKEA is in the process of transitioning work from Minooka to its new facility in Joliet.

"These hard-working men and women are proud to work at IKEA and do tremendous work for this company," said Organizer Dennis Mendenhall, who led the union's campaign. "Yes, joining the IAM gives them the opportunity to negotiate on wages, benefits and work rules. But this campaign was mostly about fairness and a voice on the job, as well as ensuring that the profits they create also benefit their families and communities."

The organizing win gives a boost to the Machinists' internationally backed campaign to unionize thousands more IKEA distribution and fulfillment center workers. The IAMAW has partnered with a global union federation, Building and Wood Workers' International (BWI), to grow leverage in organizing and bargaining with Europe-based IKEA, the world's largest furniture manufacturer.

The IAMAW also represents workers at IKEA facilities in Danville, Va., Perryville, Md., Westampton, N.J., and Savannah, Ga. IAMAW workers at IKEA recently wrote a support letter to Illinois IKEA workers saying the "strong IAM contracts we have negotiated are not just words on paper—it has given us respect and fair treatment on the job."

In the wood, pulp and paper industries, the union also represents workers at Weyerhaeuser, West Rock and Georgia Pacific, among others. The IAM Wood, Pulp and Paper Council recently held a conference to strategize on how to grow power in the sector.

"By joining the Machinists Union, these men and women will be a part of the strength we continue to gain for IKEA workers," said International President Robert Martinez, Jr. "This was a total team effort for the IAM. I want to thank lead organizer Dennis Mendenhall and the Organizing Department, the Midwest Territory, Local 701, District 8, the Woodworkers Department, and BWI for making this win possible."

"On behalf of the IAM Midwest Territory, I would like to welcome the women and men of the IKEA distribution centers in Joliet and Minooka," said Midwest Territory General Vice President Steve Galloway. "Congratulations on taking the first step towards securing a better future for you, your families, and other workers across the U.S. who are still fighting for a union and a real voice at their place of work. This was a collective effort. Thank you to Lead Organizer Dennis Mendenhall and IAM Local 701 and IAM District 8 in Chicago for your relentless work and never giving up. And a huge thank you to the IAM Organizing Department, the IAM Woodworkers Department and BWI for your immeasurable support in this effort, as well." ■

LABOR LAWS

FROM PAGE 1

While political interference and right-wing group expenditures did contribute to the loss, Rothenberg said the current state of American labor laws particularly made the Volkswagen effort difficult.

"Here you have maintenance workers who voted for a contract and Volkswagen just refused to follow the law and bargain. They insisted that maintenance and production vote together. So, three years later maintenance and production ask to vote and VW stands in their way," said Rothenberg. "This is a system designed to benefit corporate lawyers not protect worker rights."

By law, VW workers will have to wait one year before seeking another election. "Ultimately this has always been about Chattanooga workers who are the only VW workers in the world without a union," said Chattanooga UAW Local 42 Chairman Steve Cochran. "If people wonder why the middle class is disappearing in this country, it's because it is nearly impossible for workers to get access to collective bargaining." ■

Anti-union Janus Ruling Reboot Likely

In the year since Janus, many public sector labor unions are reporting that they have not lost members or revenue as anticipated, and most are happily organizing new members to replace those who've chosen to leave.

Still, the National Right to Work Committee, Janus and a number of other anti-union organizations are trying to use the courts to destroy public sector unions.

The argument is the same in the dozen or so lawsuits that Janus and his ilk are mounting across the nation: They claim that once something is deemed to be unconstitutional [in the civil context] – in this case, agency fees – then they're deemed to be retroactively unconstitutional.

They are asking for agency fees collected over the years to be refunded to agency fee payers.

Both unions and public employers have been deluged with lawsuits since Janus. These lawsuits by public employees allege the unions and employers violated the Constitution by deducting involuntary dues and agency fees before the Janus ruling, and should now reimburse the employees for years of back dues and fees.

The courts have issued their initial rulings in some of those cases, all in favor of the unions and the employers. A May 8 ruling in California found in favor of the employer and the unions when public employees sued to recoup their dues and fees collected pre-Janus.

The plaintiffs in the consolidated lawsuits were all teachers, some of whom were never union members, while others had resigned their membership after the Janus ruling. Making a number of arguments, the plaintiffs sought two forms of relief: (1) that compulsory agency fees be declared unconstitutional and enjoined; and (2) that the union defendants (California Teachers Association, National Education Association, and United Teachers Los Angeles), be required to repay all agency fees they received before Janus was decided.

Some of the arguments are also claiming that their first amendment rights were violated (the general argument in Janus), noting that when the plaintiffs continued

as agency fee payers after Janus by signing a maintenance of dues contract, they didn't know what they were signing.

THEIR REQUESTS WERE DENIED.

Nine state workers in Illinois who say they have opted out of union membership are asking to be repaid for past "fair share" fees in a proposed class-action lawsuit.

Their lawsuit filed in May argues that more than 2,700 state employees are entitled to money they paid to the AFSCME Council 31 from May 1, 2017 — the furthest back they can demand the money under a state statute of limitations — through June 28, 2018, when the U.S. Supreme Court ruled it unconstitutional to make public employees pay union dues. Attorneys for the plaintiffs say they're seeking close to \$2 million from the union.

Janus was the plaintiff in a similar lawsuit that was thrown out earlier this year by U.S. District Judge Robert Gettleman, who ruled that AFSCME had followed the law in collecting fair share fees and couldn't have reasonably anticipated those fees becoming illegal.

A school employee in Illinois filed a federal lawsuit against a local school district and the state's largest public sector union, claiming both refused to stop deducting union dues from her paycheck months after she left the union.

Susan Bennett, a janitor at the Moline-Coal Valley School District since 2009, withdrew from her union shortly after the U.S. Supreme Court ruled that forced union dues as a condition of employment violated the First Amendment.

Bennett alleged the school district refused to stop deducting union dues from her paychecks in the lawsuit, which was filed in the Central District of U.S. District Court.

"Since November 2018, the union and the school district have been fully aware they do not have permission to collect money from my paycheck," Bennett said. "I submitted my resignation as soon as I could after learning about the decision. The union did not inform me of my rights after the Janus decision and I should not



have to wait months to exercise them."

In the suit, she said that the district was forcing her to wait until an enrollment period to withdraw based on her union agreement entered into before the Janus decision. Unions have used similar agreements elsewhere to retain members after the 2018 Supreme Court decision.

"Based on your enrollment card with AFSCME, see attached, you have to wait until the enrollment period to withdrawal," district CFO Dave McDermott wrote in an email response to Bennett. "I believe the next opportunity is August 2019."

One commenter on the lawsuit noted: "Give them their fair share dues back. But also return them to the rate of pay when they first started because they have no legal claim to the pay raises that fee payers got. Also make them return all pay raises to the state because they were not entitled to them because they did not want representation. They can't have their cake and eat it too."

Many plaintiffs have appealed their cases to the higher courts. Their goal is to push these cases up to the Supreme Court for review.

"We are making the same legal argument and we are appealing the legal argument that was rejected," [Patrick Hughes, president and co-founder of the (anti-union) Liberty Justice Center] said. "The district judge is not the final say on these issues. We'll appeal that decision. ... Ultimately if we are successful, we'll see what the unions do. If we are unsuccessful, we'll appeal that decision to the U.S. Supreme Court and let the justices that decided the Janus decision ultimately decide that case as well." ■

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EndNotes



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By Rich Kline, *President, UL&STD*

Our Opponents Won't Quit, Neither Can We



The enemies of worker's rights won't quit. The Labor Movement resists them at every point.

The heavily politicized, anti-union campaign against the UAW in Tennessee at Chattanooga's VW plant had the tell-tale fingerprints of union busting law firms and consultants all over. The conservative political establishment weighed in with the standard poppycock about how open doors and goodwill among managers and workers would be undermined by a collective bargaining agreement. They did not mention negotiated wages, benefits and grievance procedures.

The Trump administration showed its true feelings about workers during the government shutdown. Work without pay was its order to government employees. Low wage contractors are still waiting for back pay. The Democratic-controlled Congress has passed a measure to pay these workers. The Republican-controlled Senate and President Trump have not approved the measure yet.

The Trump administration has shown its hand at the Social Security Administration, too. The administration imposed a contract on SSA workers and curtailed to the point of erasure the union rights there in an obvious attempt at union-busting.

Going further, NLRB's Trump appointees want to subvert the First Amendment rights of protesting union workers. It seems that to the right-wing enemies of workers' rights, Scabby the Inflatable Rat is an outrage while unlimited funding of anti-union activities is not.

And the so-called right-to-work crowd are still trying to get some mileage from the Janus ruling even though — or because — public sector unions have grown despite the adverse decision. They won't quit.

And neither do we as noted by the IAM victory at an IKEA distribution center in Illinois and a USW-represented workforce at the American Roots clothing plant in Maine. ■