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Label Letter

Union Label & Service Trades Department, AFL-CIO

What to Expect from a Biden-Harris Administration?



I made it clear with corporate leaders. I said, I want you to know I'm a union guy, unions are going to have increased power. They just nodded, they understand. It's not anti-business. It's about economic growth, creating good paying jobs."

— Joe Biden, President-elect of the United States



In October, the first union to endorse Joe Biden for President, the International Associations of Fire Fighters, released a statement from President Harold Schaitberger, "[I]t's clear to me it's going to be the most significant pro-labor, pro-worker administration in a long, long, long time."

So, with a now President-elect Biden, what can labor unions and America's working families expect from a Biden Administration?

From the beginning of his campaign, President-elect Biden has said that he would enact the Pro Act, a bill that would strengthen labor laws, hold executives "personally liable" for interfering in workers' attempts to unionize and roll back legislation weakening unions to "guarantee workers have a right to collectively bargain."

President-elect Biden has also publicly stated that he will repeal Trump's Executive Orders 13836, 13837, and 13839 which have systematically obstructed and impeded federal employee unions' ability to collectively bargain and restricted their use of official time.

Experts and lawmakers agree that one of the first things a Biden administration will focus on is righting the Department of Labor's Occupational Safety and Health Administration's enforcement of worker safety by enacting an Emergency

Temporary Standard (ETS). With COVID cases topping 100,000 a day in early November, the U.S. has not effectively managed this virus putting millions of workers at risk. Biden's camp advocates for an immediate ETS to give employers and frontline employees specific, enforceable guidance on what to do to reduce the spread of COVID and to double the number of OSHA investigators to enforce the law.

Since July, Biden has said that he supports raising the federal minimum wage to \$15 an hour and would support eliminating the "tipped wage," which allows employers to count expected tips towards servers' mandated wages.

A new manufacturing plan could be on the horizon too. Biden has advocated for a

"Pro-American worker tax and trade strategy to fix the harmful policies of the Trump Administration and give our manufacturers and workers the fair shot they need."

In a November 7 press release, the United Steelworkers, President Conway said, "the USW looks forward to working with the Biden-Harris Administration on their plan to invest \$1.3 trillion over 10 years to rebuild and modernize our crumbling infrastructure using American-made products."

Infrastructure will play an important role in both putting America back to work and revitalizing an economy that has been decimated by COVID-19. ■

Prop 22 Passage in California Could Affect Workers Nationwide

After ballot measure Proposition 22 passed in California on November 3, Ross Barkan wrote in The Guardian "one of the darker outcomes of 21st-century work life has been the predatory gig economy. Divorced from healthcare benefits and regular pay, millions of workers are told they are supposed to be lucky to drive passengers around in a car for ever-diminishing returns."

Proposition 22 was a ballot measure that codified gig economy companies to continue treating drivers as independent contractors. The measure severely limits the impact of a Assembly Bill 5, which was signed into law in California in 2019. AB 5 aimed to protect gig workers by classifying them as employees thereby affording them

SEE 'GIG WORKERS,' PAGE 4

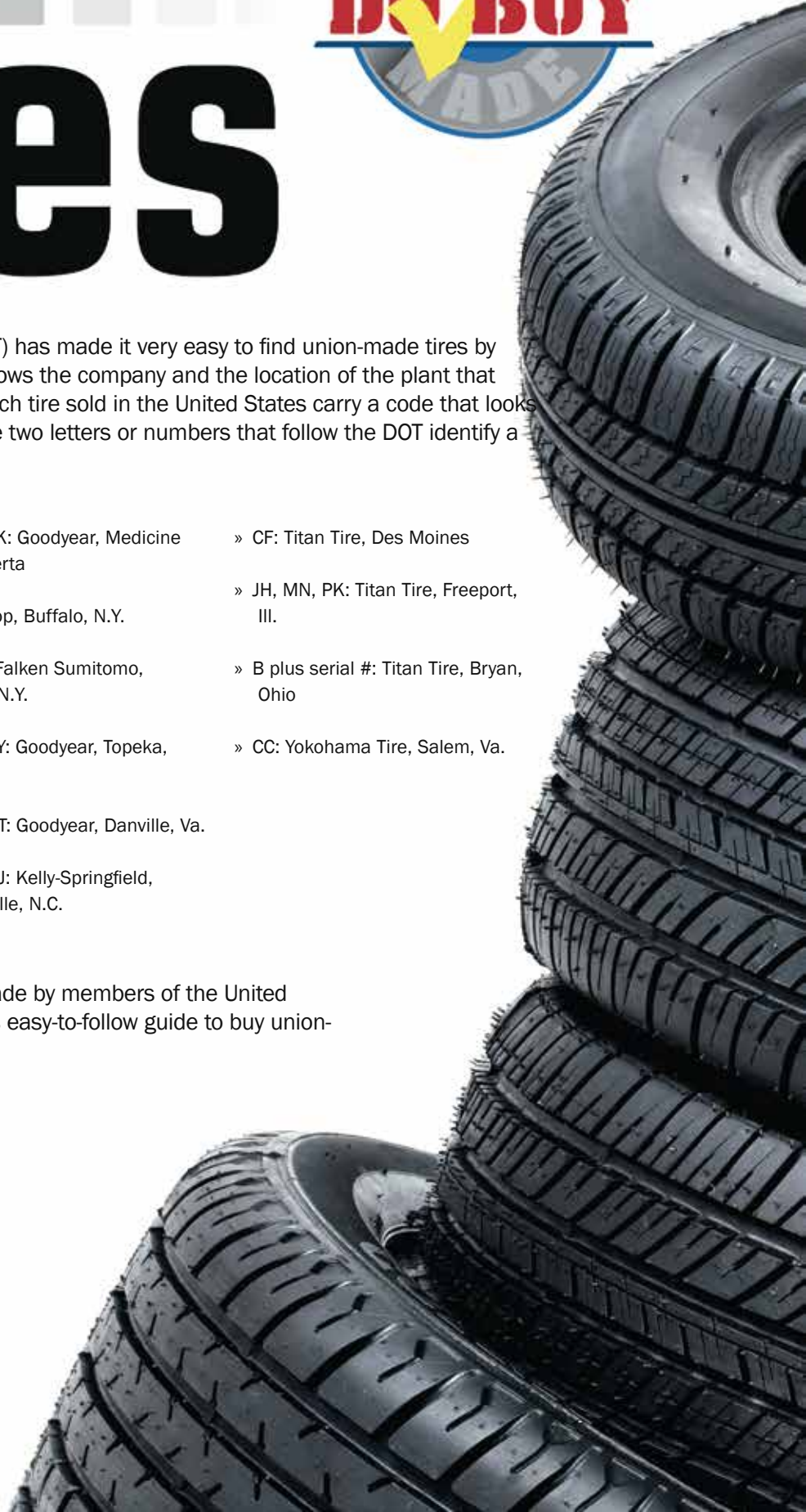
UNION MADE tires



The U.S. Department of Transportation (DOT) has made it very easy to find union-made tires by requiring that each tire carry a code that shows the company and the location of the plant that manufactured the tire. DOT requires that each tire sold in the United States carry a code that looks something like this: DOT BE XX XXX XXX. The two letters or numbers that follow the DOT identify a particular factory as listed below.

- » BE: B.F. Goodrich, Tuscaloosa, Ala.
- » BF: B.F. Goodrich, Woodburn, Ind.
- » VE, YE, YU, 8B: Bridgestone/
Firestone, Des Moines, Iowa
- » D2, E3, W1, Y7: Bridgestone/
Firestone, La Vergne, Tenn.
- » 2C, 4D, 5D: Bridgestone/
Firestone, Morrison, Tenn.
- » UP: Cooper, Findlay, Ohio
- » UT: Cooper, Texarkana, Ark.
- » JU, PC, UK: Goodyear, Medicine
Hat, Alberta
- » DA: Dunlop, Buffalo, N.Y.
- » DA, 1DA Falken Sumitomo,
Buffalo, N.Y.
- » JN, MJ, PY: Goodyear, Topeka,
Kan.
- » JE, MC, PT: Goodyear, Danville, Va.
- » JF, MM, PJ: Kelly-Springfield,
Fayetteville, N.C.
- » CF: Titan Tire, Des Moines
- » JH, MN, PK: Titan Tire, Freeport,
Ill.
- » B plus serial #: Titan Tire, Bryan,
Ohio
- » CC: Yokohama Tire, Salem, Va.

All tires made at the above locations are made by members of the United Steelworkers (USW). Make sure you use this easy-to-follow guide to buy union-made tires.



Prop 22 Strips Gig Workers of Protections

benefits required under federal and state labor laws. Voters passed Proposition 22 after Uber, Lyft, DoorDash and others spent more than \$200 million on advertising and public relations messaging that even confused those who drive for the companies. The ballot measures' passage on Election day hamstrings lawmakers even further by requiring a seven-eighths super majority to make changes to the law.

Now, labor unions and their allies fear that the vote will have a nationwide impact, and for good reason. Just days after the ballot measure passed, Uber CEO Dara Khosrowshahi told listeners on a third quarter earnings call that the gig company intends to build on its success with writing laws that undermine labor rights to its benefit. "Going forward, you'll see us more loudly advocate for new laws like Prop 22," she said.

DoorDash CEO Tony Xu and Lyft's chief lobbyist Anthony Foxx also told the Washington Post of plans to build on their success in passing Prop 22. Xu said, "now we are looking ahead and across the country, ready to champion new benefits

← Snapshot of Current App-Based Worker Protections Compared to Prop 22 →

	Under Current State and Federal Law	Under the Ballot Proposition
Wages	Clear minimum wage; guaranteed overtime (150% of wages for work over 8 hours in one day, 40 hours in one week)	No overtime; sub-minimum wage likely
Expense Reimbursement	All expenses reimbursed (mileage, cell phones, car cleaning, etc.) – standard IRS rate is over 57 cents per mile	Thirty cents per mile, but only mileage expenses for "engaged" miles (e.g., no reimbursement for time without package/passenger)
Workers' Compensation	No-fault coverage for work-related injuries	Limited health coverage; not "no-fault," easier for insurers to deny coverage
Paid Family Leave	8 weeks of paid leave	None
Paid Sick Days	Three days of paid leave for illness or care of family – up to 10 in some cities; additional COVID-19 leave in some cities	None
Unemployment Compensation	Up to 26 weeks of cash benefits after no-fault job loss	None
Disability Insurance	Lifetime access to wage replacement if injured	Limited – caps total coverage for 104 weeks
Health Insurance	Access to federal benefits under the Affordable Care Act	Limited – calculated based on "engaged" time, reducing the benefit amount
Discrimination	Protection against discrimination based on a broad set of characteristics	No explicit protection against discrimination based on immigration status
Right to Organize and Collectively Bargain	Could be created under state law	None – and may only be afforded if state passes legislation by 7/8ths majority which is nearly impossible
Protection from Retaliation	Protection from termination or discipline for reporting harassment, discrimination, or wage theft	None
Health and Safety	Requirements put in place injury prevention plans; give workers access to sanitation facilities	No similar requirement

structures that are portable, proportional and flexible."

Passage of this law watered down protections that the workforce was supposed to receive had the measure failed. There

was a minimum wage protection in place. Now a watered-down version takes its place. Companies are only responsible for paying a worker's "engaged time," meaning when a driver, for example, is on trip with a passenger or traveling to pick up a passenger. Waiting time would not count as paid time.

Uber and Lyft make the claim that drivers can make as much as \$15.60 per hour. A study by the UC Berkeley Labor Center estimated that drivers could make as little as \$5.64 per hour under Prop 22 (<https://laborcenter.berkeley.edu/the-uber-lyft-ballot-initiative-guarantees-only-5-64-an-hour-2/>).

Also at risk are protections workers receive under federal and state labor law such as sick leave, workers' compensation, and unemployment. Workers will also find it difficult to sue employers for wage theft.

It's unclear how recent changes will affect other protections workers won in recent months, but former U.S. Secretary of Labor Robert Reich has said that he fears Prop 22 will "encourage other companies to reclassify their work force as independent contractors, once they do, over a century of labor protections vanishes overnight." ■

Labor Unions Sue OSHA, Secretary of Labor for Failure to Protect Workers

In late October, a group of labor unions representing health care, education and municipal employees filed a lawsuit in the 9th US Circuit Court of Appeals in San Francisco charging the Occupational Safety and Health Administration (OSHA) and the US Secretary of Labor has "failed to protect workers from infectious diseases."

The American Federation of Teachers (AFT), the American Federation of State, County and Municipal Employees (AFSCME), the United Nurses Association of California/Union of Health Care Professionals and the Washington State Nurses Association joined forces to file the suit asking the court to "compel agency action unlawfully withheld or unreasonably delayed." The coalition says that they asked OSHA to create a standard more than 10 years ago writing, "even before the COVID-19 pandemic, infectious diseases caused 1.7 million health care-associated infections every year in the United States. These infections are dangerous, and some can be fatal (e.g., tuberculosis, bacterial meningitis, or Ebola). OSHA acknowledged this risk and began the rulemaking process to issue a responsive standard."

The group further claims that in 2016, OSHA was "on the verge of issuing the necessary standard and projected its completion in 2017. Instead, after a change in administration, OSHA shelved the rulemaking altogether and has refused to carry out its statutory obligations — even in the midst of the deadliest pandemic in a century, which conservative estimates show has infected over 190,000 health care workers in the US and claimed more than 770 of their lives. OSHA's decade-long delay is unreasonable and unlawful." ■

Walk in My Shoes

Kimberly Karol, President Iowa APWU



Kimberly Karol (right) was interviewed by MSNBC's Rachel Maddow after she exposed USPS policy changes

If you think your voice can't make a difference, look to the local president of the Iowa Postal Workers Union Kimberly Karol and how an interview at National Public Radio sparked massive outrage and congressional hearings on the Postal Service changes implemented in early June.

Karol, a postal employee at the Waterloo, Iowa, post office, was being interviewed by NPR's Noel King about the role of mail-in voting in the 2020 Presidential election when she revealed that Postmaster General's Louis DeJoy had had equipment removed from the post offices.

King replied, "Curious - I hadn't heard about this one - equipment being removed. What equipment?"

"The sorting equipment that we use to process mail for delivery," Karol told King. "In Iowa, we are losing machines. And they, already in Waterloo, were losing one of those machines. So that also hinders our ability to process mail in the way that we had in the past."

She told King later in the interview, "... his policies, although they've only been in place for a few weeks, are now affecting the way that we do business and not allowing us to deliver every piece every day, as we've done in the past."

"My opinion is that the PMG [DeJoy] is trying to circumvent the rules that have been set in place to safeguard the public by making changes that don't require public comment but have the same impact as closing

offices and/or changing delivery standards," Karol went on to say. "And so this is a way to avoid that kind of public comment. And we're trying to make sure that the public understands that they need to make comment."

Karol's interview generated media interest across the country. DeJoy was asked to testify to Congress about his "sweeping operational and organizational changes at the Postal Service."

Meanwhile, Karol was interviewed on CNN, MSNBC, in the Des Moines Register and by other news organizations, bringing the unique perspective of the Postal Workers to the forefront

Despite DeJoy's protests that he was not trying to slow down mail delivery, data in October collected by an NBC television station revealed that there was "a significant slowdown in first-class mail in late September and early October, just as tens of millions of Americans went to drop their presidential ballots in mailboxes across the country."

A recent federal audit explained how 57 new DeJoy "cost-reduction strategies" created confusion and disruptions among the USPS ranks, leading to adverse impact on the agency's performance (<https://www.uspsaig.gov/sites/default/files/document-library-files/2020/20-292-R21.pdf>).

Karol pointed in one of her interviews that DeJoy's measures were a "way to undermine the public confidence in the mail service."

"My opinion is that the PMG [DeJoy] is trying to circumvent the rules that have been set in place to safeguard the public by making changes that don't require public comment but have the same impact as closing offices and/or changing delivery standards."

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: unionlabel@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 ■



PUT A UNION LABEL ON IT

Trumka: 'In Wisconsin, Michigan and Pennsylvania, Joe Biden's Firewall was Union-Made'



On Saturday, November 7, 2020, Joe Biden and Kamala Harris made history when news outlets across the country reported that they had won the U.S. Presidential Election.

Harris was to become the first woman to hold the office of the Vice President. She also holds the distinction of being the first African American/Asian-American in that office. Vice President-Elect Harris shattered the glass ceiling, and she and President-Elect Biden did it with the help of labor unions.

In exit polls, Biden's path to the White House ran through America's labor movement. Initial reports from the AFL-CIO's post-election survey showed union members went 58 percent for Joe Biden and Kamala Harris.

In a speech just before the election was called, AFL-CIO President Rich Trumka thanked union members and leaders for their hard work and said, "simply put, we got out the vote. In Wisconsin. In Michigan. In Pennsylvania. Joe Biden's firewall was union made!"

Trumka went on to say, "while we don't know the final composition of the Senate, we know our priorities. Our members made it clear. 95 percent say that protecting workers' rights is the top priority for this next congress. And yes, that includes 93 percent of our members who went for Trump."

Biden Gives Labor a Seat at the Table

Trumka, Henry, Gamble, Perrone and Saunders Join

President-elect Biden in Economic Recovery Discussion

Living up to his promise to give labor a seat at the table, President-elect Joe Biden invited labor leaders to participate in a roundtable discussion on November 16 to discuss economic recovery during the coronavirus pandemic.

In a Zoom call that included CEOs from General Motors, Microsoft, Target and Gap as well as union leaders Rich Trumka, president of AFL-CIO; Mary Kay Henry, president of the Service Employees International Union; Rory Gamble, president of the United Auto Workers; Marc Perrone, president of the United Food and Commercial Workers; and Lee Saunders, president of the American Federation of State, County and Municipal Employees; President-elect Biden thanked the group for participating and explained that his objective was to "get our economy back on track. We all agree on the common goals, just have a slightly different perspective."

In remarks released by the AFL-CIO, Trumka told Biden and other meeting

participants, "we need to manufacture the respirators and personal protective equipment that continue to be in short supply. We need to make an investment to retrofit our workplaces and schools to meet ventilation and distancing requirements scientists and workplace safety experts tell us are absolutely vital. We need to make sure all COVID-19 cases are counted and reported so we know where major outbreaks are before they get worse."

Biden has said repeatedly that they cannot successfully address the economy without addressing COVID-19. Harris agreed saying that their goal is "opening this economy responsibly and rebuilding it so it works for all working people."

Addressing everything from raising the federal minimum wage, paid family leave, parental leave and child care tax credits, Biden and Harris called for Congressional action to pass a COVID relief package like the House-approved Heroes Act.

"We cannot wait any longer," Trumka told Biden in calling for the Occupational

Safety and Health Administration (OSHA) to issue an immediate, temporary emergency standard, ordering employers to develop and impose antivirus protection plans.

If "all work has dignity, then all workplaces need to focus on safety. It's not too late to save tens of thousands of lives. That starts with a strong COVID-19 safety standard on day one," Trumka said.

"Our nation and economy are at a crucial point right now given the rise in COVID-19 cases," Gamble said in a statement released by the United Auto Workers. He added that the "discussion among labor and business leaders was a productive and honest discussion of the challenges we all face in manufacturing and business to wrestle control of a very difficult situation for our economy."

"But we all expressed ... to the incoming administration an acute need for an immediate economic package for those hardest hit by this pandemic, help for our states and our frontline providers," Gamble said. ■

'Union Guy' Biden Taps More than Two Dozen Labor Leaders for Transition Team

President-elect Joe Biden has appointed 27 leaders from the labor movement to assist in the transition to his administration. The leaders will serve on various Agency Review Teams (ART) that will help to ensure that President Biden is ready to go on Day one.

Here is a list of Labor Leaders Appointed to Biden's Transition Team

TRANSITION ADVISORY BOARD:

- International President Lonnie Stephenson, Electrical Workers (IBEW);
- President Teresa Romero, United Farm Workers (UFW)

DEPARTMENT OF EDUCATION:

- Beth Antunez, American Federation of Teachers (AFT);
- Shital Shah, AFT;
- Marla Ucelli-Kashyap, AFT;
- Donna Harris-Aikens, National Education Association (NEA)

DEPARTMENT OF ENERGY:

- Brad Markell, Industrial Union Council, AFL-CIO

DEPARTMENT OF HEALTH AND HUMAN SERVICES:

- Sarah Nolan, Service Employees International Union (SEIU)

DEPARTMENT OF JUSTICE:

- Rocio Inclan-Rodriguez, NEA

DEPARTMENT OF LABOR:

- Jennifer Abruzzo, Communications Workers of America (CWA);
- Jessica Chu, Amalgamated Transit Union (ATU);
- Mike Hazard, United Association of Union Plumbers and Pipefitters (UA);
- Nadia Marin-Molina, National Day Laborer Organizing Network (NDLON);
- Shaun O'Brien, American Federation of State, County and Municipal Employees (AFSCME);
- Patricia Smith, National Employment Law Project (NELP);
- Lynn Rhinehart, Economic Policy Institute (EPI)

DEPARTMENT OF STATE:

- Owen Herrnsstadt, International Association of Machinists and

Aerospace Workers (IAMAW)

DEPARTMENT OF TREASURY:

- Damon Silvers, AFL-CIO

DEPARTMENT OF TRANSPORTATION:

- David Barnett, UA;
- Brendan Danaher, Transport Workers Union (TWU);
- David Cameron, International Brotherhood of Teamsters (IBT)

FEDERAL RESERVE:

- Damon Silvers, AFL-CIO;
- Renaye Manley, SEIU

NASA:

- David Weaver, Air Line Pilots Association (ALPA)

OFFICE OF PERSONNEL MANAGEMENT:

Melody Gonzales, NEA

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE:

- Julie Greene Collier, AFL-CIO;
- Celeste Drake, Directors Guild of America

SOCIAL SECURITY ADMINISTRATION:

- Scott Frey, AFSCME

DEPARTMENT OF AGRICULTURE:

- LaQuita Honeysucker, United Food and Commercial Workers (UFCW)

UNITED STATES POSTAL SERVICE:

- Jim Sauber, National Association of Letter Carriers (NALC)

Will Biden Choose Labor Leader for Top Spot at Education Department?

Rumors are swirling around who President-elect Biden will select for various posts in his cabinet. And while nothing formal has been announced, many in the labor community are suggesting that two teachers union officials may be on the short list to replace Betsy DeVos—arguably the most reviled Secretary of Education ever appointed.

Both Randi Weingarten, president of the American Federation of Teachers (AFT) and Lily Eskelsen Garcia, immediate past president of the National Education Association (NEA) have been mentioned as possible picks.

Weingarten has been a outspoken advocate for educators for more than two decades and has been president of the 1.7 million member union since 2009. She is a lawyer and former teacher at Clara Barton High School in Brooklyn, NY. Weingarten has been extremely active in the Democratic party and traveled the country with Joe Biden during his campaign.

Although pundits have indicated Weingarten is on the short list, she told the publication Inside Higher Ed on November 11, that she is "really happy doing what I'm doing. I'd be happy working with the Biden administration as president of the AFT."

NEA past president Lily Eskelsen Garcia is a former Utah elementary school teacher and president of the nations largest teachers union for six years. Garcia began her education career working in a school cafeteria and later became a kindergarten aide before going to college to become a teacher. She later earned a master's degree in instructional technology. Garcia was awarded Utah Teacher of the Year during her ninth year teaching and the following year, she was elected president of the Utah Education Association.

Whomever President-elect Biden chooses, he has pledged that "First thing, as president of United States – not a joke – first thing I will do is make sure that the secretary of education is not Betsy DeVos, it is a teacher. A teacher. Promise."

In This Issue...

- What to Expect from a Biden-Harris Administration . . . **1**
- Do Buy Union-Made Tires **2**
- AFL-CIO Official Boycott List . . . **3**
- Labor Unions Sue OSHA, Sec. of Labor for Failure to Protect Workers **4**
- Trumka: 'In Wisconsin, Michigan and Pennsylvania, Joe Biden's Firewall was Union Made' **6**
- Biden Gives Labor a Seat at the Table **6**

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EndNotes



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By Rich Kline, *President, UL&STD*

Prop. 22, COVID and the Future of Work



California voters passed Proposition 22 on Election Day. The measure was heavily backed by Uber, Lyft and similar gig-based work platform corporations, which invested \$205 million to swamp the state in advertising and misinformation.

The new law denies Uber and Lyft drivers employee status along with a minimum wage, adequate health benefits, sick leave, workers compensation and more. For their \$205 million investment, the companies got to call their drivers independent contractors overturning AB 5, a California law that was passed in 2019 to protect the drivers with employee status.

The gig employers argued in their campaign for Proposition 22 that the bill would benefit its drivers. When was the last time you heard of companies spending \$205 million in a legislative battle to improve the lives of their workforce? Unfortunately, the opposition had only a small percentage of the resources to combat the corporate advertising onslaught.

Now Uber, Lyft, InstaCart, DoorDash and similar outfits look to attack worker rights in other states and ultimately at the federal level by having their workers everywhere classified as independent contractors.

The need to prevent the expansion of this form of employee abuse is evident. Especially so, because the COVID-19 pandemic has disrupted the workplace for millions of Americans.

If people working from home and others on reduced work schedules can be reclassified as contractors, it won't just be Uber, Lyft and other gig employers who rush to take advantage of Proposition 22-like legislation. At every level of the economy, working people and their livelihoods will be threatened.

Since passage of Proposition 22, the stock market has rewarded Uber and Lyft with double-digit jumps in value. Other employers cannot fail to take note.

Before the next attack on worker's rights begins, a concerted effort must be made by Labor and its allies to plan and thwart Proposition 22 lookalikes across the country. ■