

You are here: [LRI Home](#) » [Posts](#) » **INK: June 25, 2009**

## Archives

[Employee Free Choice Act: Is Interest Arbitration a Good Thing?](#) »

**SCOREBOARD**  
[Archives & PDFs](#)

**Labor Relations INK**  
[Archives & PDFs](#)

## EFCA Cheatsheet



[CLICK HERE](#) to get our new **EFCA Cheatsheet!** A quick reminder of the strategies needed to defeat Big Labor at their game - on *your* turf.

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## INK: June 25, 2009



# Labor Relations INK

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### In This Issue:

- *EFCA Update*
- *Union Intimidation Up Close & Personal*
- *RAISE, Not RESPECT*
- *PLUS June Scoreboard, Only In A Union, and more...*

### EFCA Update

A bit of detective work uncovered another fraud perpetrated by Big Labor in attempting to persuade members of Congress that a [new coalition](#) of businesses supported the Employee Free Choice Act. Even though [their website](#) gives no list of names, the group attempted to claim 1000 members. We checked our [LRI Database](#) and discovered that the chairman is CEO of a life insurance company whose members are represented by OPEIU Local 277. Of course he would want all his competition unionized! Rick Berman, of the Center for Union Facts, dug behind the scenes to [uncover the hoax](#). "Business Leaders for a Fair Economy is a front group for a few financial companies who stand to profit from forced unionization," said Rick Berman. "Although they claim to be a 'coalition of 1,000 businesses,' it publicly turns out to actually be a hodge-podge of fewer than 200 non-profits, union consultants, and businesses that don't even exist."

As it becomes clear that Big Labor is desperate to keep the forced arbitration provision in the bill to protect unions' [failing pensions](#), they are once again attempting to frame the debate by ignoring the fact that the system is not broken, and focusing the discussion on a ["working arbitration system."](#) Read our [refutation to such a system](#) on our blog.

Another prominent Democrat, Florida State Senator Rick Dantzler, has come out [against the EFCA](#), another state business group (225 small businesses in Colorado) have come out [supporting the bill](#), and Senator Mark Pryor of Arkansas is [dancing around](#) attempting to find a way to support a "proposal both business and labor could support."

\*\*\*\*\*

### FREE! EFCA Strategy Review & Vulnerability Audit

This has quickly become one of our most popular programs, in light of upcoming labor law changes. It is more important than ever to assess both the internal and external factors that contribute to your company's vulnerability to union penetration, and formulate action

## FREE EFCA White Paper

### Discover:

- 3 Characteristics** that make your firm an EFCA target;
- 5 Easy steps** to prevent union card check;
- Up-to-date EFCA "Inoculation" strategies.**

## Get INK!

Have [Labor Relations INK](#) delivered to your inbox twice a month,

**FREE!**

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## EFCA 2009 Daily Status

H.R. 1409: Employee Free Choice Act of 2009

Introduced Mar 10, 2009

Sponsor [Rep. George Miller \[D-CA7\]](#)



**EFCA Strategy Review Cheatsheet**  
 For more information call Labor Relations Institute at 800-888-9115

**One-Week Elections & More**

- "Quickie" or "Snap" Elections
- 7-21 Days
- Severely limited opportunities to communicate
- "Fast Track" Contracts - Mandatory Interest Arbitration
- Penalty for bad faith
- Pressure to get 2<sup>nd</sup> contract
- Other Staff: Equal Access/Equal Time, Supervisors, Members Only, etc. - Get our white paper, FREE

**Union Vulnerability: 6 Strategies**

- Internal Vulnerability
- Training on Warning Signs (Afternoon - "Tiger"?)
- Survey (segment groups)
- Mystery Shopping
- External Vulnerability
- Company
- Industry
- Activity Related (Eye in the Sky)

**When To Talk About EFCA/Unions? What To Say?**

- Our Three-Part Test
- Communication Baseline? Good or Bad
- Prior Union Experience? Good or Bad
- Internal and External Vulnerability? Good or Bad
- What to say?
- Plus, minus, minus: Talk about EFCA now
- Minus, minus, minus: DR, then EFCA
- Plus/Minus, Plus, Plus-DR with EFCA issues

<http://www.LRIonline.com>  
800-888-9115

[teamsters uaw ufcw ulp union contract union tactics unite-here video vulnerability](#)

## Featured Product



LRI's **EFCA Tool Kit** is everything needed to inoculate a company against unionization in the "target rich" environment created by passage of the Employee Free Choice Act. If you are a business, trade association or labor law firm, you can benefit immediately. [Review the details and preview the videos here.](#)

## Free Stuff

[EFCA Fact Sheet](#)  
[Text of Employee Free Choice Act of 2009](#)  
[Text of HR 1355 \(EFCA Compromise Proposal\)](#)  
[Unions: 7 Lies You Must Know](#)  
[5 Keys to Winning Your Union Election](#)  
[Satisfaction Survey](#)  
[Secrets](#)

plans to shore up any uncovered weaknesses.

- What are the **most likely labor law changes**, and how will they impact my vulnerabilities?
- What are the **six strategies** I can implement to strengthen my defense against union encroachment?
- When do I talk to my employees about unions? **What do I say about unions?**

unions? **What do I say about unions?**

**CLICK [HERE](#)** to schedule your free 30-minute consultation with Phil Wilson, LRI's President and General Counsel.

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### Has SEIU Overreached?



Both sides are claiming victory in the recent Fresno battle between the SEIU and the breakaway National Union of Healthcare Workers. In the election for home healthcare workers asked to select a union to represent them, SEIU ultimately took the vote tally by a slim margin while the NUHW is [challenging the election](#), claiming that SEIU engaged in tactics both [unethical and illegal](#). The cost to SEIU was 1000 field workers tied up on the ground, and an estimated \$10 Million or more spent on the campaign, only to emerge with a shallow victory and a tarnished reputation.

For a look at the detailed parallel with the U.S. quagmire in Vietnam, [read this article](#). SEIU is in for a long, hard season of bitter conflict, as it continues to tangle with NUHW and UNITE-HERE, while attempting to lobby for the Employee Free Choice Act.

\*\*\*\*\*

### Only In A Union

Shawn Clark, who was business manager of Somerville, NJ-based Local 455 of the International Brotherhood of Carpenters and Joiners, claims that all \$85,000 that he spent on [entertainment, \\$65,000 of it in go-go bars](#), was legitimate business expense. Clark was expelled from the New Jersey Regional Council of Carpenters and fined \$50,000, but still intends to plead not guilty to embezzlement charges.

\*\*\*\*\*

### Union Intimidation Up Close & Personal

One of the Big Labor arguments attempting to frame the debate for the Employee Free Choice Act is an accusation that employers intimidate their employees during union organizing campaigns. Unfortunately for the unions, most evidence of intimidation points to unions and their members as the perpetrators of acts of violence and intimidation. This [short collection of videos](#) provides a glimpse into the reality of union intimidation, from the perspective of former union organizers who engaged in the practice, FBI bribery footage, and the experiences of employees selected as targets.

\*\*\*\*\*

### Healthcare Tug-of-War

The nurses at Shasta Regional Medical Center in Redding, CA, recently

Status	Introduced
Last Action	Apr 29, 2009: Referred to the Subcommittee on Health, Employment, Labor, and Pensions.

(Powered by [GovTrack.us](#).)

## Contact Congress

Enter your zip code and tell your elected officials how you feel about the Employee Free Choice Act

GO

## Sticky Fingers!

[Current charges or sentences](#) of embezzling union officials:

Kimberly Drake - APWU: \$20,000

Steve Pfeiffer - IATSE: \$12,051

Harry Keil - IAM: \$341,000

Thomas Schuette - NYCCLC: \$3,000,000

David St. Denis - CAW: \$20,000

Judie Italiano - SDMEA: \$14,000

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came to the conclusion that they didn't need a union, and [decertified the United Public Employees of California](#), which had represented them for twelve years. "We said, 'You know what? Why bother?'" said Sue Washburn, the SRMC nurse who led the decertification effort.

Across the country in Boston, the states largest hospital group signed an agreement with the SEIU that restricted management's ability to communicate about unions to their employees, leading to a recent win for SEIU at Caritas Carney Hospital in Dorchester. Although some hospitals or hospital management groups are pressured into signing such agreements, other will choose to fight back, and may find themselves targets of SEIU corporate campaigns. According to union officials, there are organizing campaigns [targeting every hospital in Boston](#).

One labor consultant, Jeff Toner of Kennebunk, ME, describes such campaigns: "Corporate campaigns can target executive compensation, they can picket the homes of board members," Toner said. "They make it as uncomfortable as possible for executives, and they cast aspersion on a hospital's standard of care to the patient community."

\*\*\*\*\*

### Political Activism The New SEIU Export

The Service Employees International Union has announced it is establishing a huge [member activist campaign](#) across Canada. According to the union, members will use the political action program to mount campaigns and speak with politicians, to insure that SEIU-identified issues will remain on the agendas of politicians "at election time and every day in between."



\*\*\*\*\*

The image is a screenshot of the LRI Union Scoreboard. It is a grid of statistics organized into several sections: "PETITIONS" (10 Most Active Unions, 10 Most Active Issues), "ELECTIONS" (10 Most Active Unions, Top 10 States by Total Strikes, Total Strikes - All Unions, Total Workers Affected, Election Nationality, Total Federal For Renomination, 100 Electors, A Year Ago Month, 226), and "STRIKES" (Top 10 Unions on Strike, Total Strikes - All Unions, Total Workers Affected, Largest Continuing Strike). The largest number visible is 76,563 for Total Workers Affected. At the bottom left, there is a small note: "LRI is your best single source for timely, accurate union data - 800-888-8111".

### SCORE BOARD

Who are the winners (and losers) of the labor movement? Don't guess, just check the LRI Scoreboard

[View this month's scoreboard \(archives also located here\).](#)

[Download a PDF of this month's scoreboard.](#)

\*\*\*\*\*

### Employee Relations Tip Of The Month

Recognize those who volunteer in their community with a community service award.

\*\*\*\*\*

### RAISE, Not RESPECT

Two [laws intended to amend](#) the National Labor Relations Act are headed to Congress.

The Rewarding Achievement and Incentivizing Successful Employees Act (RAISE) would permit employers to pay unionized employers incentive wages outside the normal limits imposed by collective bargaining, giving management a way of rewarding those workers who show themselves to be more productive. This is good.

The Re-Empowerment of Skilled and Professional Employees and Construction Tradeworkers Act (RESPECT) would reclassify management

supervisors to make it impossible for them to legally engage in the kind of shop-floor activities that are a normal and essential aspect of their jobs, forcing companies to have to hire more workers to compensate, and depriving those companies of the expertise of their seasoned veterans. This is bad.

Lobby while you can!

\*\*\*\*\*

### Raynor Accused of “Creative” Financing



According to UNITE-HERE sources, Bruce Raynor, the ousted co-president of the union, [illegally transferred over \\$12 million dollars](#) out of the union's coffers and into the tills of union locals loyal to him, and to a consulting group with SEIU ties. Allegedly, those funds were then used to finance the succession of most of those locals from UNITE-HERE into a new union, which then affiliated itself with the SEIU.

John Wilhelm, the UNITE-HERE leader, has accused Raynor and Stern of orchestrating the split in order for SEIU to be able to encroach upon UNITE-HERE's prime organizing turf, gaming and hotel industries.

\*\*\*\*\*

### Bargaining Chip?

Senator Jim DeMint (R-SC) and Representative Steve King (R-IA) have introduced [the Truth in Employment Act](#) of 2009 in both houses of Congress. The bill seeks to protect employers from union “salts,” people who secure jobs for the express purpose of fomenting unrest in the company leading to union organizing efforts.

Salting is an age-old union tactic, and similar legislation has been presented several times during the recent decade, to no avail. One might wonder if it will be used as a bargaining chip in the EFCA-derivative debate.

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### Your Union Dollars At Work

In Atlantic City, you can get a good glimpse of [union dues hard at work](#). While the UAW is negotiating contracts for employees at Bally's and Caesars, they are engaged in a “multi-million” advertising campaign trying to pressure the casinos.



Tired of taking it on the chin in the public arena, Harrah's Entertainment has struck back with a radio spot of their own. “We have had more than 50 bargaining sessions with the UAW. ... We'd like to agree on a contract that is reasonable, economically feasible and one that allows us to remain competitive in these difficult times.” Harrah's says more ads are coming, although their spending won't quite reach the level of the UAW media campaign.

With the union pouring millions into media, and the casinos having to fight back to protect their reputation, it's a good time to be in the advertising business in Atlantic City. Casino employees, however, are seeing their pay raises frittered away. Good thing they voted in a union.

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### Bank Of America's Turn In Crosshairs



I'm sure Bank of America must be reeling. First, they loan \$80 million to the SEIU for the construction of a new headquarters building. In return, Stern and company [viciously attack the bank](#), staging protests outside Bank of America offices, called for the resignation of bank CEO Ken Lewis, and demanding improvements in wages, bargaining rights, and health care benefits for Bank of America workers through public campaigns and in testimony before Congress. Then, another union that is in the middle of a ferocious battle with the SEIU, files charges with the National Labor Relations Board against the SEIU and the bank, charging that the loans are illegal.

SEIU officials claim the charges are baseless, while Bank of American claims they are "being inserted into the [middle of a dispute](#) between two unions."

\*\*\*\*\*

### Branson Highlights Tough Reality

Said Richard Branson, head of Virgin Atlantic, about his company's relationship with Boeing, "If people in Seattle build our planes and deliver them on time and, to be frank, don't go on strike, then we'll continue to work with Boeing. If we have our airline completely messed up, with tremendous damage done to our own work force, then we'll go to Embraer or Airbus."



The machinists union [better pay attention](#). Their recent strike began the rumblings of the possible gutting of the aerospace industry in the northwest, and by year's end we may see the fallout. Boeing has already indicated that without proper concessions from the machinists, they will establish a new 787 assembly line elsewhere.

Other industries would do well to take notice. The government does not have the wherewithal to add Boeing to the "General Motors"-style bailout program.

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### UAW Attempts to Shaft Wisconsin Children

While business executives are being excoriated in the media for using private jets, the UAW is attempting to keep afloat a posh UAW-owned golf resort that has lost \$25 million over the last 5 years. The union is trying to secure \$3 million in tax relief from township officials, seeking to [rob the school districts](#) of much-needed funding to keep alive the elegant union leadership getaway.

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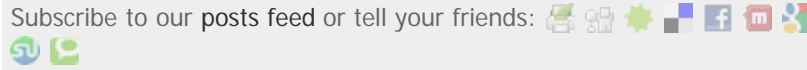
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