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INK: October 8, 2009



Labor Relations INK

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In This Issue:

- *Insight from Phil Wilson*
- *EFCA Update*
- *ACORN Corruption Ties With Unions And Politics*
- *SEIU Watch*
- *and more...*

Labor Relations Insight *from Phil Wilson*

The Positive Workplace

I haven't changed my email signature in years. It is a quote from an economist, Ernst Schumacher. He says: "Any intelligent fool can make things bigger, more complex and more violent. It takes a touch of genius – and a lot of courage – to move in the opposite direction." I love that quote.

Now if you know me you already know that I'm not touched with genius (heck, I'm not even that intelligent of a fool...), but I am a big fan of simple. Simple works. With that in mind I'd like to share a simple diagram with you that captures the essence of how to create a positive workplace:

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.

What Others Are Saying...

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EFCA 2009 Daily Status

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

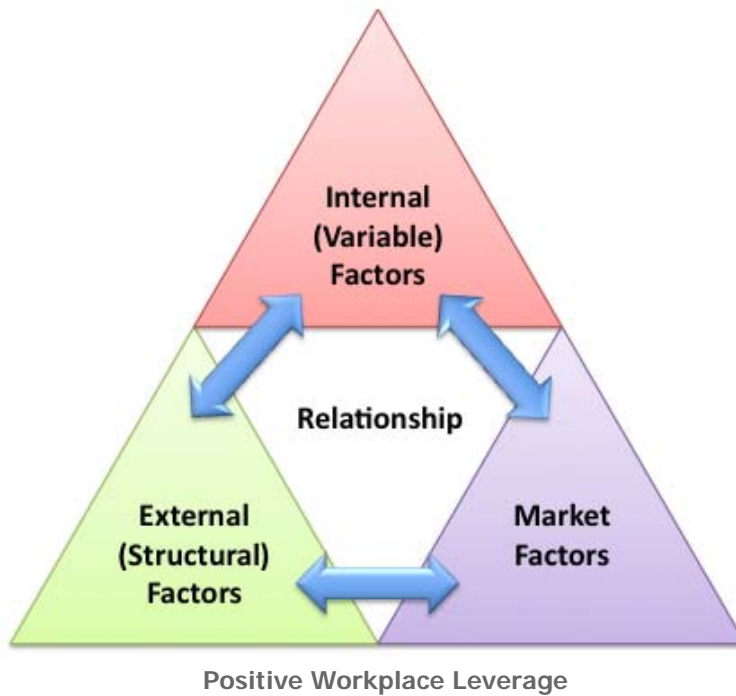
Introduced Mar 10, 2009

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

Status Introduced

Last Action Apr 29, 2009:





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

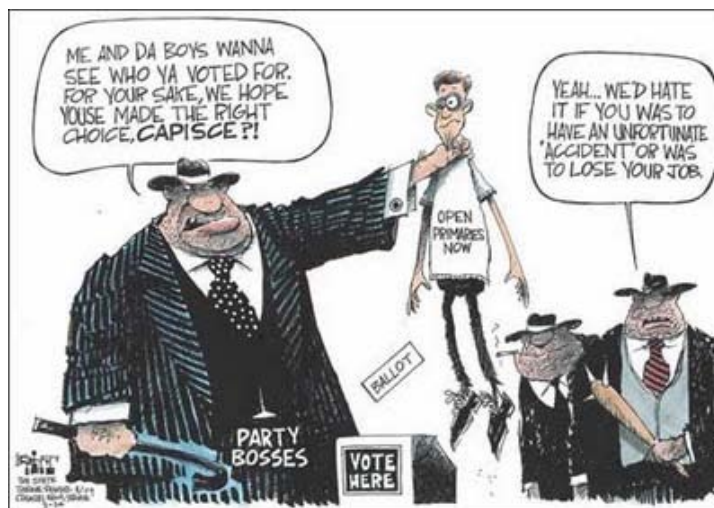
[EFCA Fact Sheet](#)
[Text of Employee Free Choice Act of 2009](#)
[Text of HR 1355 \(EFCA Compromise Proposal\)](#)
[Unions: 7 Lies You Must Know](#)
[5 Keys to Winning Your Union Election](#)
[Satisfaction Survey](#)
[Secrets](#)

This simple diagram is very powerful. It explains just about everything that we work on with a client when helping them create a positive workplace. It helps you figure out what to work on next, what you can safely ignore, and how to think about (and avoid) the unintended consequences of your actions.

Read the rest of the [article here...](#)

EFCA Update

The fight over the Employee Free Choice Act seems to be simmering under the more high-profile battle over health care reform. Shortly after our last newsletter went out, Senator Tom Harkin (D-Iowa), the chairman of the Senate Health, Education, Labor and Pensions (HELP) Committee, said that he is pushing to bring up the bill for a [vote this fall](#). Senator Evan Bayh (D-Indiana), responding to an interviewer about his discussions with the business community, believes that businesses would [accept a compromise](#) that preserved the secret ballot, contained reasonably prompt elections, and included meaningful penalties for bad actors on both sides. He thought binding arbitration may not find a place in the compromise bill, but would be replaced by some other form of penalty for bad faith negotiation.



Referred to the Subcommittee on Health, Employment, Labor, and Pensions.

[View H.R. 1409...](#)
 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:

Christina Geathers - USW: \$36,865

James Decker - Soft Drink Workers : \$10,700

Donna Caltabiano - ASFCME: \$23,644

Herman Peoples - SPFP: \$10,690

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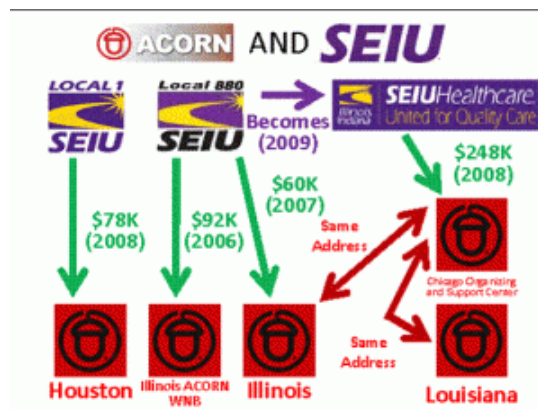
Two powerful South Dakota state lawmakers have promised to put a bill before the state legislature aimed at [protecting the secret ballot](#) for union elections. State Senate Majority Leader Dave Knudson acknowledged that if the bill passes, the state would probably wind up in federal court to defend it. Patrick Garry, who teaches constitutional law at the University of South Dakota School of Law, said states generally cannot supersede federal law.

North of the border, the Montreal Economic Institute conducted a poll of Quebec citizens, finding that 7 out of 10 would like to see their “card check” [laws amended to protect the secret ballot](#). Among unionized respondents, 80% wanted to see the secret ballot as a part of the union election process. According to Rep. John Kline (R – Minnesota), some Canadians wish card check upon the U.S., so that the we will lose some of our competitiveness in the global marketplace.

The banking community has been warned that the corporate campaigns they have experienced over executive compensation and other issues are a signal that these top-down campaigns will be reinforced by bottom-up union organizing efforts, especially after the EFCA becomes a reality. [Banks appear to have much to lose](#), according to a recent report from Griffin Financial Group in Pennsylvania. “Citing data from an unnamed unionized bank, the report estimates that the bank pays 7 to 8.5 percent more in salaries and benefits than its peers, and typically pays \$50,000 to \$100,000 more in legal expenses, which can double during years with contract talks. The report notes that another unionized bank, Ameriserv Financial in Johnstown, Pa., has suffered lower market valuation despite having a higher tangible common equity ratio, more regulatory capital and a better net interest margin than its peer group. Ameriserv’s price-to-earnings ratio is only 7.36 percent, compared to a peer group average of 11.27 percent; and its price-to-tangible book value is less than half that of similar banks.”

ACORN Corruption Ties With Unions And Politics

With the exposure of ACORN’s corrupt practices by clever [undercover video stings](#), ACORN’s ties to Big Labor have finally made their way into the public discourse. Several congressmen made a presentation in Chicago, making the case that the Census Bureau, who announced they had cut ties with ACORN, [should also cut ties with SEIU](#), as the two organizations seem to be [deeply intertwined](#), both financially and operationally. Following the flow of funds, another obvious conclusion is that [tax payer dollars](#) doled out to ACORN have also found their way into SEIU coffers, so that non-union tax payers have participated in funding union organizing and political activities.



SEIU and the UFCW have been the top [financial contributors to ACORN](#) among the Big Labor camp, sending \$4,019,606 and \$2,189,270 respectively during the years 2005 to 2008. Of the total of \$8,618,092 contributed to ACORN by labor unions during this time period, \$7,013,081 was attributed to “Representational

Activities.” A high percentage of union members would probably refute that this is how their dues money should have been spent.

The 1996 [Teamstergate money-laundering scheme](#) revealed the corrupt connection between the Clinton presidential campaign and Teamster

President Ron Carey's bid to be reelected. Digging into the scandal, the [ties between the IBT and ACORN](#) are both wide and deep. Indicating another abuse of member's dues money, the IBT's spending of more than \$18 million during the scheme was determined by a congressional subcommittee to have been responsible for its near bankruptcy.

The ACORN exposure uncovers another reason for Department of Labor head Solis' action to diminish financial disclosure requirements on unions. Revelations that the American Federation of Teachers and the National Education Association both contributed heavily to the same New York ACORN office caught facilitating child prostitution would not have occurred under the [less stringent reporting requirements](#) recently announced. However, it doesn't require much sleuthing to unravel the tapestry of political payback to Big Labor and ACORN. The latest revelation leads to the office of [White House Political Affairs Director, Patrick Gaspard](#). Gaspard's resume includes work for SEIU, and an ACORN appendage, New York's Working Families Party.

The *Big Labor/ACORN/political left* triangle is well documented, as are the [payoffs to the Big Labor/ACORN partners](#). The health care debate is heavily weighted with similar baggage. This ACORN/Big Labor connection to political influence takes on additional significance in light of the economic catastrophes facing many state governments. According to Jack McHugh of the Mackinac Center for Public Policy, who has studied states struggling with current budget crises, strong [union presence "so skews the incentives on elected officials](#) that they become incapable of even discussing the kind of transformational reforms needed by these states, much less acting on them." During a time when reform in so many quarters is necessary for recovery, "wherever one looks there's a union standing athwart potential reform and crying "Stop!"

Congress has begun to call for a [special prosecutor to investigate ACORN](#), complaining that the "close personal ties" of the administration to ACORN would impede a Justice Department probe. In Minnesota, Rep. Michele Bachmann is asking Gov. Tim Pawlenty to name a special investigator to [probe ACORN activities in that state](#). Republican lawmakers from various states are calling on Democrat candidates to [return campaign donations received from the SEIU](#), claiming the funds are tainted by SEIU's intimate association with ACORN.

DISCLAIMER: We are not picking on Democrats. Inappropriate lobby influence runs on both sides of the aisle. The Democrat/liberal/progressive side is simply more in line with the Big Labor agenda.

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 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?**

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

SEIU Watch

The SEIU is incapable of staying out of the spotlight. In San Francisco, they have [disrupted three City Hall receptions](#), staged die-ins in front of Mayor Gavin Newsom's SUV and, according to Newsom, thrown ketchup on his wife. At issue was the layoff of 500 clerical workers and certified nursing assistants.



In Chatham, Ontario, the SEIU has been accused again of [raiding another union](#), this time the Christian Labour Association of Canada (CLAC). In 2004 more than 400 employees of the Chatham-Kent Health Alliance voted to switch to CLAC from SEIU. SEIU fliers were recently distributed on car windshields in the Health Alliance parking lot.

Although the SEIU local denies they were responsible, Trish Douma, regional director of the Chatham CLAC office, said, "I think this is a bit of a last ditch attempt for (SEIU) to save face, instead of meeting the issues the members have head on."

In a follow-up story to [last issues' article](#) about home health care workers in Michigan being forced to pay dues into a union even through they were not employees of a unionized company or the state, similar schemes in Kansas and Missouri have been instigated by the SEIU. An outcry from workers and Republican lawmakers in Kansas halted the [collusion of the SEIU](#) and two government agencies, the state's Department of Aging and Department of Social and Rehabilitation Services. The Kansas scheme was initiated under former governor Kathleen Sebelius who is now doing SEIU's bidding in Washington as the secretary of health and human services.



Contreras

In Missouri, [a similar scheme](#) came as a 2008 ballot proposal, creating the "Missouri Quality Homecare Council." Proposition B was brought to the ballot under the guise that it would ensure the availability of home care services to the elderly under the Medicaid program. The reality of the initiative is that it would push 13,000 new members into the SEIU and AFSCME, while costing the Missouri taxpayers over \$500,000 a year. The SEIU spent almost a million dollars promoting the initiative, and is only a court decision away from the victory tape.



Stephens

It has been discovered that yet another Big Labor official with SEIU connections was responsible for [defrauding his own labor organization](#) of \$50,000. Deceased Miguel Contreras, former head of the L.A. County Federation of Labor in California, devised a scheme to set up a dummy corporation through which to pay "fees" to the then-president of SEIU Local 660 and 6 others. Although Contreras cannot be named as a defendant in the case, being deceased, former SEIU labor boss Alejandro Stephens plead guilty and faces up to 40 years in prison.

Deceptive "Public Policy" Campaign

Retail pharmacy workers of CVS Caremark in southern New Jersey have been receiving visits from a group calling themselves the Put Pharmacy First campaign. The group encourages these pharmacists to band together to influence public policy, raise consumer awareness and change corporate policy. Troy Dobson, region manager for CVS, says that [pharmacists are asked to sign a card](#) supporting the "Put Pharmacy First" project.

According to a letter from Dobson to CVS employees, this is all part of a thinly veiled national organizing campaign by Change-To-Win, who's members include the UFCW and SEIU. Dobson said in the letter to the pharmacists, "I don't want you to unknowingly give away your rights by signing a union authorization card."



ULP Charge Of The Month

As is typical, in this month's ULP selection, the union shoots the messenger. When an employee asked the union for help against a co-worker union-member who had threatened him, the union instead dropped the employee asking for help from the union work list, and called him racially derogatory names.

[Download the ULP charge here.](#)

Teamsters Try Strong-Arm Tactic

In another Big Labor payback ploy, Representative James Oberstar (D-Minnesota) is attempting to throw FedEx under the union bus with an amendment within the FAA Reauthorization Act. The move would force all of FedEx's workforce, not just the ground delivery sections, out from under the Railway Labor Act rules and under the National Labor Relations Act.

LRI staff member Russ Brown has written a white paper on the attempt, for the Competitive Enterprise Institute. Download the complete 4-page [white paper here.](#)

Having Second Thoughts

Jeanette Geary, who helped to organize the nurses of Kent Hospital in Warwick, RI, is now [working to deauthorize the union](#). Geary became disenchanted after the United Nurses and Allied Professionals (UNAP) entered into a contract with the hospital that failed to address many of the issues that precipitated the organizing campaign in the first place, a contract that the nurses have yet to even see.

At the same time, the National Right To Work Foundation filed charges against the union for allegedly attempting to coerce nurses into full-dues paying membership. Union members are charged \$20.56 per pay period, whereas those who choose not to be represented by the union pay only one dollar less. In states like Rhode Island which do not have right-to-work laws, unions can lawfully compel non-members to pay union dues as a job condition. However, non-members are to be exempt from the part of dues spent for activities like political activism, lobbying and member-only events. Non-members have a right to an independently audited breakdown of union expenditures and can challenge the calculation of the reduction of fees. A dollar per pay period difference does seem disingenuous.

Machinists Scare More Jobs Out Of State

This time it is Pratt & Whitney engine repair operations in Cheshire and East Hartford, Connecticut, that will close, [pushing 1000 jobs](#) to other locations more friendly to business. Georgia and Asia will be the likely winners of the shift. Losers include members of the International Association of Machinists, whose union wasn't



willing to pony up enough concessions to allow the plant to operate competitively.

State Sen. John McKinney also blamed state income and property taxes. "We simply do not provide a friendly atmosphere for business in Connecticut," he said.

The [union is fighting back](#) by suing the company to keep the jobs in place until the current contract expires in 2010. State Attorney General Richard Blumenthal said he will file legal papers in federal court backing the union.

Online Conversations



Companies that don't think they should be connecting with their employees online are by default giving the initiative to Big Labor, which [has become extremely adept](#) at using the new tools of social media to communicate their side of the story. Facebook, Twitter, MySpace, YouTube, and a growing host of social media outlets are allowing unions to connect with workers much faster and less expensively than is possible with other forms of communication. "You have these tools out there where the user can very easily set up their own website, set up a Facebook page, reach out to friends and start a conversation with people they could not before," says Darren DeMarco, IBEW's information technology director.



Unions using Facebook or Twitter, or both, include AFSCME, California Nurses Association (CNA/NNOC), Communications Workers of America (CWA), Electrical Workers (IBEW), Fire Fighters (IAFF), Painters and Allied Trades (IUPAT), Sheet Metal Workers (SMWIA), Transport Workers (TWU), UNITE HERE, United American Nurses (UAN) and United Steelworkers (USW).



Steelworkers Take It On The Chin

After firing 3 striking Steelworker members for [threats of physical violence and bodily harm](#) on the picket line, Vale Inco announced it intends to restart operations at its Clarabelle Mill mining operation in Canada [without the striking workers](#).

The strikers have been on strike since mid-July. Vale Inco spokesman Cory McPhee said work will resume with members of USW's office and technical union and outside contractors.

USW officials are outraged that Vale Inco would resume production during a strike. It is the first time in the more than 60 years since operations have been unionized that production has occurred during a lockout or strike.

Labor Relations INK is published semi-monthly and is edited by Labor Relations Institute, Inc. Feel free to pass this newsletter on to anyone you think might enjoy it.

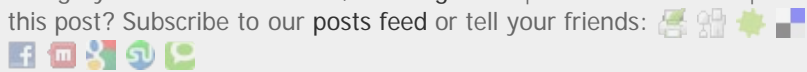
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