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**INK: February 11, 2010**



**Labor Relations INK**

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- Labor Relations Insight by Phil Wilson
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- The French Connection
- Restaurant Owners Beware!, ULP Charge of the Month, and more...

**Labor Relations Insight** from Phil Wilson

**Bring Out Yer Dead**

Remember that famous scene from Monty Python's Holy Grail during the plague? A cart is pulled around the village to pick up dead peasants. Cries of "bring out yer dead" can be heard across the village. At some point a not-quite-dead villager is about to be hoisted onto the cart when he protests that he is not dead and instead is "feeling much better." Until someone smacks him on the head and throws him on the cart.

Unions must feel a lot like that guy.

Conventional wisdom has pronounced unions dead. Again. Total membership has dropped to its lowest level on record. Only 7.2% of private sector workers are union members and for the first time ever there are now more government union members than private sector ones.



**Tag Cloud**

**Labor Relations News**

- Why the NLRB Matters: Becker Filibuster a Slap to the Middle Class - Huffington Post (blog)
- 'Obama's Recess Threat' - The Washington Independent
- Job-killers lose - Savannah Morning News
- Labor board chief wants vote on NLRB nominees - The Hill (blog)
- Nurses waiting for panel decision - Billings Gazette
- Unions to buy ice cream for public - Adobe Press

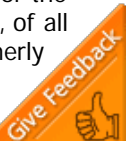


**Senator Scott Brown**

The 60-member Senate supermajority that swept into office in 2008, in no small part due to the efforts of union members, failed to pass healthcare or the Free Choice Act. Then the supermajority was destroyed by, of all things, a Republican being voted into the Senate seat formerly held (for over 40 years) by Ted Kennedy.

This week even a seemingly simple appointment to the NLRB Labor Relations Board failed overwhelmingly in the Senate. Craig Becker not only failed to get the 60 votes needed to win the appointment, but 11 Democrats risked a blizzard to vote against his nomination, thumbing their noses at unions in the process.

The Huffington Post this week argued that unions are just getting what they deserve. Their focus on politics and top-down organizing has destroyed what should be the



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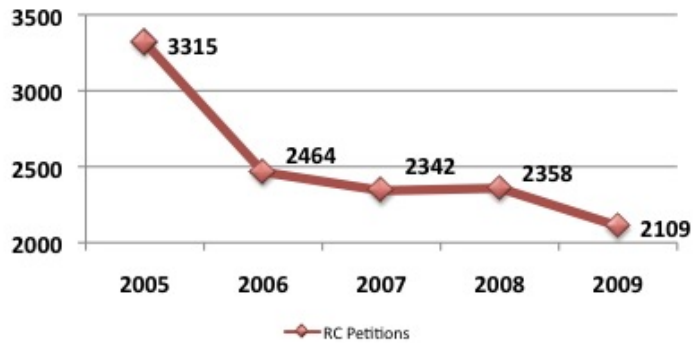
— R. Long

core strength of unions, the grassroots. The argument goes that unions spend so much time on politics and anti-corporate campaigns because it makes the top echelon of the union movement feel like big shots. However, these tactics do little to generate real political strength, which explains why unions are having such a difficult time getting their agenda through even a sympathetic government.

The problem with this analysis is that it doesn't exactly jive with the facts. I will grant that unions took most of the end of 2008 and beginning of 2009 off to get their President elected and inaugurated, and that shows up in the statistics. But traditional union organizing has been on a dramatic decline for years, and the grassroots were still effective in 2008 (not to mention the extremely close elections in 2000 and 2004 as well).

Take a look at what traditional NLRB organizing has looked like over the last five years:

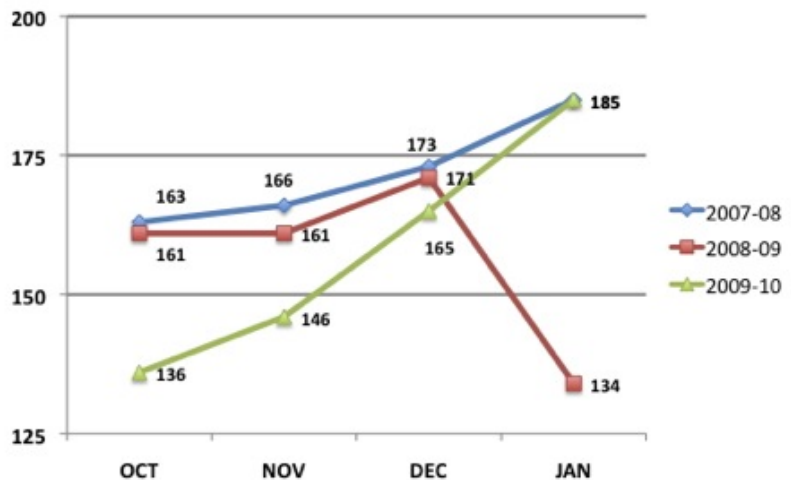
### Total RC Petitions, 2006-2009



Source: LRI Online (visit <http://search.lrionline.com>)

While petitions did drop about 12% in 2009, this pales in comparison to the 25% drop in 2006. While these statistics do support the idea that unions have begun to rely less and less on the traditional NLRB election, the number of petitions filed has remained relatively steady the last 4 years. Not only that, recent petition activity has been on the rise. Take a look at this:

### Fourth Quarter NLRB Elections, 2007-2009



Source: LRI Online (visit <http://search.lrionline.com>)

NLRB elections are up a substantial 38% over January 2009 and the general trend over the last quarter is up. Our firm consults in hundreds of elections each year (over twice as many as our next closest competitor) and we are engaged to assist even more companies experiencing pre-petition organizing activity. The last couple of months have been noticeably more active than, say, the first half of 2009.

As a current target of a union organizing campaign, I highly value this site to provide me any new information regarding the Card Check Bill or anything that could be of value in combating what is unquestionably the most undemocratic and biased procedure and battle I have ever encountered. Representing oneself is difficult enough and I appreciate all that the LRI does.  
— M. Nelson

## Vulnerability Assessment White Paper



## Recent Comments

Dave Kocienda: Rudolf, Just to set the record straight, I am NOT a business

Chet: Rob, what does that have to do with unions? The fact of

Christopher Brooks: If you union members do not like your jobs or do not think y

Dr. Michael Faulkner: The next nomination from Obama will come from a government un

Dave B.: A former boss made the statement an "employer gets the emplo

Davi Durbin: The failed nomination shows the lobbies control congress. Th

Rob: DANA, are you kidding? The only person making \$10k a year in

## 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: 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

Unions are far from dead. If anything, it looks like they may have learned their lesson in 2008. Unions cannot sit back and wait for Washington to come to their rescue. They will have to save themselves if they are going to be saved at all. And if recent trends are any indication, it looks like they are making an attempt to do just that.

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## EFCA Update



Big Labor received a huge snub this week as 2 Democrats sided with Republicans in stopping the appointment of Craig Becker to the National Labor Relations Board. Despite the failure of the Senate to put Becker up for an up or down vote, Labor is already screaming [for Obama to empanel Becker anyway via a recess appointment](#). As Stewart Acuff from the Utility Workers Union stated recently,

It [sic] we aren't able to pass the Employee Free Choice Act, we will work with President Obama and Vice President Biden and their appointees to the National Labor Relations Board to change the rules [governing forming a union through administrative action...](#)

Big Labor isn't going away, and is working at many levels to find ways to force people into unions. Iowa Governor Chet Culver signed an executive order forcing [certain construction projects](#) into the union camp, despite the fact that 89% of construction workers in that state do not belong to a union, and that costs typically rise on such projects when unions are involved.

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## The French Connection

What are union organizers to do when employees stubbornly refuse to sign up for union representation? How do they combat the "harsh" treatment of having companies hold employee meetings so company management can make their case against unionization? How about fly to Paris and try to embarrass the foreign owners of the company into a neutrality agreement?



The Paris-based food service group Sodexo has been the latest to [feel the brunt of this Big Labor strategy](#). Following the playbook used by the Communications Workers of America in their confrontation of Deutsche Telekom (owners of T-Mobile), and the United Food and Commercial Workers against Great Britain's Tesco (whose Fresh and Tasty Markets in the American southwest have been under attack), the SEIU flew to Paris to mount a publicity campaign against Sodexo.

Michael Bride, the UFCW's deputy organizing director for global strategies explains their actions this way, "We've always had relationships with [overseas] unions, but now we're moving from relationships into campaign mode."



Sodexo says their employees are free to unionize if they so desire, and Tesco and T-Mobile say their employees have shown no interest. Another example of why unions would prefer to eliminate a secret ballot election and resort to high-pressure card-check tactics, whether obtained by legislation, or by neutrality agreement.

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## FREE! Union Organizing Defense 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-minute consultation with Phil Wilson, LRI's President and General Counsel.

\*\*\*\*\*

### Restaurant Owners, Beware

If you are one of the employers of the over 13.5 million restaurant workers in America, you better make sure you are running a clean, tight ship. A pre-organizing campaign is ramping up, starting in 4 major cities: Detroit, New Orleans, Chicago, and Portland, Maine.



The Restaurant Opportunities Center is launching "[workplace justice campaigns](#)" in these cities, patterned after the original campaign in New York City that occurred shortly after the 9/11 catastrophe. Although the ROC is not a union, their activities can be a precursor to union organizing campaigns, and unions have had a hand in helping set up local ROCs.

The restaurant industry is one of the largest and fastest growing in the country, and is largely non-union. With so many sectors in the American economy stymied or in decline, this fat fish is too juicy of a target for Big Labor to long ignore. And as fourth-generation Deluth restaurant owner Chris Wisocki discovered, having to deal with a contentious union during a recession could be the [straw that breaks the camels back](#).

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### ULP Charge-of-the-Month

Good thing school wasn't in session, or the students might have greatly expanded their vocabulary, and gained some insight into standard union tactics. Pete Jaworski of the United Union of Roofers, Waterproofers, and Allied Workers Local 96, inspired this charge by employees of Stock Roofing Company:



On or about July 24, 2009 the Labor Organization, through its agent, Pete Jaworski, threatened, restrained and coerced employees of the Charging Party...at a school roofing project in Cloquet, Minnesota, by physically blocking them from getting access to their tools, by screaming profanities at them and demanding that they sign a union card, and by preventing them from taking possession of Charging Party's trailer and tools when they left the site.

Download a PDF of the [ULP charge here](#)

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## DOL to Carry A Bigger Stick

Our friends at Littler Mendelson looked over Obama's \$3.8 trillion budget released Feb 1, and broke down some of the [\\$14 billion headed to the Department of Labor](#), much of which is earmarked for the DOL's labor and employment law enforcement efforts. Included were:



- \$25 million and 100 additional enforcement personnel to identify and penalize employers who improperly classify employees as independent contractors,
- \$1.7 billion (a \$67 million increase) to the worker protection agencies for enforcement purposes,
- OSHA will receive \$573 million (up by \$14 million) to cover 60 additional enforcement members to its staff, aiming to conduct 9% more inspections, and
- The Employee Benefits Security Administration receives \$7 million to hire more benefits advisors and research staff.

Rather than gearing up to help American businesses find footing in a weak economy, sounds like the DOL is preparing to play its role in [more union corporate campaigns](#), designed to put pressure on companies to sign neutrality agreements and allow card-check organizing.

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## SEIU Watch



SEIU took a kidney punch in January when 2300 members at Kaiser Permanente voted in favor of representation by the National Union of Healthcare Workers. Despite the overwhelming resources that Stern and company threw at the campaign, and months of delaying tactics, the Kaiser employees' [vote was a landslide victory](#) for NUHW. 43,000 additional Kaiser workers will have a similar chance to vote when existing contracts expire this summer.

Good Samaritan Hospital employees in Los Angeles had the NLRB rule in their favor and order a new decertification election against the SEIU. [Stern's operatives resorted to bribes, and physical and verbal coercion](#) in the long-running battle between the hospital workers and the union.

To compound SEIU's west coast problems, it appears another [California local is running amok](#). First, members of Local 221 filed a complaint with the Department of Labor citing irregularities in the July election of officers. When the president of the local, Frances Moore, resigned in January (for "personal" reasons), she was paid a six-figure severance and retained as a consultant. This infuriated the local membership, who appealed to Stern. Stern subsequently sent two henchmen to review the situation, counseling the local not to make any payments to Moore until after the review.



On the East Coast, the [U.S. Attorney is reviewing calls for a probe into the possible law-breaking](#) activities of SEIU executives Andy Stern and Anna Burger. At stake is whether or not the two high-profile Big Labor execs engaged in lobbying activity, having been delisted as lobbyists. The question is whether 20% of work time during any one quarter was devoted to lobbying. With Stern's 28 2009 visits to the White House, and Burger's 32, one would suspect it is likely.

And in this month's most interesting SEIU news, it turns out that the SEIU (along with other unions) was behind an attack of the [Tea Party movement](#), providing funding for the website <http://theteapartyisover.org>. Included in the attack strategy was an apparently large purchase of Google advertising. Although the SEIU tried to hide behind a trail of benignly named organizations, opensecrets.org confirmed the funding link.

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## 12 Union Myths Exposed

The Cato Journal's January 2010 issue addresses the question, "Are unions good for America?" The articles provide hard-hitting analysis, exposing some of the myths behind labor unions that practically everyone believes.

[The Homeland Stupidity web site](#) provides a synopsis of each myth, with a link to each of the 12 Cato articles. For the next 12 issues we'd like to quote the synopsis, and suggest you take a look at the full article for yourself (each one is plus-or-minus 20 pages or so).

Myth Number One: Unions work to ensure a level playing field for employees.

Fact: Unions advocate for laws which tilt the playing field in ways that are unfair to both employers and employees. Those laws often impair economic growth and innovation, as well as destroy the freedom to contract, according to Randall G. Holcombe and James D. Gwartney, economics professors at Florida State University. Over time, these labor laws actually cause a shift in employment from union jobs to nonunion jobs. In fact, research shows that the growth of labor unions during the Great Depression actually increased unemployment. Unions are still destroying jobs today.

Download the [PDF here](#)

Check out the Cato Journal and access [all 12 PDFs here](#)

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## LRI's Brand New Online Supervisory Training Program



If there is **one thing** we have learned after more than **20 years and over 10,000 elections** battling unions, it is this:

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A screenshot of the LRI OAIT software interface. It shows a table with columns for 'Module', 'Attitude', 'Knowledge', 'Skill', 'Confidence', 'Self-Efficacy', 'Self-Esteem', and 'Self-Concept'. The rows represent different modules: '1. Research and Development', '2. Financial Analysis', '3. Marketing and Sales', '4. Customer Service', '5. Leadership and Development', '6. Managerial Responsibility and Ethics', '7. Marketing and Advertising Program', and '8. Public Policy'. Each cell in the table contains a progress indicator, such as a green bar or a circle with a checkmark. At the bottom of the screen, there is a section for 'Model 1: Research and Development' and 'Speaker: Philip Miller'.

- Personalized action plans for immediate implementation
- Accountability to upper level manager for progress and plan execution

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### **Unionist Attempts To Re-write The Dictionary**

"I'm not a bad person," said Gary Barner. "I just made bad decisions in what I did."

Let's look at those decisions. Barner served as the treasurer for Local 518 of the Paper, Allied-Industrial, Chemical and Energy Workers International Union (PACE – which is now a part of the United Steelworkers of America) from 2002-06. During that time, he [embezzled almost \\$30,000 from the local.](#)

When an auditor discovered the shortfall in 2006, and concluded Barner was responsible, Barner approached his father asking for a loan to cover the loss. When his father refused, Gary shot and beat him.

Barner turned himself in for the assault (thankfully his father survived), and while serving his sentence, he confessed to the embezzlement.

\*\*\*\*\*

### **Day Care Workers Strike Back At SEIU**

Washington state was on the brink of becoming the next state to force day care workers into the fold of the SEIU, when day care owners decided to voice their opposition to the move. As a result, Kim Cook, president of SEIU local 925, said the union has decided to modify its proposed bill and give daycares an option to join rather than making it mandatory.



Candi Doran, owner of the Little Orca Learning Center in Mukilteo, said ["I will not be forced into paying people I do not believe present quality to the public."](#) Doran believes that millions of dollars intended for classroom materials and food for children would be instead directed to the union if union membership became mandatory, and she resents the threat of being forced to participate.

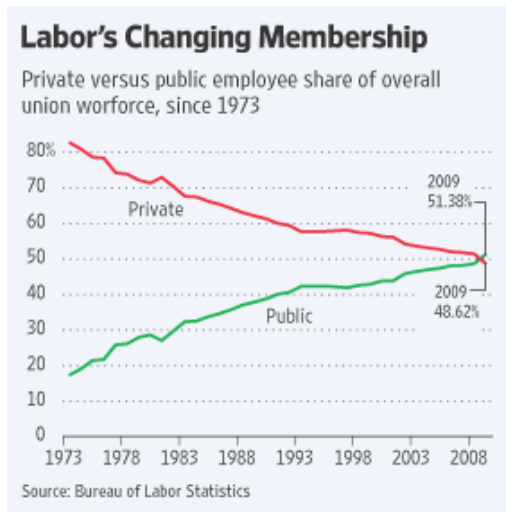
The modified measure has already passed the House, where it died last year because the House would not accept Senate modifications to the proposed bill.

This incident also begs the question: Should labor unions be in the business of writing our laws?

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### **Go Union!?**

We've mentioned the recent Bureau of Labor report on the decline of private industry union members and the rise of those in public unions (see chart). What can get lost in the overall picture is the startling fact that 10.1% of private union jobs were eliminated, which was more than twice the 4.4% rate of overall private job losses.



As much as unionists like to talk about job security, their [words ring hollow in the face of the facts](#).

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**Sticky Fingers!**

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

- Deidra Lucas – AFSCME \$40,000
- Sid Mannetti – AFGE: \$50,000
- Dale Holifield – UFCW: \$7,468
- Tiffany Freeman- AFM Local 1: \$2,260
- Tiesha Hamer – AFM Local 1: \$749
- Lavina Smith – AFM Local 1: \$2,500
- LaDonna Turner – AFM Local 1: \$15,800
- Britton Russia – AFM Local 1: \$21,309
- Gary A. Barner – PACE/USA: \$30,000
- Ron Quinn and Rebecca James – IGUA: \$11,147
- John Mannenga – BRS: \$14,042
- Ruth Olson – ATU: \$12,904

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