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Labor Relations INK

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Labor Relations Insight *from Phil Wilson*

Mythbusting

I love that show Mythbusters. I guess any guy who remains as mature as a 14 years old – like me – probably does. What's better than watching a bunch of pyromaniacs take on myths like, "can playing your stereo too loud cause loaded AK-47's in the back seat of your car to spontaneously start firing" (turns out that it can't).

Yesterday we released our latest White Paper "**IS THERE A TARGET ON MY BACK? Myths and Best Practices in Assessing Vulnerability to Union Organizing**" where we do our own brand of mythbusting. You can download your copy by [clicking here](#).

In the new white paper we attack some of the most basic myths about how unions target a group of employees, and explain how the conventional "wisdom" about vulnerability assessment is completely wrong. Taking what we know from dealing with union organizing campaigns, there are a number of surprising changes we have made to our vulnerability assessment process. Things like:

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

EFCA Update

Big Labor seems to be a bit dizzy these days, as they flounder around trying to hold their paid-for officials "accountable" (see the latest [Teamster threat](#) to Senator Specter), and at the same time can't seem to publicly agree on such major policy issues as a health care "public option," or card check as a necessary part of the EFCA. As AFL-CIO heir apparent Richard Trumka vows to [renew efforts](#) to push the EFCA through, outgoing affiliation president John Sweeney said he would [back the bill without the card check](#) provision, even though both Trumka and SEIU head Andy Stern have said they would not accept a compromise. U.S. Chamber of Commerce official Glenn Spencer pointed out that even if the card check provision is deleted long enough to get the bill past a cloture

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.

SCOREBOARD [Archives & PDFs](#)

Labor Relations INK [Archives & PDFs](#)

NEW White Paper!



How To Win (And Prevent) A 5-Day Election: Strategies for Success in a Changed Labor Law Environment

[CLICK HERE](#) to get our top strategies now.

Tag Cloud

Featured Product



LRI's **EFCA Tool Kit** is everything needed to inoculate a company against unionization in the "target rich" environment created by

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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: Referred to the Subcommittee on Health, Employment, Labor, and



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](#)

vote, he fully expects Big Labor to make sure the provision would be [added back in by amendment](#).



As talk of delaying action on EFCA has been growing, Vice President Joe Biden threw fuel on the fire in statements over the Labor Day weekend by stating that [EFCA would be passed by year's end](#).

Harry Hutchinson, a professor at George Mason University School of Law, just released a paper describing the [racist outcome](#) expected with the passage of EFCA, and intended "to show that rather than embracing freedom for workers, eliminating poverty, and expanding opportunities for all, this proposal would likely invert such goals and instead operate consistently with the record of exclusion and subordination tied to American Progressivism and the labor movement." Download the entire paper [here](#).

In an interesting twist, Senator Daniel Inouye (D – HI), a co-sponsor of the bill, has agreed to help the National Indian Gaming Association (NIGA) [lobby to prevent the EFCA](#) from being directly implemented at tribal casinos.

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.

Big Labor Unveils Organizing Secrets

You have to love it when insiders, especially on official union websites, tell the truth about the tactics they use to organize workers. In the current turf war between the SEIU and their rival upstart, the National Union of Healthcare Workers (NUHW), SEIU describes tactics that the NUHW used to attempt to secure signatures on union authorization cards. The SEIU claims that the home healthcare workers targeted had been subjected to ["lies, coercion, and fraud."](#)

One must wonder where these former veteran SEIU organizers learned their tactics. The action actually has some pro-union advocates afraid that if the truth be known, the EFCA won't stand a chance. To quote one recent blogger, "Intimidating home visits. Misleading tactics. Widespread unfair labor practices. This kind of talk won't woo any EFCA fence-sitters in Congress. In fact, these are the very complaints of card-signing coercion that EFCA opponents have lodged. Has the SEIU [divulged the unsavory devices](#) that union organizers employ in their efforts to secure workers'



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:

- Michael Kelly - UTU: \$97,970
- Michael Rhoades - CWA: \$8,000
- Terry Hacker - UNITE-HERE: \$38,146
- Joseph Clegg - APWU: \$1,560
- Monica Peaslee - IBT: \$13,156
- Paul Hernandez - IBEW: undisclosed

Follow



signatures?"

To view some of the workers own [video testimony](#) of the coercion and deception, visit this page.

"Public Option" Failures



If you are thinking "public option" health care is a solution, you had better look closely at "public education," particularly when unions are involved. First, let's dispel the semantic myth – there is no "public" in either. "Public" is a euphemism for government, and government does very little very well.

Imagine health care at the mercy of unions to the same degree as government education. Court orders did not prevent teachers in Washington State from [striking this past week](#). Class size surfaced as the key issue in this case, but teachers unions want to have their cake and eat it too – [pay increases along with more hires](#) (to reduce class size), when money to pay for both does not exist. This parallels the patient load issue most hospitals face.

Consider tenure, and its impact on the quality of education. [Bad teachers are kept ensconced](#) behind their desks due to seniority alone, when better teachers are paid less, laid off, or not hired. There is very little incentive to maintain or enhance skills under such a system. Nursing and medical professionals falling under a similar system will only mean the degrading of the quality of medical treatment.

The percentage of unionization in the government sector is far higher than in the private sector, due mainly to the monopoly position of these entities. If health care succumbs to such government control, and the history of government education provides any clues, the unions will not be far behind and the quality of medical care will decline while the cost per patient will rise.

ULP Charge Of The Month

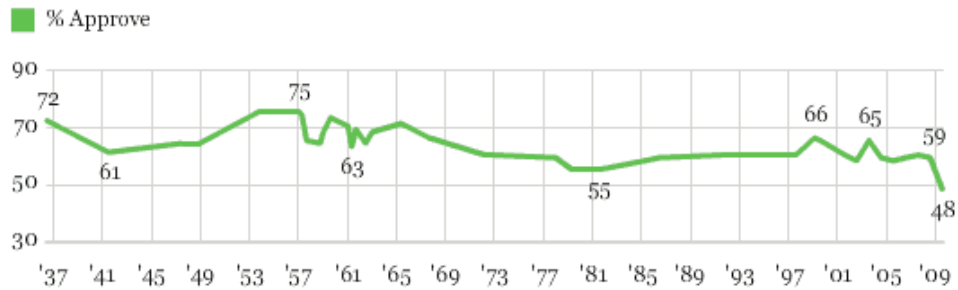


SEIU is our culprit once again this month. Sarah Solis, an employee of SEIU at their D.C. office, is a member of the Union of Union Representatives. When she engaged in protected union activities, a job offer was rescinded, work assignments were removed, and she was suspended without pay. [Download the ULP charge here.](#)

Union Support Withering

It is obvious why unions are pushing so hard to secure an easier road to building their ranks: most Americans do not prefer unions. In several recent polls, favorable attitudes about unions are plummeting.

Do you approve or disapprove of labor unions?



GALLUP POLL

We [reported 2 weeks ago](#) that unions are among the least-trusted institutions in the country. A new Gallop poll show American [support for unions at it's lowest level](#) since the organization began polling in the 1930s. More Americans feel unions hurt employees (unionized or not) rather than help them, and the same is true of unions' impact on the economy as well. A full 62% believe unions hurt non-union workers. A recent Rasmussen poll indicates that almost half of Americans believe unions have outlived their usefulness, and that [unions weaken America](#). An Investors Business Daily editorial [blames the declining numbers](#) on the GM/Chrysler debacle and the attempt by Big Labor to eliminate the secret ballot from the union election process via the EFCA.

Another Big Labor Score

As [we warned](#) in our August 13 issue of INK, union financial reporting requirements have been rolled back to the pre-Bush era standards, meaning very little accountability for how unions spend their money. Since it will [not be doing its job](#), the Office of Labor Management Standards might as well be disbanded.

Teamsters Jailed

Three ex-Teamster officials who participated in [rigging union elections](#) in Chicago in 2004 have received sentences of between 18 months to 40 months in jail. In an attempt to prevent Local 743 members from voting in the election, the three conspired to divert the ballots to family members and friends. Just another day of doing business the union way!

Striking Workers Burned

Employees at Bemis Company in Terre Haute, IN, learned the hard way that [strikes have unintended consequences](#). After 5 to 6 weeks out of work, about 90 of the 700 or so members had crossed the picket line to return to work, and when the company threatened to permanently replace those who didn't return, the strike ended.

Some who returned resigned their union membership. However, some had no jobs waiting for them. "Because work was moved elsewhere during the strike, 77 people are not returning to work with everyone else and we do not know when they will return to work," said Bill Kirby, vice president of Workers United Local 1426.

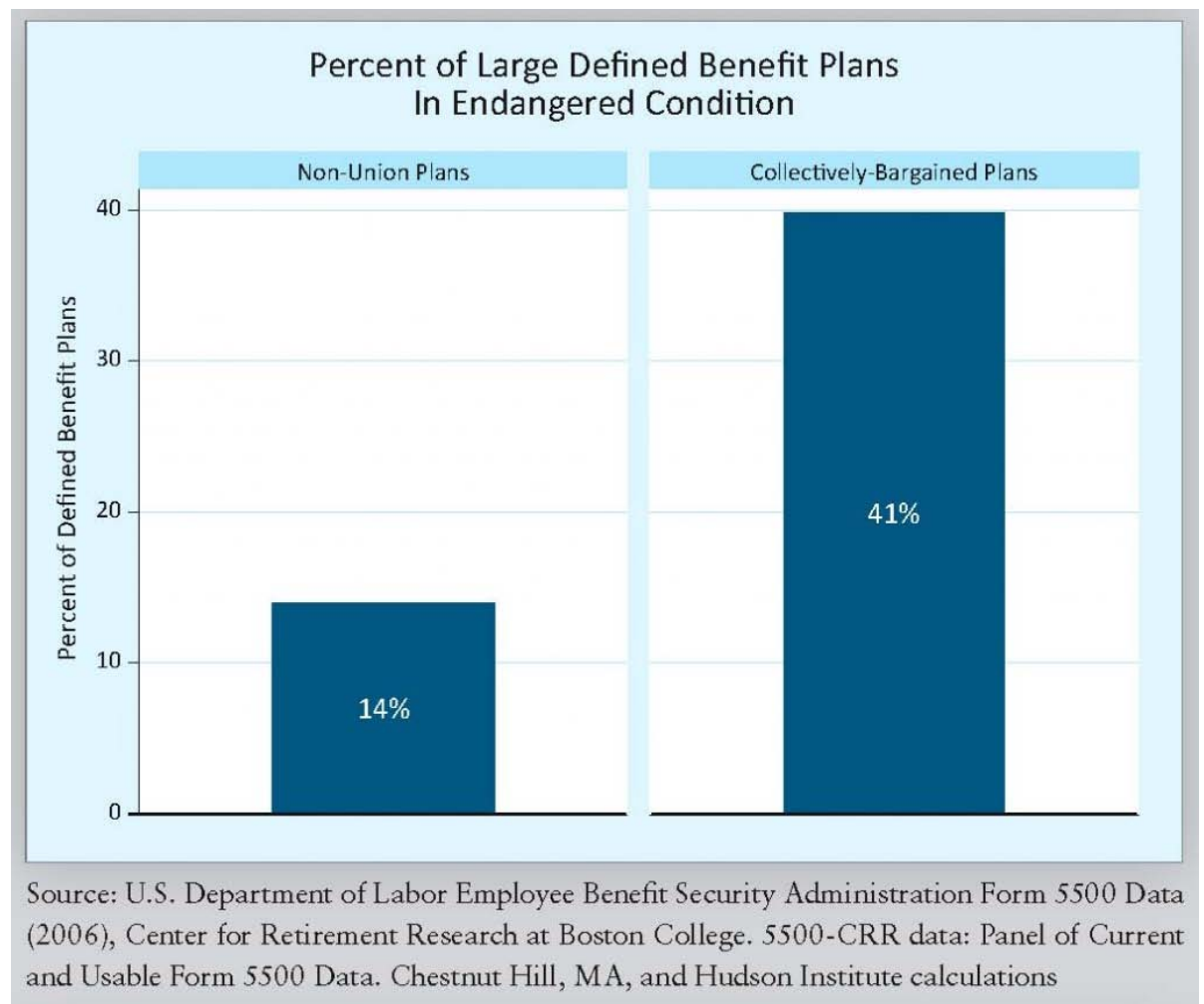
Union Pension Woes

We've reported several times recently that unions are having problems with their pension funds, creating the pressure for new union members to

replenish the drained fund coffers (see back issues of INK [here](#), [here](#), and [here](#)). A [new report](#) by the Hudson Institute, a nonpartisan policy research organization, reinforced the dire condition of union pension funds and bundled the information into a well-presented document. The full 58-page study, titled "Comparing Union-Sponsored and Private Pension Plans: How Safe are Workers' Retirements?" is available for [download here](#).

A few key findings:

- While 86% of non-union funds had 80% or more of funds needed to pay expected costs, only 59% of union funds met the funding threshold.
- The problems with collectively bargained pension plans extend even to smaller plans. Of non-union plans, 61% were fully funded, compared to 25% of union plans.



Machinists Booted

We reported [earlier](#) that when Boeing recently purchased a Vought Aircraft Industries plant in Charleston, South Carolina, the purchase triggered a window in the existing union contract for the employees to file for a decertification vote. This week, the employees resoundingly [tossed the Machinists out](#) on their ear by a tally of 199 to 68.



Steelworkers Union Turns Nose Up At Jobs

In a county where unemployment is running at



above 12%, the [Steelworkers turned down an offer](#) to re-open a closed ArcelorMittal steel plant and put 245 people back to work.

The plant was shut down in early July due to lack of work, but the company said they are starting to see business pick up again. They offered a contract with reduced hours and less overtime, but the Steelworkers declined. "We are disappointed with the outcome of yesterday's vote, which was designed to put the plant on a more competitive footing," Katie Patterson, spokeswoman for ArcelorMittal, said. "The facility will remain closed with no plans to reopen as we continue to evaluate our options given the current labor situation and market conditions."

Teamsters Decline Pay Raise and Strike

Michigan area drivers for Aunt Millie's Bakeries declined a contract that included a new two-tiered wage structure designed to protect all current employees' wages, while providing for some flexibility for the company to manage future costs. The contract also asked for some latitude to respond to "specific circumstances of competitor threat." According to company spokesperson Melissa Dunning, "Our proposal is a two-tiered wage structure, where future hires will be hired at lower rates but current employees will have no decrease...We are actually proposing an increase to current employees' base pay."



The response: [no thanks!](#) 80 employees in five cities walked out on strike.

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