

NSO Contact

National Staff Organization

July 2010

Agerstrand recipient of first-time John Warms Legend Award

His passion and devotion to the principles of unionism are legendary within the union ranks, so it's fitting to honor the memory of John Warms with an award that recognizes his advocacy. It's also fitting that the first recipient of the award be NSO President Chuck Agerstrand.

"I'm touched, humbled and honored by this award. It means so much to be recognized for service that is so important to this union," said Agerstrand.

Robert Blackwell, At-Large A Director, and Pat Chavez, At-Large B Director, first presented the idea of recognizing Warms' work to the NSO Executive Committee who heartily endorsed the idea.

"I so appreciated John reaching out to the New Mexico staff when AFT and NEA merger talks were starting," remembered Chavez. "He was always inclusive, distinguished and humble, yet his influence knew no bounds."

Agerstrand admitted that he had no idea that the Executive Committee was planning on presenting the John Warms Legend Award this year and he was totally taken by surprise at being the first recipient.

"We discussed the idea and all of the Executive Committee thought that this was a good way for us to remember John's dedication to NSO," said Agerstrand. "But I had no idea the plans were already in the works to make the award a part of this RA."

The Executive Committee did a good job of keeping a secret. They arranged for Agerstrand's wife, Bonnie, and his two daughters to be present to see him presented with the engraved carafe that symbolized Warms' love of good wine.

Marius Ambrose, Vice President for Defense commented, "John always said that life was too short to drink cheap wine so the award is appropriate, and the recipient is deserving."

The award will become a yearly event. Information regarding the award will be posted on the Web site. Nominees must be an NSO or NSO-R member. The winner will be chosen by the Executive Committee.

When asked who would make a good candidate, Blackwell commented, "One year, I wanted to come to the RA but there was no money to help pay my way. John said, 'You get there and I'll take care of it.' Not only did he take care of it, he assigned someone to mentor me. And much later, Chuck encouraged me to run for the Executive Committee. That concern for others--that pursuit of what's right--that union spirit--that's what we're looking for."



NSO President Chuck Agerstrand and family

Lange chosen for Emil Oxfeld Award

When people are willing to do the heavy work—when they're always ready to step up and say, "I can help," they embody the essence of NSO's annual Emil Oxfeld Award.

For 2010, Bernadette Lange, retired New Jersey NSO member, was the recipient of the award for her commitment to union principles.

"Bernadette truly enhances the power of this organization. She is a leader in the core of active and retired volunteers who reflects the essence of advocacy and commitment that Emil believed in," commented NSO President Chuck Agerstrand as he presented the award.

Lange began her association work as an associate staff member in New Jersey. Put off by the job title of "senior secretaries," she decided to organize the 80 members of her unit. Her first project was to get the name of the unit changed to "office managers."

"I was the new kid on the block, having only been on the job for two years. I was considered a rabble-rouser but we had to do something. We were overworked and overlooked," said Lange.

Her next challenge was to help get her ASO members into NSO.

"John Warms was my mentor. He instilled in me the idea that NSO must be all-inclusive if it was going to be effective. I agreed," said Lange.

She also credits Audrey Mellon and Mort Reinhart for her involvement. NSO. Lange served for 12 years on the NSO Executive Committee and also was a CBC co-chair.

Even though Lange has been retired for two years, she still continues to be involved with NSO. This year, Lange was a member of the 40th Anniversary planning committee.

Lange believes retired NSO members still can play a vital role in the union—especially when it comes to new members. Since staff is so busy, Lange think retirees would make good mentors, encouraging new members to get involved.

Lange said, "New members need to pick someone whom they respect as a true union leader. That person becomes their "buddy" and helps guide them into the union. I think retirees would be great at that,"

Jerry, her husband of 17 years, has joined Lange in retirement in Florida, but not surprising, he remains active in NSO too. As a matter of fact, the two met on the job and made an NSO RA their honeymoon destination.

Surprised by her selection as an Emil Oxfeld Award winner, Lange said, "I'm truly honored. My brothers and sisters in the union are important to me. I can still feel what they're going through. I'm still there in spirit," she said.



Bernadette Lange, retired New Jersey NSO member

2010 NSO RA Wrap-up

- The 304 RA delegates unanimously elected the following officers and Region directors: **Chuck Agerstrand, President; Marius Ambrose, Vice President for Defense; Lynn Adler, Vice President for Program; Ron Goldenstein, Treasurer; Mary Henson, Secretary; Butch Santicola, Region 2 Director; John Stephens, Region 4 Director; and Michael Coleman, Region 6 Director.**
- According to **Marius Ambrose, NSO Vice President for Defense**, the expected loss of 100,000 NEA members will seriously impact NSO members. While NSO is working with NEA to address problems such as layoffs, underfunded pensions, and difficult bargaining situations, South Carolina, Ohio, Colorado, Maine, Missouri, Oregon, Ohio, Florida, Maryland and Illinois are in distress.
- Twenty-six NSO affiliates received training and field assistance organized by **Lynn Adler, Vice President for Program**. Adler also serves on the planning committee that is organizing a Labor-Management Summit March 29-30 in Chicago. NSO affiliates will be attending with representatives from management. The goal of the Summit is to strengthen relationships and to identify processes and criteria that build the organizational culture.
- Denise Hamilton, associate staff from New Jersey and Denise Kay Jennex, professional staff from California, are the most recent graduates of the **Harvard Trade Union Program**. NSO will again be sponsoring three seats for the program which will be held Jan. 10 to Feb. 18, 2011. Applications for the next session are available beginning July 15. The deadline for submission is Nov. 15.
- RA delegates contributed \$1,700 to the **NSO Disaster Relief Fund**. The raffle for the NSO quilt raised \$3,066 for the Fund.
- The 2010-11 budget was approved with no dues increase at this time. **Ron Goldenstein, NSO Treasurer** remarked, "There is no need for a dues increase with this budget. However, the predicted loss of 100,000 NEA members will have an impact on staff, and, subsequently on NSO membership and dues revenue in the future."
- NSO currently reports a membership of **5,001** full and part-time members.
- NSO is in good shape financially. The auditor has given us a "clean bill of health."
- NSO members designed the "Organizing for Power" training. To date, it has been presented to more than 20 affiliates and 500 members. Contact Region 4 Director John Stephens or Region 2 Director Butch Santicola if you're interested in the training.
- For the first time, members could follow the RA on **Twitter**.



RA delegates approve three new business items

Amendments to the NSO policy on reimbursement for legal expenses and support of two state affiliates were agreed to by the 2010 RA.

From now on, prior written approval from the Vice President for Defense is required in order for a local affiliate to receive reimbursement for legal expenses up to \$5,000. Any expenses over \$5,000 must be approved by the NSO Executive Committee.

The delegates also pledged support for the New Hampshire Education Staff Organization. Members have endured numerous contract violations, the termination of two professional staff members, and stalled bargaining.

For the third approved business item, NSO will not schedule any meetings or workshops in Arizona as long as the Paper Please immigration law is in effect.

Emerging Issues Forum tackles current concerns

The second Emerging Issues Forum spurred lively discussions on topics that reflect issues state affiliates are facing today.

Participants could choose any one of five topics to discuss and their comments were recorded. They then moved to one of the other discussion tables.

The topics chosen were the impact of technology on our work; bargaining and its effects on current contracts; the growing interference of governance in staff issues; the loss of an organizing culture and bargaining health care and pensions.

Jennifer Miller, a first-time delegate from Michigan, shared her perspective at a table discussing generational issues. "I think NSO has to start considering how to reach out to new members. We need to know how NSO is relevant to us."



A new business item submitted at the 2009 RA called for the establishment of the Forum. The first session was held at the 2010 Winter Advocacy Retreat where this session's topics were suggested.

Retirement benefits

Our ox is bleeding!

Everything in life is determined by whose ox is being gored. If it is your ox that is being gored, you are extremely unhappy. If your ox is goring the other guy's ox, you are probably extremely happy or maybe even delirious.

According to Mort Reinhart, NSO Pension Benefits Consultant, this theory doesn't just apply to life—it pretty much describes the state of retirement benefits.

"Put on your unhappy faces," Reinhart warned delegates, "because your ox is not only being gored, your ox is bleeding!"

The "ox" Reinhart describes refers to the NEA Pension Plan, along with other state affiliate plans.

The NEA plan is under fierce attack from management. There is talk of a freeze and reducing the formula for future years of credit. Some states are considering withdrawing from the plan completely.

"Whether any of these possibilities become reality or not, your ox is about to be gored," predicted Reinhart. "Right now, Pat Chavez, the current NEA Retirement Board Chair and NSO Pension Committee member, is trying to stem the bleeding."

State affiliates with a defined benefit plan are struggling to find the money to meet the funding obligations required by the Pension Protection Act. Some states have already agreed to two-tier systems, while others have seen a reduction in future benefits for all employees. The elimination of a current defined benefit plan in favor of a defined contribution plan is also being considered.

States with defined contribution plans aren't exempt from goring. State associations where employer contributions are high, the threat of reducing the contribution so fewer dollars are available for future staff investments is real.

Most disturbing is the possibility of "double ox-goring." States faced with crippling budget deficits are not only attacking staff benefits, but they are also looking to slash benefits for current and future teachers. The result is multi-tier systems.

Reinhart predicts that it won't be long before teachers take a hard look at staff benefits and seeing them better than theirs—decide that the staff's ox should be gored.

"I'm not sure how we reverse the goring of our ox. I just know that I will not be happy again until it is the other guy's ox that is being gored," reflected Reinhart.

Several state affiliates in crisis mode

The difficult economic times is translating into difficult bargaining and other labor problems across the country.

South Carolina, like Indiana, is now under an NEA trusteeship. They have experienced a drastic loss in membership, which now numbers approximately 5,000.

Indiana, the first state to be taken over by NEA, is still experiencing fallout from its financial crisis. The associate staff will be losing three more positions by Aug. 31. By fall the unit definitely expects to lose two UA position. That number could increase to as many as five. The unit is also currently in bargaining.

Ohio's professional staff has taken a vote of "no confidence" in its Executive Director Larry Wicks, citing a "management-by-fear" climate. They have filed more than 300 grievances—200 of which are at the arbitration stage. One of those grievances involves the discharge of two staff members.

"These grievances reflect management's clear violations of the contract. The staff is determined to fight battles that have been in the making for over a year," said Marius Ambrose, Vice President for Defense.

Staff discharges are the basis for labor problems in Colorado, Florida, New Hampshire and Illinois.

Maine, Oregon and Maryland are dealing with grievances over contract interpretation of such issues as hiring, the reporting of union time and evaluations.

State affiliates in bargaining all seem to be facing the same issues—rollbacks in salary, benefits and pensions.

"Unfortunately, It's a perfect storm," commented Ambrose. The NEA and state associations are losing members and revenue. Management's reaction is to lay off staff or demand concessions in wages, benefits and retirement."

Ohio, New Mexico, Michigan, North Carolina, Arkansas, Oregon, and Washington are on NSO's "watch list" for potential bargaining problems.

NSO President Chuck Agerstrand noted, "This is going to be a tough bargaining year. In addition to the issues we're facing, we're losing experienced bargainers and facilitators to retirements."

2009 New Business items

Even "old" new business items keep NSO moving forward

Each year, delegates submit new business items for the RA to consider; 2010 was no different. But what happened to the new business items from 2009? What did NSO do about them?

"NSO continues to move forward but there's no harm in reviewing where we've been," said NSO President Chuck Agerstrand.

And that's why he provided delegates with an update on the progress of new business items approved by the 2009 RA.

In terms of legislative action, NSO continued its support of the Employee Free Choice Act (H.R. 1409) and the Economic Recovery Plan which encouraged the purchase of U.S. goods. Unfortunately, despite lobbying efforts, H.R 1409 is on hold and passage seems unlikely. The new business item which supported the nomination of Sonia Sotomayor to the Supreme Court saw more success.

The recommendation that an Emerging Issues Forum be held at all major NSO functions first became a reality at this year's Winter Advocacy Retreat. And at this RA, delegates had the chance to discuss such issues as the need for organizing, reaching out to new members and bargaining.

But it may have been the new business item directing NSO to hold events at hotels with unionized staff that had the greatest impact. This spring, the Pension Benefits Committee meeting was scheduled for the Hyatt on Fisherman's Wharf in San Francisco. On the first day of the meeting, attendees awoke to discover the hotel was the site of a rolling picket by hotel workers. Standing firm to the principles of NSO, committee members packed up and moved to another hotel to conduct their business.

In summary, Agerstrand said, "The direction of NSO is set by the delegates attending the RA each year. Those new business items reflect the interests of our members who are doing the business of the organization every day."

AAA adopts new rules for subpoenas

The American Arbitration Association (AAA) has adopted a new policy which will have an impact on non-lawyers doing arbitrations.

Starting July 1, requests for subpoenas from an arbitrator must be shared with the other side. The rule states, “Copies of correspondence or other information with respect to subpoenas are to be exchanged between the parties unless both parties agree not to exchange subpoena requests.”

For advocates, this means the other side will know who will be testifying for us. This becomes even more of an issue when we are subpoenaing a management witness.

“I have been doing arbitrations since 1968 and have seen many instances when management has found out that a union member was going to testify and pressure was brought to bear in an attempt to get the person not to testify,” said Jack Schamel, an advocate used by NSO for state affiliate grievances and arbitrations in a letter to AAA.

This new rule is a real problem for “non-lawyer” advocates warned Schamel. Attorneys can issue subpoenas on their own without going through an arbitrator. Non-lawyers have to have their subpoenas signed by an arbitrator.

Schamel argued, “This new rule has just given an advantage to the management side of an arbitration since unions bring cases to AAA. If a witness is produced at a hearing, the other side can raise its objections and ask the arbitrator to rule. This new policy isn’t necessary.”

Schamel has already written a letter to AAA expressing his concerns and urges other NSO advocates to do the same. The email address is LENewsletter@adr.org or LEENewsletter; American Arbitration Association’ 1633 Broadway, 10th floor; New York, NY 10019

“Maybe if they hear from enough of us who are the ones who cause most cases to get to arbitration, they will rethink the policy,” commented Schamel.

NSO Executive Committee

President – Chuck Agerstrand

Vice President for Defense – Marius Ambrose

Vice President for Program – Lynn Adler

Treasurer – Ron Goldenstein

Secretary – Mary Henson

Region 1 – Cheryl Singleton

Region 2 – Butch Santicola

Region 3 – Emmitt Jimmar

Region 4 – John Stephens

Region 5 – Kathy Hill

Region 6 – Michael Coleman

Region 7 – Catherine Alexander

At Large-A – Robert Blackwell

At Large-B – Patrick Chavez

Comptroller—Vera Stafford

Communications – Rosemary Carey

Web – Miriam Garcia



Check out the web site, www.nationalstaff.org for the latest news and updates on bargaining.