

# NSO Contact

National Staff Organization

May 2015

## Patrick Green, National Partnership Director, chosen as RA keynote

Patrick Green, National Partnership director, will be the keynote speaker on Friday, June 12 at the 2015 NSO Representative Assembly. The Partnership represents a coalition of four unions—NEA, SEIU, AFSCME, all working in coordination with AFT.

Green's activism began in St. Louis in 1994 when he did street-corner voter registration. He continued his involvement in politics as an organizer for SEIU in Missouri and Ohio before settling in Oregon in 1999. It was in Oregon that he was credited with leading Oregon AFL-CIO's highest-ever union voter turnout in the nation in 2004.

He served as Political Director for SEIU before taking on the role of director of Our Oregon, a progressive coalition charged with sponsoring ballot measures that support public services.



Patrick Green

In 2013, the National Partnership saw Oregon as a model for collaboration between unions and recruited Green as their director. The mission of the National Partnership, with Green as their leader, is collaborating on strategic organizing, politics and communications, both nationally and in key states.

Lately, Green's focus is exploring how labor can meet the challenges of a rapidly changing world.

## RA delegates will vote on Region, At-Large director positions; nominating petitions due by June 12



Delegates to the 2015 NSO Representative Assembly will be electing Region Directors. Candidates elected to Region 1, 3, 5 and 7 Director positions, along with At-Large A and B Director positions, will be serving two-year terms beginning June 13, 2015 and ending June 10, 2017.

Any active NSO member in good standing is eligible to run for these positions. According to the NSO Constitution and Bylaws and the [NSO](#)

[Campaign Rules and Election Regulations](#), candidates must submit a [petition](#) signed by at least three NSO members. Petitions must be submitted to NSO Elections Chair Jennifer Miller (Michigan) by 10 a.m. on June 12, 2015.

Nominations will be taken from the floor and those nominated must also submit a signed petition in order to be considered candidates.

Candidates' campaign activities are governed by federal law and are detailed in the **NSO Campaign Rules and Election Regulations**.

## **New 2015-16 budget with small dues increase will be considered at the RA**

NSO Treasurer Ron Goldenstein will be presenting a proposed 2015-16 budget to the delegates for their approval at the 2015 NSO RA. Prior to voting on the budget on Saturday, June 13, delegates will have the opportunity to ask questions of Goldenstein and other NSO Executive Committee members at a budget hearing on Thursday, June 11 at 4 p.m.

NSO's proposed budget for 2015-16 is \$998,732—an \$11,612 increase over last year. [The budget history](#) shows that while membership has been decreasing, the need for NSO services and programs for local affiliates has not. For example, the most significant line item increase is in legal assistance for affiliates. Also seeing an increase is the line item devoted to CBC events.

The budget proposal includes a dues increase of \$4 for professional staff and \$2 for associate staff.

## **Associate staff suggests training topics for NSO**

Region 4 Director Dawn Basurto from California just completed an online survey of associate staff members that provided training suggestions NSO could provide at its events. The 136 respondents answered questions about the kind of training that should be offered to associate staff, their willingness to be a trainer, and what areas they would feel comfortable training.

Negotiations, grievance processing and finances were most often suggested as training topics, but some new ones were also mentioned. Associate staff suggested training on managing generational shifts, crucial conversations, promoting union participation, and helping them move to professional staff positions.

While many respondents felt they weren't "expert" enough to do training by themselves, most were interested in training with another associate staff or professional staff member.



Basurto said, “I am glad so many associate staff members responded. The survey provides the NSO Executive Committee with some great recommendations and suggestions that we will be reviewing at our June Executive Committee meeting.”

## What do I do with the information from NSO’s Emerging Issues sessions?

**Editor’s Note:** Delegates to the 2004 RA voted to include an Emerging Issues session at major NSO events, like the RA and the Winter Advocacy Retreat. In the past, attendees have participated in discussions around issues impacting them in their states and affecting NSO. Lately, topics such as bargaining, subcontracting, attacks on benefits, and the relationship with NEA have dominated those discussions. While notes from Emerging Issues sessions are posted on the website, they may leave you wondering, “What do I do now?” Well, our goal is to help answer that question for you by providing some information, strategies and ideas you can use to deal with those issues back home. Our first piece covers issues from the [2015 Winter Advocacy Retreat](#).

The 2015 RA Emerging Issues session will be held on Friday, June 12 from 8:00 to 9:00 a.m.



Retreat attendees devoted a great deal of time to bargaining, specifically mentioning the concessionary position management is taking, along with attacks on benefits.

The best defense against potential difficult bargaining is first contacting your NSO Region Director for assistance. NSO provides training and at-the-table assistance to affiliates to help before, during and after bargaining. Don’t wait until you’re in a crisis to contact NSO for assistance. Let your Region Directors know that you’re ready to start bargaining and alert them to any potential problems you see. Keep them updated

regularly on what’s going on at your bargaining table.

Another emerging issue dominating the session concerned NSO’s relationship with NEA. Participants expressed concern that the role of staff is being diluted; governance is usurping management rights/roles; and what NEA means by an “organizing culture.”

NSO can help, but the organization needs to hear from local affiliates about NEA’s activities in your state. NSO has working relationships with several executive directors, and may be able to work with them to help you resolve issues. Finally, NSO’s training, “Organizing for Power,” can help affiliates develop the skills needed to strengthen their influence and capacity.

NSO’s website ([www.nationalstaff.org](http://www.nationalstaff.org)) regularly provides information about NEA’s latest initiatives and actions. Rely on it and encourage your members to sign up and keep informed.

## ***What are other unions doing to protect their benefits in bargaining?***

Workers' Independent News reports that Omaha firefighters proposed taking over their health insurance plan to avoid concessions at the bargaining table.

Trevor Towey, Treasurer of the Omaha Professional Firefighters Union, said, "This proposal was brought to the negotiating table by the union. It was a way for our members to keep the current level of benefits that we've had over the past few years and also keep our premium levels the same. The only way that we were going to be able to do that for our members was to be able to take control of health care and the management of that, and that's what we've proposed to do. That's what we proposed to the city and it was well-received."

## **California cases could impact who must pay union dues**

For the third time in three years, California teacher unions are the target of a lawsuit challenging the rights of public employee unions to conduct business. In the latest case, *Bain et al v. CTA et al*, four public school teachers are claiming the unions violate their free speech because their union membership forces them to pay money to support political views they disagree with.

StudentsFirst, the so-called education reform group founded by Michelle Rhee, filed the suit on behalf of the teachers. The California Teachers Association (CTA), the NEA, the California Federation of Teachers (CFT), and the AFT are named as defendants in the case.

Alice O'Brien, general counsel for the NEA, said, "The Bain lawsuit attacks the right of a membership organization to restrict the benefits of membership to those who actually pay dues. No court has accepted the notion that providing benefits only to members violates the First Amendment. We are confident that this latest attack by StudentsFirst will be equally unsuccessful."

O'Brien references the 1977 decision in *Abood vs. Detroit Board of Education* where the Supreme Court ruled that while public employees can't be required to join a union, they can be required to pay fees associated with union representation. The Court found that these "fair share" or "agency shop" agreements didn't violate the Constitution as long as the fee was limited to collective bargaining and contract administration expenses. The Court has repeatedly upheld the decision for the past 38 years.

### **New NSO web page added devoted to organizing**

"Organizing is providing people with the opportunity to become aware of their own capabilities and potential." —Fred Ross, Sr., Labor and community organizer

Looking to organize your members for bargaining? For advocacy issues? For a crisis? Let NSO help you with organizing strategies and resources from its "Organizing for Power" program. We've added a new page to our NSO website—[Organizing](#)—with information you can use in your organizing campaign.

The string of lawsuits against the California teacher unions began in May 2012, when eight California public school children filed *Vergara et al v. State of California*. The plaintiff's legal team successfully argued that teacher tenure protections violate poor children's civil rights. The case is now on appeal.

The Bain case indirectly grew out of the Vergara trial. One of the four plaintiffs in the Bain case was a witness in Vergara supporting an end to tenure. While she claims she wants to remain a union member, she doesn't want to be forced "to fund political activities that contradict her core beliefs about education." The Bain case was brought by the same legal team in the Vergara case.

In April 2013, the California teacher unions were again targeted--this time by the right-wing Center for Individual Rights that filed *Friedrichs v. California Teachers Association*—claiming that contracts requiring teachers to contribute to collective bargaining and administration costs violate their First Amendment rights. The case has moved to the Supreme Court where it is being asked to rule on two issues: whether fair share agreements violate the First Amendment and whether allowing objecting employees to opt out, rather than requiring everyone to opt in, also violates the First Amendment. The Court has not yet announced whether it will hear the case, but it's being set up to challenge the 1977 Abood decision.

Michael Hiltzik of the Los Angeles Times has called the goal of the Bain lawsuit another attempt at the erosion of unions' ability to be involved with politics. He said, "The talk of 'free speech' is a smoke screen: They're feeding popular prejudice against unions for their own end, which is to get their way in education policy without interference from educators."

American Federation of Teachers President Randi Weingarten said, "The lawsuit is part of a siege against unions by StudentsFirst. The suit cites political activity on issues it considers unrelated to education—like gun control, for example. One wonders how anyone would not consider that an issue for students and educators, in the aftermath of tragedies like the shootings at Sandy Hook Elementary School in Newton, Conn. Sadly, this lawsuit is attempting to use the First Amendment to stifle speech, not enhance it."

While these cases are centered in California courts, the decisions rendered can have far-reaching effects on the activities of all unions, especially when it comes to collecting membership dues.

## **Illinois fights off RTW; Missouri promises veto of anti-union bill**

The anti-union agendas of the American Legislative Exchange Council (ALEC) and Illinois Gov. Bruce Rauner hit a snag when not one state House legislator voted for Rauner's right-to-work (RTW) bill. Rauner has been trying to push an anti-worker agenda supported by ALEC.

There is solid research that RTW does not produce jobs, despite what ALEC claims. The Economic Policy Institute has said, "RTW laws have nothing to do with whether people can be forced to join a union or contribute to a political cause they do not support; that is already illegal. Nor do RTW laws have anything to do with the right to have a job or be provided employment. At their core, RTW laws seek to hamstring unions' ability to help employees bargain with their employers for better wages, benefits, and working conditions."

Rauner is no friend of his state's Supreme Court either. The Court will be determining the constitutionality of a 2013 law that cuts retirement benefits for retired public service workers and teachers. Rauner supports the law that, in essence, allows the state to end its pension obligations to retirees. He's called the Court "part of a corrupt system."

In neighboring Missouri, however, RTW passed the House and Senate, but not without charges that legislators used illegal procedures to shut down debate before taking a vote. Missouri's RTW bill was copied directly from ALEC's playbook.

Missouri Gov. Nixon has promised to veto the bill. He said, "Attacking workers and weakening the middle class will not create jobs. At a time when our economy is picking up steam and businesses are creating good jobs, this so-called right-to-work bill would take Missouri backwards."

Thanks to ALEC, attempts to pass RTW legislation have been gaining traction-- especially in the Midwest-- in those states with Republican governors and Republican legislative majorities. Indiana, Michigan and Wisconsin are the latest Midwest states to pass RTW bills.

## **NLRB fights off opposition to new rules favoring union workers**

The U.S. Senate seems to have given up any future attempts to override President Obama's veto of union election law regulations instituted by the National Labor Relations Board (NLRB). The new regulations allow for speedier union elections which could prevent management from launching lengthy, intensive anti-union campaigns.

Currently, it takes an average of 38 days to hold an election after a petition is filed with NLRB for a union election to take place. Under the new regulations, elections could happen in as few as 10 days. NLRB's first version of the new regulation was struck down in federal court because it didn't have a full quorum when it was issued. The new rule was reissued in February this year.

Labor officials have complained that businesses have purposely slowed down the unionization process for months and even years of litigation which ultimately discourages workers from voting for a union. "Too often, lengthy and unnecessary litigation over minor issues bogs down the election process and prevents workers from getting the vote they want. We commend the NLRB's efforts to streamline the process and reduce unnecessary delay," said AFL-CIO President Richard Trumka.

### **Copeland appointed as NSO alternate to Pension Board**

Maggie Copeland has been appointed NSO's Alternate Trustee to the NEA Pension Board. She joins Brian Sullivan from New Hampshire who earlier this year was appointed NSO Trustee, replacing Tammy Whitaker from Florida. Copeland is a field consultant with the Montana Education Association-MFT.

Business groups, conservatives and many Republicans see it differently. They're referring to the new rule as the "ambush election rule," claiming that it will give employers less time to prepare for a union election, and rush employees into making a decision. "There's no question about it. Unions are going to have the upper hand. This further demonstrates the board's shift from neutral arbiter of labor law to cheerleader for big labor," said a Chamber of Commerce official.

Congressional Republicans led the charge to pass a resolution of disapproval of the new rule with the intention of scrapping it. But President Obama vetoed that move in March. Trumka called the Republican's attempt to block the new rule a "direct attack on workers."

The NLRB is moving fast on other changes. Another provision in this new rule requires employers to turn over employees' email addresses and phone numbers. Businesses are afraid this could lead to their employees being harassed by union organizers.

The NLRB has also decided that employees can use their work email accounts for union organizing activity. This is a reversal of the Board's previous policy.

Legislators, however, aren't done with the NLRB. Just this month, Rep. Matt Salmon (R-AZ) introduced legislation to do away with funding for the Board. He claims that money could be better spent than on an agency that "advances cronyism instead of protecting workers."

Salmon said, "The NLRB was created to conduct labor elections and manage labor policy, but it's clear it's biased toward labor unions. The Justice Department could instead be solely tasked with enforcing labor laws since it already ensures our labor laws are properly enforced and does so in a far more professional and nonpartisan manner than the favoritism shown to Big Labor by the NLRB."