

NSO Contact

National Staff Organization

July 2016

New NSO officers, Directors elected at RA

In the only contested election, 2016 NSO RA delegates elected Brad Darjean (MD) as the new NSO President. Darjean succeeds Chuck Agerstrand (MI) who held the office for more than 18 years.

Darjean told the delegates, "Thank you for your support and faith. I could not have done this without you!"

For the past 17 years, Darjean has served in several leadership positions on the state and national level. He was an affiliate president in Louisiana and Maryland and the chair of various NSO committees. Most recently, Darjean held the position of Region 2 Director on the NSO Executive Committee.

Darjean ran on a platform of strengthening affiliate engagement; building a strong communication system; and making a positive impact on members' working conditions.

"With these efforts, we can generate an environment where every member shall seek an active role in NSO and its affiliates," said Darjean.

Other officers elected in uncontested races are: Mike Boyer (WA), Vice President of Defense; Tom Greene (MI), Vice President of Program; Dawn Basurto (CA), Secretary; and Ron Goldenstein (NE), Treasurer. Newly elected to the Executive Board as Directors are Robin Gardner (VA) for Region 2 and Rose Tapp (CA) for Region 4. Mary Freel (NE) was re-elected as Region 6 Director.



Brad Darjean is the new NSO President

Jesse Moore honored with Emil Oxfeld Advocacy Award

Retired NSO member from Louisiana, Jesse Moore, was the 2016 recipient of the Emil Oxfeld Advocacy Award presented to him at the 2016 NSO RA. The Award is presented to an NSO member who has demonstrated dedication to unionism and advocacy to members.

In presenting the Award to Jesse, former NSO President Chuck Agerstrand said, “Jesse always held the line for his members. His calm and determined manner led them through some very difficult times.”

The Emil Oxfeld Advocacy Award is named for NSO’s former legal counsel from New Jersey who represented NSO in legal issues after his retirement. Oxfeld was not only highly regarded for his legal expertise, he is also remembered for his passion for unions, unionism and advocacy.

Jesse embodies the spirit of the Award. He started his career as an industrial arts teacher in Mississippi and was part of the first team of Uniserv directors hired by NEA in the 1980s. His Uniserv career took him to Atlanta and then to Louisiana, where his knowledge and advocacy skills were put to the test.

Staff bargaining was at a stalemate with management looking for deep concessions. Jesse rallied his members and took them out on a 30-day strike—unheard of in the deep South.

Jesse said, “We had our backs to the wall with nowhere to go. We showed that we were willing to stand for and do the same things we ask of our members. It was a turning point in the tone of the negotiations.”

He not only set the example of unionism for his members, he’s also set the example for all of NSO. He said, “NSO led me to believe that my members and I could do what needed to be done.”

Affiliate News

Members win in contract settlements, arbitration decision

Three state affiliates have recently scored wins at the bargaining table and in an arbitration.

The Ohio professional staff (PSU) faced numerous management rollbacks when they began bargaining for a contract that expires Aug. 31 this year. The anti-union proposals called for the elimination of severance pay; RIFs for any reason; management approval of calendars; and involuntary transfers at will, along with wage and step freezes and massive cuts to insurance. Organizing and crisis activities helped produce a much different final two-year agreement which included 2 percent raises each year, as well as increases in other areas; strong RIF language, and only minor insurance changes.



Jesse Moore receives the Emil Oxfeld Advocacy Award.

Members of Oregon's professional staff (PSO) can report a similar positive outcome after 22 months of contentious bargaining which compelled members to sanction the Oregon Education Association. Management changes and a new administration helped the two sides reach a four-year settlement that includes a 2 percent raise each year; new staffing ratios with a staff realignment; and the reopening of closed offices. Many outstanding grievances have also been resolved as a result of the TA.

The Florida Staff Organization (FSO) celebrated an arbitration win over the April 2015 denial of a one-day union leave for two PSO members. The Florida Education Association (FEA) had denied the grievance at Step 2 without providing a reason, and FSO filed for arbitration in August 2015.

FSO contract language has been clear since 2000 that union leave can be used by FSO members to conduct union business with advance notice. Such notice was given and there is past practice supporting management's approval of such leave requests. In this case, the FSO members requested the leave to negotiate a contract for a local affiliate. In the past, similar leave requests have been approved.

Since the April incident, management again denied a January request for union leave because the dates conflicted with an FEA event staff was expected to attend. The parties reached an accommodation in which union leave was approved to begin after staff completed its duties.

The arbitrator ruled in favor of FSO, citing management's failure to provide a reason for the union's timely request for the April leave. The arbitrator set the remedy for FEA's violation of the contract requiring management to provide the reason in writing for its denial of leave.

NSO scores wins in termination cases and ULPs

Vice President of Defense Mike Boyer reports more instances of management's "bad behavior" when it comes to terminating employees. "The continuing tactic of management in disciplinary matters is to investigate the situation, no matter how frivolous the accusation, and then declare the employee lied during the investigation. They seem to see this as the fast track to termination," he said.

That's been the case in several termination cases, most notably in California. In the past year, NSO has defended employees in such cases in Oregon, South Dakota, Indiana, and Delaware, along with California. Boyer lists victories in termination arbitrations in California and Indiana where employees have been reinstated with full back pay and wages.

Also, every Unfair Labor Practice (ULP) charge filed or defended this year has been resolved favorably.

To further help affiliates deal with legal issues, NSO has developed a plan for

advocacy skills training in each region. The first training was held this spring in Atlanta with 30 members in attendance. The next training will be held in the Midwest this fall.



**NSO Vice President of Defense
Mike Boyer**

Applications for Harvard Trade available July 15

NSO hopes to again sponsor seats next year in the [Harvard Trade Union Program \(HTUP\)](#) for NSO members interested in learning the essential skills necessary to effectively lead and manage a union leadership role. For the 2017 HTUP, NSO will pay for one full scholarship for an associate staff member and two partial scholarships.

Begun in 1942, HTUP is an intensive six-week program designed especially for trade union leaders. Union leaders chosen for the prestigious program will sharpen their analytical, managerial and problem-solving skills, as well as discover ways to deepen the public's understanding of the value and importance of labor unions.

This is the 106th HTUP session which begins Jan 9, 2017 and runs through Feb. 17, 2017 on the campus of Harvard University. HTUP is comparable to the University's advanced executive level education program in business and government.

This year, NSO sponsored Dr. Craig Carter, a Kentucky professional staffer. Carter said, "This experience at Harvard was profound and life changing. I was honored when Dr. Elaine Bernard, Director of the Labor Studies and Work Life Program, subsequently reached out to me to help the folks in Canada with some issues regarding collective bargaining."

NSO President Brad Darjean and Secretary Dawn Basurto are also HTUP graduates.

Applications for the the upcoming session will be available July 15 to Sept. 6, 2016. If you are interested in applying, a letter of interest must be submitted to Region 1 Director Cheryl Singleton at msellie1130@gmail.com. Also, contact Cheryl if you have any questions

Affiliate staff reductions impact NSO membership, budget

The 2016 NSO Membership Report presented to RA delegates shows a sharp decline in total membership for the past six years due in part to the elimination of positions at the state level. Factors such as retirements, layoffs, freezes and terminations are also impacting membership in state affiliates which is naturally affecting NSO membership also.

The information in the report covers an 11-year period, from 2004 to Feb. 26, 2016. The biggest decline has been in associate staff membership. From a high of 2,447 members in 2205-2007, membership has dropped to 1,756 in 2015-16. That loss can be attributed in part to the current trend of

eliminating associate staff positions first when states are facing budget problems.

On the other hand, professional staff membership has seen an increase of 91 members from the 2014-15 count of 2,142. Still, overall, NSO membership has dropped to 3,989 from the 2014-15 total of 4,020.



NSO Treasurer Ron Goldenstein takes questions at the 2016 RA budget hearing.

Changes in membership numbers can first be seen in the dues income line of the budget. The 2016-17 proposed budget presented to RA delegates shows a \$22,720 loss in affiliate staff dues from the 2015-16 budget due to membership decline. Professional dues increased by \$22,348 over the same time period. The total dues income is \$372 less than last year's budget.

Dues help NSO provide services and programs to affiliates. The budget is a program based. Despite membership losses and a loss of dues, requests for legal and advocacy services for continue. The 2016-17 budget approved by RA delegates included a \$4.00 dues increase for professional staff and a \$2.00 increase for associate staff.

NSO ready to help bargainers with training and research

With many affiliates currently negotiating and just as many preparing to go to the bargaining table next year, the number of requests for bargaining assistance has increased. This is a result of bargaining has become more difficult with management looking for more concessions and rollbacks. Currently, as many as 11 contracts are expiring this year with teams either now in the midst of bargaining or preparing to go to the table soon.

In addition to the assistance NSO provides in team building, bargaining, facilitation, and pension, NSO's Research Committee maintains the most current and comprehensive database of contract settlements. The Committee was established in 1992 and distributed its first research in a three-ring binder. In 2001, NSO contracted with MicroSearch and the information was put online. Currently, 95 percent of affiliate contracts are in the database.

Affiliate presidents, chief negotiators, or their designees can access the information at www.nso-research.org with prior approval from NSO Executive Committee Liaison and At-Large Director (A) Robert Blackwell.

Representatives from each CBC serve on the Committee and it is their responsibility to gather contract information. Each affiliate is asked to complete an NSO Settlement Report at the conclusion of bargaining and submit it to the appropriate Research Committee representative. The members of the Committee are: Susan Martin (TX) and Steve Sianez (NM) from the Central CBC; Bob Willoughby (NJ), Susan Silvernail (MI), and Donna Fenelon (MA) from the Corridor CBC; Naomi Chisolm (IN) and Robin Hubbard (AK) from the Southern CBC; and Dawn Basurto (CA) and Barbara Hartzell (NV) from the Western CBC.

Blackwell said, "The Committee's report and database can only be as complete and accurate as the data provided by affiliates. It's important that affiliates cooperate and inform us of their contract settlements as soon as possible."

Save the Date!

If you're an affiliate president or a chief bargainer, then mark Nov. 11-12, 2016 on your calendar. You'll want to take advantage of another NSO-supported event for bargainers—NSO's National CBC Meeting.

On Friday, Nov 11, Regional CBCs will begin meeting at 8:30 a.m. to hear bargaining updates, discuss issues and concerns facing members at the table, and learn more about successful bargaining strategies and tactics.

All CBCs will meet together on Saturday, Nov. 12 for the National Meeting.

NSO will reimburse the hotel costs for Thursday and Friday night stays (Nov. 10 and 11), subject to double occupancy, unless the president and chief bargainers are of the opposite sex. In order to receive the full

reimbursement (for two nights), participants must remain until the end of CBC meetings at 4 p.m. on Sat., Nov. 12.

Registration and hotel reservation information, along with a preliminary agenda, will be available and posted on the website in September.

Despite reprieves, new NSO Committee takes up issues that may threaten unions, members

The new NSO Insurance and Emerging Concerns Committee has been dealing with two issues of concern to affiliates—the “Cadillac tax” and Friedrichs. As a result of their discussions, the Committee has provided recommendations and strategies to help affiliates cope with the impact these happenings can have on affiliate bargaining and organizing.

The “Cadillac tax” refers to an excise tax placed on high cost health plans. According to the Affordable Care Act (ACA), the tax is levied on the insurance company, but there is nothing in the legislation to prevent the insurance company from passing on the cost to the employer who can then pass the cost on to employees when they are bargaining health insurance. Under ACA, “Cadillac plans” will face the 40 percent excise tax each year to be paid by the employer. A “Cadillac plan” is one in which the cost for a single individual is greater than \$10,200 per year or greater than \$27,500 per year for a family.

The tax was to go into effect on Jan. 1, 2018, but in December of last year, Congress passed a bill to delay implementation until Jan. 1, 2020. The two-year delay will give employers and employees an opportunity to explore ways to deal with the consequences of the tax besides reducing health benefits or cutting programs like retirement.

In the meantime, the Committee has provided recommendations for affiliates to use when bargaining health insurance. They are available at www.nationalstaff.org under “Affiliate News.”

There have been several developments in the Friedrichs case since the Committee first met in the beginning of March. With the death of Justice Scalia and no replacement approved for him, the Supreme Court was deadlocked 4-4 in their March decision as to whether or not unions could collect fees from workers who chose not to join the union. Since then, the Court has rejected a request to reconsider their decision. While this is good news for unions, we can’t afford to let down our guard. There are more than 30 instances where anti-union groups and state legislatures are looking to push the issue.

Therefore, the Committee produced materials designed to help affiliates threatened with a Friedrichs-like decision. They produced four “Are You Ready?” communications with bargaining and organizing strategies which are also available at www.nationalstaff.org under “Affiliate News.”

The Committee also recommended the inclusion of a training component to deal with the impact of Friedrichs at NSO’s National CBC meeting, Nov. 11-12 in Las Vegas, along with a full-day “Organizing for Power in a Post-Friedrichs World” session at NSO’s Winter Advocacy Retreat Jan. 14-16, 2017 in Orange County.

The new Committee has also taken up the work of the former Insurance Committee in reviewing the current arrangement with VSP for vision insurance and Delta Dental and what the level of cooperation with NEA state affiliate management exists. Committee members will be reaching out to both companies with the intention of expanding or creating cooperative group plan arrangements.

On the web at www.nationalstaff.org

Stay connected to NSO with its website and Facebook page. Go there now for:

- [The 2017 Winter Advocacy Retreat \(WAR\) Request for Proposals \(RFP\)](#)
- [Advance notice of NSO's National CBC meeting, Nov. 11-12 in Las Vegas](#)
- [2016 RA New Business Items](#)
- [Contact information for NSO Executive Committee members.](#)
- [Calendar of NSO Events](#)