

Working Class Heroes

Today, the heroes are those who stand up to corrupt and useless unions

By Steven J. Allen

Summary: From a lift-truck driver for a cold-storage warehouse, to a worker at a peach farm, to an autoworker-turned-activist, to a teacher who helped create a local-only union—in workplaces across the country—Americans are waking up and taking power into their own hands, no longer standing idly by while unions abuse their power.

Today, more and more workers are discovering that, yes, they can stand up to unions that waste their dues money on big salaries or on providing support to politicians.

Here are some stories of people who've fought back, with varying degrees of success.

Karen Cox

Karen Cox is a lift-truck operator who works for Americold Logistics in Rochelle, Illinois. Based in Atlanta, Americold operates more than 175 temperature-controlled warehouses around the world.

Cox came to work one day and discovered, to her surprise, that she was now a member of a union—specifically, the Retail, Wholesale and Department Store Union. RWDSU is a semi-autonomous division of the United Food and Commercial Workers that represents service, clerical, sales, and maintenance workers, as well as employees in the citrus, food processing, tobacco, jewelry, and novelty and toy industries.

This was the union's third attempt at the plant. A union representative, Roger Grobstich, said, "We have some workers there who were part of previous attempts to organize. They stayed at Americold despite opportunities for great jobs elsewhere. We



Clockwise from upper left: Neil Cavuto interviews Terry Bowman on Fox News; James Perialas; Silvia Lopez leads farm workers in protest; Karen Cox.

have a leader there who said he was going to stay at Americold until they had a union there, and that's what has happened."

The 111 workers at the facility were unionized using "card check," a process in which workers are asked to sign cards supporting a union.

Often, a worker will sign under pressure, or will sign because he or she has been misled about the effect of signing the card, or will sign based on the belief that the collection of signatures will result, at most, in an election to decide whether the workplace is unionized. In fact, the cards can be used to unionize a workplace *without* an election.

"It was like spring of 2012, and rumors started going around about union trying to come in," Cox said. "I didn't take that seriously because my co-workers that I knew, we were all pretty content with

our jobs. I came into work one day and the union was just *there*. A lot of people that signed those cards were told that by signing they are just going to get information about the union that is, you know, possibly going to be representing them.

"A lot of people didn't know that if the union got enough of those signatures—50 percent plus one—that the company could recognize them and they come in

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without an election. So many people that felt the same way I did, and didn't want the union there. . . . The new people were just tricked into signing their name to something that in the end became their vote, their unwilling vote, which brought in a union that they were unable to even educate themselves about, before wanting it or not wanting it.”

Cox fought back, seeking decertification of the union. She and her co-workers petitioned the National Labor Relations Board (NLRB) for an election by secret ballot. Cox told an interviewer: “I was actually on my way back from filing my first petition for decertification, and I got a phone call from my father. A union member called him, telling him that I need to settle my grievances with the union, and he made some mention of people losing their jobs, and my dad said be careful and watch your back because that was a threat.”

McClatchey-Tribune Business News reported that, when Cox started collecting anti-union petition signatures off the clock in the company’s parking lot, management threatened to fire her if she didn’t stop.

According to the National Right to Work Legal Defense Foundation (NRWLDF), which took up the cause of Cox and her co-workers, “Americold management discriminately enforced its policy to bar Cox and other independent-minded employees from collecting petition signatures while off duty, even threatening to fire Cox from her job if she continued—while non-employee union organizers are given

wide-ranging access to company facilities to counteract Cox's efforts. The charges allege that Americold Logistics is discriminating against workers like Cox and giving union organizers unlawful support and assistance to squash the workers' efforts to remove the union from their workplace—in violation of NLRB precedent.”

The Foundation’s president, Mark Mix, said in 2012 that “Americold Logistics management gave union organizers license to browbeat employees into acceding to unionization but is discriminating against workers who wish to remain free from union affiliation and dues payments. Unfortunately, companies like Americold all too often sell out workers in exchange for short-term concessions from union officials.”

Nevertheless, Cox obtained the signatures of the required 30 percent of workers in order to force a vote. The vote was held in August 2012. The union sued to impound the election results on the ground that, union president Daniel Williams said, “Some of the workers that were terminated, we wanted them to be allowed to vote, because they were in the grievance procedure.”

The NRWLDF stated that, following the election but before the results were known, “union officials posted a notice in the workplace demanding workers become full dues paying union members, or they will be fired. The notice did not inform workers of their rights to refrain from union membership and full dues payments, rights long upheld by the U.S. Supreme Court. Also, the union falsely stated that the workers must fill out a union dues deduction authorization form as a condition of their employment, although workers cannot lawfully be required to fill out such a form to pay union dues.”

Cox said in 2013, “We went ahead and had our [decertification] election, but then it’s in limbo. The results are locked in Peoria at the office there, and we're waiting for the NLRB so it’s been over a year now since the election.”

In April 2015, some 20 months after the secret-ballot election on whether to decertify the union, the Obama-controlled

NLRB ruled that the ballots would be destroyed.

The rationale: that, when a workplace is organized by “card check,” workers cannot attempt to kick out the union until at least a year after the union starts bargaining with management. (In contrast, when a workplace is organized in a secret-ballot election, the clock starts ticking as soon as the union is recognized as the bargaining agent.)

The NLRB’s decision in the Americold case means that a union is actually better off to organize by “card check” than by election, because union officials can hold up the bargaining process and delay any effort to get rid of the union.

Prior to a 2011 ruling by the NLRB, workers had a 45-day window to decertify a union following a “card check” drive.

A “card check” mandate has been repeatedly rejected by Congress, even when Democrats had solid control of both houses, yet the Obama-controlled NLRB is solidly behind the practice. “Congress rejected legislation that would have mandated card check recognition because of the intimidation, coercion, and harassment inherent in bypassing secret ballot elections,” said Mark Mix of the NRWLDF. “Yet in this ruling the Obama Board has twisted the law to deny workers their vote to decertify the union solely because they were previously denied a secret ballot vote over unionization.”

Silvia Lopez

Lopez spearheaded decertification of the United Farm Workers at Gerawan Farming in Fresno, California, on which we reported in the November 2014 *Labor Watch*.

The family-owned Gerawan has been operating in California’s Central Valley for more than six decades. It employs up to 5,000 workers over the course of a year to pick such fruits as nectarines, peaches, and grapes.

The UFW won a representation election at Gerawan in 1990, although it wasn’t until 1992 that state labor authorities certified the results. There was one bargaining

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session between Gerawan management and the UFW, with no contract. Then the UFW vanished. Workers didn't hear from the union for almost 20 years.

In October 2012, the UFW contacted Gerawan to negotiate a new contract. The contact was apparently spurred by changes in state labor laws. CNBC reported: "Unlike the early '90s, the UFW is now able to take advantage of newer laws in California that force both sides to accept a contract through mandated arbitration by the California Agricultural Labor Relations Board [ALRB]."

At that point, Lopez, a single mother, had worked at Gerawan for 15 years. Her parents and daughters had worked there as well. She was shocked when she was told that she had been working at a unionized company.

Also shocking: the three percent union dues that she and the other workers would be paying the union that had ignored them for two decades. Taking the dues into account, the workers would be making less money than before the union stepped back into the picture.

Gerawan, it should be noted, pays wages that are estimated to be between 21 and 77 percent higher than the industry standard.

In October 2013, Lopez gathered and turned in between 2,700 and 2,800 signatures from co-workers in a petition to decertify the union. The state's Agricultural Labor Relations Board refused the signatures, questioning their legitimacy, so Lopez collected a new petition with 3,000 signatures. The board balked, but Governor Jerry Brown (D), who created the ALRB during his first stint as governor in the 1970s, pressured the board into allowing a vote.

The election was held on November 5, 2013 and, for almost two years, the ballots were locked up at the ALRB's regional headquarters in Visalia. The stated reason was that the board needed to investigate accusations of unfair labor practices, specifically, violations of the rules for conducting unionization-related elections. (For a time, the board claimed to have run out of money to conduct the investigation.) Meanwhile, the UFW attempted to force a

contract on the company and the workers through the states' mandatory mediation and conciliation (arbitration) process.

Jeffrey Scott Shapiro reported in the *Washington Times*:

Gerawan Farming's laborers have accused the Agricultural Labor Relations Board of not honoring the true intent of the California Labor Relations Act, the 1975 law enacted to guarantee collective bargaining rights and worker freedom of association. . . .

The conflict has raised tensions in California's San Joaquin Valley, pitting union activists against the very workers they purport to champion. . . .

[T]he mandatory mediation and conciliation practice . . . has been used occasionally when both sides of a dispute fail to come to an agreement. "When the workers found out they were going to have a contract forced on them that would make them pay dues, they went to Modesto to participate in the MMC [mandatory mediation and conciliation] hearing but were barred at the door," said Anthony Raimondo, a California lawyer representing Ms. Lopez.

According to Shapiro in the *Times*, lawmakers took note of Lopez's activism and of the fact that the workers were shut out of the hearing on their own contract.

State Assemblyman Jim Patterson, a Republican, once proposed a bill that would have guaranteed worker-witnesses the right to attend Agricultural Labor Relations Board hearings. . . .

California's 5th District Court of Appeal has since declared mandatory mediation and conciliation unconstitutional, and the matter will undergo judicial review by the state Supreme Court. . . .

Mr. Raimondo expressed concerns about reported close ties between the state board and the union. "I don't think the ALRB process is a fair one because the agency depends on this union for its survival," he said. "The UFW is essentially the only union that uses this law. The vitality of the union

is linked directly to the budget for the agency. We have numbers that show since these disputes with Gerawan started, the ALRB budget and staff have more than doubled."

The refusal to count the votes was so outrageous that Governor Jerry Brown (D-California) seemed to attempt to disassociate himself from it. Last June, Brown fired the Agricultural Labor Relations Board general counsel, Sylvia Torres-Guillen, who had been one of the key officials blocking the counting of the votes and trying to destroy the ballots.

A few hours later, at a gala at Sacramento's Leland Stanford Mansion attended by Brown, hundreds of Gerawan workers protested and attempted to meet with the Governor. The workers chanted, "Count our votes!" The party for the well-heeled and well-connected was to celebrate the 40th anniversary of the state law that set up the ALRB. As noted by Matt Patterson of the Center for Worker Freedom:

[O]n that hot June day the workers loaded buses (after working the fields since early that morning) and made the three-hour trek to Sacramento to implore Brown to help them.

Brown, to his credit, graciously sent a representative out to meet the workers as both the protest and the party began at 5:00 pm. The representative accepted 800 petitions on behalf of the Governor, sworn statements from Gerawan workers testifying that they did not want the UFW to represent them.

Then Silvia Lopez, single mother and leader of the anti-union movement, was invited inside to meet Brown himself. The workers cheered as Ms. Lopez was led through the gates—it was the first time that Brown had acknowledged them and their struggle publically. Inside, however, as the video clearly shows, someone attempted to prevent Ms. Lopez from meeting Brown, even going as far as to push her away from the Governor. That someone was Dolores Huerta . . .

Huerta, 85, co-founded the UFW with Cesar Chavez and served as the organiza-

tion's vice president until 1999. An honorary chair of the Democratic Socialists of America, Huerta in 2006 openly praised Venezuela's Marxist strongman Hugo Chavez. (Regarding Chavez's policies, she asked, "So why can't we do that here in the United States?") She placed Hillary Clinton's name in nomination at the 2008 Democratic National Convention and, in 2012, received the Medal of Freedom from President Obama.

The *Sacramento Bee* reported:

Footage shot inside the mansion shows Huerta moving to block Lopez as she attempts to meet the governor. The video was shot by Anthony Raimondo, a Fresno labor-relations lawyer who is representing Lopez in the Gerawan case. A voice off camera asks Huerta, "Why are you doing that?" Huerta's answer: "You know why."

Regarding that confrontation, CFP's Patterson commented: "Huerta helped create the union that demands 3 percent of Lopez's pay, the union that is using its government enforcers at the ALRB to deny her First Amendment freedoms of speech and assembly. The union that has—quite literally—disenfranchised her. Huerta is, in other words, the face of Silvia Lopez's oppressor."

In September, though, Lopez and the Gerawan workers lost their case when an administrative judge set aside the decertification election. The judge declared that Lopez got a donation of \$20,000 from the California Fresh Fruit Association (of which Gerawan is a member) to fund the anti-union fight, that people physically blocked workers while collecting some of the petition signatures, and that Lopez got time off from work to lead the decertification effort. Also, he ruled that Gerawan raised the workers' pay to curry their favor. (Believe it or not, raising pay to make workers happy can be considered an "unfair" practice under labor law.)

By the way, Gerawan remains a top target of the unions. The *Sacramento Bee* reported in September that—

In the waning days of the recently concluded legislative session, the

Brown administration, business and labor officials emerged from dozens of hours of private meetings and conference calls with a plan to resolve a festering dispute over pay for farmworkers and other low-wage laborers in California.

The solution, passed in a bill on the Legislature's final day, reflected a multimillion dollar compromise: In exchange for back payments to thousands of employees for rest periods and other work hours, farmers would receive protection from lawsuits—and potentially far stiffer penalties—for past failure to pay.

The agreement went little noticed in the flurry of late-session bills. But it marked an unusual achievement for an industry beset by labor discord. . . . To keep the United Farm Workers union from opposing the measure, the pact included exemptions effectively excluding Fresno County's controversial Gerawan Farming operation and Fowler Packing Co., among other growers, from the bill's protection from existing litigation. Those carve-outs were necessary to maintain the support of labor, [Assemblyman Dan] Williams said. But they left a rift within the agriculture community. "The fact is, the people that were involved in this have various levels of exposure and concern as they're looking at it," said Barry Bedwell, president of the California Fresh Fruit Association. "But why shouldn't we have a negotiation system that says, 'Look, if this solution is a fair and good one, why shouldn't it apply to everyone?'" Gerawan has been the subject of UFW animosity for a bruising case over employee representation.

Gerawan and Fowler weren't the only businesses targeted for special treatment. According to the *Bee*, "The legislation also contained a custom-tailored benefit for one telecommunications company, AT&T. The bill grants the company extra time to program payroll systems to comply with the law. The company, a major donor to [Governor] Brown's political causes,

recently acquired DirecTV, a company facing litigation over piece-rate pay."

Terry Bowman

Terry Bowman, who was a United Auto Workers member for 19 years, formed a national group called Union Conservatives and has traveled the country speaking in favor of Right to Work laws and other conservative positions. In 2014, he ran for Congress as a Republican, but was defeated by the Democratic candidate, Debbie Dingell. (Dingell, her husband, and her husband's late father together have held the seat since the 1932 election.)

In congressional testimony in 2012, Bowman described the origin of his activism:

In December 2009, my UAW local (local 898) published their newsletter entitled "Raw Facts." In this issue, was a story which particularly enraged me entitled "Health Care Reform: What Would Jesus Do?" The article used incorrect theology to make the argument that Jesus was basically a socialist and would approve of the Patient Protection and Affordable Care Act [Obamacare]. I have some authority on this issue because I studied at Heritage College and Seminary, and I could easily tell that the author of this article incorrectly used Scripture in order to push a political agenda. It was finally at this moment where I stood up and said "ENOUGH! Somebody has to do something!" And of course, that "somebody" was me. I decided that the only way to fight back against the abusive actions that union officials engage in with my hard-earned dues was to start organizing conservatives within the unions.

Since I started Union Conservatives, I have heard the stories of hundreds of union workers who are also tired and fed up with the political activities of their own unions. These American citizens rightly believe that the unions have become quasi-political parties and socioeconomic groups pushing a radical, left-wing ideology that many of their workers, including me, find offensive. Up to 40 percent of union

workers vote Republican. That means over five million union workers in the United States alone feel harassed, ridiculed, and persecuted because of the political activities of their union bosses. . . .

Union officials use publications and magazines, websites and newsletters, and many other activities which they call “educational” to promote a political agenda. For example: the UAW financially maintains their “Black Lake Facility,” a retreat for where union members and staff go to be educated about things like “leadership development, union involvement, health and safety, political action, civil rights and many other topics.”

Although I have worked [as a UAW member] for over 15 years, I have never once been invited to go to Black Lake Resort. However, many UAW members get their wages paid to attend the one-week seminars (wages paid by the local union), and the entire retreat is financially paid for with regular union dues—including food and lodging (all of which are right on the premises). Unfortunately, there seems to be a certain group of people who are invited time and time again (workers who are involved with far-left union activity), and the rest of us are never afforded the opportunity to go. I have been told that these “training sessions” are full of political propaganda, and they constantly disparage the Republican Party.

Secondly, the UAW's publications such as *Solidarity*, local union newsletters, and retiree publications are all promoted by the union officials as educational publications, yet they are full of political propaganda. You will find attached to this testimony just a small random selection of articles which are very biased and are not an accurate representation of the political opinions of their membership. “Forced Solidarity” is no solidarity at all. Even prisoners in a chain gang have solidarity. Forced solidarity is nothing more than being a prisoner in chains. Only through having a com-

plete volunteer union is there real and true solidarity.

In his testimony, Bowman cited a comment by AFL-CIO President Richard Trumka: “I got into the labor movement not because I wanted to negotiate wages. I got into the labor movement because I saw it as a vehicle to do massive social change to include the lots of people.”

Journalist/blogger Jay McNally wrote:

Now on a mission, Bowman decided to start organizing conservative union members across the country. He realized that due to the fear of harassment and persecution, most conservatives in the unions do not speak up and make their voices heard. “It’s really quite sad,” Bowman explains, “that organizations that claim solidarity actually marginalize a large part of their membership and perpetuate division and hostility to a growing group of members who embrace truth and reality.”

In a *Wall Street Journal* op-ed written with Vincent Vernuccio, Bowman noted that “the UAW spends millions of dues dollars on a political agenda involving divisive social issues, such as ObamaCare, radical environmentalism and gun control. Many workers no longer want to fund what they believe to be contrary to their values and beliefs.”

Bowman was instrumental in the attempt to defeat Prop 2 in Michigan—a measure that would have given unions effective control over state government—and in the passage of Right to Work in that state. [See *Labor Watch* December 2012.] At the time, he said, “All across Michigan in every union, workers are frustrated over a lack of on-the-job representation, being denied their First Amendment right of freedom of association, and unions taking their money and spending it on a political agenda with which 40 percent or more of members disagree.”

After Right to Work passed in his state, Bowman wrote, “Any future rise in union

membership will not come from outdated compulsory activities. It can only come if officials rethink what unionism is, and what it is not. The best ideas are coming from outside agencies that see an unlimited potential for positive influence—if those unions are willing to break the antiquated mold and embrace free-market principles instead of special interests.”

James Perialas

One of the heroes on our list is actually the president of a union. A teacher in the public schools of Roscommon, Michigan, James Perialas heads the Roscommon Teachers Association, which is independent of the big national and state teachers’ unions.

In an interview, Perialas described himself as “a high school social studies, government, and economics teacher from northern Michigan.” He said that, “When I first started, 24 years ago, I found out that we were compelled to join the union, so there was no choice. We gave our name and address and filled out these cards and we had our dues directed right out of our paychecks. And, at that time a very naive teacher, I didn’t question it.”

Eventually, “Our dues were approaching \$1,000 per person. For anybody, \$1,000 is significant. For teachers, that’s a vacation, that’s a good portion of a family’s income. To pay that and feel like you’re not getting anything in return wasn’t acceptable to us.” He pointed out that union officials were overpaid, such as one local union representative, a UniServ (unified services) director in charge of 13 schools, who made \$139,000 a year. “The only way to get out from under the situation was to decertify the union.”

In 2012, led by Perialas, teachers in the Roscommon Area Public Schools voted 42 to 22 to decertify the Michigan Education Association, an affiliate of the National Education Association. “I am excited that my colleagues have shown the courage to stand up to MEA/NEA and its bureaucratic machine,” Perialas in response to the vote. “We are not anti-union, we are anti-MEA. There were many services that were provided by the MEA that we could do ourselves, at half the cost.”

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In a 2013 op-ed, he described what happened after they replaced the MEA:

Forming a “local-only” union, away from the MEA/NEA, allowed Roscommon teachers to immediately cut our annual union dues from just under \$1,000 per member to \$600. With those dues, we purchase liability and litigation insurance privately and have hired our own attorney to replace the UniServ (grievance advice) functions of the MEA. Our union negotiates our contract with the district, which we have been doing on our own for years.

Why did we do this? Because the MEA is a bureaucratic behemoth with poor customer service. The union paid its president over \$280,000 in 2010 and \$270,000 last year. In 2011-2012, while the National Education Association and American Federation of Teachers were shedding members, both unions gave their national presidents raises: AFT President Randi Weingarten had her salary increase to \$407,323 from \$342,552, while NEA President Dennis Van Roekel's salary jumped to \$362,644 from \$298,387.

But education employees don't have to put up with it. Competition drives innovation and change. Moving to a local union has allowed Roscommon to cut our dues nearly in half while banking over \$25,000 this year alone. Some of that money will be kept in a contingency fund and some will go to provide local scholarships for our graduating seniors.

The most attractive characteristic of the local-only union option is customer loyalty. We provide a value proposition for our members. I would guess that our local will lose a small percentage of our members as a result of the right-to-work law, but nowhere near what the MEA will lose in the various locals statewide. Teachers have a difficult choice going forward. Some will choose to simply walk away from the union. Others will choose to continue to deal the best they can with the current system. But all should know they have the option

of taking control of their own union by forming a local-only bargaining unit.

“We believe in the collective bargaining process. However, we’re anti-big union,” Perialas recently told the *Daily Signal*. “The big bureaucratic unions, whether it be in education, the auto industry, or any industry, they’ve become so large that they’re not responsive to the very people, the income stream [they represent]. We left and we now very happily have the Michigan Education Association in the rearview.

“We are now three years into being our own local-only union . . . We have an executive board and negotiating team that we pay a very modest stipend, and we hired an attorney that represents us [providing] our day-to-day legal advice. We hand out local scholarships. And beyond that, we proudly don’t do much else.”

...and others

Mari Gusman, a healthcare aide from Wisconsin, felt that her union was more interested in raising dues rates than representing employees. As she tells it, “The small raises that the union negotiated for us were paired with an increase in monthly dues, so that we felt like we weren’t getting a raise at all. When we complained to the union, their response was almost always the same: ‘It’s better than nothing.’”

But that was only the beginning. After Gusman gathered signatures from her colleagues to remove the ineffective union from her workplace, the threats and intimidation started:

The union misled me into thinking that I needed to send the signed petitions to them in order for our election to go forward. This was a lie: The signatures were supposed to remain private, and be sent directly to the regional office of the National Labor Relations Board.

All of a sudden, my coworkers who had signed on to remove the union received “house calls” from union organizers sent from Madison. The union also publicly insulted me in a letter sent to all of my co-workers. We

were repeatedly bullied and harassed, and when the time came to vote on removal, the union’s bullying paid off.

One union member who thinks it should be easier to decertify is *Los Angeles Times* press operator Lee Carey’s union failed to keep promises that it made during the organizing campaign, taking dues money after negotiating a contract that was worse than their previous working arrangement.

“I’ve been [at the Times] since 1981,” he said in an interview. “Newspapers were booming back in the eighties when I first started, and then the Internet just got stronger and stronger, so the revenue stream just dried up. There used to be about a thousand pressmen when I first started now we’re down to about 75 . . . We gotta do a whole lot more with a lot less and so there was a rebellion of sorts and that opened the door for the union.” He added:

They promised to improve our benefits, pay, working conditions and staffing levels. Enough people believed these promises, and the union won an election in 2007 by just six votes.

After months of contract negotiations, it became clear the union wasn’t going to be able to deliver on its many promises. One morning in December 2008, I remember sitting in a hotel in Commerce; the union international had sent their best to try to sell us a contract that wasn’t as promised. Most pressmen were there to not ratify the proposed contract, since it represented less than what we had been earning. . . .

Out of fear and misinformation from union officials, my co-workers ratified a contract that resulted in a reduction in pay and benefits. The “less than what we had” contract required us to pay \$60 a month in dues to the union responsible for these cuts. . . .

It’s kind of an uphill battle to get them out, go through the petition process . . . You have to take personal attacks from the union. There are good unions out there, they represent their employees well but this is what happens when you get a union such as this one that’s non-performing. . . . It’s really hard

to get rid of them. I think it would be easier if they were made to recertify automatically, where they have to prove themselves again and earn it. Instead, they're putting the onus on the worker.

Making an exit

The Manhattan Institute's Diana Furchtgott-Roth, a frequent contributor to *Labor Watch*, wrote recently of efforts to shore up the unions:

The Obama-appointed National Labor Relations Board is doing all that it can to reverse the decline in union membership from 20% of wage and salary workers in 1983 to 11% in 2014.

The NLRB has instituted "ambush elections" that require elections to be held about two weeks after the petition for union representation, rather than after five or six weeks, as was the case previously. The shorter time period prevents employers from scheduling meetings to tell workers about the potential disadvantages of union representation. Still, these speedy elections can only be used to certify unions, not to decertify them. If workers want to decertify their unions, they sometimes have to wait as long as two years.

The NLRB has allowed the use of "micro-unions," small groups of workers within a company who want to be represented by a union even though a larger majority does not choose representation. Examples are shoe salesmen at Bergdorf Goodman's, or cosmetics workers at Macy's. But the NLRB does not allow small groups of workers in unionized firms such as General Motors or Ford to choose to eschew union membership. The process only works one way. If the NLRB made it as easy to leave a union as it does to join, one could believe they were working on behalf of workers. The plight of workers trapped in a union is one that the agency and the White House choose not to address. Unions are like Roach Motel ads: You can check in, but you can't check out.

Former House Speaker Newt Gingrich (R-Georgia) and Richard Berman, executive director of the Center for Union Facts, recently wrote of the need for reform in labor laws:

[T]he old labor laws often serve to protect the status of entrenched unions, at the expense of employees' rights. The old rules make it extraordinarily difficult for employees to free themselves of unions that have become quasi political parties.

When hundreds of millions of union-member-dues dollars are spent supporting radical left-wing organizations that do not enhance wages or working conditions, something is broken. As employees find less reason to have a union represent them, unions have struggled to maintain their membership with increasingly deceptive practices. They often pressure a majority of employees to sign authorization "cards" that can legally be used to force employers to recognize the union without holding an election. . . .

Many existing unions represent thousands of employees, not a single one of whom voted for them. In fact, an analysis of government data suggests that less than 10% of unionized employees today voted for the union that collects their dues.

Amazingly, in the private sector the figure is less than seven percent. That's right: *Fewer than seven out of 100 non-governmental union members have ever actually voted to be members of their unions.*

That happens because, once a union is voted in, it can hang on for year after year, decade after decade without ever facing another vote. It's a variation on that old joke about "voting" in Communist countries: "One man, one vote, once."

As noted in 2012 by James Sherk of the Heritage Foundation:

Very few union members chose their union to represent them. Most accepted union representation as a condition of employment, but did not separately choose either general representation or the specific union that represents

them. This happens because the National Labor Relations Act (NLRA) does not require private-sector unions to stand for re-election. . . .

A unionized workforce remains unionized until the employer goes bankrupt, or the workers decertify it (a prohibitively difficult undertaking). New employees are represented by the union for which previous employees voted. The overwhelming majority of workers in both the private sector and in government inherited collective representation in this manner. . . .

[Regarding public sector workers:] In some states, the unionizing votes took place so long ago that the government has no records of the election. South Dakota passed legislation requiring government employers to meet and negotiate with union representatives in 1970. The state Department of Labor no longer has the records showing when those elections took place.

Once upon a time, activists fought hard for the right of workers to join unions.

Today, the fight is over protecting workers from bad unions—ensuring that they can decline to join or pay dues to a union (through Right to Work laws) or, through the decertification process, ensuring that they can get rid of a union that isn't serving their interests.

In the field of labor law, it's the battle of the 21st Century.

Dr. Steven J. Allen (JD, PhD) is editor of Labor Watch. Michael Watson, research analyst at the Center for Union Facts, contributed research for this article.

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Please remember CRC in your will and estate planning.

LaborNotes

Remember the “**Cadillac tax**”? Named after the iconic luxury car, it’s a tax on healthcare plans with premiums above \$10,200 for an individual or \$27,500 for a family. The 40 percent excise tax on the amount above the threshold level was a key part of the ironically named **Patient Protection and Affordable Care Act** of 2010, better known as **Obamacare**. The tax, projected at more than \$90 billion over ten years, was supposed to cover much of Obamacare’s cost. Without that projected revenue, Obamacare proponents would’ve had a much harder time making two critical claims for their bill: (1) that Obamacare would cost no more tax dollars than it brought in, and (2) that it would reduce healthcare costs overall by making people pay more of their own healthcare expenses. In short, without the Cadillac tax, Obamacare probably wouldn’t have passed.

But unions, which had often negotiated high-end medical plans in lieu of wages, howled in protest, and the “Cadillac tax” was put on hold until 2015. On December 12, the **Washington** newspaper *The Hill* reported: “**Senate Democratic Leader Harry Reid** (Nev.) . . . has assured labor leaders that freezing the Cadillac tax on high-benefit insurance plans is a top personal priority, and he wants to get it done now, knowing he has only a year left as Senate Democratic leader. . . . If Democrats succeed in scaling back the Cadillac tax, it could go a long way toward mending fences with unions ahead of a 2016 presidential election where their money and manpower could prove critical.” Sure enough, a few days after that report, Democrats and **Republicans in Congress** agreed to the unions’ demand—which is good news for many workers and businesses, but only until the politicians “pay” for the shortfall by raising taxes elsewhere or borrowing more money. Unions led the fight for Obamacare (see *Labor Watch*, November 2013) and once again the claims unions made about the program, such as that it would pay for itself, have been shown to be false.

Three **Maryland** men have been indicted on charges of theft, wire fraud, money laundering, and bribery related to the disappearance of more than \$1.7 million from the Washington, D.C.-based **Laborers International Union of North America** (LIUNA) Local 657. Allegedly, huge sums were paid for minimal renovations of the local’s administration building; gross overpayments were made to obtain construction permits, including \$20,000 for a \$143 excavation permit and more than \$20,000 to renew several existing permits that could have been done for \$250 each. Stolen union funds were used to make a down payment on a home, for the construction of a three-car garage, and for shopping, entertainment, and travel. Interestingly, **Carl Horowitz** reported in *Union Corruption Update*, “A large portion of this money went to a campaign to establish political parties in the **Persian Gulf** Arab state of **Qatar**, an Islamic monarchy where [political] parties are outlawed.”

The **Economic Policy Institute** (EPI) is a front group for unions—**AFL-CIO President Richard Trumka** is its board chairman—and it has argued forcefully that Right to Work laws result in lower wages. EPI claims that RTW states have lower wages than non-RTW states. That’s true—but only if you fail to take into account the different cost of living in different states. According to a recent study by **James Sherk** of the **Heritage Foundation**, “private sector workers overall have the same real wages in RTW states as in other states. Furthermore, RTW states have considerably lower rates of unemployment.” Government employees, on the other hand, do make less in RTW states, which is good news for taxpayers.

As reported in the July 2013 *Labor Watch*, the state government in **Illinois** is in terrible shape, with more than \$111 billion in unfunded pension obligations thanks to deals negotiated with government worker unions. By July 2015, the state was delaying lottery payments to winners of more than \$600. In December, though, **Gov. Bruce Rauner** (R) signed legislation ending the delay. The measure also released billions of dollars of tax revenue on gas and cell phone plans to local governments and funding for a program that helps low-income people with their heating bills.

Chicago is likewise in crisis. The city has a \$19 billion pension gap, while the schools face a \$500 million shortfall, and 88 percent of the teachers’ union members have voted to strike if they don’t receive a new contract. Meanwhile, **Mayor Rahm Emanuel**, former chief of staff to **President Obama**, faces calls for his resignation after his administration spent 14 months delaying the release of a video that apparently shows an unjustified fatal shooting by a police officer. The delay allowed Emanuel to squeak past a hotly contested election in which most city unions supported his opponent. A big exception: He had the strong support of **UNITE HERE**, a union focused on the hotel, food service, laundry, and casino gaming industries, which saw a 17 percent increase in dues-paying members in Emanuel’s first three years as mayor, thanks in part to pressure from city officials. UNITE HERE’s campaign for the mayor was called “Rahm Love.”

Now it appears Emanuel wants to return the love by opening a government-run casino in the city, creating thousands of government jobs for his union backers as well as a potentially huge new source of revenue for UNITE HERE. Problem: Casino revenues have been plummeting lately, and government-run businesses lend themselves to inefficiency and corruption. Come to think of it, though: In Chicago, the corruption probably wouldn’t be seen as a problem.