



Foundation Action

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of the National Right to Work
Legal Defense Foundation, Inc.

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Union Boss Intimidation Halted After ID Theft and Harassment Suit

*Foundation exposes union
officials' horrific campaign
against independent-minded
worker*

HARTFORD, CT — In a case that exposes the insidious methods used by some union operatives to intimidate independent minded workers, Foundation attorneys forced Communication Workers of America (CWA) Local 1103 to settle a case with Connecticut resident Patricia Pelletier, who was allegedly targeted by CWA operatives for an ugly campaign of harassment and retaliation.

After Pelletier initiated a successful workplace decertification drive to eject an unwanted union, union officials allegedly conspired to forge her name on numerous magazine subscription cards, bombarding her home with hundreds

of unwanted mail-order journals costing her thousands of dollars and taking up

hundreds of hours of her time.

She literally spent hours each day trying to get off mailing lists, return products sent to her, fight off bill collectors, and clear her good name with credit bureaus.

“You’re talking weeks, hours, months to try to call everybody, make sure it [the magazine subscription] is cancelled . . . and I’m still getting past due notices from collection companies,” said Pelletier in an interview shortly after Foundation attorneys stepped in to help her fight back.

Crack cocaine apparently planted in victim’s files

A police investigation indicated that union operatives forged Pelletier’s signature on hundreds of mail-order products in retaliation for attempting to remove the union, flooding her doorstep with unwanted mail. The forged order forms were mailed from the same zip code as the union’s headquarters, which was located across the New York state line.

In her lawsuit, Pelletier also alleged



Patricia Pelletier described the horrifying details of the union harassment campaign she experienced. The interview can be viewed at www.youtube.com/Righttowork.

that union militants planted cocaine at her work desk in an effort to have her fired. Although a police investigation into the incident did not result in an arrest, union militants at her workplace

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Union militants had the motive and opportunity to plant crack cocaine in Pelletier's files.

Non-Union Teacher Leader Receives High Recognition

Sooner State's teachers enjoy professional alternative to militant teacher unionism

CHARLESTON, SC – At its annual meeting in April, National Right to Work presented Professional Oklahoma Educators' (POE) dynamic executive director Ginger Tinney with the Carol Applegate Memorial Award.

The Carol Applegate award is presented annually by the National Right to Work Committee's Board of Directors to exceptional individuals who take courageous stands against the coercive policies of teacher unions.

Tinney, a hands-on educator for more than 11 years before taking the helm of POE, taught both regular and special education at elementary and secondary grade levels in urban and rural school districts.

POE is an all-voluntary professional educators association that now serves nearly 5,000 teachers, administrators, and support professionals in Oklahoma. The group puts children first and focuses on true professionalism, unlike its



Ginger Tinney (pictured with Right to Work Executive Committee Chairman Reed Larson and President Mark Mix) receives the Carol Applegate Memorial Award.

militant union counterpart. Tinney and POE played an important role in helping to secure ultimate passage of Oklahoma's Right to Work law in 2001.

The POE is a longtime member of Concerned Educators Against Forced Unionism (CEAFU), an umbrella organization funded by the National

Right to Work Foundation. CEAFU has been at the forefront in the battle against forced unionism abuses in public education for over 30 years.

Foundation fosters true professionalism in education

Every summer, CEAFU hosts a conference to highlight the negative impact of compulsory unionism on education, to support the recruitment efforts of its member groups, and to discuss strategies to ensure

that the individual rights of non-union educators are respected.

Carol Applegate was a long-time English teacher who refused to join the National Education Association teacher union and was consequently fired from her job.

Past award recipients include John Stossel, authors Peter Brimelow and Gregory Moo, and investigative reporter Mike Antonucci.✚

Foundation Action

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The Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism. All contributions to the Foundation are tax deductible under Section 501(c)(3) of the Internal Revenue Code.

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Teamster Union Bosses Forced to Drop Retaliatory Strike Fines

Right to Work attorneys help employees facing more than \$200,000 in fines

CHICAGO, IL – The three-year ordeal faced by several truck drivers who dared to work during a strike has finally come to an end. And thanks to the National Right to Work Foundation, they

emerged from an ugly union attack unscathed. In 2006, union bosses from Teamsters Union Local 731, an affiliate of the International Brotherhood of Teamsters union, ordered truck drivers for industrial laundry company Lechner and Sons to abandon their jobs during an 11 month-long so-called “sympathy strike” involving a different bargaining unit of workers on strike at the same facility.

However, a brave contingent of employees refused to abandon their jobs and continued to work to support their families – putting a union bull’s eye on their backs.

“I never saw them until they wanted to have the strike. Before that, I didn’t see them for 10 years,” said James Patterson, an employee at Lechner for 15 years. “They are supposed to represent you, but they do what they want to do. That’s the bottom line.”

After the strike ended in June 2007, Teamster union brass claimed the power to use fines to discipline the non-striking employees. However, because Local 731 union officials had misled the employees into believing that formal, full dues-paying union membership was a condition of employment, the non-striking workers could not lawfully be considered voluntary members of the union. Foundation cases have established that such employees cannot be lawfully sub-

jected to internal union discipline.

But the Local 731 union hierarchy held kangaroo court proceedings and hit the non-striking employees with fines ranging from \$13,946 to \$40,000 each for not abandoning their jobs during the strike. Additionally, the union hierarchy also claimed the power to discipline two of the employees for refusing to abandon their jobs during the strike even though they were not union members during the strike. And union officials threatened one employee that if he did not pay the confiscatory strike fine, he would never again work in a “union shop.”

“They didn’t want to hear your story anyway,” added Patterson, who was fined \$40,000.

Foundation-won precedent empowers employees to stand for their rights

With nowhere else to turn, the employees contacted the National Right to Work Legal Defense Foundation for help.

Foundation attorneys swiftly filed unfair labor practice charges with the National Labor Relations Board (NLRB) against Local 731 in response to the

nearly quarter of a million dollars in illegal retaliatory fines.

The NLRB agreed to prosecute several of the charges filed by the Foundation for the workers. The Foundation’s efforts forced Local 731 union officials to settle the case and drop the fines against seven of the workers and also refund part of their forced dues. “[The Foundation] did a hell of a job,” concluded Patterson.

Land of Lincoln notorious for thuggish forced unionism

“It is unconscionable for union bosses to try to drive workers into the poorhouse in vicious retaliation for working to support their families,” said Stefan Gleason, vice president of the National Right to Work Foundation.

“Confiscatory fines and kangaroo courts are just some of the disturbing, yet increasingly-used tactics of union boss intimidation that are all too common, particularly in states like Illinois where there is no Right to Work law on the books.”

The employees at the workplace have since decertified the Teamster union as their monopoly bargaining agent, ending the union bosses’ reign of terror.

“[Union bosses] are supposed to represent you, but they do what they want to do. That’s the bottom line.”



Crushed under the heavy load of Teamsters’ oppressive forced unionism privileges, rank-and-file workers are simply a road to forced-dues revenue and political muscle.

Make a Planned Gift – and Advance Battle Against Forced Unionism

Generate tax savings and possible lifetime income for yourself and your family through an estate gift now.

In light of the financial turmoil over the past two years, many donors are reevaluating their long-term financial plans – particularly in light of likely tax increases by the Obama Administration. Perhaps it's time for you to make a decision about establishing or updating your estate plan.

Many recent issues of *Foundation Action* have discussed the options and great benefits of estate planning – not only to secure your family's future, but also to further ensure the Right to Work movement has the resources it needs to win the battle against forced unionism.

Making an outright gift of cash or securities provides immediate assistance to the Foundation's strategic litigation and media programs while yielding tax deductions for you.

Proactive donors keep taxman at bay

Appreciated securities are normally subject to a capital gains tax when sold, but when they are contributed to a charity such as the Foundation, gifted securities owned for one year or more are *not*

subject to capital gains taxes and result in a charitable deduction for the *full* market value of the securities, subject to the applicable AGI limit.

Of course, the most common long-term planned gift to the Foundation is made through a will or living trust. But here are other estate planning tools that you may want to consider now.

Charitable Lead Trust: Gift to charity now, return of principal later

What if there was a way to make a charitable gift to the Foundation using funds that would eventually be returned to you or your family? There is such a plan in the form of a Charitable Lead Trust.

Here are a few goals that can be reached through such a trust:

- You can make a significant ongoing gift to the Foundation;
- Your gift can be part of a plan that helps ensure future economic security for you and your family because the principal may be returned to you or your estate at the end of a pre-determined period of time;

- You may be able to provide your heirs with a greater inheritance than would otherwise be possible.

You can reduce or eliminate income, estate, and gift taxes now and in future years, as well.

Charitable Remainder Trust: Income now, gift to charity later

Another valuable estate planning tool is the Charitable Remainder Trust – a gift that pays you income for life, leaving the remainder to charity.

This tool can achieve the following benefits:

- Increased income from low-yielding assets;
- Reduction or elimination of capital gain, estate, and/or gift taxes that could otherwise be due upon death;
- Diversification of your investments and the potential for tax-free growth of assets;
- Creation of a source of needed income for children, parents, or other family members.

This gift allows the you to make a tax-deductible gift to the Foundation while securing an income stream for you for the rest of your life!

We hope you will consider these as well as other estate planning tools. Please contact Ginny Smith, Director of Strategic Programs for the Foundation, at 1-800-336-3600, ext. 3303, or at plannedgiving@nrtw.org. She can provide additional information about the variety of planned giving methods that can help achieve your goals.†



Company Imposes Teamster Union Despite Secret Ballot Result

Workers feel “stabbed in the back” by management collusion with union bosses

PHOENIX, AZ – Warehouse workers in Phoenix are witnessing first-hand Big Labor’s war on the secret ballot.

Right to Work supporters and other concerned citizens all over the country know the danger posed by the latest union boss power grab, the Card Check Forced Unionism Bill. This bill would effectively eliminate the secret ballot in unionization drives in favor of the more abusive card check organizing process.

Card check campaigns are rife with intimidation, harassment, lies, and threats by union organizers who will do whatever it takes to get workers to sign cards. Current federal law at least offers the limited protection of the secret ballot to ensure that workers are truly voting according to their consciences.

But employees at U.S. Foodservice in Phoenix have now seen the company and Teamster Local 104 union bosses ignore the results of a secret ballot election.

Union bosses won’t take “No” for an answer

In April 2008, warehouse employees first got wind of a new attempt by



Teamster union chief Jimmy Hoffa increased his stranglehold by getting the National Labor Relations Board to ignore the results of a secret ballot election it conducted.

A secret ballot election in September 2008 confirmed that the union brass did not have the support of a majority of employees. Even though

the union lost the election, which was administered by the National Labor Relations Board, Teamster union bosses still did not end their campaign to force their “representation” on the warehouse employees.

Union chiefs accused U.S. Foodservice management of a litany of unfair labor practices. With a potentially lengthy legal battle on the horizon, the company settled with the union.

As part of the settlement, the compa-

Teamster union bosses to organize the bargaining unit. Dennis Dickey, affectionately known as “Blu-man” by his coworkers, says the latest union organizing drive is the fourth in his 12 years with the company.

In the earlier attempts, union organizers could not convince a majority of workers in the bargaining unit to unionize. In July, Dickey and some coworkers began collecting anti-Teamster petitions. Before long, a majority of employees in the unit again expressed their desire to not be “represented” by Teamster Local 104 bosses.

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Union Militants’ Harassment Ruined Woman’s Quality of Life

continued from page 1

had both the means and motive to frame Pelletier for drug possession. As it happens, union hotheads in her workplace had after-hours access to her workspace.

Foundation lawsuit holds union militants accountable

In a 31-count suit filed by

Foundation attorneys in Hartford Superior Court, Pelletier alleged that union officials committed identity theft, conspired to forge her signature, inflicted undue emotional distress on her and her family, and violated Connecticut’s Unfair Trade Practice Act. Although Foundation attorneys achieved a settlement that satisfied Pelletier, the terms of the settlement

are confidential.

“We’re happy to report that after enduring a trying ordeal, Patricia Pelletier is finally getting a satisfactory resolution,” said Stefan Gleason, vice president of the National Right to Work Foundation. “No workers should be subjected to vicious union retaliation for exercising their rights in the workplace.”

Hollywood Studio Teacher Takes on Union Intimidation

Union bosses wanted child actor tutor fired at any cost

LOS ANGELES, CA — With free legal assistance from the National Right to Work Foundation, a studio teacher is fighting back against union intimidation in Hollywood.

After being fired from her job for not becoming a union member, Mandy Diasselliss is fighting to save her career by filing unfair labor practice charges against her former employer and the International Association of Theatrical Stage Employees (IATSE) Local 884 union for her illegal termination.

While working as a studio teacher in Santa Monica, Diasselliss mistakenly assumed she had to join IATSE Local 884 to keep her job. Despite her good-faith attempts to join the union, she was refused membership and, almost simultaneously, fired for *not* joining IATSE.

“Though I would have been happy to join the union, I was not given that choice,” said Diasselliss, whose sentiments reflect a situation in the entertainment industry where the union stranglehold is so great that individuals often want to join a union to have any chance of making it in the business.

“My employer was extremely satisfied with my performance and wanted to continue to employ me,” continued Diasselliss.

Foundation challenges pervasive entertainment industry scheme

As a studio teacher with Heshel Productions, Diasselliss worked with children employed in the entertainment industry. She provided educational instruction for child actors on-set and was responsible for making sure the studio did not violate California child labor statutes.

Because California does not have a



Mandy Diasselliss wanted to continue teaching children who work in Hollywood, but vindictive union bosses would have none of that.

Right to Work law, employees are routinely forced to pay union dues to keep their jobs. However, federal labor statutes prohibit union bosses from forcing employees to pay union dues for the first 30 days of employment.

“I was told by the union’s business representative that the company faced fines from the union if they did not fire me.”

Despite this prohibition, employees in the entertainment industry are routinely misinformed about their rights and obligations by union and company officials. In recent years, the National Right to Work Foundation has repre-

sented several employees who suffered termination at the hands of union bosses or were coerced into paying dues despite their temporary employment status.

“Union bosses run a virtual dictatorship in Hollywood,” said Raymond LaJeunesse, vice president and legal director of the National Right to Work Foundation. “Forced unionism is the root of the problem, of course, but entertainment union bosses have taken it even further with several pervasive industry practices that are clearly illegal.”

Union boss demands force teacher off job

At the time the union brass forced her firing, Diasselliss was not a member of IATSE Local 884. She had not been employed in the same bargaining

see **UNION STRANGLEHOLD** page 8

Foundation Battles to Restore Employee Free Choice

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ny agreed to recognize Teamster Local 104 as the monopoly bargaining agent of all drivers, warehouse workers, and mechanics in the bargaining unit.

“This case shows the utter contempt Big Labor has for employee free choice and the very workers union bosses claim to represent.”

Dickey and the majority of workers who voted against such union affiliation had thought their struggle to preserve their independence was over. But on May 18, U.S. Foodservice management distributed a memo informing them that the company had now recognized Local 104.

“When [U.S. Foodservice management] posted that memo, a lot of us

felt stabbed in the back,” explained Dickey. “We felt sold out, lied to, shocked.”

Arizona’s longstanding and popular Right to Work law ensures that independent-minded employees cannot be forced to join or pay dues to any union. However, once a union hierarchy gains monopoly bargaining status, it is illegal for individual employees to negotiate terms of employment directly with their company – so long as the union actually enjoys majority support, that is.

Foundation legal team seeks to halt illegal bargaining

In June, National Right to Work Foundation staff attorneys filed unfair labor practice charges against the union and company for Dickey, Felix Alvarado, and Emilio Lamar. It is illegal for a company to recognize and bargain with a non-majority union, so Foundation

attorneys are seeking an immediate injunction to halt the unlawful bargaining.

Workers have filed a decertification petition

In addition, some of the workers have filed a decertification petition with the NLRB to again demonstrate via secret ballot that the union does not have the support of a majority of employees. In an earlier Foundation-won case, the NLRB determined that workers may demand a secret ballot vote within 45 days of company recognition of a union through the abusive card check organizing process.

“This case shows the utter contempt Big Labor has for employee free choice and the very workers union bosses claim to represent,” said Mark Mix, president of the National Right to Work Foundation. “All they want is to seize more power and more money from hard-working Americans.”

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* Not available in all states. Minimum gift of \$10,000.

For more information, contact Ginny Smith at (800) 336-3600 ext. 3303, or email her at plannedgiving@nrtw.org.

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65	5.8
70	6.2
74	6.6
80	7.6
84	8.4
88	9.4
90+	10.0

Union Stranglehold

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unit for more than 30 days and therefore could not be legally compelled to pay union dues or join the union.

The charges, filed by Foundation attorneys in May, seek the immediate reinstatement of Diasselliss to her job, as well as any back pay owed her since the day she was fired.

Union officials own Hollywood

“Entertainment industry union bosses have gotten away with this type of abuse for far too long,” added LaJeunesse.

“California desperately needs a Right to Work law. Not only has forced unionism led to extraordinary abuses of employee rights across the Golden State, but it has also hurt the economy and driven away jobs.”✚

Newsclips Requested

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the role union officials play in disruptive strikes, outrageous lobbying, and political campaigning. Please clip any stores that appear in your local paper and mail them to:

NRTWLDF

**Attention: Newslip Appeal
8001 Braddock Road
Springfield, VA 22160**

Supporters can also email online stories to wfc@nrtw.org



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

Identity theft. Massive fines. Ignoring secret ballot votes. Planting crack cocaine. Ordering terminations.

If you thought it could only be a movie script you would be wrong.

These are just some of the many examples of the outrageous tactics used by Big Labor to target workers who refuse to toe the union boss line, and those are just from this edition of **Foundation Action**.

From the White House to the shop floor, union bosses and their allies are increasing the intensity and speed of their thuggish behavior.

Brimming with arrogance after their recent political success, they appear willing to use any means necessary to retaliate against independent-minded employees or anyone else who refuses to toe the union line.

It's bad enough that workers are forced to accept unwanted union boss "representation." And then the millions of workers who don't live in Right to Work states are forced to pay dues and fees for this "representation."

But what kind of people would commit these disgusting acts against the very people they claim to represent? The answer: A small group of privileged union officers who, for now, have numerous loop-holes in the law that give them power out of all proportion to their numbers.

This is what we are up against. We are in an all-out war against union coercion in the workplace. In many cases, your National Right to Work Foundation is the last line of defense for Big Labor's many victims.

With your continued support, Foundation attorneys can block Big Labor's attacks on workers and the American ideal of liberty. Thank you for standing with us in this trying time for our country.

Sincerely,

Mark Mix
Mark Mix