



# Foundation Action

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## Foundation Task Force Moves to Defend Indiana's Newly-Enacted Right to Work Law

*Hoosier worker freedom law  
facing frivolous Big Labor  
court challenges*

INDIANAPOLIS, IN – Hoosier citizens have already started reaping the benefits of Indiana's newly-enacted Right to Work law, but a frivolous union legal challenge threatens to delay implementation and hamstring the legislation in court.

In response to union lawyers' public threats even before passage of the Right to Work law, the National Right to Work Foundation formed a special task force to defend the legality of Indiana's new law, which officially went into effect on March 14.

Indiana became the nation's 23rd Right to Work state after Governor Mitch Daniels signed the bill into law in February. An attempt to pass the bill last year was held up when pro-forced unionism Indiana House Democrats fled the state for five weeks – the longest legislative walk-out in American history.

Union officials publicly floated the idea of challenging the legality



*If union lawyers get their way,  
Hoosier citizens won't benefit from  
the state's new Right to Work law.*

of an Indiana Right to Work law before it was even ratified. Now, union lawyers have followed through on their threats by attempting to sabotage Right to Work legislation in court.

Foundation attorneys successfully defended several state Right to Work laws in the past. They have already examined possible union lines of attack and determined that Indiana's Right to Work law is on solid legal ground.

### Right to Work task force pays swift dividends

"After losing in the court of public opinion and in the legislature, union operatives have turned to the federal court system to delay or even roll back Indiana's popular Right to Work law," said Mark Mix,

President of the National Right to Work Foundation. "That's why we immediately assembled this legal task force."

As expected, International Union of Operating Engineers (IUOE) bosses – headquartered in suburban Chicago – filed a legal challenge immediately after the Indiana Right to Work law was enacted, seeking a temporary restraining order to delay implementation while challenging the bill's legality in federal court.

Right to Work attorneys quickly responded by filing an *amicus curiae* brief for several Indiana workers opposing the union's lawsuit while also preparing to intervene in the case on their behalf. Two of the employees represented by Foundation attorneys – Joel Tibbetts

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## Union Organizers Intimidate, Harass, and Spy on Hotel Workers

*Union goon snaps photos of female worker while she changed for work*

NEW YORK, NY – In the midst of a harsh union organizing campaign, a group of New York City Marriott hotel workers filed federal charges with free legal assistance from National Right to Work Foundation attorneys against the company and the local union. During the brutal union organizing campaign, union officials have even gone so far as to surreptitiously photograph a female employee without her consent while she was changing her uniform in an employee changing room.

Before union organizers invaded their workplace, the approximately 40 SoHo neighborhood Marriott employees enjoyed working for Marriott. They even described the work environment as “family-like.”

Then, out of nowhere, New York Hotel & Motel Trades Council Local 6 union organizers entered into a backroom deal, a so-called “neutrality agreement,” with company officials that allows union organizers unfettered access to the employees

to attempt to install a union in the workplace.

### “Neutrality agreement” anything but neutral

Local 6 union organizers descended on Marriott hotels across New York City, systematically sweeping workers under union control and forcing them to pay union dues as a condition of employment. However, employees in one Marriott hotel resisted the union bosses’ unwanted “representation” – the courageous workers in the SoHo facility.

Furious that independent-minded workers would dare stand up against forced unionization, union organizers are exploiting their preferential treatment from Marriott in a desperate attempt to browbeat the workers into supporting the union. During their prolonged campaign of intimidation and harassment, union officials used video cameras in employ-



***A union goon snapped photos of Gisel Rodriguez while she was changing in an apparent attempt to blackmail her into supporting unionization.***

ee break rooms, accessed employee lockers and handled employees’ personal possessions, and have even resorted to verbal abuse.

Meanwhile, company officials are preventing workers who oppose unionization from meeting on company grounds, prohibiting them from being in the hotel’s only break room at the same time, and forcing them to pool their money from tips to go off premises to meet during their lunch breaks.

Moreover, union officials are retaliating against workers who dare to exercise their right to refrain from union affiliation. At least three workers were illegally interrogated and disciplined by company officials at the behest of union bosses.

## 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.

## Union bosses ratchet up intimidation

Sinking to a new low, union officials snapped photographs of one female Marriott employees standing up to the union bosses while she was changing in the employee changing room.

"I was wearing my uniform pants and my bra and holding my shirt to put it on when they started snapping pictures," 28-year-old Gisel Rodriguez, who works the front desk at the hotel, told the *New York Post* in their recent exposé about the union. "I was furious, really didn't know what to do... [the union organizer] said, 'We're allowed to be here,' and clicked away."

Unfortunately, the union goon was correct, since Marriott let union officials have unlimited access to company property to carry out their

remorseless organizing campaign.

Rodriguez told the *New York Post* that she believes union organizers took photos to blackmail her into supporting unionization of the workplace.

"I have no idea what [the union organizer] could be doing with the pictures, and I think that's the worst part," she continued.

## Workers contact National Right to Work Foundation

Rodriguez and two of her independent-minded colleagues – security guard David Alexander and front-desk worker Coralina Alcantara – are some of the union organizers' favorite targets. These workers reached out to the National Right to Work Legal Defense Foundation for help. Now, Marriott and Local 6 union officials face a series of feder-

al charges which will be investigated by the NLRB regional office in Manhattan and bad publicity exposing their harsh tactics against the workers.

As the battle rages on, the workers are in solidarity against forced unionization. The workers unanimously signed a petition showing that they do not support the union hierarchy's presence in the workplace at all.

"Union and company officials have colluded to force the union bosses' so-called 'representation' on these workers," said Mark Mix, President of National Right to Work. "Marriott workers are being subjected to a vicious campaign of intimidation – including sexual harassment – at the hands of forced-dues hungry union bosses and with the approval of weak-kneed company officials." 

## Former NLRB Member Joins Right to Work Legal Team



On March 1, the National Right to Work Foundation announced the addition of John Raudabaugh, a former National

Labor Relations Board (NLRB) Member and labor and employee relations attorney.

Raudabaugh was nominated to the NLRB by President George H. W. Bush, serving from 1990 to 1993. He has testified before the Senate Committee on Appropriations and the House Committee on Education and the Workforce regarding labor law reform and card check forced unionism.

Raudabaugh also has extensive private sector legal experience, most recently at the Washington, D.C. office of the Nixon Peabody LLP law firm. He has served as an adjunct professor of labor law at Northwestern University, University of Chicago, and Emory University Law Schools.

Raudabaugh will split time between the Foundation's Springfield offices and Ave Maria Law School, where he will hold the Reed Larson Professorship of Labor Law. The Professorship was jointly established by the Foundation and Ave Maria to offer courses on workplace litigation and employee freedom.

"John Raudabaugh brings a wealth of experience and a passion for protecting employee rights to our legal aid program," said Ray

LaJeunesse, Vice President of the National Right to Work Foundation. "He'll also be training a new generation of attorneys at Ave Maria to stand up for freedom in the workplace."

In addition to his academic duties, Raudabaugh will help Foundation staff attorneys craft legal strategies to protect and expand employee rights. He will also author "NLRB Watch," a new regular feature on the Foundation's website aimed at monitoring the National Labor Relations Board's impact on employee freedom in the workplace.

"With John's help, our experienced legal team will continue to expand the Foundation's efforts to help employees whose rights have been violated by compulsory unionism," continued LaJeunesse.

## Hospital Worker Fights SEIU's Rigged Card Check "Vote"

*Union organizers enter into corrupt agreement with hospital to force workers into union ranks*

ORANGE COUNTY, CA – With free legal assistance from the National Right to Work Foundation, Marlene Felter of Costa Mesa filed federal charges against a major Service Employees International Union (SEIU) affiliate and Chapman Medical Center officials for illegally rigging a union organizing "vote" and then forcing her coworkers to accept an unwanted union.

The charges are a result of a back-room deal struck between SEIU Healthcare Workers West union officials and Chapman management known as a "neutrality agreement," an agreement designed to grease the skids for workers to be forced into union ranks.

### Unwanted union "representation" forced down worker's throats

In the agreement, company officials granted union operatives access to company facilities to conduct a coercive "card check" organizing campaign and waived the right to have a federally-supervised secret ballot election to determine whether employees wish to be unionized. Union organizers frequently use card check organizing tactics to bribe, browbeat, or cajole workers into forced-union-dues payments against their will.

"It is just ludicrous," said Felter, a medical coder in the financial department who has been with the hospital's parent company since 1982. "[The company] said the SEIU can come in and organize [without notice to the workers]. SEIU organizers were calling people



*"It was absolutely a blessing," said Marlene Felter after finding out about the Right to Work Foundation from an employee at another hospital.*

on their jobs and showing up at peoples' homes at 9 o'clock at night. One husband threatened to call the police."

"They would block people in their homes and driveways. How they got our cell phone numbers I don't know, but we've received numerous calls from different numbers," added Felter. "When you would call back, the number would be disconnected or not in service. I was at work one day, and I got a call, they wanted to know what my hours were, when I came and left work, and my pay."

"They would sneak in at the back-door and sit there in the cafeteria with no name badge, trying to organize workers in the cafeteria," explained Felter. "They would invite people for lunch and have them sign a little postcard. If you sign the card it counts as a 'yes'

vote. If you went over there to get more information, you would have to sign the card for lunch."

In response to the SEIU union organizers' coercive tactics, a majority of hospital workers signed cards, letters, and petitions stating that they did not want the SEIU union bosses' so-called "representation." Instead of having their wishes honored, a rigged "card count" was held.

Chapman and SEIU officials are now negotiating a contract which almost certainly will include a provision to force the workers to pay union dues or fees to keep their jobs because California does not have a Right to Work law making union membership and dues payment strictly voluntary.

Felter found out about the National Right to Work Foundation from another employee at a nearby sister facility.

"It was absolutely a blessing," said Felter.

### Board ruling leaves workers exposed to card check coercion

"Chapman and SEIU officials colluded to shove union boss 'representation' – and with it, forced dues payments – down workers' throats," said Patrick Semmens, legal information director for the National Right to Work Foundation. "Schemes like this show that the ultimate goal of union officials is more forced dues collected from workers, even when rank-and-file employees want nothing to do with the union."

Unfortunately, President Barack  
see **WORKER FIGHTS** page 8

## Foundation Defends Indiana's New Right to Work Law

*continued from page 1*

and David Bercott – are actually employed at facilities unionized by IUOE operatives and are currently being forced to pay union dues just to keep their jobs.

IUOE lawyers subsequently dropped their attempt to delay implementation of the law through a temporary restraining order. The IUOE's broader legal challenge continues to wind its way through the courts, however.

### Recent case highlights need for Indiana Right to Work protections

Meanwhile, a recent Foundation case in Valparaiso highlights one of the many reasons why an Indiana Right to Work law was so desperately needed. The IUOE – the same union attempting to sabotage the new law in federal court – is respon-

sible for blocking employees from leaving the union and opting out of dues used for union political activism.

Tibbetts and a coworker, Adam Hill, filed federal charges with the National Labor Relations Board (NLRB) in September 2007 and again in June 2009 after IUOE Local 150 union officials refused to recognize their right to refrain from full dues-paying union membership.

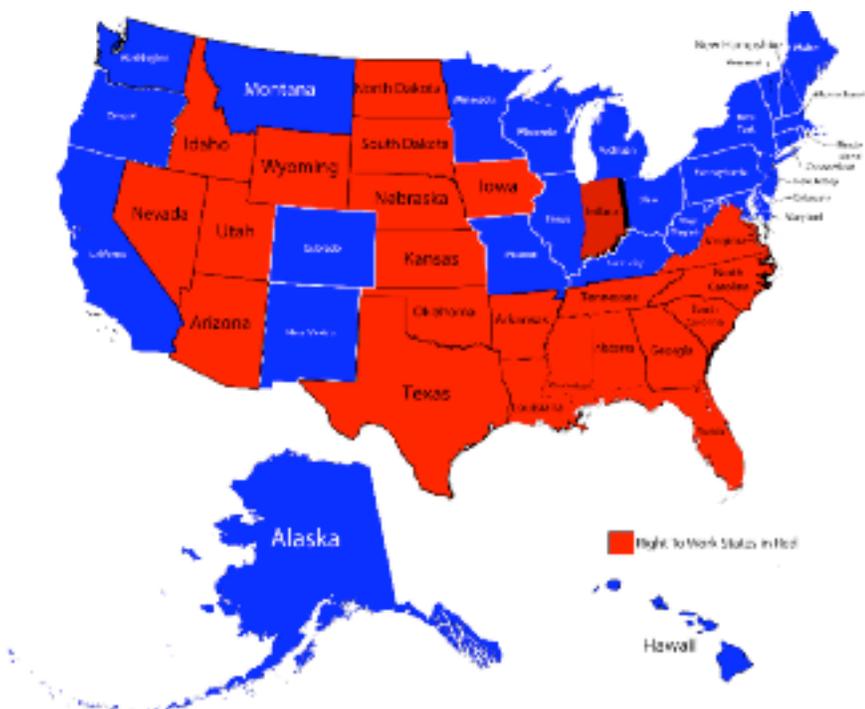
Facing NLRB prosecution, Local 150 bosses settled in 2008 and 2011. Despite these settlements, IUOE officials continued to illegally force the workers to pay excessive union dues.

The latest settlement reimburses the two workers \$1,268. It also requires union officials to post notices about the workers' rights in their workplace and at the union office in Merrillville.

### Foundation extends offer of free legal assistance to Indiana workers

In addition to defending the Right to Work law from spurious union legal challenges, National Right to Work Legal Defense Foundation staff attorneys are available to provide free legal aid to employees seeking to exercise their Right to Work. Because the Indiana law only applies to forced dues clauses entered into after March 14, 2012, many employees may not be able to cut off all dues immediately. However, those employees can still exercise their rights to refrain from formal union membership and opt out of paying for union political activism.

“From federal court to the NLRB, Foundation attorneys stand ready to defend Indiana's new Right to Work law,” continued Mix. “Union bosses won't give up their special privileges without a fight, but we're confident the new law will withstand any legal challenge.”



**23 states are currently reaping the economic benefits of Right to Work laws, including Indiana, the latest state to protect worker freedom.**

### Newsclips Requested

The Foundation is always on the lookout for articles on union malfeasance, corruption, and violence. Please clip any stories that appear in your local paper and mail them to:

NRTWLDF  
Attention: Newsclip Appeal  
8001 Braddock Road  
Springfield, VA 22160

Supporters can also email online stories to [wfc@nrtw.org](mailto:wfc@nrtw.org)

# Planned Giving Spotlight: Receive Regular Payments While Defending Workplace Freedom



## What is a National Right to Work Foundation Charitable Gift Annuity (CGA)?

A Foundation Charitable Gift Annuity (CGA) is a contractual agreement in which payments (dispersed monthly, quarterly or yearly) are fixed and unchanged for the term of the contract. A portion of the payments is considered to be a tax-free return of principal, which is spread in equal payments over the life expectancy of the annuitant(s).

## What is the minimum gift amount to fund the CGA, and at what age can I participate?

A gift of \$10,000 or more will fund a Foundation Charitable Gift Annuity. Annuitants must be 65 or older to participate in this program.

## How is the amount paid from my CGA determined?

The amount to be paid from your gift annuity is determined by the annuity principal you contribute, along with your age. The gift annuity rates are suggested by the American Council for Gift Annuities, a national organization whose membership includes over a thousand charitable institutions.

## What are the tax advantages to me?

As an itemizing taxpayer, you will receive an immediate tax deduction for the charitable contribution portion of your gift to the National Right to Work Legal Defense Foundation. In addition, a portion of the annuity payments will be tax-free as a return of principal.

The amount of tax-free return of principal will vary with your life expectancy. In a two-life annuity situation, both the husband and wife's ages are considered and may make a difference in the annuity rate and payout amounts.

## What is the schedule of payout for a gift annuity with the Foundation?

The Foundation usually makes payments quarterly to the donor. Arrangements can be made for you to receive monthly, semi-yearly, or yearly payments if you so designate.

## If I decide to take out a Charitable Gift Annuity, do I have the opportunity to enroll in the Legacy Society of the Foundation?

Yes, we will send you information about how to enroll in the Foundation's Legacy Society. A planned gift of any kind will qualify the donor to enroll in the Legacy Society and receive the benefits of this recognition along with assurance that you have made a significant contribution to the Foundation's strategic litigation program.

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When considering a planned gift to the Foundation, you should consult your estate planning attorney or tax advisor to ensure that your decision best meets your financial and long-term estate goals.

If you have any questions or need more information please contact Ginny Smith, Director of Strategic Programs, at 1-800-336-3600, Ext. 3303, or email [plannedgiving@nrtw.org](mailto:plannedgiving@nrtw.org) (See rates below).

### Partial Annuity Rates for 2012

<b>Age 65</b>	<b>Rate: 4.7%</b>
<b>Age 70</b>	<b>Rate: 5.1%</b>
<b>Age 75</b>	<b>Rate: 5.8%</b>
<b>Age 80</b>	<b>Rate: 6.8%</b>
<b>Age 85</b>	<b>Rate: 7.8%</b>
<b>Age 90+</b>	<b>Rate: 9.0%</b>

**\*\* Charitable Gift Annuities are not available in all states\*\***

# The Washington Times

## Government employees' free speech on trial

By Mark Mix

From Ohio to Wisconsin to California, state budget battles over extravagant union privileges grabbed headlines and flooded airwaves throughout 2011. This year, however, the fight to restrain public-sector union bosses has shifted to a new venue. Tuesday, the Supreme Court weighs arguments about the limits of union officials' power to spend compulsory union dues on politics.

In Ohio and Wisconsin, legislation limiting government union officials' ability to collect forced dues triggered an immediate, Big Labor-instigated backlash. Union bosses know that their political influence - and, by extension, their massive, government-granted special privileges - rest on the power to use workers' hard-earned dues to elect sympathetic politicians.

In the public sector, this cycle of influence peddling has led to a truly perverse state of affairs: Union politicians funnel workers' dues to pro-Big Labor politicians, who then use their clout to further entrench unions' forced-dues privileges. Until government-union bosses are stripped of their ability to extract forced dues from unwilling workers, this corrupt arrangement will continue to saddle taxpayers and local governments with a ruinous financial burden.

In Wisconsin, Gov. Scott Walker took the first step toward ending this vicious cycle by limiting government-union bosses' forced-

dues privileges. In Ohio, Gov. John Kasich's reform efforts were reversed by a vicious union-backed campaign. But the fight has shifted to the highest court in the land, where the powerful Service Employees International Union (SEIU) faces a class-action challenge to its forced-dues collection racket.

In 2005, SEIU officials in California imposed a "special assessment" on all state civil servants in their bargaining unit - including those who were not union members - to defeat a ballot proposal that would have prevented public-sector unions from using forced dues for political contributions without employee consent. As in Wisconsin and Ohio, union operatives fought tooth and nail to protect their special privileges, but several courageous state employees didn't take this scheme lying down.

With the help of attorneys from the National Right to Work Foundation, eight civil servants took SEIU bosses to court on the grounds that nonunion workers shouldn't be billed for union political activism. In 2007, a federal district court ruled that union officials were required to allow employees to opt out of the "special assessment" and refund any dues collected to those who did, but that ruling was reversed later by the often-overruled 9th U.S. Circuit Court of Appeals.

State-level reforms in places like Ohio and Wisconsin are an

important part of any effort to rein in out-of-control Big Labor bosses, but reaffirming nonunion employees' First Amendment right not to fund union political activism is equally critical. If the Supreme Court fails to protect civil servants' paychecks, government union operatives will have access to even more forced-dues cash to fight reforms and expand their special privileges. Meanwhile, taxpayers get stuck footing the bill.

Forcing civil servants to subsidize the political agenda of an organization to which they don't belong should offend every American, regardless of political sympathies. Voluntary SEIU members may wish to financially support their organization's political goals, but nonunion employees - many of whom disagree with the union's agenda - are under no similar obligation. Freedom of association is a bedrock principle of American democracy, and no one should be compelled to support a group to which they don't belong.

It's vital that the Supreme Court take a strong stand to protect nonunion civil servants' paychecks from being docked to fund union political activism. Not only will this help curb the onerous financial obligations Big Labor has exacted from state and local governments, it is critical to protect the freedom of association of public servants everywhere. 

## Worker Fights SEIU Card Check Scheme

*continued from page 4*

Obama's NLRB has already taken away one protection workers had against card check forced unionism.

In 2007, Foundation attorneys won workers a new, but limited, right at the NLRB to challenge card check forced unionism head-on. Under the Foundation-won *Dana Corp.* decision, workers could collect signatures to request a secret ballot election during a 45-day window period following notice that their employer had recognized union officials as the workers' monopoly bargaining "representatives" after a card check organizing drive.

However, the NLRB overturned the *Dana* precedent just before Labor Day, as President Obama-appointed NLRB Chairwoman Wilma Liebman's term expired.

## Right to Work laws key component to worker freedom

Felter's federal unfair labor practice charges ask for an injunction to stop hospital and SEIU officials from illegally negotiating a contract based on the fraudulent card check drive. Because Felter and her coworkers no longer have *Dana* protections, this may be their only chance to stave off union boss control over their workplace.

"The Obama Labor Board's overrule of the *Dana* precedent adds to an already extensive list of paybacks from the Obama Administration to Big Labor," said Semmens. "Workers need more options, and one large step to making it less difficult for workers to hold union officials accountable is for California to pass Right to Work protections." 



## Message from Mark Mix

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter,

After a decade of hard work and the commitment of thousands of grassroots activists across the state, Indiana finally became the 23<sup>rd</sup> Right to Work state when Governor Mitch Daniels signed the bill into law in February.

But your National Right to Work Foundation knew what was coming next. Union lawyers, desperate to protect their special privileges, launched a groundless legal assault against the bill.

Fortunately, Foundation attorneys were prepared. Our Indiana Right to Work Task Force combed through the law line by line and determined that the law was on sound legal ground. Now, as you'll read in our cover story, they're in court defending it.

The union lawyers' arguments are as tired as they are outrageous. Foundation attorneys have repeatedly defended Right to Work laws in the courts, most recently in Oklahoma. In our important *Davenport* victory just a few years ago, the United States Supreme Court once again – as it originally did in 1949 – confirmed that state Right to Work laws are constitutional.

It's vital we prevail in Indiana. We may have the moral, economic, and legal arguments on our side, but the union bosses will stop at nothing to protect their ill-gotten gains.

And make no mistake: This battle isn't just about Indiana. This legal attack is ultimately aimed at undermining all 23 state Right to Work laws and instilling fear in the hearts and minds of legislators and concerned citizens across the country who dare to take on Big Labor's special privileges.

Thanks to your help, we won't let them get away with it.

Sincerely,

Mark Mix