



Foundation Action

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of the National Right to Work
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Nurses Refuse to Abandon Patients During Union Boss Strike

Officials demanded dissenting nurses appear in union hall court for "discipline"

MINNEAPOLIS, MN — With the help of Right to Work attorneys, a group of Minneapolis-based nurses are challenging union officials' efforts to intimidate hospital employees who refused to participate in a recent strike. Despite resigning from the union to continue caring for their patients during a union-instigated work stoppage, the nurses received notices threatening disciplinary action from Minnesota Nurses Association (MNA) union operatives.

Other nurses say they were never informed of their right to refrain from union membership in the first place. Foundation attorneys are now helping a nurse challenge the union's membership policies and seek the return of unlawfully confiscated forced dues, a case that if won could likely expand this result to all nurses.

In mid-June, MNA bosses declared a strike against hospitals throughout the Twin Cities area. However, many nurses stayed on the job to continue providing care to their patients, including

Maria Ruhl, Mary Sue Moe, and Karen Hermann.

"I could not in good conscience abandon my patients," said Ruhl, explaining why she refused to participate in the strike.

Responding to the union's strike threats, the Right to Work Foundation issued a notice of free legal aid to any nurse who wished to resign from the union and continue working. Foundation attorneys also offered assistance to any nurses facing harassment or intimidation from union officials for refusing to walk off the job. After they received copies of the union's heavy-handed disciplinary notice, Ruhl, Moe, and Hermann quickly contacted Foundation attorneys for legal advice.

Foundation attorneys were later contacted by several other nurses who were kept in the dark by MNA officials about their right to leave the union.

Union operatives attempt to quash dissent

Under current law workers have the right to resign from union membership at any time and cannot be subjected to internal union discipline for conduct after they've exercised that right. However, MNA operatives sent out



Maria Ruhl and her coworkers refused to abandon their patients when Minneapolis union bosses instigated a city-wide strike.

threatening letters anyway, notifying the nurses that they could be "subject to reprimand" at a

union hearing despite having resigned from union membership earlier.

"I was angry that I got the letter," Hermann said.

see **NURSES FIGHT BACK** page 4

IN THIS ISSUE

- 2** Union Bosses Attack Marine Instructor's Workplace Freedom
- 3** Government Union Bosses Slapped with Federal Lawsuit
- 4** Foundation Website Reach Expanding
- 5** It's Your Choice! Estate Planning is Key to Plan for Your Future and Ours
- 6** Foundation Sends Union Bosses from Halfway House to Dog House
- 7** Michigan Child Care Workers Challenge Political Payback Scheme

Union Bosses Attack Marine Instructor's Workplace Freedom

Retired Marine resisted union officials' "pay up or be fired" threats

WORCESTER, MA — After being threatened by Massachusetts Teachers Association (MTA) union officials with termination for refusing to pay union dues, a retired Marine ROTC instructor turned to Right to Work attorneys for legal advice.

Major Stephen Godin, USMC (ret.), taught at Worcester for 15 years without paying union dues. In late May, however, Godin received a letter from school officials saying he would be fired if he refused to pay MTA fees.

"I just want to save my job here," said Godin. "I've been doing this for 15 years. Nobody has ever told me to join the union or be terminated."

Although union officials ignored Godin's requests for arbitration, the school district eventually reversed course and announced that he would not be fired for refusing to pay union dues.

In the meantime, Godin approached Foundation attorneys for legal advice, and they explained his rights as a nonunion instructor.



After teacher union bosses threatened to have him fired for refusing to pay dues, Major Stephen Godin (ret.) turned to Right to Work attorneys for legal advice.

Massachusetts public school teachers still forced to pay union dues

Although a public outcry against MTA bosses' heavy-handed threats prompted the governor to sign legisla-

tion exempting ROTC instructors from mandatory union dues, other Massachusetts public school employees can still be forced to pay MTA fees as a condition of keeping their jobs. Massachusetts does not have a Right to Work law.

"While we're happy to report that Major Godin will keep his job, other teachers who don't want union 'representation' are still forced to pay dues," said Patrick Semmens, Legal Information Director for the National Right to Work Foundation.

"All Massachusetts teachers — not just ROTC instructors — should be free from mandatory union tribute," continued Semmens.✚

Foundation Action

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8001 Braddock Road, Springfield, Virginia 22160
www.nrtw.org • 1-800-336-3600

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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Government Union Bosses Slapped with Federal Lawsuit

Forced-dues scheme shows why Pennsylvania needs Right to Work law

PHILADELPHIA, PA — Local government union bosses in Lancaster, Pennsylvania face a federal lawsuit for illegally confiscating agency fees from nonmember public workers' paychecks without following National Right to Work Foundation-won Supreme Court precedent.

And this case underscores once again why Pennsylvania's workers desperately need Right to Work protections.

Foundation attorneys are providing free legal assistance to Borough of Ephrata public works employee Jeffrey Weaver and seven of his coworkers who all refrained from full dues-paying union membership.

Employees forced to pay exorbitant forced union dues

"I was dissatisfied with some stewards' actions in the workplace...and rising [union] dues costs in a down economy," stated Weaver, who is now in his 21st year with the borough.

Despite the employees' nonmember status, International Brotherhood of Electrical Workers (IBEW) Local 1600 union officials are forcing the employees to pay a whopping 99.51 percent of full union membership dues.

"When I was told it is 99.51 percent of full dues it was like a slap in the face for dropping my membership," added Weaver. "I personally do not want my money going for any political contributions without my consent."

Suit filed to forced union bosses to follow the law

In the Foundation's 1977 U.S. Supreme Court case *Aboud v. Detroit Board of Education*, the Court ruled that



Local news outlets reported on the Foundation's action on behalf of eight Borough of Ephrata public works employees.

public employees who refrain from formal union membership in forced-unionism states such as Pennsylvania can be forced to pay some union dues, but cannot legally be required to pay for the part used to pay for union politics, organizing, and other union boss activities unrelated to bargaining.

Because they are being forced to pay compulsory union dues at such a high rate, the eight employees cited the Foundation's *Chicago Teachers Union v. Hudson* (1986) victory that requires union officials to provide public workers with an independently audited financial breakdown of all forced-dues union expenditures.

IBEW Local 1600 union officials refused to provide such a breakdown and the borough employees subsequent-

ly asked Foundation attorneys to file a federal suit on their behalf. In their suit, filed in the U.S. District Court for the Eastern District of Pennsylvania located in Philadelphia, the employees are seeking to obtain refunds of the amount of forced dues payments illegally seized from their paychecks.

"I'm glad to see there is an organization that will fight against forced unionism and union abuses," added Weaver.

Right to Work laws free workers from subsidizing corrupt union officials

Although the rights Foundation attorneys have established through federal court, including U.S. Supreme Court, litigation are helpful to Pennsylvania's workers, the evil of compulsory unionism abuse will continue to rear its ugly head until workers enjoy the protections of a state Right to Work law.

"While Foundation-won precedent is helping these workers take a stand for

their rights, making union affiliation completely voluntary is by far the most effective way to free employees from the abuses of forced unionism," stated Mark Mix, president of National Right to Work.

"I'm glad to see there is an organization that will fight against forced unionism and union abuse."

"If Pennsylvania had a Right to Work law, Jeffrey Weaver and his seven coworkers would be free to refrain from financially supporting the very union officials deliberately keeping them in the dark about their rights."

Foundation Website Reach Expanding

Spanish-speaking Americans have new resource to protect their rights from forced unionism abuses

SPRINGFIELD, VA — In response to numerous requests from Spanish-speaking, first-generation American workers who have suffered from the evils of forced unionism, the National Right to Work Legal Defense Foundation has added a Spanish-language section to its award-winning legal aid website.

In their continuous drive for more forced union dues, union bosses often specifically target workers for whom English is not their first language for bullying and intimidation. Union bosses often take advantage of these workers' unfamiliarity with their rights. Until recently, there was no easy way for Spanish-speaking workers to learn their rights.

Like the original website, the Spanish version of the National Right to Work

Foundation website provides general information about the legal limits of compulsory unionism and how workers can exercise their rights. Workers in need of legal assistance can work with bilingual Foundation attorneys to protect their rights.

Even though the website was just launched, the Foundation's new Spanish-language website has already been accessed thousands of times after only a few weeks.

"Spanish-speaking American workers now have a vital resource to learn valuable information on how best to deal with compulsory unionism abuses and exercise their rights," said Patrick Semmens, National Right to Work Foundation Director of Legal Information. "The National Right to

Work Foundation will continue to strive to be on the cutting edge on behalf of all Americans in the legal and moral battle against compulsory unionism abuses perpetrated by forced-dues-hungry union bosses."✚



The National Right to Work Foundation's award-winning legal aid website is now available in Spanish: www.nrtw.org/es

Nurses Fight Back Against Union Boss Intimidation

continued from page 1

"I said, 'You've got to be kidding me!' My blood pressure — I can't tell you how high it went."

Right to Work attorneys believe that MNA officials were intent on punishing nurses who didn't support the union-instigated strike. Employees represented by the Right to Work Foundation in similar cases across the country have faced workplace harassment and five-figure strike fines up to \$40,000 for refusing to participate in union walk-outs.

"This is a straightforward case of union boss intimidation," said Mark Mix, President of the National Right to Work Foundation. "As often happens, union operatives set up a kangaroo court to punish independent-minded employees who refused to go on strike."

Right to Work attorneys hit union with federal charges

After Ruhl, Moe, and Hermann contacted Right to Work, Foundation attorneys responded by filing federal unfair labor practice charges against the MNA. The charges, which will now be investigated by the National Labor Relations Board, seek a rescission of the union's disciplinary hearings and a notice informing all Minneapolis nurses of their right to resign from the union without being subjected to unlawful union "discipline."

Right to Work attorneys have also filed charges for a nurse who was never informed of her right to refrain from MNA membership, and thus cannot be considered a voluntary member bound

by union rules or disciplinary procedures.

After enduring a flurry of unfavorable media coverage, union officials tried to distance themselves from their heavy-handed tactics. Caught red-handed, one union spokesperson claimed the notice of disciplinary proceedings was "a mistake."

Right to Work attorneys, however, aren't buying it and plan to press forward with the nurses' case.

"Union 'disciplinary hearings' are just another way for Big Labor operatives to intimidate independent-minded workers who refuse to toe the union boss line," continued Mix. "Minneapolis nurses shouldn't be punished for refusing to abandon their patients at the behest of callous union officials."✚

It's Your Choice! Estate Planning is Key to Your Future and Ours

Every day, we all make decisions about how to spend our income and manage our various forms of property and investments. We have discussed many planned giving options in *Foundation Action* on how you, as a loyal supporter, can benefit from an estate plan and also benefit the Right to Work Foundation.

Most of you are aware that having an up-to-date will in place is of primary importance to you and your family. Making your will can be a simple and rewarding process — and gives you the opportunity to set aside part of your estate for your favorite charities. When you take the time to state your wishes in a will, you take an important first step toward a truly sound estate plan as well as contribute to a charity like the Foundation.

Charitable Trusts

A **Charitable Lead Trust** is most commonly referred to as “the gift that comes back to you.” A donor may wish to set up a trust fund that makes annual gift payments to the Foundation and its strategic litigation program for a designated number of years. At the end of this designated period of time, the assets used to fund the gift can be returned to the donor or his heirs, if he so chooses.

You can reduce or eliminate income, estate, and gift taxes now and in future years by designating an estate plan that includes a charitable lead trust.

Another popular trust instrument to consider is the **Charitable Remainder Trust** — it's the reverse of a Charitable Lead Trust. This particular trust allows the donor to make



a tax-deductible gift to the Right to Work Foundation now while guaranteeing an income stream back to the donor. Creating such a trust allows diversification of investments and the potential for tax-free growth of assets.

This is how a Charitable Remainder Trust works: You transfer assets into a trust to be held and invested by a trustee. Income is paid to you or a designated beneficiary for as long as you wish, perhaps even for life, with the remainder of the trust going to a charity like the Right to Work Foundation. As the donor, you receive an immediate charitable deduction for the value of the projected charitable remainder interest. This particular trust may pay out either a fixed amount or a fixed percentage of the net value of the trust assets, valued each year (which depends on the investment performance of the trust).

At the end of the income interests, the Foundation is awarded the remainder of the donor's gift to be used to continue the fight against

compulsory unionism abuse.

Of course, there are many estate planning vehicles to review and consider. We hope you will consult your tax advisor or an estate attorney to discuss which option best suits you and your family's situation.

If you would like more information on making a planned gift to the National Right to Work Foundation, please contact Ginny Smith at 1-800-336-3600, extension 3303.†

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If you decide to give a gift
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1-800-336-3600 ext. 3303.

Foundation Sends Union Bosses from Halfway House to Dog House

Probation officers prevail in fight over forced union organizing subsidization

NEW YORK, NY — With free legal aid from National Right to Work Foundation attorneys, four probation officers struck down a government union scheme to force them to subsidize union boss campaigns to force workers in other industries into union ranks.

An appeals court sided with the probation officers after union bosses confiscated union dues from the workers' paychecks in clear violation of numerous Foundation-won precedents established before the United States Supreme Court.

Big Labor pushes legal limits

David Scheffer, Mary Bergevin, Joseph Stephany, and Laura Swartzenburg are all Monroe County, New York probation officers who have refrained from full dues-paying union membership in the Civil Service Employees Association, Inc. (CSEA) Local 1000 union.

However, because they work in New York (a state without Right to Work protections for workers), the probation officers are still forced to pay a certain amount of compulsory union dues and fees, despite not wanting anything to do with the union.

In the Foundation's landmark *Abood v. Detroit Board of Education* (1977) Supreme Court victory, the Supreme Court ruled that compulsory union dues confiscated from public sector workers who have refrained from union membership must only go toward the costs of bargaining and not toward union boss politics.

Despite this limited but still important legal precedent, Big Labor bosses continued to push the limits on what they can force workers to pay for despite their nonmember status. This led to fur-



No laughing matter: If CSEA union thugs had their way, New York's public employees would be stuck behind the cold iron bars of forced unionism.

ism blueprint, CSEA Local 1000 union bosses disregarded

ther Foundation battles which ended up before the Supreme Court.

CSEA union bosses violate Foundation-won rights

Despite *Abood*, union bosses often kept workers in the dark regarding how much independent-minded workers were forced to pay for their unwanted union boss "representation." In *Chicago Teachers Union v. Hudson* (1986), the Supreme Court upheld public sector employees' right to be provided with an independently-audited breakdown of union boss expenditures, enabling workers to better figure out how much they lawfully can be forced to pay.

Then, in another Right to Work Foundation case, *Lehnert v. Ferris Faculty Association* (1991), the Supreme Court established a specific three-part test based on the First Amendment to help nonmember workers determine which union boss activities they can still be forced to pay for.

Following Big Labor's forced union-

long-established Foundation-won legal precedents and forced Scheffer and his coworkers to subsidize union organizing campaigns targeted at employees who perform entirely different types of work — including private sector employees in the developmental disability, food service, and courier industries — all while failing to provide the employees with an independently-audited breakdown of local union expenditures.

In U.S. district court, CSEA Local 1000 union bosses presented the judge with a convoluted "theory" that the forced unionization of New York's private sector employees somehow benefited the public sector probation officers. Amazingly, the district court bought the argument and also decided to trust the union bosses' calculations on how much they could charge the probation officers.

Appeals court rejects union lawyers scheme

Foundation attorneys then took the
see **SUCCESSFUL CHALLENGE** page 8

Michigan Child Care Workers Challenge Political Payback Scheme

Foundation attorneys score key early victories in face-off with state, union lawyers

GRAND RAPIDS, MI — Foundation attorneys won two preliminary procedural victories in federal court as state and union lawyers tried to block a class-action legal challenge to a blatant political payback scheme involving Michigan Governor Jennifer Granholm and her union boss buddies.

As previously reported in **Foundation Action**, a group of home-based child care workers are challenging Governor Granholm's directive to state officials to create a sham agency — called “Child Care Providers Together Michigan” — to act as the “management” of more than 40,000 child care providers and assist United Auto Workers (UAW) and American Federation of State, County, and Municipal Employees (AFSCME) union officials in unionizing them.

Even though only 15 percent of Michigan's more than 40,000 child care providers “voted” in an unusual mail-in union certification election, state officials granted union bosses monopoly political representation over all of Michigan's home-based child care providers.

Foundation attorneys' legal challenge to proceed

Earlier this year, attorneys from the Mackinac Center for Public Policy challenged Governor Granholm's forced unionism scheme — questioning only the Governor's state law authority to institute such a program — but lost their state court case.

Despite attempts by government

and union lawyers to stall the Foundation case until the state case is resolved on appeal, Right to Work Foundation attorneys successfully argued that their federal challenge should go forward.

Foundation attorneys are challenging the scheme on the more fundamental federal constitutional grounds because it violates the child care providers' free speech, freedom of association, and the right to freely petition government for redress of grievances because effectively, Governor Granholm is picking the lobbyists for Michigan's child care providers, and no state law should ever allow a governor to do that.

“What can the union possibly do for me?” wondered child care provider

Carrie Schlaud, the lead plaintiff in the case.

Judge to proceed with child care workers' case

In mid-July, Foundation attorneys appeared in federal court in Grand Rapids and convinced the judge to proceed with the child care workers' case — despite state and union lawyers' attempts to have the case dismissed on multiple grounds.

“The Foundation's case now moves on to the discovery phase,” explained Right to Work Legal Director Ray J. LaJeunesse.

“And, if Foundation litigators are successful, the outcome can have a far reaching, national impact in rolling back Big Labor's state-by-state push to force susceptible, unsuspecting home care providers under union control,” he added. †



Carrie Schlaud's challenge to Governor Granholm's union boss payback scheme is laying a foundation of liberty for home-based care workers across the country.

Successful Challenge

continued from page 6

case to the United States Court of Appeals for the Second Circuit. The appeals court overturned the lower court's erroneous decision concerning organizing and discounted the CSEA Local 1000 union bosses' cockamamie forced unionism theory.

However, the appeals court unfortunately failed to take a more critical look at the CSEA union hierarchy's spending disclosure policy and refused to uphold the probation officers' right to independent verification that their forced union dues are not used illegally.

"We are pleased that the Second Circuit upheld Foundation precedent and these independent-minded employees' First Amendment right not subsidize the forcing of private sector workers under union boss control," said Ray LaJeunesse, Right to Work Legal Director. "However, we are disappointed that the court continues to allow the fox to guard the henhouse in terms of how CSEA union officials rationalize the abuse of their government-granted forced dues privileges."

"Foundation attorneys will continue to work to protect America's workers from this and many other forced unionism injustices as they occur."✚

Newsclips Requested

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the injustices of forced unionism in your local paper.

Please send clippings to:

NRTWLDF
Attention: Newsclip Appeal
8001 Braddock Rd.
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,

It doesn't matter who you are or what you do.

It is growing clearer all the time that union officials will break the law and intimidate any worker to get their way.

As you will read in this issue of **Foundation Action**, union bosses will come after even the most dedicated public servants to line the coffers of Big Labor's machine with forced union dues:

- Nurses in Minnesota who refused to abandon their patients during a union boss-ordered strike.
- A retired Marine now serving as an ROTC instructor in Massachusetts.
- Home-based health care providers in Michigan taking care of sick children.

These courageous workers aren't the first to face the disgusting and coercive tactics of the union chiefs.

And they won't be the last.

Big Labor preys on the fact that most Americans don't know the ins and outs of our increasingly complicated labor law. The union bosses send misleading or vague letters to hardworking citizens threatening them with kangaroo courts, fines, or dismissal — and they expect the workers to just give in to their every demand.

That's why your generous support of the National Right to Work Foundation's strategic litigation program is so vital.

With your continued support, our expert attorneys provide free legal aid to thousands of employees every year. Foundation-won precedents protect every American from compulsory unionism abuses.

It doesn't matter who you are.

Sincerely,

Mark Mix