

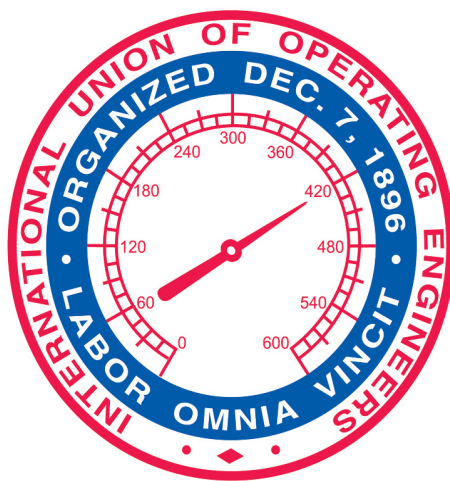
New Big Labor Legal Maneuver Seeks Union 'Right' to Forced Dues

continued from page 1

Moreover, union officials are hardly "uncompensated," even in states that have adopted Right to Work protections. Under the National Labor Relations Act, union officials in unionized workplaces are granted a monopoly to bargain over wages and working conditions for all employees, including those who oppose the union's presence. That privilege gives them immense clout while encouraging employees to join the union.

Foundation attorneys respond to union legal challenges

In April 2016, a Dane County Circuit Court in Wisconsin ruled in favor of the International Association of Machinists union and struck down Wisconsin's Right to Work law. Although the Wisconsin Court of Appeals subsequently ordered that the law remain in force while the case is on appeal - a decision that was issued after Right to Work attorneys urged the court to do just that




International Union of Operating Engineers lawyers have launched a coordinated legal assault on state Right to Work laws.

- the lawsuit is still under consideration by the higher court.

The Wisconsin Supreme Court is unlikely to buy this radical legal interpretation, but an International Union of Operating Engineers (IUOE) local has since filed a second Wisconsin lawsuit challenging Right to Work in federal court under the same dubious legal the-

ory. Union lawyers' ultimate goal is either a favorable decision by a full panel of the 7th Circuit Court of Appeals or an eventual showdown at the U. S. Supreme Court. Foundation staff attorneys are currently preparing a legal response to the federal case.

The Foundation has also responded to an IUOE Idaho Right to Work lawsuit. In late May, Foundation staff attorneys filed an *amicus curiae* ('friend of the court') brief urging the U.S. District Court handling the case to uphold the law's constitutionality. The brief draws on Right to Work litigators' extensive legal experience to refute the IUOE's dubious arguments.

"State Right to Work laws have survived over 60 years of union legal challenges and have yet to be struck down in federal or state appellate court," said LaJeunesse. "Indeed, similar arguments were rejected by both state and federal courts when made in union lawsuits against Indiana's Right to Work law. But these laws can't defend themselves, which is why the Foundation is committed to defending and enforcing state Right to Work laws from any and all union legal counter-attacks." 

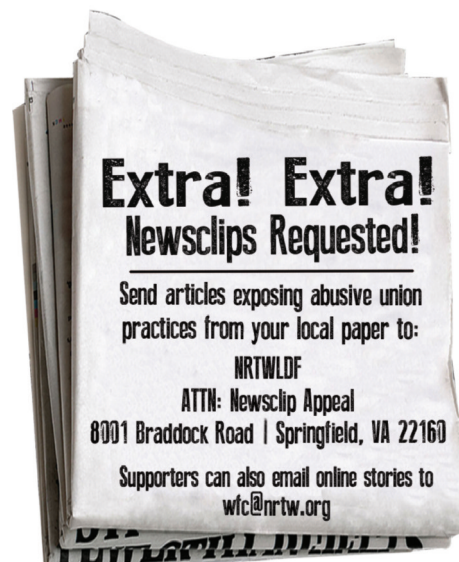
Foundation Action

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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.



Foundation Attorneys Help Workers Reclaim over \$8K in Illegal Union Dues

Union officials told parking lot attendants that they would lose their jobs if they didn't pay up

BETHESDA, MD - Thanks to the efforts of Foundation staff attorneys, several National Institute of Health (NIH) parking lot attendants have reclaimed over eight thousand dollars in illegally-seized union dues. The employees recovered their hard-earned money after filing federal unfair labor practice charges against union and company officials, who pressured them into acceding to unionization and then demanded they pay full union dues or lose their jobs.

In October 2015, Penn Parking replaced Colonial Parking as the parking contractor at the Bethesda NIH campus. Penn officials then told the employees, many of whom had worked at the NIH for years, that they could only keep their jobs if they became members of the United Food and Commercial Workers (UFCW) Local 27 union. The employees were also told that they would have to sign union dues deduction cards. Although these were signed under duress, union officials used the cards as a pretext to begin collecting full dues from the employees.

"UFCW bosses and company officials collaborated to force these parking lot attendants into union ranks," said Mark Mix, president of the National Right to Work Foundation. "This case is symptomatic of Big Labor's broader problems: Instead of persuading employees to voluntarily join up, union officials increasingly rely on coercion and backroom dealings to corral workers into paying forced dues."

Union bosses' illegal demands violate labor law

UFCW officials brazenly violated federal labor law by telling the employees that they had to become dues-paying union members to keep their jobs. Even in non-Right to Work states like



Right to Work staff attorney Bill Messenger (left) and three Foundation-assisted employees celebrate their legal victory over a UFCW local that tried to take over their workplace and force them to pay union dues.

Maryland, union officials and employers are legally prohibited from requiring anyone to formally join a union as a condition of employment.


The NIH later determined that Penn Parking was wrongly given the contract, and the company has now been replaced by another contractor. Even after Penn Parking lost the contract, however, union officials continued to insist that they "represented" the parking attendants and were therefore entitled to their union dues.

Workers receive over \$8,000 in forced-dues refunds

UFCW bosses only backed off these claims after Foundation staff attorneys filed unfair labor practice charges at the National Labor Relations Board (NLRB), a move that forced the union to settle the charges in early June rather than face an NLRB prosecution. Under the terms of the agreement, the NIH

parking lot attendants will receive a refund of over \$8,000 in illegally-seized union dues.

"We are happy to report that these employees will reclaim money that is rightfully theirs from UFCW bosses," said Mix. "But if the union had been just a little more scrupulous about following the rules, they could have extracted forced dues from every NIH parking lot attendant without running afoul of Maryland labor law."

"Because Maryland lacks a Right to Work law, nonunion employees in unionized workplaces can be forced to pay union dues just to keep their jobs," continued Mix. "If a narrow majority of these parking lot attendants had voted for unionization, UFCW bosses would have been legally empowered to collect forced dues from every employee in the bargaining unit, even those who oppose the union's presence. That's why Maryland desperately needs a Right to Work law, which would make union dues and union membership strictly voluntary." 

NATIONAL REVIEW

National Right to Work Featured Commentary **Union Bosses: Our Permanent Incumbents**

By Mark Mix, president of the National Right to Work Foundation

Veteran officeholders are notoriously hard to unseat, but even our longest-serving politicians have to face the voters every few years in regularly scheduled elections. Incumbent union bosses are another story. Union bosses have no fixed term in office, and they can remain in place until workers take the initiative to get rid of them. In workplaces across the country, union officials have become skilled at avoiding, delaying, or even nullifying employee decertification drives aimed at evicting them from the workplace. They are aided and abetted by President Obama's National Labor Relations Board (NLRB) bureaucrats, who are rushing headlong to get unions in power and keep them in power at all costs.

Under federal law, a union gains power through either an election or "voluntary recognition," a process in which an employer accepts the union based on a so-called "card check." Similarly, current law allows unions to be removed via either an employee election or an employer's "withdrawal of recognition" once it receives proof that a majority of employees no longer support the union.

NLRB general counsel Richard Griffin wants to make things even tougher for employees hoping to get rid of entrenched unions. In a recent memorandum, Griffin announced that he will act to prevent unions from being removed even in cases where the employer receives solid evidence that a majority of employees are against union representation. Employees' only way out would be via an NLRB-certified election, which union officials and their bureaucrat friends know how to delay or rig.

Griffin's gambit would make it much more difficult for workers to eject an unwanted union. It also shows the hypocrisy of the NLRB's well-documented enthusiasm for "card check," the dubious organizing method that has become increasingly popular in recent years. Card-check drives allow union operatives to take over a workplace if they collect enough employee signatures, even if workers were badgered, harassed, or misled into signing on the dotted line. Under Griffin's plan, union organizers will continue to gain power via such "card checks," but cannot be removed in the same way, by even large majorities of employees who do not want union representation.

The contrast between the NLRB's solicitous approach to union organizers and its mistrustful treatment of employees seeking to remove unwanted unions could not be more glaring. Employee decertification petitions, which are collected by off-the-clock workers with little experience navigating the federal labor bureaucracy and cannot legally be backed by management, are suddenly suspect. But the board has no qualms about "card check" unionization drives, which are spearheaded by professional union organizers and notoriously prone to abuse and pressure tactics. Often these drives are backed by "neutral" employers, who can be browbeaten into supporting unionization through corporate pressure campaigns.

A recent case out of Chicago highlights the bureaucratic and legal roadblocks workers face when attempting to remove an unwanted union. Nearly three years ago, 16 out of 26 employees at an Arlington Metals facility in Franklin Park petitioned their employer to withdraw recognition from an unwanted United Steelworkers local. Instead of leaving gracefully, Steelworkers

lawyers filed unfair-labor-practice charges with the NLRB, prompting the NLRB's regional director to seek an injunction in federal court to overrule the employees' petition and keep the union in power.

Twenty employees then signed on to a brief in support of their employer, speaking out against the union's presence in their workplace. That number represents an overwhelming majority of workers in the bargaining unit, but the NLRB is still doing everything it can to protect the Steelworkers bosses' privileged position. The NLRB even opposed allowing the employee to be heard in the case. Fortunately, a federal judge refused to order the return of the union, based largely on the employees' overwhelming statements opposing it.

This case is far from an isolated incident. In fact, it's more like standard operating procedure at the Obama NLRB. During a recent decertification drive in Oakland, Calif., the regional office initially rejected an employee petition to oust an unwanted Teamsters local on the questionable grounds that it wasn't submitted in English and Spanish, a requirement that is totally unfounded in relevant case law or NLRB rules.

Even right-to-work states aren't safe from the NLRB's pro-Big Labor agenda. Perhaps the most egregious example of federal bureaucrats' rigging the deck occurred in 2013–15 at a ball-bearing plant in Hamilton, Ala. Employees had to vote five times over a two-year period before the NLRB finally allowed them to remove an unwanted UAW local. One election was set aside because before the vote, an employee from one of the company's non-union plants showed workers in Hamilton his pay stub, which accurately revealed that he received higher pay than was allowed under the union contract.

For workers across the country, the stakes in union decertification drives couldn't be higher. In states that lack right-to-work laws, employees can be required to pay union dues even if they aren't union members or actively oppose the union's presence. Every time the NLRB overrules or delays an employee attempt to oust an unwanted union in a non-right-to-work state, the affected workers are stuck paying required dues to an organization they actively oppose.

The need for reform is particularly urgent because so many unions have overstayed their welcome or outlived their usefulness. Many unions were installed decades or even generations ago and remain in place through sheer inertia. According to one recent estimate, less than 8 percent of unionized employees actually voted for the union that is currently "representing" their workplace. A study out of Pennsylvania found that fewer than 600 of the state's 105,000 unionized public-school teachers have even had the opportunity to vote in a union election.

How can we fix the NLRB's broken decertification system? The rules and regulations that govern unionization don't attract as many headlines as high-profile political fights, but in the long run, they can be just as consequential. Senators ought to pay closer attention to NLRB nominees and oppose those who place union-boss power ahead of individual workers' rights.

A version of this article appeared in National Review Online on June 16, 2016.

Autoworker Hits UAW with Charges for Ignoring Right to Work Law

UAW local and company illegally deducted union dues and then refused to return the money

STERLING HEIGHTS, MI – National Right to Work Foundation staff attorneys recently helped a Sterling Heights, Michigan Fiat-Chrysler employee file federal unfair labor practice charges against his employer and the United Autoworkers (UAW) Local 1700 union.

David Wiedbusch works at Fiat Chrysler's Sterling Heights assembly plant as a factory worker. Wiedbusch says that Fiat Chrysler officials deducted Local 1700 dues from his paychecks after he had submitted his union membership resignation and a dues checkoff authorization revocation. Moreover, Local 1700 officials have refused to refund the illegally-seized dues.

Union bosses ignore Right to Work law

When Wiedbusch first submitted a written request in October 2015 to resign from the union and stop paying all union dues, the UAW recognized his request and union dues ceased being deducted from his paychecks.

However, in late December and early January, Wiedbusch noticed that union



A Fiat-Chrysler employee is challenging a UAW local for refusing to abide by Michigan's Right to Work laws, which prohibit forced union dues.

dues were once again being taken from his paychecks despite the fact that he had not rejoined the union.

Wiedbusch quickly contacted company officials, who told him that dues deductions would stop and the wrongfully-seized dues would be refunded. Soon thereafter, however, those same officials informed Wiedbusch that he must contact Local 1700 to receive his refund.


Wiedbusch turned to the National Right to Work Foundation for free legal

assistance once he realized that his rights had been violated.

Under Michigan's recently-enacted Right to Work laws, employees like Wiedbusch have the right to leave a union and stop paying union dues at any time. However, the laws exempted forced-dues contracts agreed to by employers and union officials before the legislation went into effect, including the UAW's agreement with the "Big Three" automakers.

Now that the UAW's previously grandfathered contract with the automakers has expired, all Big Three employees are free to leave the union and stop paying dues under Michigan's private sector Right to Work law.

Wiedbusch's charges are now being investigated by the National Labor Relations Board.

"Three years after Michigan's Right to Work laws were enacted, union bosses still refuse to accept that they can no longer confiscate union dues against an employee's will" said Patrick Semmens, vice president of the National Right to Work Foundation. "We're going to keep fighting for Michigan employees' rights until union bosses get the message." 

Verizon Worker Turns to Foundation for Help to Reclaim Forced Dues

Maryland worker had union dues taken from paycheck even after the union's contract expired

ANNAPOLIS, MD – In April, a Maryland-based Verizon employee turned to Foundation staff attorneys for help when union fees were illegally deducted from his paycheck.

With free legal assistance from Foundation staff attorneys, Mark Bohrer filed charges with the National Labor Relations Board (NLRB) against Verizon and the Communications Workers of America (CWA) Local 2107

union. Bohrer charges that Verizon officials illegally deducted from his paycheck Local 2107 fees, which union officials then accepted.

Bohrer works for Verizon in Annapolis, Maryland and is not a member of the union. Unfortunately, Maryland lacks a Right to Work law, which means that Bohrer can be forced to pay union dues or fees as a condition of employment.

In August 2015, the preexisting monopoly bargaining agreement between the CWA and Verizon expired. That contract contained a forced-dues clause which allowed Local 2107 officials to collect fees from Bohrer as a condition of his employment. However, Local 2107 lost the authorization to do so once the contract expired.

Since the contract expired, Verizon officials have continued to illegally

Wisconsin Union Bosses Flout State's Right to Work Law

Foundation-assisted workers secure refunds of illegally-seized union dues

SPARTA, WI – A year after Wisconsin became the nation's 25th Right to Work state, Wisconsin workers continue to stand up for their rights to resign from a union and stop paying tribute to union bosses as a condition of employment. One recent case out of Sparta, Wisconsin highlights the challenges independent-minded employees face when attempting to assert these vital workplace rights.

Several Northern Engraving Corporation employees sought to exercise their rights under Wisconsin's Right to Work law last year, but company officials and International Association of Machinists Lodge No. 1771 (IAM) union bosses ignored their requests and continued to collect full union dues from their paychecks. With free legal aid from National Right to Work Foundation staff attorneys, six of those employees filed federal unfair labor practice charges with the National Labor Relations Board (NLRB) between March and May, prompting union officials to agree to a settlement that protects the employees' right to refrain from paying union dues.

Foundation staff attorneys help independent workers reclaim union dues

Sharon Kirchner, one of the six employees to file charges, had this to say about her experience with the union's predatory dues-collection scheme: "I have been employed by Northern Engraving for 44 years. The union never helped us in any way. All we ever got was a loss of wages monthly. When we were told by letter that we were unable to resign from the union, I believed once again we had been gouged by Northern Engraving and the union."



Foundation staff attorneys helped Patricia Kufahl and her coworkers fight back against union officials who tried to circumvent Wisconsin's Right to Work law.

Following the initial wave of workers' unfair labor practice charges, company and union officials scrambled for cover. They jointly distributed a letter informing Northern Engraving employees that they recognized the workers' resignations and that wrongfully-seized dues would be refunded. Despite this notice, several employees did not receive their refunds. In early May, Patricia Kufahl, another Foundation-assisted Northern Engraving employee, filed more unfair labor practice charges against the union for refusing to return her hard-earned money.

Echoing Kirchner's comments, Kufahl had this to say about the union's so-called representation: "I was never happy with the union hierarchy from the very beginning because I was aware of their agenda after I attended a few meetings. It became apparent that their main reason for being there was to line pockets of those working for the union


and NEC. I attended very few meetings after I was silenced at a meeting early in my membership."

Big Labor tries to undermine Right to Work law

"Wisconsin's Right to Work law has been on the books for over a year, but dues-hungry union bosses continue to make workers jump through legal hoops just to exercise their rights," said Mark Mix, president of the National Right to Work Foundation. "Foundation staff attorneys will continue to defend Wisconsin workers against union bosses who flout the Badger State's Right to Work protections."

As you'll read about in the cover story of this month's **Foundation Action**, union lawyers are trying to strip away Wisconsin's Right to Work in both state and federal court. According to Foundation staff attorneys, the flouting of Right to Work protections and the union legal challenges are part and parcel of an all-too common Big Labor strategy to undermine state Right to Work laws.

"Union bosses circumvent the Right to Work law in workplaces across the state," said Mix. "Meanwhile, they have just launched a broad legal challenge to the law in state and federal court."

"A Dane County Circuit Court judge recently issued an outrageous opinion against Wisconsin's Right to Work law on extremely questionable grounds," continued Mix. "We are confident that the courts will ultimately agree with Foundation staff attorneys and uphold the law, just as they did when Wisconsin union lawyers tried to undo the state's government-sector monopoly bargaining reforms a few years ago." 

Invest in the Future of National Right to Work with a Planned Gift



Have you thought about making a charitable gift today that will assist the National Right to Work Foundation in future years? Have you considered a gift through your will or living trust?

As we look ahead to more economic uncertainty and the up and down volatility of the stock market, the upcoming election season should be a reminder that each of us will need to ensure that we have an investment plan and long-term estate plan in place for our loved ones and charitable causes.

Many of our most generous donors have considered such a gift, and are now making plans to step up and make a charitable contribution through careful estate planning. At the same time, these gifts are vitally important to the strength and future of the Right to Work Foundation and its strategic litigation program.

Gifts of cash and securities are the most common ways you can make a charitable gift to the Foundation today. But how do you make a bequest to the Foundation?

You can make the Foundation a beneficiary of a special amount from your estate or of a residual bequest, which comes to the Foundation after your estate expenses and other specific bequests are distributed.

Including the National Right to Work Foundation in your estate plans can be as simple as adding a codicil to an existing will or trust instrument. All that you need to do is add the following language to your will. Before doing so, we strongly encourage you to seek advice from your estate attorney or tax advisor:

I give, devise and bequeath to National Right to Work Legal Defense and Education Foundation, Inc., 8001 Braddock Road, Springfield, Virginia 22160, for its general purposes:

- a. The sum of \$ _____; or
- b. Name a particular investment or piece of property with legal description, custodian, etc., as applicable; or
- c. ____ percent of the rest, residual and remainder of my estate, including property over which I have power or appointments; or
- d. All the rest, residue and remainder of my estate, including property over which I have a power of appointment.

You may also include any other assets remaining in your estate such as your IRA account (or any retirement plan), securities, mutual funds, life insurance policy – there are a number of options to include the National Right to Work Foundation in your estate plans.

With the long days of summer, this is certainly an ideal time to review your will and estate plans for your family, friends, and charitable causes. Your continued investment in the work of the Foundation allows us to fulfill our long-term goals and to successfully litigate important cases establishing legal precedents for all working Americans oppressed by compulsory unionism.

We encourage you and your family to consult your tax advisor or estate planning attorney before making a final decision on your long-term estate plans. Please contact Ginny Smith, Foundation Director of Strategic Programs, if you would like additional information on any estate vehicle (1-800-336-3600, ext. 3303).

Please let us know! If you have made arrangements to include the Foundation in your will or other long-term financial plans, we would be very grateful for the opportunity to thank you for your generosity. Further, these types of gifts qualify you to join our Legacy Society and receive special invitations to litigation hearings around the country, as well as other special events.

Thank you for your generosity and for your consideration of a long-term gift to the National Right to Work Foundation. We appreciate all you do!

Instructions for a Gift of Stock or Securities

Beneficiary:

National Right to Work Legal Defense
Foundation, Inc.
8001 Braddock Road, Suite 600,
Springfield, VA 22151
Receiving Bank: Merrill Lynch
Account Number: 86Q-04155
DTC Number: 5198


Illegal Union Dues in MD

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deduct Local 2107 fees from Bohrer's paychecks and remit them to the union. Moreover, Bohrer believes that he never signed a checkoff authorization to allow Verizon officials to deduct union fees from his paycheck. Bohrer informed Verizon and Local 2107 officials that the fees were illegally seized, but Verizon continues to deduct fees from his paychecks.

When Bohrer's charges were filed, Verizon and the CWA had still not agreed on a new monopoly bargaining contract that would legally authorize the union to collect forced dues. The NLRB is now investigating Bohrer's charges.

"It's disappointing, but all too common, to see union bosses more concerned with siphoning off as much money as possible from workers' paychecks than respecting the law and the rights of workers they claim to represent," said Patrick Semmens, vice president of the National Right to Work Foundation. "In this particular case, CWA bosses flouted the law to continue collecting forced dues from an employee who has no interest in joining or supporting their union."

"Bohrer's case demonstrates the injustice of forced unionism and the immediate need for a Maryland Right to Work law, which would protect all employees' rights to get or keep a job without being forced to pay union dues or fees," added Semmens. 

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and other Right to
Work updates, visit
www.nrtw.org**



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

Advocates for worker freedom have made significant gains that curtail Big Labor's government-granted power over employees in recent years. Since 2012, four states have passed Right to Work Laws, the most recent of which is West Virginia's, which has just taken full effect on July 1.

But as you know, Big Labor's bosses never relinquish their forced-dues powers without a fight.

This time, they have launched a nationwide, all-out attack on every state law protecting worker freedom. As you can read about in this issue of **Foundation Action**, union lawyers are attempting to distort the Fifth Amendment and argue that union bosses are "constitutionally entitled" to seize dues and fees from workers who want nothing to do with them.

If the union bosses get their way, they would regain the power to fire workers nationwide simply for not paying them tribute. The stakes couldn't be higher and, of course, your Foundation is taking action in defense of workplace freedom.

Union bosses are also up to their old tricks of ignoring the law and misleading workers even in states that have enacted Right to Work Laws. This issue details how workers in new Right to Work states are fighting back against these injustices with Foundation legal assistance.

In fact, of the 280 Foundation cases launched last year, 76 of them are in states that have recently passed Right to Work Laws, which underlines the contempt union bosses have for the laws that allow workers to escape their grasp.

Facing these threats, the Foundation's programs defending and enforcing state Right to Work laws are more vital than ever. Each new Right to Work law means increased demand for the Foundation's free legal assistance.

Only your continued support empowers the Foundation to provide aid to workers all over the country who want to be free of compulsory unionism and to fight every attempt by Big Labor to gut or overturn Right to Work protections. Thank you.

Sincerely,

Mark Mix



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Foundation Fights New Big Labor Legal Assault on Right to Work Laws

Union lawyers roll out radical anti-Right to Work legal theory in Idaho and Wisconsin

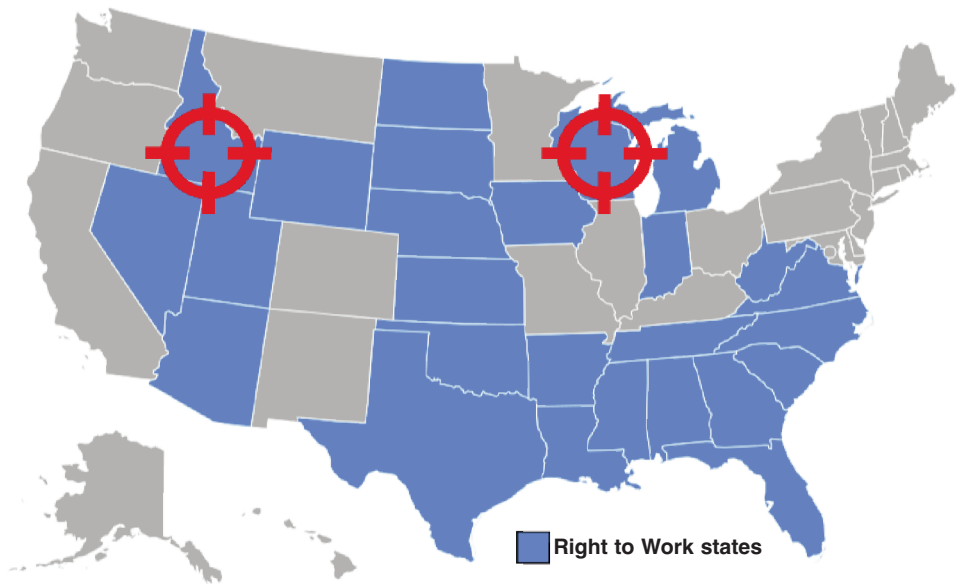
SPRINGFIELD, VA - Just a few months ago, National Right to Work Foundation staff attorneys were hopeful that the Supreme Court was on the verge of ending mandatory public sector union dues for good. Following Justice Antonin Scalia's unexpected death, however, the legal landscape has changed dramatically, and union lawyers have seized this opening to push forward radical legal challenges to Right to Work laws in Idaho and Wisconsin.

"Justice Scalia's death and the prospect of another pro-forced unionism jurist getting appointed to the Supreme Court have changed the equation," said Ray LaJeunesse, vice president of the National Right to Work Foundation. "Suddenly, union lawyers and ivory tower academics are salivating at the prospect of taking one of these cases all the way to the Supreme Court."

Idaho and Wisconsin Right to Work in the crosshairs

"Such a case, depending on the composition of the High Court, could strike down every state Right to Work law in the country in one blow," added LaJeunesse. "It's a frightening prospect, which is why the National Right to Work Foundation is acting in defense of Right to Work in both the Idaho and Wisconsin union lawsuits."

Wisconsin's Right to Work law was just adopted in 2015 while Idaho's Right



Idaho and Wisconsin workers are in Big Labor's crosshairs, but Foundation staff attorneys are defending both states' Right to Work laws in court.

to Work law has been on the books since 1985. But both laws are under attack from union lawyers, who have developed a strained legal theory to challenge the constitutionality of such measures.

In both Idaho and Wisconsin, union lawyers have twisted the Fifth Amendment to argue that Right to Work laws unconstitutionally force unions to provide a service - their so-called "representation" - to nonunion employees without compensation.

What Big Labor bosses and their media allies fail to mention is that union officials always have the option to only represent voluntary union members. They choose to foist their representation on nonunion employees, which they

then use as a pretext for charging them mandatory union dues.

See **NEW BIG LABOR LEGAL MANEUVER** page 2

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