



Foundation Action

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of the National Right to Work
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Foundation Brief Defends Trump Order Slashing Federal Government Union Boss Power

Explains that union bosses' deliberate sabotaging of Trump's priorities justifies executive order

WASHINGTON, DC – Believe it or not, there was a time when even union officials believed they should not have monopoly bargaining powers in the public sector -- that is, the power to control taxpayer-funded workers' conditions of employment.

As late as 1959, AFL-CIO President George Meany himself declared that “[i]t is impossible to bargain collectively with the government.”

But as union bosses have gained monopoly bargaining power in governments at all levels, they've been able to operate as an unaccountable fourth branch of government, using government-granted powers to obstruct the priorities of taxpayers and voters.

Big Labor Lawsuits Ignore President's Powers Under U.S. Constitution

In the federal government alone, union bosses have siphoned off hundreds of millions in taxpayer dollars each year to “compensate” themselves for doing union work instead of the government work they are supposed to be performing. Worse still, federal union officials have subjected many dissenting federal workers to their monopoly “representation,” including several employees who have teamed up with National Right to Work Foundation staff attorneys to try to oppose union control.

President Trump took steps in



Unelected union bosses agitated against the President's order ending their obstruction and waste in the federal government. As the Foundation explains, Trump's move is well rooted in federal law.

March 2025 to return government power seized by union officials back to taxpayers and their elected representatives. He issued an executive order that revokes monopoly bargaining privileges from union bosses across wide tracts of the federal government. Trump invoked his powers under the Civil Service Reform Act (CSRA), which every president since Jimmy Carter has used to exempt agencies that deal with national security from monopoly bargaining obligations.

Union bosses, incensed at losing power, filed lawsuits against the Trump Administration in federal courts, claiming the move was retaliation for opposing his agenda. One of those cases, *NTEU v. Trump*, is currently pending at the D.C. Circuit Court of Appeals.

In September, Foundation attorneys filed an amicus brief in *NTEU v. Trump*, stating that

union bosses' efforts to undermine Trump's policy only *strengthen* his argument that their bargaining privileges should be nixed.

The Foundation's brief argues that Article II of the Constitution grants the President wide authority to preserve national security. “Article II of the Constitution vests the President with all of the executive power,” the brief says. “Article II also vests the President with the ability to take certain unilateral actions in the area of national security and diplomacy, consistent with his role as commander in chief.

“When the President acts pursuant to both of these constitutional powers...the President acts at the height of his powers,” the brief reads.

The amicus brief also contends

See 'Foundation Boosts Trump' page 8

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Starbucks Barista Asks NLRB to End Biden-Era Ruling Blocking Votes to Remove Union

NY barista says union boss-friendly policy violates workers' statutory rights under federal law

NISKAYUNA, NY – Nadia Kuban and her coworkers at an Albany-area Starbucks have been trying for months to break free of Starbucks Workers United (SBWU) union officials. Despite SBWU union officials' continuous legal tactics to stop them, Kuban may be on the verge of a breakthrough.

Kuban, with free legal aid from the National Right to Work Legal Defense Foundation, is asking the NLRB to overturn a legal theory -- the so-called "merit-determination" theory -- that SBWU union bosses are manipulating to keep the workers trapped in the union.

The NLRB is the federal agency responsible for enforcing the National Labor Relations Act (NLRA), a task that includes administering elections to install (or "certify") and remove (or "decertify") unions.

NLRB Regional Director Uses Phony Theory to Boost 'Blocking Charges'

In practice, however, biased interpretations of the NLRA leave American workers systemically disadvantaged when they seek to exercise their statutory right to vote out incumbent unions.

This was certainly true in Kuban's



The Foundation has consistently exposed SBWU bosses' coercive tactics against Starbucks employees in the media, including union boss tactics to block decertification votes and hiring of covert workplace infiltrators.

case. As her Request for Review maintains, regional NLRB officials blocked her requested union removal vote on the basis of unfair labor practice charges that SBWU union officials filed years ago against Starbucks at the national level.

In doing so, the NLRB Regional Director cited a 2022 decision in *Rieth-Riley*, which permits the NLRB to make so-called "merit-determination" dismissals of decertification petitions. Such dismissals let NLRB officials stop union decertification elections entirely -- and invalidate already-

cast ballots -- based on union boss-filed charges that haven't even been litigated yet.

Trump NLRB Could Soon Reconsider Dubious 'Merit-Determination' Scheme

Kuban's brief explains that the NLRB should undo *Rieth-Riley* because the ruling contradicts federal labor law. The NLRA says that the NLRB *must* conduct an election if employees submit a valid decertification petition.

"Ms. Kuban is the latest of countless independent-minded workers across the country to seek to eliminate this unfair policy," commented National Right to Work Foundation Vice President and Legal Director William Messenger.

"Upon confirmation, new appointees to the NLRB should prioritize cases like hers, and defend workers' freedoms from union bosses' attempts to gain more control over their working lives and pocketbooks," added Messenger. †

Foundation Action

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National Right to Work Legal Defense Foundation, Inc.
 8001 Braddock Road, Springfield, VA 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.

Foundation Defends Agricultural Workers Targeted for ‘Card Check’ Forced Unionism

Trump Admin encouraged to end Biden-instigated union power grab over farmworkers

WASHINGTON, DC – The National Labor Relations Act (NLRA) explicitly excludes some categories of workers from its union boss-friendly strictures, notably workers in the agricultural sector.

But union bosses and their high-powered political allies, whether in the Biden Administration or in state capitals across the country, have worked hard to advance union boss power in the agricultural sector, even in defiance of clear federal law.

To that end, Biden Department of Labor (DOL) bureaucrats in April 2024 issued a rule that laid the groundwork for giving union bosses monopoly bargaining powers over temporary agricultural employees nationwide.

Biden Rule Violates Law, Doesn't Let Ag Workers Challenge Union Misdeeds

That rule would have given union officials nearly unrestricted power to enter farmers' private property so they could launch campaigns to gain monopoly bargaining power, such as through coercive “card check” campaigns. Such campaigns bypass secret-ballot union votes.

Because agricultural employees on temporary visas and American agricultural employees often work on the same farms, there is little doubt this rule was intended to spur union campaigns that could ensnare *any* farmworker, regardless of his resident status.

After the Trump DOL initiated formal rulemaking to eliminate the Biden-era power grab, the National Right to Work Foundation submitted comments in September supporting the Trump DOL's proposed repeal.

The comments dive into the text of the NLRA, arguing that the “DOL not only lacks [c]ongressional authorization to take this action, it is defying Congress' intent to exclude



The Foundation-backed agricultural employees at Porpiglia Farms are just one example of the workers that could face constant union harassment under a radical Biden-era rule.

agricultural employees from the... NLRA.”

The Foundation's comments also explain that the Biden DOL rule should be canceled because it grants union officials enormous power to start campaigning or agitating on private farm property -- even over the objections of both workers and employers. The comments zero in on the Biden rule's protections for so-called “potential guests” of farmworkers, pointing out that this language opens the door to “nearly unrestricted harassment” of agricultural workers by union organizers whom they never invited and may not even know.

NY Farmworker Continues Battle Against UFW Bosses' Dubious ‘Blocking Charges’

Agricultural workers who are opposed to union affiliation are fighting union boss power grabs at the state level. In New York, Porpiglia Farms employee Ricardo Bell is challenging a refusal by officials of the Public Employment Relations Board (PERB) to process petitions that he and his colleagues submitted, which seek a vote to remove United Farm Workers (UFW) union officials from the

farm.

In August, Bell submitted a brief to the PERB in Albany, NY, maintaining that a lower PERB official refused to process his election petition based on unproven claims of wrongdoing that UFW union officials filed against Porpiglia Farms management. In doing so, the brief argues, the official wrongly enforced a “blocking charge” policy, under which union officials can stop efforts by workers to vote out a union simply by filing allegations of employer misconduct.

The Foundation brief details that such a policy “is punitive, punishing the employees for conduct they cannot control.”

“Union officials, plagued by record low membership, are seeking to manipulate government actors at both the state and federal levels to create more coercive policies that will trap workers under forced-dues control,” commented National Right to Work Foundation President Mark Mix. “Now agricultural workers are in union chiefs' crosshairs, but Foundation attorneys stand ready to defend them from encroachments on their freedom.”

Labor Day 2025: National Right to

DAILY NEWS NEW YORK'S HOMETOWN NEWSPAPER

All Americans need the right to work

Under right to work, union officials must focus their efforts on providing value to rank-and-file members or else risk losing their voluntary support... [W]ithout right to work, workers are forced to fund corrupt union officials who spend money to fund their own limousine lifestyles. Take the recently-resigned head of the NFL Players Association union, who was caught using dues to fund thousands of dollars in charges, including ATM withdrawals, visiting strip clubs.

- Op-ed in *New York Daily News*, September 1, 2025



THE LARS LARSON SHOW

"Now the private sector unions are looking at about a 5.9 percent density... that's the lowest it's ever been. And I think...it's because they don't feel like they have to compete. They don't feel like they have to provide any services to union members because they can compel them to pay or lose their jobs."

- Mark Mix on *The Lars Larson Show*, August 25, 2025

THE HILL

Without consequences, union violence will continue and grow

Congress passed the Hobbs anti-extortion act so that federal charges could be brought in situations where local law enforcement refuse to act. But there's a problem: According to a 5-4 Supreme Court decision in the controversial 1973 *U.S. v. Enmons* case, the Hobbs Act doesn't apply to violent extortion committed in pursuit of "legitimate union organizing objectives."

Union bosses can therefore order their union thugs to attack workers and destroy equipment in the hopes that an employer will capitulate at the bargaining table or a group of employees will agree to unionize -- two outcomes which promise more dues revenue for the union.

- Op-ed in *The Hill*, September 1, 2025

Richmond Times-Dispatch

Commentary: Destroying the right to work will destroy Virginia families

A statewide poll of Virginia's likely 2025 voters... found that 89% agree that workers should never be "forced against their will to join or pay dues to a union as a part of their job."

Unfortunately, in recent years, Democratic politicians in Richmond have ceased to care much that there is a strong consensus among their constituents that unionism should be voluntary.

- Op-ed in *Richmond Times-Dispatch*, August 29, 2025



Scan the QR code to the right or visit www.nrtw.org/laborday2025 to watch this Mark Mix interview!



FOX NEWS

Celebrate American workers -- not union bosses -- on Labor Day

[T]he Protecting the Right to Work Act (PRO Act), Big Labor's top legislative priority in Congress, would repeal all current 26 state Right to Work laws by federal fiat. Even though Right to Work laws don't stop a single worker from joining a union or paying dues voluntarily, they've made it their signature move to end this protection for good.

Why? Because union bosses want to strip rank-and-file workers of their choice.

- Op-ed in *Fox News*, September 1, 2025

Work in the News



Make a Tax Deductible Donation Before December 31

The end of 2025 is fast approaching, and many of our loyal supporters will consider a tax-deductible donation before the December 31 deadline for tax purposes. Your investment today will assist the Foundation's strategic litigation and media outreach programs that help thousands of heroic workers stand up to combat forced unionism in the workplace.

The National Right to Work Foundation has recently been awarded an "A" rating by CharityWatch, an independent watchdog organization. While gifts of cash (by check or credit card) remain the most popular way to support the Foundation, many donors are choosing to take advantage of the tax benefits of donating long-term appreciated stock, bonds, or mutual funds, or contributing through a donor-advised fund. Additionally, if you are 70 ½ or older, you may also make a Qualified Charitable Distribution gift from your traditional IRA -- up to \$100,000 directly to the Foundation (Tax ID# 59-1588825) before year-end.

Instructions for a gift of Stock or Securities:

Beneficiary:	National Right to Work Legal Defense and Education Foundation, Inc. 8001 Braddock Road, Suite 600 Springfield, VA 22151
Receiving Bank:	Merrill Lynch
Account Number:	86Q-04155
DTC Number:	8862

We are thankful for your investment at this crucial time in our efforts to end compulsory unionism for all workers. If you would like any further information regarding a gift to the Foundation, please contact Ginny Smith at 703-770-3303 or gms@nrtw.org.

We encourage you to consult your financial advisor or IRA custodian when considering a deductible or tax-free gift. Your support today is deeply appreciated!



THE KANSAS CITY STAR.

Dispensary employees free from a union are the future for Missouri

Opinion by Mark Mix | Special to *The Kansas City Star* | September 17, 2025

Though often overlooked, and sometimes ignored, there has been a surge in worker efforts to free themselves from unwanted union representation. The National Labor Relations Board -- which oversees the process for most workers -- has seen a 50% increase in such decertification efforts in the past five years.

A recent successful decertification by Missouri workers at the Shangri-La cannabis dispensary in Columbia shows how the process works, when it works correctly. After two years of having United Food and Commercial Workers Local 655 union officials as their mandatory representative, Shangri-La employees decided they would be better off without the union.

On Aug. 20, Shangri-La employee Travis Hierholzer filed the request for a decertification election with the NLRB regional office in St. Louis. Nearly every employee signed his petition, though only 30% are required for the NLRB to initiate a decertification election.

One week after the petition was submitted, the workers were officially free of the UFCW, when the union announced it would not contest the decertification. This is a welcome resolution. However, as too often occurs, workers' decertification efforts do not go so smoothly.

Union officials frequently turn to suspect legal tactics to remain in power: blocking elections from taking place, preventing ballots from being counted or stopping results from becoming official. Various NLRB policies -- none found in the text of the National Labor Relations Act -- have enabled union lawyers to trap workers in union ranks they oppose for months or even years.

For example, the NLRB's current "blocking charge" policy allows union officials to block decertification votes from proceeding by simply making unproven allegations against a company. Union lawyers frequently use this tactic to stall elections they know they would lose, often just to keep automatic dues payments coming in.

Another major challenge workers face when seeking to hold decertification votes is NLRB-invented "bars" that restrict when such petitions can even be filed, no matter how strong worker opposition to union representation is. The NLRA -- the law Congress enacted that the board is charged with neutrally enforcing -- says employees' election petitions should be processed by the board with just one

exception: if an election has already been held within the previous 12 months.

Yet the NLRB is presently enforcing several non-statutory doctrines that protect incumbent union bosses from being removed in situations where the law's election bar does not apply.

This includes the so-called voluntary recognition bar, where workers are blocked from pursuing a decertification petition for up to a year after the union is installed through card check, a policy that leaves workers vulnerable to union intimidation and pressure tactics by sidestepping an NLRB-supervised secret ballot vote.

Other invented bars block the majority of workers from voting to remove union representation they oppose. These include the successor bar, which blocks a vote for up to a year after a company is acquired, and the settlement bar, which prevents a decertification vote because of an NLRB settlement to which the workers are not party.

Perhaps most pernicious, the contract bar blocks decertification votes for up to three years after a union contract is imposed, incentivizing union officials to rush substandard contracts on workers as a way of blocking growing support for decertification.

Many of these hurdles blocking workers from decertification are bureaucratic rules that can be fixed by a future NLRB majority. They also face ongoing legal challenges from a growing number of employees. At a Missouri Court of Appeals argument earlier this month, NLRB lawyers struggled to justify the successor bar. One judge even observed that it, and implicitly other NLRB-created bars, are not authorized by the NLRA, but actually are "the suspension of the operation of the National Labor Relations Act."

Union officials have no place in a workplace where they are opposed by the majority of employees, and the decertification process should be streamlined so the experience of Shangri-La employees becomes the norm. This is especially important in Missouri and the other 23 states that lack right-to-work protections, because, without right-to-work, workers are forced to pay dues and fees to the union or be fired.

Mark Mix is president of the 501(c)(3) nonprofit National Right to Work Legal Defense Foundation.

Workers Nationwide Push for Expanded Protections Against Forced-Dues-for-Politics

Charges argue union bosses must obtain affirmative consent before taking any dues for politics

BENSON, MN – A recent cutting-edge argument filed with the National Labor Relations Board (NLRB) General Counsel may provide an opportunity to end a tactic union officials wield to trap workers into paying full union dues, including for controversial union political activities.

Theresa Klassen, an employee of Agralite Electric Cooperative, has filed an appeal with the NLRB's Acting General Counsel, asking him to issue a complaint in her case after an NLRB Regional Director let International Brotherhood of Electrical Workers (IBEW) union officials off the hook for violating her rights. Klassen is receiving free legal aid from National Right to Work Foundation staff attorneys.

Klassen originally filed charges against both the IBEW international union and IBEW Local 160 to defend her rights under *Communications Workers of America v. Beck*. In this Foundation-won landmark U.S. Supreme Court decision, the Court ruled that union officials cannot force workers who abstain from membership to pay dues for any activities, such as politics, that are beyond the union's monopoly bargaining functions.

When she invoked her *Beck* rights with assistance from Foundation staff attorneys, union bosses then claimed that she could only opt out of paying for politics within a narrow 30-day "window period" each year in the month of November.

Brief: Making Workers 'Opt-Out' of Dues for Politics Clearly Violates NLRA

Klassen's appeal argues that it would violate the National Labor Relations Act (NLRA) "for a union to demand payment for any dues beyond what Section 8(a)(3) requires unless that employee affirmatively consented to pay



Agralite Electric employee Theresa Klassen is reenergizing the fight against forced-dues-for-politics. She is asking the NLRB's top lawyer to boost her case against IBEW officials.

full union dues." Under the *Beck* decision, Section 8(a)(3) only permits union bosses to demand dues for union expenses that are directly related to bargaining.

Klassen is asking the NLRB to adopt this interpretation and end all opt-out requirements, so that union officials must obtain explicit permission from employees to take payments for non-bargaining-related functions, including union political and lobbying activities.

Klassen's Foundation staff attorneys are also asking the NLRB to end window period restrictions on becoming *Beck* objectors, as they similarly violate the NLRA by preventing workers from exercising their rights. Window period restrictions on when employees can exercise their *Beck* rights allow union officials to extract money from workers after they've already objected to financially supporting union political activities.

"The IBEW should be respecting my rights, not throwing up roadblocks so they can continue to use my paycheck dollars to fund their own agenda," said Klassen. "The NLRB needs to recognize that union officials are violating the law; otherwise, these rights are not rights at all."

Because Minnesota lacks Right to Work protections for its private sector workers, IBEW union officials can impose contracts that force Klassen and her coworkers to pay union dues as a condition of keeping their jobs, though this amount is limited by the *Beck* decision. In contrast, in Minnesota's neighboring states, all of whom have longstanding Right to Work laws, union officials cannot force workers to pay any dues or reduced fees just to keep their jobs.

Worker Support for New Beck Standards is Rising

Right now, Pennsylvania-based Coca-Cola truck driver Josh Hammaker and California-based nurse Sarah Warthemann have Foundation-filed charges pending at NLRB regional offices that similarly challenge schemes that require workers to opt-out of dues for politics. These cases, along with Klassen's and others from Foundation-backed workers, press the NLRB to adopt stricter protections of employees' *Beck* rights.

"Free association is a right of every American, including workers who don't want to associate with a union," commented National Right to Work Foundation Vice President Patrick Semmens. "It's telling that IBEW officials, who spent millions on politics during the 2024 cycle, are using a legally suspect policy to make it needlessly difficult for workers to stop supporting the union's political activities."

"While the NLRB General Counsel should urge the agency to address these illicit schemes swiftly, ultimately Minnesotans, and all Americans, deserve Right to Work protections, which would make all union financial support strictly voluntary," Semmens added. 🇺🇸

Foundation Boosts Trump Battle Against Federal Union Bosses

continued from page 1

that the Trump Administration was correct in using the CSRA to reconsider which agencies should be exempt from monopoly bargaining requirements -- primarily due to union officials' continuous attempts to undercut Trump's policy goals. "[T]he President does not have to tolerate unions abusing their powers under [federal law] to stymie his agenda when it may implicate national security," the brief states.

Court Must Stop Union Bosses From Blocking POTUS

"President Trump's executive order rightly stops union officials from using their government-granted monopoly bargaining privileges to undermine the national security objectives that voters put President Trump into office to accomplish," commented National Right to Work Foundation Vice President Patrick Semmens. "The D.C. Circuit Court of Appeals should not let union bosses commandeer the levers of the executive branch in violation of both the Constitution and longstanding federal law.

"However, Trump's executive order should be the first step toward eliminating union bosses' monopoly bargaining privileges throughout the whole federal government," Semmens added. "Such power gives unelected union bosses control over the services that American citizens fund with their taxes and elect representatives to oversee. It also forces federal employees -- many of whom have never even voted for the union in their workplace -- to accept workplace 'representation' from union bosses that they may bitterly disagree with."✚



Message From Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

Your Foundation litigates well over 200 cases each year fighting union boss coercion through legal action, but our battle against the injustices of forced unionism is also fought in the court of public opinion.

The Foundation pushes back against Big Labor's narrative, working day in and day out to ensure that the American public knows about the intimidation and coercion that union bosses inflict on American workers.

The Foundation's Legal Information team spreads the Right to Work message in thousands of news articles, podcast discussions, radio interviews, op-eds, and TV appearances each year. This work is especially important around Labor Day each year to counter Big Labor's efforts to hijack the holiday as an opportunity to argue for more compulsory powers over the very workers whose industry and ingenuity we should be celebrating.

On pages 4 and 5, you can see just a sampling of the Foundation's 2025 Labor Day media impact, which included dozens of op-eds, news stories, and interviews, including in some of the largest media outlets in the country.

The Foundation also frequently spotlights developments in the cases of the fearless workers who seek our attorneys' representation to show the need for larger reforms to enhance worker freedom. (See page 6, for a commentary in *The Kansas City Star* following a successful case for Missouri workers to remove the UFCW union from their workplace.)

Public outreach like this not only educates the public about the injustices of coercive unionism, but also critically educates workers of their legal rights and that they can turn to the Foundation for free legal assistance to defend their freedoms.

Of course, whether in the courtroom or in the court of public opinion, none of this work is possible without your help. So thank you for making it all possible!

Sincerely,