Foundation Action

The bi-monthly newsletter of the National Right to Work Legal Defense Foundation, Inc.

Vol. XLVI, No. 3 | 8001 Braddock Road • Springfield, Virginia 22160 | www.nrtw.org | May/June 2026

Sacramento Charter School Teachers Force Out NEA-Affiliated Union

Groundbreaking Foundation legal strategy foils union attempt to block decertification vote

SACRAMENTO, CA – In March, charter school educators from St. HOPE Public Schools won their long-running campaign to free themselves of the Sacramento City Teachers Association (SCTA) union, an affiliate of the radical National Education Association (NEA) and California Teachers Association (CTA). In doing so, the teachers not only got rid of union officials who had trapped them under the union's exclusive "representation" for years despite clear evidence that many of the teachers wanted the SCTA gone. The educators also blazed a new trail for California charter school teachers who want to escape both union coercion and the biased California labor bureaucracy.

St. HOPE teacher Beth Simonton led the removal effort, submitting a petition to the National Labor Relations Board (NLRB) in January requesting a vote to remove the union. Simonton received free legal aid from National Right to Work Foundation staff attorneys.

"SCTA union officials have been extremely divisive and have not had a positive impact on teachers, students, or the St. HOPE community as a whole," commented Simonton after filing the petition.

The NLRB is the agency responsible for enforcing federal private sector labor law for the vast majority of American employees. Simonton's petition to trigger a union decertification vote contained signatures from the majority of her colleagues. Private organizations like St. HOPE, even if they operate public charter schools, are often subject to federal labor law as opposed to state labor laws.



St. HOPE charter school teachers, led by Beth Simonton (center), taught the California labor bureaucracy an unmistakable lesson when they escaped the biased state labor board's jurisdiction and voted to remove the divisive SCTA union.

CA Labor Bureaucracy Colluded With Union to Trap Frustrated Educators

SCTA union officials desperately argued that the St. HOPE system was actually under the jurisdiction of California's Public Employment Relations Board (PERB). The PERB is notoriously hostile toward employees who want to exercise their right to vote out union bosses they oppose. Simonton and her coworkers knew this all too well, as the PERB had since 2021 stifled a previous effort to remove the union.

NLRB Region 20 rejected the union's jurisdiction arguments and instead sided with Foundation attorneys' arguments that, under

*See **'Educators Triumph'** page 8*

IN THIS ISSUE

2 Foundation Exposes Frivolous SEIU Suit Against NLRB Joint Employer Rule

3 CA Employee Hits Teamsters With Federal Charges for Pay-Up-Or-Be-Fired Threats

4 Ph.D. Student Works to Free Graduate Students From Union Coercion

5 Hundreds of Hospital Workers Escape Weingarten's AFT Union

6 Colorado Grocery Workers Force Union to Back Off Illegal Strike 'Punishment'

Foundation Exposes Frivolous SEIU Suit Against NLRB Joint Employer Rule

Brief: SEIU lawyers failed to show standing to challenge Trump NLRB rule

WASHINGTON, DC – In March, National Right to Work Foundation staff attorneys filed a legal brief at the DC Circuit Court of Appeals, pointing out serious flaws with Service Employees International Union (SEIU) officials' baseless lawsuit challenging the National Labor Relations Board's (NLRB) Joint Employer Rule.

SEIU Seeks to Redefine Legal Standards to Gain More Coercive Power

SEIU and other union bosses have repeatedly pushed for an expansive Obama-era definition of when businesses are considered "joint employers" that could be weaponized in corporate campaigns to sweep workers into forced-dues ranks against their will.

The current Rule, which the NLRB promulgated in 2020 and reaffirmed in 2026, provides that the agency's definition of "employer" only applies to companies that exercise direct control over a worker's terms of employment.

The Foundation's hard-hitting brief points out that the SEIU lacks standing to challenge the rule. The brief notes that the SEIU failed to prove the union or its members have been harmed by the Rule, which should disqualify the suit from the get-go.



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SEIU lawyers want to turn back the clock to the notoriously union boss-friendly Obama NLRB's "joint employer" precedent. Foundation attorneys are fighting to ensure Obama-era "standards" don't return.

The Foundation's brief also demonstrates the folly in SEIU officials' theory that a company having "latent, unexercised power to control" some employment terms makes that company an "employer." As the brief states, such an idea does not mesh with the kind of direct authority the National Labor Relations Act (NLRA) generally requires to classify an entity as an employer.

"That SEIU union officials can't even prove that their members were harmed as the result of the Trump NLRB's Joint Employer Rule shows the true purpose of the union's lawsuit: to gain more power to impose Big Labor's will on employees and companies across the country," commented National Right to Work Foundation President Mark Mix. "Foundation attorneys know a union boss power play when they see one, and will fight to ensure that SEIU union bosses don't further tilt the legal playing field in favor of union coercion."

Foundation *Action*

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Distributed by the
National Right to Work Legal Defense Foundation, Inc.
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CA Employee Hits Teamsters With Federal Charges for Pay-Up-Or-Be-Fired Threats

Teamsters union bosses tried to force worker to join & pay for union politics

COLTON, CA – Alexus Villanueva, an employee of medical waste management company Veolia Environmental Services, is the latest California worker to team up with National Right to Work Foundation attorneys to take legal action against the Teamsters Local 63 union. Villanueva's case marks the second time in just two years that Local 63 officials have been caught red-handed violating worker rights and blatantly ignoring federal labor law.



A February* California Post *article reported how Foundation attorneys have caught Teamsters Local 63 bosses -- again -- using threats and retaliation to coerce workers who don't support the union's agenda.

Union Officials Ignore Longstanding Foundation-Won SCOTUS Case

In late January, Villanueva filed federal charges at the National Labor Relations Board (NLRB), maintaining that union officials threatened to have her fired for refusing to join the union. She also slammed Teamsters bosses for unlawfully forcing her to pay full union dues -- including dues for union political activities.

"Teamsters union bosses never gave me any kind of information on what my rights were -- they simply demanded I join the union or lose my job," Villanueva said in an interview with the *California Post*, a new affiliate of the *New York Post*. "Teamsters aren't respecting me or my coworkers by trying to coerce us like this."

The NLRB is the federal agency responsible for enforcing federal labor law in the private sector. Under federal labor law and Supreme Court decisions like *NLRB v. General Motors*, union officials can't enforce contracts that require workers to formally join the union to keep their jobs.

Furthermore, the Foundation-won *CWA v. Beck* Supreme Court decision bars union bosses from compelling workers to pay for union political or ideological activities, in addition to anything that isn't directly related to very specific union functions. Such ancillary expenses are referred to as "nonchargeable" expenses.

Teamsters Local 63 Has Track Record of Bad Conduct & Worker Opposition

An incident report that Villanueva filed said that a union representative gave her an envelope containing a union dues deduction authorization form, and told her, "You do know that if you don't sign the application, we're going to have to let you go." Villanueva's incident report and charges described that none of the documents provided her any breakdown of how the union spends workers' dues money -- another requirement of the *Beck* decision that union officials ignored.

This isn't the first time that Southern California workers have hit Teamsters Local 63 with federal charges for their malfeasance. In 2024, Dependable Highway Express driver John Cwiek slammed the union with charges after he faced retaliation for revealing publicly available data about Teamsters bosses' salaries. Cwiek and his coworkers later sought a "decertification vote" with free Foundation aid and successfully forced the union out of their workplace.

"Instead of seeking to win workers over voluntarily, Teamsters Local 63 union bosses continue to flout federal labor law in pursuit of more control and more dues money," commented National Right to Work Foundation Vice President and Legal Director William Messenger. "But worker opposition to Teamsters control is not limited just to Southern California -- recent NLRB statistics suggest that no union faces more employee-backed removal attempts than the Teamsters.

"While it's especially heinous that Teamsters officials are attempting to get Ms. Villanueva fired for refusing to pay for union political activity, ultimately no worker should be forced to subsidize *any part* of union bosses' agenda just to keep their job," Messenger added.

Ph.D. Student Works to Free Graduate Students From Union Coercion

Students should not be subjected to forced-dues powers to complete graduate studies

ITHACA, NY – Russell Burgett, a Ph.D. candidate in chemistry and chemical biology at Cornell University, is pressing forward with his National Right to Work Foundation-backed case challenging the outrageous idea that graduate students are somehow "employees" that can be subjected to union monopoly control under federal law.

This February, Burgett submitted an appeal to Crystal Carey, a Trump appointee and the newly seated General Counsel of the National Labor Relations Board (NLRB). Burgett's appeal asks the General Counsel to use his case to overturn the disastrous NLRB decision made by Obama appointees in 2016 (and upheld by the notoriously pro-union boss Biden Board) that classified graduate students as "employees" subject to the National Labor Relations Act (NLRA). That classification allows union bosses to impose their one-size-fits-all exclusive "representation" and forced-dues powers over graduate students at private universities nationwide.

NLRB Must Reexamine Union Coercive Power Over Students

Burgett's appeal attacks the core reasoning of the 2016 *Columbia University* decision: "A graduate student's primary relationship with his or her school is as a customer of that school's educational instruction and services, not as a statutory employee." It also points out that the decision lets union bosses stifle academic freedom and student success, as union bosses' contracts usually require graduate students to join or pay dues to complete research or teaching assistantships, which are essential to many graduate programs.



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Cornell University has served as the cradle for many crucial inventions and academic breakthroughs. Ph.D. candidate Russell Burgett is now seeking to make it the birthplace for graduate students' freedom from radical forced unionism.

Burgett opposes the radical ideology and agitation of Cornell Graduate Student Union (CGSU) agents on campus. Because New York, where Cornell is located, is not a Right to Work state, CGSU bosses can legally force him and other graduate students to pay money to the union to complete their graduate programs.

Even worse, CGSU union officials rejected Burgett's request to opt-out of paying the portion of dues that goes toward the union's politics. Even if Burgett were actually an "employee" (which he is not), opting out of paying for union politics is a right guaranteed to employees under our Right to Work Foundation-won *CWA v. Beck* Supreme Court decision.

Burgett's appeal asks the NLRB General Counsel to prosecute CGSU union officials and Cornell management on the grounds that their contract is blocking the university from doing business with students who abstain from union membership or union financial support. While federal labor law unfortunately still allows union bosses in non-Right to Work states to get *employees* fired for refusing union financial support, it is still illegal to require an employer to end a *business* relationship with someone simply because they oppose the union.

That's why Burgett's appeal urges the Board to affirm that students have a "business and academic" relationship with the university and not an employment relationship.

CGSU Union Bosses Required Student to Pay Dues for Politics

Burgett's appeal also contends that the NLRB should prosecute CGSU union officials for arbitrarily limiting when students can exercise their *Beck* right to opt out of funding union politics.

"It is unconscionable that current NLRB case law allows union officials, like those from CGSU, to upend the academic careers of students who refuse to associate with them," commented National Right to Work Foundation President Mark Mix. "Union bosses' one-size-fits-all bargaining schemes have no place in the world of academia, where freedom of thought and association should be paramount.

"We're proud to stand behind Mr. Burgett and urge the Board to affirm the commonsense idea that graduate students are *students* and were never intended to be subjected to the NLRB's forced-unionism regime," Mix added.

Hundreds of Hospital Workers Escape Weingarten's AFT Union

AFT union bosses abandon attempt to overturn overwhelming vote against union

WINDHAM, CT – Employees at Windham Community Memorial Hospital in Connecticut are officially free from the unwanted "representation" of American Federation of Teachers (AFT) Local 5099 union officials. Following an initial delay, the National Labor Relations Board (NLRB) certified the result after an overwhelming majority of the hospital's workers voted to "decertify" the union in a February secret ballot vote.

The decertification effort was spearheaded by Windham Hospital employee Sara Doner, who received free legal aid from National Right to Work Foundation staff attorneys during the decertification process.

Hospital Workers' 168-70 Vote Against AFT Sends Union Bosses Packing

NLRB Region 1 certified the election results, officially ending AFT union bosses' monopoly representation of Windham Community Memorial Hospital employees. The NLRB is the federal agency responsible for enforcing the National Labor Relations Act, a task that includes administering elections to install (or "certify") and remove (or "decertify") unions.

Days after the landslide 168-70 vote to remove the union, AFT officials filed objections with the NLRB, seeking to overturn the workers' election result. However, AFT union bosses soon reversed course and dropped their objections, perhaps recognizing the futility of their efforts to maintain monopoly control of the employees after the overwhelming statement sent by the one-sided result.



Radical AFT President Randi Weingarten has desperately tried to downplay the destructive influence the AFT has had in individual schools and other workplaces, as well as on schoolchildren and Americans at large. Windham Hospital employees weren't swayed.

Connecticut is one of 24 states that lack Right to Work protections for workers, which means that prior to the decertification, AFT union bosses were empowered to impose monopoly bargaining contracts that force employees to pay union fees as a condition of employment. By contrast, in Right to Work states, union membership and union financial support are strictly voluntary.

Foundation attorneys have noticed a marked increase in worker requests for help in decertifying unpopular unions. NLRB statistics indicate that in 2025, decertification petition filings were up almost 40% from 2020.

Reach of Radical AFT Union Bosses Not Limited to Education

"Headed by longtime top boss Randi Weingarten, the AFT is best known for the divisive role union officials have played in undermining student and taxpayer interests in the classrooms of public schools nationwide," commented National Right to Work Foundation Vice President and Legal Director William Messenger. "While lesser known, the targets of AFT union boss coercion also include thousands of healthcare providers.

"We are pleased to have been able to assist hundreds of Windham Community Memorial Hospital employees in exercising their legal right to send AFT union bosses packing, and we encourage anyone else -- whether educator or healthcare worker -- trapped under AFT control they oppose to reach out for legal aid," Messenger added.

National Right to Work Legal Defense Foundation

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Source: *Charity Rating Guide*
April 2026
American Institute of Philanthropy

Colorado Grocery Workers Force Union to Back Off Illegal Strike 'Punishment'

To avoid federal prosecution, repeat-offender UFCW union drops fine threats against workers

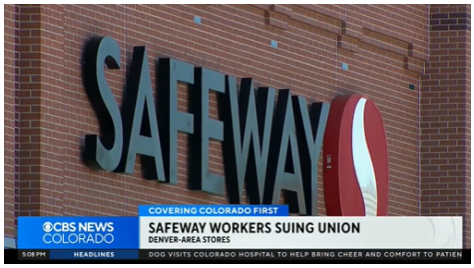
DENVER, CO – With free Foundation legal aid, Denver-area grocery workers Ryan Lamb and Lucas Martin have resisted illegal fine demands that United Food and Commercial Workers (UFCW) Local 7 bosses issued against them in connection with a January 2025 strike order. In March, the National Labor Relations Board (NLRB) found merit to Lamb's and Martin's charges and began a prosecution against UFCW Local 7.

Instead of seeking to defend their illegal behavior, UFCW Local 7 bosses backed off the fine demands to make NLRB officials drop their prosecution.

UFCW Local 7 Bosses Appear to Have Habit of Violating Federal Labor Laws

The NLRB issued a complaint against the UFCW after several employees of Colorado King Soopers and Safeway locations slammed the union with federal charges. These charges, filed with free legal aid from National Right to Work Foundation staff attorneys, challenged the fines issued by union bosses against nonmember employees who chose to continue working despite the strike.

The NLRB's March complaint was the result of unfair labor practice charges filed by Lamb and Martin, who, at the time of the February 2025 strike, worked at a King Soopers in Centennial, CO. The agency's complaint noted that UFCW Local 7 imposed fines on Martin and Lamb "even though the employees had previously tendered valid membership resignations to [the union] and were not members of [the union]." The complaint declares



Word is spreading quickly around Colorado about UFCW Local 7 officials' unlawful attempts to punish workers who rebuff strike demands.

that such behavior "restrain[s] and coerc[es] employees in the exercise of the rights" guaranteed under federal labor law.

Under federal labor law, which the NLRB is responsible for enforcing, unions cannot impose internal union "discipline" on workers who are not members.

Despite the non-ambiguity of the law, many more Colorado grocery employees have needed help from Foundation staff attorneys to hit UFCW Local 7 union bosses with federal charges -- almost all of which detail the same pattern of retaliatory behavior following strike actions.

For example, Foundation attorneys currently represent eight employees of Colorado Safeway supermarkets who are charging UFCW Local 7 union bosses with subjecting them to illegal fine threats. Those employees are taking action following retaliatory fines that union officials issued against them for continuing to do their jobs during a June 2025 strike action.

Foundation to Meatpackers: You Can Rebuff UFCW Local 7 Strike Commands

Even after narrowly avoiding a federal prosecution, UFCW Local 7 may have already found new targets for their strike retaliation schemes. In March, UFCW Local 7 honchos ordered nearly 4,000 employees of meatpacking company JBS to strike in Greeley, Colorado.

The Foundation issued a legal notice informing JBS workers of their right to resign their union memberships in order to return to work providing for themselves and their families, and to reach out to the Foundation to be educated on their legal options.

"UFCW Local 7 union officials have repeatedly defied basic principles of federal labor law just to intimidate many of the same workers they claim to 'represent,'" commented National Right to Work Foundation Vice President Patrick Semmens. "Foundation staff attorneys are proud to help Colorado workers defend themselves from coercive UFCW schemes, and this victory should signal to workers not only that UFCW bosses' agenda often kneecaps workers' rights, but also that workers have options to continue to work during a strike.

"The Foundation will continue to assist workers in defending themselves against these recidivist UFCW union bosses," Semmens added.

Mark Mix Talks Grocery Workers' Victory on KOA Radio Denver



Scan the QR code or go to www.nrtw.org/ufcw7 to listen!

Support Freedom in the Workplace With a Planned Gift

Did you know there are creative ways to support the National Right to Work Legal Defense Foundation? Ways in which the Foundation, you, and your loved ones all benefit?

Known as "planned gifts," these giving options can create win-win solutions for you and the Foundation.

Despite widespread awareness of the importance of putting an estate plan in place, polls show only one in three U.S. adults has an estate plan. If you are just starting your estate plan, or revising what you already have in place, there is a sense of relief in knowing you have a plan.

As you plan ahead, please consider these creative ways to invest in the Foundation's critical programs:

Charitable Lead Trust: *Give to the Foundation now during your lifetime for a set period of time, with the remainder of the gift returning to your estate. This can allow you to:*

· *Contribute a significant, ongoing gift to the Foundation;*

· *Promote future economic security for you and your family since the principal may be returned to your estate;*

· *Provide your family with a greater inheritance than would otherwise be possible without an estate plan; and*

· *Reduce or eliminate income, estate, and gift taxes now and in future years.*

Charitable Remainder Trust: *Leave an ongoing gift to the Foundation in the future from your estate. This would provide you with:*

· *Increased income for low-yielding assets;*

· *Reduction of capital gains and estate or gift taxes for your estate that would otherwise be due upon death;*

· *Diversification of your investments and the potential for tax-free growth;*

· *Creation of a needed income stream source for your family or a close relative that you designate in your Trust.*

If you have questions about these or other planned giving options, please contact Ginny Smith at 703-770-3303, or gms@nrtw.org. As with all planning long-term, we advise that you consult with your tax advisor or estate attorney before making any final decisions. Whatever you decide, please consider what type of *tax-deductible* Estate or Planned Gift to the Foundation would work best for you!

Educators Triumph Over SCTA Union, Biased CA Labor Laws

continued from page 1

Supreme Court precedent, St. HOPE was subject to the National Labor Relations Act. The NLRB then scheduled the decertification election for March 11.

Instead of facing the will of the educators that they claimed to "represent," SCTA union officials gave up before the vote. Only days before the election, SCTA bosses sent correspondence announcing they were ending their monopoly bargaining control over the school system -- likely to avoid an embarrassing lopsided loss at the ballot box.

While SCTA union officials fled St. HOPE before the NLRB-ordered vote could take place, the NLRB's ruling will very likely be significant for employees of other California charter schools who wish to take similar action.

Case Provides Other CA Charter Teachers With Roadmap to Escape Unions

"Ms. Simonton and her colleagues at St. HOPE should be commended for their success in defeating not only SCTA union officials, but also California's rigged labor bureaucracy that empowers union bosses at the expense of workplace freedom," commented National Right to Work Foundation Vice President Patrick Semmens. "While no employees should have to face a multi-year legal fight like this simply to get a vote to remove an unwanted union, the good news is this Foundation case establishes a new way for charter school educators across the Golden State to escape unwanted unions."



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

The teachers at three St. HOPE charter schools were fed up. In 2021, they collected signatures and filed a petition with California's Public Employment Relations Board (PERB) to rid themselves of the teacher union bosses that came into power at their school.

What they found was a system rigged -- very deliberately -- against them. Big Labor is the single most powerful special interest group in California, and that means the PERB's rules were meant to benefit union bosses, not teachers opposed to union affiliation.

So when the teachers filed their decertification petition with the PERB, union lawyers filed charges, and the PERB dutifully blocked the vote using the rules union-label legislators had enacted.

This went on for years until the teachers reached out to the National Right to Work Foundation.

Foundation staff attorneys proposed an innovative solution: Bypass the PERB and its one-sided rules entirely.

You see, drawing on years of experience assisting charter school employees opposed to union affiliation nationwide, Foundation attorneys knew that despite the claims of the PERB or union lawyers, Supreme Court precedent suggested the National Labor Relations Board (NLRB) should have jurisdiction over California charter schools.

As you'll read on the front page of this **Foundation *Action***, the Foundation assisted St. HOPE educators in filing a new majority-backed petition with the NLRB, then successfully defending it against both the PERB and California Teachers Association (CTA) lawyers.

When it became inevitable that the vote would take place, CTA union bosses didn't even bother to try to convince teachers to support them.

Now, not only are over 50 St. HOPE teachers finally free, but their case has also established a new way for charter school educators to challenge California's rigged legal regime.

Cases like this show the power of the Foundation's legal program. With decades of experience litigating in nearly every imaginable legal venue on behalf of public and private sector employees, we're the experts in using every available legal tool to combat Big Labor coercion.

Your support for the Foundation ensures that we can continue innovating to advance worker freedom everywhere. Thank you, as always, for your support.

Sincerely,

Mark