Foundation Action

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Nearly 200 Iowa Nurses Win Freedom from Unwanted Union 'Representation'

Follow lead of over 300 hospital workers in Connecticut who 'expelled' the teachers union

SIOUX CITY, IA – With Foundation legal aid, registered nurses at UnityPoint Health – St. Luke's – Downtown hospital are officially free from the exclusive monopoly "representation" of United Food and Commercial Workers (UFCW) Local 222IN union bosses.

The nurses' effort was spearheaded by nurse practitioner Timaree Henneman, who, with the assistance of Foundation staff attorneys, filed a petition with the National Labor Relations Board (NLRB) seeking to end the unwanted presence of UFCW union officials at their hospital. The nurses' petition gathered enough signatures to trigger the NLRB to administer a secret-ballot election among all 191 nurses.



Nurse practitioner Timaree Henneman (left) and fellow nurses at UnityPoint Health – St. Luke's – Downtown hospital celebrate after their successful effort to reclaim their workplace from UFCW union officials.

Nurses Discharge UFCW Union Bosses from Hospital

The recent secret-ballot election saw the nurses vote to oust the union. NLRB Region 18 certified the employees' election result, formally terminating the hold UFCW union bosses had over the nurses' workplace.

"We are relieved to have reclaimed our hospital from union officials that have only held us back," stated Henneman. "We've seen what the union had to offer us over the past couple of years and know we are better off without them."

Henneman and her coworkers join a growing number of health providers who have reached out to the Foundation for assistance in removing unwanted union officials.

In April, Foundation staff attorneys assisted over 300 employees at Windham Community Memorial Hospital in Connecticut in freeing themselves from the control of American Federation of Teachers (AFT) Local 5099.

Despite those workers' overwhelming 70%+ vote against the AFT, union bosses initially attempted to overturn the vote by filing election objections with the NLRB. However, with Foundation staff attorneys poised to defend the outcome all the way to the NLRB in Washington, DC, if necessary, AFT

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Wisconsin Painter Challenges Forced Membership and Dues Demands

Federal charge: IUPAT DC7 union bosses' lies forced worker into dues-paying union ranks

WAUKESHA, WI – With free legal aid from the National Right to Work Foundation, Caryn Johnson, who works as a painter at Olympic Companies in Wisconsin, filed charges at the National Labor Relations Board (NLRB) against International Union of Painters and Allied Trades (IUPAT) District Council 7. Johnson states that IUPAT officials unlawfully coerced her into formal union membership and dues payment by claiming, contrary to federal law, that both were mandatory conditions of her employment at Olympic.



By illegally demanding full dues payments, IUPAT union bosses seek to force workers to fund their political activities, such as inviting Kamala Harris to host a rally at IUPAT DC 7 headquarters (pictured above) in January 2024.

Union Bosses Use Card Signed Under Threat to Continue Dues Deductions

The charges detail how Johnson was misled into "joining" the union after IUPAT bosses said she had to pay full dues and be a member in order to be employed at Olympic Companies. The union's claim was false. Under longstanding federal law, union membership cannot be required as a condition of employment, nor can any employee be required to sign a card authorizing the deduction of union dues from her paycheck, which IUPAT officials also demanded Johnson sign.

Johnson's charges state that, despite resigning her union membership, IUPAT continued to extract dues from her wages, apparently relying on the "dues authorization" form she was coerced into signing. Union officials said she would not be able to cut off dues for more than eight months, and even then must provide additional written revocation during the union's arbitrary revocation window.

This is just the latest attempt by union officials to circumvent popular Right to Work laws, like the one on the books in Wisconsin that makes union affiliation strictly voluntary, by misleading employees about their legal rights.

Wisconsin is a Right to Work State: That Means No Union Payments as a Condition of Employment

"Time after time, union officials turn to lies, threats, and coercion to expand their power and fill their coffers, rather than attempt to convince workers to voluntarily support union activities," commented National Right to Work Foundation President Mark Mix. "Ms. Johnson's experience is not an isolated case, but is one Foundation staff attorneys see repeated across the country by union officials who think their government-granted monopoly privileges sanction them to violate the rights of those they claim to 'represent.'" ⚖

Foundation *Action*

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Foundation Brief: Forced Dues for Graduate Students Violates the First Amendment

NLRB coercion in bargaining process means mandatory dues are unconstitutional



Foundation legal action continues to challenge the imposition of forced unionism on graduate students, including Foundation-backed cases for Cornell University Ph.D. student David Rubinstein (left) and former MIT student Will Sussman (right), who both testified about their cases challenging coercive campus union bosses before Congress.

CHICAGO, IL – The National Right to Work Legal Defense Foundation filed an amicus curiae brief with the Seventh Circuit Court of Appeals in support of University of Chicago graduate students who are challenging the requirement that they pay fees to a union they oppose.

The case, *Graduate Students for Academic Freedom, Inc. v. United Electrical, Radio and Machine Workers of America*, was brought by a group that includes graduate students who oppose being forced to fund the union, especially due to United Electrical (UE) union officials' radical political and ideological positions.

The brief notes that in multiple decisions -- including the Foundation-won *Janus v. AFSCME* and *Harris v. Quinn* -- the U.S. Supreme Court held that the government violates the First Amendment by compelling employees to subsidize union speech. In the 2024 *NRA v. Vullo* decision, the Court reiterated the "principle that a government official cannot do indirectly what she is barred from doing directly."

Under Obama-era National Labor Relations Board (NLRB) decisions, these students must pay forced dues to union officials in order to keep their research and teaching positions, which are a requirement of completing their graduate program. Foundation staff attorneys have challenged the Obama-era precedent and other aspects of forced unionism as applied to graduate students on behalf of students from MIT, Columbia, Cornell, Johns Hopkins, and Dartmouth.

Brief Builds on Foundation Supreme Court Victories

Under those Supreme Court precedents, the NLRB's highly coercive requirements that force employers in non-Right to Work states to bargain with union officials over forced fee requirements mean that the resulting mandatory dues requirement is unconstitutional government-compelled speech.

The Foundation is supporting the University of Chicago graduate students by arguing in its brief that the mandatory dues requirement imposed upon them violates their First Amendment rights because it is the product of extensive and coercive bargaining requirements mandated by the NLRB.

*See **'Graduate Students'** page 6*

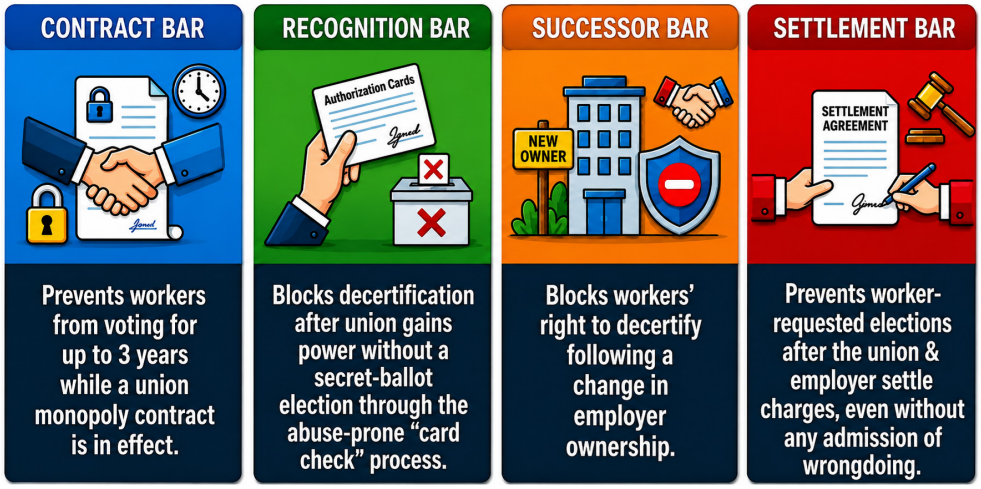
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Foundation Asks NLRB to Defend Workers' Right to Decertify Unwanted Unions

Rulemaking petition seeks to end numerous 'policies' that trap employees in unions they oppose

WASHINGTON, DC – The National Right to Work Foundation submitted a formal petition for rulemaking to the National Labor Relations Board (NLRB) asking the Board to issue regulations that protect employees' right under federal law to vote out (or "decertify") unwanted unions. In doing so, the cutting-edge request asks the new Trump-appointed NLRB majority to rescind numerous non-statutory policies that shield unwanted unions from being decertified.

As part of the petition, the Board is asked to overturn a cynical rule enacted by Biden appointees in 2024 to ensure union officials maintained power over employees, no matter how overwhelming their opposition to the union is. This includes ending the Biden policy that allows union officials to unilaterally delay elections through unproven "blocking charges," as well as a rule that stops workers from requesting a decertification election to challenge a union imposed through a card check and without a secret ballot.



The Foundation's rulemaking petition asks the NLRB to eliminate various non-statutory policies that trap workers in union ranks they oppose, including four NLRB-invented "bars" (above) to employee-requested decertification votes.

Non-Statutory Policies Block Workers' Rights

The Foundation has teed up numerous cases at the NLRB to reverse these policies, but the rulemaking process would allow the Board to make more comprehensive reforms to an area where past Boards have often gone far beyond neutrally enforcing the text of the National Labor Relations Act (NLRA).

The petition requests the agency overturn various NLRB-invented "bars" and other policies that deprive workers of their right to decertify incumbent unions that lack majority support. Foundation attorneys argue this rulemaking is especially necessary following the U.S. Supreme Court's *Loper Bright* decision, which curtailed judicial deference to an administrative agency's interpretation of its statutory power.

The D.C. Circuit Court of Appeals recently struck down one of these Board-created bars, the "successor bar," using the same arguments the Foundation is making in its petition.

As the rulemaking request points out, Section 9(c) of the NLRA commands that the Board "shall" conduct an election when a question of representation exists outside the one-year period following a previous election. This means that the existing non-statutory "bars," along with the "blocking charge" policy, improperly nullify employees' 9(a) right to an election.

The Foundation's petition calls for the repeal of all of the NLRB's non-statutory "bars" -- none of which are found in the text of the NLRA -- that keep employees trapped in union ranks even when a majority want to vote to remove the union. It also calls for the elimination of the "merger doctrine," which lets union bosses merge smaller bargaining units into a massive multi-state and/or multi-employer unit, making it virtually impossible for workers to gather the signatures needed to exercise their right to a decertification election.

NLRB Should End Presumption of Support for Unionization

The rulemaking request goes even further, asking the Board to halt the practice of "blocking charges," which are often disingenuous claims of misconduct against employers. These union claims often have nothing to do with the election, but act to prevent employees from voting. In multiple cases, such tactics were used to block decertification votes from occurring even though 100% of workers signed the decertification petition.

Finally, the petition requests the NLRB update its standard for when union officials are entitled to presumption of majority status. As the petition notes, "over 90% of private-sector employees who

*See **'Petition Calls'** page 8*

Agriculture Workers Fight Against State Union Boss Power Grabs

New York farmworkers challenge state-level PRO Act in federal court

MARLBORO, NY – For years, Big Labor has been trying to expand their government-granted power through their allies in Congress, proposing bills like the "PRO Act" to remove existing safeguards limiting union boss power over dissenting workers. Fortunately, that proposal, which (among other union boss power grabs) includes wiping out all state Right to Work laws by federal fiat and replacing secret-ballot votes with the abuse-prone "card check" scheme, has so far stalled in Congress.

However, that hasn't stopped Big Labor from implementing similar schemes in several states, subjecting employees who are outside of federal labor law to similar extreme versions of government-imposed forced unionism. This includes California and New York, where the National Right to Work Foundation is assisting agricultural employees subjected to PRO Act-style labor law rules.



Foundation staff attorneys are challenging a PRO Act-style New York State law used to force workers at Porpiglia Farms under a government-imposed union contract that includes mandatory union dues.

State Law Hands Big Labor Sweeping New Coercive Powers

With assistance from Foundation staff attorneys, farmworker Ricardo Bell is challenging a New York state law that is forcing Porpiglia Farms, the apple farm where Bell works, to accept a government-imposed union contract that forces workers to pay union dues to the United Farm Workers of America (UFW) against their will. Recently, Foundation staff attorneys assisted Bell in intervening in an ongoing lawsuit by Porpiglia Farms.

Both Bell and the farm are now asking the federal court to block the law's enforcement to prevent the violation of the employees' and employer's constitutional rights.

Bell's challenge to the state law stems from the installation of the UFW by the coercive "card check" method.

During card check drives, union agents can solicit and pressure workers face-to-face, demanding they sign union cards in front of union organizers, with those cards then counted as "votes" to impose the union on workers. Without the privacy of the secret ballot, card check drives regularly result in coercion, intimidation tactics, lies, or even sometimes threats of violence.

Bell submitted two petitions to remove the UFW from Porpiglia Farms, only to have New York's Public Employment Relations Board block his efforts. Worse still, the state initiated a process to impose a forced dues union "contract" upon Porpiglia and its employees.

Bell is challenging the law because it violates his rights under both the First and Fourteenth Amendments of the Constitution by forcing him to pay the UFW as a condition of his employment and denying him any ability to decertify the union.

"New York's agricultural labor law tramples the rights of workers in almost every way imaginable, ignoring the U.S. Constitution and federal law," commented National Right to Work Foundation Vice President Patrick Semmens.

Union: 'Pay Up or Be Fired'

"Once the union is installed, the government can dictate employment terms and require workers to pay the union or lose their jobs," added Semmens. "Cases like these are not just important in defending agricultural workers against oppressive state-level forced unionism schemes, but also can establish important legal precedents that would be critical in defending employee freedom if Big Labor is ever successful in ramming power grabs like the PRO Act through Congress."

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Graduate Students Fight for Academic Freedom

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Foundation staff attorney Glenn Taubman discusses the Foundation's cases defending graduate students from discrimination on NTD News.

As the brief points out, employers can face NLRB prosecution for refusing to bargain with union officials over forced dues requirements, even if they oppose these abhorrent requirements on moral and philosophical grounds.

Foundation-Backed Graduate Students Challenge Rampant Union Boss Abuses

Chicago is but the latest case where the Foundation has pushed back against UE union bosses for their abuses of students on American campuses. Last summer, Foundation staff attorneys filed anti-discrimination charges for Cornell University graduate students David Rubinstein and Louie Gold against UE officials, and their affiliated local unions, for their efforts to coerce the students into bankrolling the union's radical politics despite the students' ideological and religious objections to the union's activism.

In other cases for graduate students, Foundation staff attorneys have challenged union schemes to trap students into funding radical union political activities, union boss attempts to hijack the "bargaining process" to push for the elimination of study abroad programs and dictate how the university's endowment is invested, and multiple demands by union officials for students' private information in violation of federal education privacy protections.

"Union bosses' forced dues powers are the direct result of government coercion, and it is past time that federal courts take a closer look at how this results in compelled funding of radical speech in violation of the First Amendment," commented National Right to Work Foundation President Mark Mix. "Forcing any individual to fund union-boss activities they oppose is just plain wrong, which is why Americans overwhelmingly support Right to Work laws that make union affiliation and dues payment strictly voluntary.

"It is especially egregious that Big Labor has, in recent years, been granted the power to force students to pay union dues or fees as a condition of completing their studies, and the Foundation is involved in multiple cases that seek to put a stop to this outrageous expansion of forced unionism," added Mix.

Landslide Vote Ousts AFT Union

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lawyers soon reversed course and dropped the objections, causing the employees' win over the union to be certified by the NLRB.

Foundation Helps Over 300 Hospital Workers in Connecticut

"Nurses and other healthcare workers have plenty of reasons for wanting to escape union control, including the fact that union bosses' go-to strike threats are really threats against the patients that nurses got into the profession to care for," commented National Right to Work Foundation Vice President and Legal Director William Messenger.

"While we continue to fight to ensure workers can exercise their right to vote out unwanted unions, we will work towards the day when every individual employee has the freedom to decide for themselves whether or not to associate with a union," added Messenger.

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Join the Foundation's Legacy Society!

Your National Right to Work Legal Defense Foundation is working tirelessly to protect workers from Big Labor's coercive power grabs. This work is only possible thanks to the generosity of the Foundation's supporters, including members of the Foundation's Legacy Society.

Legacy Society members have included the Foundation, a 501(c)(3) charitable organization, in their Will or Estate plans to ensure they leave a legacy of worker freedom by supporting the Foundation's long-term mission of ending the injustice of forced unionism.

You can join the Legacy Society by making the Foundation a beneficiary of a specific amount from your estate or of a residual bequest, which comes to the Foundation after your estate expenses are paid and specific bequests are fully distributed.

Here is sample language for you to review with your financial advisor or estate attorney to include the Foundation in your Will or Estate plans:

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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, residue, and remainder of my estate, including property over which I have a power of appointment; or

d. All the rest, residue, and remainder of my estate, including property over which I have a power of appointment.

If you have made or are considering such a gift, please let us know so we can include you in this special circle of Foundation supporters. To do so, or for more information about the Legacy Society or other giving options, please contact Ginny Smith at 1-800-336-3600 ext. 3303, or gms@nrtw.org.

Petition Calls on Trump Labor Board to End Barriers to Removing Unwanted Unions

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are subject to union representation have never voted on that union's representation." This problem is created by the fact that one vote or card check years or decades ago currently authorizes union officials to wield bargaining powers over workers without any further evidence of actual employee support.

To remedy this, the petition proposes that unions must prove majority employee support once certain time periods elapse after an election or recognition. The petition notes "[t]he Board's 'one-vote, one-time' presumption is not required by the Act and so defies democratic norms as to be arbitrary and capricious," meaning it is fully within the NLRB's authority to implement such a commonsense change.

Foundation Lays Out Pro-Freedom Reforms for Trump Administration

"For years, employees have sought to exercise their clear legal right in federal law to vote out incumbent unions they oppose, only for NLRB-invented policies to crush their efforts," stated National Right to Work Foundation Vice President and Legal Director William Messenger. "Acting on this rulemaking petition would not only bring NLRB rules on elections better in line with the text of the law, but would also send a powerful message that the new Board majority is prioritizing pro-worker policies by expanding employees' legal rights to remove incumbent unions that don't serve workers' interests." ⚖



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

National Right to Work Foundation staff attorneys are utilizing cutting-edge, focused litigation to attack the twin pillars of forced unionism: forced union dues and monopoly union "representation."

You need look no further than how Foundation attorneys are defending graduate students nationwide, who have been increasingly targeted by union bosses for forced unionization.

Our attorneys continue to develop new and effective legal arguments in the courts and at the National Labor Relations Board to challenge the expansion of forced unionism mandates to include graduate students.

In a slew of recent cases, Foundation legal action seeks to defend graduate students opposed to forced unionization, including by challenging Obama- and Biden-era Board rulings that subject graduate students under union boss monopoly bargaining and forced dues as a condition of completing their educational programs.

The Foundation just filed a brief supporting a case brought by a group of University of Chicago graduate students who are being forced to fund the politically radical union that supposedly "represents" them. (See page 3.)

In that litigation, the Foundation makes the compelling argument that forced dues violate the students' First Amendment rights -- and that the logic of our Foundation-won *Janus* U.S. Supreme Court case should protect these higher education students as well. This argument could ultimately expand *Janus*' protections against forced dues into the private sector.

These cases are just a few examples of how your Foundation is bringing strategic and powerful legal arguments to the fight against forced dues and monopoly bargaining, Big Labor's core government-granted powers.

This work is only possible because of your generous support. Thank you for standing with the Foundation.

Sincerely,

