

CWA news

THE PROTECTING THE RIGHT TO ORGANIZE ("PRO") ACT



FIGHTING AND WINNING IN 2020



By CWA President Chris Shelton

This is a year of challenge — and opportunity — for our union and for the labor movement.

The challenge is clear. Donald Trump, in collusion with Mitch McConnell and Republican leadership in the U.S. House and Senate,

has taken every opportunity to put more power in the hands of corporate executives and make it harder for working people to win higher wages, better benefits, a safe workplace, and a secure retirement.

The Department of Labor is supposed to protect workers, but Trump has turned it over to his corporate cronies. They have made it easier for financial advisors to scam retirees by steering them toward high-fee retirement plans that provide hefty commissions. They have classified salaried workers who make over \$35,000 as “executives” to cheat them out of overtime pay. The National Labor Relations Board now has an anti-worker majority which has been working its way through a big business wish list — overturning past decisions to make it harder for workers to organize, bargain contracts, and strike.

Trump’s OSHA has fewer inspectors than ever, and workplace fatalities are on the rise. He renegotiated NAFTA, but protected pharmaceutical companies instead of including enforceable

labor rights for workers. He killed regulations that hold federal contractors accountable for labor law violations.

The list goes on and on.

If you want to know what the legislative priorities of this administration are, just look at the Trump Tax Cut bill. Donald Trump, Mitch McConnell, and cheerleaders for the bill like AT&T CEO Randall Stephenson, promised that corporations would use the giant tax giveaway to raise wages and create millions of new jobs, and that the bill would make it harder for corporations to send work to overseas contractors.

The reality is that corporations have used hundreds of billions of dollars in tax windfalls to buy back their own stock, making executives and big Wall Street shareholders even more wealthy. Five of the biggest drug companies announced \$45 billion in stock buybacks, while raising the prices for over 3,400 medications by 10% or more. Meanwhile, there is less money for critical programs that working families depend on and for repairs and improvements to our country’s deteriorating infrastructure. Now Trump says he’s even considering cuts to Medicare and Social Security. What garbage!

The upcoming election provides us with an opportunity, not just to elect a new President, but to put working people in position to gain real power in our country.

Because we helped elect a pro-worker majority in the U.S. House of Representatives in 2018, the House passed the *Protecting the Right to Organize (PRO) Act* in February — historic legislation which would reverse decades of policy-making

meant to crush unions. The CWA Executive Board has declared that no member of Congress — Democrat or Republican — will receive CWA’s endorsement for reelection unless they support the *PRO Act*.

The *PRO Act* and hundreds of bills that the House of Representatives has passed to improve working people’s lives are unlikely to become law because Mitch McConnell has refused to bring them up in the Senate and Donald Trump has pledged to veto them.

But if we elect even more pro-worker candidates to the House, a pro-worker majority in the U.S. Senate, and a President with a real commitment to building worker power, we can bring lasting change to a system that is rigged in the favor of corporate executives and their Wall Street overseers.

It won’t be easy. But this is our moment. Every major Democratic presidential candidate recognizes the importance of making it easier for workers to join unions. Polls show that public support for union membership is at its highest point in many years. The number of workers who have gone out on strike over the last two years — including thousands of CWA members — is the most we’ve seen since the mid-1980s. Every day more people are saying “enough is enough” and joining together to organize a union at their workplace.

Every single CWA member and retiree needs to join this fight. Check in with your local or your Retired Members’ Council and find out how to get involved in our legislative and political mobilization. Let’s show the whole country that we are CWA STRONG, and when we fight, we win.

BUILDING WORKER POWER

When workers organize, mobilize, and strike together, we can build power and win the wages, benefits, and working conditions we need and deserve. But that can be extremely difficult when our current laws keep the balance of power tilted in favor of CEOs and Wall Street.

When the 1% holds so much power, they take more money out of the economy for themselves while our wages stay stagnant, our working conditions get worse, and our economy stays rigged in favor of the wealthy. We need big change.

Two bipartisan pieces of legislation address the challenges that workers face when we want to join together to improve our workplaces: the *Protecting the Right to Organize (PRO) Act* (H.R.2474/S.1306) and the *Public Service Freedom to Negotiate Act* (H.R.3463/S.1970).

The *PRO Act* is historic legislation that will put power in the hands of workers and reverse decades of legislation meant to crush unions.

Public service workers face unique challenges when they want to join a union. Their collective bargaining rights are not guaranteed under federal law. Instead, their ability to negotiate with their employer varies from state to state, and in many states they are banned from collective bargaining or are only permitted to bargain over a narrow set of issues. It is often illegal for public service workers to strike.

The *Public Service Freedom to Negotiate Act* addresses these problems. The bill would set a minimum nationwide standard of collective bargaining rights that all governmental bodies – including states, counties, and cities – must provide.

The *PRO Act* would:

- ▶ Help strengthen protections for workers forming a union.
- ▶ Prevent the misclassification of workers as independent contractors and supervisors.
- ▶ Deal a blow to “right-to-work” laws.
- ▶ Expand the impact of strikes and other protest activities by allowing secondary boycotts and strikes.
- ▶ Ban the permanent replacement of striking workers.

The *Public Service Freedom to Negotiate Act* would provide:

- ▶ The right to join a union selected by a majority of employees.
- ▶ The ability to bargain over wages, hours, and terms and conditions of employment.
- ▶ The right to strike and engage in other collective action, with limited exceptions.
- ▶ Voluntary payroll deduction for union dues.
- ▶ Protection from rigged union recertification elections.



Supporting Elected Officials Who Support the *PRO Act*

Passing the *Protecting the Right to Organize (PRO) Act* and other bills to update our outdated, broken labor laws is a top priority for working people across the country, and CWA members have been leading the fight.

CWAers have been flooding the email inboxes, phone lines, and offices of their Senators and Representatives to draw attention to the importance of the *PRO Act*.

Jennifer Womack, who has been organizing to join CWA with her coworkers at a Verizon Wireless call center in Irving, Texas, spoke at a press briefing on Capitol Hill about how the *PRO Act* would help their efforts.

Womack described how, after she and her coworkers started discussing forming a union at Verizon Wireless, the company began forcing them to attend mandatory anti-union meetings, sometimes pulling workers they suspect may support organizing into those trainings at a moment's notice.

“It’s really important that the bill imposes real penalties on companies that break the law, since right now it seems like companies can get away with pretty much anything with a slap on the wrist,” Womack told Members of Congress and the press. “I believe that everyone should be treated fairly and be able to have a voice on the job. The *PRO Act* is a great step to help achieve that.”

Thanks to our efforts, on February 6, the U.S House of Representatives passed the *PRO Act*. House Speaker Nancy Pelosi shared Womack’s story during her remarks just prior to the vote on the House floor.

The *PRO Act* now awaits action by the Senate, where Republican Senate Majority leader Mitch McConnell has not moved the bill forward. Trump promised to veto the bill if it reaches his desk.

We were able to win the *PRO Act* vote because we helped elect a pro-worker majority in the House in 2018. We must continue to build on that success. The CWA Executive Board has declared that no member of Congress – Democrat or Republican – will receive CWA’s endorsement for reelection unless they support the *PRO Act*.

Learn how to get involved in the fight at cwa.org/proact.

CWAnews

Official Publication of the Communications Workers of America (AFL-CIO, CLC)

International Union Headquarters
501 3rd Street, N.W.,
Washington, D.C. 20001-2797
Phone: (202) 434-1100
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CWA News (ISSN 0007-9227) is published by Communications Workers of America, 501 3rd Street, N.W., Washington, D.C. 20001-2797. Postage Paid at Washington, D.C. and additional mailing offices.

Postmaster: Send address changes to CWA News, 501 3rd Street, N.W., Washington, D.C. 20001-2797.

Printed by Kelly Press, Cheverly, Md.

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HEALTH AND SAFETY

On the 50th Anniversary of OSHA, We Need to Do More for Worker Safety

Health and Safety Work at Memnon Publishing

Health and safety concerns have been a top priority for CWA Local 4818 members working at Memnon Archiving Services in Bloomington, Ind., a company that restores old media (cassettes, vinyl, video, film, etc.) and digitizes it for conservation. Its biggest client is Indiana University.

Workers organized their union around health and safety issues, and they are now about to begin bargaining a first contract. Through their work with their Local as health and safety activists, they are continuing to put pressure on management to make long-lasting improvements in workplace conditions, including addressing

"For me, I think the best part of all the organizing efforts has been the feeling that we, as workers, matter, have a voice, and really do deserve better."

— Emily Nickel

"The experience of attaining a rightful work environment through hard work and sacrifice as a group has been invaluable to me and many other members, and the union made that possible."

— Hayden Blankenship

"In my experience, management often puts workers in hazardous conditions, mostly out of sheer ignorance. Management can perceive calls for an examination of safety practices by workers as a challenge to their authority. The only effective way to counter this is to make them listen through organizing. If bosses refuse to take responsibility, we as a union will take it from them."

— Jackson Maier

the exposure to Perchloroethylene, a highly toxic chemical that can cause severe health effects.

Members presented a Letter of Demand to Memnon management to call on them to immediately stop all exposures to PERC because of its imminent danger and to provide alternative work for members who had been working with the chemical. The Letter of Demand also made it clear that the union would have no choice but to file a formal OSHA complaint if an assessment with Indiana's health and safety consultation program, INSafe, was not initiated immediately.

The Union's Letter of Demand was successful and Memnon management agreed to the INSafe assessment. The CWA members' efforts to make their workplace safer continue.

**CWA
Member
Spotlight**

It's hard to believe that the federal government's agency to protect workers, the Occupational Safety and Health Administration (OSHA), is only 50 years old. But the fact that it took the government 60 years after the devastating Triangle Shirtwaist Factory fire to create OSHA shows how we've been leaving behind workers for decades — and still are.

OSHA is part of the United States Department of Labor. Its mission is to ensure that workers have safe and healthful conditions on the job.

But OSHA inspectors can't be in all workplaces at all times, especially now that the Trump administration has cut back on the number of inspectors. CWA's local health and safety committees play a critical role in protecting members at work, identifying issues that affect workers across industries, and fighting for safer conditions for all Americans.

You can learn more about CWA's health and safety program online at cwa.org/safety.

IN THE WAKE OF TRAGEDY, PIEDMONT AGENTS FIGHT FOR IMPROVED SAFETY CONDITIONS

On August 11, 2019, Kendrick Hudson, a 24-year-old American Airlines/Piedmont employee at Charlotte Douglas International Airport, died on the job when the vehicle he was driving flipped over after hitting a piece of baggage on the ground that had fallen from a baggage cart that had not been closed.

CWA has been participating in the state's OSHA investigation of Hudson's death and believes the primary contributing factors were safety hazards that workers report to have experienced in the workplace, including poor visibility on the tarmac at night due to insufficient lighting; baggage on the ground that had fallen from a baggage cart; hard-to-see, painted lines meant to direct vehicle traffic on the tarmac; and limited stability of the tug vehicle Hudson was driving, causing it to flip over after it hit the piece of baggage.

As a result of the investigation, on January 29, Piedmont was cited for three serious violations by the North Carolina Department of Labor, and given a long list of safety recommendations that they must respond to in writing.

CWA members are also alerting elected officials and the public about the safety hazards that all Piedmont agents are facing. Last month, CWA Local 3645 Vice President Donielle Prophete testified at a hearing of the Subcommittee on Aviation to call on Congress and American Airlines to address serious safety concerns for airline workers.

"Our local union had repeatedly raised concerns about inadequate lighting with Piedmont management. American is a highly profitable company and pays out billions to wealthy shareholders and executives. Yet, American is cutting costs and outsourcing passenger service work to low-wage contractors and regional airlines like Piedmont," Prophete said.

CWA Local 3645's executive board and members, as well as Piedmont members across the country, are determined to make sure an incident like this will never happen again, and will continue to fight for improved safety conditions at all stations.

"Our wish is that the investigation will result in much needed improvements to make work on the ramp safer and to prevent anyone else from dying on the job," Prophete told Congress.

Under Trump, We've Had Fewer Federal OSHA Inspections and More Workplace Fatalities

Since he was elected, President Donald Trump has been doing his corporate friends favors by cutting back on OSHA enforcement activities and rolling back rules that protect workers.

Here are just a few of the harmful things that the Trump Administration has done that impact workers' safety and health:

- ▶ Cut back on OSHA inspectors and inspections. There are fewer inspectors on staff to hold companies responsible for health and safety standards than at any time in the last 40 years, and fewer inspections have been conducted since Trump became President than in any three-year period during the Obama or Bush administrations. Unsurprisingly, workplace fatalities and catastrophes have increased in that same time period.
- ▶ Issued an executive order requiring federal agencies to repeal two regulations for every new regulation issued, a big favor to big business that puts workers' lives at risk.
- ▶ Revoked an electronic reporting requirement for large employers to provide detailed injury data to OSHA, meaning that serious safety concerns can be concealed from the public.
- ▶ Overturned rules meant to strengthen chemical plants' prevention and preparedness requirements for explosions and other catastrophes, putting workers, the public, and first responders in danger.
- ▶ Made it easier for new chemicals to come onto the market while ignoring known health concerns and worker risks.
- ▶ Trump's proposed FY 2020 budget includes slashing the Department of Labor's budget by 10%, eliminating the Chemical Safety Board, cutting coal mine enforcement, and getting rid of worker safety and health training programs.

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Which Candidates Support Worker Power?

We sent a questionnaire to the 2020 presidential candidates to get their responses to questions about issues important to working people and invited them to submit videos.

Find out what they said and learn about which candidates CWA members have endorsed at CWA.ORG/2020.

Notice Regarding Union Security Agreements and Agency Fee Objections

As a general matter, employees covered by a collective bargaining agreement containing a Union security clause are required, as a condition of employment, to pay an agency fee equal to normal Union dues (and, where applicable, initiation fees). While the wording of these clauses is not perfectly uniform, none requires more than the payment of this agency fee to retain employment.

The Communications Workers of America policy on agency fee objections is the Union's means of meeting its legal obligations to employees covered by Union security clauses and of effectuating those employees' legal rights as stated in the applicable decisions of the United States Supreme Court (including *Beck v. CWA*) and the companion lower court and labor agency decisions. Under the CWA policy, employees who are not members of the Union, but who pay agency fees pursuant to a Union security clause, may request a reduction in that fee based on their objection to certain kinds of Union expenditures.

The policy provides an objection period each year during May, followed by a reduction in the objector's fee for the twelve months beginning with July and running through June of the following year.

Briefly stated, CWA's objection policy works as follows:

1. The agency fee payable by objectors will be based on the Union's expenditures for those activities or projects "germane to collective bargaining, contract administration, and grievance adjustment" within the meaning of applicable United States Supreme Court decisions. Among these "chargeable" expenditures are those going for negotiations with employers, enforcing collective

bargaining agreements, informal meetings with employer representatives, discussion of work-related issues with employees, handling employees' work-related problems through the grievance procedure, administrative agencies, or informal meetings, and Union administration. In the past, approximately 70-75% of the International Union's expenditures have gone for such activities. The percentages of Local Union expenditures on "chargeable" activities have generally been higher.

Among the expenditures treated as "nonchargeable," which objectors will not be required to support, are those going for community service (including participating in charitable events), legislative activity, cost of affiliation with non-CWA organizations, support of political candidates, participating in political events, recruitment of members to the Union, and members-only benefits (including members-only social events). In the past, approximately 25-30% of the International Union's expenditures have gone for such "nonchargeable" expenditures. The percentages of Local Union expenditures on "nonchargeable" activities have generally been lower.

2. Objectors will be given a full explanation of the basis for the reduced fee charged to them. That explanation will include a more detailed list of the categories of expenditures deemed to be "chargeable" and those deemed to be "nonchargeable," and the independent certified public accountants' report showing the Union's expenditures on which the fee is based. In addition to any other avenue of relief available under the law, objectors will have the option of challenging the Union's calculation

of the reduced fee before an impartial arbitrator appointed by the American Arbitration Association, and a portion of the objector's fee shall be held in escrow while he or she pursues that challenge. Details on the method of making such a challenge and the rights accorded to those who do so will be provided to objectors along with the explanation of the fee calculation.

3. Objections for the period of July through June must be sent during May. Objections will be honored for one year unless the objection specifically states that it is continuing in nature. Continuing objections will be honored for as long as the agency fee payer remains in the bargaining unit. Agency fee payers who are new to the bargaining unit, or who are returning to the bargaining unit, may object within thirty days of receiving this notice. In addition, employees who resign Union membership may object within thirty days of becoming an agency fee payer. Employees filing these objections in either circumstance should so state that circumstance in their letter of objection. New bargaining unit members are to receive this notice prior to any demand being made upon them for the payment of agency fees. If, however, for any reason a new unit member begins paying agency fees prior to the receipt of this notice, he or she may object retroactively to the commencement of such payments and for the duration of the current annual objection period.

The letter of objection should include name, address, CWA Local number, and employer. Objections must be sent to the Agency Fee Administrator, CWA, 501 Third Street, NW, Washington, DC 20001-2797.