

Fired pro-union teacher refuses 2 years salary to go away

By **DON McINTOSH**
Associate Editor

French teacher Patricia Laclot — who was terminated earlier this year after she supported a unionizing campaign — last month turned down an offer of two years salary if she would drop her legal case and give up her right to get her job back.

In the four-day trial that followed, a federal administrative law judge heard evidence that the Portland French School terminated Laclot for her pro-union activity, and that school leaders committed numerous other violations of U.S. labor law. On Oct. 26, a federal district court judge ordered the school to stop violating labor law.

The case stems from a campaign by teachers and support staff to join American Federation of Teachers (AFT) — Oregon. Workers at the private French-language grade school wanted greater job security, and discipline and grievance procedures to protect them against pervasive maltreatment, unequal treatment, and unfair discipline.

On March 8, after a majority of the school's employees signed union authorization cards, they asked the school to recognize the union. The very next day — according to evidence presented at the trial — school head Elimane Mbengue told an attorney to stop working on the renewal of Laclot's work visa. Laclot is a French citizen who has taught third grade at the school for six years. A leader of the union effort, she was let go when

the school year ended.

The National Labor Relations Board (NLRB) — the federal agency that's supposed to protect workers' right to unionize — investigated Laclot's termination and found sufficient evidence to pursue charges against Portland French School. But union supporters say at least four other pro-union workers at the school have been terminated.

"There's a very blatant effort to get rid of, one by one, anyone who is a union supporter," said Cary Page, an assistant teacher who supports unionization.

"At the beginning, we were a majority," said Laclot. "Then they started the anti-union campaign."

Mbengue and five anti-union members of the school's board conducted mandatory anti-union meetings, made repeated threats of individual discipline and collective consequences, promised to remedy grievances within six months if workers would vote "no" on the union, and warned that unionizing would scare away parents and cause school closure within a year. They also maintained an illegal "no-complaining" rule, and enforced it selectively against union supporters.

The threats took a toll, said second-grade teacher Massene Mboup. "Some of my colleagues were scared," Mboup said. "I never could have imagined when I left Senegal to come here, that this could happen in a country like America."

When the union election was held

on April 16, the pro-union majority among teachers had dwindled: The 12-12 tie was a loss for the union, although a separate unit of support staff did vote 7-3 to unionize.

But AFT-Oregon argued that management's labor law violations, known as "unfair labor practices," had tainted the election.

Mboup testified in an NLRB hearing May 27. Two weeks later, he was given a final warning. He continues to teach at the school, but could be terminated for any infraction.

After the NLRB agreed that employer misconduct had made a fair election impossible, Portland French School agreed to set aside the election result. That means pro-union workers could petition for a new election at any time. But AFT-Oregon organizer Eben Pullman said they're likely to wait until after the labor law case is resolved.

The NLRB wanted to prevent continued lawbreaking while the case is pending, and asked U.S. District Court for a temporary court order, known as a "10(j) injunction." Judge Michael Mosman granted the injunction for the most part, ordering the school to stop threatening and discriminating against pro-union employees, stop promising to remedy grievances in exchange for non-unionization, and get rid of the "no complaining" rule. The school must also post the court order, in English and French, and hold a meeting of all employees within 10 days where the order would be read aloud in both



Pictured above, from left to right, are pro-union Portland French School employees Patricia Laclot, Cary Page, and Massene Mboup, and AFT-Oregon organizer Eben Pullman. The Southwest Portland private school has waged an aggressive anti-union campaign, terminating Laclot and putting Mboup on final warning status — because of their union activity, an investigation by the National Labor Relations Board concluded.

languages.

If school administrators fail to comply with the court order, they could be held in contempt of court, with jail time and fines as a result.

However, Mosman denied the NLRB's most important request: to reinstate Laclot. Since Laclot is not in immediate danger of deportation, Mosman reasoned, reinstatement — and backpay — can wait until her case is resolved.

Though Laclot taught six years at Portland French School and 14 years in France (where she belonged to the teachers union SNUIP), she has been unable to legally work since her dismissal. She says she has had to turn down four job offers because she doesn't have a necessary work visa.

"I took a great risk, but I'm ready to go to the end," Laclot told the Labor Press.

Laclot is not eligible for unemployment benefits. Refusing the school's \$77,000 settlement offer, she survives on solidarity.

"She chose the way of truth and justice," Mboup said.

The administrative law judge who heard the case Oct. 18-21 has not yet reached a decision; if the judge orders Laclot to be reinstated with backpay, the school could comply, or appeal the decision to the Board in Washington, D.C.

In the meantime, Pullman said contract bargaining will begin soon for support staff workers who voted for the union.

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