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Lawyer games hamper NLRB effort to revive

The new rules were supposed to take effect April 30.

A 1935 federal law known as the National Labor Relations Act is supposed to encourage collective bargaining. It says workers have the right to form unions, and it sets up the National Labor Relations Board (NLRB) to administer the law. But employers long ago learned to use a variety of legal maneuvers to delay the NLRB's bureaucratic process for conducting union elections. That delay gives union-busting consultants more time to sow doubt, division and fear in workplaces where the employers have total control, and unions — even pro-union workers off the clock — can be forbidden from entering.

In December, the NLRB announced new rules would limit those employer legal maneuvers. As Lafe Solomon, the NLRB top lawyer put it: “these guidelines ... provide opportunities for us to fully effectuate the policies and purposes of the Act, as they relate to the representation process.”

But the anti-union U.S. Chamber of Commerce howled in outrage, calling it an “ambush rule” which would “greatly shorten the time an employer had to defend against an effort to unionize his business, from 42 days to 10 days.” [Wait, doesn't the law say it's workers' decision whether to unionize?] Outlined in a 24-page memo only a lawyer could love, the rules themselves contain no specific timeline. However, it's true that eliminating irrelevant post-hearing briefs and other delaying tactics would result in quicker elections.

Luckily for the Chamber, its lawyers found a technicality by which to overturn the rule cutting down on technicalities. When the National Labor Relations Board approved the rule change, its Republican member Brian Hayes (an Obama appointee) had refused to vote. Thus, Chamber lawyers argued in federal court, the NLRB had no quorum when it approved the rule change, and therefore the change was unlawful. On May 14, U.S. District Court Judge James Boasberg (an Obama appointee) agreed with the Chamber that there was no quorum: a win for legal delaying tactics, and a loss for workers trying to get a union in their workplace.



Teaching a new trade

Kat Lakey of Iron Workers Local 29 helps a participant climb a steel column during a workshop at the Women in Trades Career Fair held May 17-19 in Portland. The three-day interactive fair is produced by Oregon Tradeswomen Inc. to introduce women and girls to the possibility of a future career in the trades. The first day was for middle school girls; Day Two was set aside for high schoolers; and Day Three was open to the general public. Nearly 1,200 students from schools throughout Oregon and Southwest Washington were on hand to learn about apprenticeship training opportunities and to take part in the free workshops. Another 600 attended the Careers for Women Day on May 19. This year marked the 20th year of the event. Photo by Dawn Jones.

Anti-union governor of Wisconsin faces recall

In footage released by a documentary-maker, Walker describes his bill as 'divide and conquer'

If there's a better-known union buster than Wisconsin's Republican Gov. Scott Walker, it's hard to think who that would be. Just months after winning office with 52 percent of the vote, Walker directly attacked organized labor with a bill that stripped public employees of all meaningful collective bargaining rights, provoking an outcry that spread to 50 state capitols.

On June 5, Wisconsin voters decide whether to recall him from office. The choice will be between Walker and Tom Barrett, the Democrat who lost to him in November 2010.

Also up for recall are four Republican state senators who voted for Act 10 (Walker's anti-collective bargaining bill), and Wisconsin lieutenant governor Rebecca Kleefisch, Walker's running mate. Voters will choose between Kleefisch and Mahlon Mitchell, an outspoken state Fire Fighters union leader who rose to prominence in the fight against Act 10. [If Mitchell wins, he'd be Wisconsin's first black lieutenant governor.]

The June 5 recall election comes 15 months after citizens occupied the state Capitol in Madison and Democratic state senators fled Wisconsin to prevent Act 10's passage. Protesters redirected their energy to gathering signatures on recall petitions, and in August 2011, six Wisconsin state senate Republicans faced recall elections, with two losing office to Democrats. Wisconsinites then gathered over a million signatures to recall Walker. Only two times before in

U.S. history has a state governor been recalled.

But recalling a governor isn't a “yes-no” vote; someone must run to replace a recalled candidate. On May 8, Democratic voters chose Barrett — Milwaukee mayor and former congressman — over Dane County executive Kathleen Falk, the candidate who was backed by organized labor. Barrett — who put himself through college and law school working as a member of the Teamsters Union on the Harley-Davidson assembly line — also has a solid pro-labor record as a legislator and executive, including a vote against NAFTA while he was in Congress.

So, voters will have the same choice they had in November 2010. Only now, Walker has a record.

Besides eliminating public employee collective bargaining rights, Walker pushed through major tax cuts for corporations and wealthy individuals, and slashed state government budgets, including money for schools. He rejected \$810 million in federal funds to build a high-speed rail line from Madison to Milwaukee. And he signed a law that requires voters to show government-issued ID before casting a ballot.

Walker is also being circled as a possible target of a broad criminal investigation stemming from his 2010 campaign. The investigation, by a Milwaukee district attorney, has resulted in misdemeanor and felony charges against multiple former Walker appointees. While Walker was Milwaukee County executive, he was surrounded by aides working at taxpayer expense on his campaign for governor. That violated Wisconsin law, and they even set up a secret e-mail system to avoid detection. The investigation has

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Lanning to depart AFL-CIO for Workers Comp Board position

Steve Lanning has been appointed by Gov. John Kitzhaber to the Workers Compensation Board. The appointment is a full time job with the Department of Consumer and Business Services. The five-member board resolves disputes arising under Oregon workers' compensation law and the Oregon Safe Employment Act.

Lanning, 61, of Salem, has been on staff of the Ore-

gon AFL-CIO for the past 22 years and is a member of IBEW Local 48. He has held various job titles at the state labor federation, most recently as government affairs specialist.

Lanning will succeed Frank Biehl, a long-time member and lobbyist of the Association of Western Pulp and Paper Workers. Biehl was first appointed to the post in September 1996



and is finishing his fourth term on the board.

The Senate confirmed 71 new appointments by Gov. Kitzhaber to boards and commissions on May 23. Lanning will be sworn in Sept. 10.

He will remain at the Oregon AFL-CIO through July.