

# Business groups sue to stop new NLRB rule that streamlines union elections

WASHINGTON, D.C. — Several business groups are suing the National Labor Relations Board (NLRB) over a new rule it finalized in December that modernizes and streamlines union certification elections. The five-member NLRB — an independent government agency charged with conducting elections for labor union representation and with investigating and remedying unfair labor practices — adopted the rule Dec. 12 on a 3-2 vote.

On Jan. 5, the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Retail Federation, and others filed suit in the U.S. District Court for the District of Columbia. The plaintiffs argue that the NLRB illegally imposed the rules be-

cause they “impermissibly limit the right of all parties to engage in protected speech at precisely the time when their free speech rights are most important.”

These same business groups in 2011 went to court to overturn the union election rule. They won on the grounds that the Board didn’t have a proper quorum to pass the rule. In 2012 the business groups also successfully sued to block an NLRB rule that simply required employers to post a notice telling workers that they have a legal right to form a union.

“Union avoidance” consulting is a billion-dollar business in the U.S. Delaying elections and challenging bargaining units are common tactics used

by employers to undermine employee choice. It gives them time to hold meetings to intimidate workers and denounce the union.

Research shows that during organizing campaigns, more than one-third of companies fire pro-union workers. Studies also show that the longer a company draws out the election process, the better chance they have of defeating a union organizing campaign.

Data from the NLRB’s own case files show instances of employer intimidation, spying, firings, harassment, and threats to close or move, among other methods of labor law-breaking.

The new NLRB rule seeks to reduce unnecessary litigation and delay in the union certification process, and to ensure that workers, employers and unions receive timely information via electronic filing of election petitions and other documents.

“While the NLRB’s new rules will address the most egregious delaying practices, they will not prevent employers from communicating their anti-union message to workers and will likely make scant difference to the balance of power in certification campaigns,” John Logan, professor and director of labor and employment studies at San Francisco State University, wrote in *The Hill* newspaper.

The new union election rule is scheduled to go into effect on April 14, 2015.

## BULL Session delivers \$330k to 8 charities

Eight children’s charities in Oregon were recently presented with the perfect holiday gift — cash donations totaling \$330,000. Checks were distributed during a ceremony at the Benson Hotel on Dec. 4. The gift was from the BULL Session, a coalition of business, union, and labor leaders who gather annually for a golf tournament and auction to raise money for local charities.

Since its inception in 1991, the BULL Session has grown into one of Oregon’s largest charity events, having raised more than \$5.2 million to help provide support services for children.

Last year’s activities were held Sept. 8-9 at the Oregon Convention Center and The Reserve Vineyards and Golf Club in Aloha. More than 400 golfers participated.

Organizations that received a donation included Albertina Kerr’s Children’s Developmental Health Services, Doernbecher Children’s Hospital, Gales Creek Camp, March of Dimes, Swindells Resource Center of Providence Child Center, Randall Children’s Hospital at Legacy Emanuel, Shriners Hospitals for Children-Portland, and the Wheel to Walk Foundation.



## Miss Oregon Teen USA has union ties

Kenna Sloy (center), the daughter of Ken (right) and Leslie (left) Sloy, will represent Oregon at the Miss Teen USA pageant to be held this August in the Bahamas. Leslie is president of Teamsters Local 223 in Portland, and a 35-year member of the union. Kenna, 17, is a senior at Barlow High School in Gresham, where she is active in volleyball and cross country running. She wants to study criminal justice in college and work as a forensic scientist. Kenna was one of 16 girls competing for the 2015 Miss Oregon Teen USA crown last November in Portland. She was 1st runner-up in 2014 and 3rd runner-up in 2013. The competition is judged on personal interview, evening wear and swimwear. Oregon has produced three Miss Teen USA title winners, the most in the nation. Mindy Duncan won the crown in 1988; Bridgette Wilson won in 1990; and Tami Farrell won in 2003. The labor community can support Kenna’s pursuit of the crown by following her on either Facebook: *Miss Oregon Teen USA*, or Instagram: *missorteenusa*.

# Charges dropped against ‘postal defenders’ — again

For the fifth time in two years, self-described “postal defenders” have won a reprieve. The latest came on Jan. 7 when Multnomah County Circuit Judge Eric Bergstrom dismissed charges of second-degree criminal trespass against seven people protesting the privatization of the United States Post Office (USPS). The judge said the defendants’ constitutional right to a speedy trial had been violated. The case, which was scheduled to go to trial Jan. 14, was over a year old.

The trespass charges involved an

Oct. 29, 2013 action where 15 activists had gathered in the third floor lobby of the Main Post Office in downtown Portland, holding signs and carrying a petition with over a thousand signatures of people opposed to the cutbacks at the post office. The protesters wanted to meet with the USPS district manager and hand-deliver the signatures. When that didn’t happen, seven protesters refused to leave. Michael Meo, Bennett Poe, Kent Spring, Michael Colvin, Jamie Partridge, John H. Herbert and Rev. John T. Schwiebert were subse-

quently arrested.

Despite the arrests, “postal defenders” continued their attempts throughout 2014 to meet with postal managers, including a visit to the home of the district manager last June.

Portland Communities and Postal Workers United (PCPWU), organizers of the action, have been fighting cuts and closures to the postal service for the past several years. In May of 2012, 10 activists were arrested occupying Portland’s University Station post office, which has since been closed. In April,

2013, five protesters went to jail for a civil disobedience action at the Salem mail plant, which has since been dismantled, with mail processing machines moving to Portland. The same group was arrested in July after occupying the private Matheson mail handling plant. They also have blockaded Dill Star Route, Inc. trucks multiple times, demanding those companies stop taking family-wage union postal jobs. In December of 2013, the postal defenders occupied the Eugene/Springfield mail processing facility, which had been slated for closure the following month.

None of the cases went to trial, and all charges eventually were dropped.

The USPS has slashed hours at half the nation’s post offices — mostly rural — putting retail postal services out of reach for most working people. And as public post offices are being cut and closed, postal retail counters are being set up in Staples and Walmart, run by low-paid, poorly trained store clerks.

Eighty-two mail processing plants, including three in Oregon, are due for closure this year. In anticipation of the closures, USPS changed its service standards starting in 2015, delaying every class of mail and virtually eliminating overnight First Class delivery.

All the USPS cuts, closures, and contracting out have been done in the

name of a “financial emergency.” Since 2006 the USPS has been forced to spend nearly 10 percent of its budget pre-funding retiree health benefits 75 years in advance. No other U.S. agency or private business faces such a crushing financial burden. Not only would the postal service have been profitable without the mandate, but the USPS has also overpaid tens of billions into two pension funds.

Union officials and PCPWU maintain the postal service isn’t broke. PCPWU says the agenda of corporate America and their friends in Congress is to cripple the USPS, to soften it up for union busting and privatization. The USPS is a \$65 billion annual business with over \$100 billion surplus in its pension and retiree health benefit funds, over 30,000 post offices and 200,000 vehicles. Postal activists claim that America is being confronted with a huge transfer of public wealth to for-profit, private corporations.

## CLARIFICATION:

A photo in the Jan. 2, 2015 issue of the *Labor Press* of a large postcard being mailed to Postmaster General Patrick Donahoe to notify him that he had been named “Scrooge of the Year” was taken by Jamie Partridge, a retired member of the National Association of Letter Carrier Branch 82.



‘Postal defenders’ protest Oct. 29, 2013, in the 3rd floor lobby of the Main Post Office in Northwest Portland. Shortly after this photo was taken, seven people — Michael Meo, Bennett Poe, Kent Spring, Michael Colvin, Jamie Partridge, John Herbert and Rev. John T. Schwiebert — were arrested for trespassing. (Photo by Michael Hastie)