

Rights of Union Members and Responsibilities of Officers

The Labor-Management Reporting and Disclosure Act (LMRDA) guarantees certain rights to union members and imposes certain responsibilities on union officers. The Office of Labor-Management Standards (OLMS) enforces many LMRDA provisions while other provisions, such as the bill of rights, may only be enforced by union members through private suit in federal court.

Union Member Rights

Bill of Rights - Union members have:

- equal rights to participate in union activities
- freedom of speech and assembly
- voice in setting rates of dues, fees, and assessments
- protection of the right to sue
- safeguards against improper discipline

Copies of Collective Bargaining Agreements - Union members and non-union employees have the right to receive or inspect copies of collective bargaining agreements.

Reports - Unions are required to file an initial information report (Form LM-1), copies of constitutions and bylaws, and an annual financial report (Form LM-2/3/4) with OLMS. Unions must make the reports available to members and permit members to examine supporting records for just cause. The reports are public information and copies are available from the OLMS Internet Public Disclosure Room at www.union-reports.dol.gov.

Officer Elections - Union members have the right to:

- nominate candidates for office
- run for office
- cast a secret ballot
- protest the conduct of an election

Officer Removal - Local union members have the right to an adequate procedure for the removal of an elected officer guilty of serious misconduct.

Trusteeships - Unions may only be placed in trusteeship by a parent body for the reasons specified in the LMRDA.

Prohibition Against Certain Discipline - A union or any of its officials may not fine, expel, or otherwise discipline a member for exercising any LMRDA right.

Prohibition Against Violence - No one may use or threaten to use force or violence to interfere with a union member in the exercise of LMRDA rights.

Union Officer Responsibilities

Financial Safeguards - Union officers have a duty to manage the funds and property of the union solely for the benefit of the union and its

members in accordance with the union's constitution and bylaws. Union officers or employees who embezzle or steal union funds or other assets commit a Federal crime punishable by a fine and/or imprisonment.

Bonding - Union officers or employees who handle union funds or property must be bonded to provide protection against losses if their union has property and annual financial receipts which exceed \$5,000.

Labor Organization Reports - Union officers must:

- file an initial information report (Form LM-1) and annual financial reports (Forms LM-2/3/4) with OLMS
- retain the records necessary to verify the reports for at least five years

Officer Reports - Union officers and employees must file reports concerning any loans and benefits received from, or certain financial interests in, employers whose employees their unions represent and businesses that deal with their unions.

Officer Elections - Unions must:

- hold elections of officers of local unions by secret ballot at least every three years
- conduct regular elections in accordance with their constitution and bylaws and preserve all records for one year
- mail a notice of election to every member at least 15 days prior to the election
- comply with a candidate's request to distribute campaign material
- not use union funds or resources to promote any candidate (nor may employer funds or resources be used)
- permit candidates to have election observers
- allow candidates to inspect the union's membership list once within 30 days prior to the election

Restrictions on Holding Office - A person convicted of certain crimes may not serve as a union officer, employee, or other representative of a union for up to 13 years.

Loans - A union may not have outstanding loans to any one officer or employee that in total exceed \$2,000 at any time.

Fines - A union may not pay the fine of any officer or employee convicted of any willful violation of the LMRDA.

Spotlight: Higher Ed Workers Narrowly Avoid A Strike

Long before the sun rose on September 28, members of the Higher Ed bargaining team were entering their 22nd straight hour of negotiations with management. It was the final meeting in a grueling, five-month process in which university administration had tried to severely cut employees' wages and benefits. The proposals from their side of the table included salary freezes, draconian cuts to healthcare, and they even asked the lowest paid members of our Union to pay triple for shift meals.

The power dynamics at this meeting were different. In the days leading up to this session, 95 percent of voting members had authorized a strike. The picket lines were drawn, the signs printed, bullhorn batteries charged, and union staff were frantically putting together the logistics to pull off what would have been the largest strike in our Union in over 20 years.

The pressure was on, and management broke.

That night the team settled a new contract that included the largest cost-of-living in over a decade, regular step increases for every member, a differential for topped out workers, and no takeaways on healthcare. We also killed the disrespectful shift meal proposal. We didn't get everything we wanted. But it was a win. A hard fought win.

"This is the best contract we have been able to negotiate in over a decade, despite very tough negotiations," said Rob Fullmer, the bargaining chair and an IT employee at Portland State University. "We pushed management much further than they expected to go."

For years, the classified staff at Oregon's public universities had been underpaid, particularly when compared to public employees at State agencies. Oregon's consumer price index far outpaced wage growth, and management knew it.

In the 2019 legislative session, lawmakers allocated an additional \$100 million to higher education, and this, along with increased tuition and operating revenue, meant the universities had the money to make up for years of stagnant wages. It was our time.

"We won through tenacity and grit, and a healthy dose of community support," says David Raco, the president of the Southern Oregon University sublocal. "We demanded what was fair for our members after years of taking sacrifices for the team. We sought support from our allies, we rallied our members, and we let management know that we were seriously ready to walk out until they were ready to talk to us as equals at the bargaining table."

This is the union difference, as clear as it's ever been. Without the collective action of university workers across the state, none of these gains would have been possible.

