

Council 13 Connection

Council 13 AFSCME, the American Federation of State, County & Municipal Employees, AFL-CIO

RECLAIMING THE DREAM

I A M

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REIGNITING THE FIGHT FOR WORKER AND CIVIL RIGHTS

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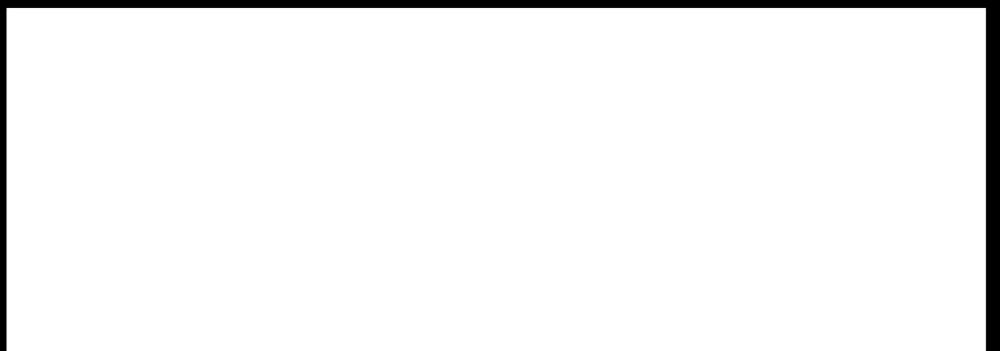
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(1-800-523-7263)





Executive Director's Message

David R. Fillman
Executive Director, AFSCME Council 13

As we go to press...

Message from the Executive Director

The Council 13 Convention is just around the corner, and for the 46th time, delegates of this great union will gather to do business and prepare for the many fights that lie ahead.

With that in mind, the theme of this year's convention is "Fight For Your Rights." We are going to have some fun with our theme as we always do, including elements from wrestling and boxing, but we will also grapple with the very serious threats to working people and their unions.

Dr. Martin Luther King, Jr.'s teachings remind us that the fight for worker rights is inseparable from civil rights. AFSCME is proud to team up with the Church of God in Christ (COGIC) to launch the I AM 2018 initiative, which culminated in Memphis on April 2-4, when union members honored Dr. King 50 years after his assassination.

Let us never forget that Dr. King was in Memphis on that fateful day because he was marching in solidarity with striking AFSCME members, who were sick of the racist, unsafe working conditions that led to the deaths of Echol Cole and Robert Walker (read more on page 3).

In the spirit of Dr. King, we intend to peacefully fight back, and I was proud to join my sisters and brothers in Philadelphia for the Working People's Day of Action on February 24, as thousands of union members gathered across the nation to make their voices heard (read more on page 3).

We rallied while the Supreme Court prepared to hear oral arguments in *Janus v. AFSCME Council 31*, a case that threatens to turn the entire public sector right-to-work (for less). It is likely to be a bad ruling, but we can survive by signing all represented employees up as full-fledged, dues-paying members. Fair Share will be gone; are you okay with others getting the benefits of representation without paying for it?

Beyond fortifying our union post-*Janus*, we must fight back by removing those who got us to this point, and want to keep us here, from elected office. We got a good start with the special election here in Pennsylvania for the 18th Congressional District, when pro-union Democrat Conor Lamb defeated anti-union Republican Rick Saccone in a district that Trump carried by 20 points in 2016.

Make no mistake – Lamb won because of his vocal support of unions, and because of the union members who canvassed, phone banked and voted for him. Let's keep that momentum going as we barrel toward the governor and midterm elections this November, and re-elect some true allies of working families in Governor Tom Wolf and Senator Bob Casey. Union members can carry them through the finish line just as we did with Lamb, who won by less than 1,000 votes. Never let anyone tell you your vote doesn't matter.

It's time to do what we do best – that's organize and win! So let's get in the fight! Let's send a message! Let's take our country back for the working men and women! Let's unrig the system! Let's fight for our rights! Are you with us?

Yours in Unity,

David R. Fillman
Executive Director
AFSCME Council 13

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AFSCME COUNCIL 13 MEMBERS' BENEFITS

MEMBER ONLY BENEFITS

1-888-782-1323 or memberservices@afscme13.org

Call for more information about:

Car Discounts * Car Insurance * Car Rentals * Cell Phones
Computer Deals * Credit Card * Credit Counseling
Education Services * Entertainment * Goodyear Tires & Auto Services
Financial Planning * Flower Service * Mortgage Programs
Moving Vans * Scholarships * Theme Parks * Vacation Packages

Legal Services 1-800-631-1233 or 1-888-294-2747

Workers' Comp. Hotline: 1-866-413-2667

HEALTH FUNDS

PEBTF (State Workers)
717-561-4750
1-800-522-7279

AFSCME Health & Welfare Fund

(Non-State Workers)
717-564-9338
1-800-692-7332

PRESCRIPTION PLANS

CvsCaremark 1-888-321-3261 (State Workers)

www.caremark.com

Benecard 1-888-907-0070 (Non-State Workers)

www.benecardpbf.com

DENTAL PLANS

Concordia Dental - 1-888-320-3321 (State Workers)

Delta Dental - 1-800-932-0783 (Non-State Workers)

VISION PLANS

NVA / National Vision Administrators

1-800-672-7723

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Jane Gill, Secretary

Barbara Cooper, Treasurer

David R. Fillman, Executive Director

Jennifer George, Editor and

PR/Communications Director



Organizing Victory!

The workers of South Hanover Township voted by a count of 5-0 for representation by AFSCME District Council 90. This brings eight new workers to AFSCME's ranks. The unit consists of four road crew workers to include the foreman, one Secretary, one parks and recreation coordinator, one custodian and one bookkeeper. Welcome to the AFSCME family!



I AM 2018 reignites fight for worker, civil rights



2018 marks the beginning of a new movement, in which we revisit the message of Dr. Martin Luther King Jr., and honor those who fought for the rights we enjoy today by continuing their fight.

I AM 2018 is inspired by the Memphis sanitation workers, and AFSCME Local 1733 members, who went on strike following the deaths of Echol Cole and Robert Walker on February 1, 1968. Cole and Walker died on the job after being crushed by a trash compactor, despite warnings about unsafe working conditions, which was the final straw in the racially-driven, unfair treatment of these workers.

The strike was characterized by the powerful signs that the sanitation workers carried, "I AM A MAN." Their struggle ties directly to Dr. King, who was tragically assassinated while in Memphis to march with the striking workers.

This year's initiative is about drawing inspiration from the heroes of Memphis and connecting their struggle to today's challenges. I AM 2018 isn't just a reflection of the past; it's a call to action for the future. It is an urgent call to fight poverty and prejudice, advance the freedom of all working people and remind America that there can be no racial justice without economic justice, and no economic justice without racial justice.

On the 50th anniversary of Cole and Walker's deaths, public service workers and union members observed a nationwide moment of silence to honor these fallen brothers, and recommit to their cause to assure they did not die in vain. AFSCME International President Lee Saunders joined Council 13 Executive Director David Fillman and other labor leaders in Philadelphia for this occasion.

"We need to commemorate and honor what happened in Memphis 50 years ago. But this also must be a call to action among all of our working families, among all our communities across the country," Saunders said.

"A call to action for voting rights. A call to action for civil rights. A call to action for labor rights."

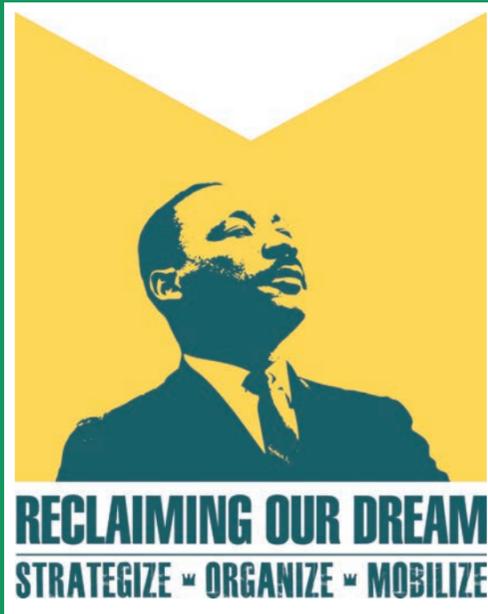
Also, union members and civil rights activists converged in Houston for the AFL-CIO Martin Luther King Jr. Civil and Human Rights Conference in January to strategize, organize and mobilize, for the I AM 2018 initiative.



Council 13 members with President Lee Saunders at the AFL-CIO Martin Luther King Jr. Civil and Human Rights Conference in Houston. Pictured left to right: Kellyann Sonnon, Michele Brookins, Danielle Gibson, President Saunders, Regina Young, Dian Roy Smith, Susan Bosco and Juraj Hric.

On April 2-4, AFSCME and the Church of God in Christ (COGIC) joined forces for the I AM 2018 Conference in Memphis, where civil, human and workers' rights leaders gathered for a series of events honoring Dr. King and the courage and sacrifice of the sanitation workers.

As the labor movement marches forward in the face of unprecedented attacks, it is important to remember that the history of AFSCME, and the entire labor movement, is inseparable from the legacy of Dr. King. Let's keep the dream alive.



President Lee Saunders observes a moment of silence in Philadelphia to honor Echol Cole and Robert Walker.



Executive Director David Fillman speaks at the I AM 2018 commemoration in Philadelphia, flanked by President Lee Saunders, District Council 88 Director Tom Tosti and District Council 90 Director Carla Insinga.



Public service workers gathered in Philadelphia to commemorate Echol Cole and Robert Walker with a moment of silence on the 50th anniversary of their deaths.



A Philadelphia sanitation truck with the iconic "I AM A MAN" sign in the windshield.

Union members take to the streets as Supreme Court hears *Janus v. AFSCME*



On Saturday, February 24, and the surrounding days, union members all across the United States took to America's cities in a show of solidarity as the war on workers escalated with the Supreme Court hearing oral arguments in *Janus v. AFSCME Council 31* just a couple of days later.

In Philadelphia, hundreds of Council 13 members made their presence known as they were joined by their union sisters and brothers just outside City Hall. Speakers included Philadelphia Mayor Jim Kenney, Governor Tom Wolf (via video), SEIU President Mary Kay Henry and AFL-CIO President Richard Trumka, among others.



President of AFSCME Local 1420 (Governor & Lt. Governor Office/Executive Office/Temp. Clerical Pool/OA/OIG/Insp. Gen.) Regina Young is interviewed at the Working People's Day of Action in Philadelphia.

"Thousands of working people came together to demand fair wages, good health care, quality schools and strong unions. We stood in solidarity against the attacks on our union brothers and sisters," said President of AFSCME Local 1420 (Governor & Lt. Governor Office/Executive Office/Temp. Clerical Pool/OA/OIG/Insp. Gen.) Regina Young.

Executive Director David Fillman delivered a message of solidarity to District Council 83 members at their event in Duncansville, live from Philadelphia via Skype.

"AFSCME members are not taking this lying down. We are fighting and we will continue to fight this all-out assault on workers' freedom," Fillman said.



Executive Director David Fillman delivers a message of solidarity to District Council 83 members at their event in Duncansville, live from Philadelphia via Skype.

"Council 13 members took to Philadelphia and cities all across the commonwealth in a remarkable show of solidarity, and we will do whatever it takes to survive a bad ruling on *Janus*."



Activists didn't let a little rain stop them from letting their voices be heard!

At the same time, AFSCME members rallied in Erie, including Local 1357 (Northwestern Human Services) President Dona Baxter, who also appeared on the video wall in Philadelphia.

"My grandchildren think I'm a freakin' rock star," Dona, the daughter of a union mine worker, said.



AFSCME Local 1357 (Northwestern Human Services) President Dona Baxter appears on the video wall outside of City Hall in Philadelphia as she took part in a Day of Action event in Erie.

"I told them 'it's about doing what's right, and that's not always easy.'"

In the following days, events took place in Pittsburgh, Wilkes-Barre, Harrisburg and beyond.

It was a nationwide effort to



Thousands of union members gathered in Philadelphia, and cities all across America, for the Working People's Day of Action.

make workers' voices heard by all of America, including the Supreme Court, which is set to impose nationwide right-to-work through the *Janus* case.

"No matter what the decision is in *Janus*, if we sign everyone up as members, right-to-work will be just another bump in the road that we will overcome," said Shawn Makar, President of AFSCME Local 2361 (Bloomsburg University), who attended the Day of Action in Philadelphia.



President of AFSCME Local 2361 (Bloomsburg University) Shawn Makar proudly displays an AFSCME District Council 86 flag at the Working People's Day of Action in Philadelphia.

A ruling on *Janus* is expected no later than June 2018, and AFSCME members should prepare for the worst by getting all Fair Share fee payers on board as full dues-paying members. The time to fight back is now.



Philadelphia sanitation worker and proud AFSCME member Omar Salaam honors the Memphis Sanitation workers who died and struck 50 years ago, paving the way for workers like him to continue fighting today.

AFSCME Council 13 signs three-year contract with NHS

AFSCME Council 13 signed a new three-year contract with Northwestern Human Services (NHS) on Tuesday, February 27, 2018.

Executive Director David Fillman and Assistant to the Executive Director Darrin Spann, along with the AFSCME and NHS management negotiation teams, signed the agreement at the AFSCME Conference Center in Harrisburg. NHS is the largest non-state employer under contract with AFSCME Council 13.

“Negotiations were difficult at times but in the end we got a great deal for the members,” Spann said.

The new contract includes a tuition reimbursement increase from 50 to 100 percent, a minimum wage increase to \$11, no cost to members for specialty drugs, a 5 percent wage increase for employees with 10 years or more, a minimum of 3 percent wage increase for all employees and all wage increases being retroactive to July 1, 2017.

Employees at NHS provide a wide range of services including working with child and adult mental health patients, assisting people with Autism, drug counseling, foster care, juvenile justice and educational services, along with many others that make AFSCME proud to represent these extraordinary workers.



The negotiation teams for Northwestern Human Services (NHS) and AFSCME gather at the AFSCME Conference Center in Harrisburg, Pa., for the official contract signing.

PennDOT worker, AFSCME member loses life on the job

On Saturday, February 17, Robert Gensimore, 45, of Spruce Creek, Pa., lost his life on the job “while trying to keep other people safe,” as described by the Centre Daily Times.

Gensimore was a Blair County Pennsylvania Department of Transportation (PennDOT) employee and AFSCME Local 2246 (State Supervisory – District 9) member, as well as a devoted family man who was active in his community. He died after a vehicle struck him while he was setting flares in the southbound lane of Interstate 99 following a separate incident.

This tragedy serves as an unwelcome reminder of the dangerous jobs PennDOT employees do on a daily basis, at times risking their life to keep others safe.

“The entire AFSCME Council 13 family sends its deepest condolences to Robert’s family and friends, and we will continue to fight for safer working conditions for our members, and all working people, in his honor,” Council 13 Executive Director David Fillman said.

Donations in Robert’s name may be made to Warriors Mark Franklin Volunteer Fire Company, P.O. Box 104, Warriors Mark, Pa. 16877.

First line of defense: Prison mail inspectors deliver security to entire institution

What begins as a normal day at work ends with you stripped down, covered in a hazmat suit and transported to a hospital.

That was the case for the mail room inspectors at SCI Muncy when one of them opened an envelope containing an unknown powder.

Thankfully, everyone was okay, but it served as a reminder of the risky job the mail inspectors do, and the sense of unknown they feel going to work every day.

“I don’t think a lot of people realize the dangerous part of it,” said Glenda Noaker, member of AFSCME Local 1977 and mail room inspector at Muncy, who has worked in corrections for 13 years.

“You often wonder when you open a piece of mail, ‘is there going to be drugs in this?’ ‘Is there going to be any of that powder today?’”

That’s the reality for Glenda and her coworkers, Sharon Uzialko and Donna Ferguson, who sort through all of the incoming mail at Muncy, checking for various forms of contraband, from illegal drugs to nude photos.

The mail inspectors serve as a first line of defense, assuring no dangerous items get inside the institution, protecting correctional officers, staff and inmates alike.

“It’s a challenge some days. Maybe that’s what I like about it – the challenge,” Glenda said.

The mail inspectors have learned the different ways people attempt to get contraband to inmates. They go through every page of books and magazines, removing things like perfume samples and nasal strips, and send any questionable materials to the security office for further review.

In what can be an under-appreciated aspect of the correctional field, the mail inspectors keep their institutions, and everyone inside them, safe, and AFSCME has their back.

“I wouldn’t be without the union. The union has helped me out a lot. I would definitely tell a new employee to join the union,” Glenda said.

AFSCME is proud to represent correctional employees, from the officers to the mail inspectors, as they maintain a secure environment for their institution, for their community and for each other.



AFSCME Local 1977 member Glenda Noaker at a general membership meeting at District Council 86 in New Columbia, Pa.

AFSCME launches new local union website platform

Looking for a good way to communicate with your local in the digital age? Look no further than Union Hall, the new platform for AFSCME local union websites!

Whether your local union had a website on LaborWeb that might not have been up-to-date, or never had a website and looking to start one, now is the time to launch your Union Hall website.

Add news stories, calendar events and member resources with this user-friendly platform, which is automatically updated with content from AFSCME International.

If you are interested in launching a website for your local union, contact your district council to see if there is a council-wide training scheduled, or contact the PR and Communications Department at Council 13, at 1-800-523-7263, to set up a training. You can also take part in a weekly Union Hall webinar on Wednesdays from 3 to 4:30 p.m.

There is no better time than now to get your local union on the web, and your members in the know!



AFSCME Council 13 Convention

FRIDAY 27TH APRIL



KNOW YOUR RIGHTS
FIGHT NIGHT
FIGHT FOR THEM

DELEGATE RECEPTION

DOORS OPEN AT 7:00 PM

BEER, WINE, SODA AND FOOD STATIONS INCLUDED IN THE PRICE OF ADMISSION.

TICKETS ARE \$50 PER PERSON

2018 AFSCME Council 13 Scholarship Guidelines and Application

AFSCME Council 13's Scholarship Program for Members Only is now accepting applications for 2018 Scholarship awards. Scholarships are one-time-only payments which may be applied toward educational expenses, such as tuition, lodging and books.

SCHOLARSHIPS

AFSCME Council 13's 2018 Member-Only Scholarship Program will award the following scholarships:

1. A total of 48 \$500 undergraduate scholarships (6 per District Council).
2. The top 4 of the 48 will be selected to receive an additional \$1,000.
3. One additional \$500 statewide scholarship for a graduate student.

ELIGIBILITY

AFSCME Council 13 members in good standing, their children and grandchildren (as well as grandchildren of RPEP members in good standing) who are full-time students enrolled in an accredited program of higher education are eligible to apply for AFSCME Council 13 Scholarships. Sponsors must be **active members** at the time that Scholarship Awards are processed.

HOW TO APPLY

1. Complete the Application Form. Please be sure to enter the Social Security Number of the sponsoring AFSCME or RPEP Member.
2. Attach a copy of the student's most recent transcript (high school or college).
3. Attach an essay completed by the student (typewritten, double-spaced, not to exceed two pages) responding to the following question:

"Why are public sector unions engaged in not only elections for governor and president, but also judicial and local elections?"

4. Attach 3 character references who are not family members. Include name, address, phone number, and relationship to student.
5. Mail the completed application form, transcript, essay, and 3 character references so they are received by June 1, 2018, to:

AFSCME Council 13 Scholarship Program
4031 Executive Park Drive
Harrisburg, PA 17111-1507

SELECTION OF WINNERS

Winners will be chosen by a Selection Committee comprised of knowledgeable, exemplary individuals. Selections will be final and binding and are NOT subject to appeal.



2018 AFSCME COUNCIL 13 SCHOLARSHIP PROGRAM APPLICATION FORM

(Please complete and return)

STUDENT INFORMATION:

Name: _____
Address: _____
City, State, Zip: _____
Daytime telephone number: _____
College: _____
Year which you will be entering (Please Check One):
 FRESHMAN SOPHOMORE JUNIOR SENIOR GRADUATE SCHOOL

SPONSOR INFORMATION:

(Must be a member in good standing when the award is made)
Name: _____
Local Union Number: _____
District Council Number: (Circle one) 83 84 85 86 87 88 89 90
Relationship to student: _____

APPLICATION CHECKLIST:

- Essay (not to exceed two pages, typewritten)
- Transcript (high school or college)
- Three character references (not family)
- Must be received by June 1, 2018

Union continues attempts to work with management at York County 911

Dispatchers at York County 911 are overworked and understaffed following the departure of five more employees, leaving just 30 out of 86 positions filled.

This has caused major overtime issues with employees, made worse by overbearing discipline by management, all for just \$12.50 per hour.

Employees are under constant threat of discipline even for minor rule violations. Two union stewards were walked out in front of their members and placed on administrative leave with no credible evidence of wrong doing. This placed an additional burden on the already overworked and overstressed employees. Two weeks later, the stewards were restored with full back pay, but without even an apology for having been wrongly accused. Their co-workers, wanting to show support for the two stewards, wore t-shirts with the stewards badge numbers on them on a dress down day and management made them change their shirts.

On top of how these employees are being treated, public safety has been called into question as employees who people call upon in their most dire moments are being overworked.

These workers are represented by AFSCME District Council 89, Local 1485, and the union has made countless efforts to work with the county to help resolve some of their issues, which largely stem from lack of employee retention. Unfortunately, employees are walking on eggshells, hoping not to be disciplined, which is forcing many out of the door.

"It's a toxic work environment and the 911 center would be a great place to work if the administrative staff would take courses on how to be good managers and take classes on workplace bullying," said 911 dispatcher and Chief Steward Rita Adams.

AFSCME is currently in contract negotiations with the county, and hopes to address these issues and more.

"It's in the best interest of everyone involved, including York County citizens, that these issues get resolved," said District Council 89 Director Steve Mullen.

"AFSCME will never stop fighting to improve the wages, benefits and working conditions, for these dispatchers who do such an important job."

2018 Discount Amusement Park Tickets For AFSCME Council 13 Members Only Call 1-888-782-1323



Clementon Park and Splash World
(Clementon, NJ):
\$20.65 (Gate price: \$42.99)



Idlewild and Soak Zone
(Ligonier, PA):
\$31.00 (Gate price: \$43.99)



Kennywood (Pittsburgh, PA):
\$29.50 (Gate price: \$47.99)



Hersheypark (Hershey, PA):
\$34.00 (Gate price: \$66.95)



Waldameer (Erie, PA):
48" & Over: \$34.50 (Save \$5.00)
Under 48": \$27.00 (Save \$3.00)



Knoebel's (Elysburg, PA):
20% discount on \$5 books of Ride
Only tickets (\$4 for a \$5 book)



Sandcastle (Pittsburgh, PA):
\$22.00 (Gate price: \$35.99)



DelGrosso's (Tipton, PA):
\$21.95 (Gate price: \$29.95)



Dorney Park: (Allentown, PA):
\$28.50 (Gate price: \$57)*
*Valid for only two weekends
(June 8-10 and August 24-26).
To purchase outside of those two
weekends, contact Member
Only Benefits.



Scan the QR code
for more information
on the Member
Discounts.

Public Employers Must Address Harassment Too

#MeToo has injected a new urgency in the battle to end sexual harassment once and for all



By AFSCME International President Lee Saunders and Secretary-Treasurer Elissa McBride

The #MeToo movement has challenged our nation to confront pervasive sexual harassment in the workplace. Women of every age, every background and every profession have faced harassment, and for too many perpetrators there has been no accountability. According to a study conducted by the nonprofit Stop Street Harassment, 81 percent of women (and 43 percent of men) report experiencing sexual harassment or assault.

Whether you work at a big corporation, a mom-and-pop business, a nonprofit dedicated to making the world a better place, or – like the 1.6 million members of AFSCME – in public service, it is the responsibility of management to ensure the dignity of every employee. That means taking complaints seriously, delivering real consequences to those responsible, and implementing policies to stop harassment before it begins.

AFSCME members are the people who keep your community running. We keep the streets clean and safe. We drive your kids to school. We're nurses and librarians, road crews and home care workers. People in public service answer a calling to put their communities first, and they deserve a workplace free of harassment.

Unions have long worked with employers on policies to address harassment directed at workers. In just one example, management at telecom giant Verizon worked with members of the Communications Workers of America and the International Brotherhood of Electrical Workers to create a joint labor-management harassment awareness program that empowered workers to speak out about gender-based violence. Public sector employers, our state and local governments, need to take similar steps.

In Minnesota, after harassment claims led to the resignation of two state legislators, the state House and Senate are looking at new policies to reduce harassment in the legislature. But the focus cannot be so narrow. New policies must not be limited to legislative staff, but must extend to employees in public service throughout the state. All people who work to make their communities stronger should be able to do their jobs without the fear of being harassed. And anyone who does suffer harassment should know that reports will be handled professionally and without retribution.

Our cities, states and federal agencies should set the highest possible standard. After all, the mission of government is to ensure life, liberty and the pursuit of happiness for everyone. We cannot fulfill that promise without creating and maintaining harassment-free workplaces for public employees.

The U.S. Equal Employment Opportunity Commission has a checklist to help employers develop comprehensive harassment policies that allow their workers to feel safe at work. Employees can use this checklist as a guide to ensure that the policies at their workplace are sufficient. And union members can and should use it during negotiations to ensure that their contracts include strong anti-harassment terms, and that they can turn to the union if management does not protect them.

As leaders of AFSCME, we are also employers of our union's hardworking staff. We are proud of our longstanding policy to protect our employees from harassment, and we are using this moment as an opportunity to strengthen it.

We are grateful to the brave voices that have awoken our collective conscience to this epidemic. Workplace sexual harassment is not new, but #MeToo has injected a new urgency in the battle to end it once and for all. All workers deserve protection, and America's union members will continue to lead the way. *(Editor's note: This column originally appeared in Medium. To access it there, scan the QR code.)*



LEGAL UPDATE

New Republican Majority on NLRB Rolls Back Workers' Rights

By the law firm of Willig, Williams & Davidson



The National Labor Relations Board (NLRB) is made up of five members, all of whom are appointed by the president for a five-year term. Their appointment is subject to confirmation by the Senate. Since January 2017, a new Republican-appointed majority controls the Board and it is systematically reversing prior decisions, all to the detriment of working men and women and the labor unions that represent them.

In December 2017, the Board issued a decision in *The Boeing Company*, which established a new standard for evaluating employer-issued workplace rules. In its new ruling, the Board overruled a prior NLRB decision from 2004, *Lutheran Heritage Village*, which governed whether neutral sounding workplace rules unlawfully interfered with the rights of employees to engage in protected activity. Under the prior case, employers violated the law by maintaining workplace rules which could be "reasonably construed" by an employee to chill the exercise of their rights.

Under the *Boeing* decision, the Board will no longer look at whether an employee could "reasonably construe" a rule to restrict rights under the Act. Rather, the Board will now evaluate the nature and extent of the potential impact of the rule on employee's rights and the legitimate justifications associated with the rule. In *Boeing*, the employer unilaterally restricted the use of camera-enabled devices such as cell phones on its property unless the employee had a legitimate reason for having the device. The employer claimed that the rule was justified by its need to maintain confidentiality of worked performed at the facility and by the need to secure the facilities and work performed there from espionage from competitors and foreign governments.

Employees have the right under the National Relations Act to protest their working conditions and to share information with others about those complaints. Under the new test announced by the Republican majority in *Boeing*, workers will be more vulnerable to arbitrary discipline based on violation of company work rules.

In another setback for workers, the new Board overruled *Specialty Healthcare*, which had established a standard for determining the appropriate bargaining unit for representation cases. Under *Specialty Healthcare*, which had been unanimously approved by the appellate courts, a union could petition for an election among a particular subset of employees based upon community of interest factors. This was important given the tactic of employers pushing for a larger unit in order to make the vote for the Union more difficult. In its new decision, *PCC Structurals, Inc.*, the Board has made it more difficult for unions to organize.

In yet another closely divided decision, the new Board issued a ruling weakening restrictions on an employer when making unilateral changes in conditions of employment. Prior case law in *E.I. Du Pont De Nemours* mandated that an employer bargain with the union prior to implementing a change in past practices, after a contract expired, if those past practices were created under the management rights clause of the expired contract or involved substantial employer discretion. In *Raytheon Network Centric Systems*, the Board overruled the prior decision and held that employers do not have to bargain with the union before making changes to such things as healthcare benefits that it claimed were consistent with past practice.

In one additional decision, *Hy-Brand Industrial Contractors*, the new Board overruled *Browning-Ferris Industries*, which set standards to determine when two employers would be considered joint employers for purposes of either unfair labor practices or for defining a bargaining unit. It recognized the amount of control that companies had over employees provided by a subcontractor or hired by a franchisee. Given the widespread use of subcontractors and franchisees to artificially shield the subcontracting company, *Browning Ferris* was particularly important in protecting workers rights and recognizing the reality in the workplace. The new decision overruled *Browning Ferris*, but it was short-lived as the Board was obligated to vacate and reinstate *Browning Ferris* because one of the Board members who participated in the *Hy-Brand* case was disqualified because of his involvement in the case prior to being named to the Board. It is predicted that this minor victory will be similarly short lived as the new Board is undoubtedly searching for another case to overrule *Browning Ferris*.

In January, the newly-appointed General Counsel announced in a call with the Directors of the NLRB regional offices, that the Board was considering downgrading the positions held by the Directors. It has been suggested by conservative pundits that Regional Directors have too much discretion and are more inclined to side with labor than management. Some believe that the announcement of possible downgrades was designed to encourage Regional Directors to retire or resign their positions, thus opening additional positions which the Whitehouse can fill.

There is a saying that elections have consequences and that is certainly the case with the newly-appointed NLRB. By all indications, it is going to be a bumpy next three years for workers and labor unions.

If you have questions, please feel free to contact the labor law professionals at Willig, Williams & Davidson to determine how best to navigate in this new hostile environment.

AFSCME In Your Community

Council 13 AFSCME CommUNITY



Members of AFSCME Local 2536 (LCB/Securities Commission/Probation & Parole) volunteered at the Central Pennsylvania Food Bank during the holiday season.



AFSCME Local 819 (Slippery Rock University) donated gifts for four children through Project ELF of SRU, supporting Butler County Salvation Army.



Members of AFSCME Local 1981 (Inspectors Non-Professional – District 8) put together gift baskets for their sisters and brothers in AFSCME Local 2732 (Cedar Haven) as they remain on strike since October 2017.



AFSCME Local 2952 (Altoona School District) donated \$500 to an elementary school for the fifth year in a row as part of their holiday program "AFSCME Gives Back." Pictured in the back row, left to right, Local 2952 members Sue Bettwy, Gary Orner, Steve Zeak and Joe Eckels (fifth from left) proudly presented their donation.



AFSCME was proud to be part of another Variety adaptive bike, stroller and communication device giveaway at the Capital Area Intermediate Unit in March 2018. So far, AFSCME has raised more than \$50,000 for Variety through its trust fund. If you or someone you know is in need, visit variety pittsburgh.org.



AFSCME Local 2456 (State Professionals – District 8) member Kellyann Sonnon took part in the 2017 Shirley Mae Taylor Turkey Trot, a 5K run/walk/tri through New Cumberland, Pa., to benefit Vickie's Angel Foundation, which raises money for families struggling to pay for cancer treatment.



Photo by Mandy Aaron

AFSCME Local 2112 (Clarion County Trades and Labor) donated \$1,000 to the Clarion County Foster Parent Association (FPA). Pictured left to right: Local 2112 President Josh Minich, Vice President Patrick Aaron and FPA coordinator Kristen Radaker. Read more about this story by scanning the QR code:



Photo by Bill Fraser

Bucks County sheriff's deputies and AFSCME Local 1598 (Bucks County ETC) members Michael Parson and Matthew Allen delivered a Christmas tree and gifts to a struggling Bristol Township family this past holiday season. Read more about this heartwarming story by scanning the QR code:

