

# Council 13 Connection

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

## #AFSCMETOO



## 2019 Council 13 Women's Conference

- Governor Tom Wolf proposes first budget of second term - Page 4
- Just doing her job: AFSCME member saves life - Page 6
- Local 2322 member turns struggles into hope for others through writing - Page 6



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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...*

Assemble your starting lineup and make a game plan, because "Team AFSCME" is ready to hit the field following another action-packed Council 13 Convention.

We need to come together as one and get on offense like never before. That is how we continue to thrive and survive in this post-Janus world, and that is why we chose this theme.

Delegates came to Hershey ready to have some fun and conduct some business. Congratulations to our newly- and re-elected Executive Board members, including President Jane Gill, Secretary Earnestine Kears, Treasurer Shawn Makar and Vice President Representing State Employees Susan Emswiler, and Trustees Derrick Sampson, Lori Cutshall, Chris Murphy and Rick Wise. Also, it was my honor to be re-elected as your Executive Director. Thank you for your confidence in me to continue leading this great team.

Another team I am proud to lead is AFSCME Council 13's State Negotiations team. We are doing everything we can to get the best deal possible for the 40,000 working men and women who truly make this Commonwealth happen. No union busting politician or Supreme Court ruling can stop us from fighting for our members.

They also can't stop us from educating members and showing them a good time. That's why we continue to hold great events like the Council 13 Convention and the Women's Conference.

I was inspired and enlightened at this year's Women's Conference. We were joined by State Representative Leanne Krueger (D - 161st Legislative District), who Council 13 was proud to endorse in 2018. She spoke about her efforts to pass #MeToo legislation in Pennsylvania, as well as her own personal experience with sexual harassment and the culture that fosters it.

We were also fortunate enough to be joined by AFSCME Secretary-Treasurer Elissa McBride, who shared some of the International Union's efforts to keep workplaces safe for both members and staff. For more information and resources for addressing sexual harassment in the workplace, visit [www.afscmeatwork.org/harassment-conversation](http://www.afscmeatwork.org/harassment-conversation).

Beyond that, the sisters and brothers who participated in the Women's Conference got another tremendous educational experience with workshops that allowed members to become stronger activists, advocates, lobbyists, leaders, stewards, treasurers and even social media experts.

We can never stop educating and organizing, because the Dark Money vultures (see Page 3) haven't stopped trying to dismantle our movement. They want to kick us while we're down following the Janus ruling.

State Senator Scott Martin (R - 13th Senatorial District) of Lancaster recently introduced Senate Bill 371, which aims to notify union-represented employees of their ability to drop their membership under the guise of First Amendment rights. However, there is no provision to notify employees of their ability to join the union or the countless benefits of doing so. On top of that, organizations like the Commonwealth Foundation have been masquerading as advocates of "workers' choice" to deceive union members into dropping their membership. Of course, those organizations won't be there to negotiate your contract, protect your benefits, protect your pension, file a grievance or solve workplace issues. They just want you to drop your membership so they can stop unions like ours from leveling the playing field for working people as we have been doing for the last 48 years.

But we're not going to let them do that. We're going to get in the game and keep that playing field level. We're going to show our team spirit and proudly proclaim "we're sticking with the union!" As long as we stay united, nothing can stop us. I'm thankful to have you on the team. Let's keep pushing forward as one.

Yours in Unity,

David R. Fillman  
Executive Director  
AFSCME Council 13

### COUNCIL 13 — David R. Fillman, Executive Director

4031 Executive Park Drive, Harrisburg, PA 17111-1507  
Phone: 717-564-9312; (toll free) 1-800-5-AFSCME (523-7263)

### DISTRICT COUNCIL 83 — Dominic Sgro, Director

161 Patchway Road, Duncansville, PA 16635-8431  
Phone: 814-696-0255; (toll free) 1-800-252-3785

### DISTRICT COUNCIL 84 — Richard Caponi, Director

Foster Plaza 10, 680 Andersen Drive - Suite 505, Pittsburgh, PA 15220  
Phone: 412-489-0292; (toll free) 1-800-222-8847

### DISTRICT COUNCIL 85 — J. David Henderson, Director

1276 Liberty St., Franklin, PA 16323  
Phone: 814-437-7654; (toll free) 1-800-865-9652

### DISTRICT COUNCIL 86 — Zollie Rayner, Director

250 Commerce Park Drive, New Columbia, PA 17856  
Phone: 570-568-1147; (toll free) 1-800-540-9401

### DISTRICT COUNCIL 87 — Kerri Gallagher, Director

McEntee-Keller Labor Center, 1258 O'Neill Hwy., Dunmore, PA 18512  
Phone: 570-961-5394; (toll free) 1-800-551-5066

### DISTRICT COUNCIL 88 — Tom Tosti, Director

Robert T. Cooper Labor Center, 3031 Walton Road, Building C, Suite 300, Plymouth Meeting, PA 19462  
Phone: 610-825-4944; (toll free) 1-800-478-4944

### DISTRICT COUNCIL 89 — Steve Mullen, Director

150 South 43rd Street, Suite 2, Harrisburg, PA 17111-5718  
Phone: 717-564-7998; (toll free) 1-800-583-2376

### DISTRICT COUNCIL 90 — Carla Insinga, Director

4031 Executive Park Drive, Harrisburg, PA 17111-1507  
Phone: 717-564-5123

### RETIRED PUBLIC EMPLOYEES OF PENNSYLVANIA (RPEP)

#### CHAPTER 13 — Dan Mazus, President

150 South 43rd Street, Suite 5, Harrisburg, PA 17111-5718  
Phone: 717-564-9797

### AFSCME COUNCIL 13 MEMBERS' BENEFITS

#### MEMBER ONLY BENEFITS

1-888-782-1323 or [memberservices@afscme13.org](mailto: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 \* Free College  
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

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#### AFSCME HEALTH & WELFARE FUND

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

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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, President

Earnestine Kears, Secretary

Shawn Makar, Treasurer

David R. Fillman, Executive Director

Jennifer George, Editor and

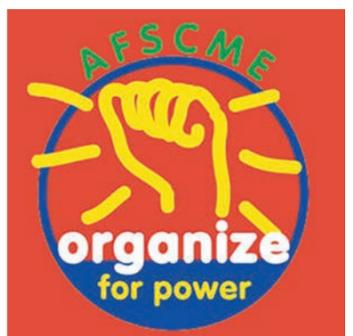
PR/Communications Director



## Organizing Victories!

The Pennsylvania Labor Relations Board conducted a ballot tally on the morning of Tuesday, February 12, for the mail-in ballot election for the workers of Mount Carmel Township. The Mount Carmel Township workers voted unanimously for representation by AFSCME District Council 86. This brings 4 new workers to AFSCME ranks!

The Dietary Department workers of the Squirrel Hill Wellness and Rehabilitation Center voted by a count of 4-0 for representation by AFSCME District Council 84. This brings 11 new workers to AFSCME ranks and to the existing AFSCME-represented bargaining unit at the Squirrel Hill Wellness and Rehabilitation Center.





"The U.S. Congress and the Pennsylvania Legislature now have a record number of female members. Before the midterms, Pennsylvania had no women serving in Congress. We now have four, all of whom were proudly endorsed by Council 13. It just goes to show we have come a long way, but we have so far to go, sisters and brothers," Executive Director David Fillman said during his remarks at the Women's Conference.



"As women in public service, you answer a calling to put your communities first. You deserve a workplace free of harassment and 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 International Secretary-Treasurer Elissa McBride said during her remarks at the Women's Conference.



To conclude the conference, Manager of Community Services for the Victims Resource Center Tammi Burke spoke before being presented with a \$6,000 donation, which was raised through the conference's silent auction.

### CLAIRE MORGAN

**Local 2584 (Lackawanna County Clerical)**

"I really enjoyed the comradery with my sisters on the Women's Committee and other members, and I was very proud of all our AFSCME members for all their donations and raising \$6,000 for the Victims Resource Center of NEPA."



Conference participants were happy to be joined by Girl Scouts Heart of Pennsylvania Council Community #508, Troop #50638, and their Troop Leader, Margaretta Gilhooley, who is the wife of AFSCME Local 2370 (State Supervisory - District 4) Vice President Jim Gilhooley! Girl Scout Cookies are made by Teamsters Local 554 in Sioux City, South Dakota, and Local 783 in Louisville, Kentucky.

### MICHELE BROOKINS

**Local 2456 (State Professionals - District 8)**

"What I took away from the conference is that we have a lot more work to do as labor leaders and especially as labor women. However, with the energy that was at this conference, I have no doubt that we will kick ass moving forward."

### PATTY ROBBINS

**Local 2596 (Lycoming County Clerical)**

"Being around my AFSCME sisters and brothers is always a good time, but being mentored and educated by them makes it a great time!"



Members of AFSCME Local 2322 (California University) pose with comfort kits they put together, which Pam Luko and Rendie Settles delivered at the Women's Conference for donation to the Victims Resource Center of Northeast Pennsylvania.

### PAM LUKO

**Local 2322 (California University)**

"This was my first time at the Women's Conference and I thought it was a wonderful learning experience. The training that I took helped me better understand the step-by-step process of how to navigate and better utilize the system on our Union Hall website."

### MARCIE TAMBURELLI

**Local 1979 (Inspectors Non-Professional - District 5)**

"Inspiration to take the initiative to stand up for ourselves and one another. Gaining knowledge of women in history with AFSCME and the workforce as a whole. That is just a touch of what I enjoyed and took with me from this conference. I am grateful for this opportunity."



Rep. Leanne Krueger (161<sup>st</sup> District) was proudly endorsed by Council 13 in 2018, and she is re-introducing the "#METOO PA State House Act," which will hold members of the Pennsylvania General Assembly accountable for protecting their staff.



AFSCME International Labor Economist Jane Carter shared a frightening, but important, presentation called "Darker Money," which explained the well-funded network of organizations working behind the scenes to dismantle labor unions and protect wealthy interests at the expense of working people.

### LISA ALEXANDER

**Local 2902 (Lawrence County)**

"The reality of what we as a union are facing must be realized by all union members. We must be vigilant on meeting with our members one-on-one and continue to organize the unorganized."

### ROSE MOREHEAD

**Local 324 (Blueprints)**

"I enjoy the time we spend together as women. We empower one another to be stronger, smarter and independent union women."

### STACEY MILLER

**Local 691 (UPMC - Altoona)**

"I took the class regarding how to approach employees at the New Employee Orientation. We are starting to go to the orientation meeting with our new members and the class gave us a lot of great ideas about how to approach them. Another great AFSCME educational experience."

### NICKOLE BAKER

**Local 3149 (Community & Economic Development)**

"The Women's Conference was empowering, educational, and powerful for women, and enlightening for men. The networking opportunity energized, inspired and motivated me to become the best member and leader possible."



Conference participants get registered and take part in various workshops that helped them to become better activists, advocates, lobbyists, leaders, stewards, treasurers and even social media experts.

# Governor Tom Wolf proposes first budget of second term



Governor Tom Wolf delivers his 2019-20 Budget Address on Tuesday, February 5, 2019.

**G**overnor Tom Wolf delivered the first budget address of his second term on Tuesday, February 5, 2019, outlining his proposal for the 2019-20 state budget.

Wolf's \$34.1 billion proposal includes no new taxes, and seeks authorization for another \$1.9 billion in new spending, or nearly 6 percent more. The higher spending would go toward public schools, pension obligations and social services.

Wolf's proposal maintains his

commitment to public education, strengthening Pennsylvania's workforce and combating the opioid epidemic.

The proposal includes familiar ideas, including increasing Pennsylvania's minimum wage and closing the "Delaware Loophole," which is a longstanding practice that large corporations in Pennsylvania use to exploit a state law that allows them to establish holding companies in Delaware.

Also, the budget proposal provides increases of \$200 million for basic education, \$50 million for Pre-K and Head Start, \$50 million for special education, \$7 million for the Pennsylvania State System of Higher Education and \$8 million in one-time grants for community college students or graduates who are working in Pennsylvania.

On top of the focus on education, Wolf focused heavily on bolstering Pennsylvania's workforce.

"It has always been workers that have propelled our prosperity," Wolf said.

The proposal includes a package of policies and investments called SWEAP,

the Statewide Workforce, Education and Accountability Program, which would provide educational and employment opportunities for Pennsylvanians of all ages and build on the success of the PAsmart initiative.

Wolf also announced the launch of the Keystone Economic Development and Workforce Command Center, which will be created by executive order. The program will bring the public and private sectors together to focus on increasing opportunities for Pennsylvanians from birth to retirement.

"The governor's budget proposal demonstrates Tom Wolf's commitment to a strong workforce that is supported by a comprehensive education system," Council 13 Executive Director David Fillman said.

"On top of that, these workforce development programs keep labor at the table, which will be key to the success of Pennsylvania's middle class. I hope the legislature will work with the Wolf Administration to pass these proposals".



## MEMBER RESOURCE CENTER

# 1-800-5-AFSCME

2 3 7 2 6 3

**STAFF REPRESENTATIVES AVAILABLE**

**MONDAY - FRIDAY 9 AM - 5 PM**

**Your one stop for any and all union issues and inquiries!**

## In Memoriam: Bill Leskosky

**T**he AFSCME family is saddened to learn that Council 13 Executive Board member Bill Leskosky passed away on January 31, 2019, at the age of 60. Bill was a Vice President Representing District Council 84 and was an officer for Locals 2249 (State Supervisory Employees - District 12) and 2108 (Greene County Trades & Labor - District 12). He served PennDOT in Waynesburg, Pennsylvania for 38 years, most recently working as the Shop Foreman and Manager.

Executive Director David Fillman issued the following statement:

"Bill Leskosky was a great union man. He served his fellow members with commitment and dignity for decades, and he will be dearly missed on Council 13's Executive Board. I send my deepest condolences to Bill's family and friends. You are in the thoughts and prayers of all of his AFSCME sisters and brothers."



## Abington School District workers open communication with new superintendent

Members of AFSCME Local 533 (Abington School District) put on their green AFSCME Council 13 T-shirts and attended an event to welcome the school district's new superintendent, Dr. Jeffrey S. Fecher.

According to Local Union President John Wheeler, the members attended the event in order to show support of the new superintendent with hopes of establishing a good working relationship between union and administration.

"We wanted to show our support and open a line of communication," John said.

The workers' efforts were successful. As a result of their good gesture, they got a meeting with Fecher to discuss some of their concerns, and opened a channel for future discussions.

Local 533's efforts are an example of a simple, yet powerful, collective action, which allowed them to work with administrators to improve working conditions for those who serve the students of Abington School District.



Members of AFSCME Local 533 (Abington School District) proudly sport their AFSCME Council 13 T-shirts at an event to welcome the school district's new superintendent.

**Must be purchased through AFSCME in advance.  
Valid only for the 2019 Summer season.**

**Please contact 1-800-5-AFSCME for ticket orders.**

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## 2019 AFSCME Council 13 Scholarship Guidelines and Application

AFSCME Council 13's Scholarship Program for Members Only is now accepting applications for 2019 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 2019 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:

**"What steps can be taken to get millennials and younger generations more interested in and engaged with union jobs and the labor movement?"**

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, 2019, to:

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



### 2019 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)

#### 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.

## Just doing her job: AFSCME member saves life



AFSCME Local 317 (Montgomery County) member Ashley Perry is presented with an official citation of merit by Lansdale Borough Police Department Chief of Police Michael Trail for her life-saving efforts.

Ashley Perry, Police Support Services Clerk for the Lansdale Borough Police Department and member of AFSCME Local 317 (Montgomery County), was recognized with an official citation of merit for her “swift response” that “prevented a fatal drug overdose.”

During an overnight shift, Ashley was working to support patrol operations by monitoring prisoners in the department’s detention facility when she noticed a prisoner slumped over and not moving.

“We have an epidemic right now (with drug overdoses), and we’re trained what

**“I did my job. That’s the way I look at it. I believe I was there for a reason.”**

to look for,” Ashley said.

She immediately requested a patrol officer to check on the prisoner, who was found to be suffering from an apparent drug overdose. Officers then administered two doses of Narcan, which reversed the overdose, saving his life. The prisoner was then transported to the hospital for further

treatment.

“I did my job. That’s the way I look at it. I believe I was there for a reason.”

Thanks to Ashley’s quick thinking, and the actions of the officers on duty, yet another casualty of the opioid epidemic was avoided.

## District Council 83 hosts first Facebook Live on prison safety

AFSCME Local 2958 (SCI Huntingdon) President Melissa Holden has been a nurse for 40 years. Whether serving in the Army, working as an emergency responder or spending the last 12 years in correctional nursing, Melissa has always served others through her work.

“I always liked to help people. That was why I became a medical professional as well as an emergency responder. Everything I do has been about helping other people, and that’s why I became a President of AFSCME,” Melissa said during the

**“The biggest thing for me is that we’re a team, and we have to stay as a team. We all have to be in the center watching and reporting. That will keep as many people as possible safe.”**

first-ever AFSCME Facebook Live titled “Keeping Drugs Out of Prisons: An AFSCME Success Story.”

Melissa sat down with AFSCME District Council 83 Director Mickey Sgro for a discussion on recent efforts to improve safety in Pennsylvania’s prisons, which was streamed through Facebook Live in the AFSCME Corrections, Probation and Parole group, which you can join by searching on Facebook or going to

[www.facebook.com/groups/AFSCMECorrectionsProbationandParole](http://www.facebook.com/groups/AFSCMECorrectionsProbationandParole).

Last summer, Pennsylvania’s 25 state prisons went into lockdown due to a rash of incidents that left more than 30 corrections officers and other prison staffers feeling sickened after exposure to smuggled drugs.

In response, AFSCME Council 13 members, including Melissa, took part in a Safety Summit with the Department of Corrections (DOC) to come up with solutions to these problems. As a result, Governor Tom Wolf’s administration took steps to improve safety at prisons, and the DOC implemented extensive new measures to combat the influx of drugs into the facilities.

Many of the measures focused on securing the prisons’ mail rooms and visitation areas, where most of the drug smuggling occurs and many AFSCME members work. The measures include, but are not limited to, off-site mail processing, increased visitation room staffing, expansion of drone software capabilities, enhanced commitment reception protocol, expanded use of body scanners, improved ion scanners and the implementation of a drug hotline that anyone (including inmates) can call to report information at 717-728-4743.

“I do believe it’s become (a safer place to work). We at least feel somewhat secure that the place is not completely infested with drugs, which is what we believed for quite some time,” Melissa explained.

“The biggest thing for me is that we’re a team, and we have to stay as a team. We all have to be in the center watching and reporting. That will keep as many people as possible safe.”

The security of the men and women who work at Pennsylvania’s prisons is paramount to both AFSCME and the DOC, and efforts to keep their facilities contraband-free are constant. Thank you to Melissa, her AFSCME sisters and brothers, and everyone involved in this battle for safer workplaces.



AFSCME Local 2958 President Melissa Holden, an LPN at SCI Huntingdon, joins District Council 83 Director Mickey Sgro for a Facebook Live discussion on recent efforts to improve safety in Pennsylvania’s prisons.

## Local 2322 member turns struggles into hope for others through writing



Pearl Mitchell has worked at California University of Pennsylvania for 17 years, and she has spent most of that time as a steward for AFSCME Local 2322.

But Pearl’s journey goes far beyond her work as Assistant to the Chair of the university’s Education

Department. She is a wife, a mother, a grandmother, a college graduate, a pastor, a survivor and a published author.

After surviving serious illness and an abusive relationship, Pearl has published two books that were inspired by her struggles.

Her first book, *The Best and the Worst*, was born out of a near-fatal illness that Pearl overcame, which she credits to her faith in God.

“To tell you the truth, I never thought that I would actually write a book,” Pearl said.

“I have always been the type of person who scribbles things down. When I’m sitting there and something comes to my heart and my mind, I just write it down on a piece of paper, and I said one day I’m going to utilize this.”

Pearl’s latest publication, *My Life or His*, shares the story of her time in an abusive relationship and aims to help others going through a similar experience.

“There were only two options,” Pearl explained.

“Either I was going to take my life back and move from that point on, or I was going to stay in the life that he had created for me and him, and I chose my own life. The book details all of the things that I had to do to get out of that situation. I almost lost my life.”

With the help of her daughter, who became an attorney in order to help women like her mother who have had experiences with domestic violence, Pearl has used her newfound strength to help others.

“If you see me face to face, you would never think that I’m a domestic violence survivor. People look at me and say ‘you’re so strong,’ and I say, ‘what doesn’t kill you will only make you stronger.’ I’m here to use my voice, because I still have a voice.”

To learn more about Pearl and her published works, visit [www.PearlMitchell.org](http://www.PearlMitchell.org).

## We Aren't Going Anywhere

by AFSCME International President Lee Saunders



A year ago, billionaire-funded special interests were licking their chops, boastfully predicting the demise of unions. They had put their muscle behind a Supreme Court case called *Janus v. AFSCME Council 31*, a frontal attack on the freedom of working people to build power together. This was the culmination of a decades-long, scorched-earth campaign to kneecap unions, especially unions of public service workers like AFSCME.

The Court, as expected, ruled against us in *Janus* last summer, overturning more than four decades of precedent to make the entire public sector so-called right to work. Many pundits had pre-drafted our obituary, with our adversaries preparing to dance on our grave. But then a funny thing happened: the anticipated mass hemorrhaging of AFSCME members never materialized.

It turns out our opponents wildly underestimated our loyalty and resolve, the desire of AFSCME members to stick with their union. We have spent the last several years building that loyalty through a bold campaign of member-to-member engagement and one-on-one conversations called AFSCME Strong. By meeting people where they are and treating them as individuals (not just part of a collective), we were able to make a powerful connection, to build even greater trust, to convey the value that the union adds.

When the same corporate groups that brought the *Janus* case launched multimillion-dollar propaganda blitzes designed to persuade AFSCME members to walk away from their union, they were overwhelmingly greeted with slammed doors. These drop (or “opt out”) campaigns failed badly, with seven new people signing up to join the union for every one choosing to leave.

AFSCME members resisted the lies because they had heard the truth: that belonging to a union means a voice on the job, a better life for their families and greater vitality for their communities. Recent data from the Bureau of Labor Statistics confirms that – workers belonging to unions enjoyed 2018 median earnings 22 percent higher than their non-union peers.

As it turned out, the ferocious anti-union attacks were an overreach, igniting a powerful backlash and a fresh wave of activism. Workers are organizing and mobilizing with renewed dynamism: fast food employees hitting the streets to demand \$15 an hour and a union; educators walking off the job from West Virginia to Oklahoma to Los Angeles, to demand better pay for themselves and stronger schools for the children they serve. And according to Gallup, unions enjoy more public support (62 percent) than at any time since 2003.

All this energy has created a political tailwind – and therefore a mandate for a governing agenda, at the state and federal levels, that lifts up unions and all working people. A new pro-worker majority has assumed control of the U.S. House of Representatives; longtime antagonists like former governors Scott Walker in Wisconsin and Bruce Rauner in Illinois (the original plaintiff in *Janus v. AFSCME*) were swept out of office in the midterm elections.

Challenges remain for AFSCME and the entire labor movement, to be sure. But the trials of the last year have emboldened rather than demoralized us. We stared down an existential threat in 2018 – and not only survived, but emerged with greater strength and unity.

## LEGAL UPDATE WILLIG, WILLIAMS & DAVIDSON

### Medical Marijuana, Controlled-Substance Use, and the Drug-Free Workplace

By: Jessica C. Caggiano, Esquire

Employees are often unsure about how prescription drug use may or may not impact their employment in a “drug-free” workplace. Employees who have been disciplined or fired because of prescription drug use are not expressly protected from such action by any specific Pennsylvania law, outside of a collective bargaining agreement or individual employment contract. If the employee’s prescription drug use is related to a disability protected under federal or state anti-discrimination laws, the employee might have some work-related protection. Otherwise, the employee’s ability to challenge a termination, for example, is quite limited. If the employee is fired for using illegal non-prescription drugs, even the anti-discrimination laws are unlikely to offer protection.

Prescription drug issues in the workplace become even more complicated when the prescription is for medical marijuana. Pennsylvania enacted the Medical Marijuana Act (MMA) in 2016. Like many of the drugs listed in Pennsylvania’s own controlled substances law, Pennsylvania law now provides that medical marijuana may be taken if, among many stipulations, a person who wishes to use medical marijuana obtains certification to do so from the Commonwealth. Of course, all marijuana use remains illegal under federal law.

Unlike, for example, a prescription painkiller, Pennsylvania law specifically provides

employment-related protection for persons certified to use medical marijuana. The MMA prohibits employers from discharging, threatening, refusing to hire, or otherwise discriminating or retaliating “against an employee regarding an employee’s compensation, terms, conditions, location or privileges solely on the basis of such employee’s status as an individual who is certified to use medical marijuana.”

This protection is quite limited, however. First, the anti-discrimination and retaliation provision in the MMA only applies to actions taken “solely on the basis of such employee’s status” as a certified medical marijuana user – that is, your employer cannot discriminate against you simply because you hold a certification. But you might not be protected from employer actions taken against you for testing positive at work. Second, the MMA makes clear that its employment-related protections do not impact an employer’s right to discipline an employee for being under the influence of medical marijuana in the workplace or for otherwise conducting their job below the general standard of care. The MMA also does not require an employer to accommodate an employee by allowing them to use medical marijuana on its property, and further prohibits any certification holder with a specified blood content of tetrahydrocannabinol (commonly known as “THC”) from, for example, working with high-voltage electricity and performing their duties

“at heights”, among other limitations.

Beyond the terms of the MMA itself, the use of marijuana, whether for medical purposes or otherwise, is still illegal under federal law. This fact prevents medical marijuana users from turning to the Americans with Disabilities Act for protection, since it is a federal law, and explicitly does not protect current use of drugs that are illegal under federal law. Similarly, under federal law, commercial driver’s license holders are still subject to random testing for certain drugs, including marijuana, and can be subject to removal from safety-sensitive positions.

The passage of the MMA has prompted some Pennsylvania employers to revisit their work rules and policies to address medical marijuana use. Where the employees are represented by a union, drug testing policies or drug use restrictions beyond what is required by state or federal law may be subject to collective bargaining. Because the MMA only recently went into effect, it remains to be seen how arbitrators and the courts will apply its protections. However, given the limited employment protections available under the PHRA and the MMA, a collectively-bargained policy, or a contractual just cause provision may provide the best, most common-sense protection from unjust discipline or discharge for medical marijuana or other prescription drug use.



# In Your CommUNITY



District Council 88 delegates donated to Safe Berks, a non-profit organization that houses victims of domestic violence and sexual abuse. Pictured left to right: District Council 88 Director Tom Tosti, Safe Berks Executive Assistant Jan Cremer, AFSCME Local 462 (Berks County) President Joe Scoboria and District Council 88 Staff Representative Jim Irwin.



AFSCME Local 906 (Hollidaysburg Veteran's Home) held a soup drive to raise money for two Local 906 members who recently faced extreme tragedy within their family. Pictured left to right: Jen Leamer, Deanna Drass, Lisa Murray-Geibel (sitting), Deana Haduck, Next Wave President Tom Megahan, Next Wave Secretary Vanessa Johnson and District Council 83 Staff Representative Don Griner.



Members of AFSCME Local 2329 (Edinboro University) donated \$488 to the Edinboro Food Pantry. The money was raised at Local 2329's Christmas party. Pictured left to right: Local 2329 member Diane Myers and Edinboro Food Pantry representative Robert Devine.



AFSCME Local 317 (Montgomery County) member John Simons' sister was a police officer in Norristown who passed away from illness. Each year, food is collected in her name and it is donated to the Salvation Army. 2018 was their largest collection yet. John has always put a box in District Council 88's office, and this year he expanded it and put one in Lower Providence, Conshocken and Plymouth Township, which are all parts of Local 317.



Members of AFSCME Local 2333 (Gino Merli Veterans Center) and the GMVC PEER Group organized a sock drive. The socks were donated to Outreach Center for Community Resources in Scranton, and will be distributed to families in need throughout Lackawanna County. Pictured left to right: Sierra Rosselli, Mikayla Ledoux, Angelica Landmesser, Annette Giglotti and Kevin Dennis.



AFSCME Local 2450 (State Professionals - District 1) donated \$1,200 to multiple local charities, including Salvation Army chapters, food pantries and St. Jude Children's Research Hospital.



Members of AFSCME Local 2352 (Soldiers & Sailors Home) collected donations for residents of the Soldiers & Sailors Home in Erie as part of the AFSCME's Got Your Back program. Pictured left to right: Carissa Stearns, Melissa Long, Jason White, Marissa Solan and District Council 85 Director David Henderson.



AFSCME Local 2587 (Philadelphia County Clericals) members gathered at the Covenant House to feed the homeless during the week of Christmas.



AFSCME Local 2736 (Lackawanna County Prison) donated \$2,500 to the Gino Merli Veterans Center, where their sisters and brothers of Local 2333 work. Pictured left to right: Kevin Dolphin, Mark Sedlak, Jim Miller, Bob Cornall and Isaac Hebron.



AFSCME Local 2523 (Aging/DEP/DCNR/Environmental Hearing Board) collected 167 backpacks full of items for "Backpacks of Blessings for Homeless Vets from Organized Labor." Pictured: Local 2523 member Lori Cutshall (right) with shelter volunteer Dorothy Miller.