

# Council 13 CONNECTION

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

## CONTRACT NEGOTIATED, RATIFIED



## Council 13 members secure historic new agreement

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# Message from the Executive Director



Sisters and Brothers,

As you probably know by now, AFSCME Council 13 members have ratified a new four-year contract with the Commonwealth of Pennsylvania.

This is a truly historic contract.

The AFSCME members on the negotiating team stood strong and did not settle for the Commonwealth's initial economic proposals that came nowhere near the final package that was negotiated.

Additionally, they did not budge and ultimately rejected the many other proposals the Commonwealth brought to the table.

This contract is so good that big money special interest groups and anti-public employee politicians are mad about it. Organizations like the Commonwealth Foundation and the so-called Pennsylvania Freedom Caucus are bemoaning the fact that state employees are receiving such significant pay increases. They view the cost of the unionized workforce as outrageous when frankly, Pennsylvanians are getting a bargain for the vital state government services that AFSCME members provide, and the pay raises should be even higher. I invite the lawmakers who are casting aspersions against state employees to match your average work day minute for minute, hour for hour. We invite them to explain why they deserve raises and you don't. Their attacks, and those of the anti-union organizations, are insulting, but expected.

AFSCME members are the ones who continued to go to work throughout a pandemic, who risked their health and safety to deliver services we all depend on, and sometimes services that many folks thought they would never need before crisis struck. YOU were the ones there to answer the call and show up for work. You deserve everything you will gain through this contract and more.

And we can achieve more through increased strength in numbers. When AFSCME members sit across the table from the Commonwealth and make demands on behalf of all represented employees, management is keenly aware of how many are members of the union and, in turn, how much strength is behind those demands. The only way we can make significant progress beyond this agreement is to have the full strength and solidarity of a united workforce when these demands are made. That's why we are urging you to sign up your non-member coworkers as full-fledged union members.

This may be the best contract ever negotiated by members of Council 13, but if every AFSCME-represented employee joins the union, we can make even more advances moving forward. I commend you for being a union member and empowering yourself and your sisters and brothers to negotiate such a historic contract. Our work continues, but we have much to be proud of. Let's keep building. Thank you for all you do for the citizens of Pennsylvania.

In Solidarity,  
J. David Henderson  
Executive Director, AFSCME Council 13



**MEMBER RESOURCE CENTER**  
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STAFF REPRESENTATIVES AVAILABLE  
MONDAY - FRIDAY 9 AM - 5 PM

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

# Council 13 members ratify historic new collective bargaining agreement

Members of AFSCME Council 13 voted in favor of a new four-year collective bargaining agreement with the Commonwealth of Pennsylvania.

A tentative agreement was reached on July 11, after months of negotiations between union representatives and Commonwealth officials. Council 13's State Policy Committee unanimously approved the agreement on July 18. Ratification voting took place in local union meetings over the course of the two weeks that followed.

The contract, which will expire on June 30, 2027, includes a total of 20.25 percent of wage increases over the four years between general pay increases and step increments. Compounded over the four years, represented employees' current salary would increase by 22.1 percent. This represents a historic achievement for AFSCME members in Pennsylvania.

While the contract includes a 0.5 percent increase in employee healthcare contributions, the employer will contribute 28 percent more. The contract also includes provisions for increased meal allowances, expanded vacation buyback, improved overtime policy, improved health and safety measures, and more.

Executive Director David Henderson issued the following statement:

"I want to thank everyone who took part in this process to bring home such a great deal for the AFSCME members who keep this Commonwealth running, especially the rank-and-file members who traveled to Harrisburg for countless negotiating sessions, which were quite challenging at times, but they always held the line and kept their eye on what's best for their sisters and brothers around the state."

Full voting results can be found on MemberLink ([memberlink.afscme13.org](http://memberlink.afscme13.org)).



AFSCME Council 13's Rank-and-File Negotiators meet on April 5, 2023.



AFSCME Council 13's lead negotiators on April 5, 2023.



AFSCME Council 13's First-Level Supervisors on July 17, 2023.



AFSCME Council 13's State Policy Committee, consisting of Local Union Presidents, on July 18, 2023.



AFSCME Council 13's Rank-and-File Negotiators after securing a tentative agreement late in the night on Tuesday, July 11, 2023.

# Green Wave rolls through Hershey for 51st Council 13 Convention



Hundreds of AFSCME Council 13 members gathered to form a Green Wave in Hershey, Pennsylvania, on the weekend of April 28-30, 2023.

“You hear a lot of talk about red waves and blues waves. We don’t care about that. We’re all about the Green Wave and AFSCME members winning!” Council 13 Executive Director David Henderson said during his remarks to delegates as he highlighted the recent victories of AFSCME members in the workplace, at the bargaining table, and at the ballot box.

Delegates arrived at the Hershey Lodge on Friday, gathered information from union staff, perused vendors, and enjoyed the “Green Wave Luau” at the Delegate Reception to get things started.

On Saturday morning, Council 13 President Howard Thompson banged the gavel to call the convention to order, which was followed by recognition of military veterans in attendance and a presentation of colors by the Junior ROTC of the West Shore School District, which employs members of AFSCME Local 2865.

Jamar Johnson, President of AFSCME Local 1224 (PHEAA), performed a powerful rendition of the national anthem before Rev. Dr. Linda Green, representing AFSCME Local 2456 (State Professionals – District 8), delivered an uplifting invocation.

Delegates heard remarks from State Representative Tom Mehaffie, Council 13 President Howard Thompson, AFSCME International Secretary-Treasurer Elissa McBride, Pennsylvania Governor Josh Shapiro, and State Senator Vincent Hughes.

Four Council 13 members spoke throughout the general session in “Spotlight Moments,” which shined a light on the passion and dedication of AFSCME members throughout Pennsylvania. Special thanks go to Kimberly Taylor of Local 1224 (PHEAA), Keith Segraves of Local 2674 (City of Williamsport), Mary Dea Johnston of Local 2622 (Allegheny County Professionals), and Tomeka Taliah Jones-Waters of Local 2587 (Philadelphia County Clericals), for sharing their stories.

During the convention, delegates formally resolved to further commit to the AFSCME Strong initiative, to observe Workers’ Memorial Day, to remember our fallen sisters and brothers, to implement more New Employee Orientation programs, to grow the retiree chapter, to fight for a Cost-of-Living Adjustment (COLA) for retirees, and to commit to the Staff The Front Lines initiative. A constitutional amendment that will maintain current per capita payments to local unions was also passed.

On Saturday night, Organizing Awards were presented, with District Council 83 being recognized for Highest Membership Percentage and District Council 84 being recognized for Most New Members. On Sunday morning, Pennsylvania AFL-CIO President Angela Ferritto presented the 2022 Council 13 Local of the Year Award to Local 2622 (Allegheny County Professionals) for their extraordinary efforts in a recent contract campaign that resulted in major wage increases and other significant gains for workers. Congratulations to all!

The 51st Convention is in the books, but as always, the hard work continues. Let’s keep winning, keep flexing, and keep that Green Wave rolling across the commonwealth!

SEE NEXT PAGE FOR PHOTOS!



# Staff the Front Lines COMES TO HARRISBURG

AFSCME Council 13 was proud to host a multi-faceted ‘Staff The Front Lines’ bus stop in Harrisburg on August 22-23, 2023.

AFSCME launched the ‘Staff the Front Lines’ initiative this year to partner with elected officials on recruiting and retaining the essential public service workers who keep our communities running. The ‘Staff the Front Lines’ bus is holding recruitment events in more than 20 cities nationwide this summer.

As part of the Harrisburg leg of the tour, Council 13 hosted a listening session between Pennsylvania Speaker of the House Joanna McClinton and local union leaders to begin an important conversation on how we can all work together to address these public service staffing issues.

A press conference followed the listening session to raise awareness of these issues, as well as the Hiring Hall taking place the next day.

Before that first day of action ended, Council 13 hosted a training session with members on how they can be involved in these efforts and engage with the influx of new employees we plan to see.

On August 23, Council 13 opened its doors to have the Commonwealth of Pennsylvania host a hiring event, where more than 100 job seekers passed through to speak with recruiters and even apply for jobs right there on the spot.

“Our communities simply cannot function without the everyday heroes who keep our streets clean, take our kids to school, and ensure our water is safe to drink,” Council 13 Executive Director David Henderson said.

“We need a lot more people filling these vital roles. On top of making our communities better, these are often union jobs with good pay, great benefits, retirement plans and job security. You can make a difference and get paid for doing it.”

AFSCME’s efforts continue as we work to be part of the solution to the public service staffing crisis. Learn more at [StaffTheFrontLines.org](https://StaffTheFrontLines.org).



# MEMBERS ENDORSE STATEWIDE JUDICIAL CANDIDATES

VOTE ON NOV. 7 2023



**McCaffery**



**Lane**



**Beck**



**Wolf**

Rank-and-file union members on AFSCME Council 13's Statewide Steering Committee unanimously endorsed Judge Dan McCaffery for Pennsylvania Supreme Court and Judge Matt Wolf for Commonwealth Court.

Committee members also unanimously reaffirmed their support for Judge Timika Lane and Judge Jill Beck for Superior Court after endorsing them in the primary election.

The committee made the endorsements after hearing remarks from each of the candidates at a meeting in Harrisburg on August 23.

The judges discussed their rich professional experiences, as well as some of their deep ties to organized labor.

"I've been walking a picket line since I was four," McCaffery told committee members.

"I come from a union family. When I was a schoolteacher, I was in a union, so I know the benefits of union membership," Lane said.

"I would not run without the support of labor," Beck said.

"The values that I have are those shared with labor," Wolf said.

While judicial races often receive less attention than others, they are just as important, if not more, in determining public policies and legal outcomes that impact union members and all working people.

Members of Council 13's Statewide Steering Committee encourage their fellow AFSCME members, and all Pennsylvanians, to vote in what will be a crucial election on Tuesday, November 7, 2023.



*AFSCME Council 13's Statewide Steering Committee with Judge Dan McCaffery, who is running for PA Supreme Court.*

# Organizing Victories!

## Old Lycoming Township

Employees of Old Lycoming Township voted unanimously in favor of representation by AFSCME District Council 86. This brings six new workers to AFSCME ranks. Congratulations!



## Carbon County

Carbon County Court-Related employees won their union elections and will now be represented by AFSCME District Council 87. This brings 38 new workers to AFSCME ranks. Congratulations!

**Welcome to the AFSCME family!**

# AFSCME joins PennDOT, PSP to honor fallen workers



Local Union Presidents of AFSCME from the nine counties included in the Pennsylvania Department of Transportation's (PennDOT) District 2-0 joined Council 13 leadership and staff, as well as officials from PennDOT and the Pennsylvania State Police (PSP), for an unveiling ceremony for a memorial honoring the District 2-0 employees who have lost their lives in the line of duty since 1970. PennDOT will permanently display it at their District 2-0 office in Clearfield

Since 1970, five PennDOT District 2-0 employees have lost their lives in the line of duty. Their names and the dates of their passing are as follows: Walter Lane, August 28, 1970; John Coble, June 19, 1972; Gerald Confer, September 19, 1984; Jack Griffin, October 1, 2010; Timothy Fitch, June 14, 2021.

Council 13's Director of Grievance & Arbitration Walter Francis spoke at the ceremony on behalf of AFSCME, praising the workers of PennDOT who keep motorists safe and urging motorists to return the favor by driving safely, especially in work zones. District Executive Thomas A. Prestash, P.E., PA Secretary of Transportation Michael B. Carroll, and State Police Lieutenant Gregory S. Kunselman also offered remarks.

Executive Director David Henderson was in attendance and issued the following statement: "We are all humbled on a day like today when we take a moment to remember the lives lost of those who were serving our commonwealth and our communities, but sadly never returned home. These are parents, children, siblings, and friends who died in the line of duty due to circumstances beyond their control. Today and every day, we honor them. We honor them with memorials and moments of silence, but also with legislative action and safe driving, to ensure such tragedies never occur again."

The traveling PennDOT Worker's Memorial was on display during the proceedings. It honors all 90 PennDOT employees killed in the line of duty across the commonwealth since 1970 when the department was established. For more information on work zone safety, visit [www.PennDOT.pa.gov/Safety](http://www.PennDOT.pa.gov/Safety).



## SINGING A DIFFERENT TUNE? THE ATLANTA OPERA, INC. AND MORE PRO-WORKER POLICY CHANGES AT NLRB

by Amy Rosenberger

In recent months, the National Labor Relations Board (“NLRB” or “Board”) and its General Counsel, Jennifer Abruzzo, have been working to shore up protections for private sector workers and to unravel a number of anti-employee rulings and policies advanced by the Board under the prior administration.

For example, in a June 13, 2023 decision – *The Atlanta Opera, Inc.* – the Board returned to its long-held standard for determining whether a particular worker is an employee, protected by the National Labor Relations Act (“NLRA”), or an independent contractor, without the rights to organize and collectively bargain. In doing so, the Board overturned a 2019 decision that had made it harder for workers with so-called “entrepreneurial opportunities” in their workplace to fall within the protections of the NLRA.

In *Atlanta Opera*, the Board returned to the common law test for employee status which had been in place since the late 1960s. That test considers numerous factors related to whether the employer or the individual controls the work, provides the tools and space in which to perform the work, and whether the work is part of the employer’s regular business or performed as part of the individual’s independent business, among other things. Applying the common law factors, the Board found that the makeup artists, wig artists, and hairstylists at the Atlanta Opera were employees, not independent contractors, and so had a right to have an election seeking union representation.

This ruling came on the heels of other pro-worker rulings, like the Board’s May 2023 decision abandoning another Trump-era standard that had made it easier for employers to punish employees engaged in protected concerted activities. In *Lion Elastomers LLC II* the NLRB held that in evaluating discharge or discipline for misconduct that occurs during protected union activity, it will take a “setting-specific” approach: “To fully protect employee rights, conduct during protected concerted activity must be evaluated in the context of that important activity—not as if it occurred in the ordinary workplace context.”

In April, NLRB General Counsel Jennifer Abruzzo announced her interest in challenging non-compete provisions in employment contracts (generally, an agreement not to work for a competitor after the worker leaves employment), as interfering in employee rights under the NLRA. Abruzzo expressed her concern that most non-compete provisions “reasonably tend to chill employees” in exercising their rights or organize, bargain, and otherwise act as a collective. For instance, these restrictions make it harder for workers to replace their lost income if they were discharged for engaging in protected concerted activity, and undermine their bargaining power in the context of lockouts, strikes and other labor disputes.

Another significant ruling came from the Board in December, reversing a Trump-era decision that had made it more difficult for workers to organize. In *American Steel Construction*, the full Board, in a 3-2 decision, returned to a rule that had been adopted during the Obama administration for cases where the Union is seeking to represent a unit that is smaller than a wall-to-wall unit, making it easier for employees to form a union and engage in collective bargaining.

Under *American Steel*, if the employer wants to add employees to the group that the union petition seeks to represent, it must prove that the additional employees have an “overwhelming community of interest” with the petitioned-for group. In essence, the employer must show that the union is seeking an “arbitrary segment” of what would otherwise be an appropriate bargaining unit. The current Board majority sees this as furthering the interest of the employees in exercising their rights, while also not basing the scope of the bargaining unit solely on which employees want to, or do not want to, form a union.

With the current Board and General Counsel taking a proactive approach to protect employee rights under the NLRA, it is not surprising that the number of unfair labor practice charges and representation petitions filed with the Board have increased significantly during the last couple of years. These cases may provide additional opportunities for the NLRB to reinstate or expand worker rights in the private sector.

**Council 13 members can access the  
legal services benefit by calling:  
1-888-294-2747 or 1-800-631-1233**

**Union members are also entitled to  
legal benefits through Union Plus:  
[unionplus.org/benefits/home/legal-help](https://unionplus.org/benefits/home/legal-help)**

# Labor Day 2023

A wave of green rolled across Pennsylvania on Labor Day 2023 as your Council 13 sisters and brothers proudly represented their union!



Visit our website!



[afscme13.org](https://afscme13.org)

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David Henderson, Executive Director  
Howard Thompson, President  
Linda Vuono, Secretary  
Shawn Makar, Treasurer

William Kauffman, Writer/Media Technician

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Email:  
[MRC@afscme13.org](mailto:MRC@afscme13.org)



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