



THE EAGLE

LOCAL 1103

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CWA Local 1103 Fighting For NLRB Union Election Reform



These CWA Local 1103 Members were organized through majority *Card Check*. An overwhelming majority of US Employers refuse to recognize employees desiring to join a union who exercises this section of the NLRB union election process.

Secret Ballot Vote Alone Guarantees Nothing!

If you have been watching TV or listening to the radio or even reading our very own “Eagle” in recent months, then you have been inundated by the not-so-subliminal messages from both sides of the argument

revolving around the secret ballot in a union election. You have heard the talking heads from Faux news espousing the tenets of voter democracy and how the secret ballot must be protected or risk America’s downfall.

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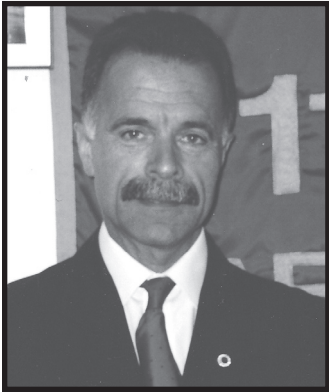
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In My View . . .



By the time you are reading this article I along with your Executive Board on your behalf will have already attended and participated in CWA's National Convention and Legislative Conference. It was held in Washington D.C. June 21, through June 26th. In addition

we were also part of one of the largest demonstrations ever to take place in our nations history, a national call to overhaul 'HEALTH-CARE', the need to get it off the bargaining table and not have those benefits taxed. There were many 1103 members that took our invitation to board a bus at the Union Hall extremely early on June 25th to do their duty as good trade unionist and as middle class Americans to demonstrate for the CAUSE.

I'm proud to be part of a Union that had the foresight to work for and help elect a President who made good on his promises to bring back the Middle Class and have the UNIONS seat at the table restored. A great example of his follow through after being elected President is when he stated that "UNIONS ARE NOT PART OF OUR NATIONS PROBLEMS THEY ARE A VITAL PART OF OUR COUNTRIES SOLUTIONS". Or when he signed an Executive Order supporting the use of Union Labor on Government Construction Projects and another barring Federal Contractors from seeking reimbursement for ANTI-UNION expenditures. He also signed into Law the Lilly Ledbetter Fair Pay Act, which extends the deadline for filing pay discrimination claims. At present Barak Obama is on a mission to heal our ailing Health Care System and we must remain vigilant so we can have a voice on how that new system will be crafted. This will be more than a fight it will be a war because there are CEO'S of powerful Corporations in the medical and pharmaceutical field that do not want a change and will spend what ever it takes to keep the status quo. There are an equal number of big business Corporations along with their CEO's working just as hard against us to stop our movement regarding THE EMPLOYEE FREE CHOICE ACT. The time is right for HEALTH-CARE CHANGE and to get E.F.C.A. passed

and now you must decide whether to join in the struggle or sit on the side lines which is a risk to your families future health-care needs and your job security. I strongly urge you to step up and be part of the struggle for no results were achieved without sacrifice. I remember very clearly those weekends in Pennsylvania that our Executive Board, 1103 Members, and their Families spent working for this change. I would like to thank each and every member that continues to answer the call whether it was to come to Washington, Pennsylvania or even to participate at a General Membership Meeting. You see they get it and those of you who don't get involved in the MOVEMENT may one day pay a very DEAR COST.

Joseph A. Barca, Jr.
President



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Union Election Reform ...

continued from front Cover

You probably have seen CEO's of major corporations acting as if they were George Washington or Thomas Jefferson or Benjamin Franklin themselves, speaking about the sacred right of all American's to vote in secrecy, but always failing to talk about the corrupt aspects of the union election process that take place leading up to the vote. Apparently, the right to a free and fair election process in its entirety is of little concern. The CEO's conveniently leave out another fact, that employees only want the same guaranteed protection of an employment contract that the CEO's have for themselves. Again and again the hypocrisy is maddening; they continue to deny for others what they demand for themselves. However, if there is true concern about safeguarding the secret ballot, then there needs to be similar concern over the integrity of the whole union election process; from beginning to end. The argument by those who oppose union election reform by stating that "we have to save the secret ballot" or "unions want to take away the secret ballot" is far too simplistic, stereotypical, and not true. A secret ballot vote alone guarantees nothing. For a union election process to be fair, what precedes the secret ballot vote is equally important. "Unfortunately, the secret ballot turns out to be the only point at which current union election procedures meet the standards of U.S. democracy. In every other area of democratic practice, the conduct of NLRB-supervised elections looks more like the discredited customs of rogue regimes than anything we would call American," said Gordon Lafer, Ph.D. It's interesting to note that even though the secret ballot was preserved during the recent election of Iranian President

Ahmadinejad, the election process and outcome was still met with American and international condemnation due to allegations of voter suppression, intimidation, and fraud. Yet, NLRB union elections in America are conducted in similar conditions and under the same dark shadow of voter suppression, intimidation, and fraud. The secret ballot is the talking point that has resonated with the public. This is due to a lack of understanding that union elections look nothing like the elections that the public participate in when they vote for national, state, or local representatives. If it's true that the secret ballot must be protected in a union election process for it to be fair, then the debate must also include protecting the following aspects of a union election for it to be fair: The right of free speech for voters in union elections; the right of unions to have even equal access to the names and contact information of eligible voters; a voters right to protection from intimidation, including economic threats of job loss; the right that the will of the voters will be implemented on a reasonable schedule; the right to meaningful enforcement for violators of electoral procedure. Instead of debating a particular characteristic of the NLRB union election process, we should be asking, why aren't union elections the same as general elections in America? The Employee Free Choice Act is a step in the right direction toward reforming the NLRB union election laws to level the playing field for workers' seeking to join a union.

**Kevin Sheil,
Vice President**

Think Organizing a Union is Easy? Think Again!

Some people think that organizing workers and bringing them into the union is easy. Like, you just walk into a workplace, say the “union is here” and have employees sign union cards and they become union. It would be easier if the employer just accepted majority support and recognized the union, but that is not how it happens today. Companies and municipalities force employees and unions to seek a burdensome National Labor Relations Board Union Election. Today, union organizers who attempt to organize employees desiring to join a union may have the most difficult job in the union. The hours worked by union organizers during an organizing campaign are non traditional, meaning that you are not meeting with people wishing to organize a union in their workplace from 9-5 on Monday through Friday. Union organizers meet with interested employees at odd hours, on odd days in odd locations. Also, an employer who is anti-union, often has little problem firing an “at will” union supporter interested in bringing the union to the workplace, so union organizers are careful not to release information that may subject the individual or campaign to more scrutiny. Melanie Campbell, executive director of the National Coalition on Black Civic Participation, said “It is outrageous that in this day and age, working men and women face the same kind of mistreatment and intimidation in the workplace when trying to form unions as civil rights leaders did when fighting for equal rights and protections.” (James Parks, AFL-CIO Now Blog.)

It can take months to build up the trust between a union organizer and employees seeking to join a union. The organizer needs to establish reliable contacts willing to sacrifice the time, and to deal with the emotional ups and downs of union organizing campaign. It takes a special, courageous person on the inside willing to swallow pride, and all too often, risk losing their jobs. The organizer then has to grow the contacts into an inside committee to build on the momentum which will be later needed to counteract the employer onslaught of anti-union propaganda to come. Beyond that, there are institutional roadblocks that organizers have to overcome in order to even get to an election. Union organizers do not even have equal access to voters which is the first prerequisite of any competitive election. In every other type of American election, candidates have equal access to the list of potential voters, not in NLRB union elections though, labor law denies workers equal access to voter lists. When workers become interested in forming a union in their workplace, neither they nor any union can get a list of potential voters. For pro-union employees to obtain a voter list, they must first get at least 30 percent of their coworkers to sign cards asking the NLRB to sponsor a vote on unionization. “Needless to say, the fact that employees must contact this 30 percent without any list to work from is a daunting prospect. If candidates for federal office were required to produce signed statements of support from 30 percent of eligible voters simply in order to have an election scheduled —

and to collect these statements without access to a voter list — it is hard to imagine how any challenger could prevail. Certainly if a foreign country operated in this manner, we would not hesitate to denounce this as a sham electoral system. But it is exactly such a system that U.S. citizens must endure in workplaces across the country,” said Gordon Lafer, Ph.D. Once there is a showing of 30 percent support, the union is entitled to a list of employee names and addresses only. The union organizer does not receive telephone or email contact information. In addition, employers purposely leave out details such as apartment numbers or ZIP codes, further complicating the work of union organizers. Once employees show 30 percent support for a vote, the vote should take place within 40 days. The employer is not required to provide a list of eligible voters until seven days after the union’s showing of support, so union organizers normally have just over four weeks between first receiving the voter list and the secret ballot vote itself. This skewed process again demonstrates that arguing for the protection of the secret ballot alone is misguided because in no way does it alter the undemocratic nature of the whole NLRB union election process. The NLRB union election process in its entirety has to be reformed, so let us do all that we can to change it.

**Kevin Sheil,
Vice President**

National Labor Relations Board Union Election Procedures

Did you know under federal law, an employer may recognize a union on the basis of any showing of majority support, including signed statements from employees? Yes, that's right; if a majority of employees support joining a union, the employer can choose to recognize that union. However, an employer is not required to recognize a union unless it has been chosen through a secret ballot vote supervised by the National Labor Relations Board. If the employer chooses not to recognize the union after majority support, employees must navigate through a maze of obstacles to even get to a secret ballot vote. For a vote on unionization to be held, workers must first show the NLRB that they have the support of at least 30 percent of employees. Following

that showing, the NLRB will set a date for an election and decide on a list of eligible voters. Both the employer and the union may contest the NLRB's determination of which employees should be included in the potential union, which may delay the election. Once an election date has been set, employees are free to recruit their coworkers either to support or to oppose unionization. In addition, both the union and the employer may contact employees, urging them to vote one way or the other. For the union, all contacts must occur away from the workplace. The employer, including all management employees, may communicate its anti-union views directly to employee's individually in the workplace, or can hold group meetings called "closed captive au-

dience meetings." On union election day, the voting is usually held in the workplace. One pro-union and one anti-union employee may be present to monitor the voting. Following the vote, the NLRB counts the ballots and certifies the outcome based on a simple majority of votes cast. If there are no procedural challenges, which is rare, the union is either certified or not, and the NLRB union election process is completed. However, if either the union or the employer challenges the results of the election, the outcome is suspended pending adjudication. It can take several years for such a dispute to work its way through the NLRB and federal courts. During this time, the workplace is as if the union lost the election.

**Kevin Sheil,
Vice President**



4th Annual Team Cleary Golf Outing Monday July 27th, 2009 The Links at Union Vale

Please See Sponsor
Sheet on Back Page

11:00 to 11:30 Registration - 11:30 to 1:00 BBQ Lunch
1:00 to 6:00 best ball shotgun start golf
Water and Beer provided on golf course
6:00 to 8:00 Dinner with open bar
\$170 for lunch, golf, dinner - \$50 for dinner only

*Not a Golfer, join us for a "Sit & Go" Texas Hold'em
from 1:00 to 5:00*

\$30 plus \$10 for Table Tournaments only - \$110 for lunch and 2 Table Tournaments

Please help the Cleary family.

During dinner, a silent auction will be in progress along with prizes.

The raffle drawing for SHARP flat screen TV will also be held.

Contacts for golf:

Jim Hatch (845) 661-4539 e-mail jkhatch@frontiernet.net
Bill Lynch (845) 235-7034 e-mail lynchmob5@optonline.net

Contact for Texas Hold'em

Al Wendolski (914) 960-2065 e-mail alwendolski@aol.com



COMMUNICATIONS WORKERS OF AMERICA - LOCAL 1103

(AFFILIATED WITH A.F.L.-C.I.O.-C.L.C.)

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Sponsor Sheet

The 4th annual golf outing for Kevin Cleary & his family.
The outing will be at The Links at Union Vale on July 27th.

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