

# AFSCME *in* Motion

Gerald W. McEntee, President  
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## **NLRB UNDERMINES WORKERS' COLLECTIVE BARGAINING RIGHTS**

An October 3 National Labor Relations Board decision that expands the definition of what it means to be a supervisor is "a license to deprive millions of nurses and other workers of their freedom to form a union," said President McEntee. The ruling, which could affect as many as 843,000 nurses nationwide, plus millions of workers in other occupations, involves what are collectively known as the "Kentucky River" cases. Supervisors are barred from joining unions under the 1947 Taft-Hartley Act, so the NLRB's finding could strip collective bargaining rights from private-sector RNs, LPNs and others who periodically instruct their co-workers. McEntee said the NLRB's decree will motivate workers "like never before" to elect lawmakers in November "who will insist that nominees to the NLRB be fair and impartial and ultimately get this decision reversed." AFSCME represents more than 60,000 nurses in 35 states and the District of Columbia.

**COURT SIDES WITH UNIONS** - In a victory for labor, a federal appellate court recently upheld as constitutional a California law that prevents employers receiving state funds from spending that money to fight union organizing. In its 12-3 decision (Chamber of Commerce v. Lockyer), the U.S. Ninth Circuit Court of Appeals held that the 2001 law did not infringe on an employers' rights because they remain free to use their own *private* funds to advocate for or against unionization. President McEntee said the court "upheld an important law preventing California companies that do business with the state from spending public funds on activities that infringe on the basic right of workers to join a union. Union-busting is not a legitimate use of taxpayer dollars." The California State AFL-CIO defended the law on behalf of AFSCME and several other labor groups.

## **REPORTING ORGANIZING WINS**

**IN...Illinois**, 819 employees from several state and local government agencies have joined Council 31 over the past few

months. They include 657 clerical and technical employees from virtually every state agency; 80 Cook County Sheriff's Office corrections lieutenants; 45 Kankakee County Health Department nurses and other employees, plus 23 RNs and other medical personnel who work for Illinois State University in Normal; and 10 Christian County probation officers and support staff.

**INKED IN WASHINGTON** - New contracts covering 38,000 state employees represented by Council 28 have been overwhelmingly ratified. The largest is a two-year agreement for more than 30,000 Washington state agency employees, which becomes effective July 1, 2007. It includes across-the-board pay raises of 3.2 percent in 2007 and 2 percent in 2008, plus an additional 2.5 percent increase for those at the top of their pay range. The contract also requires a \$756 lump-sum payment to settle a union-initiated grievance over the state's failure to fully fund health benefits agreed to under the previous

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contract. In addition, those who have fallen significantly behind prevailing pay rates will receive a boost to bring them to no more than 25 percent behind. Separately, contracts have been approved covering 8,000 employees at 12 community colleges and six four-year institutions. They have pay and benefit provisions similar to the pact OK'd by the larger General Government contract. Governor Gregoire (D), a former AFSCME member, will include the packages in her budget request to the 2007 Legislature. Lawmakers cannot change the agreements, but rejecting them outright will force renegotiation.

**BIG DEAL IN BIG APPLE** - Members of DC 37, New York City's largest public employees' union, have voted overwhelmingly (*98.6 percent!*) to ratify an agreement with the Bloomberg administration that hikes wages by 10 percent over the 32-month contract and, most significantly, does not reduce health benefits or pensions. The deal also includes an agreement to support legislation to modify the city's 1986 residency restriction to allow civilian employees to live in six surrounding counties, in addition to the city. Tough negotiating by the union blocked Mayor Bloomberg's demand that

new hires receive lower pensions than existing employees. DC 37 also prevented him from imposing productivity concessions, and got the city to add \$40 million to its contribution to DC 37's Health and Security Fund, which helps pay for members' prescriptions and eye glasses. The contract runs from July 1, 2005, when the last one expired, to March 2, 2008.

**AVOIDABLE TRAGEDY** - The killing of another Maryland corrections officer once again is focusing attention on the crisis of understaffing in the state's prisons. CO David McGuinn, 42 - a member of Local 1678 (Council 92) - was killed in July by two inmates at the Maryland House of Correction in Jessup. The inmates, who have since been charged with his murder, apparently escaped their cells by jamming the locks to their cell doors. Just this month, officials announced they are transferring the most dangerous offenders to more secure facilities in an effort to transform the century-old Jessup prison into a minimum-security prison. Also, \$5 million will be spent to upgrade security at the Jessup prison. But the problems are system-wide. Non-AFSCME CO Jeffery Wroten, 44, was killed in January by an inmate at a hospital.