

The United Worker

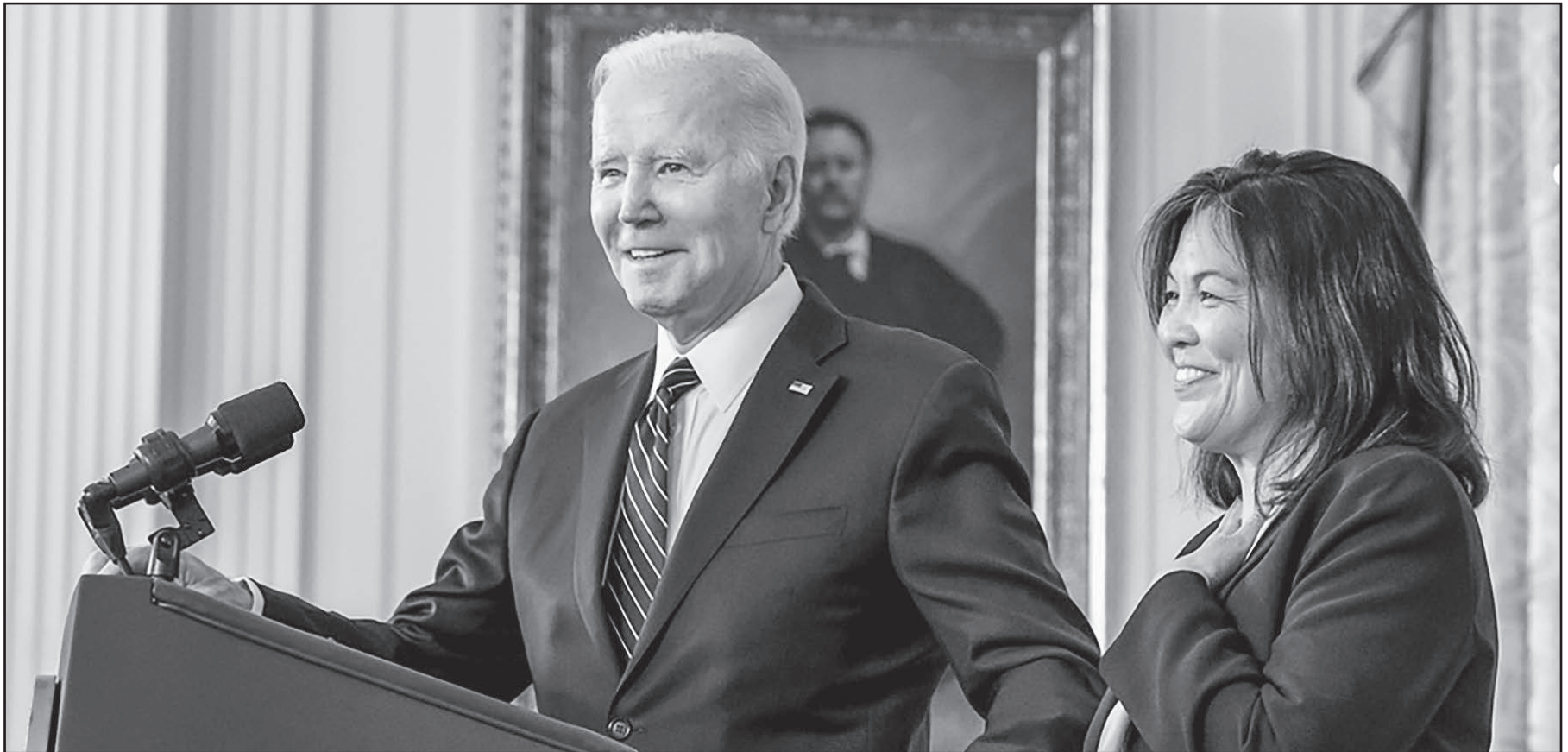
The United Worker is also available online at www.uiwunion.org

Volume 49, Number 2

April-June

2023

Su Nomination Still Awaits Senate Action President, Labor Movement Support DOL Nominee



President Joe Biden introduces Acting Labor Secretary Julie Su at a White House news conference. (Photo courtesy White House).

Despite her impressive resume and decades' worth of experience, Julie Su's nomination as Secretary of Labor may have reached an impasse, due to challenges from opponents in the House and Senate.

President Biden nominated Su to serve as secretary of Labor in March of this year, but the nomination is still awaiting confirmation by the U.S. Senate. She was previously confirmed by the Senate to serve as the Deputy Secretary of Labor on July 13, 2021.

"Julie is the American Dream. And she is what the American Dream is about. More importantly, she is committed to making sure that dream is within the reach of every American. That's what she's all about," Biden said.

Su has been serving in this role since Marty Walsh, former Labor Secretary who led the department since March of 2021, resigned earlier this year to become Ex-

ecutive Director of the National Hockey League Players' Association (NHLPA).

To ensure opponents and supporters alike of her competence in this role, Acting Labor Secretary Su testified on her department's policies and priorities in front of the House Education and the Workforce Committee on Capitol Hill on June 7.

During the hearing to assess possible changes to next year's budget for the Department of Labor, opponents of Su referenced her track record and called into question her readiness to officially assume the Labor Secretary position. Topics of discussion included vaccine mandates, child labor abuses and contractor classifications, as well as other labor-related concerns.

The proposed budget calls for \$1.5 billion more in discretionary spending than the previous fiscal year. After the prior administration decreased the Department of Labor's enforcement budget by 14%,

Su and her team came in and worked to rebuild the division, retrain staff, and ensure the investigation of employers that they have found to be engaging in unfair practices.

According to U.S. Rep. Joe Courtney (D-Connecticut), during Su's tenure as acting secretary, the U.S. economy added 339,000 jobs and the unemployment rate has remained below 4%. Additionally, job openings have increased 358,000, to 10.1 million.

In statistics cited by U.S. Rep. Bobby Scott (D-Virginia), Biden's administration, with the help of the Labor Department, has created more jobs in 28 months than any presidential administration has been able to do in a four-year term.

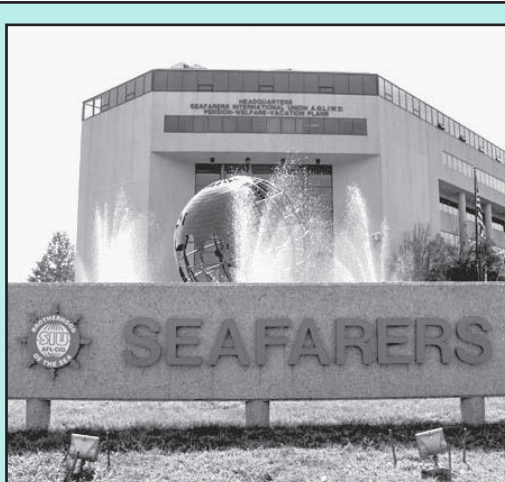
Adding to the list of her qualifications, Su recently played a role in helping the International Longshore and Warehouse Union (ILWU) and Pacific Maritime Association (PMA) reach a tentative agree-

ment through collective bargaining.

"Thanks to the hard work and perseverance of the leadership of the ILWU and the PMA, the tentative agreement delivers important stability for workers, for employers and for our country's supply chain. This important milestone is welcome news to all, and on behalf of President Biden, we are pleased to congratulate both parties on what they have achieved," Su said in her official statement following the event.

Su is the daughter of immigrants from China who owned a small laundromat in a franchise pizza restaurant. She was the first in her family to attend law school, graduating with a B.A. from Stanford University and then a J.D. from Harvard Law School, after which she was awarded a Skadden Fellowship, which is granted to recent law graduates pursuing public-

Continued on Page 3



United Industrial Workers Shop Stewards Meet at Headquarters

From left to right: UIW Representative John Hoskins and Shop Stewards Gloria Ricks, Toni Wills, Tamika Jones and Cynthia Green conduct a meeting during which they promoted the wellbeing of fellow union members.

From the President

On the Right Path



David Heindel

It's hard to believe an entire year has passed since delegates to the AFL-CIO convention (including yours truly) elected Liz Shuler as president of the federation and Fred Redmond as secretary-treasurer.

While the passage of time often has a way of feeling as if it snuck up on us, there is nothing surprising about the outstanding work done by Liz and Fred as they begin their administration. It has been a year of growth, hard work and victories, all of which bode well for America's working families.

If you're new to the UIW, please note that we are affiliated with the AFL-CIO through our parent union, the Seafarers. This gives us strength far beyond our own numbers, because the federation

altogether consists of 60 affiliates representing around 12.5 million workers. We support each other on vital issues, and, by speaking with a unified voice, we deliver our message at the highest levels of government (and wherever else as needed).

That's why I'm so pleased to report that the Shuler-Redmond administration has been defined by its commitment to working people and marked by new strategies and powerful accomplishments. Within their first year at the helm, the AFL-CIO has grown by welcoming new affiliated unions. The federation unveiled its Center for Transformational Organizing, whose aim is precisely what its name suggests. Additionally, the federation has developed new bargaining and policy strategies around automation and artificial intelligence through the AFL-CIO Technology Institute.

One area where we've worked on a particularly parallel track with the AFL-CIO is the emerging clean-energy sector. We have wisely invested time and effort to help ensure that workers have a voice in these emerging fields, and that the newly created jobs are union jobs.

You may recall from reading the previous edition of The United Worker that, as a result of successful organizing campaigns that have reached every industry and sector of America's economy, the labor movement grew by more than 200,000 workers last year. By any measure, that is progress.

According to the federation, affiliated unions notched key victories at employers like Activision, Apple, Ascension hospitals, Blue Bird Bus, the Philadelphia Museum of Art, REI, Rutgers and Yale University, The New York Times, Ultium Battery and many more, as part of a wave of unprecedented organizing and collective action. At the end of last year, the National Labor Relations Board reported the highest number of union election wins in any year since 2005.

It's no overstatement to assert that the federation – again with support from its affiliates – also played a pivotal role in promoting the passage of historic, pro-worker bills championed by the Biden administration. Those wins included the CHIPS and Science Act, and the Inflation Reduction Act, both of which are expected to lead to the creation of family-sustaining union jobs in fields including clean energy, technology and manufacturing.

On that note, and just to digress for a moment, whatever your personal political preferences, there is no doubt that President Biden is the most pro-union president in our lifetimes. He has lived up to his promises to stand up for working families, and I was not surprised to see him earn the federation's endorsement for re-election.

As for President Shuler and Secretary-Treasurer Redmond, they also have delivered, and I am proud to stand with them as fellow trade unionists. They've done great work and I'm fully confident that even better things lie ahead under their administration.

As always, we in the UIW will continue doing our part to support them in protecting workers' rights.

Unsafe Work Conditions Cause 343 Deaths Daily In the U.S., AFL-CIO Finds Black and Latino Workers Face Highest Risk from Hazardous Conditions

Worker protections still leave much to be desired in terms of ensuring safety for workers across the United States, according to the latest insights from the AFL-CIO report, *Death on the Job: The Toll of Neglect*. The annual report, released to coincide with Workers' Memorial Day, details the current condition of worker safety and health in the U.S., including a state-by-state breakdown of worker fatalities, injuries and illnesses.

Despite recent progress, increasing attacks on unions and growing opposition to workers' rights and protections pose significant challenges to protecting workers from experiencing injury, illness, or death while on the job.

According to the AFL-CIO, 5,190 people were killed on the job in 2021 while 120,000 died from occupational diseases. Each day, 343 U.S. workers lives are lost due to hazardous, unsafe work conditions.

"This report is more than a wake-up call, it is a call to action," AFL-CIO president Liz Schuler said. "No one should have to risk their lives for their livelihoods. There is no corporate cost-benefit analysis that should put human life and worker safety on the wrong side of the ledger."

The lack of workplace protections impacts communities of color at a far higher rate, especially Black and Latino workers.

1,130 Latino workers died on the job in 2021 and 64% of those were immigrant workers. The U.S.'s Latino workforce experiences fatalities at a rate that is 25% higher than the national average, and has increased 13% over the past decade. Black workers experience an increased job fatality rate of 4.0 per 100,000 workers, and this is the third consecutive year this rate has surpassed the overall job fatality rate. The current rate of death is the highest in more than a decade.

"It is unconscionable that in the wealthiest nation in the world, Black and Latino workers are facing the highest on-the-job fatality rates in nearly two decades," Schuler said.

The worsening state of labor safety protections could be drastically improved under the authority of the Occupational Safety and Health Administration (OSHA), but it would require a massive increase in personnel and resources to rectify.

Although there has been an increase in OSHA inspectors since 2021, there are still only 1871. These few inspectors are responsible for enforcing safety and health law in nearly 11 million workplaces. In its current

state, it would take OSHA 190 years to complete an inspection for each workplace, and they would only be allotted \$3.99 per worker in order to make improvements toward worker protections, a marked decrease from last year's reported figure of \$4.37.

The states with the highest rates of fatality in 2021 are Wyoming, North Dakota, Montana, Louisiana, Alaska, and New Mexico. Jobs in agriculture, forestry, and fishing & hunting see the highest fatality rates (19.5 per 100,000 workers). Injuries and illnesses cause an estimated \$174 to \$348 billion a year.

A dearth of reporting on workplace violence, musculoskeletal disorders from repetitive motion injuries and occupational heat illness make it more difficult to continue tracking and understanding these important issues putting workers' lives at risk across the nation.

Since election, President Biden's administration has prioritized improving labor safety by prioritizing worker protections on its regulatory agenda, taking steps on targeted enforcement efforts on urgent hazards, and filling staff and leadership vacancies. The AFL-CIO also maintains that employers must meet their responsibilities to protect workers and be held accountable if they put workers in danger. They also encourage workers to use

their voice when it comes to advocating for workplace safety improvements.

The Occupational Safety and Health Act was put into place as a means to allow for workers to stay safe on the job. The AFL-CIO urges Congress to pass the Protecting America's Workers Act to update the Occupational Safety and Health Act,

which is now more than 50 years old. These necessary updates will extend the law's coverage to workers currently excluded, strengthen civil and criminal penalties for violations, and strengthen the rights of workers and their representatives so that workers may advocate for their own safety in the workplace is to report job hazards and injuries, and exercise their safety and health rights.

AFL-CIO Safety and Health Director Rebecca Reindel stresses the importance of agencies like OSHA receiving more financial and material support in order to better protect America's workers. "The federal agencies responsible for safeguarding workers were created for a reason, and it's past time that they received the funding and staffing they need to create and enforce worker protection standards," said Reindel.

"No one should have to risk their lives for their livelihoods. There is no corporate cost-benefit analysis that should put human life and worker safety on the wrong side of the ledger."

- Liz Schuler, AFL-CIO president



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Vol. 49, No. 2

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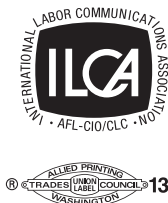
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Great Lakes Region: Monte Burgett, vice president

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Midwest Region: Chad Partridge, vice president

West Coast Region: Nicholas Marrone, vice president



9th Annual UIW Sports Council Meets in Columbus, Ohio



UIW National Director Karen Horton-Gennette (second from left) and Vice President Monte Burgett (far right) gather with a group of Union Sports Council members in Columbus, Ohio, for the Annual Union Sportsmen's Alliance Conservation Dinner. Also pictured are UIW representative Adam Cordel (far left), and shop stewards Justin Baumgardner (third from left) and Brian Watson (third from right) from Armaly Brands, makers of the famous "Brillo Pad."

Su Nomination Still Awaits Senate Action

Continued from Page 1

interest law. She has taught at UCLA Law School and Northeastern Law School and worked as a lawyer for low-wage and immigrant workers before serving as the California labor commissioner for 7 years.

In 2001, Su was the recipient of a MacArthur Foundation "genius" grant, gaining recognition for her work fighting for the rights of disadvantaged people, particularly Asian and immigrant communities.

From 2019 to 2021, she was the secretary for the California Labor and Workforce Development Agency (LWDA). Her responsibilities with the LWDA included enforcing workplace laws, combatting wage theft, ensuring health and safety on the job, connecting Californians to quality jobs and career pathways, and administering unemployment insurance, workers compensation and paid family leave. Upon her confirmation, she will become the Biden administration's first Asian/Pacific-Islander cabinet secretary.

According to news reports, proponents of Su's nomination hope to see the Senate decide before the extended leave of absence for lawmakers that lasts from July through September. Su's nomination has been stalled at the Senate level, despite much support from the White House and from the leaders of many trade unions.

Su has the backing of the AFL-CIO and numerous affiliates of the federation, including the United Mine Workers, North America's Building Trades Unions (NABTU), Laborers' International Union of North America (LIUNA), the International Brotherhood of Electrical Workers (IBEW) and others. She has also received support from business leaders, including a group of 250 executives who sent a letter to the Senate backing her nomination, as well as the Los Angeles Chamber of Com-

merce.

In particular, Su has been criticized by business interests over her time in leadership in California as well as her support for A.B. 5, a California law that aims to reclassify certain gig workers as regular employees. Concerns have also been lodged over her support of the Fast Act, a law detractors say takes away control from franchise operators and jeopardizes their businesses. During the aforementioned hearing, Su's position on both of these issues was addressed.

Su clarified during the hearing that A.B. 5 was passed by California legislature while she held office as the California Secretary of Labor, where her role was only to oversee agencies, including those affected by the legislature. Similarly, she will not have the authority as Labor Secretary of the DOL to pass laws, and will only be able to implement rules that are consistent with the laws Congress passes.

Of the DOL's role as an enforcer of lawful labor practices, U.S. Rep. Teresa Leger Fernandez (D-New Mexico) said, "The Department of Labor is there to serve as backstop because individual workers who might be stiffed for the overtime, who might be placed in an independent contractor position, they need somebody to be on their side. And in that sense, the Department of Labor is should be on their side."

U.S. Rep. John James (R-Michigan) expressed concerns on behalf of his constituents about joint employer policies, which are a vehicle for many to achieve their American dream, and how the DOL's policies seem adversarial to businesses and entrepreneurs. Su, who is the child of a franchisee business owner, said that there are no plans at this time for her administration to impose additional rulemaking on joint employment and that it is not on



Acting Labor Secretary Julie Su is pictured with SIU Assistant Vice President Michael Russo (center), and former U.S. Secretary of Labor Marty Walsh (right) during a gathering at a Houston-area union hall.

the DOL's agenda to do so.

Many of Su's critics also accuse her of showing favoritism to unions due to her support of the PRO Act, which would restore fairness to federal labor laws. Among many other components, the proposed legislation would give both unions and employers the freedom to negotiate "fair share agreements," which are currently prohibited by so-called right to work laws.

Rep. Frank Mrvan (D-Indiana) is a proponent of Su and of the Labor Department's inclination toward policy that fairly benefits working families. "This is the strongest administration for union labor and uplifting the middle class that we have seen in history. That's probably why it's being attacked. When we go forward, I think it's important for us to realize that union jobs and union wages lift up all

wages throughout every community," Mrvan said.

He added, "When the administration invests in the Infrastructure Bill and the Chips and Science Act and there are components to it that include union labor, that's lifting up America in the middle class. That's why I'm here in Congress, and hopefully that's why the administration keeps fighting for those middle-class jobs and keeps fighting to make sure that we are providing a pathway for good wages, safe work environments, health insurance and good pensions. If we continue to do that, I think America will be better for it. I know my district will be. So, I ask you to keep fighting for all those workers, but to keep in mind that union labor lifts all wages and lifts all boats and I truly believe that."

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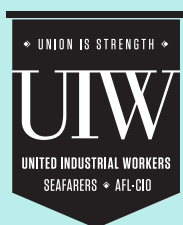
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Sail-In Sets Participation Record In Return to Nation's Capital

The UIW strongly contributed to a record turnout as maritime industry leaders met with members of Congress and their respective staffs on March 30, in a return to the annual Maritime Congressional Sail-In event which had been on hiatus since the onset of the pandemic. In total, 138 members of the maritime community – including 28 UIW and SIU executives and representatives – sat down with 139 senators, congressional representatives or their staffs, making this iteration of the event the largest in its 11-year history.

Representing the UIW and its parent union at the day-long outreach: President David Heindel; Executive Vice President Augustin Tellez; Secretary-Treasurer Tom Orzechowski; Vice Presidents George Tricker, Nick Marrone, Dean Corgey, Joseph Soresi, Nicholas Celona and Bryan Powell; Political and Legislative Director Brian Schoeneman; Assistant Vice Presidents Amancio Crespo, Michael Russo and Joe Vincenzo; Political Consultants Terry Turner and Lanier Avant; Port Agents Joe Baselice, James Bast, Todd Brdak, DeCarlo Harris, Ray Henderson, John Hoskins, Gerret Jarman, Ashley Nelson, J.B. Niday, Mario Torrey, Chris Westbrook and Jimmy White; and Representative Shane Sterry.

The Sail-In allows the maritime community to come together and speak to lawmakers on the issues that matter most to the industry. Each group typically features at least one member from a different component of the



The Maritime Congressional Sail-In returned to the nation's capital March 30. Maritime labor and industry representatives met with members of Congress, reiterating the importance of maintaining a strong U.S. Merchant Marine. Pictured just before the meetings began are (from left) SIU VP Government Services Nicholas Celona, SIU VP Lakes and Inland Waters Bryan Powell, UIW President David Heindel, UIW VP Gulf Coast Dean Corgey, UIW Secretary-Treasurer Tommy Orzechowski and SIU Executive VP Augie Tellez.

maritime industry, including labor, management, retired Naval officers, and educators.

This year, participants discussed (among other topics) the Maritime Security Program, and that it should be fully funded at the congressionally authorized level of \$318 million; the Tanker Security Program being

fully funded at the congressionally authorized level of \$120 million; and increasing funding for international food aid programs, such as PL-480. They also touched on the numerous benefits of the Jones Act, America's freight cabotage law, which protects U.S. national, economic and homeland security.

Michigan Lawmakers Deliver Legislative Victories for U.S. Unions, Working Families

Michigan Governor Gretchen Whitmer (D) on March 24 delivered a huge win for labor unions – and for all working families – across the United States when she signed legislation (Senate Bill 34 Restoring Workers Rights) that repealed the state's so-called "right to work" law (RTW).

In addition to this main bill, Whitmer also signed a pair of companion pieces of legislation. The first, House Bill 4004, erased the state's RTW law for public-sector workers as well. That bill's sponsors acknowledged public-sector unions will still be blocked from requiring government employees to join or pay dues under the U.S. Supreme Court's 2018 decision in *Janus v. AFSCME*.

Finally, the governor signed a third bill (House Bill 4007) as part of Democrats' pro-labor package, restoring Michigan's prevailing wage law to set minimum pay requirements for workers involved in state-funded construction and infrastructure projects.

"Michigan workers are the most talented and hard-working in the world and deserve to be treated with dignity and respect," Whitmer said in a statement released by her office. "These bills will protect health and safety, ensuring healthcare workers can put patient care ahead of profit, construction workers can speak up when there's a safety issue, and employees can call attention to food safety threats and other problems."

"Today, we are coming together to restore workers' rights, protect Michiganders on the job and grow Michigan's middle class," the governor concluded after she signed the legislation.

Reaction to the Michigan RTW law's demise was swift, especially from those who supported the governor's action. "Unions made Michigan a hub of American business, and an engine of America's middle class," tweeted President Joe Biden. "A strong middle class benefits everybody. Michigan is leading as a great place to be a worker and a great place to do business."

Liz Shuler, president of the AFL-CIO,

the largest federation of unions in the U.S., also chimed in. "This is what happens when we elect union members to halls of power," she said. "We fight and we WIN for working people. Right to work, hit the curb!"

Michigan AFL-CIO President Ron Bieber issued a statement outlining his stance shortly after the RTW law met its demise. In part, that statement read: "After decades of anti-worker attacks, Michigan has restored the balance of power for working people by passing laws to protect their freedom to bargain for the good wages, good benefits, and safe workplaces they deserve. Ten years ago, Governor Whitmer was standing side by side with well over 10,000 working people who showed up in Lansing to protest the devastating attack on their rights. Today, she has demonstrated yet again her unwavering commitment to putting working families first. After decades of attacks on working people, it's a new day in Michigan, and the future is bright."

"Today, we are coming together to restore workers' rights, protect Michiganders on the job and grow Michigan's middle class,"

- Michigan Governor Gretchen Whitmer

Passed more than decade ago, the Michigan RTW statute allowed people in unionized workplaces to opt out of paying union dues and fees as a condition of employment, even if the union represented them in negotiations. According to several sources, Michigan State Democrats had long viewed the law as contentious, arguing



Michigan Gov. Gretchen Whitmer (D)

that it allowed for "free riders," or people receiving union representation without having to pay fees or dues for it. With the law now abolished, unions can require all workers in all unionized workplaces to pay fees for the cost of representation in bargaining.

Michigan, when the RTW law was enacted in 2012, enjoyed the nation's seventh-highest percentage of unionized workers, but that plummeted to 11th in 2022. Union membership over the last decade in Michigan has decreased by 2.6 percentage points; U.S. union membership overall has been falling steadily for decades, reaching an all-time low last year of 10.1%.

Michigan became the first state in 58 years to repeal a RTW law, with Indiana repealing its in 1965 before Republicans there restored it in 2012. In 2017, Missouri's Republican Legislature approved a RTW law, but it was blocked from going into effect before voters overwhelmingly rejected it the next year.

In total, 26 states now have so-called RTW laws in place.

Workers Seek First Contracts After Union Elections

Editor's note: The following article was written by Celine McNicholas, Margaret Poydock, and John Schmitt of the Economic Policy Institute. It has been edited to conform to our paper's style.

The writers tackle a significant but often under-publicized challenge caused by anti-worker employers—namely, intentional delays in securing a first contract after workers exercise their legal right to choose union representation.

How long does it take to reach a first contract?

Unfortunately, government statistical agencies do not collect data on how much time elapses between the legal recognition of a union and the signing of a first contract. Four analyses published in the last two decades, however, show a consistent pattern of long delays, resulting in an increased likelihood that unions will fail to reach a first contract.

In a study published in 2008, John-Paul Ferguson analyzed more than 8,000 successful union elections conducted between 1999 and 2004. Ferguson found that in 44% of those cases, unions did not manage to reach a contract within one year of certification.

Ferguson focused on the one-year mark because, “for the purposes of the law...the important question is whether the two parties negotiated a contract within one year of certification—the ‘contract bar’ period during which neither the employer nor other unions may challenge the certified union’s status as the employees’ representative.” In practical terms, this means that if negotiations take more than a year, the employer can challenge the union’s legal right to continue to represent employees at the workplace.

In a 2009 study, Kate Bronfenbrenner analyzed separate NLRB data from 1,004 randomly selected NLRB certification elections that took place between 1998 and 2003. Bronfenbrenner and colleagues then interviewed 56% of the union organizers involved in those elections, asking a series of questions including how long it took to reach a first contract after winning an election. Bronfenbrenner reported that more than half (52%) of cases did not reach a first contract within one year. More than one-third (37%) had no con-

tract after two years. And just under one-third (30%) still had no contract after three years.

A more recent study by John Kallas, Dongwoo Park, and Rachel Aleks reviewed 226 NLRB representation elections that occurred in 2018 and found that 63% of unions failed to reach a first contract within one year of winning their election. After two years, 43% were still working without a first contract. The study also found that employer use of legally prohibited “unfair labor practices” was “associated with a significant delay” in first contracts, leading the researchers to conclude that “employers can—and do—actively undermine bargaining.”

Analysis published in 2021 by Robert Combs at Bloomberg Law confirms that long delays to first contracts are still the norm—and, to make matters worse, these delays have been steadily increasing since the early 2010s. Combs used 2005–2022 data from 391 contracts covered by Bloomberg Law’s proprietary union contracts database, which he matched to publicly available NLRB data on certification elections. He found that the average time-to-contract was well over a year (465 days). In the most recent period covered in the Bloomberg data—2020–2022—the mean time to contract ratification was over 500 days.

None of these studies are able to provide an estimate of the share of newly formed bargaining units that ultimately fail to secure a contract. By its design, the Bloomberg Law data could not do so: Combs started by searching Bloomberg’s own database of signed contracts and only then matched those cases to NLRB election records. Because Bloomberg’s contract database can’t match contracts to elections in cases where a contract was never reached, their analysis can’t identify the elections that never yielded a contract. A similar logic applies to the other three studies. For very practical reasons, those studies had cutoff dates, at which time the researchers stopped following the progress of contract negotiations in order to write up their findings. Some portion of the union representation wins that still had not secured a contract after their cutoff dates never went on to reach a first contract.

Why does it take so long to reach a first contract?

Collective bargaining agreements covering employment relationships are, of course, complicated, and the two sides have different objective interests regarding many of the issues covered, all of which can take time to negotiate. But the most salient reason for the long lags is that delays overwhelmingly benefit employers and current labor law tilts strongly in their favor.

Employers have many reasons to drag their feet when negotiating a first contract. The union has just won legal recognition, usually in the face of significant employer opposition. A swift move from a recognition victory to a contract sends a signal to workers that the union is powerful and able to quickly press employers to improve wages, benefits, and working conditions. Long delays, on the other hand, suggest that the union is less powerful than the initial win suggested. Delays can sap solidarity, eroding some of the cohesion of the newly formed bargaining unit.

The main leverage workers have when management drags its feet is that drawn-out negotiations generally hurt morale, which can translate into lower productivity, higher turnover, and—in the short run, at least—lower profits. But in many industries, especially those that typically have high turnover (Amazon warehouses and Starbucks stores, for example), a drop in morale and increase in turnover may be exactly the outcome management is seeking. High turnover means the employer can recruit new workers who did not participate in the successful organizing campaign. In human terms, absent the shared experience that led to union recognition, the new workers may not identify as strongly with the new union, directly reducing the union’s bargaining power. In legal terms, the increased turnover may open up opportunities for employers to ask the NLRB to conduct a union decertification election by arguing that the union no longer represents the current workforce.

Anti-union employers who have lost a union recognition election may see contract negotiations as a second chance to defeat the union—by never reaching

a collective bargaining agreement. The National Labor Relations Act (NLRA) requires unions and management to bargain in good faith but does not require that the two sides reach an agreement, for example, by imposing binding arbitration in the absence of a negotiated agreement.

Since a failure to reach an agreement essentially leaves labor relations in the state they were in before the union organizing campaign, this purportedly evenhanded treatment of union and management is in fact biased against the new union and heavily in favor of management. Management has a strong incentive to play out the clock in the hope of never reaching an agreement. Even if management ultimately signs a contract, management can use its ability to outwait the union to squeeze concessions that it would not have been able to on a more equal playing field.

What can we do to ensure first contracts are reached in a timely manner?

The biggest barrier to a quick contract is the lack of a legal requirement that both parties come to an agreement in a timely fashion. As mentioned above, the NLRA requires management and the union to bargain in good faith but does not oblige the parties to reach an agreement.

A much more effective way to reach a fair contract would be to require labor and management to begin contract negotiations shortly after union recognition, use professional mediation in the event of slow progress or an impasse, and submit to binding arbitration if mediation fails to produce a first contract.

The Protecting the Right to Organize (PRO) Act includes all three of these elements. The PRO Act would require management to start negotiations in good faith within 10 days of the new union’s request. If an agreement is not reached within 90 days, either the union or management could request that the Federal Mediation and Conciliation Service (FMCS) step in to mediate. If the mediation fails to produce a contract within 30 days, the FMCS would require the parties to submit to binding arbitration that would review arguments from both sides and impose a two-year contract.



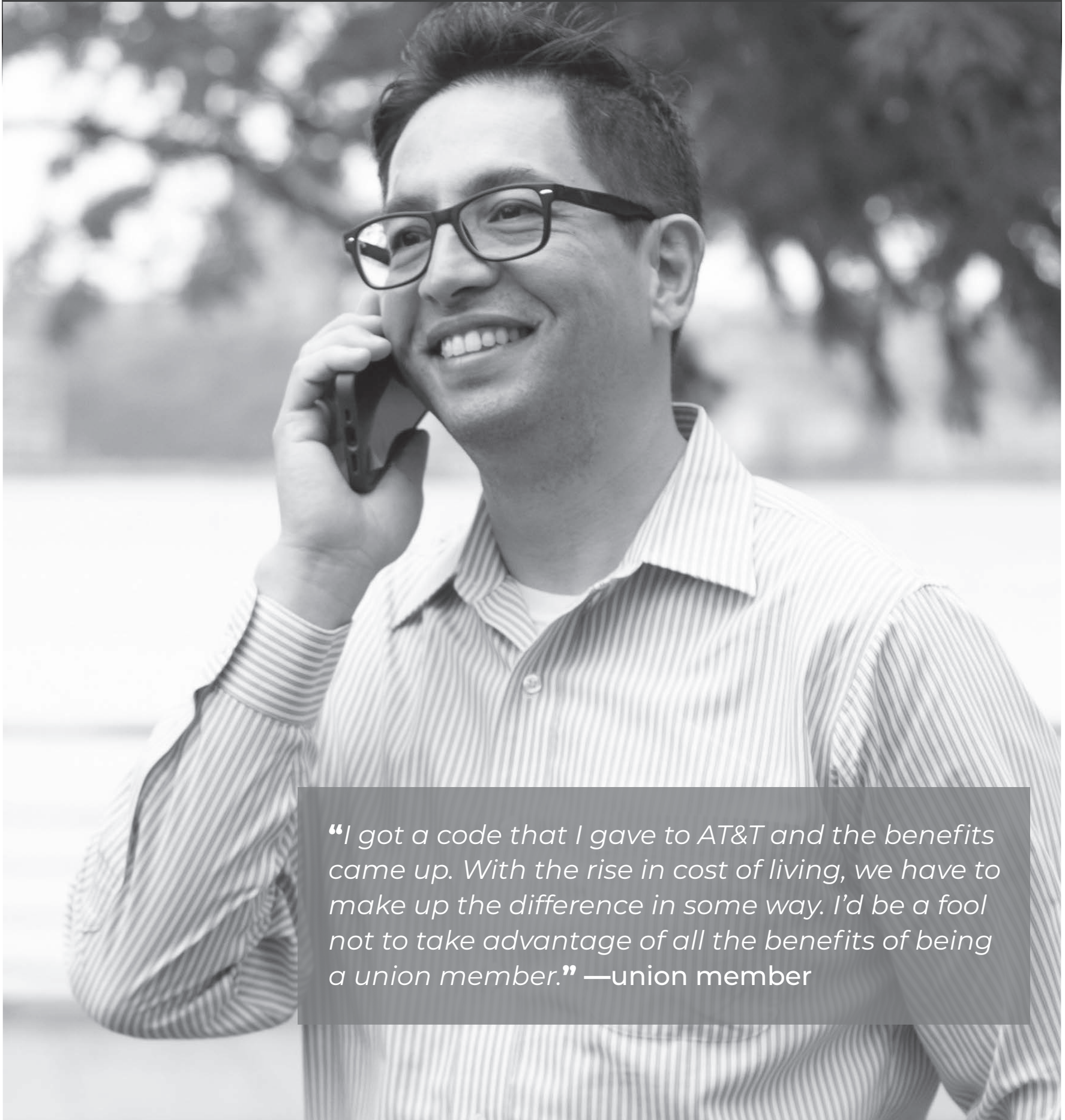
2023 Waterfront Classic a Hit

The UIW-contracted Paul Hall Center for Maritime Training and Education on May 16 hosted a charity fishing tournament – the Seafarers Waterfront Classic – which generated funds for the Boulder Crest Foundation. The organization serves military veterans, first responders and their families. UIW members and officials participated in the event and helped ensure its success. The school is located in Piney Point, Maryland.

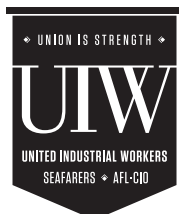


Pictured above, from left, are UIW members Tommy Combs and Paulette Swann, plus UIW Representative Shane Sterry and UIW VP Monte Burgett. Pictured in the photo at left are UIW members Roy Graham (left) and Peter Luhn, instructors at the school.

The Union Plus Wireless Program **WORKS FOR ME**



“I got a code that I gave to AT&T and the benefits came up. With the rise in cost of living, we have to make up the difference in some way. I’d be a fool not to take advantage of all the benefits of being a union member.” —union member



See more at
unionplus.org



UIW-WIRELESS-WFM-4-27-2023

New UIW Pensioners

Eva Cruz Ayala
Del Monte Corporation
San Pedro, California

Patricia Boone
PlymKraft, Inc.
Newport News, Virginia

Danette Bruton
Dixie Manufacturing
Norfolk, Virginia

Mary Boring
Kingsford Products
Thurston, Ohio

Joseph Dolan
Rossmoor Community Assoc., Inc.
Columbus, New Jersey

Rosa Flores
Juanita's Foods
Wilmington, California

Vincent Goins
Save the Queen LLC
Seal Beach, California

Terry McGee
Crown Cork & Seal
Abilene, Texas

Rodolfo Salcido Morales
Urban Commons Queensway, LLC
Signal Hills, California

A Smith
Crown Cork & Seal
Huntsville, Texas

Edrice Sutton
Pralex Corporation
Christiansted, Virgin Islands

Sinoun Vu
PlymKraft, Inc.
Newport News, Virginia

Maria Zamudio
A&E Products Group
Shenandoah, Pennsylvania



Pictured at the awards ceremony are (from left) St. Mary's County Health Officer Dr. Meena Brewster and Paul Hall Center personnel Executive Chef John Hetmanski, Chef Robert Johnson, upgrader Hyeyoung Choi Forrer, and apprentices Cameron McNeil and Gregg Lamar Gethers.

Paul Hall Center Receives County Food Safety Award

The UIW-contracted Paul Hall Center for Maritime Training and Education (PHC) recently received accolades from the St. Mary's County, Maryland, Health Department.

School personnel were on hand April 3 for a local ceremony honoring the PHC and other recipients of the county's Gold Star Awards. Those honors are given annually "to food service facilities that achieve superior food safety standards," according to the county.

PHC Executive Chef John Hetmanski, who attended the ceremony in Leonardtown, stated, "It's always a team effort with the upgraders, trainees and crew (staff), coordinating a daily sanitation checklist along with observations that are addressed immediately."

He added that the school, located in Piney Point, sees no shortage of meals or diners.

"The level of activity that we have here is amazing," Hetmanski noted. "We

do three meals a day and we have hundreds of people we feed for each meal. With the continuous rotation of upgraders and apprentices, for us to always get that job done is a tribute to the staff and students."

The award recipients make up approximately 20% of St. Mary's County's licensed food service facilities.

According to the county, "The Gold Star Program has recognized food establishments for superior food safety practices since the program's inception in 2007. Environmental health specialists at the health department regularly inspect more than 500 food service facilities in St. Mary's County to ensure food safety is being adequately addressed. During 2022, more than 1,400 inspections were conducted."

"These food establishments deserve recognition for achieving such high standards for their attention to food safety and sanitation," stated Dr.

Meena Brewster, St. Mary's County health officer. "We appreciate their extra dedication to ensure our community members can not only enjoy their food, but also have confidence in its safe preparation."

The food establishments that achieve this high level of compliance receive a certificate and a window sticker designating them as Gold Star establishments. The requirements to earn a Gold Star include: no critical violations (based on the Code of Maryland Regulations), no temperature violations cited during a monitoring inspection; all violations noted by an inspector must be corrected by a 30-day follow-up inspection, no confirmed unsafe food handling complaints, at least one food service worker completed a recognized and approved Food Service Sanitation and Safety Class within the last two years.

Gone But Not Forgotten

JOSEFO TAMASEU

Pensioner Josefo Tamaseu, 77, passed away May 31. He was born in Western Samoa and became a member of the UIW in 1981. He worked with Del Monte Corporation from 2003 until he began receiving stipends for retirement in 2010. Brother Tamaseu resided in Wilmington, California.

CHARLES TITUS

Pensioner Charles Titus, 77, died March 3. He was born in Fairfield, Texas. Brother Titus signed on with the UIW in 1984 while working with Crown Cork & Seal. He began receiving pension in 2007 and was a resident of Abilene, Texas.

NATHAN BROWN

Pensioner Nathan Brown, 80, passed away March 28. Brother Brown was born in Big Woods, Kentucky. He became a member of the UIW in 1977 while working with Z Steward & Silver, Inc. and began receiving retirement stipends in 2007. He lived in Jackson, Kentucky.

GERALD ENOS

Pensioner Gerald Enos, 80, died March 28. Born in Philadelphia, Brother Enos joined the UIW in 1970 while working with Victory Refrigeration. He began receiving his pension in 2006. He made his home in Pittsgrove, New Jersey.

JO SMITH

Pensioner Jo Smith, 86, passed away May 13. She was born in Sylvester, Texas. Sister Smith became a UIW member in 1978 and worked with Crown Cork & Seal until reaching retirement in 2000. She resided in Abilene, Texas.

WAYNE HUMMEL

Pensioner Wayne Hummel, 71, died February 20. Brother Hummel was born in Shamokin, Pennsylvania and joined the union in 1978. He worked at Paulsen Wire Rope Corp. until he began receiving his pension in 1993. He lived in the city of Freeburg in his home state.

ANDREA NIEVES

Pensioner Andrea Nieves, 88, passed away February 17. Born in Puerto Rico, she became a member of the UIW in 1987 while working with American Casting and Manufacturing Corp. Sister Nieves lived in Bronx, New York.

LARRY MINOT

Pensioner Larry Minot, 89, passed away February 25. Brother Minot was born in Sunbury, Pennsylvania. He joined the ranks of the UIW in 1959 during his time working with Paulsen Wire Rope Corp. and began receiving retirement stipends in 1993. He resided in his home state in Upper Augusta Township.



The United Worker

Volume 49, Number 2

April-June

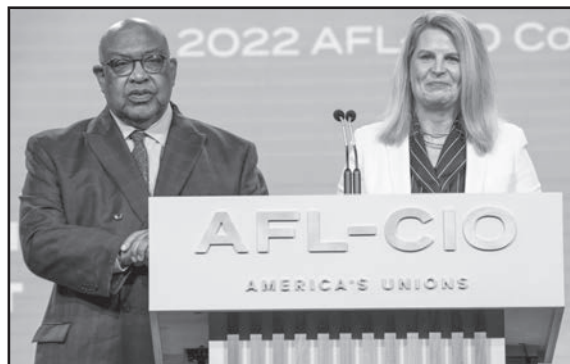
2023

Workers Seek First Contracts After Union Elections
Page 5

AFL-CIO Endorses President Biden for Re-Election



President Joe Biden speaks at the AFL-CIO Convention



AFL-CIO's Secretary-Treasurer Fred Redmond (left) and President Liz Shuler at the 2022 AFL-CIO convention.

The General Board of the AFL-CIO – representing 60 unions and more than 12.5 million workers – voted June 16 to endorse President Joe Biden and Vice President Kamala Harris for re-election in 2024. The endorsement vote marks the earliest the AFL-CIO has ever voted to endorse in a presidential election, “triggering an unprecedented mobilization that will engage millions of working people over the course of nearly 17 months on the Biden-Harris record of transforming the economy to one that works for all,” the federation said in a news release.

“There’s absolutely no question that Joe Biden is the most pro-union president in our lifetimes,” said AFL-CIO President Liz Shuler. “From bringing manufacturing jobs home to America to protecting our pensions and making historic investments in infrastructure, clean energy and education, we’ve never seen a president work so tirelessly to rebuild our economy from the bottom up and middle out. We’ve never seen a president more forcefully advocate for workers’ fundamental right to join a union. Now, it’s time to finish the job. The largest labor mobilization in history begins today, supercharged by the excitement and enthusiasm of hundreds of thousands of union volunteers who will work tirelessly to re-elect a president they know has our backs and will always fight for us.”

In its prepared statement, the federation noted, “There’s never been an election more critical to the future of working people. Worker organizing is happening at a pace not seen in decades, from coffee shops to tech to higher education to the manufacturing shop floor. The transition to a clean energy economy and historic

federal investments in good jobs creates the opportunity to transform the economy for generations to come. But this promise will only be realized if President Biden and Vice President Harris are re-elected to another four years.”

“Before Joe Biden and Kamala Harris were sworn in, the pandemic was raging and the economy was in freefall,” said AFSCME President Lee Saunders. “Our country is in far better shape today because of their leadership. This election is between a president who respects and protects working people and political extremists hellbent on reversing our progress and destroying our fundamental freedoms.”

“The Biden-Harris administration has consistently advanced policies that empower workers, created opportunities for everyday people, and promoted the wellbeing of working families,” Electrical Workers (IBEW) International President Kenneth Cooper said. “As a direct result of these efforts, the Biden-Harris administration has overseen robust economic growth, increased worker wages and achieved the lowest unemployment rate in 50 years.”

“Made in America isn’t just a slogan to this president, it’s a demand for a brighter future in which no worker is left behind,” said AFL-CIO Secretary-Treasurer Fred Redmond. “Joe Biden and Kamala Harris are building an American economy that respects and values all of us, no matter our race, ethnicity, gender, sexual orientation or where we’re from. He’s rebuilding America, brick by brick, through good jobs and opportunity for all. That’s the future we want for our kids and that’s why the labor movement is going all-in to deliver another four years to President Biden.”



Visiting SHLSS in Piney Point, MD

In photo at right: Karen Lee (right), Clerk, assists Brittanie Potter (left) with a purchase at the Sea Chest at Paul Hall in Piney Point, MD.

At left: National Director Karen Horton-Gennette (right) took some time to visit with UIW members on her most recent trip to Seafarers Harry Lundeberg Seamanship School. Here, she poses with Chief Shop Steward Ginger Bagwell (left), a UIW union member for 23 years.



Labor Board Frees Gig Workers, Others to Unionize

By a 3-1 party-line vote, the National Labor Relations Board (NLRB) recently liberated millions of gig economy workers, construction workers, home health care aides and Uber and Lyft drivers (among others) from unchallengeable corporate control by ruling they’re “employees” under labor law and thus can unionize and deserve other worker rights, too.

The decision, authored by board chair Lauren McFarren, reverses a Trump-era NLRB ruling which widened bosses’ ability to say the workers are “independent contractors” who can’t unionize or otherwise protect themselves.

This NLRB ruling restores at least 10 prior factors the board used to determine if labor law, including the right to unionize, protects those workers.

“Employer misclassification of workers as independent contractors robs workers of labor rights and threatens their economic security,” Economic Policy Institute President Heidi Shierholz wrote in a report earlier this year. “Not just gig

workers and journalists are harmed by employer misclassification. Nail salon workers, truck drivers, and construction workers are among the most impacted occupations. Allowing employers to exploit loopholes in labor law puts these workers at greater risk.”

Shierholz calculated the typical misclassified construction worker not only lost out on unionizing, but on minimum wages, overtime pay, workers’ comp and jobless benefits. The total loss (per person, on average) was \$16,729 yearly. Misclassified workers also must pay both the worker’s and the employer’s share of Social Security and Medicare payroll taxes.

The typical misclassified home health care aide, toiling in one of the lowest-paid occupations in the U.S., and usually a woman of color and often a migrant to the U.S., would lose union rights and \$9,529 yearly in wages and benefits, Shierholz added.

The Trump-era ruling calls a worker an “independent contractor” solely on

“entrepreneurial opportunity” for outside income, not on whether whomever hired the worker controls wages, hours, working conditions, uniforms, products or anything else. This decision restores those factors. If the boss controls those conditions, NLRB says the worker is an “employee.”

The practical impact of the Trump regime’s NLRB ruling was to ban labor law coverage from millions of workers and throw the door wide open to the “independent contractor” dodge bosses used to deny them workers’ rights, according to pro-worker sources. This decision slams the door again.

The Trump-era ruling “can’t be squared with common law, Board precedent” or U.S. Supreme Court rulings, McFadden and the board’s Democratic-named majority wrote in the case pitting the Atlanta Opera against Theatrical and Stage Employees Local 798.

“Entrepreneurial opportunity would be taken into account, along with the traditional common-law factors, by ask-

ing whether the evidence tends to show a supposed independent contractor is, in fact, rendering services as part of an independent business,” McFarren added.

The opera’s makeup artists and hairstylists, mostly woman workers of color, wanted to unionize with the local. The Opera’s bosses argued they were independent contractors with an “entrepreneurial opportunity” to make money on their own, and couldn’t unionize.

“In reviewing the facts of this case ... the board determined the majority of the traditional common-law factors point toward employee status. The board also determined the evidence did not show the stylists rendered services as part of their own independent businesses.”

“We are thrilled with this decision and humbled at its impact in the fight against misclassification of workers,” Local 798 tweeted. “Can we also get our union votes recognized as well? Health insurance and retirement sure do make for a better Hair & Makeup crew!”