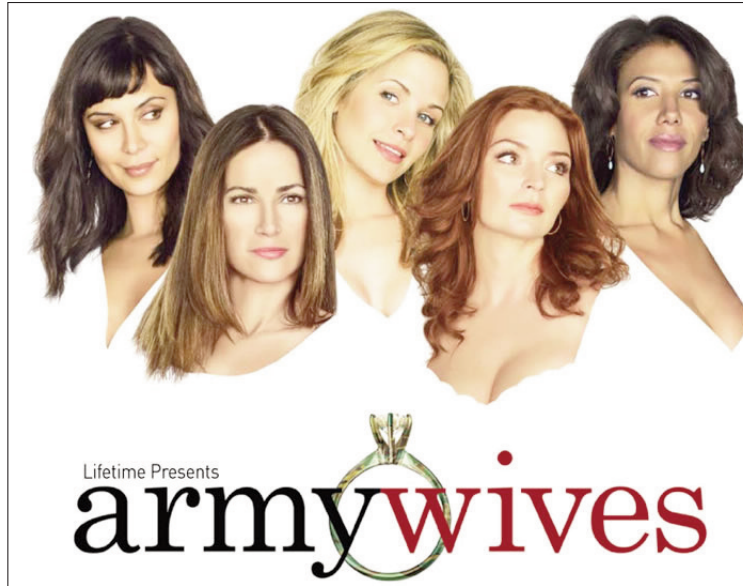


Foundation Helps Driver Win \$55K in Back Pay from Teamster Bosses

Teamster officials discriminated against nonunion employees working on the 'Army Wives' television show

CHARLESTON, SC – The National Labor Relations Board (NLRB), the federal agency charged with administering most private sector labor law, has upheld an Administrative Law Judge's decision awarding over \$55,000 in back pay to a television employee who was discriminated against by Teamster officials. The Board's ruling stems from unfair labor practice charges filed by Troy Coghill, a studio driver who received free legal assistance from National Right to Work Foundation staff attorneys.

Teamster Local 509 union officials are party to a monopoly bargaining agreement with ABC in Charleston, South Carolina that forces workers to go through the union's hiring hall to get a job with the studio.



Local Teamster bosses wouldn't let a nonunion worker keep his job on Lifetime's popular "Army Wives" television show.

Because Local 509 union members were working on other sets when production of "Army Wives" started, Coghill – a member of a different Teamster local –

was hired as a makeup driver during the show's first two seasons.

As more Local 509 members became available to work on "Army Wives," a dispute arose among various Teamster officials over who should be eligible to work on the program. Coghill was eventually removed from Local 509's "Movie Referral List" because he did not belong to that union while its members continued to receive preferential access to jobs on the set of "Army Wives."

Worker faces job discrimination because he didn't belong to the right union

Coghill responded to Local 509's biased hiring procedure by filing unfair labor practice charges against the union on the grounds that federal labor law prohibits union officials from discriminating against nonunion employees. National Right to Work Foundation staff attorneys subsequently persuaded an Administrative Law Judge to award Coghill over \$55,000 in back pay. Union lawyers unsuccessfully appealed the ruling to the NLRB, which has now affirmed the judge's decision in its entirety.

However, the union is not giving up. After losing before the most pro-Big Labor NLRB in history, it has

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Foundation Action

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The Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism. All contributions to the Foundation are tax deductible under Section 501(c)(3) of the Internal Revenue Code.

Foundation Attorneys Take on SEIU Forced Dues Political Scheme at Supreme Court

36,000 California civil servants were forced to support union 'political fight back fund'

WASHINGTON, DC – On January 10, 2012, Dianne Knox, a courageous California civil servant, finally made her case before the Supreme Court. After years of litigation against the powerful Service Employees International Union (SEIU), the Supreme Court heard oral arguments on the legality of a union scheme that misused nonunion employees' dues for political activism.

With the help of Foundation staff attorneys, Knox doggedly pursued a class-action lawsuit for over 36,000 California state employees who were forced to pay into an SEIU "political fight back fund" in 2005.

"The SEIU compelled many nonunion employees to make financial contributions to an organization they had no desire to join or support," said Knox. "That action violates a bedrock principle of American democracy and should be forcefully repudiated by the Supreme Court."



Foundation staff attorney Jim Young (left), lead plaintiff Dianne Knox (middle), and Right to Work President Mark Mix (right) address the media following oral arguments in the Foundation's latest Supreme Court case.

SEIU raises political cash from nonunion workers to protect union special privileges

In 2005, Knox and her nonunion colleagues were blindsided by an SEIU "special assessment" aimed at raising money to defeat several ballot initiatives, including one measure that would have required union officials to receive employee consent before spending their union dues on political activism.

Alarmed at the prospect of losing one of their most jealously guarded privileges, union politicians swung into action, imposing a "special assessment" to raise millions of dollars to defeat the ballot initiatives. Once they learned that their

dues had been misappropriated for union political activism, several nonunion civil servants approached Foundation staff attorneys for help.

"Freedom of association doesn't just mean the freedom to support groups or causes you believe in," continued Knox. "It also means the freedom to withhold support from organizations you disagree with."

Years of hard-fought litigation culminate in Supreme Court hearing

The Supreme Court argument followed years of litigation since the lawsuit was first filed in 2005. In 2008, a federal district court ruled that the SEIU

Local was required to provide a notice to nonunion employees about the assessment, allow them to opt-out of paying into the union political fund, provide a refund of monies spent on union politics, and pay interest from the dates of the deductions to nonmembers who chose to opt out.

Oral arguments highlight injustice of forcing nonunion employees to support union political activism

After SEIU lawyers appealed the case, a Ninth Circuit panel reversed that
see **FOUNDATION CHALLENGES** page 5

South Carolina Boeing Workers Fight Union Boss Attacks on Right to Work States

Workers shut out of backroom deal between company, union and government lawyers

CHARLESTON, SC – With ongoing legal aid from the National Right to Work Foundation, Charleston-area Boeing employees Dennis Murray, Cynthia Ramaker, and Meredith Going, Sr. are continuing the fight against union boss retaliation and Big Labor's new line of attack on state Right to Work laws.

The three Boeing workers filed a federal charge in late December against the union behind the National Labor Relations Board's (NLRB) recently-dropped high-profile case against Boeing for locating a production line in Right to Work South Carolina. The charge comes in the wake of the recent announcement of a backroom deal cut between the International Association of Machinists (IAM), its Local 751 union, and Boeing officials which led to the end of the NLRB's case.

As previously reported in **Foundation Action**, the three were granted intervenor status in the NLRB's persecution against Boeing by the NLRB in Washington, D.C. However, the workers were shut out of the NLRB hearing that led to the conclusion of the case.

Judge forced to recognize workers' rights

In 2010, IAM union bosses based in Seattle, Washington, asked President Obama's NLRB to take the unprecedented step of trying to halt Boeing's production of its 787 Dreamliner airplane in South Carolina because of the state's popular Right to Work law. IAM union bosses instead wanted the NLRB to force the company to produce the planes in Washington State, which does not have a Right to Work law.



Machinist union bosses tried to eliminate Charleston Boeing worker Dennis Murray's (pictured) and his coworkers' jobs in retaliation for exercising their rights to remove the unwanted union from the workplace.

Complying with the IAM union bosses' request, Obama's NLRB Acting General Counsel Lafe Solomon filed a federal complaint last Spring alleging Boeing's actions were "inherently destructive" of worker rights. In response, the three South Carolina Boeing workers – whose jobs were in danger of being terminated if the IAM union bosses and Solomon succeeded in their persecution of Boeing – moved to intervene in the NLRB's unprecedented case.

The NLRB Administrative Law Judge (ALJ) in Seattle denied the workers' request but was forced to allow them to intervene in the case after the Board in Washington, D.C. ruled that the employees could indeed have a partial

role in the proceedings.

Workers "finessed" out of process

Despite the three workers' intervenor status, IAM union bosses and company officials struck a backroom deal to locate production of the company's 737 Max and other future airplane production in Washington State in exchange for the IAM union bosses agreement to drop their complaint.

The transcript of the hearing ending the case in which NLRB, Boeing, and IAM union lawyers participated shows that the workers were explicitly shut out of the proceedings.

According to the transcript, the judge acknowledged that he had "finessed" the workers out of the process, which occurred without any notice to the workers. Moreover, the transcript shows that the judge did not discuss the terms of the secret deal struck between company and union officials, but when the judge asked about those terms the other attorneys asked if they could go off the record.

Workers point out union boss conspiracy against Right to Work

Because the hearing took place telephonically, Foundation staff attorneys representing the North Charleston Boeing employees would have been able to participate with virtually no advance notice. Citing this obvious injustice, National Right to Work Foundation attorneys took the unusual step of asking the Chief NLRB ALJ to investigate the conduct of the ALJ who oversaw the

hearing.

In their most-recently filed NLRB charge, the Charleston Boeing workers spell out how IAM union bosses abused the NLRB's adjudicative process to bully the company into locating work in forced-unionism Washington State. The workers explain how the IAM union bosses' accusations against Boeing had a chilling effect on Boeing and other companies, deterring them from locating work in Right to Work states to avoid costly legal battles.

In practice, employees in the now 23 states with Right to Work laws barring forced union dues and fees would be the main targets of Big Labor's new line of attack on workers' rights, because those states are where most U.S. private-sector job growth has occurred in recent decades and where more job providers are locating their production.

The charge also details how IAM union bosses retaliated against the Charleston workers after the workers at

the plant expelled the IAM from their workplace before the Dreamliner production line was located there.


The charge points out that, if the IAM union hierarchy still had a presence in the South Carolina plant, then the South Carolina workers' jobs would not have been at risk. Even Solomon admitted that before the U.S. House Committee on Oversight and Government Reform.

Right to Work's check on union boss power hangs in the balance

"How come the NLRB seems to be upholding the rights of the union and not the rights of the nonunion workers when [federal labor law]... is supposed to promote fairness and equality for all workers?" asked Charleston Boeing employee Dennis Murray in the

Charleston Post and Courier newspaper. "Those of us in right-to-work states ... are coming up on the short end of the stick."

"Unfortunately, the Obama Labor Board seems willing to go along with Big Labor's abuse of labor law – which is supposedly intended to protect the rights of individual workers – to bully job providers into forcing more workers into union-dues-paying ranks or else," stated Mark Mix, President of National Right to Work. "The so-called settlement between Boeing and union officials has not settled anything at all, as the rogue NLRB continues to pose a severe threat to workers in Right to Work states."

"As Right to Work's ability to check union boss abuse and intimidation hangs in the balance, your National Right to Work Foundation will do whatever it takes to ensure employees' rights are safe from the radical Obama Labor Board," added Mix. 

Foundation Challenges SEIU Forced Dues Scheme at U.S. Supreme Court

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decision in December 2010. On June 27, 2011, the United States Supreme Court announced it would review the Ninth Circuit's ruling.

Although SEIU officials eventually refunded the confiscated dues in an effort to defuse the case, Foundation attorneys argued that this concession was not enough. As Justice Scalia noted during oral arguments, nonunion civil servants were required to fork over the equivalent of "an interest free loan" to union officials in the midst of a heated political battle.

Justice Kennedy also suggested that workers should have to affirmatively opt-in to paying for union politics before their money could be used.


"[The] point . . . was that you're tak-

**"You're taking
someone's money
contrary to that person's
conscience... and that's
what the
First Amendment
stands against."**

- Justice Kennedy

ing someone's money contrary to that person's conscience," said Kennedy. "And that's what the First Amendment stands against."

"Over the course of many years, Dianne Knox has never faltered in her efforts to hold union bosses accountable for illegally confiscating nonunion employees' dues for political activism," said Ray LaJeunesse, Vice President and Legal Director of the National Right to Work Foundation. "We hope the Supreme Court will reward Mrs. Knox's resolve by reaffirming the rights of all civil servants to refrain from supporting union politics."

The Supreme Court will issue a ruling in the case sometime before June. 

Foundation Adds New Staff Attorney to Legal Team



The National Right to Work Foundation's legal team has a new addition: Sarah Hartsfield. She will assist in the Foundation's burgeoning, cutting-edge legal

programs to blunt Big Labor's growing influence in the public sector, enforce individual employees' rights against compulsory unionism, and find new precedents to increase workplace freedom for America's workers.

Hartsfield is originally from Andrews, Texas, but grew up in Austin. She brings to the Foundation's legal aid program a real commitment to defending and advancing individual liberty against the looming threat of compulsory unionism.

Hartsfield holds a bachelors degree in Government from the University of Texas, where she graduated in 2008. In 2011, she graduated from the Regent University School of Law, home of the Reed Larson Chair for Labor Law, currently occupied by long-time National Right to Work Foundation staff attorney Bruce Cameron.

Before joining the Foundation, Hartsfield served as an intern for the Singer Legal Group in Virginia Beach, Virginia; the Ashcroft Group, L.L.C. in Washington, DC; and the Chesapeake Public Defender's Office in Chesapeake, Virginia. She was sworn-in as a member of the Virginia Bar in December.

As the newest of the Foundation's thirteen attorneys, Hartsfield will help build on the Foundation's litigation record for union-abused workers.

NLRB Power Grab Faces Foundation Challenge

continued from page 1

by unilateral Presidential appointment earlier this year, despite the fact that the Senate was not in a self-declared recess.

Foundation attorneys argue that the controversial appointments to the Board are not constitutional because the Senate was still in session when the President announced his "recess appointments." Consequently, the NLRB lacks the three member quorum needed to implement the new posting rules.

National Right to Work's legal challenge to the recess appointment is also attracting attention in the U.S. Senate. Senator Rand Paul (R-KY) - a staunch supporter of Right to Work - announced that he will be filing an *amicus* brief in the Foundation's case challenging the appointment along with Senators Jim DeMint (R-SC) and Mike Lee (R-UT).

Foundation challenges appointments in six additional cases

Although the National Right to Work Foundation's federal court case was the first challenge to Obama's attempted "recess appointments," Foundation attorneys aren't stopping there.

Foundation attorneys have also filed motions with the NLRB to disqualify President Barack Obama's recent purported recess appointees to the agency from participating in six cases pending before the Board. In those six cases, Foundation staff attorneys represent employees whose rights have been violated by compulsory unionism abuses.

Foundation attorneys argue that because the appointments are unconstitutional, the Board lacks the quorum necessary to hear any cases. Raising the issue now before the rogue NLRB rules on their cases strengthens the ability of the employees to challenge the recess



Senator Rand Paul, a supporter of Right to Work, announced he will file a legal brief in support of the National Right to Work Foundation's challenge to Obama's unconstitutional recess appointments.

appointees' authority after they issue a ruling.

Recess appointees poised to bolster Obama's forced-unionism agenda

The three new appointees join an NLRB that has already demonstrated a clear pro-union bias since the beginning of the Obama Administration. One of the appointees, Richard Griffin, actually served as general counsel for the International Union of Operating Engineers (IUOE) and continues to receive a regular IUOE pension.

Griffin has ostensibly pledged to refrain participating in cases that might affect his personal finances, but given former SEIU lawyer and NLRB member Craig Becker's disregard for potential conflicts of interest, it's impossible to know if Griffin will actually follow through on his assurances.

"President Obama, intent on rewarding his Big Labor allies, has illegally appointed three new NLRB members," said Mark Mix, President of the National Right to Work Foundation. "A biased notice posting scheme is just one example of how this President's appointees have hijacked the Board to reward Big Labor." ⚖️

Planned Giving: Cost-Effective Ways to Reduce Your Tax Hit

We are quickly approaching the April tax deadline and many National Right to Work Foundation donors are considering tax-saving options with careful financial planning goals.

It is more important than ever, because this is an election year, to review proposed changes in economic and tax policy. There remain, however, a number of areas of certainty regarding the best ways to make charitable gifts to the Right to Work Foundation in 2012 – advantages that may cease to exist after this year.

For this reason, you may wish to accelerate your charitable gifts you had previously planned to make over a longer period of time. Of course, we urge all of our donors to consult with their own tax advisor, accountant, or attorney to receive the maximum tax benefit.

Here are just a few options that may be the right fit for you in reaching the maximum tax benefit:

- **Gifts of Cash**

Cash, in the form of a check or a credit card gift, is the most common method of making a charitable gift to the Foundation. Gifts of cash can reduce either regular or alternative minimum income taxes. Your actual savings depends on your tax rate and other factors. Beginning next year, reductions in the value of income tax deductions for higher income taxpayers are scheduled to be restored, so gifts completed in 2012 may save you more.

- **Gifts of Stock**


If you own low-yielding stocks, mutual funds, or other securities that have increased in value since they were purchased, you may want to consider using them to make a charitable gift to the Foundation. Appreciated securities are subject to a capital gains tax when they are sold.

Gifts of stock may be deducted in amounts totaling up to 30 percent of your AGI limit.

- **Long-Term Planned Gift**

Many donors have expressed an interest in making a planned gift through charitable gift annuities, charitable remainder trusts, and charitable lead trusts. We encourage everyone to start early with your plan of action to provide for your loved ones and your favorite charity, like the Right to Work Foundation.

Your continued generosity makes it possible for the Foundation to step up and assist many more union-abused workers and combat union coercive power across the country.

If you have any questions regarding a specific planned gift or would like to make a gift of stock, please contact Ginny Smith by email at plannedgiving@nrtw.org or by calling 1-800-336-3600. Thank you for your interest and generosity. 

Donations of Stock or Securities

Electronic Transfer of Securities to: Bank of America, N.A.

100 W. 33rd Street

New York, NY 10001

Beneficiary: Merrill Lynch

11951 Freedom Drive, 17th Floor

Reston, VA 20190

Routing (ABA) Number: 026009593

DTC# 5198

Account # 6550113516

C/O National Right to Work Legal Defense and Education Foundation, Inc.


Foundation Account #86Q-04155

Army Wives

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nevertheless filed for review with the U.S. Circuit Court for D.C.

“Despite a tough economy, Teamster bosses had no qualms about discriminating against certain employees because they didn’t belong to the ‘right’ union,” said Patrick Semmens, legal information director for the National Right to Work Foundation. “It should not have been necessary to resort to drawn-out litigation to hold Teamster officials accountable, but we’re pleased that the NLRB ruled Coghill should receive the back pay union bosses tried to deny him.”

“Until Big Labor’s many government-granted special powers are repealed, this type of abuse will continue as union bosses intimidate and retaliate against workers who refuse to toe the union line,” concluded Semmens. 

Newsclips Requested

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the role union officials play in disruptive strikes, outrageous lobbying, and political campaigning. Please clip any stories that appear in your local paper and mail them to:

NRTWLDF
Attention: Newsclip Appeal
8001 Braddock Road
Springfield, VA 22160

Supporters can also email online stories to wfc@nrtw.org



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

2012 has barely started and there is already so much to report, as your Foundation continues the fight against forced unionism.

On January 10, National Right to Work Foundation staff attorney Jim Young argued before the U.S. Supreme Court — our fifteenth such trip to the High Court — to take on a corrupt Service Employees International Union (SEIU) political fundraising scheme.

Soon after, your Foundation filed the first legal challenge to President Barack Obama’s unconstitutional “recess” appointments to the National Labor Relations Board (NLRB), garnering national media attention on television, on the Internet, and in newspapers across the country. This is not just an important fight for our cause but for defending our constitutional republic from an out-of-control executive branch.

Meanwhile, states across the country are moving to protect worker freedom, and Right to Work is proving to be a crucial issue in the presidential primaries.

And with presidential, congressional, and state elections nationwide this fall, we’re prepared for Big Labor’s biggest political spending blitz ever. No small feat given the over \$2 BILLION union bosses spent on the 2010 election.

It’s an exciting but challenging time for the Foundation, and thanks to the continued generosity of our supporters, we will remain leaders on some of the most critical battles of our time.

Sincerely,

Mark Mix

P.S. Indiana became America’s 23rd Right to Work state at 2:44 p.m. February 1!



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Right to Work Attorneys Challenge Constitutionality of Obama's NLRB Appointments

*Foundation's case marks
the first legal challenge to
President's attempt to install
recess appointees without an
actual Senate recess*

WASHINGTON, DC – On January 13, National Right to Work Foundation staff attorneys filed a motion in federal court challenging the legality of President Barack Obama's recent recess appointments to the National Labor Relations Board (NLRB).

The Foundation's legal challenge is part of a broader case against a series of controversial new NLRB rules that require every employer to post incomplete information about employee rights online and in the workplace, even if they've never violated or been accused of violating federal law.

The NLRB's posting rules do not require union officials to issue information about workers' rights to refrain from union membership or opt out of union dues. Currently, employers can only be required to post notices if the



Obama's unconstitutional recess appointments to the NLRB set the stage for more Big Labor giveaways.

Board has ruled that a violation of labor law occurred or if the Board is conducting a secret-ballot representation election.

The implementation of the NLRB's new posting rules, originally scheduled for November of last year, has been twice delayed due to the Foundation's legal challenge.

Legal challenge calls NLRB rulings into question

The Foundation's case challenging the biased NLRB notice posting rules was filed in conjunction with the National Federation of Independent Business, and two small businesses.

The new filings in the U.S. District Court case come after NLRB lawyers announced that President Obama's recent recess appointees should be substituted as parties to the ongoing legal battle. Supreme Court precedent

requires at least three NLRB members to be in office for the Board to act. However, three of the five current purported NLRB members were installed

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