



Foundation Action

The bi-monthly newsletter
of the National Right to Work
Legal Defense Foundation, Inc.

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Lawsuit Prompts School District to Void Forced Dues Union Contracts

Unions and school district violated Wisconsin's Act 10 Right to Work protections

KENOSHA, WI – A lawsuit filed by current and former Kenosha public school teachers has prompted the Kenosha Unified School District and School Board to declare several of their union bargaining agreements null and void. The recently agreed-upon settlement also requires the District and Board to refrain from forcing nonunion teachers and other staff to pay union dues or fees as a condition of employment.

The lawsuit was filed for Kristi Lacroix, a former Kenosha teacher, and another public school teacher with the help of attorneys from the National Right to Work Foundation. The lawsuit challenged bargaining agreements between the District and the Kenosha Education Association union, the SEIU Local 168 union, and the AFSCME Local 2383 union. Those agreements required teachers and other District staff to pay union dues or fees to keep their jobs.

Under Wisconsin's 2011 Act 10 labor reforms, most public sector employees cannot be forced to join or pay dues to a union as a condition of employment or accept unwanted union representation for matters other than base wages. In November 2013, however, the Kenosha School Board approved bargaining agreements with the unions covering numerous subjects Act 10 prohibits. One illegal provision allowed union officials to force all District employees, including nonmembers, to pay union dues or lose their jobs.



Foundation staff attorneys are helping Kristi Lacroix and another Wisconsin public school teacher defend their state's recently-enacted public-sector labor reforms.

Settlement safeguards educators' rights

On November 21, 2013, the teachers filed a lawsuit challenging those bargaining agreements in Kenosha Circuit Court with the help of attorneys from the Foundation and the Wisconsin Institute for Law and Liberty.

"I argued from day one that taxpayer money was being spent illegally to support collective bargaining agreements negotiated behind closed doors between the unions and school district," said

Lacroix. "This activity is prohibited under Act 10 and I am glad to see taxpayer rights prevail."

Although the Kenosha School District and Board agreed to a settlement, the lawsuit will continue against the three unions.

Labor reforms must be enforced in court

"Wisconsin's Act 10 was a promising first step in reforming that state's labor laws," said Patrick Semmens, Vice President of the National Right to Work Foundation. "However, new laws must be vigorously enforced to send a clear message about protecting employee rights. This settlement makes it clear

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Worker Overcomes Union Threats to Win Nevada Right to Work Case

Union officials threatened casino employee with loss of benefits and seniority unless she paid dues

LAS VEGAS, NV - A Paris Las Vegas Hotel and Casino employee recently won a federal judgment against a local union after a union official violated her right to refrain from paying union dues.

With free legal assistance from National Right to Work Foundation staff attorneys, Nani Sugianto won her case against the Culinary Workers Union Local 226 before a National Labor Relations Board (NLRB) administrative law judge in early May.

In 2007, Sugianto resigned her union membership and gave notice that she was refraining from further dues payments. Thanks to Nevada's popular Right to Work law, employees like Sugianto have the right to refrain from union membership and the payment of any union dues.

After nearly five years, however, union officials started to collect dues again without giving Sugianto notice.

Sugianto was able to stop the union from deducting dues from her paycheck. She then filed an unfair labor

practice charge with the NLRB after a union steward illegally threatened her with a loss of benefits and seniority unless she paid dues. The steward made those threats at a time when the union was trying to increase its membership rolls and prevent workers from exercising their right to work during a union-boss instigated strike.

After hearing conflicting testimony, the NLRB administrative law judge ruled that Sugianto was the more credible witness.

"Workers' rights are not a casino game," said Mark Mix, President of the National Right to Work Foundation. "We applaud Nani Sugianto's efforts to protect her rights under Nevada's long-standing Right to Work law."

Enforcement in Right to Work states matters

Twenty-four states have Right to Work protections for employees.



Thanks to Foundation staff attorneys, a Paris Casino employee was able to assert her rights under Nevada's Right to Work law.

Moreover, public polling shows that three out of four Americans and union members support the principle of voluntary unionism.

Although these state Right to Work laws formally protect workers from being forced to join or pay dues to a union, such laws are only effective if they're consistently enforced.

Many union officials resort to obstructionist tactics to discourage workers from asserting their rights. Others simply lie to workers about their obligations to a union.

Meanwhile, employees often lack the time or resources to learn about their rights and defend them in court or at the NLRB.

"The National Right to Work Foundation is the leading national organization helping employee victims of forced unionism," continued Mix.

"Without our legal aid program, employees like Nani Sugianto would have nowhere to turn when their rights are violated. That's why our staff attorneys are such vital resources for workers across the country." 

Foundation Action

Rev. Fred Fowler	Chairman, Board of Trustees
Patrick Semmens	Vice President and Editor-in-Chief
Ray LaJeunesse, Jr.	Vice President and Legal Director
Mark Mix	President

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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.

Tennessee VW Workers Fend off Imminent UAW Unionization Threat

Despite UAW attempt to overturn election, workers' vote stops unionization threat for one year

CHATTANOOGA, TN – Chattanooga Volkswagen workers have staved off the United Auto Workers (UAW) union bosses' quest to unionize their plant for at least one year.

UAW union officials lost a unionization election in February even though union and company officials colluded for nearly two years to force the workers into union ranks via a coercive card check organizing scheme.

Now union lawyers have publicly conceded that the UAW has to wait a year before it can attempt to unionize VW's Chattanooga plant again, giving independent-minded autoworkers at the facility some much-needed breathing space.

Workers challenge backroom deal

The backroom deal between VW management and UAW union organizers included mandatory pro-union meetings, use of company property by outside UAW organizers, and clauses preventing VW and its managers from opposing unionization.

In exchange for that valuable organizing assistance, the UAW promised the company that once workers were unionized, UAW officials would delegate many of the union's duties to a German-style Works Council, limit bargaining demands to ensure company "cost advantages," and not go on strike. Further, the UAW promised not to make negative comments about VW or to conduct organizing activity for one year if the union lost the election.

Despite the backroom deal, UAW officials lost the unionization election by a decisive margin. Union lawyers responded by filing objections with the National Labor Relations Board (NLRB) to overturn the election results.



Former UAW President Bob King pulled out all the stops to unionize Volkswagen's Chattanooga facilities. Now that the UAW's coercive unionization drive has failed, union organizers have to back off for at least one year.

In response, a group of VW workers represented by Right to Work Foundation attorneys filed a federal lawsuit to block further collusion between the company and the UAW should the NLRB order a new unionization election at the plant. The suit relied on a Foundation-won precedent set by a federal appeals court that held a company's assistance to union officials during an organizing campaign could be an illegal "thing of value" under federal law.

Workers' win prompts UAW withdrawal

After the union appealed the vote, VW workers represented by Foundation staff attorneys also successfully moved to intervene in that case. Spurred by the prospect of the workers participating in the proceedings, UAW union bosses abandoned their efforts to overturn the election.

The UAW's lawyers then conceded in federal court that, having lost the elec-

tion and dropped its objections to the result, the UAW cannot seek another election until sometime next year. The development prompted the workers to voluntarily withdraw their lawsuit challenging further UAW-VW collusion.

"Having successfully defended the result of the vote against the UAW, the workers and their Foundation staff attorneys have made the strategic decision to withdraw their federal lawsuit against the UAW and Volkswagen," said Ray LaJeunesse, Vice President of the National Right to Work Foundation. "Foundation staff attorneys stand ready to provide free legal assistance to VW workers if UAW bosses resort to unlawful tactics at the plant again."

"When we filed this lawsuit, we were worried that the UAW union was going to be forced on us," stated plaintiff and Volkswagen team member Mike Jarvis. "Now that the vote has been certified, we want to move on, work with our fellow VW team members, and focus on building our award-winning cars." 🏆

Massachusetts Caregivers Challenge Forced Unionization Scheme

Foundation joins fight against legislation that pushes childcare providers into union ranks

BOSTON, MA – Opening another front in the battle against forced unionism by government fiat, a group of six Massachusetts home-based caregivers have filed a federal lawsuit challenging a state law that forcibly unionizes the state's home-based childcare providers.

Providers Kathleen D'Agostino, Denise Boian, Jean Demers, Judith Santos, Laurie Smith, and Kelly Winship filed the suit with free legal representation from National Right to Work Foundation staff attorneys.

New law forces SEIU bosses on care providers

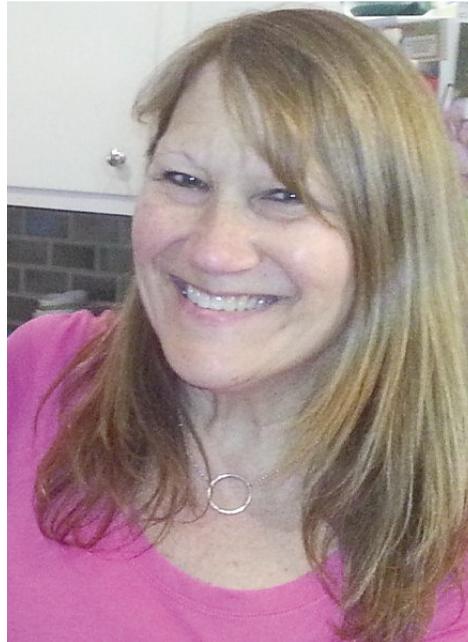
In their lawsuit, the six providers seek to halt implementation of a state law that designates Service Employees International Union (SEIU) officials as the monopoly bargaining representative of thousands of providers in the state. The providers are either business owners or family members who take care of children within their families.

Union boss-backed politicians passed the scheme in 2012 after it failed as a ballot question in 2006.

"I had a visit a number of years ago from some union people, but then heard nothing more about it until May 2012," remembered D'Agostino, a licensed provider for 30 years. "I found out about the unionization scheme from another provider in May 2012... We learned that the State Representatives had voted [to unionize us]."

Under the Massachusetts scheme, SEIU Local 509 union officials are empowered to confiscate forced dues and fees from childcare providers to pay for their mandatory "exclusive representation" if they care for at least one child receiving a state subsidy.

"They are taking money away from the providers that accept state vouchers



Foundation attorneys are helping Kathleen D'Agostino and other home care providers fight back against a coercive union organizing drive.

for childcare, many of whom only care for children with state vouchers," D'Agostino explained.

Although the Massachusetts care providers' case is at the U.S. District Court for the District of Massachusetts, their fate could very well be determined by the U.S. Supreme Court (see page 5 of **Foundation Action** for details).

Another attempt to forcibly unionize care providers

Home-based childcare and personal care providers, with Foundation attorneys' assistance, have challenged similar forced-unionism schemes in several states across the country, including Michigan, Minnesota, and Illinois. Michigan ended its scheme after Foundation attorneys filed suit for providers there. A group of Minnesota child care providers are also challenging a similar scheme in federal court.

Foundation attorneys argue that such schemes violate providers' First Amendment right to choose with whom they associate to petition the government. They also point out that the government does not have the constitutional authority to force citizens to accept the government's handpicked political representative to lobby itself.

Naturally, the connection between SEIU union bosses and their pro-forced-unionism politicians was not lost on D'Agostino.

"This is only a money-making scheme for the union and the politicians" said D'Agostino. "Many State Representatives and State Senators received campaign contributions from [the] SEIU."

"My State Senator William Brownsberger and State Representative John Lawn had campaign mailings paid for by [the] SEIU for the 2012 elections," added D'Agostino. "They both voted for [the law]."

"SEIU [officials have] targeted non-English-speaking providers promising them benefits just like the police, firefighters, and teachers to get them to sign union cards," D'Agostino further explained. "[But] there are no benefits for providers from the union, it is clearly stated in [the law]. The state legislature must approve any increases in voucher reimbursement rates. They can do that without the influence and kick-backs from [the] SEIU."

"Citizens have the power to select their political representation in government, not the other way around," said Mark Mix, President of the National Right to Work Foundation. "This scheme, which forces small business owners, and even grandma taking care of her grandchildren, into a government-selected union, is a smack in the face of caregivers everywhere." 

High Court Preview: *Harris* Case Takes on Public Sector Forced Unionism

Latest Foundation Supreme Court case could curtail public sector forced dues

WASHINGTON, DC - As this issue of **Foundation Action** goes to press, the National Right to Work Foundation is awaiting a decision in *Harris v. Quinn*, a case that has the potential to protect homecare providers from coercive unionization schemes and curtail public sector forced unionism across the country.

Harris v. Quinn, a federal class-action lawsuit brought by eight Illinois care providers with the help of Foundation staff attorneys, challenges the constitutionality of a law approved by disgraced former Illinois Governor Rod Blagojevich and an executive order signed by current Governor Pat Quinn. The governors designated individuals who offer in-home care to disabled persons receiving state subsidies as “public employees” solely for the purpose of subjecting them to forced unionization.

The High Court is expected to announce a decision in *Harris* by the end of June. The next issue of **Foundation Action** will feature a more in-depth article on the ruling, but for now, Foundation staff attorneys anticipate one of three possible outcomes.

High Court could curtail public sector union bosses' special privileges

The Court could issue a relatively narrow ruling against Blagojevich and Quinn's unionization scheme on the grounds that it violates Illinois homecare providers' First Amendment rights. Such a precedent could be used against similar homecare unionization schemes in over a dozen states, including one in Massachusetts described on page four of this issue of **Foundation Action**.

However, the Court could also take this opportunity to build on earlier



After a long legal battle, Pam Harris and her developmentally-disabled son Josh are on the verge of getting a Supreme Court decision that will determine whether Illinois homecare providers can be subjected to forced unionism.

Foundation-won precedents and issue a broader ruling that restricts union bosses' special privileges in the public sector.

Right to Work litigator Bill Messenger, the lead Foundation attorney in *Harris*, went beyond challenging Illinois' homecare unionization scheme while arguing before the Court. Messenger pointed out that *all* union dues contributed to public sector unions by nonmembers are inherently political because they're inevitably spent on increasing the size and scope of government. Many nonunion civil servants who favor smaller government are nonetheless forced to contribute dues to unions that constantly lobby for bigger, more expensive government as part of the bargaining process.

The Supreme Court has traditionally held that workers have a right to refrain from financially supporting unions' political activities. Consequently, the Justices could decide that all public sector forced dues fall under that category and are therefore unconstitutional.

On the other hand, the High Court could uphold the Illinois scheme, open-

ing the door to more forced unionism campaigns aimed at home-based care providers. Foundation attorneys would then have to challenge these state schemes case-by-case.

“The Supreme Court is on the verge of delivering a potentially landmark ruling on public sector forced unionism,” said Ray LaJeunesse, Vice President and Legal Director of the National Right to Work Foundation. “We hope the Court takes this opportunity to curtail public sector union bosses' extraordinary special privileges and expand workplace freedom for civil servants across the country.”

For breaking news and other updates, visit the Foundation's website:
www.nrtw.org

Foundation Defends Michigan's Public Sector Right to Work Law

Union officials are attempting to circumvent new law that stops the collection of forced dues

SPRINGFIELD, VA – Right to Work Foundation staff attorneys are vigorously defending Michigan's recently-enacted public sector Right to Work law from several union attempts to circumvent the law's prohibition on forcing Michigan civil servants to pay union dues.

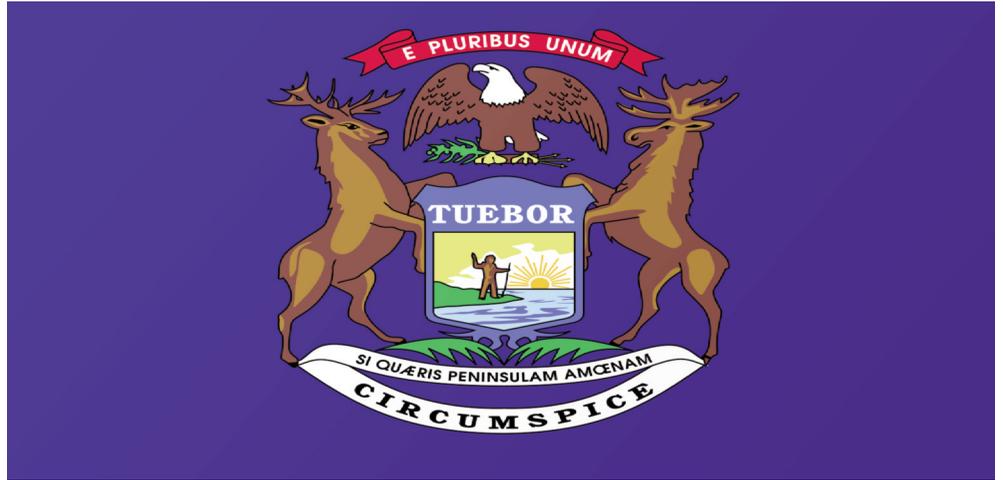
With the help of Foundation staff attorneys, Becky Lapham of Portland, Michigan, filed a state charge in early April with the Michigan Employment Relations Commission (MERC) in Detroit against a local union and her school district for violating her rights as a nonunion employee.

The 11-year Lincoln Developmental Center school teacher recently notified the Michigan Education Association (MEA) union that she was exercising her right to refrain from paying union dues unrelated to workplace bargaining. She also requested an audited financial breakdown of how her forced dues are being spent to help determine what she's legally obligated to pay.

Union bosses exploit loopholes to collect dues

Under Michigan's new Right to Work laws, no employee can be forced to join or pay dues to a union just to get or keep a job. However, union contracts with forced-dues clauses that predate the enactment of the Right to Work laws are still legally enforceable until those agreements expire. In Lapham's case, a preexisting contract between the union and her school district requires her to pay dues just to keep her job.

MEA union officials refused to comply with Lapham's request, claiming that she would have to wait for a union-designated "window period" in August 2014 before she could stop paying full dues. They also threatened to report her to a



Foundation staff attorneys are currently defending or enforcing Michigan's Right to Work laws in 15 cases against union lawyers' legal counter-attacks.

collection agency if she refused to immediately pay up.

Defending Michiganders' Right to Work in court

Meanwhile, National Right to Work Foundation staff attorneys also filed an *amicus curiae* ("friend of the court") brief to contest a similar union ploy aimed at undermining Michigan teachers' newly-enshrined rights. The brief was submitted to the MERC in a case involving several teachers who have accused the American Federation of Teachers (AFT) Local 1085 union of circumventing their state's public sector Right to Work law.

Much like their counterparts at the MEA, AFT union bosses are attempting to exploit a provision in the Right to Work law that allows preexisting forced-dues contracts to remain in effect until they expire.

AFT officials sought to take advantage of this exemption by hastily entering into a stand-alone 10-year forced-dues contract with the Taylor School District in January of 2013, just two months before Michigan's public sector Right to Work law went into effect. This

agreement was aimed solely at ensuring that union officials could continue to force nonunion teachers to pay dues for another ten years.

The National Right to Work Foundation's brief points out that the union's actions were motivated by a desire to circumvent Michigan's recently-enacted Right to Work protections. Consequently, the opportunistic forced-dues agreement between AFT officials and the Taylor School District should not be allowed to remain in effect.

"Union bosses may have lost the legislative battle over Right to Work, but that hasn't stopped them from exploiting legal loopholes to collect forced dues," said Patrick Semmens, Vice President of the National Right to Work Foundation.

"Michigan's Right to Work laws won't mean anything if they're not rigorously enforced," continued Semmens. "That's why Right to Work staff attorneys are doing everything they can to hold union officials accountable in court."

Foundation attorneys are currently representing 17 employees defending or enforcing Michigan's Right to Work laws in cases before the MERC and state and federal court. 

National Right to Work Mourns Loss of Fallen Alaskan State Trooper

Sergeant Patrick Scott Johnson was a Foundation attorney's client who stood up to forced unionism

FAIRBANKS, AK – The National Right to Work Foundation mourns the loss of a former client after two Alaska State Troopers were killed in the line of duty while investigating reports that a person had brandished a firearm during a dispute in the Alaskan village of Tanana.

In addition to serving his community as a state trooper for 20 years, Sergeant Patrick Scott Johnson was one of five National Right to Work Foundation-assisted Alaska state troopers who filed the first federal lawsuit seeking to expand public employees' right to

refrain from paying union dues for politics in light of the U.S. Supreme Court's 2012 decision in *Knox v. SEIU*.

Johnson also appeared on the National Geographic reality show, "Alaska State Troopers."

A 19-year old has been charged with two counts of first-degree murder and a count of third-degree assault in connection to the case.

The National Right to Work Foundation is deeply saddened by the news and expresses condolences to the families of both troopers.

"It takes courage for an individual employee to stand up for his rights against a union and his employer, and it is little surprise that so many men and women who serve as first responders are willing to stand up for workplace freedom," said Foundation staff attorney Jim Young, who represented Sergeant Johnson in court.

"Meeting them and serving as their voice is my privilege, a privilege made a little more bittersweet by the realization that they face with courage mortal dangers that others can only imagine." †

A Planned Gift: Secure Your Future with a Gift to the Foundation



Have you thought about your will, a bequest, or a planned gift to a charity like the National Right to Work Legal Defense and Education Foundation, Inc.? If so, you are not alone. Many of our most generous donors have contemplated making a long-term gift to the National Right to Work Foundation in their estate plans. These gifts play a vital role in the Foundation's ongoing efforts against forced unionism.

The charitable bequest is the most common means most donors choose to leave assets to a qualified charitable organization upon death. This is because it is so widely known as a vehicle for property transfer.

Whether you decide on a simple bequest of cash or a plan that creates trusts for family wealth management while also benefiting the Foundation and its battle against forced unionism, the will is one of the most flexible gift planning tools. But it is not the only estate vehicle to consider. Here are two further choices for our supporters:

Charitable Lead Trust:

A gift to the Foundation now, return of principal later.

- Your gift can help ensure future economic security because the principal may be returned to you or your estate at the end of a pre-determined period of time;
- You may be able to provide your loved ones with a greater inheritance;
- A charitable lead trust can reduce or even eliminate income, estate and gift taxes that could otherwise be collected upon death.

Charitable Remainder Trust:

Receive income now; provide a gift to the Foundation later.

- Increased income for low-yield assets;
- Diversification of investments and the potential for tax-free growth of assets;
- Reduction or elimination of capital gain, estate or gift taxes that could otherwise be collected upon death;
- Provides a source of income for you and your family as designated in your trust.

Making a planned gift to the National Right to Work Foundation is an investment in the future of the Right to Work movement and may be an investment in the future of your family. Please contact Ginny Smith, Director of Strategic Programs for the Foundation, at 1-800-336-3600, ext. 3303, if you have any questions or concerns, and be sure to contact your own estate planning professional.

Wisconsin Lawsuit Win

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that union officials must play by Wisconsin's new rules."

National Right to Work Foundation staff attorneys are currently defending Wisconsin's Act 10, as well as Michigan's and Indiana's recently-enacted Right to Work laws, from a variety of union legal challenges in state and federal court.

"We're happy to report that this settlement requires the Kenosha School District and School Board to respect the rights of teachers who wish to refrain from joining or financially supporting a union," said Semmens. "This agreement reaffirms the principle that no public school employee should be forced to pay union dues to get or keep a job."

"Unfortunately, Wisconsin private sector and most public safety workers do not enjoy the same workplace rights as those covered by Act 10," continued Semmens. "Wisconsin should build on the success of Act 10 by passing a full Right to Work law, which would ensure that no employee can be forced to pay union dues to get or keep a job." 

Newsclips Requested

The Foundation is always looking for stories exposing union corruption and abuse. Send any stories that appear in your local paper 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:

National Right to Work Foundation staff attorneys just won a major settlement for Wisconsin public school teachers, enforcing their rights under Act 10, Governor Scott Walker's monopoly-bargaining reform bill.

You see, in November 2013, the Kenosha School Board and three unions ganged up on rank-and-file teachers to continue forcing them to pay union dues, in blatant violation of the state's new Right to Work protections for teachers and other civil servants.

You can read more about our victory in this issue of **Foundation Action**.

Make no mistake, Right to Work laws are just words on a page if they're not vigorously enforced.

Not only are Foundation staff attorneys making sure Act 10 is enforced, we're continuing to defend it in both state and federal court from spurious legal challenges.

In doing so, we're not just defending a bill that protects worker freedom. We're defending democracy.

Union bosses have been on the warpath since 2011 to repeal this duly-enacted legislation. They even tried to hijack a State Supreme Court election and recall Governor Walker. But time and again, the voters of Wisconsin have rejected their schemes.

We have democracy, the rule of law, and freedom of association on our side.

But all the union bosses care about is power.

Power over civil servants and teachers. Power over students and parents. Power over taxpayers and citizens.

Thank you for helping us keep up the fight against forced unionism in the key battleground of Wisconsin.

Sincerely,

Mark Mix