

The Tyler Morning Telegraph

Non-Association Right Under Fire By Unions

Article published Jul 17, 2007

<http://www.tylerpaper.com/apps/pbcs.dll/article?AID=/20070717/OPINION01/707160309/-1/OPINION>

One of the founding principles undergirding the strong Texas economy is the right to work - free of any union involvement, if a worker chooses. Fiercely independent Texans treasure this right of non-association.

Right-to-work laws ensure that union membership and payment of union dues are strictly voluntary. The Texas law is clear and concise: "A person's inherent right-to-work and to bargain freely with the person's employer, individually or collectively, for terms of the person's employment may not be denied or infringed by law or by any organization."

But that right is under attack, the National Right To Work Legal Defense Foundation warns. In recent months, the non-profit group, based in Virginia, has spearheaded an effort to prevent erosion of the right to work, and it is calling on Attorney General Greg Abbott to take these threats seriously and prosecute violations.

In June, the foundation won a battle on behalf of El Paso security guard Juan Vielma, who won his job back after he was suspended in 2006, without pay, for his refusal to pay union dues.

The company that employed him, AKAL Security, claimed that the Immigration and Customs Enforcement facility where Vielma worked was an "exclusive federal enclave" not protected by Texas Right to Work laws. Therefore, company officials said, he had to pay mandatory dues to the Security, Police and Fire Professionals of America union.

But a federal administration law judge ruled following testimony in March that the Texas laws do apply. The judge also ordered full back pay and benefits for Vielma.

And in Corpus Christi, the foundation is assisting Carlos Banuelos in his fight against the same union. Banuelos filed federal charges in April against the SPFPA union, after its officials threatened to have him and other employees fired for refusing union membership.

"Banuelos' charge details how the SPFPA union hierarchy maintains an illegal monopoly bargaining agreement with his employer that makes financial support for the union a mandatory condition of employment," the foundation says. "Union officials enforced that illegal requirement and ordered Banuelos and his coworkers to pay a fee to the union or face termination."

The union is reiterating its "exclusive federal enclave" claim.

Foundation president Mark Mix is calling on the Texas Attorney General to investigate and

aggressively prosecute violations of the Right to Work law.

In oral argument in a parallel case, Mix reports, an attorney for another company with a contract with the SPFFPA union even boasted that they require employees to pay dues "across the country in Right to Work states."

"Evidence shows union officials have established these forced dues requirements at multiple worksites under apparently fraudulent agreements," Mix says.

"Union officials are trampling the employee freedoms provided under Texas law," he said. "The time has come for Attorney General Greg Abbott to take aggressive action to stop union officials from thumbing their noses at his state's Right to Work law."

The foundation is active at the national level, recently helping to win a U.S. Supreme Court ruling that union officials don't have the right to spend dissenting employees' union dues on political activities with which they disagree.

The foundation's valuable work is helping to protect employees and bring light to violations of the precious right-to-work.

But we shouldn't leave it up to the foundation alone; it's time for the Texas Attorney General to take such violations seriously.