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Roddy Stinson: Abbott enters right-to-work fights with double-barreled gun blazing

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Texas Attorney General Greg Abbott may have arrived late to the right-to-work battles of two Texas workers, but when he finally got there, his double-barreled legal shotgun was blazing.

Barrel one:

In late July, Abbott filed a lawsuit against the labor union and employer involved in an effort to force an El Paso man, Juan Vielma, to join the union and pay membership dues.

The 58-year-old security guard, who until mid-2006 worked at a federal immigration center, was suspended without pay for refusing to join the International Union, Security, Police and Fire Professionals of America, Local 725.

(See my June 24 column, "Big Labor punishes little Texan while indifferent Abbott 'AWOL,'" for details of Vielma's yearlong ordeal.)

Barrel two:

Abbott took similar legal action against the same union (but a different employer) involved in an effort to unionize by force a Corpus Christi man, Carlos Banuelos.

Late last year, Banuelos was given a choice to join the Security, Police and Fire Professionals of America, Local 727 or face dismissal from his job as a guard at the federal Port Isabel Detention Center.

Unlike Vielma, he continued working and, under protest, paying \$30 a month in union dues.

(See my July 12 column, "Attorney general accused of inaction as labor bosses 'trample' on Texans," for details of Banuelos' fight.)

In both lawsuits, Abbott asked the court to ...

Hammer the union and the employer with a permanent injunction forbidding them to force workers to join a labor organization.

Assess civil penalties against the union of up to \$1,000 per violation of Texas' right to work law.

(Texas is one of 22 states with such a law, which ensures that union membership and dues payments are voluntary.)

Require the union to reimburse any dues money "unlawfully" collected from workers.

Bang! Bang!

Tough attorney general action. At last.

Even Abbott's chief critics — officials of the Springfield, Va.-based National Right to Work Foundation — have grudgingly expressed appreciation for the lawsuits.

They also have expressed hope that the attorney general's first blasts won't be his last.

"The foundation welcomes the attorney general to our ongoing battle to prevent the erosion of Texans' right to work," NRWF Vice President Stefan Gleason said in a written statement. "But the violations that foundation attorneys uncovered in Corpus Christi and El Paso may be only the tip of the iceberg."

Why just the tip?

Because ...

The union's steamrolling of Vielma and Banuelos was done under the cover of the labor organization's contention that the two men and their co-workers perform their security jobs inside a "federal enclave," where Texas labor laws do not apply.

Backed by NRWF attorneys, Vielma and Banuelos took their cases to the National Labor Relations Board, and in June, an administrative law judge ruled that their work sites were not federal enclaves.

Foundation officials suspect there is a host of other Texas workers in similar situations who have been forced to join unions and who have suffered in silence.

Whether the attorney general will become proactive or remain reactive and let NRWF attorneys do the hard work of locating and representing those workers won't be known for a while.

That will be a story for another day.

Regardless of what happens in the future, everyone involved with or interested in justice for Vielma and Banuelos can take delight in this good news:

Vielma recently received a check for the wages he lost while he was suspended from work, and Banuelos received a check for every penny of the dues he paid under protest.

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