



By Frederick Wright

The Attack on the Collective Bargaining Process

Collective bargaining is a process of negotiations between employers and the representatives of a unit of employees whose goal is to reach an agreement which regulate terms and conditions of employment. The right to collectively bargain is recognized through international human rights conventions. In fact, Article 23 of the Universal Declaration of Human Rights identifies the ability to organize trade unions as a fundamental human right. Item 2(a) of the International Labor Organization's Declaration on Fundamental Principles and Rights at Work defines the "freedom of association and the effective recognition of the right to collective bargaining" as an essential right of workers.

Research has proven "the right to bargain collectively with an employer enhances the human dignity, liberty and autonomy of workers by giving them the opportunity to influence the establishment of workplace rules and thereby gain some control over a major aspect of their lives, namely their work." Collective bargaining is not simply an instrument for pursuing external ends, rather it is valuable as an experience in self-government. Collective bargaining permits workers to achieve a form of workplace democracy and ensure the rule of law in the workplace. Workers gain a voice to influence the establishment of rules that control a major aspect of their lives, their JOB.

If collective bargaining is recognized as a fundamental human right and

proven to enhance the dignity, liberty and autonomy of workers; then, why are Republican politicians trying to take away collective bargaining from our public employees? Politicians, both Democrat and Republican enjoy the same benefits (if not more) that public employees have collectively bargained. These same politicians enjoy family health care, defined pension plans, salaries, wage increases, time benefits, etc. But, for some reason some politicians believe public employees (workers) should no longer have these benefits, or that the benefits are too expensive. We have witnessed Republican Governors' in Wisconsin and Ohio strip away the collective bargaining process under the guise of economic necessity.

Don't be fooled brothers and sisters, this isn't about economic necessity or fiscal responsibility. This is about our fundamental right to organize unions and collectively bargain over our terms and conditions of employment. These alleged fiscally responsible Republican politicians want complete and total control over the workplace and the workers. If Republicans are successful in the public sector which now has 35% of the workforce organized, the private sector will be next. Imagine having your collective bargaining agreement which outlines your hours of work, benefits and wages deemed null and void.

I implore you not to sit this fight out. If, we as workers lose this battle over our fundamental right to collectively

bargain, there will be a steady decline in wages that won't cease until the minimum wage will be the average wage. Please become politically active in your community at all levels, local, state and federal. Let your City Councilperson or elected local official know that you believe collective bargaining is a human right. Let your state Representative and state Senator know that you believe collective bargaining is a human right. Let your Congressperson and Senator know that you believe collective bargaining is a human right. Please make sure your voice is heard on this crucial issue.

AFSCME Local 1739

Community and Social Agency Employees

**Building Community • Protecting Dignity
Delivering the Future**

Fred Wright
President

Caldwell Grant
Vice President

James Baylor
Treasurer

Ricky Taylor
Corresponding Secretary

Dorothy Lazenbury Gibbs
Recording Secretary

1606 Walnut Street • Philadelphia, PA 19103
Tel: 215.893.3710 • Fax: 215.732.4876
Email: FGunion1@aol.com

Testimony of a Union Struggle

My name is Hasven Lim, I'm a member of A.F.S.C.M.E. Local 1739, Community and Social Agency Employees and I work at Southeast Asian Mutual Assistance Association Coalition (SEAMAAC). I'm from Cambodia, and have lived in Philadelphia for over ten years, and I've been working at SEAMAAC for eight years.

I was happy to get a job at SEAMAAC because it is a non-profit agency that helps Southeast Asian and other immigrant communities. Unfortunately, Management created a hostile work environment that made our work increasingly difficult. The Executive Director's management style led to many staff and supervisors quitting or being laid off if they made criticisms. However, not all of us had the option to quit and look for a better job. For example, I was working in the United States on an H1-B visa. This temporary work visa is based on an employer sponsorship and leaving that employer could threaten my family's right to live in the United States. Since my employer knew of this, I was subjected to extra abuse. In one case, I



was asked to help move some of SEAMAAC's property when we moved our office. A picture frame was cracked sometime during the move and since I had helped to move it, I was placed on two weeks unpaid suspension even though there was no evidence that I had damaged the picture frame. I had also been placed on probation for over a year for vague and unspecified reasons and during this time I was frequently asked

to do other favors for the boss.

We had petitioned SEAMAAC Board of Directors and filed grievances with the Board of Directors to no avail, and the abuse continued. In February 2008, the staff elected to join A.F.S.C.M.E. Local 1739, Community and Social Agency Employees. At first, the boss thought that he could continue with his earlier behavior. I and three other union supporters were laid off or put on part-time status. A.F.S.C.M.E. Local 1739 found another job for me to work while the Union pursued our unfair labor practice charge. We were successful and the National Labor Relations Board forced SEAMAAC to rehire union supporters and pay back wages, I also regained my job at SEAMAAC.

The situation now is much better, though there are still challenges. We have a contract now that guarantees raises, a working grievance system and a guarantee of some respect at the workplace. I'm also happy to report that I also finally gained my permanent resident card. I want to thank the union for all its work for me and other workers. I and SEAMAAC staff will also continue to stand up for all Workers' Rights now and in the future.

Chapter Reports

American Friends Service Committee

As per the contract extension that was ratified in July 2009, Bruno Fedele (Accountant) and Fred Wright met with Lee O'Neil (CFO) to review AFSC's current financial situation, to determine if the AFSC achieved the financial thresholds to restore staff salaries. The threshold for AFSC to surpass is \$31 million in income and \$47 million in assets. Currently, for FY 2010 the AFSC has \$24.9 million in income

and \$17 million in assets. Thus, the Agency has not met the threshold to immediately restore salaries. The Director of Human Resources has contacted the union to inform us about their restructuring of the AFSC's Finance Department, which will result in four additional bargaining unit positions.

The AFSC has submitted dates in June for us to begin negotiating a new collective bargaining agreement, and the membership is in the process of selecting their union coordinating/negotiating team members. Once that selection process is complete, we will be meeting to formulate our contract proposals.

Jewish Community Centers

As all of you are aware, the contract between AFSCME Local 1739 and JCC Kaiserman and Klein Centers expires on September 15, 2011. We anticipate that contract negotiations will be difficult due to current economic conditions and the ongoing rising costs of healthcare insurance. We need to start now in preparation for our upcoming contract negotiations with management. Union members at the Klein branch have

met and forwarded me some of the concerns they would like to address in the upcoming contract negotiations.

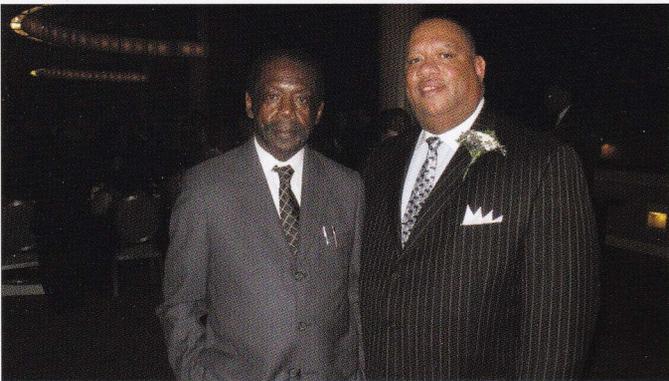
Nicole Pressman, our shop steward at Kaiserman has resigned her position at the Kaiserman Center due to her acquiring a position in another state. We wish Nicole well and thank her for the tremendous job she did for her short period of time. We have canvassed our members at the Kaiserman branch for their input and have scheduled joint labor negotiations to begin in May. We have a negotiating team in place and are in the process of drafting our contract proposals.

Jewish Family & Children's Service

Jack Dembow, President of JFCS, announced his retirement effective sometime in April. The Board of Directors of

JFCS has begun an executive search for a new President. These are uncertain times for the Union, because you never know who will be the new President and what kind of agenda he or she may bring with them to the Agency

Members of Local 1739 attended the Coalition of Black Trade Unionists fundraiser.



Our members were clean and presented very nicely.

Chapter Reports

JEVS Human Services

The Union is still dealing with the affects of the massive layoff which occurred at the Support for Independence division. The Union has been meeting with JEVS executive management as well as union members throughout the agency, concerning the impact of this downsizing. The Union did agree to combine some job descriptions to save approximately 25 bargaining unit positions. However, the union expects several grievances to be filed on behalf of union members who were passed over in favor of less senior employees within the new job categories. The Union may also have to

file grievances based upon JEVS continued use of temporary employees and consultants.

With the new Republican administration in Harrisburg, all social service agencies are holding their breath to see the ramifications of the new 2011/12 Pennsylvania state budget, which includes no tax increases and a 10% reduction in most line items. Knowing what we are up against, the union has retained the lobbying services of Arena Strategies to help restore funding for JEVS Support for Independence. Arena Strategies will also be lobbying for JEVS Welfare-to-Work programs as well as funding for both JEVS and SPIN Direct Support Professionals.

Southeast Asian Mutual Assistance Association Corp.

The first contract that was negotiated with SEAMAAC expires on June 30th. We have selected our union negotiating

team and plan to start meeting in the immediate future. We hope these negotiations will go better than our initial negotiations with SEAMAAC, but it's doubtful. The Union will be pursuing several grievances that were filed on behalf of our shop steward Merlin Wahyudi, who is still being harassed because of her Union activity.

Special People in Northeast

David Losinno, founder, President and Chief Executive Officer of SPIN has officially retired and transitioned the CEO position to Kathy Brown-McHale. Ms. McHale has been a long term employee at SPIN and does have a working relationship with the union. Judy Dotsman will assume the

duties of SPIN's Executive Director, formally Trina Losinno's position. Richard Greenfield has been promoted to Chief Operating Officer. With all of that being said, we expect some labor/management adjustments within this new management team.

We do have a wage and medical benefit reopener this fall and we can expect more attempts at cost shifting on medical benefits and bad news on wages

Notice to Members and Non-Members

AFSCME LOCAL 1739

Section 7 of the National Labor Relations Act gives employees these rights:

- To Organize
- To form, joint or assist any union
- To bargain collectively through representatives or their choice
- To act together for other mutual aid or protection
- To choose not to engage in any of the protected concerted activities

Section 8(a)(3) of the National Labor Relations Act states:

It shall be an unfair practice for an employer -

(3) by discrimination in regard to hire or tenure of employment or any term of condition of employment to encourage or discourage membership in any labor organization: Provided, that nothing in this Act, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization... to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, if such labor organization is the representative of the employees as provided in Section 9(a), in the appropriate collective bargaining unit covered by such agreement when made.

The membership required under a union security clause pursuant to the above proviso is merely the payment of periodic dues, and initiation fees if applicable. While actual union membership is not required, employees choosing not to join the union must make required payments; will not be entitled to attend union meetings; cannot vote upon the ratification of contracts or other agreements between the employer and the union; will not have a voice in the internal affairs of the union; and will not enjoy "members only" benefits.

All non-members of AFSCME Local 1739 who are obliged to pay an amount equal to period union dues are hereby notified of the Union's procedure for those seeking a reduction of the

amounts to be paid based upon union expenditures for matters other than collective bargaining and contract administration.

Non-members who timely object to the payment of an amount equal to union dues and initiation fees, are charged for expenditures for activities, training, communications, research, legal and administrative costs related to collective bargaining, contract administration, and grievance adjustment; representational activities involving terms and conditions of employment discrimination, pension reform/retirement, social security, employee evaluations, unemployment compensation, overtime and minimum wage provisions, environmental issues which affect conditions in the workplace; union meetings of the membership, the executive board, the district council, and the national convention, if any; administrative expenses including office rent, utilities and supplies; expenses for publication of newspapers or newsletter to the extent that said publications cover chargeable activities; and educational and training programs or conferences for the rank and file or staff on issues relating to negotiations, grievance adjustment, duty of fair representation, and other employment related and governance issues.

Objecting non-members are not charged for expenses, if any, which are paid from dues which support or contribute to political organizations or candidates; voter registration, get-out-the-vote campaign techniques (i.e. training programs designated to prepare leaders, staff and/or members to work in support of candidates for any public office); support for ideological causes not germane to the work of the union in collective bargaining; portions of publications which involve nonchargeable issues; members only benefits; certain lobbying efforts; certain legal services related to basic representational functions with only a remote theoretical benefits to the unit employees.

You are advised that the Union has established the following procedure for obtaining a reduction of fees. Please follow these following instructions carefully:

1. Non-members who are obligated to pay an amount equal to period dues and initiation fees to the Union may request a reduction to 5% of the regular dues amount by filing an objection. The

objection must be made in writing each year during the month of June.

2. Employees who newly become subject to a contractual union security clause after June or who otherwise do not receive this notice, shall file any objection within thirty days after the mailing of the notice of Beck rights. Additionally, members who resign after June must object, if at all, within the thirty (30) days from postmark or delivery date, whichever is earlier, of their individual resignation. Any objection under this provision must be received at the below official address within thirty (30) days window.

3. Objections must be sent to the Union Treasurer, James Baylor at 1606 Walnut Street, Philadelphia, Pennsylvania 19102. Objections not sent to the above address are void.

4. Objections must contain, at least, 1) the objectors name; 2) the objector's address; 3) the name of employer; 4) the non-members' employee identification number (where applicable). Objections must be signed by the objector. This information must be provided in order for an objection to be valid.

5. Objections will be processed as they are received. All properly objecting non-members will receive a detailed explanation of the basis for the fee reduction, if any.

6. The objector fee will be reduced commencing July of the year in which the objection is filed through the following June. For employees electing to object pursuant to the provisions of paragraph two, objector fees will be reduced within sixty days after the expiration of the individual's challenge period ending the following June.

7. Anyone filing an objection that disputes the detailed explanation and calculations may challenge the calculations. Be advised, a challenge is not necessary to reduce your fees. Any challenges to the report and/or calculations must be specific and made in writing, to be valid, challenges must be received by the Union only within twenty one (21) days after the mailing of the

continued on page 5

GOODE calls for legislative review of Workforce Development

Councilman W. Wilson Goode, Jr. introduced a resolution to authorize the Committee on Commerce and Economic Development to hold hearings to strategically assess the City's workforce development system.

Councilman Goode said, "The Nutter Administration has begun a formal review of these workforce agencies in order to align the city's workforce development system to benefit employers and job seekers alike. With new leadership being put in place, it is time for City Council to review how these

funds will be allocated to responsible employers and certified providers to train and place both unemployed and underemployed Philadelphians into living wage jobs."

On November 22, 2010, Mayor Michael A. Nutter announced the appointment of Mark Edwards as President and CEO of the Philadelphia Workforce Development Corporation (PWDC). PWDC, which has an annual budget in excess of \$100 million, is the largest single entity in the City's workforce development system.

Founded in 1999, the Philadelphia Workforce Investment Board, Inc. is also a nonprofit organization that serves as the staff to a volunteer Board appointed by the Mayor under the federal Workforce Investment Act.

Steelworkers Take Oil-Industry Safety Issues to Shareholders

The United Steelworkers (USW) are presenting shareholder resolutions at Marathon Oil, Valero, Tesoro, and ConocoPhillips, calling on the companies to improve disclosures on safety at oil refineries.

The resolutions, which were filed by the AFL-CIO Reserve Fund, call on the board of directors at each company to disclose the board's oversight of process safety management, staffing levels, and the inspection and maintenance of refineries and other equipment.

A similar proposal was also filed at Sunoco, but was withdrawn when company officials agreed to comply with the request.

The Steelworkers say that increasing transparency in the industry is an important step in improving refinery safety.

"If these companies had to tell their shareholders and the

public how they were staffing their refineries, how much overtime people were working, and how long units were going without basic inspection and maintenance, we know that they'd try harder to fix the problems," said USW International Vice President Gary Beevers, who heads the union's National Oil Bargaining Program. "We hope that by demanding this information we can force the industry to fix these problems before any more of our members die or are severely injured."

Last year was a particularly deadly year in the oil sector. In the months of April and May alone there were 13 fires, 19 deaths and 25 serious injuries in the oil industry. One of the most deadly accidents was the April 2 explosion at a Tesoro refinery in Anacortes, Wash., that killed seven workers. A heat exchanger blew apart along cracks in welded areas. Washington State Department of Labor & Industries (L&I) inspectors determined the company failed to correctly test the equipment for cracks.

Chapter Reports

Tenant Union Representative Network

Our contract with TURN expires on June 30th. TURN's Executive Director wanted to meet beforehand to explore ways that our upcoming contract negotiations can be more

congenial and less confrontational. Fred Wright suggested that the parties agree to interest-based bargaining under the guidance of Federal Mediation and Conciliation Services (FMCS). Both parties have agreed and we are waiting for FMCS to schedule our meetings. However, as always, I expect a gloomy financial picture from the employer.

Trevor's Campaign for the Homeless

The Union and Trevor's did ratify a new three year contract, which kept our medical benefits intact. However, we only received a small increase in wages for the first year, no

increase for the second year and a wage reopener for the third year of the contract. We are now in the process of signing up the regular part-time employees for either Union dues or agency fee payments.

AFSCME LOCAL 1739 Notice to Members and Non-Members *continue from page 4*

report. Challenges must be sent to the Union Treasurer, James Baylor at the address listed in paragraph 3 above.

Valid Challenges, if any, will then be submitted jointly to an impartial arbitrator appointed by the American Arbitration Association. In the event of such challenge, the reasonably disputed portion of the challenger's fee, shall be held in escrow until the challenge is

resolved by the arbitrator.

8. Employee's right may further be affected by previously executed check off/authorizations.

9. The request for a reduction must be renewed each year by filing an objection during the appropriate period. The above procedure shall apply to any subsequent requests unless modified.

10. The official Union mailing list as of the date of printing shall be the official receipt of the mailing of this notice.



Local 1739
Local Trustees

James Hill, Trustee
Thomas Steele, Trustee
Dolores Dorsey, Trustee

Executive Board Members
at-Large

Marie Askew
Marie Seldon-Nkruma
Rita Starling-Taylor

AFSCME Local 1739
Community & Social Service Agency Employees

General Membership Meeting

Date: Wednesday, May 18, 2011

Time: 6:00 p.m.

Place: District Council #47 1606 Walnut Street

Third Floor Auditorium

AGENDA

General Union Business

At the conclusion of the meeting, there will be a union member participation drawing.

Prize -- \$50.00 gift card

(Union members have to be present to win!)

Light dinner will be served



Local 1739
1606 Walnut Street
Philadelphia, PA 19103