



## President's report

### **A big win for organized labor!**

#### **Recent NLRB Ruling Cracks Down On Employer Sabotage of Union Elections**

By Jeff Shaffer  
President, Local 1277

Brothers and sisters, you're probably all familiar with the saying, "what a difference a day makes." Well, please allow me to slightly alter that adage: "*What a difference a Democratic Presidential administration makes!*"

In late August, as the *Los Angeles Times* reported, the National Labor Relations Board (NLRB) handed down a ruling that is a big win for organized labor. A win that was both timely and correct, but also one that never would have come down our way under a *Republican*-dominated NLRB! It really *does* matter which political party controls the White House, Congress, and the state legislature.

***On August 25, in a decisive vote against Cemex Construction Materials Pacific, the NLRB issued a landmark decision condemning management's outrageous and illegal efforts to block a legitimate unionizing effort. It ordered Cemex to immediately bargain with the Teamsters. The NLRB, as it should, stood squarely with working men, women, and families!***

### **The Issues**

For decades, out-of-control management, in many fields, across the country, has trampled on the absolute right of workers to choose union representation in collective bargaining. It has systematically fired pro-union employees and threatened to shut down facilities that voted for union representation. It has illegally and immorally invaded the privacy of its employees—keeping union activists under surveillance, repeatedly hounding workers about why they would want a union, and blatantly posting guards in full view around union-activity locations.

All these—and similar anti-union activities—are illegal, but far too often management simply doesn't care.

Any penalties or fines have usually been minor, and they are simply written off as "costs of doing business."

But finally, the NLRB—*filled with pro-union President Joe Biden's appointees*—said enough is enough, and this illegal and destructive campaign against the rights of working men and women had to stop. As NLRB Chair Lauren McFerran said, "***An employer is free to use the Board's election procedure, but it is never free to abuse it. It's as simple as that!***"

### **The Landmark Ruling**

In a 3-1 decision, the NLRB ruled that ***whenever an employer commits an unfair labor practice, while a request for a union election is pending, the Board will order the employer to recognize the union without an election and move immediately to collective bargaining.***

Wow! This major ruling simplifies jobsite union-representation votes and should stop wrongful employer efforts aimed at interfering in such elections and endlessly delaying them. Among other things, this positive and much-needed action clearly shows how the Biden Administration has re-made the NLRB and restored it to its traditional role as a bulwark for labor rights. This is a very welcome development after years of Republican administrations gutting the power and scope of the Board!

### **Some Background**

The 1935 National Labor Relations Act created the NLRB as a voice for working men, women, and families. Among its many rulings is this one: When a majority of workers sign union affiliation cards (meaning they want union representation at work), an employer has two choices:

- 1) Recognize the union immediately and go right to collective bargaining.
- 2) Ask the NLRB to run a union-representation election.

Of course, the problem is that—too often—during the run-up to a such an election, many employers do their damndest to harass or stop the completely legal process. One of their favorite tactics is *delay*—the longer they can hold off an actual vote, the more time and chances they'll

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have to intimidate employees and discourage a pro-union vote.

Here's the specific case that prompted the NLRB to issue its great pro-union ruling: *Teamsters vs. Cemex* (2018), a concrete mixing and hauling firm in Southern California and Nevada.

In late 2018, 207 of the company's drivers (57%, a clear majority) signed authorization cards in favor of being represented by the Teamsters. An election was set for March 2019. According to the NLRB's investigation, Cemex "quickly and aggressively" fought against the union. Among other things, the company:

- Paid the union-busting consultants, Labor Relations Institute, over a \$1 million to advise on how to defeat the union.
- Phonied up a case against a driver who was a leading union activist and *fired* her.
- Threatened workers, saying any unionized plane would be closed down, leaving them without jobs.
- Would not allow employees to talk to union reps on company time—including downtime.

The NLRB charged Cemex with "**More than 20 distinct examples of objectionable or unlawful misconduct.**" But the company's brutal tactics worked—at first. The teamsters lost that election.

But the NLRB further noted that "**The company crossed the fine line between lawful persuasion and unlawful coercion.**" Also, Cemex attorneys lied to attorneys in order to hide company lawbreaking. Cemex denied any wrongdoing and claimed it was doing everything to keep providing the best-possible working environment while complying with all labor laws and fair practices.

## A 1969 Decision Haunted the NLRB

As a result of a 1969 Supreme Court decision, the NLRB might have been barred from acting against Cemex. That unfortunate decision left the Board with only one really effective remedy against management's effort to undermine a union-representation election: Schedule a new one.

But, of course, rescheduling and/or putting off a union election meant that management could use its favorite time-honored tactic: *Delay, delay, delay.* Employers just love delaying a proposed union-representation election. It gives them more time to intimidate their employees and lie about the benefits of joining a union and collectively bargaining for their rights.

Since that bad 1969 decision, NLRB statistics clearly show that the number of unfair labor practices rose

sharply. Illegal *firings* (often connected to union-election efforts) increased from 8,122 to 18,313. And the number of illegal *actions* against unionization efforts rose from 947 to 6,493. In effect, *the NLRB gave up—or was forced to do so—its mandate to prevent the use of unfair labor practices during organizing campaigns.* This, surely, was one reason union membership declined during the 1970s and 1980s.

## Overturing the '69 Decision

The *Biden* NLRB shot down the stalling game and got right to the point: It noted that Cemex would most likely keep intimidating union reps and doing other unlawful things during another representation election. So, the NLRB **ordered the company to start bargaining with the Teamsters—with no need for another formal election!** **Further, the Board ordered Cemex to reinstate the driver it had fired—with full back pay.**

President Biden's NLRB gave organized labor a big, deserved, and needed win. And this should reinforce the political message we constantly send to you: *It really matters who runs the federal, state, and local governments and makes key appointments! All the good work done by a Democratic Party-run NLRB could be undone if the Republicans come to power next year. This is something every ATU Local 1277 brother, sister, and family must remember!*

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## Helping *your* Union help *you*

### When Is a Good Time to Invest?

By John DiRito  
Financial-Recording Secretary

Good morning, afternoon, and evening, brothers and sisters. I hope this newsletter finds you well and healthy. I have noticed that many of our hard-working members ask questions about investing simply because we would all like to have a bit more of a money-cushion for our future—without the additional blood and sweat, if possible.

Basically, it comes down to this: *How can I take my minimal, low risk contribution, and invest it to pay off in spades for the future?* Well, that time is now. Or any time you can afford it, really. If you are living paycheck to paycheck and cannot afford to set money aside that would possibly be lost in the money market, *then you need to wait until you have a stronger economic footing.* But if the opposite is the case, it might be considered quite prudent to take \$20.00, pick a low-risk investment, and begin putting your money to work!

Now, I'm *not* going to suggest any type of particular investment plan or fund, but what I will point out is that your Executive Board recently asked you, the brothers and sister of ATU Local 1277, to do exactly that: *Invest in yourselves*. At our September membership meetings, a vote was held on whether or not to raise the dues of the entire membership by \$23.00 a month. By the time you are reading this, it should already be posted that the proposal did *not* pass. Perhaps you are relieved it didn't, because, really, who actually *wants* to pay more for something you already benefit from? Or, maybe \$23.00 wouldn't break your bank and you just want to make sure you get your *value* for the additional money.

So, what was the fuss? Why was the proposal put forth in the first place? Why were so many members vehemently opposed to it? ***I will tell you this for sure: The proposal came out of necessity.*** The need to *maintain and to improve* our local union! More times than I can count, members from all the properties we represent voice their opinions about how the Executive Board doesn't *do* enough, or how they feel under-represented because the officers don't come to visit at their particular property. Well, unfortunately, the workload of the Executive Board is such that we are all taxed beyond what should be a normal workday, and therefore it takes time away from other member requests (like please visit us). Is this an excuse? Certainly not.

## The Reality of Running a Union

Brothers and sisters, there is the 'business' part of running a local union. There is the duty of an E-Board officer to represent you and your interests whenever necessary. There is the part where we all have to respond and react to members' issues instead of—preferably—being proactive. And finally, there's that little bit leftover where we still want to maintain a semblance of a regular life—one that includes a spouse, family, and friends. All these things are not just built-in to an Executive Board position in equal portions. In fact, it is disproportionately work-centric. Is this a boo-hoo cry to the membership for pity? Nope. I signed up (as we all did) to do our best and continue to lead this membership to better heights. In order to do that, however, your Executive Board sees the need to bring on additional help in the form of officers and staff.

For \$23.00, the membership would have benefitted from:

1. ***Two additional Officer positions added to the November 2024 ballot.*** Having the help would

have spread the workload and allowed time for us to get out and see the membership on a regular basis, respond to issues quicker, and continue to establish a foundation for strategizing on behalf of organized labor.

2. ***Add a part-time staff person.*** Christina Soto is currently our only admin person. She manages the front desk, directs phone calls, helps keep track of member status, and is *unequivocally* an integral part of this office.
3. ***The creation of a building fund.*** Luckily, President Emeritus Neil Silver and past Board Members had the foresight to invest in our office building, instead of us just continually renting a space. Unfortunately, like with any property, there is maintenance involved. Following in their footsteps, it would also be prudent to one day purchase our own Union Hall, all of which would be possible with a building fund.
4. ***Establishing a Solidarity Fund.*** We are always asked about hats, shirts, jackets, and when the Union will re-order popular sizes. But, please remember, solidarity also comes in the form of our discounted tickets we've been able to offer to our members for our solidarity picnics (like Universal, Magic Mountain), and even the Christmas money we've made available so that our hard-working members can enjoy a holiday lunch with coworkers.

## Not Getting the Word Across

Sadly, many of our messages concerning strengthening our Union somehow got lost in translation or were even misconstrued to mean something else entirely. The most prevalent of these were "You're giving yourselves raises", "Why don't you take a pay cut?", "That's too much money, get us a better contract". ***Quite frankly, some of these perceptions couldn't be further from the truth! This Executive Board has taken a wage freeze for the last two years. So, we have been doing our part, and fighting to keep our Local as strong as possible, both financially and ethically.***

As far as contracts go, our membership has benefitted from some of the richest contracts ever seen at their individual properties, and every contract and property is different. *There are no two places that require the same resolutions, so each negotiation is tailored to the needs of those unit members, and even though there are a slew of issues that may need to be improved, we often have to pick the very important ones to negotiate over.*

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Brothers and sisters, I will tell you the same thing here that I said at our meeting where, I fear, people lost their ever-loving minds. *ATU Local 1277 isn't a 'service' where you pay money in exchange for goods. We are a membership where you pay dues to be a part of this Local Union.* It means you have the right for your voice to be heard, you have a say in how this Local Union will continue to run.

When I said I'm not here to work for you (as in it's not my job to get you coffee, or bring donuts), be sure that it *is* my job, sworn duty, and honor to work *with* you, to make sure our contract is upheld, that your worker rights aren't violated, that management respects our hard-

working brothers and sisters as we are the only people who get mass transit moving. It *is* my job to hear your concerns and suggestions so we can obtain the best contracts possible. You get service in the form of representation, and all of us on the Executive Board fight every day to make sure your dues are used in order to get you the best-possible representation.

Ultimately, of course, it's up to you as dues-paying members, to decide when is the right time to invest in yourselves, and to choose when is the right time to push forward and have the best Local Union possible—in service to you, your families, your careers, and your future.

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## It's Game Time!

**Please join us for an all-star party celebrating our wonderful ATU Local 1277 retirees!**

**An always fun-filled time of dining, drinking, music, nostalgia, catching up with friends, and our exciting, great-fun raffle!**

**Saturday, October 28, 2023**

**10:00 a.m. – 2:00 p.m.**

**at the**

**Carson Event Center**

**801 East Carson Street**

**Carson, CA 90745**

**Retirees: Please RSVP only if you are able to attend**

**If you wish to bring any additional guest, they may attend at \$80.00 per person.**

**Entrees are:**

**Homemade rolls, Spanish Caesar Salad**

**Combo plate of lemon rosemary chicken with beef brisket**

**Scalloped potatoes with grilled seasonal vegetables**

**OR**

**Vegetarian option of roasted butternut squash**

**stuffed with roasted vegetables and topped**

**with balsamic glaze**

**Dessert is cheesecake**

**This year's theme is: *Game Time!***

**We encourage you to wear your favorite sports team's jersey, shirt, and hat!**

**Invites will only be sent to retirees who have paid their Union Dues.**

Here are the upcoming Local 1277 membership meetings for October & November. Please make every attempt to attend the meeting for your unit. It's your Union, and we need your participation at our meetings! All members will receive credit for the meetings.

<b>Tuesday, Oct. 3:</b>	Los Angeles area members:
<b>Tuesday, Nov. 7:</b>	L.A. Building Trades Council, 1626 Beverly Blvd., Los Angeles. Morning Session 10:00 a.m. Evening Session 5:00 p.m.
<b>Wednesday, Oct. 4:</b>	Metrolink Unit members:
<b>Wednesday, Nov. 8:</b>	Local 1277 Office, 1744 North Main Street. Morning Session 8:30 a.m. Evening Session 5:00 p.m.
<b>Wednesday, Oct. 4:</b>	Riverside area members:
<b>Wednesday, Nov. 8:</b>	IELC Building, 1074 E. La Cadena Dr., Riverside Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.
<b>Thursday, Oct. 5:</b>	SunLine area members:
<b>Thursday, Nov. 9:</b>	Hilton Palm Springs, 400 East Tahquitz Canyon Way, Palm Springs Morning Session 10:00 a.m. Afternoon Session 4:00 p.m.
<b>Thursday, Oct. 5:</b>	Long Beach area members:
<b>Thursday, Nov. 9:</b>	LBFA Local 372, 2201 Cherry Avenue, Signal Hill CA 90755 Morning: 10:00 a.m. Afternoon: 3:00 p.m. Evening: 6:00 p.m.