



# Foundation Action

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

Vol. XXIX, No. 6

8001 Braddock Road • Springfield, Virginia 22160

www.nrtw.org

November/December 2009

## Teachers Challenge NEA Union Forced Dues and Membership Policies

*Foundation attorneys file  
suit against teacher union,  
Kentucky affiliates*

LOUISVILLE, KY – In late September, several Johnson County educators filed a class action lawsuit against local and national teacher unions with free legal assistance from the National Right to Work Foundation. The lawsuit shows that union officials forced unwilling educators to pay union dues while holding them hostage in full union membership.

Union operatives are accused of routinely blocking membership resignations for years at a time, automatically enrolling teachers in the union without their knowledge, and using an illegal monopoly bargaining scheme to force teachers to pay union dues.

The teachers' lawsuit, filed against the Jefferson County Teachers Association (JCTA) union and its national affiliate, the National Education Association (NEA), seeks the

return of illegally-seized dues, a guarantee that teachers will be allowed to resign from union membership at any time, and a public notice from the union informing Johnson County educators of their right to refrain from union membership.

Sherry Hoza, the lawsuit's lead plaintiff, said she decided to step forward after the union ratified a new contract forcing teachers to pay union dues.

"The school board agreed to allow the JCTA to add forced unionism language to the contract," said Hoza, "which will force ALL speech/language pathologists and teachers to pay JCTA fees."

### Foundation attorneys seek precedent-setting ruling

Across the country, teacher union officials have adopted similar schemes to prevent independent-minded educators from opting out of union membership. Moreover, Foundation attorneys believe that NEA operatives encouraged the Johnson County union officials to continue their forced-dues policy over the objections of local educators. Foundation attorneys also believe that



*Sherry Hoza, a speech and language pathologist, is courageously battling the abusive union hierarchy.*

this lawsuit, if successful, has the potential to set an important legal precedent, deterring future abuse by guaranteeing the right of teachers to resign from union under the First Amendment.

membership

"Once again, teacher union bosses have shown they put filling their forced-dues coffers ahead of the rights of the individual teachers they claim to repre-

see **TEACHERS HELD HOSTAGE** page 6



## IN THIS ISSUE

- 2 Obama's DOL in Foundation's Legal Crosshairs
- 3 Right to Work Loses Great Benefactor, Advisor, and Friend
- 4 Nurse Pushes Back Against Union Boss Retaliation
- 5 San Diego School District Tells Nonunion Workers to Get Lost
- 7 The *Wall Street Journal* – Read the Union Health-Care Label

# Barack Obama's DOL in Foundation's Legal Crosshairs

*Department of Labor stonewalls disclosure request to protect its Big Labor insiders*

WASHINGTON, DC – After filling the Department of Labor's ranks with forced unionism operatives, the Obama Administration is now stonewalling the National Right to Work Foundation's efforts to uncover corrupt ties between political appointees and their former Big Labor employers.

Despite President Obama's claim that his administration would begin a new era of transparency, the Administration's appointees have repeatedly ignored the Foundation's demand for more information on high-level officials at the Department of Labor.

Last April, the Foundation filed a Freedom of Information Act request seeking information on Secretary of Labor Hilda Solis' previous ties to Big Labor front group "American Rights at Work." The Foundation also requested information on Deborah Greenfield, a high-ranking Department of Labor official who worked as a top attorney with the AFL-CIO before joining the Administration.

Greenfield – who represented the AFL-CIO in a lawsuit against the previ-



Image courtesy of Investors Business Daily

ous administration's modest union disclosure rules – is now directly involved in the Department of Labor's efforts to overturn those same guidelines in her official capacity as the Obama Administration's Deputy Solicitor of Labor. Her involvement appears to be a clear violation of Obama's pledge that political appointees won't work on issues that affect their former employers.

"Solis' and Greenfield's history with Big Labor is a serious red flag," said

Mark Mix, president of the National Right to Work Foundation. "Both have extensive ties to union bosses and are now doing Big Labor's bidding at DOL. While it's not surprising that these forced unionism acolytes would pursue such policies, their inappropriate ties raise serious ethical concerns about what was stated Administration policy."

## Foundation lays groundwork for federal court showdown

Instead of responding to these allegations, the Obama Administration has decided to ignore inquiries by the Right to Work Foundation and others about the Department of Labor's union boss connections. As a result, Foundation attorneys have filed another Freedom of Information Act request and are gearing up for a federal lawsuit to compel disclosure.

"The Administration's silence on this matter suggests some serious ethical breaches are occurring at the Department of Labor," continued Mix. "We're prepared to use all tools necessary to uncover any questionable ties between the Department and Big Labor's top political operatives. American workers deserve better." ✦

## Foundation Action

Rev. Fred Fowler	<i>Chairman, Board of Trustees</i>
Reed Larson	<i>Executive Committee Chairman</i>
Mark Mix	<i>President</i>
Stefan Gleason	<i>Vice President and Editor in Chief</i>
Ray LaJeunesse, Jr.	<i>Vice President and Legal Director</i>

Distributed by the  
National Right to Work Legal Defense and Education Foundation, Inc.  
8001 Braddock Road, Springfield, Virginia 22160  
www.nrtw.org • 1-800-336-3600

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.

# Right to Work Loses Great Benefactor, Advisor, and Friend

## *Norma R. Lineberger — 1926 to 2009*

The Right to Work movement has lost an exemplary American who personified the giving spirit and passion for individual freedom that makes this country and its citizens stand out as an inspiration to the world. Mrs. Norma R. Lineberger passed away on September 26, 2009.

This admirable woman spent a lifetime supporting causes that furthered the spirit of America. These included the defense of individual liberty and promotion of quality education for all who aspire to better their lives.

Norma was born 83 years ago in Teaneck, New Jersey. Her parents operated several of the busiest gas stations on the New Jersey turnpike. At Lake Forest College in Illinois, Norma excelled. As editor of the student newspaper, she galvanized the student body to support the World Student Service Fund, which helped restore university buildings and campuses destroyed during World War II. She also became an accomplished pianist and graduated at the top of her class.

On March 5, 1947, while still a senior at Lake Forest, Norma married veteran US Army pilot Robert Lineberger. After graduation, they moved to Long Beach, California, and she decided to dedicate her life to the noble task of raising a family. After Bob's retire-

ment, the Linebergers traveled the world, visiting exotic places including Antarctica and the Galapagos Islands.

Norma was deeply involved in the lives of her four children and her many grandchildren. She was so proud of them and encouraged and loved them

with all her heart. Every year she organized major family events to bring the family together.

She also tirelessly worked to support a wide variety of worthy causes. At nearby Chapman University, Norma raised money for student scholarships as a member of Town & Gown, and she also donated pianos to the college's music department.

Mrs. Lineberger passionately believed in the right of hard-working Americans to prosper from their own labor, and the Right to Work free from compulsory unionism.

To that end, Norma generously supported and selflessly served the 2.2 million-member National Right to Work Committee and the National Right to Work Legal Defense Foundation since 1977, helped advance the cause of voluntary unionism, and helped guide the leadership of these organizations. Even as she quietly fought her battle with leukemia and other ailments, she served

on the Foundation's Board of Trustees and attended every meeting to offer her savvy insight. The Right to Work movement will greatly miss Norma's leadership and encouragement.

Working in so many spheres – her church, her college, and on several other public policy causes – she touched people in all those organizations, always taking the time to establish personal relationships.

Norma was a dogged fighter until the



*Longtime National Right to Work supporter and board member Norma Lineberger championed the cause of defending workers from the injustices of compulsory unionism.*

very end, and she never shied away from debate. In fact, another of

her succinct and clever letters to the editor was actually published in the *Wall Street Journal* on the morning she died.

Norma was also a humble evangelist, and it had long been her job to inform parents about baptismal services in her church. For nine years, she worked with the parents of a particular child about the importance of baptism. The day before she died, these parents informed the pastor of their decision to have their child baptized.

Norma said, "It is never too late to start. It is always too soon to quit," an axiom Norma's family and friends coined "Norma's Law." Her life was full, but it ended too soon for all those that she touched.

We honor Norma Lineberger's many achievements and offer our deepest condolences to her children, grandchildren, great-grandchildren, family, and friends who knew and cherished this extraordinary woman. Norma's deep dedication to those she loved and her fervent belief in the worth of the individual, education, and the free enterprise system will be missed. But it will be carried on by those she touched.✚

**"It is never too late to start. It is always too soon to quit."**

**– Norma's Law**

# Nurse Pushes Back Against Union Boss Retaliation

*Foundation challenges attempt to drag independent nurse before union kangaroo court*

PHILADELPHIA, PA – Disruptive California Nurses Association (CNA) union bosses working to impose themselves on medical facilities across America resorted to intimidation tactics to punish a nurse for successfully resisting forced unionization.

National Right to Work Foundation attorneys are helping Deptford, New Jersey, nurse Kimberly Hummel fend off CNA union boss retaliation after she and her fellow nursing professionals at a Tenet Healthcare Corporation-managed hospital spurned the union bosses' forced "representation."

The nurses at Hahnemann University Hospital in Philadelphia endured a coercive organizing campaign after Tenet and CNA union officials reached a backroom deal intended to circumvent federal oversight and corral the nurses into unionization.

## Nurses overcome union and employer collusion

Under the coercive union organizing pact, hospital administrators were gagged from responding truthfully to employee questions about the CNA union or the potentially crippling effects of forced unionization.

Meanwhile, outside union organizers were given special privileges, such as wide access to hospital facilities and the employees' personal contact information, to pressure nurses into voting for unionization, while nurses who opposed unionization were flatly forbidden from using any company facilities to express their views and discuss the many downsides of unionization.

With the help of Foundation attorneys, Hummel filed unfair labor practice charges in February against the CNA and Tenet. In early June, Foundation



*California Nurses Association union boss Rose Ann DeMoro (pictured with radical Michael Moore) is orchestrating a nationwide campaign to force nurses into union ranks.*

attorneys filed more unfair labor practice charges after union goons harassed and photographed Hummel as revenge for standing up for her rights.

Then, as reported in the September/October issue of **Foundation Action**, Hummel and her fellow nurses overcame the rigged election process and lead the nearly 600 nurses to refuse the CNA union bosses' forced representation.

## Union brass resort to harsh interrogation hearings

Despite a clear majority of nurses in the workplace wishing to refrain from union affiliation, CNA operatives responded to the election result by filing a series of objections, alleging ridiculously that the election was somehow tainted by hospital officials' actions – the same hospital officials who helped union organizers under the corrupt backroom agreement!

Even though National Labor Relations Board (NLRB) officials had already set a date for a hearing on CNA's objections, the union lawyers went a step further and filed similar objections with a CNA and Tenet-selected private arbitrator, who promptly "subpoenaed" Hummel to appear at a private arbitra-

tion hearing. And they threatened Hummel with a monetary fine if she refused to participate.

she refused to participate.

Foundation attorneys filed additional unfair labor practice charges arguing Hummel was under no obligation to be interrogated in the CNA union partisans' hostile kangaroo court, because she never agreed to submit to their private arbitration. The hostile tribunal would have given union operatives an opportunity to intimidate and coerce Hummel before the upcoming NLRB investigation, while denying her important due-process rights.

"After being soundly rejected, CNA bosses refused to take 'no' for an answer," said Raymond LaJeunesse, vice president and legal director of the National Right to Work Foundation. "Foundation attorneys stand vigilant to safeguard workers' rights during Big Labor's nationwide offensive to impose unions



*Hahnemann University Hospital is just the latest battleground of union bosses' offensive to hijack America's health-care industry.*

# San Diego School District Tells Nonunion Workers to Get Lost

## Foundation attorneys challenge discriminatory "Project Labor Agreement"

SAN DIEGO, CA — National Right to Work Foundation attorneys have jumped into action to oppose another government contracting scheme intended to divert taxpayer dollars into union boss coffers.

Foundation attorneys filed unfair labor practice charges for a San Diego construction worker being denied access to employment due to a discriminatory union-only agreement between local union bosses and the San Diego school district.

Similar union discrimination schemes are unfolding all across America, particularly since the Obama Administration is now actively encouraging the practice of blackballing nonunion government contractors and their employees.

Last year, San Diego voters approved Proposition S, a \$2.1 billion school bond to finance construction and repairs on schools in the San Diego Unified School District. School district officials later signed a so-called "Project Labor Agreement" (PLA) — essentially a bargaining agreement signed by contractors as a condition of performing work on a government-funded construction project. Under it, all "apprentices" on the school projects must have participated in a union-run apprenticeship program.

California law requires that all contractors use state-mandated apprenticeship — or training — programs, but federal law bans discrimination against workers on account of union affiliation (or lack thereof). Wesley Fuller, an experienced Brady Company employee who hangs drywall and has completed all state apprenticeship requirements (but who happened to have participated in a nonunion training program which has a much better reputation than most union-run programs), turned to the



Courtesy of the Associated Builders and Contractors

National Right to Work Foundation for free legal aid when he realized the PLA would preclude him from receiving work on school construction projects.

"This PLA is a blank discrimination," Fuller told the *San Diego Daily Transcript*. "If I want to work on the Proposition S projects, I will have to join a union and go through the whole apprenticeship program and journeyman program again."

### Union officials face unfair labor practice charges

While Federal labor law still allows workers to be fired for failing to pay union dues or fees, it protects the right of private-sector employees to refrain from formal union membership, so Foundation attorneys argue that the PLA is an attempt to illegally coerce independent-minded workers into dues-paying ranks.

"The PLA between the San Diego Unified School District and local unions is nothing more than a corrupt scheme to enrich union officials, punish nonunion workers and job providers, and stick taxpayers with the bill," explained Stefan Gleason, vice president of the National Right to Work Foundation.

And because California is not one of 22 states with Right to Work protec-

tions, Fuller would be forced to pay dues to an unwanted union.

Foundation attorneys are seeking an injunction against the implementation of the PLA. The National Labor Relations Board regional director in San Diego will now investigate the charges and determine whether to prosecute the named unions (San Diego Building & Construction Trades Council, AFL-CIO; Southwest Regional Council of Carpenters; Painters & Allied Trades District Council #36; and Plasterers Union Local 200) before an administrative law judge.

### Discriminatory PLAs increasingly common tactic

As in other states, the vast majority of California construction workers have opted against unionization, but that has not stopped union bosses and their allies in state and local government from conspiring to impose forced unionism on the entire industry.

In July, the Foundation joined a high-profile appeal at the U.S. Court of Appeals for the Ninth Circuit challenging a PLA between the Rancho Santiago Community College District and the Los Angeles/Orange Counties Building

# Teachers Held Hostage in Unwanted Union

continued from page 1

sent,” said Mark Mix, president of the National Right to Work Foundation. “We hope that a favorable ruling in this case will help prevent future instances of abuse in schools across the country.”

## Elaborate scheme forces Kentucky teachers to pay union dues

Currently, union officials have stacked the deck so that teachers employed in Jefferson County are automatically enrolled as union members and forced to pay union dues unless they explicitly register an objection to union officials. Moreover, union bosses only accept the resignation of a teacher from formal union membership during a union-created ten-day window period after an individual teacher’s contract is signed or after the union hierarchy agrees to a new contract with the local school board.

Under the scheme, if a teacher fails to register an objection within either peri-

od, he or she is forced to remain a union member until the union’s five-year contract with the local school board expires. Many teachers report that JCTA officials never informed them of their right to refrain from joining the union in the first place.

Adding insult to injury, union operatives effectively nullified the ten-day window period by retroactively back-dating their contract by exactly ten days after the agreement was signed with the local school board! This rendered the union’s own ten day window period moot, forcing teachers to stay in the union for the contract’s five-year duration.

Many teachers and education specialists who disagree with the union’s policies vocally oppose its attempt to extract forced dues from nonmembers.

“This union is essentially a political

action committee,” said Hoza. “They have a huge office, huge staff, and are always in Washington . . . lobbying for some issue I usually disagree with. JCTA has not supported our issues and concerns, which is most likely why only about one third of the current speech/language pathologists are members.”

While Foundation attorneys seek a successful legal resolution, Right to

Work experts caution that the only way to end union abuse is for states like Kentucky to adopt Right to Work laws.

“The JCTA’s illegal policy has allowed union officials to hold teachers

hostage for far too long,” commented Mix. “While we hope for a successful legal outcome, the best way to prevent further abuse is for Kentucky to adopt a Right to Work law. Doing so would make union membership and dues-payment fully voluntary.”<sup>4</sup>

**“The JCTA’s illegal policy has allowed union officials to hold teachers hostage for far too long.”**

## Important Tax Benefits to You

*Tax-deductible gifts of cash are excellent. But a gift of stock or other securities to the National Right to Work Foundation can provide donors with an even bigger tax break.*

Not only will you be able to support the Foundation and our expanding strategic litigation and media programs right now, but you can save significantly on taxes at the same time. Appreciated securities are subject to a capital gains tax when they are sold. If you donate a gift of stock (that you have owned for more than one year) to the Foundation, the capital gains are not taxable to you. At the same time, you will benefit from a charitable tax deduction for the FULL fair market value of the securities as of the date of the gift.

**Please, consider a gift of stock today.**

**The Foundation’s investment account information is as follows:**

Electronic Transfer of Securities:  
c/o National Right to Work Legal Defense  
and Education Foundation, Inc.  
UBS Financial Services, Inc.  
DTC#0221 Account # WS-39563

*If you do decide to send a gift of stock, please let us know at 1-800-336-3600 Ext. 3303.*

# THE WALL STREET JOURNAL

THURSDAY, SEPTEMBER 10, 2009 - VOL. CCLIV NO. 60

## Read the Union Health-Care Label

By Mark Mix

**I**n the heated debates on health-care reform, not enough attention is being paid to the huge financial windfalls ObamaCare will dole out to unions — or to the provisions in the various bills in Congress that will help bring about the forced unionization of the health-care industry.

Tucked away in thousands of pages of complex new rules, regulations and mandates are special privileges and giveaways that could have devastating consequences for the health-care sector and the American economy at large.

The Senate version opens the door to implement forced unionization schemes pursued by former Govs. Rod Blagojevich of Illinois in 2005 and Gray Davis of California in 1999. Both men repaid tremendous political debts to Andy Stern and his Service Employees International Union (SEIU) by reclassifying state-reimbursed in-home health-care (and child-care) contractors as state employees — and forcing them to pay union dues.

Following this pla3rbook, the Senate bill creates a "personal care attendants workforce advisory panel" that will likely impose union affiliation to qualify for a newly created "community living assistance services and support (class)" reimbursement plan.

The current House version of ObamaCare (H.R. 3200) goes much further. Section 225(A) grants Secretary of Health and Human Services Kathleen Sebelius tremendous discretionary authority to regulate health-care workers "under the public health insurance option." Monopoly bargaining and compulsory union dues may quickly become a required standard resulting in potentially hundreds of thousands of doctors and

nurses across the country being forced into unions.

Ms. Sebelius will be taking her marching orders from the numerous union officials who are guaranteed seats on the various federal panels (such as the personal care panel mentioned above) charged with recommending health-care policies. Big Labor will play a central role in directing federal health-care policy affecting hundreds of thousands of doctors, surgeons and nurses.

Consider Kaiser Permanente, the giant, managed-care organization that has since 1997 proudly touted its labor-management "partnership" in scores of workplaces. Union officials play an essentially co-equal role in running many Kaiser facilities. AFL-CIO President John Sweeney called the Kaiser plan "a framework for what every health care delivery system should do" at a July 24 health-care forum outside of Washington, D.C.

The House bill has a \$10 billion provision to bail out insolvent union health-care plans. It also creates a lucrative pro-

grams, which have turned into a cash cow for construction industry union officials on the order of hundreds of millions of dollars each year.

There's more. Senate Finance Committee Chairman Max Baucus has suggested that the federal government could pay for health-care reform by taxing American workers' existing health-care benefits — but he would exempt union-negotiated health-care plans. Under Mr. Baucus's scheme, the government could impose costs of up to \$20,000 per employee on nonunion businesses already struggling to afford health care plans.

Mr. Baucus's proposal would give union officials another tool to pressure employers into turning over their employees to Big Labor. Rather than provide the lavish benefits required by Obamacare, employers could allow a union to come in and negotiate less costly benefits than would otherwise be required. Such plans could be continuously exempted.

Americans are unlikely to support granting unions more power than they already have in the health-care field. History shows union bosses could abuse their power to shut down medical facilities with sick-outs and strikes; force doctors, nurses and in-home care providers to abandon their patients; dictate terms and conditions of employment; and impose a failed, Detroit-style management model on the entire health-care field.

ObamaCare is a Trojan Horse for more forced unionization.

*Mr. Mix is president of the National Right to Work Committee and Legal Defense Foundation.*

### Get ready for Detroit-style labor relations in our hospitals.

professional development grant program for health-care workers that effectively blackballs nonunion medical facilities from participation. The training funds in this program must be administered jointly with a labor organization — a scenario not unlike the U.S. Department of Labor's grants for construction apprenticeship

## Discriminatory PLA

continued from page 5

and Construction Trades Council (CTC) union. The PLA effectively precluded nonunion apprentices and contractors from working on over 50 construction projects funded by the public agency for over \$300 million.

More troublingly, discriminatory PLAs could soon become even more widespread thanks to an executive order signed by President Barack Obama pressuring every federal agency to adopt PLAs. With literally billions of dollars of unspent “stimulus” money remaining, the payoff to construction industry union bosses could prove staggering.

“Be it a federal, state, or local agency, government officials owe it to the taxpayers to find the best work at the best price, not cook up schemes to reward union bosses for getting them elected,” continued Gleason.

For more on the proliferation of corrupt PLAs, see the September/October issue of **Foundation Action**.<sup>4</sup>

### Newsclips Requested

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the role union officials play in disruptive strikes, outrageous lobbying, and political campaigning. Please clip any stories that appear in your local paper and mail them to:

**NRTWLDF**

**Attention: Newsclip Appeal**

**8001 Braddock Road**

**Springfield, VA 22160**

**Supporters can also email online stories to [wfc@nrtw.org](mailto:wfc@nrtw.org)**



## Message from Mark Mix

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter,

This has been a year filled with many challenges for the Right to Work movement.

Big Labor’s political machine spent well over a billion dollars in the 2008 election cycle putting forced unionism apologists in control of the White House and Congress.

While grassroots Right to Work activists have been able to – for now – block the Card Check Forced Unionism Bill and other Big Labor bills, the Obama Administration has been attacking worker freedom by executive fiat.

President Obama has already slashed the budget of the agency tasked with investigating union boss corruption and malfeasance. He signed executive orders which effectively blacklist independent workers and nonunion contractors from federal construction projects. He has appointed many former union bosses and lawyers to key positions, some in violation of the Administration’s supposedly stringent ethics and transparency policy.

This has made our task of opposing compulsory unionism power grabs very difficult, but with your help, *we are rising to the challenge*.

But 2010 could prove to be an even more dangerous year for the Right to Work movement.

That’s why the National Right to Work Foundation must have the resources available to wage our strategic legal battle against the abuses of the union bosses and their allies in government.

As the year comes to a close, please keep the Foundation in your thoughts. As we look forward to a new year filled with many challenges, I’m very grateful for your continued support.

Sincerely,

  
Mark Mix