

Bill as Introduced

HB 474-FN - AS INTRODUCED

2011 SESSION

11-0609
06/01

HOUSE BILL

474-FN

AN ACT

relative to freedom of choice on whether to join a labor union.

SPONSORS:

Rep. W. Smith, Rock 18; Rep. Baldasaro, Rock 3; Rep. Seidel, Hills 20; Rep. Lauer-Rago, Merr 2; Rep. Holden, Hills 4; Rep. Brosseau, Graf 6; Rep. Summers, Hills 26; Sen. Forsythe, Dist 4

COMMITTEE:

Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

.....

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to freedom of choice on whether to join a labor union.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Name of Act. It is the intent of the general court that this act be known as "The Franklin A.
2 Partin Jr. Right to Work Act."

3 2 New Chapter; Right to Work Act. Amend RSA by inserting after chapter 273-C the following
4 new chapter:

5 CHAPTER 273-D

6 RIGHT TO WORK ACT

7 273-D:1 Short Title. This act may be cited as the "Right to Work Act."

8 273-D:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in
9 order to maximize individual freedom of choice in the pursuit of employment and to encourage an
10 employment climate conducive to economic growth, that all persons shall have, and shall be
11 protected in the exercise of, the right freely, and without fear of penalty or reprisal, to form, join, or
12 assist labor organizations, or to refrain from any such activity.

13 273-D:3 Definitions. In this chapter:

14 I. "Employer" means any individual, corporation, association, organization, or entity that
15 employs one or more persons. The term includes, but is not limited to, the state of New Hampshire
16 and its agencies, every district, board, commission, instrumentality, or other unit whose governing
17 body exercises similar governmental powers. The term "employer" includes, but is not limited to,
18 employers of agricultural labor.

19 II. "Labor organization" means any organization of any kind, or agency or employee
20 representation committee or plan, which exists for the purpose, in whole or in part, of dealing with
21 employers concerning grievances, labor disputes, wages, rates of pay, hours of work, or other
22 conditions of employment.

23 273-D:4 Freedom of Choice Guaranteed, Discrimination Prohibited. No person shall be
24 required, as a condition of employment or continuation of employment:

25 I. To resign or refrain from voluntary membership in, voluntary affiliation with, or
26 voluntary financial support of a labor organization;

27 II. To become or remain a member of a labor organization;

28 III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor
29 organization;

30 IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent
31 to or a pro-rata portion of dues, fees, assessments, or other charges of a labor organization; or

1 V. To be recommended, approved, referred, or cleared by or through a labor organization.

2 273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from
3 the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges,
4 to be held for, transferred to, or paid over to a labor organization, unless the employee has first
5 presented, and the employer has received, a signed written authorization of such deductions, which
6 authorization may be revoked by the employee at any time by giving written notice of such
7 revocation 30 days in advance of its effective date. Every employer who receives such an
8 authorization from an employee shall have a duty to promptly notify that employee in writing that
9 the employee may revoke an authorization at any time by giving the employer 30 days written
10 notice.

11 273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal.
12 Any agreement, understanding or practice, written or oral, implied or expressed, between any labor
13 organization and employer which violates the rights of employees as guaranteed by the provisions of
14 this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike,
15 picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or
16 attempting to induce an employer to enter into any agreement prohibited under this chapter is
17 hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

18 273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep
19 continuously displayed the following notice at such a place or places in the business, establishment,
20 or premises where it may be readily seen by all employees, and it shall be the further duty of every
21 employer to furnish a copy of such notice to each employee at the time the employee is hired:

22 EMPLOYEES FREEDOM OF CHOICE

23 Under the law of the state of New Hampshire, employees are protected in the exercise of their
24 free choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor
25 union to enter into a contract or agreement requiring them to pay dues, fees, or charges of any kind
26 to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not
27 discharge or otherwise discriminate against an employee because of joining or refusing to join a labor
28 union, or to pay dues, or other charges to a labor union.

29 273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor
30 organization, or officer, agent or member thereof, or employer, or officer thereof, by any threatened
31 or actual intimidation of an employee or prospective employee, or the employee's parents, spouse,
32 children, grandchildren, or any other persons residing in the employee's or prospective employee's
33 home, or by any damage or threatened damage to property, to compel or attempt to compel such
34 employee to join, affiliate with, or financially support a labor organization or to refrain from doing so,
35 or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful
36 to cause or attempt to cause an employee to be denied employment or discharged from employment

1 because of support or nonsupport of a labor organization by inducing or attempting to induce any
2 other person to refuse to work with such employees.

3 273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an
4 employer or labor organization, who directly or indirectly imposes upon any person any requirement
5 prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall
6 be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days,
7 or both.

8 273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened
9 violation of the provisions of this chapter shall be entitled to injunctive relief against any and all
10 violators or persons threatening violation, and may also recover any or all damages of any character,
11 including costs and reasonable attorney fees, resulting from such violation or threatened violation,
12 cognizable at common law. Such remedies shall be independent of, and in addition to, the penalties
13 and remedies prescribed in other provisions of this chapter.

14 273-D:11 Duty to Investigate. It shall be the duty of the attorney general and of each county
15 attorney, to investigate any complaints of violation of this chapter, and to prosecute all persons
16 violating any of its provisions, and to use all means at their command to insure effective enforcement
17 of the provisions of this chapter.

18 273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered
19 into on or after the effective date of this chapter and shall not apply to existing contracts, but shall
20 apply to any renewal or extensions of such existing contracts.

21 273-D:13 Exceptions. The provisions of this chapter shall not apply:

- 22 I. To employers and employees covered by the federal Railway Labor Act.
- 23 II. To federal employers and employees.
- 24 III. To employers and employees on exclusive federal enclaves.
- 25 IV. Where they would otherwise conflict with, or be preempted by, federal law.

26 273-D:14 Severability. If any provision of this chapter or the application thereof to any person
27 or circumstance is held invalid, the invalidity does not affect other provisions or applications of the
28 chapter which can be given effect without the invalid provisions or applications, and to this end the
29 provisions of this chapter are severable.

30 3 Effective Date. This act shall take effect January 1, 2012.

HB 474-FN - AS INTRODUCED

- Page 4 -

LBAO
11-0609
01/20/11

HB 474-FN - FISCAL NOTE

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FISCAL IMPACT:

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HB 474-FN - AS AMENDED BY THE HOUSE

15 Feb 2011... 0218h
15 Feb 2011... 0313h

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HOUSE BILL **474-FN**

AN ACT relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

SPONSORS: Rep. W. Smith, Rock 18; Rep. Baldasaro, Rock 3; Rep. Seidel, Hills 20; Rep. Lauer-Rago, Merr 2; Rep. Holden, Hills 4; Rep. Brosseau, Graf 6; Rep. Summers, Hills 26; Sen. Forsythe, Dist 4

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

This bill also provides that no public employee labor organization shall be required to represent employees who elect not to join or to pay dues or fees to the employee organization.

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Explanation: Matter added to current law appears in **bold italics**.
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Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Name of Act. It is the intent of the general court that this act be known as "The Franklin A.
2 Partin Jr. Right to Work Act."

3 2 New Paragraph; Obligation to Bargain. Amend RSA 273-A:3 by inserting after paragraph IV
4 the following new paragraph:

5 V. The employee organization certified by the board as the exclusive representative of the
6 bargaining unit shall not be required to represent employees who elect not to join the employee
7 organization. A collective bargaining agreement reached under this chapter shall apply only to public
8 employees in the bargaining unit who are members of the employee organization.

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Amendments

Amendment to HB 474-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to freedom of choice on whether to join a labor union.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Name of Act. It is the intent of the general court that this act be known as "The Franklin A.
8 Partin Jr. Right to Work Act."

9 2 New Chapter; Right to Work Act. Amend RSA by inserting after chapter 273-C the following
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CHAPTER 273-D

12

RIGHT TO WORK ACT

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7 273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from
8 the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges,
9 to be held for, transferred to, or paid over to a labor organization, unless the employee has first
10 presented, and the employer has received, a signed written authorization of such deductions, which
11 authorization may be revoked by the employee at any time by giving written notice of such
12 revocation 30 days in advance of its effective date. Every employer who receives such an
13 authorization from an employee shall have a duty to promptly notify that employee in writing that
14 the employee may revoke an authorization at any time by giving the employer 30 days written
15 notice.

16 273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal.
17 Any agreement, understanding or practice, written or oral, implied or expressed, between any labor
18 organization and employer which violates the rights of employees as guaranteed by the provisions of
19 this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike,
20 picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or
21 attempting to induce an employer to enter into any agreement prohibited under this chapter is
22 hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

23 273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep
24 continuously displayed the following notice at such a place or places in the business, establishment,
25 or premises where it may be readily seen by all employees, and it shall be the further duty of every
26 employer to furnish a copy of such notice to each employee at the time the employee is hired:

27 **EMPLOYEES FREEDOM OF CHOICE**

28 Under the law of the state of New Hampshire, employees are protected in the exercise of their
29 free choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor
30 union to enter into a contract or agreement requiring them to pay dues, fees, or charges of any kind
31 to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not
32 discharge or otherwise discriminate against an employee because of joining or refusing to join a labor
33 union, or to pay dues, or other charges to a labor union.

34 273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor
35 organization, or officer, agent or member thereof, or employer, or officer thereof, by any threatened
36 or actual intimidation of an employee or prospective employee, or the employee's parents, spouse,
37 children, grandchildren, or any other persons residing in the employee's or prospective employee's

1 home, or by any damage or threatened damage to property, to compel or attempt to compel such
2 employee to join, affiliate with, or financially support a labor organization or to refrain from doing so,
3 or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful
4 to cause or attempt to cause an employee to be denied employment or discharged from employment
5 because of support or nonsupport of a labor organization by inducing or attempting to induce any
6 other person to refuse to work with such employees.

7 273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an
8 employer or labor organization, who directly or indirectly imposes upon any person any requirement
9 prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall
10 be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days,
11 or both.

12 273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened
13 violation of the provisions of this chapter shall be entitled to injunctive relief against any and all
14 violators or persons threatening violation, and may also recover any or all damages of any character,
15 including costs and reasonable attorney fees, resulting from such violation or threatened violation,
16 cognizable at common law. Such remedies shall be independent of, and in addition to, the penalties
17 and remedies prescribed in other provisions of this chapter.

18 273-D:11 Duty to Investigate. It shall be the duty of the attorney general and of each county
19 attorney, to investigate any complaints of violation of this chapter, and to prosecute all persons
20 violating any of its provisions, and to use all means at their command to insure effective enforcement
21 of the provisions of this chapter.

22 273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered
23 into on or after the effective date of this chapter and shall not apply to existing contracts, but shall
24 apply to any renewal or extensions of such existing contracts.

25 273-D:13 Exceptions. The provisions of this chapter shall not apply:

26 I. To employers and employees covered by the federal Railway Labor Act.

27 II. To federal employers and employees.

28 III. To employers and employees on exclusive federal enclaves.

29 IV. Where they would otherwise conflict with, or be preempted by, federal law.

30 273-D:14 Severability. If any provision of this chapter or the application thereof to any person
31 or circumstance is held invalid, the invalidity does not affect other provisions or applications of the
32 chapter which can be given effect without the invalid provisions or applications, and to this end the
33 provisions of this chapter are severable.

34 3 Effective Date. This act shall take effect January 1, 2012.

2011-1403s

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

Committee Minutes

**SENATE CALENDAR NOTICE
COMMERCE**

Senator Russell Prescott Chairman
Senator Raymond White V Chairman
Senator Tom De Blois
Senator Matthew Houde
Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

Date: March 31, 2011

HEARINGS

Tuesday

4/5/2011

COMMERCE

Reps Hall

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Please note the room change to Representative's Hall.

9:00 AM HB474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Sponsors:

HB474-FN

Rep. William Smith

Rep. Kathleen Lauer-Rago

Rep. Alfred Baldasaro

Rep. Frank Holden

Sen. James Forsythe

Rep. Charles Brosseau

Rep. Carl Seidel

Rep. James Summers

Commerce Committee Hearing Report

To: Member of the Senate

From: Patrick Murphy, *Legislative Aide*

Re: Hearing Report on HOUSE BILL 474-FN relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Hearing Date: April 5, 2011

Members of the Committee Present:

Senator Prescott, Senator White, Senator De Blois, Senator Sanborn, Senator Houde

Members of the Committee Absent:

None

Sponsor(s):

Rep. W. Smith, Rock 18; Rep. Baldasaro, Rock 3; Rep. Seidel, Hills 20; Rep. Lauer-Rago, Merr 2; Rep. Holden, Hills 4; Rep. Brosseau, Graf 6; Rep. Summers, Hills 26; Sen. Forsythe, Dist 4

What the bill does:

This bill prohibits collective bargaining agreements that require employees to join a labor union.

This bill also provides that no public employee labor organization shall be required to represent employees who elect not to join or to pay dues or fees to the employee organization.

Supporters of the bill:

See the Committee file for a complete list.

Those in opposition to the bill:

See the Committee file for a complete list.

Speaking to the bill (Neutral):

See the Committee file for a complete list.

Hearing began at 9:00 a.m.

Summary of testimony received:

Summary of Testimony Received in Support (See committee file for all submissions)

Witnesses who testified in Support of HB 474-FN made the following points:

- Every employee should have the freedom to choose whether or not to join a union or pay for union representation. The Constitutional right of freedom to associate should protect this right.
- 22 states have laws that protect the employee's right-to-work without forced payment of dues as a condition of employment.
- An October 2010 survey by the firm Word Doctors indicates that 80% of respondents want the right to decide whether to join/pay dues to a union.
- Unions are more responsive to their members' needs when membership is optional.
- The Kansas Policy Institute notes that from 1999 to 2009 Right to Work states added 1.5 million private sector jobs, compared with a loss of 1.8 million jobs in non-right to work states.
- David Brandon, president of The Pathfinders, a Dallas-based consulting firm, found that in auto-related manufacturing, 40% of companies insist on relocating only to a Right to Work state. Similar percentages apply to relocating companies in financial services and shared-services centers.
- From 2003 to 2008 non-farm private sector employment in right to work states grew by 9% compared to just 4% in non-right to work states including NH. NH ranked 32nd of all states in job growth during that period, behind all but 2 right to work states.
- From 2003 to 2008, according to the Bureau of Labor Statistics, real personal income increased by 16% in right to work states, compared to just 7% here in NH.
- The Missouri Economic Research and Information Center found that 2009 per capita disposable personal income, when adjusted for differences in cost-of-living, was \$2,400 higher in right to work states than forced-unionism states, including NH.
- Unions have used exclusive representation as justification for forcing employees to pay mandatory dues or fees as a condition for the employee to keep his/her job. Unions argue that since they must represent everyone, everyone should pay the union something.
- No other private organization in America insists on having the power to force membership on unwilling people except labor unions. Dissenting members can be stripped of their rights, welfare and their liberty and be forced to contribute financially to this private organization against their will in order to keep their job.
- A report done by the Fantus Company stated that approximately one-half of all industrial firms use the presence of a right to work law as initial criteria in their site search process. Another independent report by John Hopkins University Center for Metropolitan Planning and Research found that executive decision makers ranked the presence of a right to work law in a tie with potential industrial market on the highest priority determinant in their industrial relocation decisions.

- While this bill by itself will not cure all of our economic woes, HB 474 is a piece of the pro-economic growth puzzle that re-establishes the message that New Hampshire is open for business. We need to do everything in our power to attract business to NH. Based upon the admission of business executives, a Right to Work law is a major factor in their relocation decisions, and we ought not to ignore this fact.
- The amendment was added to address one of the primary concerns we heard from union testimony at the House public hearing. It states that public sector unions are not required to bargain on behalf of those who wish not to join the union, or pay dues or fees to the union. This relieves public sector unions of the burden of being required to negotiate for employees who are not paying dues or fees to cover collective bargaining. It also states that the bargaining agreement shall only pertain to those who are paying dues or fees. This amendment only applies to the public sector, as the private sector is governed by federal law.

Summary of Testimony Received in Opposition (See committee file for all submissions)

Witnesses who testified in Opposition of HB 474-FN made the following points:

- No such “right to work” exists in the NH or US Constitution. NH businesses can terminate an employee “at will” even for no reason whatsoever Cloutier v Great Atlantic & Pac. Tea Co., Inc., 121 NH 915 (1981). Further, businesses may choose to hire someone only on the condition that the employee arbitrate claims against the employer, rather than go through expensive and time-consuming courts Circuit City Stores, Inc. V. Adams, 532 US 105 (2001).
- This bill will penalize businesses solely because one chooses to collectively bargain contracts with some of its employees. This bill interferes with NH’s employers’ contractual relations. This turns upside down the concepts of free enterprise, liberty, and hands off approaches that business needs to ensure labor harmony, especially when mobilizing their employees out of state.
- This bill would not apply to NH employees when they work in Massachusetts, and it could diminish NH employers’ abilities to persuade awarding authorities of a harmonious workforce when they travel with NH crews into Massachusetts. This bill would inhibit employers’ ability to gain business contracts that could result in hiring more people.
- This bill could result in forcing NH businesses to layoff, if they lacked employee harmony and it discriminates against NH workers, as more employers that work in both NH and MA might simply hire MA workers to avoid NH labor law issues. This creates legal and business problems, all to address a problem that does not exist in NH.
- HB 474 unfairly shifts power away from the middle class, hard-working people and towards employers, including the State. This shift is too dramatic, too far, and threatens the health of NH’s middle class.

- When unions are weakened, wages and benefits decline for all workers, including workers who are not in a union, as competitive pressures on nonunion employers to meet union compensation standards are lessened. Right to work legislation lowers wages and benefits, weakens workplace protections, and decreases the likelihood that employers will be required to negotiate with their employees; it is advanced as a strategy for attracting new businesses to a state.
- In an economy the size of the US, advocates are always able to selectively choose numbers that seem to illustrate their point of view. Legislators should not rely on anecdotes or cherry-picked numbers when rigorous, statistically scientific analysis is available.
- Scientific analysis of right to know laws shows that they lower wages and benefits for both union and nonunion workers alike without exhibiting any positive impact on job growth.
- HB 474 as amended would decimate public sector unions and does nothing to create jobs or advance decent employment for NH residents; rather, it is designed to undermine workers' pay and benefits and weaken collective bargaining. We believe that government should not dictate to businesses how they should run their internal affairs. The NH way includes the freedom of labor and management to decide for themselves what is best for their own workplaces.
- When labor and management sit down at the bargaining table, they should be free from legislative interference as they hammer out fairly and democratically, what they want in their own work contracts.
- HB 474 is not about ensuring freedoms, it is about taking away worker freedom and employer freedom to negotiate collectively-bargained agreements the way they see fit, using legal, democratic processes. This is the real freedom of choice in the workplace, the freedom of workers, by majority rule, and the freedom of employers to choose for themselves what should be in the contract they negotiate with one another.

Hearing closed at noon.

Funding:

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Action:

Pending

Speakers

Senate Commerce Committee: Sign-In Sheet

SPEAKING IN SUPPORT

Date: April 5, 2011
House Bill 474-FN

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
✓ Rep. Charles Brossseau	GMAF. Dis 6
✓ Jerry Delemus	Granite State Patriots Liberty PAC; Rochester 912 Project
✓ Hon. David Scott	WYSE IT
✓ Richard B. Kahn	self
✓ Mickey Long	NH steel fabrication & I deal in steel
✓ Dimitri Kesari	National Right to Work Committee
✓ Gail Kinney	UAW - NH
✓ REP. BALDASARO	

COOPERATIVE ENTERPRISES

Senate Commerce Committee: Sign-In Sheet

SPEAKING IN SUPPORT

Date: April 5, 2011

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

House Bill 474-FN

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Name (Please Print Clearly)

Representing

Name (Please Print Clearly)	Representing
Susan DeLemus	(Rep)
	my constituents

Senate Commerce Committee: Sign-In Sheet

SUPPORT - NOT SPEAKING

Date: April 5, 2011

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
Donald Walker DONALD WALKER	SELF
DAVID JUVET	BIA
Nancy Elliott	self
Brenda Major	.
JANICE FORD	self
Frank Holden, Rep.	Hills #4
Sylvia Smith, Littleton	self
John T. Cannon	Rep.
Janette Peterson Janette Peterson	Hills #19 town of Merrimack
ARNIE AUPENT	American Friends Service Comm. Hce
Rep. Kevin Akind	Hill #20

SUPPORT – NOT SPEAKING

Date: April 5, 2011

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
Chris Williams	Greater Nashua Chamber
Rep. Martine Garcia	Rockingham 4
Rep. Paul LaCasse	Self.
Rep. James F. Heard	Rockingham 3
William Mackenzie	SELF
Rep. Dan Tamburello	Londonderry / Rockingham 3
Rep. STEPHAN PALMER	HILLS 6 MELFORD / AMHERST
Rep. Spec Bowers	Sullivan 3 Sunapee
Rep. Dan McGuire	Merrimack 8
Robert Greenor	Belknap 3
Norman Tregenza	Carroll - 2
Rep. Steve Villacourt	Hills - 15

Senate Commerce Committee: Sign-In Sheet

SUPPORT - NOT SPEAKING

Date: April 5, 2011
House Bill 474-FN

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
Donella Hodgkins	SVRW
Russell Hodgkins	ARC
Loreen Daniels	SVRW
Verity C. Swayne	Souhegan Valley Republican Women
Carolyn Brown	NCFRW No Conway
Christine Peters	SVRW

Senate Commerce Committee: Sign-In Sheet

SPEAKING IN OPPOSITION

Date: April 5, 2011

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
✓ Rodney Wendt	United Valley Interfaith Project
✓ DONALD E MITCHELL	(SELF) Public Employee Labor Relations Board former director
✓ Janice Kelble	self
Dennis Adams	UA - Plumbers & Pipefitters
BOB PERLEY	UNIONS
CHARLIE BALBAN	LD N.H.A.R.A.
Laura Hainey	AFT - NH
Kevin Spottiswood	U.S.W
Alan Browning	U.S.W
✓ ED BEATTIE	NEA NH



SPEAKING IN OPPOSITION

Date: April 5, 2011

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)

Representing

STEVEN J. PETERS	CITIZENS OF NH.
TERRI DONOVAN	AFT-NH and self
✓ Tom Carpenter	IBEW 1857
✓ Edward Foley	LOCAL 17 Sheet Metal Workers NH BLDG TRADES
Felicia Augerich	CWA Local 1400
Joe Casey	NH Building TRADES COUNCIL
LINDA HORAN	APSCME
Karl Klare	Professor of Labor Law
Gordon Lafer	Robert Lafer Economist
✓ Jim Allmendinger of State Sack'n.	NEA - New Hampshire
Diana Lacey	SEA NH, SEIU Local 1984
Robert E Padican say → Paydian	myself

Senate Commerce Committee: Sign-In Sheet

SPEAKING IN OPPOSITION

Date: April 5, 2011
House Bill 474-FN

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)

Representing

Name (Please Print Clearly)	Representing
JOHN S. HANCOCK	SELF

Senate Commerce Committee: Sign-In Sheet

SPEAKING IN OPPOSITION

Date: April 5, 2011
House Bill 474-FN

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Public Hearing on House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)

Representing

Name (Please Print Clearly)	Representing
Stephen Poole	All Workers
Melissa Bernardin	America Votes

Senate Commerce Committee: Sign-In Sheet

1

OPPOSED - NOT SPEAKING

Date: April 5, 2011

Time: 9:00 a.m.

Public Hearing on House Bill 474-FN

House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
Jonathan Mitchell	IBEW
SAMUEL E. EAMES	MYSELF
Pat Cavacco	Self
JIM GRIFFIN	LU 131
George Leduc	LU 669
Sally Bird	Self
MARTIN JENKINS for GEORGE COPADIS	DEPT. OF LABOR
Chris Peck Dartmouth	SEIU LOCAL 560
EARL SWEET	SEIU 560
PAVE FOLLOWERS	SEIU 560
JANET Amrol	SEA LOCAL 1984
JOHN Amrol	" " "

Senate Commerce Committee: Sign-In Sheet

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Public Hearing on House Bill 474-FN

House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
ADOLPHUS BERNOTAS	TNG-CWA 31222 RMC
Thomas A. Upshaw	490 IBEW
Terry Lochhead	NH Alliance For Retired Americans
Jerry Conner	Self
William DeWolfe	Self
Jay Dwy	NEA-NH
Jane Lang	Self
Lucy Edwards	Self
Victoria Higgins	IBEW 2320
JEFF GRIFFITH	IATSE Local 195
Randolph Turgeon	Self
James MacBride	Self & retired U.A.W.

Senate Commerce Committee: Sign-In Sheet

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Name (Please Print Clearly)	Representing
Carlene Harne	IBEW 2320
Michelle Cain	IBEW 2320
Jack Cochran	self
Dennis Caza	Teamsters
Lyren Fowler	Teamsters
David E Hunter	Local 131 Plumbers/Fitters
Grah A. Deleel	Self
Sheila Heath	Self
JOE MANGIARCO	SELF
Dana Cardozo	IATSE 195 NH
Mickey Carter	IATSE of NE
David Pelletier	Self
John GATES	IATSE 481

OPPOSED – NOT SPEAKING

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(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
SIM McDONOUGH II	SELF
Bill Morrow	SELF
KERRY GUPTILL	IBEW 1837
Tom Paquette	IBEW Local 1837
Bill O'TARLLO	" " "
Sarah Kotcavich	CWA Local 1400
Becky McCormick	IBEW Local 2320
Bemany Dunkley	IBEW Local 2320
Shannon Karcher	IBEW Local 2320
Angela Hansen	IBEW Local 2320
Jessica Carpenter	IBEW Local 2320
Adam Fredrickson	IBEW Local 2320

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Name (Please Print Clearly)	Representing
TERRY Gese	Manchester NH
Hon. Sus Nord	Self
Mikel Smith	BOC 2
Karen Collins	IBEW 2320
Jan Schaffer	AFL-CIO
Charles Hamilton	IBEW 2320
Cindy Nietas	Local 1812 ASCE 93
Rich Burke	My Family (New Boston, NH)
Chris Blair	IBEW LOCAL 104
MARKS MacKenzie	NH AFL-CIO - 161 Lower Valley Justice House NH
O. O'Neil	SGM 1984

Senate Commerce Committee: Sign-In Sheet

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Name (Please Print Clearly)

Representing

Richard Wenzel	
CYNTHIA PHINNEY	IBEW 1837
Wife of	IUPW 104
Tom Ryan	IBEW 1837
John W. Brown	BAC
GARY STACY	IBEW 104
Abe Lugo	BAC Local 3
Francisco Lugo	BAC #3
Melanie Diron	SEIU 1984
James Rollins	IBEW 2320
Keith Labonte	IBEW 2320
Ronald G. Bowler	IBEW 2320

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(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
Bill Talon	myself
Melanie Labonte	myself
Cheryl Lawrence	"
JOE MANGIACIA	"
Rhonda Wesolowski	NEA-NH
Kevin McMahon	SEIU LOCAL 1984
Donna Christman	NEA-NH
Robert Sitarman	NABUW 1044
Greg S. Goldberg	Myself and my whole family
GLENN BRACKETT	WORKING NH CITIZENS
Shawn	" " "
Rep Ben Bursoy	Hills B

OPPOSED – NOT SPEAKING

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(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
Tony Turn	myself
Doreen Turn	"
ARTHUR J. PIPPO	Ex.Dire. NEA-NH
Judith Elliott	self
Stephen E Poole	All workers
Betsy Burtis	Self
Peter Baytlett	self
Mark Smith	self
W. Brian L Theroux	self
James Lemay	self
Rep. Michael McCarthy	self
Samuel M Johnson	Self

Senate Commerce Committee: Sign-In Sheet

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(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
MICHAEL SARA (CONCORD RESIDENT)	SELF OPPOSED!
ERIK CARSON	SELF
DAVID M. CLOSKE (MHA W-9)	" - Opposed
Rep. Donna Schuchman	Rockingham Dist # 13, Exeter
DAVID O'CONNOR	SELF - OPPOSED / UNION
Cathy Wallace	self - opposed
Deborah Smith	APWU-230
Bro. Paul Crawford	Roman Catholic Bishop of Manchester
Rep Jeff Goley	
Dennis M. D'Ovidio	self
ALEX MCKINNON	
Daniel Chere	

Senate Commerce Committee: Sign-In Sheet



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Name (Please Print Clearly)	Representing
Barbara L Brandano OLSON	myself
Kelly Torosian	myself
HENRY GOODE	CITIZEN / myself
Justin Desmond	CITIZEN
Claire Ebel	NHCLL There is already freedom of choice to join or not join a union. This bill is union-busting
MICHAEL EVANS	CITIZEN
Jason Faria	Citizen
Stephen J. McCormack	Citizen
Jessica Paul	Citizen
OLIVIA ZINK	myself
BRAD ASBURY	myself - Dunbarton NH
David Lecuyer	myself LaFayette NH

Senate Commerce Committee: Sign-In Sheet

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Public Hearing on House Bill 474-FN

House Bill 474-FN

(2nd New Title) relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Name (Please Print Clearly)	Representing
KEVIN SADOWSKI	IATSE 481 Local UNION
Bill Legend	IUPAT DC.35.
Judy Stadtman	Portsmouth NH Self
Tom Bucco	Self
Zandra Rice Hawkins	Granite State Progress
Rep. Rick Watrous	Merrimack Dist. 12
Jane Twomey	Chichester Self
Mikel Franklin	Warren NH self
Lynn Clowes	self
REP. ROBIN READ	Portsmouth
Colleen Dan O'Brien	Manchester
Dick Bowley	AAUP-UNH. University Professors

OPPOSED – NOT SPEAKING

Date: April 5, 2011

Time: 9:00 a.m.

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Name (Please Print Clearly)	Representing
John Tutthill-Acworth	
Dave Munson	
Carol Croteau	Self
Ann Fane	Self
Tim McKernan	self
Fred Foster, Jr	SEIU
Penny Gaudin	Self
John Gaudin	Self
Kaley Lentini	self
Mike Carpenter	
BRIAN MITCHELL	SELF

Senate Commerce Committee: Sign-In Sheet

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Date: April 5, 2011

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Name (Please Print Clearly)	Representing
JACQUELINE CHAI-PITTS	Dist 16. Hamden Rep.
PATRICK F. GERRITY	DIST 14 HILLSBOURNE.
JAY WARD	Self Pembroke NH
Sharlene Labone	self Manchester NH
Richard Antonian	self Dunbarton NH Retired State
Frances H. Parker	self.
Wayne A. Burt	Self
CHARLES W. FLAHERTY JR	SELF SALEM NH
PAUL CANNONIG	BRENWOOD, N.H.
Robert Jolley	Brentwood N.H.
GEORGE CAMP	CONTOCOCK, N.H. SEA RETIRED CHAIR VICE PRESIDENT
BLAISE T. HEROUX	LACONIA NH.

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Name (Please Print Clearly)	Representing
WALTER C. CARLSON <i>Walter Carlson</i>	SELF / RETIRED
Nancy Jefferson <i>Nancy J</i>	SELF
Sylvia E Gale	SELF
Ana K Herrero	Self
Elizabeth Stark	self
Mary A. Denton	self
MICHAEL SILLS	self / RETIRED
DORICE MEYER	SELF / Retired - Disability
GEORGE FRYER	Self / Retired
Bill Wheeler	self
MO DAXLEY	SELF
<i>David C. Family</i>	self

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Name (Please Print Clearly)	Representing
Casey Horner	Self / SEIU
John Thyn	Self
Brandon Legrand	Resident / Self
Cluck Gezler	Self Union, 131
Alexandra Pagnon	Self
Mary A. Denton	self - Ret. ST EMP - SEA
Alexander Pagnon	Self
Edward Winchell	Self
JIM GORDON	Self
Martin Costello	DC 35 DC 35
Marie Kiely	self - Portsmouth NH

Testimony

**Testimony of Representative Will Smith
Before the Senate Commerce Committee
April 5, 2011**

I've introduced HB 474 in order to improve the quality of life in NH.

I believe that every employee should have the freedom to choose whether or not to join a union or pay for union representation. The Constitutional right of freedom to associate should protect this right. Today 22 states have laws that protect the employee's right-to-work without forced payment of dues as a condition of employment.

A poll of union employees taken in October 2010 by the survey firm Word Doctors indicates that 80% want the right to decide whether to join/pay dues to a union. Unions are more responsive to their members' needs when membership is optional. The Center for Responsive Politics reports, for example, that in the last two decades 26 of the largest unions donated almost \$500M to Democrats, compared with less than \$30M to Republicans, a split not representative of their members' political leanings. And yet there are approximately 70,000 workers in NH who are currently forced to pay dues to a labor union as a condition of employment.

I also believe that providing workers the freedom to choose unions has been shown to bolster job creation and personal income growth in the states where this freedom exists.

The US Census Bureau data show that from 1999 to 2009, the number of people aged 25-34 increased by 10% nationwide, but by 20% in RTW states compared to only 3% in forced-unionism states. Over that same interval, the Kansas Policy Institute notes that RTW states added 1.5 million private sector jobs, compared with a loss of 1.8 million jobs in non-RTW states. David Brandon, president of The Pathfinders, a Dallas-based consulting firm, found that in auto-related manufacturing, 40% of companies insist on relocating only to a RTW state. He notes that similar percentages apply to relocating companies in financial services and shared-services centers.

In this economy, is important to give businesses every possible

reason to relocate to NH and create new jobs. This is especially true of manufacturing firms, which contribute significantly to the wealth (and high paying jobs) of the states in which they reside. From 2003 to 2008 non-farm private sector employment in right to work states grew by 9% compared to just 4% in non-right to work states including New Hampshire. NH ranked 32nd of all states in job growth during that period, behind all but 2 RTW states.

Because so much of right to work states' rapid net job growth has been in high-tech, manufacturing, construction and other well compensated sectors, their overall personal income growth has been similarly rapid. From 2003 to 2008, according to the Bureau of Labor Statistics, real personal income increased by 16% in right to work states, compared to just 7% here in New Hampshire.

The Missouri Economic Research and Information Center found that 2009 per capita disposable personal income, when adjusted for differences in cost-of-living, was \$2,400 higher in RTW states than forced-unionism states, including NH.

For all of these reasons I believe that the state of New Hampshire needs to join the 22 fast-growing states and pass this bill that will give freedom of choice to employees as to whether or not they wish to join the union. The bill is good for the individual worker and for the state as a whole.

NOTE:

A section of the bill requests that it be known as the Franklin A. Partin, Jr. Right to Work Act. In 1973, Frank was working for Philco-Ford at the New Boston Air Force Station when the work force was unionized. Because his religious beliefs were incompatible with union membership, he refused to join. He offered to pay an equivalent amount to dues to charity (which was his right under the Civil Rights Act of 1964) and provided documentation of his church's position, but the union would not accept the offer, and Frank was fired. He spent the remainder of his life fighting to introduce freedom of employee choice to NH. He died this January. I believe it would be appropriate to recognize his efforts if this bill passes.

From: William Smith (willsmith975@yahoo.com)

To: willsmith975@yahoo.com;

Date: Sun, March 20, 2011 10:54:17 PM

Subject: [No Subject]

	Democrats	Republicans
American Fed. of State, County, & Municipal Employees	\$40,281,900	\$547,700
Intel Brotherhood of Electrical Workers	29,705,600	679,000
National Education Association	27,679,300	2,005,200
Service Employees International Union	26,368,470	98,700
Communication Workers of America	26,305,500	125,300
Service Employees International Union	26,252,000	1,086,200
Laborers Union	25,734,000	2,138,000
American Federation of Teachers	25,682,800	200,000
United Auto Workers	25,082,200	182,700
Teamsters Union	24,926,400	1,822,000
Carpenters and Joiners Union	24,094,100	2,658,000
Machinists & Aerospace Workers Union	23,875,600	226,300
United Food and Commercial Workers Union	23,182,000	334,200
AFL-CIO	17,124,300	713,500
Sheet Metal Workers Union	16,347,200	342,800
Plumbers & Pipefitters Union	14,790,000	818,500
Operating Engineers Union	13,840,000	2,309,500
Airline Pilots Association	12,806,600	2,398,300
International Association of Firefighters	12,421,700	2,685,400
United Transportation Workers	11,807,000	1,459,300
Ironworkers Union	11,638,900	936,000
American Postal Workers Union	11,633,100	544,300
Nat'l Active & Retired Fed. Employees Association	8,135,400	2,294,600
Seafarers International Union	6,726,800	1,281,300

Source: Center for Responsive Politics, Washington, D.C.

Subject: **HB 474 - THE RIGHT TO WORK ACT**

Good morning, Mr. Chairman and members of the committee. For the record, my name is Gary Daniels. I am a Representative of the towns of Amherst and Milford, and am chairman of the House Labor Committee. I appear today in support of HB474 as amended.

We need to put in place pro-economic growth policies that attract businesses. Businesses create jobs, and additional business revenue is essential in addressing our budget deficit.

I support this bill as amended for four primary reasons:

(#1) It is about individual freedom in the workplace. It guarantees that no person will be forced to join or not to join, or pay compulsory dues or fees to a union as a condition of employment.

How far we have strayed from the words of Samuel Gompers, the founder of the American labor movement, when he said "The workers of America adhere to voluntary institutions in preference to compulsory systems, which are held to be not only impractical, but a menace to their rights, welfare and their liberty," further noting that "no lasting gain has ever come from compulsion."

Yet here we are, in 2011, listening to the voices of those whose rights, welfare and liberty have been diminished by the very compulsory systems Samuel Gompers opposed.

(#2) Years ago union officials asked Congress to pass a law that required unions to represent all employees that were subject to a union contract. This special privilege was granted in the Wagner Act of 1935 through a concept called exclusive representation. Ever since, unions have used exclusive representation as justification for forcing employees to pay mandatory dues or fees as a condition for the employee to keep his or her job. Unions argue that since they must represent everyone, everyone should pay the union something.

However, in 1947 Congress recognized the compulsory nature in which unions were using exclusive representation and passed the Taft-Hartley Act, which, in part, enabled states to pass Right to Work laws, thus showing compassion for the worker who, for whatever reason, did not wish to financially support a union.

Though the exclusive representation argument sounds appealing, it is important to understand that a labor union is a private organization.

Throughout our society many private organizations carry on activities which benefit a great number of people who do not contribute financial or other support to the organization. Fraternal organizations, veterans organizations, churches, civic and political organizations all raise money, organize work and carry out work for the benefit of a large number of people who contribute no support. The fact is that no other private organization in America insists on having the power to force membership on unwilling people except labor unions.

We must remember that the unions requested exclusive representation. It was not something thrust upon them. It was a special privilege, obtained by law, which the unions asked for, received, and have been consistently adamant about repealing, in spite of the fact that 22 states have enacted Right to Work legislation.

(#3) Those who defend exclusive representation also claim their actions are analogous with government elections. Democracy is a principle of government. We must not confuse the majority rule of government process with that of a private organization.

Majority rule democracy requires that the minority defer to the majority in government elections, but even then a dissenting minority is not required to stop its opposition; nor is it required to contribute to the financial or political support of the majority party. Even members of the majority are at liberty to withdraw from such an association without incident.

Not so with unions! Dissenting members can be stripped of their rights, welfare and their liberty and be forced to contribute financially to this private organization against their will in order to keep their job.

Finally, the enactment of this legislation may have potential economic value as well.

A report done by the Fantus Company, the nation's largest industrial relocation firm, stated that "approximately one-half of all industrial firms use the presence of a Right to Work law as an initial criteria in their site search process." Another independent report conducted by John Hopkins University Center for Metropolitan Planning and Research found that executive decision makers ranked the presence of a Right to Work law in a tie with potential industrial market on the highest priority determinant in their industrial relocation decisions.

While this bill by itself will not cure all of our economic woes, HB474 is a piece of the pro-economic growth puzzle that reestablishes the message that New Hampshire is open for business.

We owe it to our constituents to do everything within our power to attract business into the state. Based upon the admission of business executives, a Right to Work law is a major factor in their relocation decisions, and we ought not to ignore this fact.

I want to end by talking briefly about the amendment added by the House. This amendment was added to address one of the primary concerns we heard from union testimony at the House public hearing. It states that public sector unions are not required to bargain on behalf of those who wish not to join the union, or pays dues or fees to the union. This relieves public sector unions of the "burden" of being required to negotiate for employees who are not paying dues or fees to cover collective bargaining. It also states that the bargaining agreement shall only pertain to those who are paying dues or fees. This amendment only applies to the public sector, as the private sector is governed by federal law.

For all these reasons, Mr. Chairman, I support the passage of HB474 as amended, and would urge this committee to do the same.



Representative Pat Long (D-Manchester)

Good Morning Members of this Committee:

Respectfully, I urge that you vote HB 474 inexpedient to legislate. My decades long experience in the construction trades has taught me caution in enacting laws inconsistent with employer freedoms, especially where the law would further mire employers in regulation, litigation, and incarceration as would this Bill. I have successfully found contracts for hundreds of small NH employers who employed NH employees on construction sites in NH and our neighboring states. These employers have utilized both union and non-union employees, and they did not experience the labor problems that this Bill, in spite of its name, would create.

Indeed, the "Right-to-Work" name seems a masquerade. No such right exists in our National or State Constitutions. I worry when governments create new "rights" like this Bill that encroaches on traditional employer prerogatives. For example, in New Hampshire, as in all states, businesses can terminate an employee "at will," even for no reason whatsoever. Cloutier v Great Atlantic & Pac. Tea Co., Inc., 121 NH 915 (1981). Further, businesses may choose to hire someone only on the condition that the employee arbitrate claims against the employer (rather than go through expensive and time-consuming courts). Circuit City Stores, Inc. v. Adams, 532 US 105 (2001). In NH, generally, no one has a right to work for

an employer unless they contract for such a right. This Bill would penalize businesses solely because one chooses to collectively bargain contracts with some of its employees. Respectfully, I urge that you not interfere with NH employers' contractual relations, and ignore the Bill's name. It turns upside down the concepts of free enterprise, liberty, and hands off approaches that business I helped need to ensure labor harmony, especially when mobilizing their employees out of state. I fear the consequences of this Bill for our good NH employees who travel interstate.

For example, on projects in Massachusetts NH construction employers must assure public awarding authorities that their employees could "work in harmony" with work crews on the projects. GL 149, §44E (Labor Harmony Clause in Public Procurement Code). This Bill would not apply to NH employees when they work in Massachusetts, and it could diminish NH employers' abilities to persuade awarding authorities of a harmonious workforce when they travel with NH crews into Massachusetts. Further still, this Bill would inhibit employers' ability to gain business contracts that could result in hiring more people. Worse, it could result in forcing NH businesses to layoff, if they lacked employee harmony. Worse still, it discriminates against NH workers, as more employers that work in both NH and MA might simply hire MA workers to avoid NH labor law issues. Ironically, it creates legal and business problems, all apparently to address a problem that does not exist with our NH businesses, nor in our State.

Currently, many NH construction companies enjoy freedoms to move employees from state-to-state without worrying about inconsistent labor law. If enacted, this Bill would pit their employees against each other, and create serious and substantial financial liability for NH firms. Specifically, it creates new lawsuits against all employers, more paper work to document employee activity, onerous postings on all construction sites, and it tends to increase the need for NH businesses to pay taxes toward yet bigger government needed to enforce new "rights" the Bill creates. We do not need another criminal law aimed to incarcerate business owners. The Bill allows not only government investigation into business affairs, but also encourages lawsuits against NH firms. Further, it forces management teams to become

witnesses for some of their employees against others. This mires our businesses in litigation requiring them to expend capital on legal expenses they should not bear. Their capital is best spent investing on business opportunities that also create jobs, not on lawsuits that drain capital.

Still further, the Bill offends my beliefs against government interference in individual liberty, especially regarding private property takings by governments. Here's how: Unionized employees vote by secret ballots how much, if any, of their wages (their private property) they wish to put toward union dues. They place their property into private bank accounts, and use that money to finance grievances, contract with employers, and pay for staff and office space. The Bill's current version allows state police power to coerce unionized employees to spend their private property on non-union coworkers' grievances. Like *eminent domain*, the Bill takes the private property of unionized workers and forces them to spend that property on non-union employees, but without compensation.

I realize that a Supreme Court case, Kelo v City of New London, 545 US 469 (2005), now allows governments to take private property and give it to private developers, but only after paying "just compensation." Many Libertarians opposed that decision because the

government took private property, but not for "public" use intended in the US Constitution. See Columnist George Will, Washington Post OpEd April 1, 2011, "**Government Arrogance: Eminent Domain Abuse.**"

This Bill extends Kelo by creating a more offensive government taking of private property. Here, unlike in Kelo, non-union employees would not have to pay even "just compensation" or any compensation to unionized employees when they demand that the union handle a grievance or represent them. This inputs a divisive element into NH workforces and constitutes government micromanaging or intruding on NH businesses' liberty to contract, i.e., with their employees., and provides unwanted Kelo-expansion precedent.

Please don't expand Kelo, but rather limit government's input into business affairs. Allow them the liberty to contract with employees without more laws. Toward that end, I respectfully urge that you vote this Bill inexpedient to legislate.

Thank you for your service to New Hampshire,

NH House Representative Patrick Long

**Testimony on HB474
Senate Commerce Committee
April 5, 2011**

+++++

**Rodney C. Wendt
United Valley Interfaith Project
10 Water Street, Suite 360
Lebanon, NH 03766
RodWendt@tds.net
603-469-3190**

Mr. Chairman, Honorable Members of the Senate Commerce Committee, my name is Rod Wendt, and I represent the United Valley Interfaith Project, of Lebanon, NH. I am here today to OPPOSE HB474.

I am not here as a member of a union. I do not belong to nor have I ever belonged to a union. Rather, I represent the 12 faith communities and other organizations -- mostly in the Claremont-Lebanon-Hanover area of New Hampshire -- that comprise the United Valley Interfaith Project. We work together to tackle systemic issues which contribute to poverty and impede justice. We see this as a way of living out our faith and our values.

We are here because we view HB474 as one of several pieces of New Hampshire legislation that dramatically and unfairly shifts power AWAY from middle class, hard-working people and TOWARD employers, including the State of New Hampshire. We think the shift is too dramatic, too far, and threatens the health of New Hampshire's middle class. And THAT threatens the health of our society and our state.

- ***A healthy New Hampshire requires a healthy, caring middle class.*** It is the middle class that owns the homes, pays the taxes, serves on the school boards, serves in the legislature, attends the churches, gives to the charities, serves in the soup kitchens. It is the middle class that many of the poor and marginalized people we work with most aspire to. It is routes to the middle class that are routes OUT OF poverty. It is the middle class that organized labor, over the last century, has been instrumental in bringing to America.
- ***Central to a healthy middle class is a healthy, balanced relationship between workers and employers. POWER MUST BE SHARED in a way***

that BALANCES the needs of workers for livable wages, safe working conditions, and reasonable benefits, with the needs of employers for reasonable profits or, in the case of governments, reasonable taxes. IT'S ALL IN THE BALANCE.

➤ ***HB474 as amended in the House VERY DRAMATICALLY shifts the balance, shifts power AWAY from individual people – away from teachers, away from firefighters, away from police officers, away from factory workers, away from office workers, away from others – and TOWARD the State of New Hampshire and other employers. It is easy to get lost in the weeds, and I will leave it to the experts in the room to talk about public versus private employees, fair share clauses, total representation of the certified group and so forth. But the net impact is that HB474 shifts power AWAY from individual people and TOWARD employers in a very, very dramatic fashion that is both unfair to the employees and will put the health of our middle class in New Hampshire in real jeopardy. We believe this is unjust and unfair.***

+++++

It is hard for us NOT to see HB474 -- and other legislation to come out of this very Chamber this spring – NOT to see it as part of a concerted effort to restrict the ability of hard-working middle class men and women to control their own economic destinies. We are all too aware of laws to restrict or undercut public sector unions coming out of Wisconsin, Ohio, Indiana – and now New Hampshire. We believe this whole trend is unjust and unfair to working people, and truly harmful to the health of the middle class and the health of New Hampshire, and urge this Committee to stop this trend right here, right now by judging HB474 inexpedient to legislate.

Thank you.

+++++

The Honourable Senate Commerce Committee

I was raised as a child of the Middle Class, the son of a Small Business Owner Father and a Teacher's Assistant Mother. In the midst of the Current Recession, my Mother's Union-Backed Pay Check was the ONLY steady income my family could rely upon.

But, it was not always this way. Two or three years before my Mother's Union was formed, she allegedly received a much anticipated and very necessary 2.5% Cost of Living Increase. I say allegedly, because unfortunately, said increase, came with an hour and a half, time reduction. Now, being the diligent son I am, I used my Trusty Calculator to crunch for myself, her New Yearly Salary. What should I find, but lo and behold, she'd ~~LOST~~ \$100 from the Previous Year!

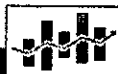
I'm not sure what galls me more, the salary loss itself, or the FACT that some bureaucrat, had obviously spent an Afternoon, doing nothing else but figuring out how to cheat a poor woman, who has been Teaching, longer than she claims to have been ALIVE, out of a measly 2.5% COL!

Sincerely,

Greg S. Goldberg

37 Tanglewood Dr., Henniker, NH, 03242

(603) 369-4607



EPI BRIEFING PAPER

ECONOMIC POLICY INSTITUTE APRIL 5, 2011 BRIEFING PAPER #307

'RIGHT-TO-WORK' Wrong for New Hampshire

BY GORDON LAFER

As the country strives to recover from the worst recession since the Great Depression, lawmakers in several states are being told that the key to solving their state's unemployment woes is adopting so-called "right-to-work" statutes.

These misleadingly named right-to-work (RTW) laws do not, as some unfamiliar with the term may assume, entail any guarantee of employment for people ready and willing to go to work. Rather, they make it illegal for a group of unionized workers to negotiate a contract that requires each employee who benefits from the contract terms to pay his or her share of the costs of negotiating and policing the contract. By making it harder for workers' organizations to sustain themselves financially, RTW laws aim to undermine unions' bargaining strength.¹ When unions are weakened, wages and benefits decline for all workers—including workers who are not in a union—as competitive pressures on nonunion employers to meet union compensation standards are lessened. Because RTW lowers wages and benefits, weakens workplace protections, and decreases the likelihood that employers will be required to negotiate with their employees, it is advanced as a strategy for attracting new businesses to a state.

In New Hampshire, right-to-work proponents suggest that adopting a right-to-work law will increase both job growth and income growth in the state. State Rep. Will

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www.epi.org

Smith (R-New Castle), the author of a proposed right-to-work law (HB 474), argues that the policy “has been shown to bolster job creation and personal income growth.”²

Smith’s assertions appear to be based, in large part, on information supplied by longtime anti-union advocates in the National Right to Work Committee. In testimony in support of HB 474, the committee insisted that there is “overwhelming evidence indicating that right-to-work laws are...economically beneficial.”³ According to Smith, “The data supports our economic argument.”⁴

Unfortunately, the claims supplied by the Right to Work Committee are utterly without economic foundation. If a college student presented an analysis similar to the committee’s for a graduate thesis, it would be rejected for faulty methodology. In America, anyone is free to advocate a personal ideological agenda, but both legislators and the public at large deserve to know the difference between ideological passion and scientific fact.

In an economy the size of the United States, advocates are always able to selectively choose numbers that seem to illustrate their point of view. But legislators should not rely on anecdotes or cherry-picked numbers when rigorous, statistically scientific analysis is available.

Contrary to what RTW backers have claimed, the scientific analysis of right-to-work laws shows that they lower wages and benefits for both union and nonunion workers alike without exhibiting *any* positive impact on job growth.

The primary challenge confronting the majority of Americans is not that U.S. companies can’t compete but rather the severed connection between hard work and fair pay. During the best years of U.S. economic growth, when productivity and profits rose, everyone shared in that prosperity. Over the past 30 years, however, this equation has been disrupted. In today’s economy, even when companies are profitable and those at the top benefit richly, the vast majority of Americans are unable to obtain a fair share of the profits generated by their work. So-called right-to-work laws will make this problem worse.

RTW laws are being aggressively promoted across the country, primarily by employer associations and anti-union advocacy groups. Employers are in the business of maximizing returns to shareholders and owners; that’s what business is *supposed* to do. If some employers are promoting RTW because they believe it may increase profits by lowering employee pay, they certainly have the right to pursue such a goal. But while maximizing profits may be a logical goal for business owners, New Hampshire’s elected officials are charged with maximizing the economic welfare of all the state’s residents.

Simply put, at a time of economic need, right-to-work laws are a prescription for further decline.

New Hampshire’s economic record is one of the most successful in the country—by almost every measure far more successful than the states with RTW laws. It is understandable that, at a time of crisis, lawmakers look to every possible tool for improving economic performance. A close examination of the track record of RTW laws reveals, however, that RTW laws are not a good potential solution.

What’s wrong with the economic argument in support of right-to-work?

The most commonly voiced argument in support of New Hampshire’s right-to-work proposal is the claim that, over the past 10 years, “private sector job growth was six times greater in right-to-work states than here in New Hampshire.”⁵

This claim is not, in fact, based on the past 10 years, but on the 10 years ending in 2009, perhaps chosen because advocates thought they offered a more dramatic talking point. While it is true that average job growth in the 22 states that have right-to-work laws was higher than in the 28 other states over the past decade, the difference is not nearly as dramatic as has been reported.⁶ Most importantly, job growth in New Hampshire during the past 10 years actually outpaced that in a majority of RTW states.

Advocates do the public a disservice by focusing on the average performance of such a large and diverse set of state economies. For instance, a recent Indiana Chamber of Commerce publication reports that “states with right-to-work laws have experienced above average economic growth, while states without such laws have seen below average growth.”⁷ A person reading this statement might conclude that *all* RTW states enjoyed rapid economic growth, while *all* non-RTW or “free-bargaining” states were doomed to sluggishness—that if all the states were lined up in order of growth, the RTW states would be up front and all others at the back of the line. Nothing could be further from the truth.

There is a huge discrepancy in the relative performance of states with and without right-to-work codes over the past decade.⁸ For example, while employment grew by almost 19% from 2000 to 2010 in RTW Arizona, employment shrank by nearly 7% in RTW Alabama. Employment growth over the decade was 7.8% in non-RTW New Mexico, or six times the rate of its RTW neighbor, Oklahoma (1.3%).

When one examines the variation among the individual states that make up the Right to Work Committee’s average, it becomes clear that the economic growth statistic is highly misleading—driven by a handful of high-growth states such as Nevada, Arizona, and Texas, while much of the rest of the pack saw quite modest growth or even declines. Indeed, the non-RTW free-bargaining states of Washington, Alaska, and New Mexico each saw jobs grow faster than two-thirds of the RTW states. New Hampshire’s job growth over the past decade ranked 16th in the nation, outpacing a majority of all right-to-work states.

A similar dynamic underlies right-to-work proponents’ claim that, on average, “growth in real per capita incomes in RTW states is substantially higher than both the national average and non-RTW states.”⁹ This statement is statistically true, but only in the same way that it’s true that if Bill Gates walks into a bar, everyone in the bar is suddenly, *on average*, a multimillionaire. The problem with averages presented in the absence of standard deviations is that they create the misleading impression that the average is more or less representative of everyone in the group.

In fact, by reporting only the *average* growth rate for right-to-work states, advocates obscure huge disparities among RTW states.¹⁰ For instance, in 1977-2008, per capita income grew by 82% in North Dakota but by less than half as much (32.5%) in Nevada (**Figure A**). Indeed, Nevadans’ income grew more slowly than either the national average or the average of non-RTW states.

Comparing simple averages of two very diverse groups of states gives the misleading impression that right-to-work policy accounts for the diverse growth rates. In truth, four of the five fastest-growing states in 1977–2008 were free-bargaining states, including New Hampshire, whose income grew at a faster pace than all but one right-to-work state.

If states with so-called right-to-work laws can experience either dramatic growth or steep decline, and if both right-to-work and free-bargaining states can foster booming job markets, then something in these states’ economics, demographics, or policies *other than RTW* must be driving their growth.

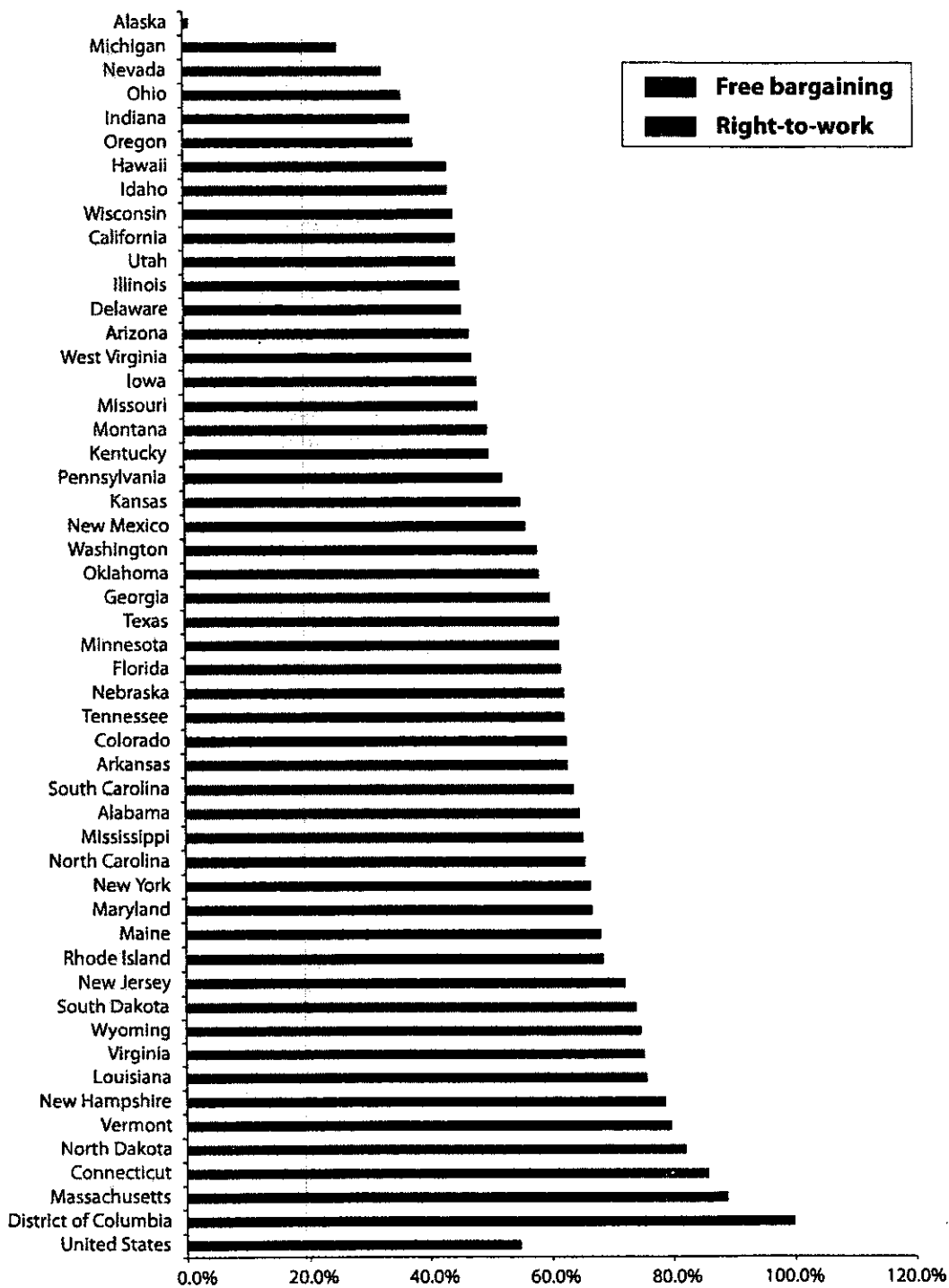
When one examines the facts underlying the averages, it appears that recommending a right-to-work law as a solution to unemployment is on par with suggesting that one increase one’s personal wealth by having a beer with Bill Gates in his favorite watering hole.

The importance of serious economic analysis

As seen above, the mere existence of a right-to-work law reveals nothing about the law’s relation to the state’s economic trajectory. Indeed, the type of arguments trumpeted by right-to-work advocates could easily lead to conclusions opposing right-to-work. Over the past 30 years, for instance, per capita income grew significantly more rapidly in Scandinavia than in the United States.¹¹ Not only do none of the Scandinavian countries have right-to-work laws, but the share of their employees represented by unions is much higher than anyplace in the United States, ranging from a low of 72% in Norway to a high of 92% in Sweden. Yet corporate lobbies are certainly not suggesting that we emulate Scandinavia by abolishing right-to-work and encouraging increased unionization as a path to economic revival.

FIGURE A

Growth in per capita personal income, by state, 1977-2008



States with right-to-work laws are shown in gray.

SOURCE: Bureau of Economic Analysis.

It is notoriously difficult to isolate the economic impact of a single state policy. But it is incumbent on economists to do everything possible toward this goal before reporting “results” to public officials. Clearly, what both sides of this debate must aim to discover is how right-to-work impacts a state’s job growth, all other things being equal. The methodological difficulty rests in defining what “all other things” means. Noticing, for instance, that a given RTW state has experienced faster growth than a given non-RTW state, one might wonder if the difference is due not to the discrepancy in labor laws but rather to the difference in the educational level of the workforce, the proximity of transportation hubs, the cost of real estate, the state’s inheritance tax, its natural resources, the quality of its school system, and so on. The list gets very long very quickly.

The history of right-to-work scholarship over the past several decades includes successive efforts to account for more and more of these variables, and to separate out as completely as possible the impact of right-to-work laws from all the other factors that influence a state’s economic growth. Over time, as scholars have developed more sophisticated and more comprehensive means of holding “all other things” equal, it has become increasingly clear that right-to-work laws have no positive impact whatsoever on job growth.¹² At the same time, statistically scientific studies show that right-to-work laws have a modest *negative* impact on both wages and benefits, for both union and nonunion employees.

The scientific record: Right-to-work laws lower wages and benefits for everyone

In a recent study, a pair of economists conducted a rigorous statistical analysis to measure the impact of right-to-work laws on wages and benefits (see Table 1).¹³ Where the “average” numbers publicized by the Right to Work Committee made no attempt to hold “all else equal,” this analysis controlled for more than 40 different factors, including the age, race, ethnicity, gender, education, industry, occupation, and cost of living of workers in different states. Thus, this analysis comes as close as possible to holding “all other things equal” in measuring the impact of right-to-work laws. The authors’ conclusions are striking:

Wages in right-to-work states are 3.2% lower than those in non-RTW states, after controlling for a full complement of individual demographic and socio-economic variables as well as state macroeconomic indicators. Using the average wage in non-RTW states as the base (\$22.11), the average full-time, full-year worker in an RTW state makes about \$1,500 less annually than a similar worker in a non-RTW state.

The rate of employer-sponsored health insurance (ESI) is 2.6 percentage points lower in RTW states compared with non-RTW states, after controlling for individual, job, and state-level characteristics. If workers in non-RTW states were to receive ESI at this lower rate, 2 million fewer workers nationally would be covered.

The rate of employer-sponsored pensions is 4.8 percentage points lower in RTW states, using the full complement of control variables in our regression model. If workers in non-RTW states were to receive pensions at this lower rate, 3.8 million fewer workers nationally would have pensions.

This briefing paper provides the most comprehensive study to date of the relationship between RTW status and compensation. Using a full set of explanatory variables, including state-level controls, it is clear that our analysis stands apart as being more rigorous than others of this type.

Our results apply not just to union members, but to all employees in a state... We measure the particular effects of RTW laws on compensation among workers who are not unionized or covered by union contracts. The wage penalty for nonunionized workers is 3.0%, and the benefit penalty is 2.8 percentage points and 5.3 percentage points for health and pension benefits, respectively. Our results suggest that proposals to advance RTW laws likely come at the expense of workers’ wages and benefits, both within and outside of unions.

Thus, it is clear that the real impact of adopting “right-to-work” laws – all else being equal – is that New Hampshire workers can expect to find their wages lowered and their ability to secure job-based health insurance or pension benefits weakened.

TABLE 1

**Impact of right-to-work laws on wages and benefits, 2009
(as shown by scientifically controlled study)**

Impact on:	Hourly wages	Health insurance	Retirement plan
<i>All workers</i>	-3.0%	-2.8%	-5.3%
<i>Nonunion workers</i>	-3.2%	-2.6%	-4.8%

NOTE: Analysis controls for age, gender, race, ethnicity, education, marital status, full- or part-time status, urban location, and industry and occupation of employees.

SOURCE: Gould and Shierholz (2011) calculations based on Current Population Survey.

Right-to-work has no positive impact on job growth

When scholars are most rigorous about separating out the impact of right-to-work laws from other factors, the evidence suggests that right-to-work has no effect whatsoever on a state’s employment growth. One of the most recent and comprehensive studies estimates the impact of RTW laws while controlling for a wide range of variables, including general economic features of the state economy such as the share of gross state product concentrated in manufacturing and the average wages and educational level of the workforce; state policies such as personal and corporate tax rates; and a range of labor-specific policies including state minimum wage, workers’ compensation, and unemployment insurance rates. When these various strands of the the state economy are separated out, the authors report that “right-to-work laws... seem to have no effect on economic activity.”¹⁴

A second recent study compared states with and without right-to-work laws, while controlling for multiple economic variables, including a state’s general business climate, in order to separate the impact of right-to-work laws from other economic policies of the state.¹⁵ When the question is thus refined, the author reports that right-to-work laws, in and of themselves, have no statistically significant impact whatsoever on either the rate of job growth or the number of new businesses opened in a state. “An increase in the probability that a state is right-to-work,” the study finds, “has no influence on employment, is associated with a decrease in per-capita personal income and wages/salaries, is associated with an increase in proprietors’ income, and has no effect on economic growth.”¹⁶

The special case of Oklahoma and the impact of globalization on right-to-work

The failure of right-to-work to increase job growth is particularly evident in the case of Oklahoma, the only state to have adopted a right-to-work law in the past 25 years. Unfortunately, Oklahoma saw no improvement in its unemployment rate after passing right-to-work: its manufacturing sector shrank dramatically, and the number of new companies coming into the state fell by one-third in the decade following adoption of the labor statute. And multiple statistically scientific analyses have concluded that right-to-work has utterly failed to enhance job growth in the state.¹⁷

One of the problems of basing policy on what happened in the 1970s or 1980s is that we now live in a fundamentally different economy—mostly due to the globalization of trade and production. In the 1970s, low wages may have lured manufacturers from the Northeast and upper Midwest to the South. But in 2011, companies looking for cheap labor are going to China or Mexico, not South Carolina.

This, indeed, is the experience of Oklahoma, the one state to adopt a right-to-work law in the post-NAFTA era. Even for those manufacturers seeking cheap labor, the right-to-work advantage has proven no advantage at all when states are competing with the cheapest labor forces on the globe. In the years since right-to-work was adopted in Oklahoma, for instance, more than 160 Oklahoma employers announced mass layoffs, and more than 100 facilities closed their doors in the face of lower-wage competition abroad.¹⁸ It is estimated that, from 2001 to 2008, trade with China alone reduced the number of Oklahoma jobs by more than 20,000.¹⁹

Will right-to-work attract new businesses to New Hampshire?

The central claim of right-to-work proponents is that, by lowering wages and benefits, such laws attract outside employers who otherwise would not consider locating in the state. This argument has been made in states across the country. But the actual evidence suggests that right-to-work will have no impact on attracting new business.

Rep. Smith said that, as a member of the Finance Committee, he has been informed that half of all large companies that would otherwise consider locating in New Hampshire reject the state because it lacks a right-to-work law.²⁰ Yet the source of such data is not clear. New Hampshire Commissioner of Resources and Economic Development George Bald, whose office is charged with recruiting new companies to the state, reports that “it [right-to-work] is never an issue with companies.”²¹

Two of the specific sources that Smith cited in support of the notion that businesses avoid states without RTW laws—presumably supplied by the Right to Work Committee—are well known in RTW debates. First, Smith reported that “executives from Fantus Consulting, one of the nation’s leading business relocation consulting firms... report that over 50% of companies planning to move automatically eliminate states lacking a right-to-work law.”²² Legislators hearing this account might believe that this report is current. In fact, Fantus Consulting has not existed for 15 years, and the study cited by Smith was conducted in 1977.²³

Similarly, the second source reported by Smith is the testimony of Elizabeth Morris, an anti-union consultant in Texas, who told Oklahoma legislators in 2001 that if their state adopted a right-to-work law, they would see a 90% increase in the number of firms considering locating in the state.²⁴ Morris herself never presented any survey data to back up her assertion. But the reality of Oklahoma shows that her assertions, while heartfelt, had no basis in economic reality. Not only was there no dramatic increase in the number of new firms coming into the state, the rate of new arrivals actually *decreased* following the adoption of right-to-work. In the decade preceding right-to-work, Oklahoma welcomed an average of 48 new firms per year, creating a total of nearly 6,500 new jobs each year during the 1990s. In the 10 years that the state has operated under its RTW law, however, the average number of firms and jobs brought into the state has been one-third lower than when Oklahoma was a non-RTW state.²⁵

Listening to employers

Ours is a very big economy, and it’s always possible to find anecdotes on any side of an issue—including statements of business owners who say that they prefer a unionized workforce.²⁶ But there is no reason for legislators to make policy based on anecdotal stories when there is actual survey data available. There is no single comprehensive survey of employers’ location decisions. But the data we do have—conducted by business location professionals, not by political advocates—indicate that right-to-work has no measurable effect in attracting employers.

A Brookings Institution study of large corporations’ location decisions, based in part on interviews with prominent corporate location consultants, found that right-to-work laws figured nowhere in the typical decision process of big businesses.²⁷

Even small manufacturers—those thought most likely to base location decisions on low wages and the absence of unions don’t identify right-to-work as an important criterion in deciding where to locate plants. *Area Development* magazine conducts an annual survey, asking primarily small manufacturers to rank the factors that most influence their

decisions about where to locate facilities. Right-to-work is not even close to being the controlling factor in their decisions. In 2009, it was ranked 14th in importance, after such factors as highway accessibility, available land, and construction costs. Indeed, in the years for which *Area Development* reports data, right-to-work has never made it into the top 10 most important factors shaping location decisions.²⁸

Most importantly, *Site Selection* magazine reports that the best locations for the type of high-tech industries that are now a priority of most states' recruitment efforts are uniformly found in non-RTW states. The 2010 State New Economy Index—measuring each state's economic dynamism, technological innovation, digital transformation, knowledge jobs, and integration into global trade—ranked non-RTW Massachusetts, Washington, Maryland, New Jersey, and Connecticut as the most desirable and best positioned locations for the globally competitive industries of the 21st century. Nine of the top 10 ranked states are free-bargaining states; New Hampshire is ranked 11th in the nation, ahead of every so-called right-to-work state except Virginia.²⁹

The role of unions in the economy

For the past 30 years, it has become increasingly difficult for most American employees to participate in the success of the companies they work for. The productivity of American workers has increased steadily, but—unlike in the past—that productivity has not translated into higher wages.³⁰

This disconnect between rising productivity and stagnant wages has occurred at the same time that a shrinking share of the workforce has the ability to bargain collectively with their employers. National data show that unionized employees make significantly higher wages than otherwise similar workers in the same occupations and industries who do not have a union (see **Table 2**). Likewise, the odds that employees receive employer-supported health insurance or retirement plans are much greater—other things being equal—when employees have a union.

Beyond wages and benefits, unions also lead to safer workplaces, because unions pour significant resources into safety training, negotiate contracts which include safe work practices, and establish effective joint labor-management committees to institute best practices for occupational health and safety. For example, one recent report based on rigorous statistical analysis found that states with right-to-work laws have significantly higher incidence of fatal accidents on construction sites.³¹

The share of New Hampshire employees who are union members is not particularly high—just under 11%. But the added value of wages and benefits gained through collective bargaining has a very significant impact on the state economy, not only for unionized workers but also for people employed in the retail, real estate, and service industries that benefit when unionized workers spend their paychecks in the local economy.

TABLE 2

Impact of unionization on wages, health insurance, and pensions

	Unionized employees compared with otherwise similar nonunionized workers
Hourly wages	15.6%
Likelihood of having employer-supported health insurance	19.1
Likelihood of having employer-supported retirement plan	24.4

NOTE: Impact measured after controlling for age, education level, gender, and industry of employees. Numbers for health insurance and retirement are percentage points.

SOURCE: Center for Economic and Policy Research, calculations based on 2003-09 data from Current Population Survey (as referenced in Schmitt 2010, see endnote 30 for full data source).

Right-to-work may undermine economic growth by restricting consumer demand

Throughout the unemployment crisis of the past two years, as economists looked to ignite job growth, policymakers and business leaders alike have pointed to consumer demand as the key prerequisite for job creation. In 2009, Business Roundtable Chairman Terry McGraw explained that “behind all these diverse and depressing numbers is one central driving fact: demand has collapsed....To find a path out of today’s economic quagmire, [we] must jump start that demand.”³² As we look to support growing sectors of the economy, it is clear that the future depends largely on an economy driven by consumption. Nationally, the top 10 occupations projected to add the greatest number of jobs over the coming decade are almost entirely dependent on either government revenue or consumer spending; they include food service, retail sales, health care, and education.³³

If states rely on wage-cutting right-to-work laws as a strategy for attracting outside manufacturers, they would undermine wage standards in both manufacturing and other industries, which could inadvertently hamstring job growth by restricting aggregate local economic demand.³⁴

For every \$1 million in wage cuts to workers, \$850,000 less is spent in the economy.³⁵ Assuming that most of the spending would have gone to rent, food, clothing, and other family needs in local retail and services industries, this constitutes a significant loss of spending exactly when state economies need it most. A loss of \$850,000 in local spending translates, on average, into a loss of six jobs in the local community. In this way, weakening union wage standards in order to attract mobile manufacturers raises a concern that job growth might constrict in the much larger industries that have come to dominate most states’ economic growth plans.

The impact of unions and right-to-work laws in New Hampshire’s economy

New Hampshire’s economy is significantly different from that of many right-to-work states; and its economic strategy must be based on the realities of the state’s particular business dynamics. For instance, the share of workers who are employed in oil and gas extraction is 25 times higher in Texas—the single biggest right-to-work state, whose experience skews the overall average of those states—than in New Hampshire.³⁶ By contrast, the share of workers employed in computer and electronics manufacturing is nearly four times higher in New Hampshire than in RTW states.³⁷ In 2009, the *Cyberstates* annual reports ranked New Hampshire the ninth highest state in the country in its concentration of high-tech employment.³⁸ More than 50,000 New Hampshire residents are employed in high tech, and these jobs are particularly valuable because they offer significantly higher-than-average wages.³⁹ Partly because of its strength in high tech, New Hampshire has an outsized share of defense contracts. Over the past 10 years, the state’s share of defense work has been more than six times as great as its share of the country’s population.⁴⁰

Likewise, New Hampshire’s economy is significantly more concentrated in educational and health services than are the economies of the RTW states. The health industry is one of the largest employers in the state, and the financial viability of this sector depends in large part on the share of employees who receive health insurance on their jobs.⁴¹ In 2010, New Hampshire ranked seventh in the country in the percentage of its residents who had health insurance.⁴² This in part reflects the state’s unionized employees; to the extent that right-to-work undermines union benefits, it will also weaken the health of this critical industry.

New Hampshire’s employment is projected to grow by 8.8% from 2008-18, with almost all of the projected new jobs in service industries.⁴³ Retail trade is the state’s single largest industry, but over the coming decade health care and social assistance is projected to become the single biggest source of employment in the state.⁴⁴ The three major occupations projected to add the most jobs over the next decade in New Hampshire are health care practitioners and technical occupations; health care support occupations; and personal care and service occupations.⁴⁵ All three of these occupations depend heavily on a combination of health insurance and consumer spending.

All of this points to the fact that New Hampshire's economy—and economic strategy for moving forward—rely more on a well-educated workforce, and on maintaining high enough wages and benefits to support its service industries—than on attracting low-wage, low-tech manufacturers.

New Hampshire boasts a much more successful economy than right-to-work states

If there was ever a place where the argument for right-to-work is least credible, it may be New Hampshire.

In 2010, New Hampshire ranked among the top 10 states in the country in median household income; share of population with health insurance; share of population receiving dental care; number of primary care physicians; low

TABLE 3

Indicators of social and economic well-being, right-to-work vs. free-bargaining state

	Percent unionized 2009	Weekly earnings, full-time workers 2009*	Median household income 2009	New business openings per 1,000 workers quarterly 2007	Poverty rate 2009
States with right-to-work laws					
Alabama	10.9%	\$683	\$39,980	6.9	17.5%
Arizona	6.5	735	45,739	10.4	16.5
Arkansas	4.2	596	36,538	9.0	18.8
Florida	5.8	704	45,631	13.7	14.9
Georgia	4.6	732	43,340	13.3	16.5
Idaho	6.3	653	46,778	15.2	14.3
Iowa	11.1	713	50,721	7.6	11.8
Kansas	6.2	685	44,717	8.7	13.4
Louisiana	5.8	650	45,433	8.9	17.3
Mississippi	4.8	595	35,078	7.5	21.9
Nebraska	9.2	688	49,595	8.8	12.3
Nevada	15.7	706	51,434	11	12.4
North Carolina	3.1	661	41,906	10.1	16.3
North Dakota	6.8	676	50,075	10.6	11.7
Oklahoma	5.7	625	45,878	8.9	16.2
South Carolina	4.5	648	41,101	8.8	17.1
South Dakota	5.5	628	45,826	10	14.2
Tennessee	5.1	637	40,517	6.4	17.1
Texas	5.1	661	47,475	7.7	17.2
Utah	6.9	714	58,491	13.7	11.5
Virginia	4.7	775	60,501	9.7	10.5
Wyoming	7.7	785	52,470	14.7	9.8
Average, RTW states	6.6%	\$680	\$46,328	10.1	15.0 %

cont. on page 11

TABLE 3 (CONT.)

Indicators of social and economic well-being, right-to-work vs. free-bargaining states

	Percent unionized 2009	Weekly earnings, full-time workers 2009*	Median household income 2009	New business openings per 1,000 workers quarterly 2007	Poverty rate 2009
Free-bargaining states					
<i>Alaska</i>	22.3%	\$879	\$61,604	12.3	9.8%
<i>California</i>	17.2	803	56,134	9.7	14.2
<i>Colorado</i>	7.0	797	55,930	14.2	12.9
<i>Connecticut</i>	17.3	965	64,851	6.1	9.4
<i>Delaware</i>	11.9	754	52,114	11.5	10.8
<i>Hawaii</i>	23.5	696	55,649	7.8	10.4
<i>Illinois</i>	17.5	746	52,870	8.5	13.3
<i>Indiana</i>	10.6	714	44,305	7.4	14.4
<i>Kentucky</i>	8.6	654	42,664	7.9	18.6
<i>Maine</i>	11.7	712	47,502	13.1	12.3
<i>Maryland</i>	12.6	857	64,186	9.4	9.1
<i>Massachusetts</i>	16.6	945	59,373	10	10.3
<i>Michigan</i>	18.8	771	45,994	8.6	16.2
<i>Minnesota</i>	15.1	801	56,090	10.3	11.0
<i>Missouri</i>	9.4	681	48,769	7.1	14.6
<i>Montana</i>	13.9	626	40,437	16.7	15.1
New Hampshire	10.8	839	64,131	11.1	8.5
<i>New Jersey</i>	19.3	886	64,777	9.7	9.4
<i>New Mexico</i>	6.7	694	43,542	9.8	18.0
<i>New York</i>	25.2	782	50,216	10.7	14.2
<i>Ohio</i>	14.2	707	45,879	7.1	15.2
<i>Oregon</i>	17.0	740	49,098	11.7	14.3
<i>Pennsylvania</i>	15.0	740	48,172	8.6	12.5
<i>Rhode Island</i>	17.9	789	51,634	12	11.5
<i>Vermont</i>	12.3	745	52,318	12	11.4
<i>Washington</i>	20.2	844	60,392	9.8	12.3
<i>West Virginia</i>	13.9	684	40,490	7.6	17.7
<i>Wisconsin</i>	15.2	744	51,237	6.7	12.4
Average, free-bargaining states	15.1%	\$771	\$52,213	9.9	12.8%

* Median weekly earnings.

SOURCE: U.S. Bureau of Labor Statistics; Corporation for Enterprise Development; U.S. Census Bureau (as referenced in University of Maine 2011, see endnote 48 for full description of data sources).

violent crime rate; and low incidence of heart attacks, strokes, infectious disease, diabetes, low birth weight babies; and occupational fatalities.⁴⁶ New Hampshire's school system performs above national standards, with math and reading scores significantly above the national average in 2009.⁴⁷

As shown in **Table 3**, the median weekly earnings of New Hampshire employees is not only higher than the average of RTW states, but higher than every single one of the RTW states. So too, New Hampshire's median household income is higher, and its poverty rate lower, than all of the 22 states with right-to-work laws.⁴⁸

Proponents of a right-to-work law claim that it is needed to bring new jobs into the state. But New Hampshire has already seen significant growth in the number of new companies incorporating in the state, including both local startups and out-of-state companies opening locations in New Hampshire. The number of business newly incorporated in

TABLE 4

**Unemployment in New Hampshire and in right-to-work states
December, 2010 (seasonally adjusted)**

State	Unemployment rate
New Hampshire	5.5%
States with right-to-work laws	
<i>Alabama</i>	9.1%
<i>Arkansas</i>	7.9
<i>Arizona</i>	9.4
<i>Florida</i>	12.0
<i>Georgia</i>	10.2
<i>Idaho</i>	9.5
<i>Iowa</i>	6.3
<i>Kansas</i>	6.8
<i>Louisiana</i>	8.0
<i>Mississippi</i>	10.1
<i>Nebraska</i>	4.4
<i>Nevada</i>	14.5
<i>North Carolina</i>	9.8
<i>North Dakota</i>	3.8
<i>South Carolina</i>	10.7
<i>South Dakota</i>	4.6
<i>Oklahoma</i>	6.8
<i>Tennessee</i>	9.4
<i>Texas</i>	8.3
<i>Utah</i>	7.5
<i>Virginia</i>	6.7
<i>Wyoming</i>	6.4

SOURCE: U.S. Bureau of Labor Statistics (as referenced in Marie Duggan, associate professor of economics at Keene State College, "Testimony In Opposition to Right to Work," to New Hampshire House of Representatives Labor, Industrial and Rehabilitative Services Committee, Feb. 3, 2011).

New Hampshire rose from 1,507 in 2006 to 2,471 in 2009, an increase of more than 60%. The number of out-of-state corporations newly locating in New Hampshire rose even more dramatically, from 1,706 in 2006 to 4,194 in 2009.⁴⁹ Most tellingly, the number of new companies opening per 1,000 workers is higher in New Hampshire than in three-fourths of the right-to-work states. Even the conservative Tax Foundation declared in 2010 that “New Hampshire is a magnet for people and income,” noting that for the past 15 years, in every year but one “New Hampshire has gained citizens at the expense of all other states.”⁵⁰

Also, as shown in **Table 4**, unemployment in New Hampshire is lower than in all but three of the 22 RTW states. Thus, by nearly every conceivable measure, right-to-work states should be seeking to emulate New Hampshire—not the reverse.

Why is right-to-work the focus of such aggressive advocacy when its economic track record is so dismal?

Given that wrongly named right-to-work laws have been shown to undermine wages and benefits while doing nothing to promote job growth, why is the policy being promoted with such vigor?

In some cases, anti-union zealots may promote such policies out of a commitment to restricting collective bargaining, independent of the law’s economic impacts. Right-to-work proponents often emphasize the moral importance of allowing employees to earn union-scale wages and benefits without paying for the costs of contract negotiation and enforcement. “This is about freedom to choose for employees,” asserted one Oklahoma state representative in that state’s 2001 debate.⁵¹ But the most steadfast and generous backers of RTW policies are corporate employers, not typically known to devote their time to the defense of employee rights.⁵² Moreover, even those advocates who articulate a libertarian insistence that one should be able to work where one wants without any dues requirement seem to limit this principle to the case of unions. Right-to-work proponents are not engaged in parallel projects to declare a “right to live” where one wants—insisting on the freedom to live in a gated community without having to pay homeowner association dues—or a “right to practice law”—demanding that lawyers need not be dues-paying members of the bar association in order to represent clients in court. But if the principle of freedom from dues is only about the workplace, it seems likely to be driven primarily by anti-union animus rather than any broader principle or economic strategy.

Even within the world of employment, the so-called right-to-work that the Right to Work Committee, U.S. Chamber of Commerce and affiliates, and other corporate lobbies so passionately promote is exceedingly narrow. For instance, it does not include the right of those who report fraudulent activity witnessed on the job to work free from fear of retaliation—indeed the Chamber has opposed increased protections for whistleblowers. It does not even include a right to work for employees to remain on the job rather than spending time against their will attending sessions advertising their employer’s views on religion, politics, or union issues; the Chamber went to court in order to block a law that would have provided this protection.⁵³ If the *only* right of concern to these lobbyists is the right to undermine workers’ collective strength by making unions financially insecure, it’s hard to imagine that this passion stems from a broader commitment to employee rights.

Clearly, some employers seek to limit their employees’ ability to bargain for wages and benefits out of corporate financial interests. Likewise, right-to-work is obviously being championed, in part, by those who are ideologically opposed to unions.

It is, of course, perfectly legitimate for advocacy organizations to promote anti-union policies simply out of opposition to collective bargaining. But the people of New Hampshire, and especially the legislators charged with charting the state’s economic future, are entitled to know the difference between passionate ideology and scientific fact.

—*Gordon Lafer is an associate professor at the Labor Education and Research Center at the University of Oregon and a research associate of the Economic Policy Institute. His work concentrates on strategic planning, strategic research, and labor and employment policy issues.*

Endnotes

1. As a recent Chamber of Commerce report notes, "the goal of labor unions [is] to increase wages and benefits for their members," and the goal of right-to-work is to cut wages in the hopes of attracting outside investors. Richard Vedder, et al, *Right-to-Work and Indiana's Economic Future*, Indiana Chamber of Commerce Foundation, January 2011, pp. 6-7.
2. Testimony of Representative Will Smith before the House Labor, Industrial and Rehabilitative Services Committee, February 3, 2011.
3. Dimitri Kesari, Director of Government Affairs, National Right to Work Committee, statement before the New Hampshire House of Representatives Labor, Industrial and Rehabilitative Services Committee, February 3, 2011.
4. Quoted in Elizabeth Dinan, "N.H. Rep. proposes right to work law," January 14, 2011, www.seacoastonline.com/articles/20110114-NEWS-101140396.
5. Dimitri Kesari, Director of Government Affairs, National Right to Work Committee, statement before the New Hampshire House of Representatives Labor, Industrial and Rehabilitative Services, February 3, 2011.
6. Total civilian employment, annual averages, by state. Source: U.S. Bureau of Labor Statistics.
7. Richard Vedder, et al, *Right-to-Work and Indiana's Economic Future*, Indiana Chamber of Commerce Foundation, January 2011, p. 12.
8. Data are from "States and Selected Areas: Employment Status of the Civilian Noninstitutional Population, 1976 to 2009 Annual Averages," U.S. Bureau of Labor Statistics, www.bls.gov.
9. Vedder, et al, p. 11.
10. Data is reported in Gordon Lafer, "What's Wrong With 'Right-to-Work': Chamber's numbers don't add up," Economic Policy Institute, March 2011.
11. U.S. Bureau of Labor Statistics, Division of International Labor Comparisons, October 21, 2010.
12. This subject is examined in detail in Gordon Lafer and Sylvia Allegretto, *Does "Right to Work" Create Jobs? Answers from Oklahoma*, Economic Policy Institute, March 1, 2011. A review of earlier studies is provided by Boston Federal Reserve Bank analyst Robert Tannenwald, "State Regulatory Policy and Economic Development," *New England Economic Review*, March/April 1997, pp. 83-107. Tannenwald examined eight studies that each reported positive correlations between "right to work" laws and economic growth, but reported that methodological problems in these studies made it difficult to draw any firm conclusions from their analyses. At times, Tannenwald's work has been mischaracterized as an endorsement of anti-union policy. "Right to work" proponent W. Robert Reed, for instance, cited Tannenwald in an influential policy report issued by the Oklahoma Council for Public Affairs in early 2001. (W. Robert Reed, *Does Right to Work Boost Economic Development?* Oklahoma Council for Public Affairs, February 21, 2001). Where Reed cites the existence of these eight studies as Tannenwald's "conclusion," however, Tannenwald's actual article questions both the methodology and findings of these studies.
13. Elise Gould and Heidi Shierholz, *The Compensation Penalty of "Rights-to-Work" Laws*, EPI Briefing Paper #299, Economic Policy Institute, Washington, DC, February 17, 2011.
14. Dale Belman, Richard Block, and Karen Roberts, "Economic Impact of State Differences in Labor Standards in the United States, 1998-2000," www.employmentpolicy.org/topic/15/bllogeconomic-impact-state-differences-labor-standards-united-states-1998-2000, accessed 1/23/11.
15. Lonnie K. Stevans, "The Effect of Endogenous Right-to-Work Laws on Business and Economic Conditions in the United States: A Multivariate Approach," *Review of Law and Economics* 5(1), 595-612, 2009.
16. Stevans 2009, p. 610.
17. Gordon Lafer and Sylvia Allegretto, *Does "Right to Work" Create Jobs? Answers from Oklahoma*, Economic Policy Institute, March 1, 2011.
18. Mass layoffs are reported in notices issued pursuant to the WARN (Worker Adjustment and Retraining Notification) Act, which covers workplaces that have 100 or more employees. Facilities closed due to offshoring or foreign trade are reported by the U.S. Department of Labor under the Trade Adjustment Assistance Act.
19. Robert E. Scott, "Unfair China Trade Costs Local Jobs," EPI Briefing Paper No. 260, March 2010.
20. Quoted in Elizabeth Dinan, "N.H. Rep. proposes right to work law," January 14, 2011, www.seacoastonline.com/articles/20110114-NEWS-101140396.
21. George Bald, The Exchange, National Public Radio, February 10, 2011.
22. Testimony of Representative Will Smith Before the House Labor, Industrial and Rehabilitative Services Committee, February 3, 2011.
23. David A. Williams, *Right to Work Laws: Is There Economic Justification for Them?* The Heritage Foundation, Washington DC, June 21, 1977.
24. Testimony of Representative Rep. Will Smith Before the House Labor, Industrial and Rehabilitative Services Committee, February 3, 2011. Elizabeth Morris' testimony is reported in Bill May, "Proponents Foretell Benefits of Right to Work," *Journal Record*, September 19, 2001, accessed 1/21/11 at www.highbeam.com.
25. Oklahoma Department of Commerce, "Announced New and Expanded Manufacturers and Services, 2010 Annual Report, January 2011, accessed 1/22/11 at www.okcommerce.gov/Libraries/Documents/2010-Annual-Report-Announced-N_3224.pdf.

26. Quoted in Elizabeth Dinan, "N.H. Rep. proposes right to work law," January 14, 2011, www.seacoastonline.com/articles/20110114-NEWS-101140396.
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28. Geraldine Gambale, editor, *The 24th Annual Corporate Survey*, 2009; and *The 23rd Annual Corporate Survey*, 2008; accessed 1/21/11 at www.arcadevelopment-digital.com/CorporateConsultsSurvey/24thAnnualCorporateSurvey#pg1 and <http://www.arcadevelopment-digital.com/CorporateConsultsSurvey/23rdAnnualCorporateSurvey#pg1>. While both labor quality and cost are included in the top 10, these are treated as separate issues from right-to-work *per se*.
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30. Data are reported in John Schmitt, *The Unions of the States*, Center for Economic and Policy Research, February 2010, pp. 15-18.
31. Roland Zullo, *Right-to-Work Laws and Fatalities in Construction*, University of Michigan, Institute for Research on Labor, Employment, and the Economy, March 2011.
32. "Harold McGraw III's Remarks at the National Press Club Newsmaker Event," Business Roundtable, February 11, 2009, accessed 1/27/11 at <http://businessroundtable.org/news-center/harold-mcgraw-iiiis-remarks-at-the-national-press-club-newsmaker-event>.
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34. Belman et al. find that higher wage rates have a significant positive impact on a state's overall economic activity, which the authors suggest reflects increased aggregate demand (Dale Belman, Richard Block, and Karen Roberts, "Economic Impact of State Differences in Labor Standards in the United States, 1998-2000," www.employmentpolicy.org/topic/15/blodgeconomic-impact-state-differences-labor-standards-united-states-1998-2000, accessed 1/23/11).
35. Calculation by EPI staff economists based on standard multiplier ratios.
36. Author's calculations based on U.S. Bureau of Economic Analysis, Total full-time and part-time employment by NAICS industry (number of jobs), 2009. <http://www.bea.gov/regional/spi/action.cfm>
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42. *Vital Signs 2011: Economic & Social Indicators in New Hampshire, 2006-09*, New Hampshire Employment Security, Economic and Labor Market Information Bureau, February 2011, p. 89.
43. *New Hampshire Employment Projections by Industry & Occupation, Base year 2008 to projected year 2018*, New Hampshire Employment Security, Economic and Labor Market Information Bureau, May 2010, p. 1.
44. *New Hampshire Employment Projections by Industry & Occupation, Base year 2008 to projected year 2018*, New Hampshire Employment Security, Economic and Labor Market Information Bureau, May 2010, p. 1.
45. *Road to Recovery: New Hampshire's Economy 2010*, New Hampshire Employment Security, Economic and Labor Market Information Bureau, June 2010, p. v.
46. *Vital Signs 2011: Economic & Social Indicators in New Hampshire, 2006-09*, New Hampshire Employment Security, Economic and Labor Market Information Bureau, February 2011, p. 89.
47. *Vital Signs 2011: Economic & Social Indicators in New Hampshire, 2006-09*, New Hampshire Employment Security, Economic and Labor Market Information Bureau, February 2011, p. 78, reporting 4th and 8th grade reading and math scores from the National Assessment of Educational Progress.

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 50. Scott A. Hodge, President, Tax Foundation, "Taxes, Competitiveness, and the New Hampshire Business Climate," Testimony before the New Hampshire House of Representatives, Ways and Means Committee, 2010. http://www.taxfoundation.org/files/sb_nh_2009.pdf
 51. Marie Price, "House Passes Right to Work; Special Election Call Fails, Journal Record, April 19, 2001, accessed 1/21/11 at http://findarticles.com/p/articles/mi_qn4182/is_20010419/ai_n10145597.
 52. Stevans, p. 598, notes that "right to work" legislation has historically been the product of extensive and expensive lobbying by employer associations and anti-union advocacy groups.
 53. Associated Oregon Industries and Chamber of Commerce of the United States of America, Complaint for Injunctive and Declaratory Relief, U.S. District Court, District of Oregon, 28 USC Sec 2201-2202; FRCP 65, 2009..



Atlantic Air Products Manufacturing LLC

HVAC Products / Sheet Metal Fabrication
560 Route 3A Bow, NH 03304

PH. (603) 410-3900
FAX (603) 410-6281

Senate Commerce Committee
Andy Sanborn
142 Gulf Road
Henniker, NH 03242

4 April 2011

I am writing to express my opposition to the proposed HB 474. I am the owner of a Sheet Metal Manufacturing operation in Bow, NH. I chose New Hampshire as the location to start my business in 2000 based upon a number of factors, not the least of which was the highly skilled work force in the area. I approached the Sheet Metal Workers International Association (SMWIA) in order to recruit and hire the best trained men and women in our field. A basic tenant of my business philosophy is to offer my employees career opportunities that come with wages and benefits that can support their families. Through our collective bargaining arrangement and frequent labor management meetings, my company has been able to navigate the turbulent waters of the New England economy for the last eleven years.

I along with many NH business owners believe HB 474 will negatively impact the state's economy along with opportunities for growth and new hiring within NH based businesses. This bill will create a great deal of discourse within my Company and similar businesses. It will without a doubt drive down the wage and benefits offered to countless hard working citizens and in turn lower the standard of living within the state. I urge that you reject HB 474 and its misguided and harmful language. The commerce committee should instead pursue other sound economic proposals that will provide businesses economic opportunities which create jobs with good pay and benefits.

Thank you for your consideration.

Atlantic Air Products Mfg., LLC

Skip Creamer
President



**NORTHEASTERN
SHEET METAL INC.
NESM CORP.**

April 4, 2011

Mr. Andy Sanborn

Senate Commerce Committee

Dear Mr. Sanborn;

We at Northeastern Sheet Metal of Goffstown, NH are writing you in strong opposition to HB 474 known as the "Right to Work" bill. Northeastern Sheet Metal has been providing quality services and jobs for the people of NH since 1975, in partnership with the NH Sheet Metal Workers Union. The foundation of our company has been built on providing the highest quality product for our customers at a fair price, through our well trained, safety minded workforce. Our workforce takes pride in this mission statement and we in turn take pride in providing them with a fair wage and benefit package which includes health insurance and retirement benefits.

HB 474 will have an adverse effect on our business by creating disharmony in our workforce, undermining our jointly administered training program, and degrading the wage/benefit package of our workers. This will have a negative impact on our company's ability to grow and in turn hurting the hard working people of NH.

Once again we implore you to kill this ill conceived legislation that will be harmful to the State of NH and lower the quality of living that has made this State one of the most desirable to live in.

Sincerely,

Patrick J. Boon

President

Northeastern Sheet Metal

**Quality
and
Service**

31 DEPOT STREET, P.O. BOX 246
GOFFSTOWN, NEW HAMPSHIRE 03045
TEL. (603) 497-4168 FAX (603) 497-8518



Telephone
(603) 474-3400

Fax
(603) 474-7118

Charles P. Blouin, Inc.

INDUSTRIAL HVAC • SHEET METAL CONTRACTORS

203 NEW ZEALAND ROAD • P.O. BOX 2690 • SEABROOK, NH 03874

April 4, 2011

Senator Andy Sanborn
142 Gulf Road
Henniker, NH 03242

Dear Senator,

As a New Hampshire sheet metal company, we strongly oppose HB 474, the proposed "right-to-work" bill. We ask you to defeat this ill-conceived legislation that will cause disharmony among our workforce, and interfere with our business operations.

As a signatory contractor with the Sheet Metal Contractors International Association, we jointly administer our apprenticeship training program to allow our industry to continually evolve and add value to our customers in the commercial HVAC market.

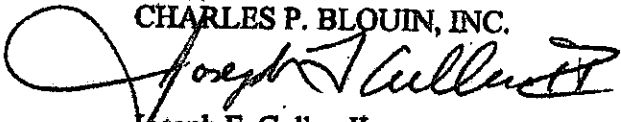
The union security clause in our labor contract promotes stability and harmony in our work force. HB 474 would disrupt our work force and create animosity among employees by forcing union members to subsidize bargaining and representative expenses for non-members, which they are required to cover under the NLRA.

This type of law weakens unions, and in turn, wages are lowered and worker safety and health are endangered.

By undermining our New Hampshire business operations, HB 474 will effectively hurt our state's economy. As quoted by the late Reverend Martin Luther King Jr., "In our glorious fight for civil rights, we must guard against being fooled by false slogans as 'right to work.' It provides no 'rights' and no 'work.' Its purpose is to destroy labor unions and the freedom of collective bargaining ... We must demand this fraud be stopped."

We urge you to vote against this divisive legislation that will cause disharmony among our workforce, and interfere with our business operations.

Sincerely,
CHARLES P. BLOUIN, INC.


Joseph F. Cullen II
President



TEKON-TECHNICAL CONSULTANTS, INC.

188 FARMINGTON ROAD
ROCHESTER, NH 03867-4352
VOICE: (603) 335-3080 FAX: (603) 335-1183

April 4, 2011

Andy Sanborn
142 Gulf Road
Henniker, NH 03242

Mr. Sanborn,

I am writing to oppose HB 474. I oppose this legislation because I believe that it will lower the wages paid to NH families. Lower wages lead to a general lowering of the standard of living for all.

I am proud to employ 9 people at wages that allow them to raise a family and contribute to the NH way of life. My employees earn a wage that allow them to live with dignity. They have good health benefit and pension packages that allow them to provide for their families. Strong families are the backbone of a vibrant community. I believe if this bill were to pass that wages and benefits would be lower and that will in turn cause them to spend less on housing, food, recreation, etc.

Rather than simply lowering wages, we need to promote a more friendly business environment with better trained and educated workers to attract business to our State.

Respectfully,



Charles Corlin
President / General Manager

Mr. Chairman and members of the committee:

My name is Janice Kelble, I live in Franklin and I am a retired Postal Worker and member of the American Postal Workers Union. I worked for the U. S. Postal Service for more than 29 years. I became a member of my union immediately after I was hired in 1974.

When I was hired I was a single parent. I knew that the benefits that made me want to get a job with the Postal Service were benefits obtained through negotiations with the union. This is more evident in the Postal Service than it is at many other workplaces because in the Postal Service there is a group of employees called "casuals". These workers are not necessarily short-term employees; some have worked for the Postal Service for more than 10 years. Casuals are not in our bargaining unit and cannot belong to a union. This makes the difference very obvious between what the Postal Service *gives* to employees out of the kindness of their hearts and what has been negotiated by the union. It makes it crystal clear that the benefits that have been attained by the Union are the reason that people want to work for the Postal Service. The wages of a casual are considerably less than employees in the bargaining unit, even though they are often performing identical work. Casuals earn no sick leave; have no health benefits and no retirement benefits. I believe that workers who stand before this committee and say they want nothing to do with the union are not telling the whole truth. They do want the benefits achieved by the union. Contrary to their belief these benefits that attracted them to the job did not fall out of the sky. Just ask a casual!

Unfortunately working for the Postal Service is something like being in a RTW state. People who choose not to join the union are not required to pay any share of the cost of negotiations or representation. Fortunately most people do join the union, but there is division and resentment caused by the people who take advantage of us by enjoying the same benefits with no cost to them. This division does not benefit the workers or the employer and certainly does nothing to increase productivity. Personally I would no sooner consider sitting in the cafeteria at work with a person who is freeloading than I would consider sitting down to eat with a thief who just broke into my house. They are both doing the same thing -- reaching into **my** pocket to help themselves!

The union is obligated by law to represent these people and yet they make the same amount of money as I do and pay nothing, not even for their own personal representation in arbitration cases. There is a person where I worked who decided not to join the union and because we work in the same kind of environment as people in a so called "right to work" state, he didn't have to pay at all while my dues helped to foot the bill for services to him. The actual arbitration cost alone was over \$1500 and he didn't pay one single cent of that cost. That's nuts!

Representation for an individual member cost money, but considerable resources are also required in order to negotiate a contract that makes a workplace an attractive place to work. The collective bargaining agreement between the APWU and the Postal Service provides that if the parties reach an impasse at the end of the negotiating period the disputes will be decided by a National level arbitrator. In 1996 my national union asked me to come to Washington DC to testify about job duties of a mail processing clerk in our national arbitration case. While I was there I heard testimony from economists, ergonomic experts, safety specialists as well as several rank and file workers. While I sat listening to their testimony, particularly that of the economist, I wondered how many hours of research and preparation went into the testimony of just that one woman who spoke for only 20-30 minutes during several weeks of hearing dates. Without the testimony she presented we would never have convinced the arbitrator of the need to upgrade the pay for that job. The gains achieved in that arbitration were gains that benefited all of us – even the guy who didn't pay a cent for his personal representation.

People **should** contribute to the cost of services that they receive. It's really that simple. Just imagine if people in our state could simply decide that they didn't feel like paying their fair share for road improvements so they stopped paying their taxes, and then called you to insist that the potholes on their street be repaired immediately. It's pretty much the same thing; this whole issue is about fairness.

People have a **real right to work** now in New Hampshire. We have a right to choose to work in a union shop or to work in a non-union shop. Not all union workplaces have a "fair share" clause. In order to have such a clause it must be something the employer agrees to. An employer might choose to do so because they believe that individuals willing to pay their fair share are far more likely to be individuals with integrity or they

may simply believe that it creates a more harmonious workplace. Whatever their reasons, if an employer agrees to negotiate this condition of employment, the State of NH has no business interfering with this employment policy, just as they would have no business interfering with dress code established for the workplace. If a person does not like the employment policies agreed to by the parties, they are free to seek work at a place that has no such policies or they can convince the other workers not to extend that agreement at the end of the contract. If we choose to work in a union shop, it is our responsibility to pay for the benefits that we reap in that environment.

My union is struggling to meet the financial burden caused by those people who refuse to pay their fair share. If enough people decided not to pay their fair share the union would be seriously weakened and its existence could be threatened. That would have a really negative impact on our state.

Without the benefits negotiated by my union I could not afford my house in Franklin, could not afford my medical insurance and could not pay the high cost of medical expenses incurred by my family. I most certainly would not be able to afford to support local businesses the way I do now. This bill does nothing to expand anyone's right to work. It would serve only to weaken unions and **lower our standard of living**. It would eventually allow safety standard in the workplace to decline as well. Even non-union workplaces have benefited greatly in the area of safety because of workplace safety battles that have been fought and funded by unions.

What I am asking today is NOT that you make everyone in the workplace have a union or belong to a union. I am only asking that you NOT get in the way of unions and employers who choose to freely negotiate a clause requiring workers to do the right thing by paying their share of the cost of services provided. **The bottom line is that the state should not interfere with collective bargaining.**

I am asking that you vote "inexpedient to legislate".

Thank you.

Good Morning. My name is Linda Horan and I live in Alstead. I am here to urge you to vote against House Bill 474- the so called Right to Work bill.

I work with developmentally disabled adults aged 21 to the elderly. It is, as you might imagine, challenging work. For years I worked for the phone company- so you can imagine that I was up for the challenge. I like the work, and my co-workers are amazing people, mostly women, who assist people with disabilities- often both mental and physical that cannot get through their day without some help. Some of our clients are violent at times. It really takes a special kind of person to do this work and I have immense respect for the dedication of my co-workers who have done this for years.

A year or so ago, we decided to organize a union and we chose AFSCME- The American Federation of State, County and Municipal Employees. There were a lot of reasons for this-our schedules are crazy, our work is physically and emotionally demanding, our pay- well, it's a social service, so the pay is low. But I think we also decided that we wanted a voice at work as a way to advocate for our clients too. Our safety and the safety of the folks we work with is important to us- as is the well being of our clients. With a union we hope to have more input into issues surrounding quality of care- so staffing levels, client load, staff safety, staff training- all things that help the direct care providers AND improve the quality of care that our clients receive.

It was not easy for us to win. We had to overcome a lot of pushback from the management of our company. They tried to shame us into believing that our struggle for a voice at work would somehow harm the folks that we work with everyday. Nothing could be further from the truth and in the end the majority of us chose to have an organization that represents us on the job.

I want to be very clear with you-this is OUR organization-we elected a president (that's me!) and everyone had input into what we want in our first contract. We elected a negotiating team and when we get a final agreement, we will get to vote on whether that agreement is what we want. I don't know if we will win a Union Security Agreement in this first contract- do I want one? You bet- I want everyone who is going to be covered by this contract to have some role in the new organization that we are building.

AND I think it is a notion of basic fairness-if our organization, chosen by a majority, is going to negotiate better working conditions then everyone should pay their fair share of the costs.

But whether there is a Union Security Agreement is first up to the bargaining teams-our elected team and the management team-they'll decide and weigh it against all of the other bargaining needs of my co-workers. And then, my co-workers and I will get to vote on it and like in any democracy, the majority will determine the outcome.

I may not get everything I want in this first contract-in fact I can virtually guarantee that none of us (including management) will get everything we want-that is the nature of negotiations. Quite frankly, I do not want YOU involved in our negotiations- we'll figure it out, thank you.

We'll decide, we'll vote on it and we'll live with what we vote on. We may decide that everyone will share in the costs of our bargaining and contract maintenance, we may not- we may not even get the chance because our negotiations may play out in such a way that we don't get a union security agreement-but it is OUR choice-both management and us get to choose. And once it is decided at the bargaining table there is the next step-which would be a democratic vote of the folks who will be affected. I believe

that is how it should be-you should NOT interfere with our negotiations. What will politicians decide to "protect" us from next-better wages? Workplace safety?

I do know however that we have already won better conditions for ourselves and I hope for our clients. We see people everyday and we know that the quality of their care is based largely on the quality and dedication of the providers of that care. If working conditions for us are difficult the end result is that it makes providing good care that much more difficult.

Will our union solve all of our problems? I'd be a fool to think that. But it does provide a path to a better job for direct care providers and I believe in the long run better quality care for our clients. If we are able to negotiate lower staff ratios, better schedules and quite frankly better pay, I think we make our agency a better place-for our clients and their families and for ourselves.

I do not want a Right to work law in NH. I want you to leave it up to us to decide how we will manage our democratically controlled organization. Please vote House Bill 474 INEXPEDIENT to LEGISLATE.
Thank you.

Gail Kinney

321 Jones Hill Road
Canaan, NH 03741

603-632-4538

Seminarian and Candidate for Ministry with the United Church of Christ
Member, Economic Justice Task Force, United Church of Christ, New Hampshire Conference
Member, Economic Justice Covenant Working Group, United Church of Christ (national body)

Testimony Regarding HB 474
Presented to the Senate Commerce Committee
April 5, 2011

"We must guard against being fooled by false slogans, such as 'right to work.' It is a law to rob us of our civil rights and job rights... Its purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone. Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are no civil rights."

- Rev. Dr. Martin Luther King, Jr., speaking on right-to-work laws in 1961

Chairman Prescott and Members of the Committee:

As a person of faith and as one who is preparing for the Ministry, I wish to convey to you that there is deep concern among religious congregations throughout New Hampshire about the misguided HB 474, the so-called "right-to-work" bill. We all know that this is a bill aimed at weakening unions, pure and simple. And that goal is profoundly disturbing to many in our churches.

In faith, I want to emphasize for all Committee members that many Granite State residents *beyond union members* are tremendously concerned about this economically destructive legislation. People within my denomination care about the strength and the health of the economy of New Hampshire and we care about the economic security of the working families in our congregations and our communities. HB 474 will do nothing positive for our economy; it will do nothing positive for workers and working families. This is not a bill about providing jobs for New Hampshire citizens. We have looked at the economic data and wonder why in the world the NH Senate would want to bring to our state the median earning levels, wage rates, reduced benefit levels,

and other "low road" economic indicators of the states with "right to work" laws.

In faith, I hope that those in the Legislature who cherish their own faithfulness, no matter what your specific tradition, will also share a commitment to truth-telling and fairness and care for the laborer, the poor, the "common man" that are so integral to our sacred texts. As chronicled in the Book of Exodus, Moses led God's people out of slavery and oppression. In the past century and beyond, unions have led workers out of wage slavery and oppression. Jesus of Nazareth himself was a laborer and he cared deeply about all those who labored and who struggled in an unfair economy. The moral tragedy of HB 474 is that in this time when the wage and wealth gap in our country is growing astronomically, this bill would just increase the imbalance of economic power between labor and capital – between the haves and the have nots.

In faith, I hope you will also remain mindful of the Commandment, among the Ten Commandments, that one shall not bear false witness or false testimony. While probably emotionally heartfelt, any testimony you hear about forced unionism is false testimony. The testimony that HB 474 will somehow build up the NH economy or attract new jobs is false testimony. The very name of this bill "The Right to Work Act" is a false and misleading name. This bill is not about work. It is not about a right to a job.

Finally, I want to make clear that more and more people of faith are awakening to the fact that the anti-public worker amendment to HB 474 inserted at the last minute is part of a nationally orchestrated attack on public workers. Any claim that this union-destroying provision will somehow enhance NH's economic health is just more false witness.

So, please take the time to distinguish the facts from false witness and to discern that the falsely-called right-to-work bill is morally and economically wrong for our state.

Prayerfully,
Gail Kinney



New Hampshire State UAW CAP Council



Julie Kushner, Region 9A Director Ted Feng, Assistant Director
Beverley Brakeman, CAP Representative
4 Birch Street #202; Derry, NH 03038
TEL: (603) 381-7324

GARDNER LATTIME
PRESIDENT

TO: Members of the NH Senate Commerce Committee

FROM: UAW New Hampshire Community Action Program Council

DATE: April 5, 2010

RE: House Bill 474: Urging the Committee to Vote "Inexpedient to Legislate"

This communication comes to you on behalf of many hundreds of United Auto Workers (UAW) members and retirees in New Hampshire – and on behalf of our families as well. The UAW in NH encompasses workers from the City of Concord and the Concord School District, from the City of Nashua, from Rockingham Park, from a school bus company in Belmont, and from manufacturing workers in the Monadnock region, as well as freelance writers in all corners of the state.

HOUSE BILL 474 – WHICH WOULD OUTLAW ‘FAIR SHARE CLAUSES’ IN UNION CONTRACTS AND, AS AMENDED, WOULD DESCIMATE PUBLIC SECTOR UNIONS – DOES NOTHING TO CREATE JOBS OR ADVANCE DECENT EMPLOYMENT FOR NH RESIDENTS; RATHER, IT IS DESIGNED TO UNDERMINE WORKERS’ PAY AND BENEFITS AND WEAKEN COLLECTIVE BARGAINING

We have been told that the Legislative leadership is committed to a laser-like focus on job creation and strengthening the NH economy. If this is truly the case, you need to send HB 474 packing. It does nothing whatsoever to create jobs or enhance the NH economy. What this bill *would* do is convey a message to the nation and the world, "We want to be a low wage state with diminished wages, benefits, and respect for workers."

How would you explain this stance to all the people in your Senate District who are desperate to support their families and obtain health security by means of a good job with a family-sustaining wage and a basic benefit package? And how do you explain the bill's blatant dismantling of the negotiating ability of public sector unions to those in your District who plow your roads, teach your District's children, care for the elderly in your region, and keep you safe?

THIS BILL IS BASED ON A FALSEHOOD – THAT WORKERS ARE "FORCED" TO JOIN UNIONS WITHOUT RECOURSE

It is important to repeat – and repeat again: The whole notion of "forced unionism" is a fabrication. It is a ruse to whip up a frenzy of support for this disingenuous legislation.

IF YOU SUPPORT NEW HAMPSHIRE'S LIBERTARIAN STREAK AND BELIEVE THAT GOVERNMENT SHOULD NOT DICTATE TO BUSINESSES HOW THEY SHOULD RUN THEIR INTERNAL AFFAIRS, YOU SHOULD SOUNDLY REJECT HB 474

In 1975 – 36 years ago – under a Republican administration, the U.S. Postal Service issued a stamp that says *Collective Bargaining: Free Enterprise – The American Way*. So, let's look at the American Way – and the New Hampshire Way. *The New Hampshire Way includes the freedom of labor and management to decide for themselves what is best for their own workplaces* in terms of the provisions in their collective bargaining agreement, including whether or not their agreement includes what is known as a fair share clause or what has been called “a union security clause.” *It is the New Hampshire Way that, when labor and management sit down at the bargaining table, they should be free from legislative interference as they hammer out, fairly and democratically, what they want in their own work contracts.*

HB 474 sends an extraordinarily paternalistic and demeaning message to union members and to some of New Hampshire largest unionized employers. If you embrace HB 474, you will be saying to employers, “We know better than you do. We wish to substitute our judgment for yours.” You will be saying to workers, “We don't believe you are capable of knowing what's best for you or that you're smart enough to choose, democratically, for yourselves what types of contractual clauses best meet your needs. So, we – big government – want to limit your options.”

It is just incomprehensible to us that New Hampshire would actually go down the path that HB 474 calls for. *Big government interfering with labor and management relations in the workplace is not a New Hampshire value.*

THE NOTION OF THE UNDEMOCRATIC, ALL-POWERFUL “UNION BOSS” IS A MYTH

Over the years, the sponsors and out-of-state architects of so-called “right to work” legislation have referred repeatedly to that mythical creature, “the union boss” or the all-powerful “union official” who purportedly controls the minds of rank and file workers. Rhetoric aside, we New Hampshire residents in the UAW know this just ain't so. No “union official” has the right to waltz into our union workplaces and mandate that there be a fair share clause or a union security clause in our collectively-bargained agreements. If the majority of the union workforce doesn't want such a contractual clause, workers won't agree to it. If management within a unionized workplace doesn't want such a clause in its contract with its workers, the employer won't agree to it. *HB 474 is not about ensuring freedoms – it is about taking away worker freedom and employer freedom to negotiate collectively-bargained agreements the way they see fit, using legal, democratic processes. This is the real freedom of choice in the workplace – the freedom of workers, by majority vote, and the freedom of employers to choose for themselves what should be in the contract they negotiate with one another.*

NOW IS THE TIME FOR THE SENATE TO TAKE HIGH ROAD – AND PUT AN END TO THE WAR ON PUBLIC SECTOR WORKERS

Speaking for the UAW's public sector workers in Nashua and Concord, we implore the Senate to take a higher road than the House in your attitudes toward New Hampshire's dedicated public servants. We are not the enemy of the state. We're your neighbors. We're taxpayers. We are dedicated to the public good. We don't deserve the disdain and vitriol and all-out attack on our ability to collectively bargain that are embedded in the

changes to RSA 273-A as inserted at the last minute into HB 474. You have the ability to stop this wholly counterproductive war on public workers. Please do so!

We thank the Commerce Committee for consideration of our comments – and we urge you: for the sake of New Hampshire values, please find HB 474 “inexpedient to legislate.”

Submitted by: Gail Kinney, Member, UAW #1981
321 Jones Hill Road
Canaan, NH 03741
603-632-4538

Statement

Dimitri Kesari
National Right to Work Committee
Thursday, April 5, 2011

My name is Dimitri Kesari. I am the Director of Government Affairs for the National Right to Work Committee, a 2.6 million member citizens' organization dedicated to the elimination of compulsory unionism.

I would like to thank the Chairman and Members of the Committee for taking the time today to examine House Bill 474, the New Hampshire Right to Work Bill.

Today, I'm more hopeful than ever that New Hampshire citizens will soon begin reaping the benefits of a state Right to Work law.

Right now in New Hampshire, tens of thousands of Granite State workers are forced to pay union dues against their will.

Under this system of compulsory unionism, workers are forbidden from representing themselves, told they must accept union representation, and then given a bill with orders to "Pay up or be fired."

Most Americans agree, that this type of compulsion is just plain wrong.

Not surprisingly, because union officials have no accountability under this system, workers find themselves

as targets of abuse.

The good news is, there is a simple remedy for this. That is to allow employees in New Hampshire to exercise their right to refrain from joining or financially supporting an organization that has a long history of misuse of its power.

HB 474, the New Hampshire Right to Work Bill, would do just that.

Workers would be free to choose whether or not they want to join and pay dues to a union.

But freedom isn't the only benefit of a Right to Work law.

The economic record clearly shows that Right to Work laws are positively correlated with higher real wages and salaries and the creation of good jobs that provide good benefits.

The fact is, report after report has shown that many, if not most, businesses automatically eliminate non-Right to Work states like New Hampshire when relocating.

Over the past decade, private sector job growth was six times greater in Right to Work states than here in New Hampshire.

That's a significant difference.

Of course, even many forced-unionism proponents concede that job creation is far more rapid in Right to Work states as a group than it is in non-Right to Work states.

Their arguments instead virtually always focus on wages.

But what Big Labor apologists consistently fail to calculate in are critical factors such as cost of living, real personal income growth and real purchasing power.

After all, a worker in forced-unionism California making \$45,000 per year and a worker in Right to Work Iowa who also makes \$45,000 per year are hardly equal.

But when these factors are considered, hard-working families in Right to Work states once again come out far ahead.

According to George Mason University's Nobel Prize-winning economics department, families in Right to Work states average \$2,800 more in purchasing power than families in non-Right to Work states.

And a more recent study conducted by Dr. Barry Poulson -- a past president of the North American Economics and Finance Association -- found that families in Right to Work states have nearly \$4,300 more purchasing power than families in non-Right to Work states.

Especially considering the tough economy New Hampshire

families are currently dealing with, I believe to continue along with the forced-unionism status quo would be a huge mistake.

In fact, I believe it would be a disservice to men and women all across New Hampshire who are currently struggling to make ends meet.

Mr. Chairman, there's no way that, in the relatively brief presentation I'm making today, I can do justice to the overwhelming evidence indicating that Right to Work laws are both morally right and economically beneficial.

But I hope what I have been able to say will help each of your committee members make a well-informed decision.

And I hope that they all will agree that it's time we free up the New Hampshire economy by passing HB 474, the New Hampshire Right to Work Bill.

Thank you, Mr. Chairman, for allowing me to speak before this committee. I'll be glad to take questions.

COMMENTS OF COMMISSIONER COPADIS
April 5, 2011

Dear Committee Chair & Committee Members,

Good morning. For the record my name is George Copadis and I currently serve as Commissioner of Labor for the State of New Hampshire. I am here to testify against HB474. This is not the first time Right to Work legislation has been introduced in the State of New Hampshire. In fact regardless of party affiliation, six previous Labor Commissioners including Duvall, Murphy, Kelly, Flynn, Symonds, and Casey have all appeared before the House and Senate opposing this legislation.

The State of New Hampshire has the 10th highest per capita income according to 2009 data released by the Bureau of Economic Analysis, U.S. Department of Commerce. Of the states with the 10 lowest per capita income based on the data supplied by the Bureau of Economic Analysis, the Right to Work states occupy six of the top 10 positions including:

Arizona 42nd
Alabama 41st
Idaho 48th
South Carolina 45th
Utah 49th
Mississippi 50th

The record speaks for itself. The United States average per capita income is \$39,626.00. Six of the top 10 lowest states for per capita income are occupied by Right to Work states with wages ranging from \$30,426.00 to a high of \$33,360.00. In comparison, New Hampshire at 10th of the top 10 states for highest per capita income stands at \$42,585.00. As we have heard often Right to Work offers workers one thing: the right to work for less.

I have served as Labor Commissioner for over six years and during that time I have worked with over 2,000 business owners in group settings as well as one on one. During this time, I have listened to business owners and their concerns and I have never had a business owner approach me and say I think Right to Work legislation should be adopted in New Hampshire. This issue of Right to Work is just not on any business owners' radar screen.

The State of New Hampshire is not economically stagnant. The State of New Hampshire offers low unemployment, low taxes, and a great place to raise a family. There is no crying need for changing this NH advantage and setting the clock back to lower wages for employees. I think we all want to obtain good wages, a safe working environment, and good benefits for our own families. Shouldn't we want that for all families?

I want to thank you very much for your time as well as your consideration of my comments.



CORNERSTONE ACTION SUPPORTS HB 474-FN, PROTECTING EMPLOYEE CHOICE

5 April 2011

Contact: Kevin Smith or Ellen Kolb, 228-4794

Cornerstone Action is a non-profit non-partisan organization representing approximately 6,000 New Hampshire citizens, and we appear before the committee today to **support HB 474**. We are grateful to the eight co-sponsors. We support the House amendment, relieving unions of any obligation to represent an employee who opts out of union membership.

We recognize and defend the absolute right of a worker to form or join a labor union without penalty. However, it is appropriate for New Hampshire to recognize the corresponding right of a worker to choose not to affiliate with a union, again without penalty. No company and no law should interfere with that choice. In New Hampshire, particularly in public-sector employment, such interference is unavoidable as the law now stands.

The AFL-CIO has called union contracts “the best job security protection that exists” (Hall, Mike, March 23, 2006. Retrieved February 2, 2011, from <http://blog.aflcio.org/2006/03/23/working-families-celebrate-victory-in-new-hampshire/>). The same source goes on to characterize bills like HB 474 as “an infestation of mosquitoes, dung beetles and other obnoxious pests.” That’s harsh language to use when the question at hand is about respecting the rights of all workers, not only the ones who agree to be bound by collective bargaining. It’s downright delusional in view of what has happened to our local and national economies in the five years since those words were written. Public-sector employees have learned along with everyone else that “job security protection” is wishful thinking when states, towns and school districts are financially overextended.

At a Senate hearing in January on another bill (SB 1), a spokeswoman for one of the largest unions in New Hampshire pointed out “we are your neighbors.” (Testimony on SB 1, 1/11/11, Senate Committee on Public and Municipal Affairs, from AFT-NH.) She urged committee members to see proposed policy not in terms of unions-vs.-communities, but in terms of relationships among neighbors with common interests. We couldn’t agree more with this approach, and we think it’s apt for HB 474. Ironically, the same union represented by this spokeswoman now says on its web site that HB 474 is “not a NH bill – it is being pushed by out of state interests.” Such statements are an attempt to marginalize New Hampshire residents who disagree with the union’s position on HB 474 – to pretend that we’re NOT neighbors.

The eight legislators who signed on to this bill are New Hampshire people with New Hampshire values in mind. They are aware that our state’s workers – in both private *and* public sectors - have varying opinions about union membership and representation. They know that whether economic times are good or bad, we are truly neighbors. We have nothing to fear from giving each other genuine choice in whether to affiliate with a union, recognizing that refusal to join a union is not the same as dismantling it. Should HB 474 pass and be signed into law, unions will not suddenly collapse, rather, they will now stand on their own merit instead of forcing employees to join them and pay into them as a condition of employment. If the security and benefits the unions offer are truly as spectacular as their leaders here today say they are, then they should have nothing to fear from HB 474, as employees will continue to choose to join them – but ultimately, it should be just that: *their* choice. For the reasons stated above and in New Hampshire’s Live Free or Die tradition, we urge swift approval of HB 474 by the Senate Commerce Committee.

Strong Families for a Strong New Hampshire
Post Office Box 4683, Manchester, New Hampshire 03108
(603) 228-4794 | www.CornerstoneAction.org

Statement In Opposition to HB 474
Dexter Arnold
April 5, 2011

I live in Nashua. I strongly oppose HB 474.

HB 474 is bad public policy that flunks a truth in advertising test. This bill is not about individual rights. Those are already well protected. This bill's sole purpose is to weaken New Hampshire workers' ability to have a say over their jobs and working conditions. It is improper state interference with the collective bargaining process.

I want to talk briefly from personal and family experience. My father and grandfather were New Hampshire natives, lifelong Republicans, and local union presidents. They worked 40-plus hours a week at their jobs as a printer and a machinist as well as handling union responsibilities. They understood that unions are a way that workers can accomplish together what they cannot do as individuals. That is why they got together with others to organize their local unions in Nashua. They believed in personal responsibility and did not confuse individual liberty with demanding a free ride on someone else's back. They certainly would have felt it inappropriate for state government to make free rides state policy.

I also want to make a point based on my own experience as vice president of a local union that did not have a fair-share agreement. When they had difficulties, individuals who were paying nothing for representation had no problem coming to the union and drawing on its resources for help. As grievance chair, I handled and won several such cases.

One case sticks in my mind. It involved a new hire who was severely misclassified – so much so that she would have lost several thousand dollars a year and been denied eligibility for benefits. When she spoke to management about this, they shrugged off her concerns, so she brought it to our attention.

We worked hard on her case and won her the proper classification. She received the pay she was supposed to get and health insurance. We were able to do so because of new contract language that we had made a bargaining priority a year before.

She benefited from our ability to negotiate and enforce a contract. Bargaining and contract enforcement. Those are precisely the expenses covered by the fair-share union-security clauses that HB 474 would outlaw.

But again, we didn't have a fair-share clause. And she was quite content to remain a free-rider contributing nothing for her representation. But I bet we would have heard from her if she had had another problem. That's the open-shop reality. I urge you not to impose that open shop reality on New Hampshire workplaces by legislative fiat.

An amendment to HB 474 is being touted as addressing the free-rider issue. That's more false advertising. It's disingenuous. The proposal to eliminate the link between majority rule and exclusive representation in the public sector – one representative for one bargaining unit – is a new front in the attack on New Hampshire workers' ability to cooperate to have a meaningful voice on wages, hours, and working conditions.

The link between majority rule and exclusive representation – one union for one bargaining unit – is a cornerstone of U.S. labor policy that predates the National Labor Relations Act. When the

NLRA was being drafted, members of earlier Depression-era labor boards – including a prominent corporate lawyer employed by non-union companies – insisted on the inclusion of majority rule exclusive representation as essential for a meaningful right to bargain collectively.

Union members don't like free-riders. But this proposal makes a bad bill worse. It opens the door for favoritism. It opens the door for management to ignore the majority representative and try to set standards on key issues by sidestepping the majority and dealing with a minority union or scattered individuals.

Lack of exclusivity is bad for responsible employers as well as for workers. Exclusive representation promotes stable, predictable labor relations. It prevents whipsawing and disruption from inter-union jurisdictional conflicts within a bargaining unit. Eliminating majority rule exclusive representation in the public sector may look like a handy unionbusting tool but it is bad public policy that hurts workers and responsible employers alike.

I urge you to defeat HB 474.

Pope Benedict XVI: Unions Critical to Improving Global Economy

Posted By [Seth Michaels](#) On [February 4, 2009](#) @ 6:43 am In [Legislation & Politics](#) | [No Comments](#)

This weekend, the leader of the Catholic Church said that in the face of a broad economic crisis, a strong union movement will be critical to recovery and rebuilding a fairer, more just market.

The [1] [Catholic News Service](#) reports that Pope Benedict XVI spoke of the importance of unions at a meeting of the Confederation of Italian Labor Unions, Italy's largest union federation, on Jan 31. Pope Benedict said:

The great challenge and the great opportunity posed by today's worrisome economic crisis is to find a new synthesis between the common good and the market, between capital and labor. And in this regard, union organizations can make a significant contribution.

As the Catholic News Service reports, Pope Benedict said Catholic teaching is strongly in support of workers' freedom to form unions and advocate for a better life for themselves, their families and their communities.

The Pope emphasized that the inalienable dignity of the worker has been a cornerstone of the church's social teaching in the modern age, and said this teaching has helped the movement toward fair wages, improvement of working conditions and protection of vulnerable categories of employees.

He noted that his predecessor, Pope John Paul II, had underlined labor as the key component in social questions and had described the labor union as an indispensable element of social life in modern industrialized societies.

Religious groups are playing a [2] [big role](#) in fighting to protect workers' freedom to form unions and bargain here in the United States. Organizations representing a wide variety of faiths have expressed support for the [3] [Employee Free Choice Act](#), and [4] [Interfaith Worker Justice](#) has developed an Employee Free Choice Act [5] [toolkit](#) to help congregations support economic justice and the freedom to form unions.

Article printed from AFL-CIO NOW BLOG: <http://blog.aflcio.org>

URL to article: <http://blog.aflcio.org/2009/02/04/pope-benedict-xvi-unions-critical-to-improving-global-economy/>

URLs in this post:

[1] Catholic News Service: <http://www.catholicnews.com/data/stories/cns/0900492.htm>

[2] big role: <http://www.aflcio.org/joinaunion/voicework/efca/allies.cfm>

[3] Employee Free Choice Act:

<http://www.aflcio.org/joinaunion/voicework/efca/whatis.cfm>

[4] Interfaith Worker Justice: <http://www.iwj.org/template/index.cfm>

[5] toolkit: <http://www.iwj.org/template/page.cfm?id=203>



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CNS Story:

POPE-LABOR Feb-2-2009 (320 words) xxxi

Pope says labor unions important in resolving financial crisis

By John Thavis
Catholic News Service

VATICAN CITY (CNS) -- Pope Benedict XVI said labor unions have an important role to play in finding a way out of the global financial crisis and establishing a new culture of solidarity and responsibility in the marketplace.

"The great challenge and the great opportunity posed by today's worrisome economic crisis is to find a new synthesis between the common good and the market, between capital and labor. And in this regard, union organizations can make a significant contribution," the pope told directors of the Confederation of Italian Labor Unions Jan. 31.

The pope emphasized that the inalienable dignity of the worker has been a cornerstone of the church's social teaching in the modern age, and said this teaching has helped the movement toward fair wages, improvement of working conditions and protection of vulnerable categories of employees.

Workers are facing particular risks in the current economic crisis, and unions must be part of the solution, he said.

"In order to overcome the economic and social crisis we're experiencing, we know that a free and responsible effort on the part of everyone is required," the pope said.

"In other words, it is necessary to overcome the interests of particular groups and sectors, in order to face together and in a united way the problems that are affecting every area of society, especially the world of labor," he said.

"Never has this need been felt so urgently. The problems tormenting the world of labor push toward an effective and closer arrangement between the many and diverse components of society," he said.

He noted that his predecessor, Pope John Paul II, had underlined labor as the key component in social questions and had described the labor union as an indispensable element of social life in modern industrialized societies.

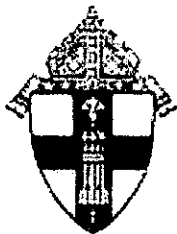
Pope Benedict has been working on his first social encyclical,

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tentatively titled "Caritas in Veritate" ("Love in Truth"), which is expected to be published sometime this year.

END

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DIocese OF MANCHESTER
Secretariat for Administration and Community Affairs

February 14, 2011

Members of the NH House of Representatives
107 North Main Street
Concord, New Hampshire 03301

Re. HB 474 (Right to Work)

Dear Members of the House of Representatives:

As Chancellor for the Roman Catholic Diocese of Manchester, and on behalf of Bishop McCormack, I am writing to express our opposition to HB 474, the so-called Right to Work bill.

Since the late 19th century, the Roman Catholic Church has supported the right of workers to band together in free trade unions for the purpose of bargaining with employers. Over the years, our free collective bargaining system has worked well to obtain fair wages and working conditions for workers, to promote creative collaboration between workers and management, and to balance within society the interests of labor and capital.

Because collective bargaining has worked so well, any proposal to alter the current system requires careful scrutiny. Proposals that offer genuine reform deserve support. Proposals that radically change existing arrangements without offering any benefit to either workers or management do not deserve support. In light of this, the Roman Catholic Diocese of Manchester opposes so-called right-to-work laws. Three reasons undergird our position.

First, "right to work laws" are unnecessary. Supporters of "right-to-work" laws have always argued that some workers have conscientious objections about political positions adopted by their unions. These workers, they argue, should not be required to pay dues. Such workers already have two protections under the law. First, the Supreme Court's decision involving the CWA requires unions to offer workers a rebate of the portion of dues not used for collective bargaining purposes. This rebate is well-publicized within the labor press. Second, campaign finance laws prohibit unions from contributing dues money to political candidates.

Second, "right to work" laws unnecessarily restrict the freedom of unions and employers to bargain over substantive issues, specifically union security arrangements. Labor and management should be permitted to negotiate and reach agreements about a wide range of issues. The "union shop" is just one possible outcome of negotiations. Unions and employers are always

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HB 474 (Right to Work)

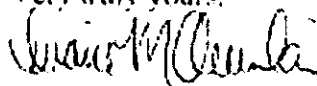
free to agree to other arrangements. The state should protect this freedom rather than arbitrarily ban an outcome acceptable in every other New England state

Third, "right to work" laws seriously undermine the sense of collective good. Our nation is devoted to protecting individual freedom as well as fostering the unity of all people. Much of what we receive, such as national defense and education, is produced and received collectively. A person need not support every policy and priority of our national or state government in order to pay taxes. Likewise, all workers, regardless of their opinions, benefit from significant collective goods won by their unions. It is reasonable to expect them to share in the cost. The needs of the individual and the community must always be kept in balance. "Right to work" laws skew the balance toward the individual and devalue the good of the broader community.

At this time of great economic difficulty and the need for national unity in the face of great danger, we should preserve institutions like free collective bargaining that promote harmony, collaboration, balance, and justice. The passage of a "right to work" law in New Hampshire will do the opposite

For the foregoing reasons, we urge you to vote against passage of HB 474. Thank you for your service to the people of the State of New Hampshire

Very truly yours,



Diane Murphy Quinlan
Chancellor

**State of New Hampshire
Senate Committee on Commerce
April 5, 2011**

**Prepared Testimony of Prof. Karl E. Klare Concerning
House Bill 474-FN as amended by the House¹**

May it please the Committee, my name is Karl Klare. I am Professor of Law at Northeastern Law School in Boston and a member of the Massachusetts Bar. I have spent most of my career in academic life specializing in labor and employment law. I am honored to appear before you today.

Whatever one's views on the emotive right-to-work issue, I respectfully urge you to set House Bill 474 aside because of the damaging and ill-considered side-effects it will have on other aspects of New Hampshire's labor-management legislation. HB 474 attempts to achieve its goal by altering a single, but critical component of New Hampshire's complex system governing labor relations, the principle of exclusive representation.² New Hampshire has carefully crafted its public sector labor relations system on the basis of the federal model. For generations, now, the exclusive representation principle has been integral to the systems that guarantee citizens uninterrupted continuity of production in the private sector and uninterrupted service and high quality in public service. Tinkering with a single component of the delicate institutional balance enacted by the Legislature will inevitably cause chaos over a long period of time as the rest of the system adjusts. Eliminating or watering down the exclusive representation principle will produce what the US Supreme Court described as the:

¹ Karl E. Klare, George J. & Kathleen Waters Matthews Distinguished University Professor, School of Law Northeastern University, Boston, MA (institution listed for identification purposes only).

² See, e.g., RSA 273-A:10(IV). The parallel provision of the National Labor Relations Act is NLRA § 9(a), 29 U.S.C. § 159(a).

“confusion and conflict that could arise if rival . . . unions, holding quite different views as to the proper . . . hours, . . . holidays, tenure provisions, and grievance procedures, each sought to obtain the employer’s agreement.”³

It is precisely to avoid that risk that both the federal and New Hampshire labor law systems are premised on the understanding “that labor stability [is] served by a system of exclusive representation.”⁴ The bill also cavalierly strips public employees who opt not to become union members of all of the protections they currently enjoy under the legally imposed duty of unions to provide fair and equal representation to members and non-members alike. At a minimum, HB 474 will provoke years of tedious, expensive, and unnecessary litigation to stabilize the other pieces of the system. The way in which HB 474 accomplishes its objectives is very much like removing the brakes from an automobile and hoping that it will still function properly.

The genius of the labor relations system established by Congress in 1935 is that the law specifies only the basic ground rules, but leaves it to the parties to grapple with and resolve differences and problems at the local level. Congress recognized the need, in order to achieve uninterrupted production, for an efficient, orderly, practical, and peaceful system for resolving workplace disputes. In Europe, governments often intrude themselves directly into dispute-resolution with a heavy hand. That approach is not congenial to American traditions and political culture, which favor a less intrusive role for government. It is a basic principle of our labor relations systems that “the Government does not attempt to control the results of negotiations.”⁵ Rather, it leaves it to employers and employees – not regulators or bureaucrats – to work out pragmatic and tailored workplace solutions by drawing upon local knowledge and

³ *Abood v. Detroit Board of Ed.*, 431 U.S. 209, 224 (1977), rehearing denied 433 U.S. 915 (1977).

⁴ *Id.* at 229.

⁵ *NLRB v. Insurance Agents’ International Union*, 361 U.S. 477, 488 (1960).

expertise, save that the results must be consistent with the broad legal framework and, in the public sector, budgetary controls respecting cost items. Our law facilitates collective bargaining not for its own sake but as an alternative to the more heavy-handed governmental regulation that would be required in its absence in order to insure uninterrupted production and the free flow of goods in interstate commerce.

New Hampshire and virtually all other states that guarantee collective bargaining to non-NLRA employees and/or that authorize public-sector collective bargaining have adopted the same labor relations model, with minor variations. Of course, there is the critical difference between the private and public sectors that public employees in most jurisdictions may not resort to strike or job action. However, the fact that strikes are prohibited in the public service does not mean that the industrial relations challenges and problems that provoke strikes in the private sector magically disappear. As Congress determined was likely with respect to the private sector, the public sector will inevitably be plagued by diminished productivity and subtle (sometimes not so subtle) disruptions unless – as the people of New Hampshire have wisely chosen to do – an alternative to job action as a mechanism for resolving workplace issues is put into place.

All sophisticated employers know they must establish systems for generating rules and policies to govern the workplace and procedures for resolution of employee grievances. The only difference made by collective bargaining, where a majority of employees have chosen it, is that the employees gain a voice in fashioning the governing rule-system and in resolving disputes that arise in the workplace. As the US Supreme Court said years ago, collective bargaining “is an effort to erect a system of industrial self-government.”⁶ Long experience teaches that a rule-system that has been touched by employee participation gains legitimacy and respect and better

⁶ United Steel Workers of America v. Warrior & Gulf Navigation Co., 363 U.S. 574, 580 (1960).

serves the public interest in uninterrupted private-sector production and continuity of public services.

The semi-autonomous system of workplace governance and labor relations that both Congress and New Hampshire have adopted cannot succeed without a minimum of institutional coherence and stability. To that end, and consistent with our democratic traditions of majority rule, federal and state law enshrines the principle of exclusive representation by the majority bargaining agent.

This is not an unalloyed benefit for unions – the principle imposes difficult and costly responsibilities on them. At the same time, while an employer might prefer to have no duty to bargain with a union at all, if bargaining is going to take place, almost all sophisticated employers agree that the principle of exclusive representation serves their best interests.

Exclusive representation presents the employer with a single counterpart with whom to address workplace issues, a negotiating partner that is responsible to and can make lasting agreements on behalf of the bargaining unit. In the absence of exclusive representation, employers potentially face the chaos of multiple bargaining agents, formal or informal, responding to different constituencies and minorities in the bargaining unit and quite possibly pursuing conflicting agendas. We should pay attention to the fact that New Hampshire public sector employers have negotiated and agreed to union security arrangements precisely for these reasons. Service-fee clauses are not imposed by law. In New Hampshire, this is a non-mandatory topic, so public employers can easily avoid union security agreements. They enter such agreements because it is in their interests as managers to do so and therefore in the long-run interest of the people of New Hampshire.

Nothing so powerfully symbolizes the half-baked nature of this bill than its attempt to accomplish the miraculous feat of simultaneously retaining and abolishing the principle of exclusive representation.

- According to the bill, a union that has demonstrated its majority remains the exclusive representative but is no longer required to represent bargaining unit members who opt not to join the union. Years of litigation will transpire before we learn for sure whether the exclusive representative is even *permitted* to represent such employees, as they may have representation rights on their own.

- The bill provides that members of the bargaining unit who are not union-members are not covered by the collective bargaining agreement, but it gives us no clue as to how the terms and conditions of employment of such employees is to be determined. Assume that the exclusive representative negotiates favorable terms and benefits for its members. One possibility is that the employer may or perhaps must extend these terms to all in the bargaining unit. If it does, we are back to traditional exclusive representation with nothing changed except that the free-rider problem is exacerbated. But if the employer does *not* extend negotiated terms to all members of the bargaining unit, it might be guilty of discrimination against employees who decline to join the union and quite possibly a violation of the Equal Protection Clause of the 14th Amendment of the US Constitution.

- May an employer meet with and consider the concerns of bargaining unit members who are not union members? It may or may not be under a duty to treat with such employees – the bill leaves this vague – but as a practical matter, all prudent managers want to be aware of and sensitive to potentially disruptive employee concerns, so it would be natural for an employer to receive grievances, formally or informally, from the non-union-members. However, doing so

might well violate the duty to bargain with the exclusive representative.⁷ But if the employer declines to meet with such employees while responding to the grievances of employees who are union members, it probably violates the non-discrimination principle.⁸

This returns us to the free-rider problem. Our system seeks light-handed governmental regulation, respect for the autonomy of the bargaining parties and their capacity – subject to basic ground rules regarding process and cost-items – to develop superior, win-win solutions than can be expected from centralized regulators. This system imposes obligations and costs on the parties. The US Supreme Court long ago affirmed that:

“[t]he designation of a union as exclusive representative carries with it great responsibilities. The tasks of negotiating and administering a collective-bargaining agreement and representing the interests of employees in settling disputes and processing grievances are continuing and difficult ones. They often entail expenditure of much time and money The services of lawyers, expert negotiators, economists, and a research staff, as well as general administrative personnel, may be required.”⁹

The costs referred to are not primarily incurred for the benefit of unions. These costs are generated by the role the federal government and New Hampshire, respectively, have assigned to employee organizations in its system of workplace governance. In raising revenue to cover the costs of negotiating the collective agreement and processing employee grievances, private and public sector unions face the ever-present problem of free-riders. Those who do not contribute their fair share receive all of the benefits that the union obtains for bargaining unit members, and they will most likely continue to do so if this legislation is enacted. The only alternative would

⁷ See RSA 273-A:5, § I(e).

⁸ See e.g. *Black Grievance Committee v. NLRB*, 749 F.2d. 1072 (3d Cir. 1984), cert. den., 472 U.S. 1008 (1985) (once employer receives grievances from one employee group, it may not refuse, without substantial business justification, to accept grievances from the second group).

⁹ *Abood*, supra, at 431 U.S. 221.

be to interpret the law to permit the employer and employee organization to discriminate against those who don't pay dues. More than likely employee organizations will continue to bargain fairly and equally for all bargaining unit-members, both those who do and those who opt not to become union members. In that event, service fee dissenters receive not only contractual benefits but also the benefits of our semi-public system of industrial relations without paying any of its costs and at the same time avoiding the taxation that would otherwise be necessary if our labor relations system did not wisely leave workplace governance primarily to the parties. This makes as much sense as requiring New Hampshire to provide a special by-pass lane at every highway toll-booth to cater to the wishes of those who would prefer not to pay tolls.

Service fees do not compromise employees in any matter of conscience. The Supreme Court has made clear beyond a shadow of doubt that service fees may only be tapped to defray costs "of activities or undertakings normally or reasonably employed to implement or effectuate the duties of the union as exclusive representative."¹⁰ Dissenting employees are fully protected with respect to any expenditure outside this narrow category. Strict legal and accounting requirements guarantee that not a penny of a dissenter's service fees will be spent on controversial activities such as union statements on issues of the day or even union statements supporting other workers engaged in an industrial dispute.

If enacted, this legislation will upset the delicate institutional balance crafted by federal and New Hampshire law; it will cause inefficiencies and disruptions in production and in public services; and in particular, it will do grievous damage to all of the citizens of New Hampshire who depend on public employers and employees for quality police protection, quality schools, quality public nursing, and all of the other services provided by state and local government.

¹⁰ *Ellis v. Brotherhood of Railway, Airline & Steamship Clerks*, 466 U.S. 435, 448 (1984).

Thank you for hearing my remarks today.

My name is Ken Fanjoy and I am here on behalf of Council 93 of the American Federation of State County and Municipal Employees.

AFSCME Council 93 represents approximately 2,000 dedicated and hard working public employees here in New Hampshire – and another 43,000 in the surrounding New England States.

And while I am here today to speak on behalf of AFSCME and its New Hampshire members, I want to note that I am also here as a private citizen of New Durham – a citizen who has benefited tremendously from being part of a union.

Like many other organizations and individuals here today, AFSCME strongly opposes House Bill 474 – more commonly referred to as Right to Work or Right to Work for Less legislation.

Supporters of this legislation will tell you that it simply gives workers the right to reject union membership if they so desire.

Supporters will say that is what this bill is all about – much like they claim their opposition to the Employee Free Choice Act is all about protecting the sanctity of the secret ballot.

But we know better.

The truth is this legislation is about much more.

It is part of a thinly veiled agenda that seeks to weaken and eventually crush the labor movement.....

.....an agenda that seeks to widen the gap between the wealthy and the middle class, and drive another wedge between the union and non-union workforce.

The truth is federal and New Hampshire law already protects workers from being forced to join a union.

And, federal law also protects non-members from having any portion of the modest fair share fees they pay from being used to pay for union activities that violate their religious or political beliefs.

What this bill would do is allow workers who choose not to pay full union dues to fully benefit from the fruits of hard fought negotiations on wages, healthcare, retirement benefits and working conditions – without paying a single cent.

If anything, this bill should be called the right to a free ride bill.

Why? Because it would eliminate the ability of unions to charge a modest fee – a small portion of full union dues – to meet the high costs associated with negotiating and enforcing contracts; and providing legal representation to workers who have been wrongfully terminated, disciplined or denied promotions.

This modest fee gives workers virtually every benefit of being in a union – at a fraction of the cost.

In fact, if a non-union member who pays a fair share fee is wrongfully fired, the union is **REQUIRED to use its resources to defend that worker, even if it means a long and costly battle in the courts. Non-members can even sue the union if they think they have not been adequately represented in such cases.**

Without the ability to charge this fee, the ability of unions to protect workers will be significantly diminished and possibly **ELIMINATED all together.**

That's why the out of state supporters of this legislation love it so much.

Proponents of this legislation don't care about workers having to pay this modest fee.

They're not interested in putting a few extra dollars in someone's pockets.

They want to eliminate the fee because they're hoping that over time, enough people will opt for the free ride, and the unions will eventually

lose the resources they need to wage sustainable campaigns for fair wages and benefits, and decent working conditions.

When that happens, it's the New Hampshire working families who lose.

In fact, we all lose.

Anyone who doubts that need only look and states where this legislation is in place and unions are prohibited from charging fair share fees.

According to data from the U.S Census Bureau; the Bureau of Labor Statistics; the National AFL-CIO and other organizations, the average worker in Right to Work states earns about \$5,333 less a year than workers in other states.

The number of uninsured is 21% higher

The poverty rate is 12.5% higher

Those who are injured on the job receive significantly lower workers' compensation benefits in Right to Work states.

And in these Right to Work states where diminished union resources prevent us from adequately addressing workplace safety issues, the rate of workplace deaths is 51% higher, that's right – 51%!

So as New Hampshire's lawmakers consider this legislation, we urge them to consider the impact on hard working constituents of the Granite State.

And we urge them to look beyond the simple rhetoric that seeks to dumb down this issue with a catchy and seemingly common sense phrase like the Right to Work.

We urge them to consider the long range goal of the proponents – which is to put the labor movement out of business.

And we urge them to consider the long lasting impact that this legislation would have on workers, their families and our economy.

Again, thank you for the opportunity to address this committee today.

**Kenneth Fanjoy
New Durham, NH**

eld

City rejects union offer on 1 percent raise

By MARK HAYWARD
Union Leader Staff

Manchester city officials have rejected a union offer to trade a 1 percent cost-of-living raise for the union's ability to levy dues on workers who do not sign up for the union.

The American Federation of State, County and Municipal Employees, Local 298 made the offer to break an impasse over stalled contract talks, said Mike Rockwell, president of the local.

The proposal covered workers in the Highway Health, Traffic and Parks and Recreation departments.

Rockwell said the proposal would have saved the city \$110,000.

"We knew the city was in a financial crisis and they were looking for money," Rockwell said.

So far, only unions that represent police and police supervisors have signed contracts with the city.

The police contract grants a 1 percent cost-of-living increase this year and a 2 percent next year. It also implements higher co-pays for prescription and doctor visits.

Mayor Robert Baines would not comment on the AFSCME proposal.

Most of the unions are in mediation, he said.

"It is not wise to discuss negotiations in public," he said yesterday. But in the past, city officials have said the offers

won't get better than those granted to police.

Rockwell said AFSCME took its proposal over the heads of city negotiators and brought it to Baines and several aldermen.

The union would accept the health-care changes and forego the 1 percent raise, Rockwell said.

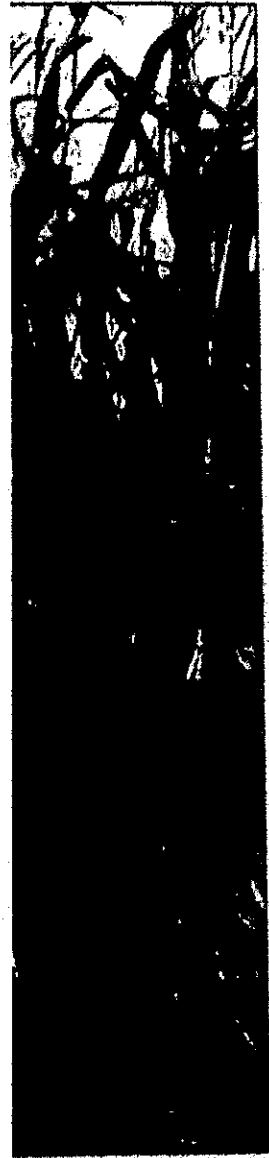
Then the city had an option. It could allow the union to charge a fee to the workers who refuse to join the union. Or the city could give a sixth week of vacation to workers with 20 years or more with the city.

Rockwell said the second choice would cost the city; the first would not.

If it were adopted, eligible workers who chose not to belong to AFSCME would be charged the same \$7 weekly fee that union members pay in dues. The fee would go to cover the costs of union negotiations and representation, but non-union members would be reimbursed for other union costs such as political activity, Rockwell said.

Of the nearly 350 workers covered by the contract, only about 170 are union members, Rockwell said.

Nearly all city unions except the two police unions and teachers have declared an impasse and asked for a mediator. This is the last year in a three-year contract for teachers.



Roger Amiden Photo
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HB 474 is wrong for New Hampshire

This bill is an attack on the middle class in reaping profits at the expense of working families. Eliminating the formal process of negotiations with employers and workers will result in lower wages and poor benefits that will severely affect the economy of this great state. Without jobs and health benefits, we will see an increase in foreclosures, emergency room visits, and families being forced to apply for state services in order to survive in these economic times.

Our economy needs middle class jobs with benefits and job security and this can be accomplished through collective bargaining. For the livelihood of New Hampshire families, please kill HB 474. Thank you.

Sara J. Blauschi
Penacook, NH



Puritan Confectionery Company, Inc.

245 Hooksett Road • Manchester, N.H. 03104-1617

April 4, 2011

Dear Senator:

I am writing to articulate my opposition to the so-called "Right to Work" bill, HB 474, making its way through the legislature. New Hampshire has consistently been rated one of the top places in the country to live, work and do business, but that would be jeopardized with the passage of this legislation.

Current "Right to Work" states suffer from a decrease in the number of out-of-state businesses opening plants, an increase in mass layoffs, and an increase in facility closures. Workers' wages and economic outlook would be adversely affected as well. In states with policies similar to HB 474, the average worker makes \$5,333 less per year than an average New Hampshire worker. With lower wages and fewer benefits, workers spend less on food, housing and other necessities. "Right to Work" States receive less in local and state tax revenues and therefore must cut public services. The economic security enjoyed by New Hampshire families would be severely threatened under HB 474 -- making it more difficult for all of us to support our communities and our state's local and small businesses.

I am asking you to stand up for the middle-class families in our community and defeat this bill. New Hampshire is a state with one of the lowest unemployment rates in the country and one of the best business climates. I believe this legislation threatens that competitiveness and I am hopeful that you will reject this bill.

Thank you for your consideration,

Chris Pappas
Vice-President

BACKROOM
603/669-6890



FUNCTION ROOMS
603/666-9893



CONFERENCE CENTER
603/666-9893



ICE CREAM / TAKE OUT
603/623-3182

FAX # 603/623-3788

www.puritanbackroom.com

New Hampshire Employers Oppose HB 474

Employers across the state have signed on and stood with organized labor and the middle class in opposition to the attacks on working families in New Hampshire. Due to the nature of their work, most could not make it here today, but the following employers are happy to be contacted with any questions you might have:

Paul Brown

Madeleine's Elegance Defined 224-5353

Joe Keefe

PAX World Management 501-7301

Tom Deborah Hawkins

NorthRoad Wood Signs 924-9330

Caroline French

Caroline French Antiques 749-6160

For a full listing of businesses and employers that have signed on to publically oppose HB 474, please contact Jan Schaffer at 603-623-7302.

AMERICA VOTES

April 5, 2011

SENATE COMMERCE COMMITTEE - REPRESENTATIVES HALL, STATE HOUSE

Re: HB 474-FN

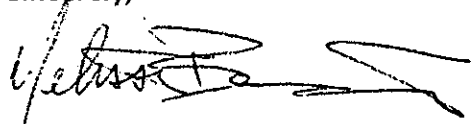
Chairman Prescott and members of the committee:

My name is Melissa Bernardin and I am here today on behalf of America Votes. America Votes and our partner organizations total over 180,000 members and supporters here in New Hampshire. We don't generally weigh-in on this type of legislation, but we are here today in opposition to HB 474 because we believe it is bad for New Hampshire. HB 474, the Right to Work for Less bill, is yet another example of the House engaging in the same old partisan politics instead of focusing on creating jobs - like the voters called for. Unions are a check on corporate power and CEO greed, so they are working to weaken or eliminate them. These partisan attacks are political payback to corporate CEOs who spent more than \$1 billion in elections last year.

We need to restore economic security and grow the middle class. Unions have allowed working Americans to band together and to fight for better wages and benefits, jobs security and safer work places for everyone. Our families in New Hampshire deserve these protections but the sponsors of this bill prefer this political in-fighting.

Over the years, New Hampshire has consistently stood up against the out-of-state special interests that are pushing this legislation. The facts prove this type of legislation is not an effective tool for creating jobs or improving the wages of the middle class. HB 474 is bad public policy and we should continue to stand up and acknowledge it is bad for New Hampshire. We urge this committee to vote against HB 474 and stand up for the middle class.

Sincerely,



Melissa Bernardin
America Votes



Resolution

American Federation of Teachers - NH

WHEREAS the American Federation of Teachers-NH represents more than 3,600 public employees in the State of New Hampshire;

WHEREAS the NH Legislature is considering the so called "Right to Work" legislation;

WHEREAS the American Federation of Teachers-NH is committed to providing a voice for working men and women in NH and improving the public and private institutions in which our members work;

WHEREAS the so-called "Right to Work" legislation is an attempt to silence the voice of workers and undermine their union representation and voices in the workplace;

WHEREAS the quality of life, working conditions, wages and access to health care are much lower in Right to Work states;

WHEREAS this legislation is being funded and driven by an outside interest group called the "National Right to Work Committee";

WHEREAS the American Federation of Teachers-NH prides itself on the excellent representation and services it provides to all employees it represents; teachers, Paraprofessionals and School-Related Personnel, police officers, municipal employees and higher education faculty.

NOW THEREFORE BE IT RESOLVED by a vote of the membership of the AFT-NH Convention on this 2nd day of April , 2011 that the American Federation of Teachers-NH **OPPOSES** House Bill 474, the so-called Right to Work Bill, and requests that the NH House and Senate defeat this and other similar legislation.

Work Bill, and requests that the NH House and Senate defeat this and other similar legislation.

Certified by: Laura Harvey

American Federation of Teachers- NH

Laura Harvey
President

Robert H. Sherman
Vice-President

Diane Hines
Secretary

Michael B.
Treasurer

Dora Hill - At-Large

Bob McLean, Pres.

Kelly Cabana - District

Virginia E. M. Day

Katherine Channon

Paul J.

Virginia Lunt

Dale Ford

Ellen Secretti

Wanda Haran

Karen Paulin

John J.

Francesca Mascioli

Sandra A. O'Neil

Josephine Gamble

Suzanne Todd

Ann U. Thompson

Bob Jones

Roger Baker

John

Carl B.

Kathleen / Daniel

Paulette Ellis

Carlene Beldue

Bill Amerson - Ernst

Patricia Kelly

Annemarie Cullen

Carl W. Conway

Greg W. Croft

Melvi Beath
John King

Work Bill, and requests that the NH House and Senate defeat this and other similar legislation.

Certified by:-----

American Federation of Teachers- NH

President

Vice-President

Secretary

Treasurer

[Handwritten signatures and names:]
Cheryl Taylor
Barbara J. Cuckler
Deborah J. Weymouth
Margaret B. Sund
Joy Peabody Farmington
Deborah G. Holmes
Susan C. Lord
Donald R. Proverelle
Debra Z. Hawes
Gay E. Gaffney
Jacqueline Gaspard 1044
B. E. Cole
Thayne Lee

PETITION TO DEFEAT HB474

We, the under-signed, who work for the Rochester School District and those who support public employees, are asking that you DEFEAT HB474 the Right to Work Bill. We oppose this bill for the following reasons: This bill does nothing to create jobs or improve NH economy. For the public sector, this bill creates chaos and confusion. In effect, it forces people to join Unions or else they cannot be covered under a contract. Let's keep the NH advantage where our unemployment rates are lower, our per capita wages are higher and our poverty rate is lower. Vote NO on HB474.

Name:

Address:

Thomas McCarty	50 Broadway Amherst NH
Caitlen L McCarthy	26 Atlantic Ave Dover NH
Pahm Allard	2A HANCOCK ST Dover NH
Curtis M. Lalonde	16 Forest Park Dr. Rochester NH
Shirley Zahra	4 Leith Ct Nashua NH
Mary Plouffe	14 D St. Dracut, MA 01826
Paul Plouffe	14 D St, Dracut, MA 01826
Brooke Stebbins	7 Merrimack St Concord NH 03301
Laurel Plouffe	4 Francoeur Dr. Somersworth NH 03878
Jenna V. Ackerman	619 Pine River Pkwy Rd Wakefield
Tom Levell	138 Newton Rd Plaistow, N.H. 03865
Nancy Loud	60 Howell St. Rochester, NH
Carol Mortenson	25 Searcy Rd. Danville, NH 03867
Paul Erin Mahoney	157 Central Ave #10 Dover, NH 03820
Amy Clark	26 Atlantic Ave Dover NH 03820
Dennis Adams	88 Rangford. Deerfield, NH 03037
Charles DeG	26 Pine Tree Dr. Lebanon, NH
Jan Don	98 Henry Law Ave. C-25, Dover, NH 03820
Susan Lane	68 Fourth St., Dover, NH

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Name:

Address:

Marie Barowski 48 Greatstone Dr. Merrimack, NH 03054
WILLIAM DONOVAN 20 DONOVAN ROAD GILMANTON, N.H. 03237
Laura Hopkins 4 Tower Hill Rd Bow, NH 03304
Maril L. ~~Ang~~ " " " "
Dona Hill 31 Maracull Lane Pittsfield, 03263
Ermony C. Youngkin - 15 Clough, Lisbon, NH 03585
O. O. 12 WATSON ST PITTSFIELD NH 03265
Marie Tessier 46 Gendron St NASHUA, NH 03062
Dale A. Tessier 46 GENDRON ST. NASHUA, NH 03062
Debra Freyman PO 178 New London NH 03257
Landy Strang 22 Lee Rd Madbury, NH 03823
Michael Valentin PO Box 364 LINCOLN NH 03251
JERRY BOURQUE 6 Stone Post Ln. Raymond, NH 03077
Robert D. Curo 32 High St. Hillsboro, NH 03244
Amy Bourque 6 Stone Post Ln Raymond NH 03077
Christine Hague 35 Abijah Bridge Rd. Weare, NH 03281
Carolyn Clark 27 Tonga Dr. Bow, NH 03304
Terri Donovan 20 Donovan Rd Gilmanton, NH 03237

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Name:

Address:

Wynne Hyacin	64 Tracy St, Rochester, NH
Erin Kelly	17 A 2ND St Somersworth
Jantha. Remesman	14, Myrtle Ave Westford MA
Karen Beaver	47 Lawton Rd Shirley, MA 01464
Marie Richard	Craney Hill Henniker, NH
Abby Capow	24 Centre ST Concord NH 03301
Terry Desjardins	1 Glen St, Rochester, N.H. 03867
Carol Lepere	35 Lepere Dr Farmington N.H. 03867
Sylvia Bove	66 Arthur St, Rochester NH 03867
Sharon Zumpfe	732 Salmon Falls Rd. Rochester NH 03867
Cynthia Pollard	19 Denise Street, Nashua, NH 03063
Paul S. Pollard	19 Denise St. NASHUA, NH 03063
Kim Cook	24 Meadowbrook Crossing, Sandown Sandown, NH
Bob Frowman	22 Patten Road Bedford NH 03110
Tom Gilroy	16 Brookview Dr PELHAM
Judie Fisher	21 Indiana Dr. Nashua NH 03060
Maureen A. Borsari	178 Proctor Hill Road NH 03049
MARGARET PROZMAN	31 CHASEBROOK CIR LITCHFIELD NH 03052
Judi D'Amico	27 Storybrook Ln, Amherst NH 03031

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Name:

Address:

Groff Westovelt 9 Century Lane Hildesfield NH 03052
BRUCE J MARKS 1465 HOOKSETT RD #24A HOOKSETT NH 03106
MARU ARZETTOWSKI 1465 HOOKSETT RD 244 HOOKSETT NH 03106
Greg S. Goldberg 37 Tanglewood Dr. Tenwick NH 03349
Steve Eliscu 82 Bellamy Woods Dover, NH 03820
Mark Beach 478 Kelby St Manchester NH 03102
Erin McCarthy 478 Kelby St Nashua, NH 03102
Sharon Reed-Erickson 123 Dry Hill Rd Rochester NH
Sue Schuler 11 Moose Run, Barrington, NH
~~Charles D. D. 20 Pine Tree Lane ME.~~
Dorcas Feldman 314 BARRINGTON BARRINGTON NH 03825
DAVID FOOTE 302 Pond Hill Rd. BARRINGTON NH 03825
THOMAS F. BLIRKE 7 SULLIVAN AVE. SALEM, NH 03079
Margaret Higgins 64 Pray St. Rochester, NH 03868
Linda Plana 75 Woodland Dr. Stafford, NH 03884
Carolann Simpson P.O. Box 586 (82 Daniel Rd. Sanbornville, NH 03884
Anne Kelly 373 Bridge St Manchester, NH 03104
Mark Lesser 4 Berwick St Nashua NH 03063
Jacalyn Lesser 4 Berwick St. Nashua NH 03063

PETITION TO DEFEAT HB474

We, the under-signed, who work for the Rochester School District and those who support public employees, are asking that you DEFEAT HB474 the Right to Work Bill. We oppose this bill for the following reasons: This bill does nothing to create jobs or improve NH economy. For the public sector, this bill creates chaos and confusion. In effect, it forces people to join Unions or else they cannot be covered under a contract. Let's keep the NH advantage where our unemployment rates are lower, our per capita wages are higher and our poverty rate is lower. Vote NO on HB474.

Name:

Address:

Lori Becker	46 Park St Apt 4 Dover NH 03820
PAUL HAGUE	35 ABITHA BRIDGE RD. WEARE NH 03281
Catherine Riley	243 Wash Pond, Hampstead, NH 03841
Dorah Lincoln	12 Coburn Hill Rd. Denville NH 03819
Cynthia Dudge	92 Warner Hill Derry NH 03038
John Stewart	54 Olde Farm Lane Rochester NH 03867
Mary Duggan	54 Olde Farm Ln Rochester, NH 03867
Kelly D'Amico	32 High St. Hillsboro, NH 03244
Kimberly Ryan	35 High St Nashua NH 03064
Ken Heaton	255 Osborn Road Milford NH 03055
Chelsey Turner	Nashua, NH
Kelly Salois	Dracut, NH
Kristine Jannini	893 N. Barnstead Rd. Ctr Barnstead, NH
Maria Flasher	50 Sherborn Rd, Barrington 03825

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Name:

Address:

Tammie Payette	Merrimack NH (Nashua teacher)
Dorothy Allen	Nashua, NH
Charles Ziniti	Nashua NH
Michelle Desroches	Chester NH (Teacher)
Sandra Brown	Chester NH retired teacher
W. J. D. D.	Chester, NH.
Russ Muntz	Raistow teacher
Juan Broun	Nottingham NH
David Callahan	Nashua NH
Kevin Dubois	Nashua, NH
Adam Marenx	Nashua, NH
Kristin Ferrasix	Nashua, NH
Noira Conley	Nashua, NH
Walter Conley, Jr.	Nashua, NH
Judith Turner	Nashua, NH
Alfred Turner	Nashua NH
Chelsey Turner	Nashua, NH
Carol Croteau	Dingston, NH
Joanne Durie	Nashua NH
Randy Call	Nashua NH
Ken Brown	Dover NH

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Name:

Address:

Margaret Lund	30 S. E. Ellen Way	Riverton
Deborah Weymouth	25 Academy St.	Rochester NH 03867
Michal L. Bio	54 Peacham Rd.	Barnstead, NH 03225
Susan L. Crichton	77 Washington Street	Rochester, NH 03867
Judy Toyon	3 Daylily Ln.	Rochester, NH 03868
J. Toyon	3 Daylily Lane	E. Rochester, NH 03868
Sherril Beckler	90 Sullivan St.	Keene NH 03431
Daryl W. Craton	73 Centerview Dr.	Swaraz, NH 03446
Josh English	24 Pine Ave.	Keene, NH
Carole Baldue	105 Tavern Rd	Fremont, NH 03044
Sandy Ellis	33 Old Manchester Rd	Raymond NH
David A. Ernst	35 Washington Dr	Raymond, NH
Patricia Kelly	695 Main Street	Fremont N.H. 03044
Annemarie Miller	27 Taylor Lane	Fremont, NH 03044
Stuart Gray	6 Sheffield Rd.	Nashua NH 03062
Debra L. Howes	2 Glenview Dr.	Hudson, NH 03051
Kathy E. Goffman	18 Harbor Ave. Unit 104	Nashua, NH 03060
Ronald R. Provencen	289 Pinebrook Pl.	Manchester NH 03109
Susan C. Lord	66 Alexander Dr.	Manchester, NH 03109

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Name:

Address:

William Hayward	5 Cold Spring Circle	Roch
Yvonne [unclear]	679 Pine River Road	Wakefield
Virginia [unclear]	43 Roosevelt Ave	Hudson
Debra D. Bryant	23 Adams Ave	Rochester
Bruce Confort	25 Stark St.	Nashua
Barbara Boyd	1 Beau Acres	Cardia
Kimberly Bragg	14 Burritt St. #2	Nashua
Louis Richard	5 Sullivan St	NASHUA
Susan Richard	6 Calico Circle	Nashua
John Richard	6 Calico Circle	NASHUA
Nancy Richard	5 Sullivan St	Nashua
Deb Kneeland	5 Daycoach Ct.	Merrimack
Jan Stope	33 David Dr.	Milford
Doree Varano	137 Middlesex Rd	Merrimack
Michael Gott	486 W River Rd	Healdset
Keely Gott	"	"
Donnae Farlowe	79 Windsor Pl	Meredith
Kathy Low	Derry	NH
Diane LaRose	Manchester	NH

Testimony Before the Senate Commerce Committee
April 5, 2011
AFT-NH President Laura Hainey

In Opposition to HB 474

Thank you for taking the time to hear my testimony -

My name is Laura Hainey and I am the proud president of AFT-NH. Before being elected, I was a special education coordinator at a middle school and the local union president. I have also had the opportunity to work in a private special education school and an elementary school.

AFT-NH is the State Affiliate of the American Federation of Teachers. The AFT has over one million members with over 4,000 members here in New Hampshire. These members are teachers, school support staff, police, higher education faculty and town employees. AFT-NH is a member of the New Hampshire AFL-CIO which represents over 45,000 working men and women.

The members of AFT-NH are teachers-like me—and other school workers, like librarians and even cafeteria workers. Some of us are police officers who work to ensure safe and orderly communities. Some of our members plow your roads and answer your emergency services call.

Our members work in higher education preparing new generations of citizens and leaders. Our members provide vital public services in cities and towns all over New Hampshire. In

short, AFT New Hampshire members ensure the safety and well-being of our fellow citizens and help build stronger communities throughout our state.

Yet, the work done by AFT New Hampshire members and our fellow public employees has never been more important to real people in communities all over New Hampshire. As we face difficult times, the voices of the working men and women who provide vital services to the people of New Hampshire do matter. Our voices should be heard. This legislation, by weakening our union, would threaten that voice.

New Hampshire's unionized workforce in public education is doing great things. Just last month, we learned that New Hampshire is number one in fourth-grade achievement in science as measured by the National Assessment of Educational Progress. Only three states did better in eighth-grade science.^[2] And we are second in reading and math at the fourth- and 12th-grade levels.^[3] In fact, in our worst comparison—eighth-grade math, we rank sixth, better than 44 other states.

This bill prevents unions and management from negotiating fair share provisions in contracts. There are 23 locals in my union. Ten of them have a fair share provision and 13 don't. A union is a democratic institution and if a majority of workers don't want their union to support such provisions, those provisions won't be negotiated. I believe that workers have a fundamental right to have a union,

The NH Supreme Court has found that charging an agency fee is legal.

This bill is merely an attempt to dismantle unions and our right to bargain.

I am proud of the work my union does for all of the employees it represents.

This isn't about jobs, it is about power. Right to Work will drive down wages and take away workers' voices. Lower wages, less money in the economy thus fewer jobs! This bill is not good for the NH's economy!

I ask that you ITL this bill and let's work on creating jobs not destroying our economy and good jobs!

Thank you.

Contact Information:

Laura Hainey, AFT-NH President

Cell (603) 661-7293
lhainey@aft-nh.org

New England Citizens for Right to Work

P.O. Box 4076 • Concord, New Hampshire 03302 • (603) 717-6761

The Truth about New Hampshire Public Employee Union Contracts

Contrary to union boss claims, some New Hampshire union contracts require union membership as a condition of employment.

Union officials frequently claim that workers who do not want to join a union are only forced to pay that portion of dues that covers the cost of negotiating and administering the contract, and that this amount is arrived at by an audit.

But that simply isn't true. When it comes down to it, union negotiators in New Hampshire routinely violate that, counting on the inability of "the little guy" (that is, the individual worker) to either know his rights under the law or actually go to court and pursue costly and time-consuming litigation.

Persuant to RSA 273-A:16, all public sector union contracts must be submitted to the Public Employee Labor Relations Board, and the Board stores those agreements online at: <http://www.nh.gov/pelrb/collective/index.htm>.

A cursory review of public employee union contracts around New Hampshire reveals numerous so-called "union security" provisions that either demand full union membership as a condition of employment or that specify a specific amount, up to and including full union dues, that non-members must pay or be fired.

A sampling of those contract clauses follow. Please note that all page numbers given are the labeled page number on the actual document.

Closed Shop Provisions:

These are contracts that require actual union membership as a condition of employment.

These clauses clearly violate RSA 273-A:5, II(c), which makes it a prohibited practice for a union to cause or attempt to cause a public employer to violate RSA 273-A:5, I(c), which prohibits a public employer to "discriminate in the hiring or tenure, or the terms and conditions of employment of its employees for the purpose of encouraging or discouraging membership in any employee organization."

Seabrook Firefighters: IAFF Local 2847

Located at: http://www.nh.gov/pelrb/collective/documents/seabrook_fire.pdf

Article 4 (page 11-12)

"Section 4. Closed Shop. All permanent Employees who are members of the **Union** on the effective date of this Agreement shall remain members of the **Union**. Employees hired on or after the effective date of this Agreement shall become members of the **Union** after completion of their probationary period. Non-probationary Employees who fail to comply with provisions of this paragraph shall be discharged."

Berlin Firefighters: IAFF Local 1088

Located at: http://www.nh.gov/pelrb/collective/documents/berlin_fire.pdf

Article 3 (page 1)

"Section 1. Union Shop. Whenever the Fire Department hires new employees, they shall within (9) months become members of the Union Local 1088 by presenting to the Fire Department a proper authorization, approved by the Union President, for the collection of their dues."

Berlin Police: AFSCME Local 3657

Located at: http://www.nh.gov/pelrb/collective/documents/berlin_police.pdf

Article IV (page 3)

"4.1 UNION SHOP

New employees shall after 180 days become members of the Union Local 3657 by presenting to the Police Department a proper authorization approved by the Union President for the collection of their dues provided under Article V, Section 1."

Several other union contracts for Berlin workers also contain similar language.

Agreements that Require Specific Amounts for Union "Fees"

These are "union security" clauses that specify that non-members must pay a specific percentage of dues (up to and including 100%) to the union as a condition of employment.

These violate the New Hampshire Supreme Court's contention in the *Nashua Teachers Union v. Nashua School District* case that agency need to be "tailored to non-union employes' pro rata share of the cost of collective bargaining, contract administration, and grievance adjustment."

Nashua Teachers: AFT Local 1044

Located at: http://www.nh.gov/pelrb/collective/documents/nashua_teach.pdf

Article XII, 12.10 (top of page 35 -- note page 34 is missing on the PERLB website)

"E. A teacher who elects not to pay Union dues shall pay an agency fee for services rendered by the UNION in an amount equal to eighty percent (80.0%) of the regular member dues (including state and national dues)...."

Manchester Firefighters: IAFF Local 856

Located at: http://www.nh.gov/pelrb/collective/documents/manchester_firefighters.pdf

Article 6 (page 9)

“**6.2** Effective upon the date of ratification of this Agreement any present or future member of the bargaining unit, including probationers, who is not a member of the Association shall pay the Association an amount equal to the monthly association dues as provided for in Article 5.”

Berlin Teachers: Berlin Education Association

Located at: http://www.nh.gov/pelrb/collective/documents/berlin_edu.pdf

Article 30 (pages 23-24)

“30-1 Any bargaining unit members who are currently paying the Negotiations Fee shall be grandfathered under this section to continue to pay an amount equal to half of the total dues.”
(the rest of the section says other employees will pay an amount not to exceed dues into a scholarship fund, but sets no mechanism for determining the amount)

Berlin City Department Heads: Teamsters Local 633

Located at: http://www.nh.gov/pelrb/collective/documents/berlin_dept.pdf

Article 9 (top of page 4; page 3 is missing from the scan)

“Section 2.

All employees who choose not to become members of the Union shall pay a service fee equal to the monthly dues deducted from each employee’s weekly wages. This service fee shall be submitted to the Union along with Union dues on a monthly basis. The City shall be held harmless from any claim on [sic.] liability arising out of the deductions of service payments to the Union under this Article.”

Bedford Firefighters: IAFF Local 3639

Located at: http://www.nh.gov/pelrb/collective/documents/bedford_fire.pdf

Article V (located on page 4)

“4. Upon completion of the initial probationary period, all bargaining unit employees shall either become a member of the union or opt to pay a monthly service charge of 50% of union dues for their fair share of the benefits earned by membership in the union. This fair share charge shall be paid by authorizing a biweekly payroll deduction by the employer and direct payment to the union secretary.”

<http://www.sodahead.com/united-states/union-bosses-to-workers-show-us-the-money/blog-304073/>

We're told that union leaders are supposed to be Robin Hoods who stick up for the little guy and fight for workers.

Actually, union bosses are well-compensated for their work, and the less unions help workers or companies the more union bosses help only themselves.

Unions are quick to criticize corporations and executive salary, but **corporations actually create wealth and add to the economy**. Unions on the other hand are only labor monopolies that boost members' salaries by shutting out other workers, and union bosses get a cut of the action by sucking off members' dues like a parasite.

Worse, when labor unions ask their members to take a pay cut, the union bosses still get to keep their fat paychecks, expense accounts, free cars, free air travel, political appointments, and other perks.

Check out the annual pay of the union bosses listed below, and ask if it's right that union bosses who run **tax-exempt** organizations are allowed to be such **parasites**.

Notice that some union boss salaries seem less deserving than others. Consider that the public employee and teacher unions tend to have very highly paid bosses, paid for by dues from government workers **funded by your tax dollars**. Notice that the union bosses of the United Auto Workers (UAW) still made over six figure incomes while the auto industry they sucked dry tanked and tax payers were left with the bill for the bailout

American Federation of State County & Municipal Employees (AFSCME)

Gerald Mcentee
Intl President
\$ 629,291

William Lucy
Intl Secretary-treasurer
\$ 359,031

Marcie Balow
Lee Saunders
Executive Asst To Pres
\$ 249,134

Paul Booth
Executive Asst To Pres
\$ 232,380

American Federation of Teachers (AFT)

Edward Mcelroy
President
\$ 368,985

Nathaniel Lacour
Secretary-treasurer
\$ 308,585

Antonia Cortese
Ex Vice President
\$ 292,946

David Dorn
Dept Dir Intl Affair
\$ 234,467

Philip Kugler
Ast To Pres For Org
\$ 219,493

National Education Association (NEA)

Reg Weaver
President
\$ 417,858

John Wilson
Exec Director
\$ 351,803

Lily Eskelsen
Nea Secty/treas
\$ 337,867

Dennis Van Roekel
Nea Vp
\$ 329,045

Joann Waller
Regional dir
\$ 314,790

Teamsters (IBT)

James Hoffa
Gen President
\$ 297,772

C Keegel
Gen Sec-treasur
\$ 281,976

Forrest Johnson
VP Trd Div Dir Intl Rep
\$207,740

Richard Bell
Exec Asst To Gst
\$ 183,964

Cheryl Johnson
Dept Director
\$ 178,116

United Food & Commercial Workers (UFCW)

Joseph Hansen
International President
\$ 336,776

Gary Nebeker
Retired Intl Vp
\$ 326,248

Susan Phillips
Retired Intl Vp
\$ 285,721

Anthony Perrone
Intl Secretary-treas
\$ 283,005

Warren Barclay
Intl Vice President

\$ 281,860

Service Employees (SEIU)

Andrew Stern
International President
\$ 249,599

Anna Burger
Intl Secretary Treasurer
\$ 221,886

Gerald Hudson
Ex Vice President
\$ 220,984

Mary Kay Henry
Ex Vice President
\$ 209,443

Eliseo V Medina
Ex Vice President
\$ 203,623

AFL-CIO

John Sweeney
President
\$ 291,718

Linda Chavez-Thompson
Executive Vice President
\$ 241,307

Richard Trumka
Secretary-treasurer
\$ 233,260

Robert Welsh
Ex Assistant To Pres
\$ 184,642

Jonathan Hiatt
General Counsel
\$ 179,472

Richard Trumka \$238,975 44% increase updated 2011

Postal Mail Handlers (NPMHU)

John Hegarty
National President
\$ 196,318

Mark Gardner
National Sec Treasurer
\$ 185,783

William Flynn Jr
Cad Manager
\$ 129,561

Thomas Branch
Cad Rep
\$ 116,810

Dallas Jones
Cad Rep
\$ 116,520

United Auto Workers (UAW)

Ronald Gettelfinger
President
\$ 156,278

Mary Bunn
Sec/treas
\$ 153,263

Donald Oetman
Regional Dir
\$ 148,766

Dan Sherrick
Attorney
\$ 144,878

Calvin Rapson
Vice Pres.
\$ 144,741

Criminal Enforcement Actions 2011

An **indictment** is a formal accusation or charge based on a finding by a Grand Jury that it is likely that the person charged committed the criminal offense described in the indictment and is the means by which an accused person (defendant) is brought to trial. An indictment raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

An **information** is a formal accusation of a crime by a government attorney rather than a Grand Jury. An information raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

A **charge** is an accusation of criminal activity and raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

Each **count** is a separate and distinct offense charged in an indictment or information.

A **guilty plea** is a defendant's admission to the court that he or she committed the offense charged and an agreement to waive the right to a trial.

A **conviction** is a judgment based on a jury's verdict, judge's finding, or the defendant's admission that the defendant is guilty of the crime charged.

A **sentence** is a judicial determination of the punishment to be imposed on an individual who has plead guilty or has been convicted by a jury or judge of a criminal offense.

On March 23, 2011, in the United States District Court for the Middle District of Alabama, Michael Williams, former President of International Brotherhood of Electrical Workers (IBEW) Local 780 (located in Eufaula, Ala.), was indicted on 10 counts of embezzlement totaling \$4,906, in violation of 29 U.S.C. 501(c), and four counts of making a false entry in a record required to be kept under the LMRDA, in violation of 29 U.S.C. 439(c). The charges follow an investigation by the OLMS Nashville District Office.

On March 17, 2011, in the United States District Court for the Eastern District of Louisiana, Charles Fleming, former President of Boilermakers Lodge 1814 (located in Bridge City, La.), pled guilty to a one count Bill of Information for making false entries in union records. Sentencing is scheduled for July 14, 2011. The plea follows an investigation by the OLMS New Orleans District Office.

On March 16, 2011, in the United States District Court, Northern District of Ohio, an information was filed charging two former officers of Steelworkers Local 982 (located in Wapakoneta, Ohio), with embezzlement of union funds. The information charges former President Stacy Sacks with embezzling \$7,739.76 in union funds as well falsifying union records. Additionally, former Vice President Tim Fisher was charged with one count of embezzling \$4,858.21. Finally, both former officers were charged together with purchasing a 42" flat screen television and home theater system for their personal use, valued at \$1,520.77. The charges follow an investigation by the OLMS Cleveland District Office and Department of Labor's Office of Inspector General.

On March 15, 2011, in the United States District Court for the Eastern District of Michigan, Oscar Gatewood, former President of Steelworkers Local 842 (located in Detroit, Mich.), was sentenced to three years probation with the first six months served in home confinement with electronic monitoring. He was also ordered to pay restitution in the amount of \$2,666.61 and a \$25 special assessment. On October 25, 2010, Gatewood pled guilty to one count of concealing union records. The sentencing follows an investigation by the OLMS Detroit District Office.

On March 14, 2011, in the United States District Court for the Eastern District of Michigan, Donald Kister, former President of National Postal Mail Handlers Local 307 (located in Detroit, Mich.), pled guilty to one count of embezzling union funds in the amount of \$4,137.35 between August 2006 and October 2007. Sentencing is scheduled for April 12, 2011. The plea follows an investigation by the OLMS Detroit District Office.

On March 9, 2011, in the United States District Court for the District of Massachusetts, Stanley Barringer, former Vice President and Treasurer of American Federation of Government Employees (AFGE) Local 3707 (located in Chicopee, Mass.), was sentenced to one year of probation, six months of home confinement, and was ordered to pay a \$2,000 fine. In November 2010, Barringer pled guilty to one count of concealing a material fact, in violation of 18 U.S.C. 1001. Before pleading guilty, Barringer made restitution in the amount of \$22,180. The sentencing follows an investigation by the OLMS New Haven Resident Investigator Office.

On March 9, 2011, in the United States District Court for the Eastern District of Missouri, Mark A. Winston, former President of Laborers Local 509 (located in St. Louis, Mo.), was indicted on one count of embezzlement of union funds in the amount of \$11,057. The charge follows an investigation by the OLMS St. Louis District Office.

On March 3, 2011, in the United States District Court for the Southern District of New York, Leonard Leibowitz, former attorney for the Independent Artists of America (IAA), a union representing ballet dancers in Manhattan, was indicted on one count of embezzlement of union funds in the amount of \$350,000 and filing false reports with DOL. On March 14, 2011, Leibowitz self-surrendered. The charges follow an investigation by the OLMS New York District Office.

On March 3, 2011, in the Green Lake County, Wisconsin Circuit Court, a complaint was filed against Nancy Kumbier, former President of National Association of Letter Carriers (NALC) Branch 1144 (located in Berlin, Wis.), charging her with Theft in a Business Setting (between \$2,500 and \$5,000), in violation of Wisconsin State Statute 943.20(1)(b) and (3)(bf). The complaint follows an investigation by the OLMS Milwaukee District Office.

On March 3, 2011, in the United States District Court for the Southern District of New York, Warren Joseph Annunziata, Fund Administrator for United Craft and Industrial Workers Union Local 91 (a union that represents school bus drivers and matrons in New York City), was sentenced to 33 months in prison, two years supervised release, and was ordered to pay \$250,000 in forfeiture and restitution. On February 26, 2010, Annunziata was indicted for extorting cash payments from union employers totaling at least \$500,000. Annunziata further received tens of thousands of dollars from a union employer who placed money into a bank account controlled by Annunziata which Annunziata then used for personal expenses by utilizing a false identity and forged signatures. On July 29, 2010, Annunziata pled guilty to 18 U.S.C. 1951. The sentencing follows an investigation by the OLMS New York District Office, the Department of Labor's Office of the Inspector General, and the FBI.

On March 3, 2011, in the United States District Court for the Southern District of Ohio (Western Division), Ellsworth Williamson, former President of Steelworkers Local 1967 (located in Hamilton, Ohio), was sentenced to one year probation and was ordered to pay restitution in the amount of \$2,293 and a \$25 assessment. On December 7, 2010, Williamson pled guilty to a one-count information charging him with filing a false report. The sentencing follows an investigation by the OLMS Cincinnati District Office.

On March 2, 2011, in the United States District Court of the Eastern District of Arkansas, Peggy Bolen, former Treasurer of Steelworkers Local 898 (located in Redfield, Ark.), was indicted on one count of embezzlement of union funds in the amount of \$61,541, in violation of 29 U.S.C. 501(c). The indictment follows an investigation by the OLMS Dallas District Office.

On March 2, 2011, in the United States District Court for the District of South Dakota, Terri Dunkelberger, former Financial Secretary Treasurer of Amalgamated Transit Union (ATU) Local 1356 (located in Sioux Falls, S.D.), was indicted on three counts of embezzlement of union funds in the approximate amount of \$4,148.98. On June 3, 2010, Dunkelberger was also indicted for one count of embezzlement of union funds in the approximate amount of \$24,148.98. The charges follow an investigation by the OLMS Minneapolis Resident Investigator Office and Milwaukee District Office.

On March 1, 2011, in the United States District Court for the Eastern District of Michigan, an information was filed charging Williams Edwards, former President of AFSCME Local 1820 (located in Pontiac, Mich.), with willfully failing to maintain accurate records of lost time claims made by him and others resulting in him receiving \$3,656.02 in union funds to which he was not entitled. The charge follows an investigation by the OLMS Detroit District Office.

On February 28, 2011, in the United States District Court for the Northern District of Illinois, Sylvester Knight, former Treasurer of Steelworkers Local 2154 (located in Chicago, Ill.), pled guilty to one count of making false entries in the union's financial records. On January 21, 2011, an information was filed charging Knight with the same crime. The guilty plea follows an investigation by the OLMS Chicago District Office.

On February 25, 2011, in the United States District Court of the Western District of Wisconsin, Shari Birch, former Treasurer of American Federation of State, County and Municipal Employees (AFSCME) Local 1760-A (located in Superior, Wis.), pled guilty to count one of a 21-count indictment and admitted to embezzling \$16,734.54 from AFSCME Local 1760-A. The guilty plea follows an investigation by the OLMS Minneapolis Resident Investigator Office and the Superior, Wisconsin Police Department.

On February 25, 2011, in the United States District Court for the Northern District of Texas, Freida Carter-London, former office manager of Carpenters Local 1421 (located in Arlington, Tex.), was sentenced to 60 months probation and was ordered to pay full restitution of \$99,178 (due by the end of her probation). On November 12, 2010, Carter-London pled guilty to embezzling \$99,178 in union funds, in violation of 29 U.S.C. 501(c). The sentencing follows an investigation by the OLMS Dallas District Office.

On February 25, 2011, in the Guernsey County, Ohio Court of Common Pleas, Kandy Dunfee, former Secretary-Treasurer for AFSCME Local 11, Chapter 3020 (located in Cambridge, Ohio), was sentenced to 11 months incarceration with each count running concurrently (suspended), placed on supervised release for three years, and was ordered to make full restitution in the amount of \$1,074.60. On January 14, 2011, Dunfee pled guilty to one count of theft and one count of forgery. The sentencing follows an investigation by the OLMS Cleveland District Office.

On February 24, 2011, in the United States District Court, District of Maine, Bernadette Beal, former President of Teachers Local 5073, the Downeast Federation of Healthcare Professionals (located in Millbridge, Maine), was sentenced to eight months imprisonment and two years supervised release. She was also ordered to pay a \$100 special assessment and restitution in the amount of \$24,131.32. On August 27, 2010, Beal pled guilty to one count of embezzlement of union funds totaling \$25,536.91, in violation of 29 U.S.C. 501(c). The sentencing follows an investigation by the OLMS Boston District Office.

On February 23, 2011, in the United States District Court of Oregon, Charles Owens, former Financial Secretary for United Brotherhood of Carpenters and Joiners Local 2791 (located in Scio, Ore.), pled guilty to a one-count information for failing to maintain union records in an effort to conceal the embezzlement of union funds totaling \$65,791. Sentencing is scheduled for May 16, 2011. The plea follows an investigation by the OLMS Seattle District Office.

On February 22, 2011, in the Magistrate Court for the State of New Mexico, a criminal complaint was filed against Kasey L. McCalmon, former Secretary-Treasurer of National Association of Letter Carriers (NALC) Branch 1509 (located in Silver City, N.M.), for the crime of embezzlement in the amount of \$5,330.24. The charge follows an investigation by the OLMS Denver District Office.

On February 16, 2011, in the Worcester County Massachusetts District Court, Stephen Andros, President of Steelworkers Local 2936 (located in Auburn, Mass.), was charged in a five-count criminal complaint with larceny over \$250, in violation of Massachusetts General Law, Chapter 266, Section 30, totaling \$18,751.84. The complaint follows an investigation by the OLMS Boston District Office.

On February 15, 2011, in the United States District Court for the Eastern District of Michigan, Deidra Lucas, former President of American Federation of State, County, and Municipal Employees (AFSCME) Local 100 (located in Pontiac, Mich.), was sentenced to time already served (one day) and three years of supervised release. She was also ordered to complete 50 hours of community service and pay restitution of \$39,403 and a \$100 special assessment. On October 14, 2010, Lucas pled guilty to one count of embezzling \$5,283.20 of union funds. The sentencing follows an investigation by the OLMS Detroit District Office.

On February 11, 2011, in the United States District Court for the Northern District of Illinois, Frank Kmiec, former Secretary-Treasurer of Brotherhood of Maintenance of Way Employees Division (BMWED) Local 2857 (located in Genoa City, Wis.), was sentenced to one year probation with the first six months served in home confinement with electronic monitoring. He was also ordered to pay a special assessment of \$25. On November 22, 2010, Kmiec pled guilty to making false entries in the local's cash record book, check register, and quarterly audit reports thereby misrepresenting the balance of the local's bank account. In pleading guilty, Kmiec admitted to embezzling approximately \$19,461.39 in Local 2857 funds. The sentencing follows an investigation by the OLMS Chicago District Office.

On February 10, 2011, in the United States District Court for the District of Puerto Rico, Jose L. Caraballo-Figueroa, former President of Sindicato Obreros Unidos del Sur (SOUS) (located in Salinas, P.R.), pled guilty to embezzling in excess of \$400,000 from SOUS under the guise of receiving medical reimbursements, payments for services rendered, and payment for meals and car expenses. A sentencing date has not been scheduled. The plea follows an investigation by the OLMS Puerto Rico Resident Investigator Office.

On February 10, 2011, in the United States District Court for the Eastern District of California, Tracy Ford, former Secretary-Treasurer of Machinists Lodge 1528 (located in Modesto, Calif.), was indicted on one count of embezzlement of union funds in the amount of \$174,891, in violation of 29 U.S.C. 501(c) and one count of filing a false financial report, in violation of 29 U.S.C. 439(b). The charges follow an investigation by the OLMS San Francisco District Office.

On February 7, 2011, in the United States District Court for the Central District of California, Joan Boucher, former Treasurer of Staff Union Local 399 (located in Montebello, Calif.), was sentenced to five years probation, including six months of home detention, for embezzling union funds. Boucher was also ordered to pay full restitution of \$26,990 and the cost of an electronic monitoring bracelet. The sentencing follows an investigation by the OLMS Los Angeles District Office.

On February 7, 2011, in the United States District Court for the Southern District of Mississippi, Mechelle Busse (aka Mechelle Singleton), former office manager for United Association of Plumbers and Pipefitters Local 568 (located in Gulfport, Miss.), pled guilty to a one-count indictment for embezzling union funds between June 2005 and December 2007, in an amount ranging from \$76,000 to \$110,117.69. Sentencing is scheduled for May 11, 2011. The plea follows an investigation by the OLMS New Orleans District Office.

On February 4, 2011, in the United States District Court for the Central District of Illinois, Kevin T. Hunt, former Secretary-Treasurer for United Transportation Union (UTU) Local 198 (located in Peoria, Ill.), was sentenced to one year probation. He was also ordered to pay a fine of \$500 and a \$25 special assessment. On October 26, 2010, Hunt pled guilty to a one-count information for filing a false LM report. The sentencing follows an investigation by the OLMS Chicago District Office.

On February 2, 2011, in the United States District Court for the Middle District of Florida, Karl L. Youngerman, former President of Glass, Molders, Pottery, Plastics & Allied Workers (GMP) Local 208 (located in Bradenton, Fla.), was sentenced to five years probation for conspiracy to embezzle union funds in the amount of \$18,218.91 and was ordered to pay restitution for the same amount to the Fidelity and Deposit Company of Maryland. On November 5, 2010, Youngerman pled guilty to conspiracy to embezzle funds from a labor union, in violation of 18 U.S.C. §371. The sentencing follows an investigation by the OLMS Tampa Resident Investigator Office.

On January 28, 2011, in the Licking County Ohio Court of Common Pleas, an indictment was filed charging Rodney Amspaugh, former President of International Brotherhood of Electrical Workers (IBEW) Local 1853 (located in Newark, Ohio), with one count of theft in the amount of \$2,227.39. The charge follows an investigation by the OLMS Cleveland District Office.

On January 28, 2011, in the United States District Court for the Western District of Virginia, Elizabeth George, the former Recording Secretary and Disaster Relief Benefits Committee Member of Steelworkers Local 9336 (located in Radford, Va.), was sentenced to time served in prison of five months and four days and three years probation. She was also ordered to pay \$4,275.56 in restitution and a \$125 court assessment. The sentencing follows a joint investigation by the OLMS Pittsburgh District Office and the Department of Labor's Office of Inspector General.

On January 27, 2011, in the United States District Court for the Eastern District of Michigan, Andrew Blackmon, former President of Steelworkers Local 842 (located in Detroit, Mich.), was sentenced to two years of probation and was ordered to pay restitution in the amount of \$2,055.78 and a \$25 special assessment. Blackmon previously made restitution in the amount of \$510. On July 20, 2010, Blackmon pled guilty to one count of falsifying union records. The sentencing follows an investigation by the OLMS Detroit District Office.

On January 27, 2011, in the United States District Court for the Eastern District of Kentucky, Southern Division, Max Messamore, former President of National Association of Letter Carriers (NALC) Branch 2039 (located in Somerset, Ky.), was charged with embezzling union funds totaling \$2,293.77. The charge follows an investigation by the OLMS Cincinnati District Office.

On January 25, 2011, in the United States District Court for the District of Delaware, James Q. Hunter, former Treasurer of United Auto Workers (UAW) Local 1542 (located in Newark, Del.), was charged in a one-count information with making a false entry in union records, in violation of 29 U.S.C. Section 439(c). The charge follows an investigation by the OLMS Philadelphia District Office.

On January 21, 2011, in the United States District Court of the Northern District of Illinois, an information was filed charging Sylvester Knight, former Treasurer of Steelworkers Local 2154 (located in Chicago, Ill.), with making false entries in the union's financial records in violation of 29 U.S.C. 439(c). The charge follows an investigation by the OLMS Chicago District Office.

On January 20, 2011, in the United States District Court for the Southern District of Mississippi, Patsy Fontenot, former International Representative for United Food and Commercial Workers (UFCW) Local 790C (located in Lena, Miss.), pled guilty to a one-count indictment for embezzling union funds between November 2002 and March 2006 in the amount of \$6,943.15. Sentencing is scheduled for April 8, 2011. The plea follows an investigation by the OLMS New Orleans District Office.

On January 20, 2011, in the United States District Court, Northern District of Ohio, Rob Rybak, former Business Manager for Plumbers Local 55 (located in Cleveland, Ohio), was sentenced to 27 months incarceration followed by two years supervised release. He was also ordered to complete 100 hours of community service and pay a \$500 special assessment. On October 26, 2010, Rybak pled guilty to embezzlement from a labor union, embezzlement from an employee benefit fund, conspiracy to obstruct justice, Hobbs Act conspiracy, and tampering with a witness. The sentencing follows a joint investigation by the OLMS Cleveland District Office, FBI, and the Department of Labor's Office of Inspector General.

On January 14, 2011, in the United States District Court for the Eastern District of Oklahoma, Donna Cooper, former Business Manager for Laborers International Union of North America (LIUNA) Local 888 (located in Tahlequah, Okla.), was sentenced to five months incarceration followed by 36 months of supervised release, with the first five months as home detention. Cooper was ordered to pay over \$59,000 in restitution. On July 15, 2010, Cooper pled guilty to embezzling union funds in the amount of \$69,322. The sentencing follows an investigation by the OLMS Dallas District Office.

On January 13, 2011, in the United States District Court for the Western District of Michigan, an information was filed charging April Franklin, former office secretary of Plumbers Local 333 (located in Lansing, Mich.) and former bookkeeper for Local 333's Joint Apprenticeship Training Fund, with one count of embezzlement of union funds in the amount of \$40,886 and one count of theft from an employee benefit plan totaling \$234,331.33. The charges follow an investigation by the OLMS Detroit District Office, the Department of Labor's Office of Inspector General, and the Employee Benefits Security Administration.

On January 12, 2011, in the United States District Court for the Northern District of Indiana, Jesse Daniels, former Financial Secretary of Steelworkers Local 7-1011S (located in East Chicago, Ind.), was indicted on one count of embezzlement of union funds totaling \$19,500. The indictment follows a joint investigation by the OLMS Chicago District Office and the Department of Labor's Office of Inspector General.

On January 11, 2011, in the United States District Court for the Southern District of Florida, James Drury, former Secretary-Treasurer of Communications Workers of America (CWA) Local 3121 (located in Hialeah, Fla.), pled guilty to a one-charge information for embezzling union funds between December 2005 and March 2009 in the amount of \$306,757.53. Sentencing is scheduled for March 25, 2011. The plea follows a joint investigation by the OLMS Miami Resident Office (Atlanta District Office) and the Department of Labor's Office of Inspector General.

On January 6, 2011, in the United States District Court for the Eastern District of Arkansas, an information was filed against Heather Hill, former office secretary of Iron Workers Local 321 (located in Little Rock, Ark.), charging her with embezzling and willfully converting employee welfare benefit plan funds to her own use, in violation of 18 U.S.C. 664. Hill pled guilty to a loss of \$59,653.12. The information and plea follow an investigation by the OLMS Dallas District Office and the Employee Benefits Security Administration.

On January 6, 2011, in the United States District Court for the Western District of Missouri, Garold Lawson, Sr., former President of National Association of Government Employees (NAGE) Local 14-139 (located in Fort Leonard Wood, Mo.), was charged with one count of embezzlement of union funds in an aggregate amount of more than \$50,000, in violation of 29 U.S.C. 501(c). Lawson pled guilty to the charge. The charge and plea follow an investigation by the OLMS St. Louis District Office.

On January 5, 2011, in the United States District Court for the Southern District of New York, Wayne Mitchell, former President of Communications Workers of America (CWA) Local 14170 (located in New York, N.Y.), the union representing mail room employees in the New York newspaper industry, was sentenced to two years in federal prison, to be followed by three years of supervised release for violation of 29 U.S.C. 501(c). Mitchell was also ordered to pay restitution of \$373,555. The sentencing brings to a conclusion an investigation in which the trustee, Larry DeAngelis, who was appointed to manage the union's financial affairs in the aftermath of this embezzlement, was also convicted in a scheme to fraudulently obtain reimbursement for expenses that he, in fact, did not incur. The sentencing follows an investigation by the OLMS New York District Office.

On January 4, 2011, in the United States District Court of South Carolina, Fleisha Jackson, former Treasurer of American Federation of Government Employees (AFGE) Local 1909 (located on Ft. Jackson, S.C.), was indicted for embezzling funds within a special maritime and territorial jurisdiction of the United States in the amount of \$18,794.73. The indictment follows an investigation by the OLMS Atlanta District Office.

On January 4, 2011, in the United States District Court for the District of Eastern Pennsylvania, Amar Ali, former Treasurer of Brotherhood of Maintenance of Way Employes (BMWE) Sub-Lodge 695 (located in Baltimore, Md.), pled guilty to a one count information for failure to maintain union records, in violation of 29 U.S.C. Section 439(a)(b). The plea follows an investigation by the OLMS Philadelphia District Office.

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Office of Labor-Management Standards (OLMS)

Criminal Enforcement Actions 2010

An **indictment** is a formal accusation or charge based on a finding by a Grand Jury that it is likely that the person charged committed the criminal offense described in the indictment and is the means by which an accused person (defendant) is brought to trial. An indictment raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

An **Information** is a formal accusation of a crime by a government attorney rather than a Grand Jury. An information raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

A **charge** is an accusation of criminal activity and raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

Each **count** is a separate and distinct offense charged in an indictment or information.

A **guilty plea** is a defendant's admission to the court that he or she committed the offense charged and an agreement to waive the right to a trial.

A **conviction** is a judgment based on a jury's verdict, judge's finding, or the defendant's admission that the defendant is guilty of the crime charged.

A **sentence** is a judicial determination of the punishment to be imposed on an individual who has plead guilty or has been convicted by a jury or judge of a criminal offense.

On December 29, 2010, Phillip Akins, former Financial Secretary and Treasurer of Mine Workers Local 1987 (located in Jasper, Ala.), was indicted on one count of embezzlement for an amount more than \$9,500. The indictment follows an investigation by the OLMS Nashville District Office.

On December 28, 2010, in the United States District Court for the Middle District of Alabama, an information was filed against Christy Nicole Freeman, former Treasurer of International Brotherhood of Electrical Workers (IBEW) Local 780 (located in Eufaula, Ala.), charging her with making a false entry in a record required to be kept under the LMRDA, in violation of 29 U.S.C. 439(c). The charge follows an investigation by the OLMS Nashville District Office.

On December 28, 2010, in the United States District Court for the Middle District of Alabama, an information was filed against Katherine Nannette Jones, a former employee of IBEW Local 780 (located in Eufaula, Ala.), charging her with making a false entry in a record required to be kept under the LMRDA, in violation of 29 U.S.C. 439(c). The charge follows an investigation by the OLMS Nashville District Office.

On December 27, 2010, an indictment was filed in the Franklin County (Ohio) Court of Common Pleas against David Russi, former Columbus Chapel Vice President of Graphics Communications Conference of the International Brotherhood of Teamsters (GCC/IBT) Local 128N (located in Columbus, Ohio), for one count of theft in the fourth degree. The indictment follows an investigation by the OLMS Cincinnati District Office.

On December 22, 2010, in the United States District Court for the Southern District of Florida, an information was filed against James Drury, former Secretary-Treasurer of Communications Workers of America (CWA) Local 3121 (located in Hialeah, Fla.), charging him with embezzling union funds between December 2005 and March 2009 in the amount of \$306,757.53. An arraignment was held on December 27, 2010. The charges follow a joint investigation by the OLMS Miami Resident Office (Atlanta District Office) and the Department of Labor's Office of Inspector General.

On December 20, 2010, Gloria Porter, former Secretary-Treasurer of the National Federation of Federal Employees (NFFE) IAM Army Military Council (AMC) and former President of NFFE Local 2049 at White Sands Missile Range (located in Las Cruces, N.M.), was indicted in the United States District Court for the District of New Mexico on 105 Counts of 18 U.S.C. 1343 (Wire Fraud), one count of 18 U.S.C. 1341 (Mail Fraud), and one count of 18 U.S.C. 1028(a)(1) (Aggravated Identity Theft). The indictment follows an investigation by the OLMS Denver District Office.

On December 17, 2010, in the United States District Court for the Central District of Illinois, James Correll, former President of the Security, Police, and Fire Professionals of America (SPFPA) Local 238 (located in Morrison, Ill.), was sentenced to two years of probation with the first six months to be served in home detention and was ordered to pay restitution in the amount of \$22,286. On August 19, 2010, Correll pled guilty to one count of embezzling union funds. The sentencing follows an investigation by the OLMS Chicago District Office.

On December 15, 2010, in Anoka County (Minnesota) District Court, Brenda Olson, former office secretary for Carpenters Local 851 (located in Anoka, Minn.), was charged with theft of over \$5,000. The complaint alleges that Olson stole union funds in the amount of \$19,350.31. The charge follows an investigation by the OLMS Milwaukee District Office.

On December 15, 2010, in the United States District Court for the Eastern District of Wisconsin, Paula Dorsey, former President of American Federation of State, County and Municipal Employees (AFSCME) District Council 48 (located in Milwaukee, Wis.), was sentenced to three years probation and was ordered to pay restitution in the amount of \$180,000. On August 11, 2010, Dorsey pled guilty to one count of embezzling union funds. The sentencing follows an investigation by the OLMS Milwaukee District Office.

On December 15, 2010, in the United States District Court for the Eastern District of Kentucky, Connie Ball, former Secretary-Treasurer of Bakery and Tobacco Workers Local 531 (formerly located in London, Ky.), pled guilty to one count of embezzling union funds in the amount of \$7,754. Sentencing is scheduled for April 7, 2011. The plea follows an investigation by the OLMS Cincinnati District Office.

On December 13, 2010, in United States District Court for the District of Columbia, Jo Ann Duffy, former Project Organizer for the Teamsters (located in Washington, D.C.), was sentenced to 36 months probation, 50 hours of community service, and counseling for gambling. Duffy was also ordered to pay restitution of \$13,738 to the bonding company at \$50 per month. On September 1, 2010, Duffy pled guilty to one count of embezzlement from a labor organization for embezzling \$13,738 from the union in violation of 29 U.S.C. 501(c). The sentencing followed an investigation by the OLMS Washington District Office.

On December 10, 2010, in the United States District Court for the Western District of Washington, an information was filed charging Poutoa Tulolemotu, former Treasurer of Glass Molders Local 50, with embezzlement of union funds, in violation of 29 U.S.C. 501(c). The charge follows an investigation by the OLMS Seattle District Office.

On December 10, 2010, in the United States District Court for the Western District of Washington, an information was filed charging Kim Hirschhorn, former Treasurer of Postal Workers Local 709, with embezzlement of union funds, in violation of 29 U.S.C. 501(c). The charge follows an investigation by the OLMS Seattle District Office.

On December 9, 2010, in the United States District Court, Trenton, New Jersey, Shawn Clark, former Business Agent of Carpenters Local 455 (located in Somerville, N.J.), was sentenced to 28 months incarceration and three years supervised release. Clark was also ordered to make restitution for an amount between \$72,000 and \$102,000, which will be determined by the Honorable Judge Thompson. On May 17, 2010, in a trial held in the United States District Court, Trenton, New Jersey, jurors found Clark guilty on 15 counts of embezzling union funds and conspiracy to improperly spend Local 455's funds for his own personal use and the use of others during the approximate period between December 2000 and December 2007, in violation of LMRDA Section 501(c) and Title 18 U.S.C., Section 371. Clark used an American

Express credit card issued to the union to make more than 450 charges totaling more than \$65,000 at 14 different gentlemen's clubs in central New Jersey. The sentencing follows an investigation by the OLMS Newark Resident Investigator Office.

On December 7, 2010, in the Superior Court of the District of Columbia, Tamara Schultz, former Benefits Coordinator for the National Treasury Employees Union (NTEU) (located in Washington, D.C.), pled guilty to one count of first degree theft for wrongfully obtaining and using property of a value of \$1,000 or more from NTEU. Following the plea, Schultz was sentenced to 90 days in jail (suspended), one year unsupervised probation, and she was ordered to pay a \$50 special assessment fee. The plea and sentencing follow an investigation by the OLMS Washington District Office.

On December 6, 2010, in the United States District Court for the District of Nevada, Mark Winfield Tracy, former Secretary-Treasurer of Teamsters Local 533 (located in Reno, Nev.), pled guilty to one count of embezzling union funds. On March 3, 2010, Tracy was indicted on one count of embezzling \$125,000 in union funds, one count of filing false Form LM-2 reports, one count of falsifying union records, and one count of willfully concealing and/or destroying union records. Sentencing is scheduled for March 7, 2011. The plea follows an investigation by the OLMS San Francisco District Office.

On December 2, 2010, in the United States District Court for Minnesota, Cory Carroll, former Secretary-Treasurer of the Brotherhood of Locomotive Engineers, Regional and Shortline General Committee of Adjustment (located in Albert Lea, Minn.), was sentenced to five years probation, and required to submit to two random periodic drug tests, supply a DNA sample, and refrain from gambling and using alcohol or other controlled substances. Carroll was also ordered to pay restitution of \$35,362.41 and a \$100 special assessment fee. The sentencing follows an investigation by the OLMS Milwaukee District Office.

On December 2, 2010, in the United States District Court for the Eastern District of Arkansas, Dan Cassidy, former Clerk Craft Director of American Postal Workers Union (APWU) Local 189 (located in Little Rock, Ark.), was sentenced to one year of probation, 40 hours of community service, and was ordered to pay a \$200 assessment. On August 3, 2010, Cassidy pled guilty to wire fraud in violation of 18 U.S.C. 1343, a Class C Felony. The sentencing follows an investigation by the OLMS Dallas District Office and the United States Postal Service Office of Inspector General.

On November 30, 2010, in Dakota County District Court of Minnesota, Jonathan David Thompson, former Secretary-Treasurer of Locomotive Engineers and Trainmen (BLET) Division 333 (located in Rosemount, Minn.), was sentenced to 364 days in jail (361 were stayed and a credit of three days was given for three days served) and two years probation for financial transaction card fraud of over \$2,500. Thompson was ordered to perform 40 hours of community service, pay \$455 in court related fees, supply a DNA sample, and write a letter of apology to Division 333. Thompson was also ordered to pay restitution of \$11,841.76 to Division 333 and to pay \$9,650.93 to Fidelity and Deposit Company of Maryland. On September 17, 2010, Thompson pled guilty to one felony count of financial transaction card fraud of over \$2,500. The sentencing follows an investigation by the OLMS Minneapolis Resident Investigator Office.

On November 29, 2010, in the United States District Court for the Northern District of Illinois, Mozelle E. Means-Swanson, former President of American Postal Workers Union (APWU) Local 7139 (located in Aurora, Ill.), was sentenced to two years probation, and she was ordered to make restitution of \$3,340. On September 1, 2010, Means-Swanson pled guilty to one count of willfully failing to maintain union records so that her theft of union funds would go undetected. The sentencing follows an investigation by the OLMS Chicago District Office.

On November 23, 2010, in the United States District Court for the Eastern District of Wisconsin, Nickolas Weihert, former Financial Secretary of Steelworkers Local 4845 (located in Waukesha, Wis.), pled guilty to three counts of embezzling union funds in the amount of \$450.00. Weihert admitted that he embezzled \$17,256. He was ordered to make restitution to Local 4845 and to pay a \$5,000 fine. Weihert is scheduled to be sentenced on March 8, 2011. The charge follows an investigation by the OLMS Milwaukee District Office.

On November 22, 2010, in the Superior Court of the District of Columbia, a criminal complaint was filed charging Tamara Schultz, former Benefits Coordinator for the National Treasury Employees Union (NTEU) (located in Washington, D.C.), with one count of first degree theft for wrongfully obtaining and using property of a value of \$1,000 or more from NTEU. The charge follows an investigation by the OLMS Washington District Office.

On November 22, 2010, in the United States District Court for the Northern District of Illinois, Frank Kmiec, former Secretary-Treasurer of Brotherhood of Maintenance of Way Employees Division (BMWED) Local 2857 (located in Genoa City, Wis.), pled guilty to making false entries in the local's cash record book, check register, and quarterly audit reports thereby misrepresenting the balance of the local's bank account. In pleading guilty, Kmiec admitted to embezzling approximately \$19,461.39 in Local 2857 funds. An information was previously filed on November 2, 2010. The guilty plea follows an investigation by the OLMS Chicago District Office.

On November 19, 2010, in the United States District Court of the Western District of Missouri, Tammy Allen, former Secretary-Treasurer of Retail, Wholesale, Department Store Union (RWDSU) Local 184L (located in Kansas City, Kans.), was indicted on one count of bank fraud in violation of 18 U.S.C. 1344 totaling \$45,766.81. The indictment follows an investigation by the OLMS Kansas City Resident Investigator Office.

On November 17, 2010, in the United States District Court for the Western District of Pennsylvania, Antonio Jordan, former Secretary-Treasurer of Communications Workers of America (CWA) Local 38187 (located in Erie, PA), was sentenced to four years probation and he was ordered to pay restitution of \$5,778.01 and a \$100 special assessment fee. The sentencing follows an investigation by the OLMS Pittsburgh District Office.

On November 17, 2010, in the United States District Court of the Western District of Wisconsin, Shari Birch, former Treasurer of American Federation of State, County, and Municipal Employees (AFSCME) Local 1760-A (located in Superior, WI), was indicted on 21 counts of embezzlement from Local 1760-A totaling \$16,737.54. The indictment follows an investigation by the OLMS Minneapolis Resident Investigator Office and the Superior Police Department.

On November 16, 2010, Lonnie Stevans, former Secretary-Treasurer of the Hofstra University Chapter of the American Association of University Professors (AAUP), was arraigned in the Eastern District of New York following an information charging Stevans with filing a false report with the Department of Labor in violation of 29 USC 439(b). The charge follows an investigation by the OLMS New York District Office.

On November 15, 2010, in the United States District Court for the Southern District of Texas, Frankie L. Sanders, former Southern Regional Coordinator of the Southern Region of the American Postal Workers Union (APWU) (located in Houston, Tex.), was found guilty of embezzling union funds. On March 17, 2010, Sanders was indicted on one count of wire fraud and one count of embezzling approximately \$10,078 in union funds. The charge for wire fraud remains pending. The verdict follows an investigation by the OLMS Houston Resident Investigator Office.

On November 12, 2010, in the United States District Court for the Northern District of Texas, Freida Carter-London, former Office Manager of Carpenters Local 1421 (located in Arlington, TX), pled guilty to embezzling \$99,178 in union funds in violation of 29 U.S.C. 501(c). Sentencing is scheduled for February 25, 2011. The guilty plea follows an investigation by the OLMS Dallas District Office.

On November 9, 2010, in the United States District Court for the Western District of Virginia, Elizabeth George, the former Recording Secretary and Disaster Relief Benefits Committee Member of Steelworkers Local 9336 (located in Radford, VA), pled guilty to counts 1 and 19 of a February 19, 2002 indictment. Specifically, she pled guilty to Conspiracy to Embezzle Union Funds and to Making False Entries in Union Records, in violation of 18 U.S.C. 371 and 29 U.S.C. 439(c). George agreed to make restitution of \$4,275.56. George was denied bond due to the eight years she spent evading capture. She will remain in prison until her sentencing on January 28, 2011. The plea follows a joint investigation by the OLMS

Pittsburgh District Office and the Department of Labor's Office of Inspector General.

On November 8, 2010, in the United States District Court of Massachusetts, Stanley Barringer, former Vice President and acting Treasurer of American Federation of Government Employees (AFGE) Local 3707 (located in Chicopee, MA), was charged in an information with falsifying and concealing a material fact on reports filed with the U.S. Department of Labor in order to conceal his misappropriation of approximately \$22,180.00 of Local 3707 funds. The information follows an investigation by the OLMS New Haven Resident Office.

On November 5, 2010, in the United States District Court for the Middle District of Florida, Karl L. Youngerman, former President of Glass, Molders, Pottery, Plastics & Allied Workers (GMP) Local 208 (located in Bradenton, FL), pled guilty to conspiracy to embezzle funds from a labor union, in violation of 18 U.S.C. 371. Youngerman agreed to pay restitution of \$18,218.91 to Zurich North America. Sentencing is scheduled for January 27, 2011. The plea follows an investigation by the OLMS Tampa Resident Investigator Office.

On November 5, 2010, in the Mower County Minnesota District Court, Dustin Heichel, former General Chairman of the Brotherhood of Locomotive Engineers and Trainmen Regional and Shortline General Committee of Adjustment (BLET GCA) (located in Albert Lea, MN), was sentenced to four years probation for theft of \$1,562.12, and he was ordered to pay restitution in the same amount, to write a letter of apology, and to not hold a position of financial responsibility. On September 30, 2010, Heichel pled guilty to gross misdemeanor theft by false representation in the amount of \$1,562.12. The sentencing follows an investigation by the OLMS Milwaukee District Office and OLMS Minneapolis Resident Investigator Office.

On November 3, 2010, in the United States District Court for the District of Nevada, Hugo Vargas, former Secretary Treasurer of International Association of Machinists (IAM) Lodge 845 (located in Las Vegas, NV), was sentenced to 13 months in prison followed by three years supervised release, and he was ordered to pay restitution in the amount of \$106,293.59 and an assessment fee of \$100. On August 2, 2010, Vargas pled guilty to one count of embezzling union funds. The sentencing follows an investigation by the OLMS San Francisco District Office.

On November 3, 2010, in the United States District Court of New Jersey, John McGovern, former Secretary Treasurer of American Postal Workers Union (APWU) Local 190 (located in Clifton, NJ), pled guilty to violations of 29 U.S.C. 501(c) and 18 U.S.C. 371. McGovern admitted that he conspired with former Local 190 President Gary Weightman to embezzle between \$120,000 and \$200,000 in union funds. Weightman, as a result of a plea agreement, has already pled guilty to criminal tax evasion and is awaiting sentencing. The guilty plea follows an investigation by the OLMS New York District Office, in conjunction with the U.S. Attorney's Office, and with the aid of the U.S. Postal Inspection Service.

On November 2, 2010, in the United States District Court for the District of New Mexico, Fidel Garza, former President of American Federation of Government Employees Local 2063 (located in Albuquerque, NM), was sentenced to four months in prison, three years of supervised probation, and four months of home confinement, and he was ordered to make restitution in the amount of \$77,457.89 and pay a \$100 special assessment. Garza was also ordered to participate in a substance abuse program and barred from holding any position where he has fiduciary responsibility. Garza pled guilty to one count of 18 U.S.C. 1343 (wire fraud). The sentencing follows an investigation by the OLMS Denver District Office.

On November 2, 2010, in Circuit Court for the City of Chesapeake, Virginia, Larry Brooks, former President of Steelworkers Local 8-543 (located in Hampton, Va.), was indicted on one count of embezzlement having a value of \$200 or more in violation of Section 18.2-111 of the Code of Virginia. The indictment follows an investigation by the OLMS Washington District Office.

On October 28, 2010, in the United States District Court for the Western District of Michigan, Robbin R. Wolff, former Bookkeeper of Auto Workers Local 383 (located in Benton Harbor, MI), was sentenced to 24 months of imprisonment for embezzling union funds and 12 months of imprisonment for falsifying union records; the time is to be served concurrently. Upon release from imprisonment, Wolff will be on

supervised release for a period of two years for the former offense and one year for the latter offense; the time is to be served concurrently. Wolff was ordered to pay restitution of \$200,397.69 and a special assessment of \$125. The sentencing follows an investigation by the OLMS Detroit District Office.

On October 28, 2010, in the United States District Court for the Northern District of California, Curtis Iwatsubo, former Secretary-Treasurer of Glass, Molders, Pottery, Plastics & Allied Workers (GMP) Local 52, was sentenced to 10 months in prison for embezzling union funds of more than \$47,000. He was ordered to pay restitution of \$38,434 and a \$100 special assessment. On May 26, 2010, Iwatsubo pled guilty to one count of embezzlement of union funds. The sentencing follows an investigation by the OLMS San Francisco District Office.

On October 26, 2010, in the United States District Court for the Northern District of Illinois, William Dugan, former President and Business Manager of Operating Engineers Local 150 (located in Countryside, IL), was sentenced to three years probation and ordered to pay a fine of \$30,000, an assessment of \$25, and the cost of probation on a monthly basis. Special conditions of supervision also require Dugan to file appropriate Form LM-30 reports. On March 22, 2010, Dugan pled guilty to one count of receiving a thing of value from a signatory employer. The sentencing follows a joint investigation by the OLMS Chicago District Office, FBI, and DOL OIG.

On October 26, 2010, in the United States District Court, Northern District of Ohio, Robert Rybak, former Business Manager for Plumbers Local 55 (located in Cleveland, OH), pled guilty to multiple charges including embezzlement in the amount of \$12,321.03, conspiracy to obstruct justice, and Hobbs Act violations. Rybak was previously indicted on multiple counts on September 14, 2010. The guilty plea follows a joint investigation by the OLMS Cleveland District Office, DOL OIG, and FBI.

On October 26, 2010, in the United States District Court for the Central District of Illinois, Kevin Hunt, former Secretary Treasurer of the United Transportation Union (UTU) Local 198 (located in Peoria, IL), pled guilty to a one count information charging him with filing a false Form LM-3 annual financial report for fiscal year 2007. The plea follows an investigation by the OLMS Chicago District Office.

On October 25, 2010, in the United States District Court, Newark, NJ, Patrick Brennan, former Business Manager of Painters District Council 711 (located in Egg Harbor Township, NJ), was sentenced to six months incarceration and six months home confinement, and he was ordered to pay restitution in the amount of \$32,487.26. Brennan had previously pled guilty to embezzling \$32,487.26 of funds from Painters District Council 711, in violation of 29 U.S.C. 501(c). The sentencing follows an investigation by the OLMS Newark Resident Investigator Office.

On October 25, 2010, in the United States District Court for the Eastern District of Michigan, Oscar Gatewood, former President of Steelworkers Local 842 (located in Detroit, MI), pled guilty to one count of concealing union records. Sentencing is scheduled for January 31, 2011. The plea follows an investigation by the OLMS Detroit District Office.

On October 22, 2010, in the United States District Court of Massachusetts, an indictment of Stennett Bernard, Roody Lespinasse, Andy Alerte, and Manuel Nogueira (former President, Treasurer, Financial Secretary, and Recording Secretary, respectively) of Steelworkers Local 04-421 was unsealed. The indictment charged Bernard, Lespinasse, Alerte, and Nogueira with violations of Title 18, U.S.C. Code, Section 371 - Conspiracy, Title 29 U.S.C. 501(c) - Embezzlement and Theft of Labor Union Assets, and 18 U.S.C. Section 2 - Aiding and Abetting. The former officers were charged with embezzling the following approximate amounts through unauthorized checks: Bernard (\$4,320.94), Lespinasse (\$712.30), Alerte (\$551.72), and Nogueira (\$1,384.34). The indictment also includes a criminal forfeiture allegation, Title 18 U.S.C. Section 981(a)(1)(c) and Title 28 U.S.C. Section 2461(c). The indictment follows an investigation by the OLMS Boston District Office.

On October 21, 2010, in the United States District Court for the Northern District of Illinois, Larry White, former President of United Electrical Workers Union (UE) Local 1110 (located in Chicago, IL), was sentenced to three years probation, and he was ordered to make restitution of \$11,875 and pay a fine of

\$25. On March 29, 2010, White pled guilty to one count of making false entries in union records. The sentencing follows an investigation by the OLMS Chicago District Office.

On October 20, 2010, in the United States District Court for the Southern District of Ohio, Gilbert Woods, former President of Communications Workers of America (CWA) Local 84768 (located in Kettering, OH), was sentenced to five years probation and six months house arrest. He was ordered to pay restitution of \$25,465, which included \$20,000 to Travelers Insurance and \$5,465 to the union. He was also ordered to pay a special assessment of \$25. On July 21, 2010, Woods pled guilty to one count of making false entries in union records. The sentencing follows an investigation by the OLMS Cincinnati District Office.

On October 18, 2010, Delores Jennings, former President and acting Secretary-Treasurer of the now defunct Communications Workers of America (CWA) Local 81321 (located in Syracuse, NY), was arraigned in Syracuse City Court after a criminal complaint was filed charging her with Grand Larceny in the fourth degree and Falsifying Business Records in the first degree. The complaint alleges that Jennings took \$2,479 from her former union. The court action came as a result of an investigation by the OLMS Buffalo District Office and the Syracuse City Police Department.

On October 15, 2010, in the United States District Court for the Eastern District of Missouri, Aaron Hunter, former President of Firefighters Local 108-F (located in Fort Leonard Wood, MO), was sentenced to one year probation for the charge of making false statements in violation of 18 U.S.C. 1001 to conceal his embezzlement of union funds. Hunter paid restitution totaling \$30,000 prior to his sentencing. The sentencing follows an investigation by the OLMS St. Louis District Office.

On October 15, 2010, in Circuit Court for Arlington County, Virginia, Richard James, former President of American Federation of Government Employees (AFGE) Local 1402 (located in Arlington, VA), was sentenced to two years incarceration (all suspended), two years supervised probation, and 75 hours of community service for embezzling \$9,850 from the union in violation of Section 18.2-111 of the Virginia Code. The sentencing follows an investigation by the OLMS Washington District Office and the Arlington County Police Department.

On October 14, 2010, in the United States District Court for the Eastern District of Michigan, Deidra Lucas, former President of American Federation of State, County, and Municipal Employees (AFSCME) Local 100 (located in Pontiac, MI), pled guilty to one count of embezzling union funds in the amount of \$5,283.20. Lucas is scheduled to be sentenced on January 6, 2011. The plea follows an investigation by the OLMS Detroit District Office.

On October 8, 2010, in the United States District Court for the District of Eastern Pennsylvania, Amar All, former Treasurer of Brotherhood of Maintenance of Way Employees Division (BMWED) Sub-Lodge 695 (located in Baltimore, MD), was charged in a one count information with failure to maintain union records (29 U.S.C. Section 439(a)(b)). The charge follows an investigation by the OLMS Philadelphia District Office.

On October 6, 2010, in the United States District Court for the Eastern District of Wisconsin, Craig A. Bohn, former Financial Secretary Treasurer of Security, Police, and Fire Professionals of America (SPFPA) Local 558 (located in Green Bay, WI), was sentenced to one year probation, a \$1,500 fine, and a \$100 special assessment. Bohn previously made restitution in the amount of \$5,000. On June 18, 2010, Bohn pled guilty to two counts of creating false union records. The sentencing follows an investigation by the OLMS Milwaukee District Office.

On October 6, 2010, in the United States District Court for the Eastern District of Arkansas, Lance Hinerman, former President of American Postal Workers Union (APWU) Local 189 (located in Little Rock, AR), was sentenced to two years probation and a \$200 assessment. On July 6, 2010, Hinerman pled guilty to wire fraud in violation of 18 U.S.C. 1343, a Class C Felony. The sentencing follows an investigation by the OLMS Dallas District Office and the United States Postal Service - Office of Inspector General.

On October 5, 2010, in the United States District Court for the Eastern District of Wisconsin, an information was filed charging Nickolas Weihert, former Financial Secretary of Steelworkers Local 4845 (located in Waukesha, WI), with three counts of embezzlement totaling \$450.00. The information states that the three counts were fraudulent transactions related to an embezzlement of \$17,256. The charge follows an investigation by the OLMS Milwaukee District Office.

On October 5, 2010, Joseph Kerwan, Business Manager/Financial Secretary-Treasurer of Sheet Metal Workers Local Union 112 (located in Elmira, NY), was sentenced to 12 months of probation and ordered to pay a \$2,000 fine in the Western District of New York. On May 20, 2010, Kerwan pled guilty to falsification of union records. As part of the plea and sentencing, Kerwan made full restitution to his local union totaling \$6,927.55. The court action came as a result of an investigation by the Buffalo District Office.

On October 5, 2010, in the United States District Court for the Western District of Pennsylvania, Donald Kotouch, the former President and Business Agent of the Amalgamated Transit Union Local 1738 (located in Latrobe, PA), was charged in a two count indictment for embezzling \$18,806.27 in union funds and falsifying union records. The indictment follows an investigation by the Pittsburgh District Office.

On October 4, 2010, in the United States District Court for the Western District of Pennsylvania, Thomas Carrola, the former Secretary-Treasurer of IBEW Local 1919 (located in Pittsburgh, PA), was sentenced to two years probation for each of the two counts (to run concurrently) and six months home detention, and ordered to pay restitution of \$35,057 and a \$100 court assessment. Carrola pled guilty on June 1, 2010 to one count of embezzling union funds in the amount of \$35,057 and to falsifying union records. Full restitution has been made to the union. The sentencing follows an investigation by the Pittsburgh District Office.

On September 30, 2010, in the Mower County Minnesota District Court, Dustin Heichel, former General Chairman of the Brotherhood of Locomotive Engineers, Shortline General Committee of Adjustment (BLET GCA), located in Austin, MN, pled guilty to one count of gross misdemeanor theft and false representation in the amount of \$1,562.12. The plea follows an investigation by the Milwaukee District Office and the Minneapolis Resident Investigator Office.

On September 29, 2010, in the United States District Court, Southern District of Indiana, Keith Hart, former Financial Secretary of Bakery Workers Local 315G (Mt. Vernon, IN), was sentenced to six months in a work release community corrections facility and three years probation and ordered to pay restitution in the amount of \$13,904.69 and a \$100.00 special assessment. On July 6, 2010, Hart pled guilty to one count of embezzlement in the amount of \$13,904.69. The sentencing follows an investigation by the Cincinnati District Office.

On September 28, 2010, in the United States District Court for the Middle District of Florida, Woodrow Anderson, former Treasurer of Glass, Molders, Pottery, Plastics & Allied Workers (GMP) Local 208 (located in Bradenton, FL), was sentenced to probation for 24 months and 180 days of home confinement, and was ordered to pay Zurich North America the amount of \$2,249.96 and a special assessment fee of \$25.00. On July 1, 2010, Anderson pled guilty to making a false statement of a material fact in a report or document required to be filed with the Secretary of Labor. The sentencing follows an investigation by the OLMS Tampa Resident Office.

On September 28, 2010, in the United States District Court for the Middle District of Florida, Anthony Green, former Vice President and Recording Secretary of Glass, Molders, Pottery, Plastics & Allied Workers (GMP) Local 208 (located in Bradenton, FL), was sentenced to probation for 24 months and 180 days of home confinement, and was ordered to pay Zurich North America the amount of \$3,073.10 and a special assessment fee of \$25.00. On July 12, 2010, Green pled guilty to making a false entry in, or willfully concealing, withholding, or destroying any book, record, report or statement required to be kept under the LMRDA. Zurich North America paid a loss to GMP LU 208 as a result of Green's dishonest claim filed after his embezzlement. The plea follows an investigation by the OLMS Tampa Resident Office.

On September 24, 2010, in the U.S. District Court, District of Nevada, former Bookkeeper Cheryl Staley was sentenced to five years probation, during which time she is restricted from entering a casino without first notifying the U.S. Probation Office; ordered to attend gambling addiction classes; ordered to pay \$231,653.89 in restitution, plus 10% interest at \$200/month; and ordered to pay \$200 in court assessments. In May 2010, Staley pled guilty to embezzling union funds and causing false entries in the LM reports filed by Local 501. The sentencing follows an investigation by the OLMS Los Angeles District Office.

On September 23, 2010, in the United States District Court for the Eastern District of Michigan, Donald Kister, former President of National Postal Mail Handlers Local 307 (located in Detroit, MI), was charged in a two-count indictment with one count of embezzling union funds in the amount of \$4,137.35 between August 2006 and October 2007 and one count of making false statements. The indictment follows an investigation by the OLMS Detroit District Office.

On September 23, 2010, in Newton Massachusetts District Court, a criminal complaint was issued against Richard Dean, former Treasurer of Carpenters Local 275 in Newton, MA, charging him with 11 counts of larceny totaling \$15,374. The charge follows an investigation by the OLMS Boston District Office.

On September 22, 2010, in the United States District Court for the Southern District of West Virginia, Jonathan S. Deutsch, former Trustee of the West Virginia Heavy and Highway Construction Industry Fund, was indicted in a 25 count indictment of wire fraud involving approximately \$750,000 in embezzled union funds. The indictment follows a joint investigation by the OLMS Pittsburgh District Office and the DOL OIG.

On September 21, 2010, in the United States District Court of New Jersey, Stephen P. Arena and David Caivano, President and Recording Secretary/Secretary-Treasurer, respectively, of Novelty and Production Workers Local 148 (located in Newark, N.J.), were indicted on 29 counts of conspiracy and embezzlement of approximately \$375,000 in union funds. The charge follows an investigation by OLMS New York District Office and the Labor OIG.

On September 16, 2010, in Madison County (NY) court, Gail Shingler, former Treasurer of the now defunct Steelworkers Local Union 53 (located in Oneida, NY), was sentenced after entering a guilty plea to one count of Grand Larceny in the fourth degree. Shingler was sentenced to 60 days in jail after admitting to taking \$2,572 from her former local union. She made full restitution prior to her appearance in county court. The sentencing follows an investigation by the OLMS Buffalo District Office.

On September 15, 2010, in the United States District Court of Eastern Texas, Michael Doggett, former Financial Secretary of Carpenters Local 502 (located in Orange, Texas), was indicted on one count of embezzlement from an employee benefit plan in the amount of \$58,994, and one count of embezzlement from a labor union in the amount of \$45,043. The indictment follows an investigation by the OLMS Houston Resident Investigator Office, the Employee Benefits Security Administration and the FBI.

On September 15, 2010, in the United States District Court, Northern District of Ohio, Brian Wilson, former Treasurer for AFSCME Local 2804 (located in Warren, Ohio), was sentenced to three years probation and 90 days home confinement. On July 13, 2010, Wilson pled guilty to one count of embezzling union funds in the amount of \$10,500. The sentencing follows an investigation by the OLMS Cleveland District Office.

On September 15, 2010, in the United States District Court for the Southern District of Ohio, Ellsworth Williamson, former President of Steelworkers Local 5-1967 (located in Hamilton, Ohio), was charged with embezzling union funds in the amount of \$5,159.16. The charges follow an investigation by the OLMS Cincinnati District Office.

On September 14, 2010, in the United States District Court for the District of New Mexico, Joseph Chester, former President of the National Association of Air Traffic Controllers (NATC) Local ABQ (located in Albuquerque, N.M.), was indicted on 47 counts of wire fraud. The charges follow an investigation by

the OLMS Denver District Office.

On September 14, 2010, in United States District Court for the Northern District of Ohio, Robert W. Rybak, Business Manager and Financial Secretary of Plumbers Local 55 (located in Cleveland, Ohio), was indicted on conspiracy to obstruct justice, conspiracy under the Hobbs Act, embezzlement or theft from a labor union, embezzlement or theft from an employee benefit fund, and tampering with a witness. The indictment follows an investigation by the OLMS Cleveland District Office, Department of Labor's Office of Inspector General and the FBI.

On September 14, 2010, in the Hamilton County (Ohio) Court of Common Pleas, Tiffany Freeman was sentenced to two years community control and was ordered to make restitution in the amount of \$2,260. On August 6, 2010, Freeman pled guilty to three counts of forging checks belonging to Musicians Local 1 (located in Cincinnati, Ohio). The sentencing follows an investigation by the OLMS Cincinnati District Office.

On September 14, 2010, in the United States District Court for the Eastern District of Michigan, Jerrold King, former President of Steelworkers Local 842 (located in Detroit, Mich.), was sentenced to 36 months of probation, including 90 days of home confinement, and ordered to make restitution in the amount of \$70.06 and pay a \$25 special assessment. King previously made restitution in the amount of \$900. On June 14, 2010, King pled guilty to one count of concealing union records. The sentencing follows an investigation by the OLMS Detroit District Office.

On September 13, 2010, in the United States District Court for the District of South Dakota, Paul Wyatt, former Financial Secretary-Treasurer of Stage and Picture Operators (IATSE) Local 220 (located in Sioux Falls, S.D.), was sentenced to six months incarceration followed by six months of home confinement, as well as three years supervised release, and was ordered to pay restitution in the amount of \$35,023 and a special assessment of \$100. On June 23, 2010, Wyatt pled guilty to one count of embezzling union funds in the amount of \$35,023. The sentencing follows an investigation by the OLMS Minneapolis Resident Investigator Office.

On September 3, 2010, in the Clinton County (Ohio) Court of Common Pleas, Daniel Graves, former President of Teamsters Local 1224 (located in Wilmington, Ohio), pled guilty to persistent disorderly conduct. Graves was then sentenced to 30 days incarceration, to be suspended pending good behavior. The sentencing follows an investigation by the OLMS Cincinnati District Office.

On September 2, 2010, in the Superior Court of Washington County, Washington, Elizabeth Mills, former office manager of Laborers Local 901 (located in Mount Vernon, Wash), was sentenced to 20 days of incarceration and ordered to pay restitution in the amount of \$7,721. On June 18, 2010, Mills pled guilty to theft of union funds in the same amount. The sentencing follows an investigation by the OLMS Seattle District Office.

On September 1, 2010, in United States District Court for the District of Columbia, Joe Ann Duffy, former Project Organizer for the Teamsters (located in Washington, D.C.), pled guilty to one count of embezzling union funds in the amount of \$13,738. The plea follows an investigation by the OLMS Washington District Office.

On September 1, 2010, in the United States District Court for the Northern District of Illinois, Mozelle E. Means-Swanson, former President of American Postal Workers Union (APWU) Local 7139 (located in Aurora, Ill.), pled guilty to one count of willfully failing to maintain union records. On May 6, 2009, Means-Swanson was indicted on one count of embezzling union funds in the amount of \$4,900. The plea follows an investigation by the OLMS Chicago District Office.

On August 31, 2010, in the United States District Court for the Northern District of New York, Kelly J. Fahrenkopf, former Vice President of AFSCME, Civil Service Employees Association (CSEA) Local 316 (located in West Coxsack, N.Y.), was sentenced to one year imprisonment followed by three years of probation and ordered to pay restitution in the amount of \$11,500. On April 20, 2010, Fahrenkopf pled guilty to one count of embezzling over \$11,500 in union funds between August 2006 and March 2007.

The plea follows an investigation by the OLMS Buffalo District Office.

On August 30, 2010, in the United States District Court for the Central District of California, Jimmie Leo Miles, former Secretary-Treasurer of International Brotherhood of Electrical Workers (IBEW) Local 1023 (located in Barstow, Calif.), was sentenced to one year of incarceration followed by three years of supervised release. Miles was previously ordered to pay restitution in the amount of \$93,284 to the union and \$14,466 to the Internal Revenue Service. On June 21, 2010 Miles plead guilty to embezzling union funds and filing a false tax return. The sentencing follows an investigation by the Los Angeles District Office.

On August 27, 2010, in the United States District Court for the District of Maine, Bernadette Beal, former President of American Federation of Teachers (AFT) Downeast Federation of Healthcare Professionals Local 5073 (located in Milbridge, Maine), pled guilty to an information charging her with embezzlement of union funds in the amount of \$25,536.91. The plea follows an investigation by the OLMS Boston District Office.

On August 26, 2010, in the United States District Court for the Eastern District of Kentucky, Connie Ball, former Secretary-Treasurer of Bakery Workers Local 531 (located in London, Ky.) was charged with embezzling union funds in the amount of \$7,554. The charges follow an investigation by the OLMS Cincinnati District Office.

On August 26, 2010, in the Mower County, Minnesota District Court, Dustin Helchel, former General Chairman of Brotherhood of Locomotive Engineers and Trainmen (BLET) Regional and Shortline General Committee of Adjustment (GCA) (located in Albert Lea, Minn.), was charged with four counts of theft by false representation totaling \$1,562.12. The charges follow an investigation by the OLMS Milwaukee District Office and Minneapolis Resident Investigator Office.

On August 20, 2010, in the United States District Court for the Eastern District of Michigan, Brenda Bywater, former Treasurer of American Federation of State, County, and Municipal Employees (AFSCME) Local 100 (located in Pontiac, Mich.), was sentenced to twenty-four months of probation and ordered to make restitution in the amount of \$2,920.16 and pay a \$25 special assessment. On March 2, 2010, Bywater pled guilty to one count of making false entries in union records. The sentencing follows an investigation by the OLMS Detroit District Office.

On August 19, 2010, in the United States District Court for the Eastern District of Texas, Barbara Gallagher, former Financial Secretary of Steelworkers Local 2-1007 (located in Howell, Mich.), pled guilty to one count of making a false statement of a material fact on the union's 2005 annual financial report. Gallagher was sentenced to sixty months of probation and ordered to make restitution in the amount of \$8,725.11 and pay a \$25 special assessment. Gallagher previously made restitution in the amount of \$855. The plea and sentencing follow an investigation by the OLMS Detroit District Office.

On August 19, 2010, in the United States District Court for the Central District of Illinois, James Patrick Correll, former president of the Security, Police and Fire Professionals of America Local 238 (located in Morrison, Ill.) pled guilty to an information charging him with embezzling and converting to his own use union funds in the amount of \$22,278. The plea follows an investigation by the OLMS Chicago District Office.

On August 18, 2010, in the United States District Court for the Southern District of Mississippi, Sharron Dixon Haynes, aka Sharron A. Haynes, former election candidate of National Association of Letter Carriers (NALC) Branch 217 (located in Jackson, Miss.), was indicted on three counts of making and causing to be made, and using and causing to be used, a false writing or document in a matter within the jurisdiction of the executive branch of the United States Government. Haynes is alleged to have submitted a false certification of her eligibility for election to Branch 217, which she knew falsely certified that she had not served as a supervisor within two years prior to October 2008, when in fact she had served as a supervisor in May 2008. The indictment follows an investigation by the OLMS New Orleans District Office.

On August 18, 2010, in the United States District Court for the Southern District of Mississippi, Mechelle

Busse, aka Mechelle Singleton, former office manager of Plumbers and Pipefitters Local 568 (located in Gulfport, Miss.), was indicted on one count of embezzling union funds in the amount of \$110,117.69 between June 2005 and December 2007. The indictment follows an investigation by the OLMS New Orleans District Office.

On August 18, 2010, in the United States District Court for the Southern District of Mississippi, Patsy Fontenot, former International Representative for the United Food and Commercial Workers (UFCW), was indicted on one count of embezzling \$6,943.15 from UFCW Local 790C (located in Pearl, Miss.) between November 2002 and March 2006. The indictment follows an investigation by the OLMS New Orleans District Office.

On August 11, 2010, in the United States District Court for the Eastern District of Wisconsin, Paula S. Dorsey, former President of AFSCME District Council 48 (located in Milwaukee, Wis.) pled guilty to one count of embezzling union funds in the amount of \$532.50. On June 22, 2010, Dorsey was charged in an information with the same offense. The plea follows an investigation by OLMS Milwaukee District Office.

On August 6, 2010, in the Hamilton County (Ohio) Court of Common Pleas, Tiffany Freeman pled guilty to three counts of forgery on checks belonging to Musicians Local 1 (located in Cincinnati, Ohio). On December 2, 2009, Freeman was charged with five counts of forgery on checks totaling \$2,260. The plea follows an investigation by the OLMS Cincinnati District Office.

On August 5, 2010, in the United States District Court for the Western District of New York, Thomas Pokrywczynski, former Treasurer of the Transit Union's New York State Legislative Conference Board and former Financial Secretary-Treasurer of Transit Union Local 1342 (located in Buffalo, N.Y.), was sentenced to 24 months of incarceration, three years of supervised release, and ordered to pay restitution in the amount of \$215,527.74. On February 16, 2010, Pokrywczynski pled guilty to embezzling approximately \$71,000 from Transit Union, Local 1342 and approximately \$183,000 from the Transit Union's New York State Legislative Conference Board between January 2002 and March 2008 while serving as treasurer of both labor organizations. The sentencing follows an investigation by the OLMS Buffalo District Office.

On August 5, 2010, in the United States District Court for the Western District of Pennsylvania, Antonio Jordan, former Secretary-Treasurer of Communications Workers Local 38187 (located in Erie, Pa.), pled guilty to one count of embezzling union funds in the amount of \$8,767.40. The plea follows an investigation by the Pittsburgh District Office.

On August 4, 2010, in the United States District Court of Northern California, Duane DeJole, former President of AFGE Local 1223 (located in Oakland, Calif.), was charged with theft and embezzlement within special maritime and territorial jurisdiction of the United States in the amount of \$5,369. The charge follows an investigation conducted by the OLMS San Francisco District Office.

On August 3, 2010, in United States District Court for the Eastern District of Texas, Henry George Green, Sr., former Treasurer of International Longshoremen's Association (ILA) Local 440 (located in Port Arthur, Texas), was sentenced to thirty-six months of probation and ordered to pay restitution in the amount of \$11,565.72. Green previously made restitution in the amount of repaid \$24,000.18. On February 23, 2010, Green pled guilty to one count of filing a false statement or omission on a report. The sentencing follows an investigation by the OLMS Houston Resident Investigator Office.

On August 2, 2010, in the United States District Court for the District of Nevada, Hugo Vargas, former Secretary Treasurer of the Machinists Lodge 845 (located in Las Vegas, Nev.), pled guilty to one count of embezzling union funds in the amount of \$106,293.59. On December 1, 2009, Vargas was charged in an indictment with the same offense. The plea follows an investigation by the OLMS San Francisco District Office.

On July 29, 2010, in the United States District Court for the Southern District of New York, Warren Joseph Annunziata, Fund Administrator of United Craft and Industrial Workers Union Local 91 (a union that represents school bus drivers and matrons in New York City), pled guilty to extortion. Annunziata was indicted on February 26, 2010 for extorting cash payments from employers totaling at least \$500,000.

The plea follows an investigation by the OLMS New York District Office, the Department of Labor's Office of the Inspector General, and the FBI.

On July 29, 2010, in the United States District Court for the District of Minnesota, Cory A. Carroll, former Secretary Treasurer of Brotherhood of Locomotive Engineers and Trainmen (BLET) Regional and Shortline General Committee of Adjustment (GCA) (located in Albert Lea, Minn.), pled guilty to one count of embezzling union funds in the amount of \$35,362.41. On April 5, 2010, Carroll was indicted for the same offense. The plea follows an investigation by the OLMS Milwaukee District Office and Minneapolis Resident Investigator Office.

On July 28, 2010, in the United States District Court for the Western District of Michigan, Robbin R. Wolff, former bookkeeper of United Autoworkers (UAW) Local 383 (located in Benton Harbor, Mich.), pled guilty to one count of embezzling union funds in the amount of \$200,397.63 and to one count of falsifying union records. On July 23, 2010, Wolff was charged in an information with the same offenses. The plea follows an investigation by the OLMS Detroit District Office.

On July 28, 2010, in the United States District Court for the Southern District of New York, Lawrence DeAngelis, former Administrator/Trustee for Communications Workers of America (CWA) Local 14170, was sentenced to twelve months in prison and fined \$3,000 for theft of union funds in excess of \$60,000. The sentencing follows an investigation by the OLMS New York District Office.

On July 21, 2010, in the United States District Court for the Northern District of Ohio, Jeffrey Kenney, former Secretary-Treasurer for Graphic Communications International Union (GCIU) Local 205-C (located in Youngstown, Ohio), was sentenced to four months incarceration followed by two years of supervised release including four months of electronic monitoring. On May 14, 2010, Kenney pled guilty to embezzling more than \$10,000 in union funds and filing a false report. The sentencing follows an investigation by the OLMS Cleveland District Office.

On July 21, 2010, in the United States District Court for the Southern District of Ohio, Western Division, Gilbert Woods, former President of Communications Workers (CWA) Local 84-768 (located in Kettering, Ohio), pled guilty to one count of making false entries in union records. The plea follows an investigation by the OLMS Cincinnati District Office.

On July 20, 2010, in the United States District Court for the District of Minnesota, Edward Kobe, former General Chairman, United Transportation Union General Committee of Adjustment 325 (located in Duluth, Minn.), was sentenced to three months incarceration followed by two years supervised release, and ordered to pay restitution to the UTU GCA 325 in the amount of \$16,200, restitution to the Railroad Retirement Board in the amount of \$32,778.39, a fine of \$30,000, and a \$100 special assessment. On November 30, 2009, Kobe pled guilty to one count of embezzling union funds in the amount of \$16,200. The sentencing follows a joint investigation by the OLMS Minneapolis Resident Investigator Office and the Railroad Retirement Board's Office of the Inspector General.

On July 20, 2010, in the United States District Court for the Eastern District of Michigan, Andrew Blackmon, former President of Steelworkers Local 842 (located in Detroit, Mich.), pled guilty to one count of falsifying union records. On June 18, 2010, Blackmon was charged with the same offense. The plea follows an investigation by the OLMS Detroit District Office.

On July 20, 2010, in the United States District Court for the District of Alaska, Thomas Renkes, former Executive Director of the Alaska Nurses Association (AaNA) (located in Anchorage, Alaska), was sentenced to thirty-six months of probation and ordered to pay restitution in the amount of \$22,546 and a \$2,000 fine. On April 26, 2010, Renkes was charged with embezzling union funds. The sentencing follows an investigation by the OLMS Seattle District Office.

On July 16, 2010, in the United States District Court for the Eastern District of Oklahoma, Daniel Gibson, former President of American Federation of Government Employees (AFGE) Local 3266 (located in Sallisaw, Okla.), was sentenced to twelve months and one day in prison followed by 24 months of supervised release probation and was ordered to make restitution in the amount of \$33,986.39 and pay a

\$100 special assessment. On March 12, 2010, an information charged Gibson with making false statements. The sentencing follows an investigation by the OLMS Dallas District Office.

On July 15, 2010, in the United States District Court for the Southern District of Indiana, Stacey Spalding, former bookkeeper for Teamsters Local 215 (located in Evansville, Ind.), was sentenced to one year at a work release facility and two years probation, and was ordered to pay \$29,499 in restitution to Zurich Insurance of North America and \$100 in court fees. Additionally, Spalding was ordered to make restitution in the amount of \$1,597 for money diverted from various 401(k) accounts. On May 19, 2010, Spalding pled guilty to embezzling union funds in the amount of \$29,516. The sentencing follows an investigation by the OLMS Cincinnati District Office.

On July 13, 2010, in the Hennepin County District Court of Minnesota, Lucy Irene Hastings, former Recording Secretary of the American Federation of Government Employees (AFGE) Local 1969 (located in Minneapolis, Minn.), pled guilty and received a stay of imposition of sentence, three years probation, and was ordered to pay restitution. On April 30, 2010, Hastings was charged with theft of union funds in the amount of \$3,328.29. The plea and sentencing follows an investigation by the OLMS Minneapolis Resident Investigator Office.

On July 13, 2010, in United States District Court for the District of Colorado, Peter Maisel Jr., former Treasurer of Brotherhood of Maintenance of Way Employees (BMWEE) Local 1517 (located in Pueblo, Colo.), was sentenced to five years probation and ordered to pay restitution in the amount of \$9,514.79. On April 14, 2010, Maisel pled guilty to one count of embezzling union funds. The sentencing follows an investigation by the OLMS Denver District Office.

On July 13, 2010, in the United States District Court for the Northern District of Ohio, Brian Wilson, former Treasurer for AFSCME Local 2804 (located in Warren, Ohio), pled guilty to one count of embezzling union funds in the amount of \$10,500. The plea follows an investigation by the OLMS Cleveland District Office.

On July 12, 2010, in United States District Court for the District of Western Washington, Sid Mannetti, former President of AFGE Local 1170 (located in Seattle, Wash.), was sentenced to twenty-four months of probation with six months of home confinement and ordered to pay restitution in the amount of \$50,463. On January 25, 2010, Mannetti was charged with embezzling union funds in the same amount. The sentencing follows an investigation by the OLMS Seattle District Office.

On July 12, 2010, in the United States District Court for the Middle District of Florida, Anthony Green, former Vice President and Recording Secretary of Glass, Molders, Pottery, Plastics & Allied Workers (GMP) Local 208 (located in Bradenton, Fla.), pled guilty to making a false entry in a record or report required to be kept under the LMRDA. Green was ordered to pay Zurich North America the amount of \$2,550.00. The plea follows an investigation by the OLMS Tampa Resident Office.

On July 8, 2010, in Circuit Court for Arlington County, Virginia, Richard James, former President of AFGE Local 1402 (located in Arlington, Va.), pled guilty to one count of embezzlement greater than \$200 associated with his embezzling unions funds in the amount of \$1,550. James previously made restitution in the amount of \$9,850. The plea follows a joint investigation by the OLMS Washington District Office and the Arlington County Police Department.

On July 8, 2010, in the United States District Court for the District of New Jersey, Joseph Moon, former President of ATU Local 1626 (located in Edison, N. J.), was sentenced to five years of supervised probation and ordered to pay a \$25 fine. Also, Moon was ordered to make restitution to Local 1626 in the amount of \$14,285. On September 10, 2009, Moon pled guilty to one count of receiving an improper loan from a labor organization. Between April of 2004 and August of 2008, Moon obtained \$14,931 in unapproved loans from the local's checking account. The sentencing follows an investigation by the OLMS New York District Office.

On July 8, 2010, in the United States District Court for the District of Minnesota, Steven McDeld, former President of National Association of Letter Carriers (NALC) Branch 388 (located in St. Cloud, Minn.), was

sentenced to 90 days home confinement and five years probation, ordered to make restitution in the amount of \$51,639.61, and pay a \$100 special assessment. On March 24, 2010, McDeid pled guilty to embezzling union funds in the same amount. The sentencing follows an investigation by the OLMS Milwaukee District Office and Minneapolis Resident Investigator Office.

On July 6, 2010, in the United States District Court, Southern District of Indiana, Keith Hart, former Financial Secretary of Bakery Workers Local 315G (Mt. Vernon, Ind.), pled guilty to embezzling union funds in the amount of \$13,904.69. On June 3, 2009, Hart was indicted on one count of embezzlement of union funds in the same amount. The plea follows an investigation by the OLMS Cincinnati District Office.

On July 6, 2010, in the United States District Court, Southern District of Indiana, Keith Hart, former Financial Secretary of Bakery Workers Local 315G (located in Mt. Vernon, Ind.), pled guilty to one count of embezzling union funds in the amount of \$13,904. On June 3, 2009, Hart was charged with embezzling union funds in the same amount. The plea follows an investigation by the OLMS Cincinnati District Office.

On July 1, 2010, in the United States District Court for the Middle District of Florida, Woodrow Anderson, former Treasurer of Glass, Molders, Pottery, Plastics & Allied Workers Local 208 (located in Bradenton, Fla.), pled guilty to making a false statement of a material fact in a report or document required to be filed with the Secretary of Labor. Anderson was ordered to pay restitution of \$2,249.96 to Zurich North America. The plea follows an investigation by the OLMS Tampa Resident Office.

On July 1, 2010, in Fayette County (Indiana) Superior Court, Jeff Napier, former President of UAW Local 151 (located in Connersville, Ind.), was charged in an information with three counts of theft for knowingly or intentionally exerting unauthorized control over the property of the local. The charges were filed following an investigation by the OLMS Cincinnati District Office.

On June 29, 2010, in the United States District Court for the District of South Dakota, Paul Wyatt, former Financial Secretary-Treasurer of Stage and Picture Operators Local 220 (located in Sioux Falls, S.D.), pled guilty to one count of embezzling union funds in the amount of \$35,022.95. On May 4, 2010, Wyatt was indicted for embezzling union funds in the same amount. The plea follows an investigation by the OLMS Minneapolis Resident Investigator Office.

On June 25, 2010, in the United States District Court for the District of Columbia, Caleb Gray-Burriss, Treasurer of the National Association of Special Police and Security Officers (NASPSO), was indicted on four counts of mail fraud. Gray-Burriss is alleged to have spent at least \$102,000 of pension plan funds for his personal benefit, the union, and third parties. The indictment follows a joint investigation by the OLMS Washington District Office, the Department of Labor's Employee Benefits Security Administration, and the Department of Labor's Office of the Inspector General.

On June 24, 2010, in Hamilton County (Ohio) Court of Common Pleas, LaDonna Turner was sentenced to three years probation, and was ordered to undergo random drug screening and make restitution in the amount of \$15,800. On June 3, 2010, Turner pled guilty to three counts of forgery concerning checks belonging to Musicians Local 1 (located in Cincinnati, Ohio). The sentencing follows an investigation by the OLMS Cincinnati District Office.

On June 24, 2010, in the United States District Court for the Northern District of Illinois, Pamela Williams, former travel procurement coordinator of SEIU Local 880 (located in Chicago, Ill.), was sentenced to five years probation, five months of electronic monitoring/home confinement (except for work), and ordered to pay restitution in the amount of \$6,080.06. Also, Williams was ordered to perform 300 hours of community service and pay a special assessment of \$100. On March 25, 2010, Williams pled guilty to embezzling union funds in the amount of \$6080.06. The sentencing follows an investigation by the OLMS Chicago District Office.

On June 23, 2010, in the United States District Court for the Northern District of Indiana, Richard D. Schwab, former Secretary-Treasurer of UTU Local 298 (located in Fort Wayne, Ind.), was sentenced to two years probation and six months electronic monitoring, and he was ordered to pay restitution in the amount of \$4,719.57 and a special assessment off \$100. Schwab previously made restitution in the

amount of \$42,009. On February 25, 2010, Schwab pled guilty to embezzling union funds in the amount of \$46,728. The sentencing follows an investigation by the OLMS Chicago District Office.

On June 23, 2010, in United States District Court for the District of Alaska, Kevin McGee, former President of AFGE Local 3028 (located in Anchorage, Alaska), was sentenced to eighteen months of probation with thirty days of home confinement, and ordered to pay a \$2,400 fine in addition to a restitution payment of \$2,400. On February 26, 2010, McGee pled guilty to making a false representation in a federal form. The sentencing follows an investigation by the OLMS Seattle District Office.

On June 22, 2010, in the 22ND Judicial District Court of Washington Parish, Louisiana, Keith Knight, former Secretary Treasurer of Steelworkers Local 13-1362 (located in Bogalusa, La.), was sentenced to three years of supervised probation, and was ordered to pay \$43,000 restitution, a fine of \$500, monthly supervision fees, and court fees. On June 22, 2010, Knight pled guilty to theft over \$500. The sentencing follows an investigation by the OLMS New Orleans District Office and the Louisiana State Police.

On June 22, 2010, in the United States District Court for the Eastern District of Wisconsin, an information was filed charging Paula S. Dorsey, former President of AFSCME District Council 48 (located in Milwaukee, Wis.), with one count of embezzlement of funds in the amount of \$532.50. The charge follows an investigation by the OLMS Milwaukee District Office.

On June 21, 2010, in the United States District Court for the Central District of California, Jimmie Leo Miles, former Secretary-Treasurer of International Brotherhood of Electrical Workers (IBEW) Local 1023 (Barstow, Calif.), pled embezzling union funds and filing a false tax return. As part of his plea, Miles must pay \$93,284 in restitution to the union and \$14,466 to the IRS, file amended tax returns, and pay the cost of prosecution. The plea follows an investigation by the OLMS Los Angeles District Office.

On June 18, 2010, in the state of Washington, county of Skagit, Elizabeth Mills, former bookkeeper of the Laborers Local 901 (located in Mount Vernon, Wash.), was charged with theft in the first degree of funds in the amount of \$7,721. The charge follows an investigation by the OLMS Seattle District Office.

On June 18, 2010, in the United States District Court for the District of Columbia, a criminal information was filed charging former Teamsters Organizer Joe Ann Duffy with one count of embezzling union funds in the amount of \$13,738. The information follows an investigation by the OLMS Washington District Office.

On June 18, 2010, in the United States District Court for the Southern District of Iowa, John A. Mannenga, former Recording Secretary-Treasurer of Railroad Signalmen Local 98 (located in Norwalk, Iowa), was sentenced to four months of home confinement, three years of supervision, and restitution of \$5,242.60 for embezzling union funds in the amount of \$14,042. The sentencing follows an investigation by the OLMS St. Louis District Office.

On June 17, 2010, in the United States District Court for the Western District of Michigan, David Miller, former Treasurer of Litchfield Independent Workers Union Local 373 (located in Litchfield, Mich.), was sentenced to 13 months incarceration followed by two years of supervised release, and ordered to make restitution in the amount of \$50,501.99 and pay a \$100 special assessment. On March 8, 2010, Miller pled guilty to embezzling union funds in the amount of \$50,501.99. The sentencing follows an investigation by the OLMS Detroit District Office.

On June 15, 2010, in the United States District Court for the Eastern District of Oklahoma, Donna Cooper, former Business Manager for Laborers Local 888 (located in Muskogee, Oklahoma), was indicted for embezzling union funds. Cooper is alleged to have used Local 888's ATM card to make unauthorized cash withdrawals and purchases totaling \$69,322. The indictment follows an investigation by the OLMS Dallas District Office.

On June 14, 2010, in the United States District Court for the Eastern District of Michigan, Jerrold King, former President of Steelworkers Local 842 (located in Detroit, Mich.), pled guilty to one count of concealing union records. On March 4, 2010, King was charged with the same offense. The plea follows an investigation by the OLMS Detroit District Office.

On June 11, 2010, in the United States District Court for the Eastern District of Michigan, an information was filed charging Barbara Jean Gallagher, former Financial Secretary of Steelworkers Local 2-1007 (located in Howell, Mich.), with one count of making a false statement of a material fact on the union's 2005 annual financial report. The information follows an investigation by the OLMS Detroit District Office.

On June 8, 2010, in the United States District Court for the Western District of Wisconsin, Kathy Oatman, former Secretary-Treasurer of UNITE HERE Local 228 (located in Eau Claire, Wis.), pled guilty to one count of embezzling union funds in excess of \$4,000. As part of her plea, Oatman will make restitution in the amount of \$4,662. The plea follows an investigation by the OLMS Minneapolis Resident Office.

On June 4, 2010, in the United States District Court for the Eastern District of Missouri, Aaron Hunter, former President of Firefighters Local 108F (located in Fort Leonard Wood, Mo.), was charged with one count of making false statements to conceal his embezzlement of union funds. Hunter then pled guilty to the charge. The charge and plea follows an investigation by the OLMS St. Louis District Office.

On June 3, 2010, in the Hamilton County (Ohio) Court of Common Pleas, Ladonna Turner pled guilty in to three counts of forgery associated with checks belonging to Musicians Local 1 (located in Cincinnati, Ohio). The plea follows an investigation by the OLMS Cincinnati District Office.

On June 3, 2010, in United States District Court for the District of South Dakota, Terri Dunkelberger, former Financial Secretary Treasurer of Amalgamated Transit Union (ATU) Local 1356 (located in Sioux Falls, S.D.), was indicted on one count of embezzling union funds in the approximate amount of \$24,148.98. The charge follows an investigation by the OLMS Minneapolis Resident Investigator Office and Milwaukee District Office.

On June 3, 2010, in the Ashtabula County, Ohio, Court of Common Pleas, Stephanie Marhefka, former Financial Secretary of Steelworkers Local 905 (located in Niles, Ohio), was indicted on one count of theft in the amount of \$1,500.13 and one count of tampering with evidence. The charges follow an investigation by the OLMS Cleveland District Office.

On June 1, 2010, in the United States District Court for the Western District of Pennsylvania, Thomas Carrola, former Secretary-Treasurer of the International Brotherhood of Electrical Workers (IBEW) Local 1919 (located in Pittsburgh, Pa.), pled guilty to one count of embezzling union funds in the amount of \$35,057 and falsifying union records. The plea follows an investigation by the OLMS Pittsburgh District Office.

On May 27, 2010, in the United States District Court for the District of Nevada, Cheryl Staley, former dues clerk of Operating Engineers Local 501 (located in Los Angeles, Calif.), pled guilty to a two-count information charging her with embezzling union funds in the amount of \$231,653.89 and falsifying records. The plea follows an investigation by the OLMS Los Angeles District Office.

On May 26, 2010, in the United States District Court for the Southern District of Ohio, Gilbert Woods, former President of Communications Workers of America (CWA) Local 84-768 (located in Kettering, Ohio), was charged with making false entries in union records. The charge follows an investigation by the OLMS Cincinnati District Office.

On May 20, 2010, in the United States District Court for the Middle District of Pennsylvania, Gary Day, former Field Representative of Laborers Local 1180 (located in Harrisburg, Pa.), was sentenced to three years probation and was ordered to pay restitution in the amount \$10,518.00 and a special assessment of \$100.00. On January 22, 2010, Day pled guilty to an information charging him with embezzling union funds in the amount of \$10,518.00. The sentencing follows an investigation by the OLMS Philadelphia District Office.

On May 20, 2010, in the United States District Court for the Northern District of California, Curtis Iwatsubo, former Financial Secretary-Treasurer of Glass Molders Plastics Local 52 (located in Santa Clara, Calif.), pled guilty to one count of embezzling union funds in the amount of \$48,434.50. On March 24,

2010, Iwatsubo was charged with embezzling union funds in the same amount. The plea follows an investigation by the OLMS San Francisco District Office.

On May 20, 2010, in the Municipal Court of Stark County, Ohio, Crystal Lynn Croston, former office secretary for Laborers Local 1015 (located in Canton, Ohio), was charged with theft in the amount of \$1,344.08. The charge follows an investigation by the OLMS Cleveland District Office.

On May 20, 2010, in the United States District Court for the Western District of New York, Joseph Kerwan, Business Manager/Financial Secretary-Treasurer of Sheet Metal Workers Local 112 (located in Elmira, N.Y.), pled guilty to falsification of union records. As part of his plea, Kerwan will make restitution in the amount of \$6,927.55. The plea follows an investigation by the OLMS Buffalo District Office.

On May 19, 2010, in the United States District Court for the Northern District of Ohio, Lisa Wright, former Treasurer of Transit Employees Union (located in Bedford, Ohio), was sentenced to three years probation and ordered to make restitution in the amount of \$71,470.50. On February 12, 2010, Wright pled guilty to embezzlement of union funds. The sentencing follows an investigation by the OLMS Cleveland District Office.

On May 19, 2010, in the United States District Court for the District of Montana, Tammy Smith, former office secretary for Painters Local 1922 (located in Billings, Mont.), was sentenced to 30 months of probation, and was ordered to pay restitution in the amount of \$11,175.43, an assessment of \$100, and a fine of \$500. On March 31, 2010, Smith pled guilty to embezzling union funds in the amount of \$11,175.43. The sentencing follows an investigation by the OLMS Denver District Office.

On May 19, 2010, in the United States District Court for the Southern District of Indiana, Stacey Spalding, former bookkeeper of Teamsters Local 215 (located in Evansville, Ind.), pled guilty to embezzling union funds in the amount of \$29,516. The plea follows an investigation by the OLMS Cincinnati District Office.

On May 18, 2010, in General District Court for Arlington County, Virginia, Richard James, former President of AFGE Local 1402, was charged with embezzling union funds in the amount of \$1,550. The charge follows an investigation by the OLMS Washington District Office.

On May 17, 2010, in the United States District Court for the District of New Jersey, Shawn Clark, former Business Agent of Carpenters Local 455 (located in Somerville, N.J.), was found guilty on fifteen counts of embezzling union funds and conspiracy to improperly spend the funds of Local 455 for his own personal use and the use of others, approximately during the period of December 2000 through December 2007. On June 17, 2009, Clark was indicted on sixteen counts of embezzling union funds in excess of \$85,000 and conspiracy to improperly spend the funds of Local 455. The verdict follows an investigation by the OLMS New York District Office.

On May 14, 2010, in the United States District Court for the Northern District of Ohio, Jeffrey Kenney, former Secretary Treasurer of Graphic Communications Local 205-C (located in Youngstown, Ohio), pled guilty to embezzling union funds in the amount of \$10,305.70 and of filing a false financial report. The plea follows an investigation by the OLMS Cleveland District Office.

On May 12, 2010, in the United States District Court for the Eastern District of Wisconsin, Warren Demmin, former President of Boilermakers Local Lodge 449 (located in Sturgeon Bay, Wis.), was sentenced to four months incarceration, four months electronic monitoring, three years probation, and was ordered to pay a \$100 special assessment. Demmin previously made restitution in the amount of \$14,045.48. On February 11, 2010, Demmin pled guilty to embezzling union funds in the amount of \$169.12. The sentencing follows an investigation by the OLMS Milwaukee District Office.

On May 12, 2010, in the United States District Court for the District of New Jersey, Patrick James Brennan, former Business Manager and Secretary Treasurer of International Union of Painters and Allied Trades District Council 711 (located in Egg Harbor Township, N.J.), pled guilty to three counts of embezzlement of union funds. Brennan used the District Council's credit card for his own benefit and

personal use and that of others in the amount of \$4,862.12; converted to his own use and the use of others the District Council's property, specifically a union vehicle worth approximately \$11,000, and issued himself unauthorized holiday bonuses between December 22, 2004 and December 14, 2006 totaling \$8,652. The plea follows an investigation by the New York District Office.

On May 12, 2010, in the United States District Court for the Western District of Wisconsin, an information was filed charging Kathy Oatman, former Secretary-Treasurer of Workers United Local 228 (located in Eau Claire, Wis.), with embezzlement of union funds in excess of \$4,000. The charge follows an investigation by the OLMS Minneapolis Resident Office.

On May 11, 2010, in Hamilton County (Ohio) Court of Common Pleas, Donald Woods, former President of AFSCME Local 217 (located in Cincinnati, Ohio), pled guilty to one count of theft of union funds in the amount of \$500.00 or more. Woods was then sentenced to six months probation. Woods previously made restitution in the amount of \$1,376. The plea and sentencing follow an investigation by the OLMS Cincinnati District Office.

On May 11, 2010, in the United States District Court for the Eastern District of Michigan, an information was filed charging Oscar Gatewood, former President of Steelworkers Local 842 (located in Detroit, Mich.), with one count of concealing union records. The information follows an investigation by the OLMS Detroit District Office.

On May 11, 2010, in the United States District Court for the Western District of Pennsylvania, Antonio Jordan, former Secretary-Treasurer of Communications Workers Local 38187 (located in Erie, Pa.), was charged with embezzling union funds in the amount of \$8,767.40. The charge follows an investigation by the OLMS Pittsburgh District Office.

On May 6, 2010, in the United States District Court for the Northern District of Indiana, Loretta Brown, former Secretary-Treasurer of AFSCME Local 3491 (located in Gary, Ind.), was indicted on two counts of embezzling union funds in the amount of \$1,225. The indictment follows an investigation by the OLMS Chicago District Office.

On May 4, 2010, in United States District Court for the District of South Dakota, Paul Wyatt, former President/Business Manager of Stage and Picture Operators (IATSE) Local 220 (located in Sioux Falls, S.D.), was indicted on one count of embezzlement of union funds in the approximate amount of \$35,022.95. The charge follows an investigation by the OLMS Minneapolis Resident Investigator Office.

On May 3, 2010, in United States District Court for the District of Oregon, Michele Pedersen, former Treasurer of AFSCME Local 2746 (located in Astoria, Ore.), was sentenced to three years supervised release and ordered to pay a \$25 special assessment penalty. Pedersen previously made restitution in the amount of \$8,509. On May 3, 2010, Pedersen pled guilty to falsification of an annual financial report. The sentencing follows an investigation by the OLMS Seattle District Office.

On April 30, 2010, in the County Court of Woodbury, Iowa, Stanley Teasley, former Secretary-Treasurer of Machinists Local 1426 (located in Sioux City, Iowa), was sentenced to ten years in prison for theft of union funds in the amount of \$17,525. The sentencing follows an investigation by the OLMS St. Louis District Office.

On April 30, 2010, in the District Court of Hennepin County, Minnesota, Lucy Irene Hastings, former Recording Secretary of AFGE Local 1969 (located in Minneapolis, Minn.), was charged with theft by swindle of over \$1,000. Hastings is alleged to have taken union funds in the amount of \$3,328.29. The charge follows an investigation by the OLMS Minneapolis Resident Investigator Office.

On April 28, 2010, in the United States District Court of Nevada, Aundrea Valerio, Stacy Johnson and Aurora Rios, former employees of Laborers Local 872 (located in Las Vegas, Nev.), were indicted on charges of embezzling union funds and multiple counts of falsifying union records. Valerio was charged with embezzling approximately \$13,500, Johnson was charged with embezzling approximately \$45,500, and Rios was charged with embezzling approximately \$167,500. The indictments follow an investigation

by the OLMS Los Angeles District Office.

On April 28, 2010, in the 60th District Court of Muskegon County, Michigan, a misdemeanor complaint was filed charging Jamie Nielsen, former President of National Association of Letter Carriers (NALC) Branch 13 (located in Muskegon, Mich.), with one count of embezzlement of \$200 or more but less than \$1,000. The charge follows an investigation by the OLMS Detroit District Office.

On April 27, 2010, in the United States District Court for the Central District of California, Joan Boucher, former Treasurer of Staff Union Local 399 (located in Los Angeles, Calif.), was indicted for embezzling union funds in the amount of \$11,845. The indictment follows an investigation by the OLMS Los Angeles District Office.

On April 26, 2010, in the United States District Court for the District of Alaska, Thomas Renkes, former Executive Director of the Alaska Nurses Association was charged with the embezzlement of union funds. The charge follows an investigation by the OLMS Seattle District Office.

On April 23, 2010, in the Hamilton County (Ohio) Court of Common Pleas, Britton Russia pled guilty to six counts of forging union checks belonging to Musicians Local 1 (located in Cincinnati, Ohio). Russia was sentenced to one year of incarceration. The plea and sentencing follows an investigation by the OLMS Cincinnati District Office.

On April 23, 2010, in the United States District Court for the Southern District of New York, Lawrence DeAngellis, former Administrator/Trustee of Communications Workers of America (CWA) Local 14170 (located in New York, N.Y.), pled guilty to one count of embezzling union funds in excess of \$60,000. The plea follows an investigation by OLMS New York District Office.

On April 22, 2010, in the United States District Court for the Middle District of Florida, Karl Youngerman, Woodrow Anderson and Anthony Green, former President, Treasurer and Recording Secretary, respectively, of Glass, Molders, Pottery, Plastics & Allied Workers (GMP) Local 208 (located in Bradenton, Fla.), were indicted on charges of conspiracy to defraud the United States, six counts of embezzling union assets, making false statements and entries and filing false reports. The indictments follow an investigation by the OLMS Tampa Residence Office.

On April 21, 2010, in the United States District Court for the Southern District of New York, Wayne Mitchell, former President of Communications Workers of America (CWA) Local 14170 (located in New York, N.Y.), pled guilty to one count of embezzling union funds in an amount between \$200,000 and \$400,000. On December 14, 2009, Mitchell was charged with embezzling union funds in the amount of \$200,000. The plea follows an investigation by OLMS New York District Office.

On April 20, 2010, in the United States District Court for the Southern District of Mississippi, Rebecca Ann James, former Financial Secretary Treasurer of International Guards Union of America (IGUA) Local 123 (located in Port Gibson, Miss.), was sentenced to three years of supervised probation and ordered to pay restitution in the amount of \$11,027.30 and a special assessment of \$100. On January 12, 2010, James pled guilty to one count of embezzling union funds in the amount of \$11,147. The sentencing follows an investigation by the OLMS New Orleans District Office.

On April 20, 2010, in the United States District Court for the Northern District of New York, Kelly J. Fahrenkopf, former Vice President of AFSCME, Civil Service Employees Association (CSEA), Local 316 (located in West Coxsacke, N.Y.) pled guilty to one count of embezzling over \$11,500 in union funds between August 2006 and March 2007. The plea follows an investigation by the OLMS Buffalo District Office.

On April 20, 2010 in the United States District Court, Northern District of Ohio, Jackle Kiedrowicz, former President of Steelworkers Local 1200 (located in Canton, Ohio) was sentenced to two years probation, ordered to pay a \$2,000 fine and perform 200 hours of community service. On February 1, 2010, Kiedrowicz pled guilty to one count of embezzling union funds in the amount of \$16,782.40. The sentencing follows an investigation by the OLMS Cleveland District Office.

On April 15, 2009, in the United States District Court for the Western District of Pennsylvania, Christine S. Throckmorton, a former office secretary/bookkeeper for the Hotel Employees Restaurant Employees (HERE) Local 57 (located in Pittsburgh, Pa.), was sentenced to four years probation and ordered to pay restitution in the amount of \$9,674.95 and a special court assessment of \$100. On December 4, 2009, Throckmorton pled guilty to one count of embezzling union funds totaling \$9,675.95. The sentencing follows an investigation by the OLMS Pittsburgh District Office.

On April 13, 2010, in the United States District Court for the District of Minnesota, Joe Self, former President of Steelworkers Local 771 (located in Fort Worth, Texas) was sentenced to five years of probation, ordered to pay \$37,571.09 in restitution and a \$50 special assessment. On November 26, 2008, Self pled guilty to destruction of union records. This sentencing follows an investigation by the OLMS Dallas District Office.

On April 12, 2010, in the District Court of Lenawee County, Michigan, Kimberley Smith, former Financial Secretary of Auto Workers Local 2031 (located in Adrian, Mich.), was sentenced to five days in county jail, 15 days at a work release facility and 2 years probation. Smith was also ordered to pay restitution in the amount of \$1,951.87 and a fine of \$450. On March 3, 2010, Smith pled guilty to one count of embezzlement of \$200 or more but less than \$1,000. The sentencing follows an investigation by the OLMS Detroit District Office.

On April 12, 2010, in the Clinton County (Ohio) Court of Common Pleas, Daniel Graves, former President of Teamsters Local 1224 (located in Wilmington, Ohio), was indicted on one count of theft in the amount of \$2,867.42. The charges follow an investigation by the OLMS Cincinnati District Office.

On April 8, 2010, in the United States District Court for the Eastern District of Missouri, Sherrell Mitchell, former Secretary-Treasurer of Communications Workers of America (CWA) Local 86823 (located in St. Louis Mo.), was sentenced to six months of home confinement, 200 hours of community service and five years of probation, ordered to pay restitution in the amount of \$110,139.12 and a \$100 special assessment. On January 5, 2010, Mitchell pled guilty to embezzling union funds in the same amount. The sentencing follows an investigation by the OLMS St. Louis District Office.

On April 7, 2010, in the United States District Court for the Eastern District of Missouri, Angela Jones, the former President of Laborers Local 509 (located in St. Louis, Mo.), was sentenced to 100 hours of community service and placed on one year of probation. On February 16, 2010, Jones was charged with one count of making false entries in union records. The sentencing follows an investigation by the OLMS St. Louis District Office.

On April 5, 2010, in United States District Court for the District of Minnesota, Corry Carroll, Secretary-Treasurer of the Brotherhood of Locomotive Engineers and Trainmen (BLET), General Committee of Adjustment (located in Albert Lea, Minn.), was indicted for embezzling union funds in the amount of approximately \$35,000. The indictment follows an investigation by the Milwaukee District Office and Minneapolis Resident Office.

On April 1, 2010, in the United States District Court for the Western District of Louisiana, David M. Matthis, former Secretary Treasurer of American Postal Workers Union (APWU) Local 205 (located in Alexandria, La.), was sentenced to three years of supervised probation, 200 hours of community service, ordered to pay restitution in the amount of \$7,222.57, ordered to pay a fine in the amount of \$7,000 and a special assessment of \$100. On December 17, 2009, Matthis pled guilty to one count of embezzling union funds in the amount of \$5,472.61. The sentencing follows an investigation by the OLMS New Orleans District Office.

On April 1, 2010, in the United States District Court for the Eastern District of Tennessee, Linda Tickle, former office manager of Machinists Locals 56 and 1458 (located in Chattanooga, Tenn.), was sentenced to five months imprisonment, three years probation, a \$200 assessment, and ordered to pay restitution in the amount of \$40,048.72. On March 29, 2010, Tickle pled guilty to two counts of embezzlement union funds in the amount of \$40,048.72. The sentencing follows an investigation by the OLMS Nashville District

Office.

On March 30, 2010, in the United States District Court for the Southern District of Indiana, Stacy Spalding, former bookkeeper of Teamsters Local 215 (located in Evansville, Ind.), was charged with embezzlement of union funds in the amount of \$29,516. The charges follow an investigation by the OLMS Cincinnati District Office.

On March 29, 2010 in the United States District Court for the Northern District of Illinois, Lawrence White, former President of United Electrical Radio & Machine Workers Local 1110 (located in Chicago, Ill.), pled guilty to one count of willfully concealing and causing false entries in union records. On September 1, 2009 White was charged with the same offense. The plea follows an investigation by the OLMS Chicago District Office.

On March 29, 2010, in the United State District Court for the Central District of California, Rosa Miriam Della Porta, former bookkeeper of International Longshoremen's and Warehousemen's Union (ILWU) Local 26 (located in Los Angeles, Calif.), was sentenced to 21 months in prison, three years of supervised release, ordered to pay restitution in the amount of \$47,898 to Local 26 and \$ 73,577 to Fidelity and Deposit Company of Maryland, ordered to pay a assessment fee in the amount of \$100.00. On April 1, 2009, Della Porta was found guilty of embezzling union funds in the amount of \$123,475. The sentencing follows an investigation by OLMS Los Angeles District Office. (Investigator Roberto Gonzalez)

On March 24, 2010, in the Superior Court of Cobb County, Georgia, Johnny L. Banes, former-Financial-Secretary of the United Steelworkers of America, Local 2401 (located in Mableton, Ga.), pled guilty to one count of theft by taking of union funds in the amount of \$38,329. Banes was then sentenced to ten years probation and ordered to pay restitution in the same amount. The sentencing follows an investigation by the OLMS Atlanta District Office.

On March 24, 2010, in the United States District Court for the Northern District of California, Curtis Iwatsubo, former Financial Secretary-Treasurer of Glass, Molders, Pottery, Plastics & Allied Workers (GMP) Local 52 (located in Santa Clara, Calif.), was indicted on one count of embezzling over \$47,000 in union funds and one count of making false statements to a government agency. The indictment follows an investigation by the OLMS San Francisco District Office.

On March 24, 2010, in the United States District Court for the District of Minnesota, Steven J McDeid, former President of National Association of Letter Carriers Branch 388 (located in St. Cloud, Minn.), pled guilty to one count of embezzling union funds in the amount of \$51,639.61. On March 5, 2010, McDeid was charged in an information with one count of embezzling union funds in the same amount. The plea follows an investigation by the OLMS Milwaukee District Office and Minneapolis Resident Investigator Office.

On March 23, 2010, in the United States District Court for the Southern District of Mississippi, Ron D. Quinn, former President of IGUA Local 123 (located in Port Gibson, Miss.) was sentenced to six months home confinement with electronic monitoring, three years probation and ordered to pay restitution in the amount of \$11,027 and a \$100 special assessment. The sentencing follows an investigation by OLMS New Orleans District Office.

On March 22, 2010, in the United States District Court for the Northern District of Illinois, William Dugan, former President of Operating Engineers Local 150 (located in Countryside, Ill.) pled guilty to one count of accepting and receiving the delivery of concrete buffalo feeders (value of over \$900) from an employer whose employees the union represents. On March 10, 2010, an information filed charging Dugan with a misdemeanor count of receiving and accepting a thing of value from an employer whose employees were represented by the union in which the he was an officer. The plea follows a joint investigation by the OLMS Chicago District Office, the Department of Labor's Office of Inspector General, the Department of Labor's Employment Benefit Security Administration, and the FBI.

On March 18, 2010, in the United States District Court for the Northern District of Indiana, Karen Snelling, former Treasurer of Communication Workers Local 34014 (located in Gary, Ind.), was sentenced

to three years of probation, six months of home detention with electronic monitoring, ordered to pay restitution in the amount of \$15,000 to Zurich North American Insurance Company and \$3,100 to the union and ordered to pay a special assessment of \$100. On December 10, 2009, Snelling pled guilty to one count of embezzling union funds in the amount of \$18,100. The sentencing follows an investigation by the OLMS Chicago District Office and Department of Labor's Office of Inspector General.

On March 17, 2010, in the United States District Court for the District of Oregon, Toni Lancaster, former office manager of the Carpenters Independent Local 711 (located in Portland, Ore.), was charged with seven counts embezzling union funds in the amount of \$68,403 and one count of falsification and concealment of labor union financial documents. The charges follow an investigation by the OLMS Seattle District Office.

On March 17, 2010, in the United States District Court for the District of Oregon, Charles Owens, former Financial Secretary of Carpenters Independent Local 2791 (located in Scio, Ore.), was charged with ten counts of embezzling union funds in the amount of \$65,791. The charges follow an investigation by the OLMS Seattle District Office.

On March 17, 2010, in the United States District Court for the District of Oregon, Michele Pedersen, former Treasurer of AFSCME Local 2746 (located in Astoria, Ore.), was charged with five counts of embezzling a union funds in the amount of \$8,509 and three counts of falsification of an annual financial report filed by a labor union. The charges follow an investigation by the OLMS Seattle District Office.

On March 17, 2010, in the United States District Court for Southern District of Texas, Frankie Sanders, former Southern Regional Coordinator for the American Postal Workers Union (located in Houston, Texas), was indicted on one count of wire fraud in the amount of \$1,753.78 and one count of embezzling union funds in the amount of \$10,078.40. The charges follow an investigation by the OLMS Houston Resident Investigator Office.

On March 16, 2010, in the United States District Court for the Western District of Pennsylvania, Barbara Patton, the former President and Vice President of the American Postal Workers Union, Local 4469 (located in Johnstown, Pa), was charged with one count of embezzling union funds in the amount of \$2,015.78. The charge follows an investigation by the OLMS Pittsburgh District Office.

On March 16, 2010, in Hamilton County (Ohio) Court of Common Pleas, Lavinia Smith was sentenced to 180 days incarceration, suspended, and placed on probation for one year for attempted forgery of checks belonging to Musicians Local 1 (located in Cincinnati, Ohio). Additionally, Smith was ordered to make restitution in the amount of \$2500, pay court costs, and cooperate in a related case. The sentencing follows an investigation by the OLMS Cincinnati District Office.

On March 11, 2010, in the United States District Court for the Western District of Pennsylvania, David Come, former Vice President and Assistant Business Manager of the International Brotherhood of Electrical Workers (IBEW) Local 1919 (located in Pittsburgh, Pa), pled guilty to submitting false expense vouchers to the union from January 2006 to January 2007. Come was then sentenced to nine months probation and ordered to pay restitution in the amount of \$2,850.83. The plea and sentencing follows an investigation by the OLMS Pittsburgh District Office.

On March 11, 2010, in the United States District Court for the District of Montana, Laura A. Brown, former President and Treasurer of the American Federation of Teachers (AFT) Local 5095 (located in Butte, Mont.), was sentenced to five years probation on one count of embezzling union funds. Brown was ordered to make restitution, pay a special assessment of \$100 and repay the cost of mental health and substance abuse treatment directed by the probation office. On November 12, 2009, Brown pled guilty to one count of embezzling union funds totaling \$7,731.54. The sentencing follows an investigation by the OLMS Denver District Office.

On March 11, 2010, in the Hamilton County (Ohio) Court of Common Pleas, Cassandra Brown, former Secretary-Treasurer of Boilermakers Lodge 68-M (located in Cincinnati, Ohio), was indicted on one count of theft of union funds in the amount of \$500 or more. The indictment follows an investigation by the

OLMS Cincinnati District Office.

On March 11, 2010, in the Hamilton County (Ohio) Court of Common Pleas, Donald Woods, President of AFSCME Local 217 (located in Cincinnati, Ohio), was indicted on one count of theft of union funds in the amount of \$500.00 or more. The indictment follows an investigation by the OLMS Cincinnati District Office.

On March 8, 2010, in the United States District Court for the District of South Carolina, Christina Geathers, former Financial Secretary/Treasurer of Steelworkers Local 357 (located in Georgetown, S.C.), was sentenced to three years of supervised release, sixteen months of home confinement with electronic monitoring, ordered to pay restitution in the amount of \$25,444.68 to the union and \$10,000 to Zurich Insurance Company, and ordered to pay a special assessment of \$100. On August 11, 2009, Geathers pled guilty to one count of embezzling union funds in the amount of \$36,865.18. The sentencing follows an investigation by the OLMS Atlanta District Office.

On March 8, 2010, in the United States District Court for the Western District of Michigan, David Miller, former Treasurer of Litchfield Independent Workers Union Local 373 (located in Litchfield, Mich.), pled guilty to one count of embezzling union funds in the amount of \$50,501.99. On January 6, 2010, Miller was indicted on one count of embezzling union funds in the same amount. The plea follows an investigation by the OLMS Detroit District Office.

On March 5, 2010 in the United States District Court, District of Minnesota, an information was filed charging Steven J McDeid, former President of National Association of Letter Carriers Branch 388 (located in St. Cloud, Minn.), with one count of embezzling \$51,639.61. The charge follows an investigation by the OLMS Milwaukee District Office and Minneapolis Resident Office.

On March 4, 2010, in the United States District Court for the Eastern District of Michigan, an information was filed charging Jerrold King, former President of Steelworkers Local 842 (located in Detroit, Mich.), with one count of concealing union records. The information follows an investigation by the OLMS Detroit District Office.

On March 2, 2010, in the United States District Court for the Eastern District of Michigan, Brenda Bywater, former Treasurer of American Federation of State, County, and Municipal Employees (AFSCME) Local 100 (located in Pontiac, Mich.), pled guilty to one count of making false entries in union records. On December 16, 2009, an information was filed charging Bywater with the same offense. The plea follows an investigation by the OLMS Detroit District Office.

On February 25, 2010, in the United States District Court for the Northern District of Indiana, Richard Schwab, former Financial Secretary-Treasurer of United Transportation Union Local 298 (located in Fort Wayne, Ind.), pled guilty to one count of embezzling union funds in the amount of \$46,472. The plea follows an investigation by the OLMS Chicago District Office.

On February 25, 2010, in the United States District Court for the Eastern District of Wisconsin, Timmy R. Peltier, former Secretary Treasurer of Independent Loomis Security Employees Union (located in Cudahy, Wis.), pled guilty to making a false statement or representation of a material fact on the union's 2006 and 2007 annual financial reports. Peltier was then sentenced to three years probation and ordered to pay \$6,237 in restitution and a \$50 special assessment. The plea and sentencing follows an investigation by the OLMS Milwaukee District Office.

On February 24, 2010, in the United States District Court for the Southern District of New York, Warren Joseph Annunziata, Executive Director of United Craft and Industrial Workers Local 91 (located in New York, N.Y.), was charged with extortion and receiving unlawful labor payments. The charge follows a joint investigation by the OLMS New York District Office and the Department of Labor's Office of Inspector General.

On February 18, 2010, in the United States District Court for the Northern District of Alabama, Herman Peoples, former Financial Secretary of Security Police, Fire Professionals, Ind., Local 598 (located in

Roseville, Miss.), pled guilty to one count of embezzling union funds in the amount of \$10,690 and was sentenced to 24 months probation and ordered to pay a \$100 special assessment. The sentencing follows an investigation by the OLMS Nashville District Office.

On February 19, 2010, in Goodhue County (Minnesota) District Court, Michelle Lyn Adler, former treasurer of Government Security Officers Local 24 (located in Redwing, Minn.), pled guilty to theft of more than \$1,000, but not more than \$5,000. Adler was then sentenced to two years probation and ordered to pay \$1,700 in restitution, a \$200 fine, and an \$83 surcharge. The plea and sentencing follows an investigation by the OLMS Minneapolis Resident Office.

On February 17, 2010, in the United States District Court for the Northern District of Illinois, an information was filed charging Pamela Williams, former travel/procurement coordinator of Service Employees Union Local 880 (located in Chicago, Ill.), with one count of embezzling union funds in the amount of \$6,080. The charge follows an investigation by the OLMS Chicago District Office.

On February 17, 2010, in Olmsted County (Minnesota) District Court, a felony complaint was filed charging Jeffrey Ver Meer, former Treasurer of AFGE Local 169 (located in Rochester, Minn.), with one count of theft-value over \$5,000. The charge follows an investigation by the OLMS Minneapolis Resident Office.

On February 16, 2010, in the United States District Court for the Western District of New York, Thomas Pokrywczynski, former Treasurer of the Transit Union's New York State Legislative Conference Board and former Financial Secretary-Treasurer of Transit Union Local 1342 (located in Buffalo, N.Y.), pled guilty to embezzling approximately \$71,000 from Transit Union, Local 1342 and approximately \$183,000 from the Transit Union's New York State Legislative Conference Board between January 2002 and March 2008 while serving as treasurer of both labor organizations. On August 21, 2009, Pokrywczynski was charged with embezzling \$277,548.72 from the two labor organizations. The plea follows an investigation by the OLMS Buffalo District Office.

On February 16, 2010, in the United States District Court for the Eastern District of Missouri, Angela Jones, the former President of Laborers' Local 509 (located in St. Louis, Mo.), was charged with one count of making false entries in union records related to her misuse of \$5,000 in union funds. The charge follows an investigation by the OLMS St. Louis District Office.

On February 12, 2010, in the United States District Court, Northern District of Ohio, Lisa Wright, former Secretary-Treasurer for the Transit Employees Union (located in Bedford, Ohio), plead guilty to one count of embezzling \$71,470.50. The plea follows an investigation by the OLMS Cleveland District Office.

On February 11, 2010, in the United States District Court for the Southern District of New York, Anthony Rumore, former President of Teamsters Local 812 and Teamsters Joint Council 16 (located in Scarsdale, N.Y.), was sentenced to two years of supervised probation including three months of home confinement and a fine in the amount of \$10,000. On February 11, 2010, Runmore pled guilty to making a false statement when he failed to disclose income he received in the form of personal services by multiple employees of Local 812. The sentencing follows an investigation by the OLMS New York District Office.)

On February 11, 2010 in the United States District Court for the Southern District of New York, Anthony Rumore, former President of Teamsters Local 812 and Teamsters Joint Council 16 (located in Scarsdale, N.Y.), plead guilty to making a false statement when he failed to disclose income he received in the form of personal services by multiple employees of Local 812.

On February 11, 2010, in the United States District Court for the Eastern District of Wisconsin, Warren Demmin, former President of Boilermakers Local Lodge 449 (located in Sturgeon Bay, Wis.), plead guilty to one count of embezzling union funds in the amount of \$169.12. On November 17, 2009, Demmin had been indicted on four counts of embezzling union funds in the amount of \$681.44. The plea follows an investigation by the OLMS Milwaukee District Office.

On February 11, 2010, in the United States District Court for the Southern District of New York, Milton

Smith, a former New York City Department of Education School Bus Inspector, was sentenced to fifteen months incarceration, three years supervised release and order to pay \$21,000 in restitution. On February 6, 2009, Smith was found guilty of extorting and accepting bribes in a program receiving federal funds. The sentencing follows a joint investigation of Amalgamated Transit Union Local 1181 (the primary union that represents drivers for school bus companies in New York City), as well as the New York City school bus industry, by the OLMS New York District Office, the Department of Labor's Office of the Inspector General, and the FBI.

On February 11, 2010, in the United States District Court for the Southern District of Mississippi, Dale Holifield, former Financial Secretary-Treasurer of United Food and Commercial Workers(UFCW) Workers Local 982C (located in Pearl, Miss.) was sentenced to two years supervised probation and ordered to pay a \$100 special assessment fee. Prior to sentencing, Holifield paid restitution to Local 982C. On December 2, 2009, Holifield pled guilty to one count of embezzling union funds in the amount of \$7,468.19. The sentencing follows an investigation by the OLMS New Orleans District Office

On February 8, 2010 in United States District Court for the District of Colorado, Peter Maisel, Jr., former Secretary-Treasurer of the Brotherhood of Maintenance of Way Employees (BMWED) Local Lodge 1517 (located in Pueblo, Colo.) was indicted for embezzling union funds in the amount of \$10,124. The charges follow an investigation by the Denver District Office.

On February 8, 2010, in the United States District Court for the Western District of Michigan, Carolyn Williams, former Secretary-Treasurer of International Brotherhood of Electrical Workers (IBEW) Local 352 (located in Lansing, Mich.), was ordered to pay a \$1,000 fine and a special assessment of \$100. Williams had previously made full restitution to the local in the amount of \$9,554.14. On October 28, 2009, Williams pled guilty to embezzling union funds in the same amount. The sentencing follows an investigation by the OLMS Detroit District Office.

On February 2, 2010, in the United States District Court, Northern District of Ohio, Jeff Kenney, former Secretary-Treasurer for the Graphic Communications Local 205-C (located in Youngstown, Ohio) was indicted on one count of embezzling \$14,388 in union funds and one count of filing a false form LM-3. The charges follow an investigation by the OLMS Cleveland District Office

On February 2, 2010, in the United States District Court for the Southern District of Ohio, Donald Spell, former employee of UNITE-HERE Local 12 (located in Cincinnati, Ohio) was sentenced to two years probation and ordered to pay \$16,422.83 in restitution and a special assessment of \$100. On October 29, 2009, Spell pled guilty to embezzling funds totalling \$16,422.83. The sentencing follows an investigation by the OLMS Cincinnati District Office.

On February 1, 2010, in the United States District Court, Northern District of Ohio, Jacqueline Kiedrowicz, former President of United Steelworkers Local 1200 (located in Canton, Ohio) pled guilty to one count of falsification of union records. The guilty plea follows an investigation by the OLMS Cleveland District Office.

On February 1, 2010, in the United States District Court for the District of Nevada, Hugo Vargas, former secretary treasurer of International Association of Machinists and Aerospace Workers (Machinists) Lodge 845 (located in Las Vegas, Nev.) was charged Vargas with embezzling union funds in the amount of \$106,293.59. The charge follows an investigation by OLMS San Francisco District Office.

On January 28, 2010, in the United States District Court for the Southern District of Ohio, Danny Tilley, former Executive Secretary-Treasurer of the Texas State Building & Construction Trades Council (located in Austin, Texas), was sentenced to 36 months probation and ordered to pay \$9,719.11 in restitution and a \$100 assessment. On April 2, 2009, Tilley pled guilty to embezzling union funds in the amount of \$9,719.11. The sentencing follows an investigation by the OLMS New Orleans District Office.

On January 28, 2010, in the Superior Court of Cobb County, Georgia, Johnny L. Banes, former-Financial-Secretary of the United Steelworkers of America, Local 2401 (located in Mableton, Ga.), was indicted on one count theft of union funds in the amount of \$38,329.00. The indictment follows an

investigation by the OLMS Atlanta District Office.

On January 25, 2010, in the United States District Court for the Western District of Washington, Sid Mannetti, former President of the American Federation of Government Employees Local 1170 (located in Seattle, Wash.), was charged with embezzlement of labor union assets in the amount of \$50,463. The charge follows an investigation by the OLMS Seattle District Office.

On January 22, 2010, in the United States District Court for the Middle District of Pennsylvania, Gary Day, former Field Representative of Local 1180 (located in Harrisburg, Pa.), was charged in a one count information with embezzling union funds in the amount of \$10,827.50. The charges follow an investigation by the OLMS Philadelphia District Office.

On January 21, 2010, in the United States District Court for the Northern District of Georgia, Sonia McGuire, former Treasurer of American Postal Workers Union Local 3434 (located in Decatur, Ga.), was sentenced to five years probation, the first 6 months on home confinement with electronic monitoring, and was ordered to pay restitution in the amount of \$16,023.12 within 120 days and a special assessment of \$100. On November 18, 2009, McGuire, pled guilty to one count of embezzling union funds in the same amount. The sentencing follows an investigation by the OLMS Atlanta District Office and the U.S. Postal Service's Office of Inspector General.

On January 21, 2010, in the United States District Court, Northern District of Ohio, an information was filed charging Lisa Wright, former Treasurer of the Transit Employees Union (located in Bedford, Ohio), with one count of embezzling \$71,470.50. The charge follows an investigation by the OLMS Cleveland District Office.

On January 21, 2010, in the United States District Court, Northern District of Ohio, an information was filed charging Jacqueline T. Kiedrowicz, former President of Steelworkers Local 1200 (located in Canton, Ohio), with one count of making false entries in union records. The charge follows an investigation by the OLMS Cleveland District Office.

On January 15, 2010, in the United States District Court for the Western District of Kentucky, Ray Horton, former employee of United Steelworkers Local 9443 (located in Robards, Ky.), was sentenced to three years probation including four months of community confinement. He was ordered to pay restitution of \$43,816.29 and court costs of \$200. On October 2, 2009, Horton pled guilty to embezzlement and mail fraud. The sentencing follows an investigation by the OLMS Cincinnati District Office.

On January 14, 2010, in the United States District Court for the Northern District of Georgia, Gary Barner, former Treasurer of Steelworkers Local Union 518 (located in Rome, Ga.), was sentenced to 16 months incarceration to be followed by 36 months of supervised release and ordered to pay restitution in the amount of \$28,158.63. On October 6, 2009, Barner pled guilty to embezzling union funds, in the amount of \$28,158.63, by writing checks to himself and misusing the union's debit card. The sentencing follows an investigation by the OLMS Atlanta District Office.

On January 13, 2010, in the United States District Court for the Central District of California, James L. Miles, former Financial Secretary-Treasurer of International Brotherhood of Electrical Workers Local 1023 (located in Barstow, Calif.), was charged in a 12-count indictment with one count of embezzling union funds in the amount of \$93,273, nine counts of mail fraud, and two counts of making false statements on the union's annual financial reports. The indictments follow an investigation by the OLMS Los Angeles District Office.

On January 12, 2010, in the Southern District of Mississippi, Ron D. Quinn, former President, and Rebecca A. James, former Financial Secretary Treasurer, of International Guards Union of America Local 123 (located in Port Gibson, Miss.), pled guilty to embezzling union funds in the amount of \$11,147.30. On July 8, 2009, Quinn and James were charged in an information with conspiracy and embezzlement of union funds during a period between January 2008 and August 2008. The pleas follow an investigation by the OLMS New Orleans District Office.

On January 8, 2010, in the United States District Court for the District of Nevada, Monica Peaslee, former office manager of Teamsters Local 533 (located in Reno, Nev.), was sentenced to 48 months probation and ordered to pay \$12,479.99 in restitution and a \$100 assessment. On October 2, 2009, Peaslee pled guilty to embezzling union funds in the amount of \$13,156 and falsifying union records. The sentencing follows an investigation by the OLMS San Francisco District Office.

On January 6, 2010, in the United States District Court for the Western District of Michigan, David Miller, former Treasurer of Litchfield Independent Workers Union Local 373 (located in Litchfield, Mich.), was indicted on one count of embezzling union funds in the amount of \$50,501.99. The indictment follows an investigation by the OLMS Detroit District Office.

On January 5, 2010, in the United States District Court for the Eastern District of Missouri, Sherrell Mitchell, former Secretary-Treasurer of Communications Workers of America (CWA) Local 86823 (located in St. Louis Mo.), was charged with one count of embezzling union funds in the amount of \$110,000. Mitchell then pled guilty to the charge. This charge and plea follows an investigation by the OLMS St. Louis District Office.

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Criminal Enforcement Actions 2001

An **indictment** is a formal accusation or charge based on a finding by a Grand Jury that it is likely that the person charged committed the criminal offense described in the indictment and is the means by which an accused person (defendant) is brought to trial. An indictment raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

An **information** is a formal accusation of a crime by a government attorney rather than a Grand Jury. An information raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

A **charge** is an accusation of criminal activity and raises no inference of guilt. As in all criminal cases, each defendant is presumed innocent until proven guilty beyond a reasonable doubt.

Each **count** is a separate and distinct offense charged in an indictment or information.

A **guilty plea** is a defendant's admission to the court that he or she committed the offense charged and an agreement to waive the right to a trial.

A **conviction** is a judgment based on a jury's verdict, judge's finding, or the defendant's admission that the defendant is guilty of the crime charged.

A **sentence** is a judicial determination of the punishment to be imposed on an individual who has plead guilty or has been convicted by a jury or judge of a criminal offense.

On December 20, 2001, Laura Greco, former treasurer of State, County and Municipal Employees (AFSCME) Local 1501 was sentenced in the New York State Supreme Court, County of New York, on charges of grand larceny for embezzling \$8,965 in union funds. As a result of a plea bargaining agreement, she was sentenced to five years probation and was required to pay \$5,000 restitution. The investigation was conducted by the OLMS New York District Office.

On December 17, 2001, in Wayne County (Indiana) Superior Court, Priscilla Crist, former president of Auto Workers Local 2374, was indicted for forgery and theft of \$4,092. The charges were brought following an investigation by the OLMS Cincinnati District Office.

On December 17, 2001, in the United States District Court for the Southern District of Florida, David Lareau, former business manager of Painters Local 160, was charged in a one-count information with concealing and withholding financial records. The charges were brought following an investigation by the OLMS Atlanta District Office.

On December 12, 2001, in the United States District Court for the District of Columbia, a superseding indictment was returned against Jake West, general president emeritus of the Iron Workers International Union. The superseding indictment contained the same 49 counts that were in the original indictment which was unsealed on August 29, 2001, plus one count of conspiracy to embezzle, defraud, and file false reports and one count of obstruction of justice. The charges were brought following a joint investigation by the OLMS Washington District Office, the FBI, and the U.S. Attorney's Office for the District of Columbia.

On December 12, 2001, in Winnebago County (Illinois) court, Todd Mosley and Laura Reilly, former business agent and recording secretary, respectively, of Stage & Picture Operators Local 217, were indicted for felony theft. Mosley is alleged to have taken approximately \$3,126 in union funds and Reilly is alleged to have taken approximately \$1,522. The charges were brought following an investigation by the OLMS Chicago District Office.

On December 11, 2001, in the United States District Court for the Southern District of Ohio, Robert D.

King, Jr., former financial secretary of Roofers Local 86, pled guilty to a two-count information charging him with embezzling \$88,757 in union funds and \$41,750 in employee benefit funds. The charges were brought following an investigation by the OLMS Cleveland District Office.

On December 7, 2001, in the United States District Court for the Eastern District of Michigan, a criminal complaint was signed charging Isador Hampton and Willie Lyons, former president and financial secretary, respectively, of Auto Workers Local 825, with embezzling union funds. The charges were brought following an investigation by the OLMS Detroit District Office.

On December 6, 2001, in the United States District Court for the Northern District of Indiana, Robert Dean Meyer, former financial secretary of Carpenters Local 1481, pled guilty to a one-count information charging him with embezzling \$47,346.40 in union funds. The charges had been brought on November 19, 2001, following an investigation by the OLMS Chicago District Office.

On December 4, 2001, in the United States District Court for the Southern District of West Virginia, Thomas C. Bailey, former president and business manager of Musicians Local 136, and his wife, Deborah S. Bailey, an employee of the local, were indicted on charges of embezzling \$15,601 in union funds. The charges were brought following an investigation by the OLMS Pittsburgh District Office.

On December 3, 2001, in the United States District Court for the Northern District of Iowa, Terrance P. Baldridge, former secretary-treasurer of Auto Workers Local 1349, pled guilty to embezzling union funds. The plea agreement stipulates to a loss amount of \$5,307. The charges had been brought on October 5, 2001, following an investigation by the OLMS St. Louis District Office.

On November 30, 2001, in the United States District Court for the Southern District of Indiana, Michelle Terrell Spargur, former bookkeeper/office secretary for Carpenters Locals 364 and 1124, was sentenced to ten months home confinement with electronic monitoring and five years probation and was ordered to make restitution to the locals of \$29,673. The charges had been brought on July 13, 2001, following an investigation by the OLMS Cincinnati District Office.

On November 30, 2001, Judge Robert W. Curran of the Circuit Court for the City of Newport News, Virginia, accepted a plea agreement from Stanley Coppedge, former grievance person for Steelworkers Local 8888. Mr. Coppedge pled guilty to petty larceny, a Class 1 misdemeanor, in violation of Virginia Code 18.2-178 (obtaining money or property by false pretenses). He was sentenced to one year incarceration, suspended as long as he remains in good behavior and makes restitution of \$13,761.67. The charges had been brought on July 9, 2001, following an investigation by the OLMS Washington District Office.

On November 29, 2001, in the United States District Court for the Western District of Missouri, Steven Call, former president of Musicians Local 150, pled guilty to an information charging him with embezzling \$18,536 in union funds. The charges were brought following an investigation by the OLMS St. Louis District Office.

On November 29, 2001, in Edgar County (Illinois) court, Judith Elaine Cline, former secretary-treasurer of Auto Workers Local 2343, pled guilty to a one-count information charging her with misdemeanor theft of \$300. She was sentenced to 12 months of supervised release and ordered to make restitution of \$900 to the union. The charges were brought following an investigation by the OLMS Chicago District Office.

On November 29, 2001, in the United States District Court for the Northern District of Alabama, Roy Summerlin and Thomas Hall, former treasurer and vice-president, respectively, of Guards Tenth Regional Council, were charged in two separate informations with making false entries in required union records. The charges were brought following an investigation by the OLMS Nashville District Office.

On November 26, 2001, in the United States District Court for the Central District of California, Lillian Agredano, former office secretary of Painters Local 1348, was sentenced to two years probation and ordered to make restitution of \$15,000. She had pled guilty on September 19, 2001, to the embezzlement of union funds following an investigation by the OLMS Los Angeles District Office.

On November 21, 2001, in the United States District Court for the District of Oregon, John Abbott, former

secretary-treasurer of the Laborers District Council of Oregon, Southern Idaho, and Wyoming, was sentenced to 15 months in prison and one year probation. He was ordered to make restitution of \$194,400 and settle his income taxes with the IRS for the years 1994 through 1998. He had pled guilty on February 26, 2001, to accepting gratuities to use his influence as a pension plan trustee and filing a false tax return following an investigation by the OLMS Seattle District Office, the IRS, the FBI, the Department of Labor's Pension and Welfare Benefits Administration, and the Department of Labor's Office of the Inspector General.

On November 20, 2001, in the United States District Court for the Northern District of Ohio, Keith R. Sharp, former business agent for Stage and Picture Operators Local 132, was sentenced to six months home detention with electronic monitoring and three years probation and was ordered to make restitution of \$7,873. He had pled guilty on September 6, 2001, following an investigation by the OLMS Cleveland District Office.

On November 20, 2001, in the United States District Court for the District of Oregon, Barclay Grayson, the former president of Capital Consultants, LLC, was sentenced to 24 months in prison and three years probation. He had pled guilty on March 19, 2001, to mail fraud following an investigation by the OLMS Seattle District Office, the IRS, the FBI, the Department of Labor's Pension and Welfare Benefits Administration, and the Department of Labor's Office of the Inspector General.

On November 19, 2001, in the United States District Court for the Northern District of Indiana, an information was filed charging Robert Dean Meyer, former secretary-treasurer of Carpenters Local 1481, with one count of embezzling \$47,346.40 in union funds. The charges were brought following an investigation by the OLMS Chicago District Office.

On November 16, 2001, in the United States District Court for the Northern District of Ohio, Stephen M. Hanlon, former secretary-treasurer of Steelworkers Local 01-4564-S, pled guilty to embezzling \$21,657 in union funds. The charges had been brought on November 2, 2001, following an investigation by the OLMS Cleveland District Office.

On November 16, 2001, in the United States District Court for the Western District of Louisiana, Willie R. Walker, former secretary-treasurer of International Longshoremen's Association Local 1349, was indicted on one count of embezzling \$91,423 in union funds and one count of falsifying union records. The charges were brought following a joint investigation by the OLMS New Orleans District Office, the Department of Labor's Office of the Inspector General, and the FBI.

On November 15, 2001, in the Berks County (Pennsylvania) Court of Common Pleas, Kathleen L. Frost, former bookkeeper of Iron Workers Local 420, pled guilty to one count of theft by unlawful taking and one count of theft by failure to make required disposition of funds received. She was sentenced to two years probation. The charges had been brought on August 14, 2001, following an investigation by the OLMS Philadelphia District Office.

On November 15, 2001, in the United States District Court for the Northern District of Indiana, William Brooks, former recording secretary of Painters Local 8, was charged in a three-count indictment with embezzling \$14,480 in union funds, false recordkeeping, and aiding and abetting. The charges were brought following an investigation by the OLMS Chicago District Office.

On November 15, 2001, in the United States District Court for the Eastern District of Wisconsin, Robert Gordon, former financial secretary-treasurer of Local 366 of the American Federation of State, County and Municipal Employees, was sentenced to one year and one day in prison followed by three years probation and was ordered to make restitution of \$88,431. He had pled guilty on July 27, 2001, to embezzlement of union funds and falsification of union records following an investigation by the OLMS Milwaukee District Office.

On November 9, 2001, in the United States District Court for the Northern District of New York, Daniel Valle, former president of State, County, and Municipal Employees, CSEA, Local 316-Health Research, pled guilty to embezzling \$19,301 in union funds. The charges had been brought following an investigation by

the OLMS Buffalo District Office.

On November 8, 2001, in the United States District Court for the District of Columbia, Kerry J. Tresselt, an employee of the Iron Workers International Union who worked as a bookkeeper for the National Ironworkers and Employers Apprenticeship Training and Journeyman Upgrading Fund, pled guilty to three counts of embezzling more than \$350,000 from an employee welfare benefit plan and one count of conspiring to make false statements. The charges were brought following a joint investigation by the OLMS Washington District Office, the FBI, the Department of Labor's Pension and Welfare Benefits Administration, and the U.S. Attorney's Office for the District of Columbia.

On November 6, 2001, in the United States District Court for the Southern District of Mississippi, Jessie McGee, former business agent for Teamsters Local 891, was indicted on one count of embezzling \$2,492 in union funds. The charges were brought following an investigation by the OLMS New Orleans District Office.

On November 5, 2001, in the United States District Court for the District of Hawaii, Glenn Reys, former secretary-treasurer of Letter Carriers Branch 4644, was sentenced to five years probation (including six months home detention) and ordered to make restitution of \$10,011 to the union. He had pled guilty on May 14, 2001, following an investigation by the OLMS San Francisco District Office with assistance from the Los Angeles District Office.

On November 2, 2001, in the United States District Court for the Northern District of Ohio, an information was filed charging Stephen Hanlon, former financial secretary of Steelworkers Local 01-4564-S, with embezzling \$21,657 in union funds. The charges were brought following an investigation by the OLMS Cleveland District Office.

On November 1, 2001, in the State Court of California, Kings County, a complaint was filed against Robert S. Ramos, former president of Food and Commercial Workers Local 193-I, charging him with embezzling more than \$400 in union funds in violation of Section 487(a) of the California Penal Code. The charges were brought following an investigation by the OLMS San Francisco District Office.

On October 31, 2001, in the United States District Court for the District of Colorado, Bobby Putnam, former secretary-treasurer of Communications Workers Local 14708, was charged in a 40-count indictment with embezzling union funds and making false entries in union records. The charges were brought following an investigation by the OLMS Denver District Office.

On October 30, 2001, in the United States District Court for the District of New Jersey, George Wright, Jr., former financial secretary of United Automobile Workers Local 267, was indicted on one count of embezzling \$19,206 in union funds. The charges were brought following an investigation by the OLMS New York District Office.

On October 30, 2001, in the United States District Court for the Eastern District of New York, Matthew Downey, lead operator for Elevator Constructors Local 1, was indicted for witness tampering and obstruction of justice. The charges were brought as part of a joint investigation by the OLMS New York District Office, the FBI, and the Department of Labor's Pension and Welfare Benefits Administration.

On October 26, 2001, in the United States District Court for the Eastern District of Wisconsin, Shawn Drake, former secretary-treasurer of Local 736 of the Paper, Allied-Industrial Chemical and Energy Workers International Union (PACE), pled guilty to one count of embezzlement of union funds. He was sentenced to 21 months in jail, three years probation, and was ordered to make restitution of \$21,376. He had been indicted on February 14, 2001 following an investigation by the OLMS Minneapolis Resident Investigator Office.

On October 23, 2001, in the United States District Court for the District of South Carolina, Paul Morgan, former secretary-treasurer of Musicians Local 694, was indicted on one count of embezzling \$6,950 in union funds. The charges were brought following an investigation by the OLMS Atlanta District Office.

On October 23, 2001, in the United States District Court for the District of South Carolina, Earnest W.

Carter, former business manager of Sheet Metal Workers Local 399, was sentenced to five months imprisonment followed by five months in a halfway house and two years probation. He was ordered to make restitution to the union of \$22,092.82. He had pled guilty to embezzlement of union funds on August 7, 2001, following an investigation by the OLMS Atlanta District Office.

On October 23, 2001, in the United States District Court for the Central District of California, Hank Van Heyningen, president of Christian Labor Union Local 17 (Dairy Workers), pled guilty to one count of extortion. The charges had been brought on September 4, 2001, following a joint investigation by the OLMS Los Angeles District Office, the FBI, and the Department of Labor's Office of the Inspector General.

On October 22, 2001, in the United States District Court for the Northern District of Ohio, William A. Fast, former treasurer of Steelworkers Local 1013-L, was charged in an information with one count of embezzling \$3,893.71 in union funds. The charges were brought following an investigation by the OLMS Cleveland District Office.

On October 19, 2001, in the United States District Court for the District of Nebraska, Connie Ogg, former secretary-treasurer of Communications Workers Local 7401, was sentenced to four months imprisonment and two months home confinement to be followed by three years of supervised release. She was also ordered to perform 200 hours of community service and to make restitution of \$65,285. She had pled guilty to embezzlement of union funds on August 1, 2001, following an investigation by the OLMS St. Louis District Office.

On October 18, 2001, in the United States District Court for the Southern District of Illinois, Rhonda Ostendorf, former office secretary for Painters District Council 58, was sentenced to three years probation and ordered to make restitution of \$6,331. She had pled guilty to embezzlement of union funds and falsification of union records on June 27, 2001 following an investigation by the OLMS St. Louis District Office.

On October 16, 2001, in the United States District Court for the Northern District of California, Robin Neither, former bookkeeper for Longshoremen & Warehousemen Local 10, was indicted on charges of embezzling union funds and making false entries in required union records. The charges were brought following an investigation by the OLMS San Francisco District Office.

On October 15, 2001, in the United States District Court for the Central District of California, Wilfield Bloomfield, former bookkeeper of Carpenters Local 1553, was sentenced to 15 months imprisonment followed by 36 months of supervised release. He had pled guilty on July 16, 2001, to the embezzlement of \$2,275 in union funds. He was ordered by the court to make restitution of \$110,886.65 to the union's bonding company. The charges had been brought following an investigation by the OLMS Los Angeles District Office.

On October 11, 2001, in the United States District Court for the Northern District of Georgia, Steve Jones, former business manager/secretary-treasurer of Iron Workers Local 387, pled guilty to a two-count information charging him with embezzling \$29,724.73 in union funds and \$39,949.42 in apprenticeship funds. The charges had been brought following a joint investigation by the OLMS Atlanta District Office, the Department of Labor's Pension and Welfare Benefits Administration, and the Department of Labor's Office of the Inspector General.

On October 5, 2001, in the United States District Court for the Northern District of Ohio, Sharon K. Schmenk, former treasurer of the Lima Memorial Professional Nurses Association, pled guilty to a one-count information charging her with embezzling \$19,170 in union funds. The information had been filed on September 4, 2001, following an investigation by the OLMS Cleveland District Office.

On October 5, 2001, in the United States District Court for the Northern District of Iowa, Terrance P. Baldrige, former secretary-treasurer of United Auto Workers Local 1349, was charged in a one-count indictment with embezzling \$1,150 in union funds. The charges were brought following an investigation by the OLMS St. Louis District Office.

On October 3, 2001, in the United States District Court for the District of New Mexico, Ygnacio Angel, former president of American Postal Workers Local 402, pled guilty to an information charging him with false recordkeeping in violation of 29 U.S.C. 439(c). The charges had been brought following an investigation by the OLMS Denver District Office.

On October 3, 2001, in Hamilton County (Ohio) Court, Michaelene Vandine, secretary-treasurer of American Federation of Government Employees Local 2031, pled guilty to theft by deception. She was sentenced to 180 days in jail which was suspended, one year probation, and 40 hours of community service. She had previously made restitution to the union in the amount of \$1,574.50. She had been indicted on August 7, 2001 following an investigation by the OLMS Cincinnati District Office.

On October 2, 2001, in the United States District Court for the District of Oregon, Jeffrey Grayson, CEO of Capital Consultants, LLC, was indicted on 14 counts of mail fraud in connection with devising a scheme to defraud union pension plans, in violation of 18 U.S.C. 1341. He was also charged with three counts of giving and offering to give over \$200,000 in gratuities to John Abbott, a union pension trustee, in violation of 18 U.S.C. 1954; three counts of money laundering, in violation of 18 U.S.C. 1956(a); one count of witness tampering, in violation of 18 U.S.C. 1512; and one count of conspiracy, in violation of 18 U.S.C. 371. The charges were brought following a joint investigation by the OLMS Seattle District Office, the IRS, the FBI, the Department of Labor's Pension and Welfare Benefits Administration, and the Department of Labor's Office of the Inspector General.

On September 26, 2001, in the United States District Court for the Eastern District of California, Deborah Bankston, former financial secretary-treasurer of Western Pulp and Paperworkers Local 83, was charged in an information with embezzling \$64,711 in union funds. The charges were brought following an investigation by the OLMS San Francisco District Office.

On September 25, 2001, in the United States District Court for the Southern District of West Virginia, Donna Hill, former office secretary for Painters Local 970, was sentenced to one year and one day in prison, to be followed by three years of supervised release. She was ordered to make restitution of \$53,906.50. She had pled guilty on July 9, 2001, following an investigation by the OLMS Pittsburgh District Office.

On September 25, 2001, in the United States District Court for the District of Kansas, Craig J. Rider, former business manager of Laborers Local 1290, was sentenced to 18 months imprisonment for embezzlement of union funds, to be followed by 36 months of supervised release. He was also ordered to make restitution of \$15,044. He had pled guilty on May 21, 2001, following an investigation by the OLMS St. Louis District Office.

On September 19, 2001, in the United States District Court for the Central District of California, Lillian Agredano, former officer manager of the now-defunct Painters Local 1348, pled guilty to the embezzlement of \$9,486 in union funds. The charges had been brought following an investigation by the OLMS Los Angeles District Office.

On September 18, 2001, in the United States District Court for the Eastern District of North Carolina, Angela Smith, secretary-treasurer of Local 1325 of the Paper Allied-Industrial, Chemical & Energy Workers (PACE), was sentenced to 120 days home confinement with four years supervised probation and was ordered to make restitution to the union in the amount of \$4,524.95. She had earlier pled guilty to embezzling union funds following an investigation by the OLMS Nashville District Office.

On September 17, 2001, in the United States District Court for the District of Connecticut, Ralph Varnardo, former president of American Federation of Government Employees Local 1674, pled guilty to one count of violating 18 USC 641, Embezzlement of Public Money, in the amount of \$15,724. The charges had been brought following an investigation by the OLMS Boston District Office.

On September 14, 2001, in the United States District Court for the Northern District of Texas, Gary Monsson, former secretary-treasurer of American Federation of Government Employees Local 3000, was sentenced to 12 months incarceration and three years of supervised release. He was ordered to make

restitution to the union of \$12,176.74 in addition to the amounts he had already repaid. He had earlier pled guilty to embezzling union funds following an investigation by the OLMS Dallas District Office.

On September 12, 2001, in the United States District Court for the Eastern District of Pennsylvania, James Bryant, former secretary-treasurer of American Federation of Government Employees Local 2061, entered into a plea agreement in which he agreed to plead guilty to two counts of theft by unlawful taking within the territorial jurisdiction of the United States. He agreed to make restitution to the union in the amount of \$3,480. He had been indicted following an investigation by the OLMS Philadelphia District Office.

On September 7, 2001, in the United States District Court for the U.S. Virgin Islands, Timothy Daley, former office secretary for Steelworkers Local 8248, was sentenced to 14 months incarceration with three years probation and was ordered to make restitution to the union of \$11,280.13. He had earlier pled guilty to embezzling union funds following an investigation by the OLMS Atlanta District Office.

On September 6, 2001, in the United States District Court for the Eastern District of Virginia, Donnie Block, former financial secretary of Bakery, Confectionery and Tobacco Workers Local 66, was sentenced to 12 months and one day of imprisonment and ordered to make restitution to the union in the amount of \$38,702. He had pled guilty to one count of embezzlement on May 14, 2001 following an investigation by the OLMS Washington District Office.

On September 6, 2001, in the United States District Court for the Northern District of Ohio, Keith Sharp, former business agent for Stage and Picture Operators Local 132, pled guilty to a one-count information charging him with embezzling \$7,873.91 in union funds. The charges were brought following an investigation by the OLMS Cleveland District Office.

On September 6, 2001, in the United States District Court for the Eastern District of Texas, Marvin Savant, former paymaster of Longshoremen's Association Local 1316, was sentenced to five months in a community correction center to be followed by five months home detention and three years supervised release. He was also ordered to make restitution to the union of \$4,820. He had earlier pled guilty to embezzling union funds following an investigation by the OLMS New Orleans District Office.

On September 5, 2001, in the United States District Court for the Eastern District of Michigan, Nadine Corey, former president of the Association of Credit Union Employees, was sentenced to one year home confinement and three years probation. She was also ordered to make restitution to the union of \$49,385.95. She had earlier pled guilty to an information which charged her with embezzling union funds following an investigation by the OLMS Detroit District Office.

On September 4, 2001, in the United States District Court for the Northern District of Ohio, Sharon K. Schmenk, former treasurer of the Lima (Ohio) Memorial Professional Nurses Association, was charged in a one-count information with embezzling \$19,170 in union funds. The charges were brought following an investigation by the OLMS Cleveland District Office.

On September 4, 2001, in the United States District Court for the Central District of California, Hank Van Heyningen, president of Christian Labor Union Local 17 (Dairy Workers), was charged in an information with extorting \$100 from a worker in violation of 18 U.S.C. 1951(a), (b)(2) (Interference with interstate commerce by threats of violence). The charges were brought following a joint investigation by the OLMS Los Angeles District Office, the FBI, and the Department of Labor's Office of the Inspector General.

On September 4, 2001, in the United States District Court for the District of Maine, Ray Curtis, former secretary-treasurer of Laborers Local 327, was sentenced to three years probation with a condition that he serve six months in home confinement with electronic monitoring. He was also ordered to make restitution to the union of the balance he owes, \$6,655. He had earlier pled guilty to embezzling \$8,547 in union funds following an investigation by the OLMS Boston District Office.

On September 4, 2001, in the United States District Court for the Middle District of Alabama, Larry Turman, former secretary-treasurer of Letter Carriers Branch 2119, was sentenced to one year supervised probation and fined \$1,000. The judgement order made note that full restitution of \$1,700 had already

been made to the union. He had earlier pled guilty to embezzling union funds following an investigation by the OLMS Nashville District Office.

On August 30, 2001, in the United States District Court for the Southern District of Ohio, Stanley Bennett, former secretary-treasurer of Teamsters Local 1137, was sentenced to three years probation; fined \$200; ordered to serve four months of home detention, including two months with electric monitoring; and ordered to make restitution of \$6,477.56. He had earlier pled guilty to embezzling union funds following an investigation by the OLMS Cincinnati District Office.

On August 29, 2001, in the United States District Court for the District of Columbia, a 49-count indictment against Jake West, general president emeritus of the Iron Workers International Union, was unsealed. The indictment charges him with 43 counts of embezzling a total of approximately \$51,000 in union funds and 3 counts of concealing and falsifying a material fact and 3 counts of making false statements, both in connection with the Form LM-2 reports he filed in 1996, 1997, and 1998. The charges were brought following a joint investigation by the OLMS Washington District Office, the FBI, and the U.S. Attorney's Office for the District of Columbia.

On August 29, 2001, in the United States District Court for the District of Nevada, David Manes, former business representative of Steelworkers Local 711-A, was indicted on 153 counts of embezzling a total of \$24,923.42 in union funds. Twenty counts involved unauthorized salary, 119 counts involved personal purchases on the union's credit card and other accounts, and 14 counts involved use of union funds for personal debts. The charges were brought following an investigation by the OLMS San Francisco District Office.

On August 24, 2001, in the United States District Court for the District of Minnesota, Judy Domning, former executive director of the Minnesota Licensed Practical Nurses Association, pled guilty to one count of making a false statement in violation of 18 U.S.C. 1001 by making a false entry in a union record. The charges had been brought following an investigation by the OLMS Minneapolis Resident Investigator Office.

On August 21, 2001, in the United States District Court for the Middle District of Tennessee, Michele Arlington, former bookkeeper for Steelworkers Local 9-194-L, was indicted on one count of embezzling \$5,635 in union funds. The charges were brought following an investigation by the OLMS Nashville District Office.

On August 16, 2001, in the United States District Court for the Central District of California, Lillian Agredano, former office manager for Painters Local 1348, was charged in a one-count information with embezzling \$9,486 in union funds. The charges were brought following an investigation by the OLMS Los Angeles District Office.

On August 14, 2001, in the Berks County (Pennsylvania) Court of Common Pleas, Kathleen L. Frost, former bookkeeper of Iron Workers Local 420, was indicted on one count of theft by unlawful taking and one count of theft by failure to make required disposition of funds received in the amount of \$7,653.46 in union funds. The charges were brought following an investigation by the OLMS Philadelphia District Office.

On August 13, 2001, in the United States District Court for the District of Colorado, Shelly Sue Pfeiffer, former bookkeeper-office secretary for Plasterers Local 577, pled guilty to one count of embezzling union funds. She was ordered to make restitution of \$30,863.55 to the union's bonding company and was sentenced to six months of home detention monitored by an electronic device and five years probation. The charges had been brought following an investigation by the OLMS Denver District Office.

On August 9, 2001, in the United States District Court for the Western District of Pennsylvania, Richard P. Miller, former secretary-treasurer of United Railway Supervisors Local 202, was sentenced to five months imprisonment, followed by five months community confinement and three years of supervised release, and was ordered to make restitution of \$100,000 to the union. He had pled guilty to embezzlement of union funds on May 31, 2001, following an investigation by the OLMS Pittsburgh District Office.

On August 7, 2001, in the United States District Court for the District of South Carolina, Earnest W. Carter, former business manager of Sheet Metal Workers Local 399, pled guilty to an information charging him with one count of embezzling \$22,092.82 in union funds. The charges were brought following an investigation by the OLMS Atlanta District Office.

On August 7, 2001, in the Hamilton County (Ohio) Court of Common Pleas, Michaelene Vandine, secretary-treasurer of American Federation of Government Employees Local 2031, was indicted on one count of theft by deception from the union in the amount of \$1,574.50. The charges were brought following an investigation by the OLMS Cincinnati District Office.

On August 1, 2001, in the United States District Court for the District of Nebraska, Connie Ogg, former secretary-treasurer of Communications Workers Local 7401, pled guilty to an information charging her with embezzling \$67,637 in union funds. The charges were brought following an investigation by the OLMS St. Louis District Office.

On July 27, 2001, in the United States District Court for the Eastern District of Wisconsin, Robert Gordon, former financial secretary-treasurer of State, County and Municipal Employees Local 366, pled guilty to one count of embezzling \$485 in union funds and one count of making a false entry in union records. The charges had been brought following an investigation by the OLMS Milwaukee District Office.

On July 23, 2001, in the United States District Court for the Western District of North Carolina, Terry Wilson, former secretary-treasurer of Steelworkers Local 09-1133-L, was placed on three years supervised probation and ordered to make restitution in the amount of \$6,073, the amount of the \$22,073 in union funds he embezzled which is still outstanding. He had entered a guilty plea on May 5, 2001. The charges had been brought following an investigation by the OLMS Nashville District Office.

On July 20, 2001, in the United States District Court for the District of Minnesota, an information was filed charging Judy Domning, former executive director of the Minnesota Licensed Practical Nurses Association, with one count of making a false statement in violation of 18 U.S.C. 1001. The charges were brought following an investigation by the OLMS Minneapolis Resident Investigator Office.

On July 17, 2001, in Sedgwick County (Kansas) court, Norman George, former secretary-treasurer of Bakery & Tobacco Workers Local 99G, was charged in a criminal complaint with felony theft (\$3,500). The charges were brought following an investigation by the OLMS St. Louis District Office.

On July 16, 2001, in the United States District Court for the Northern District of Illinois, John Serpico, former president of the Central States Joint Board of the Novelty and Production Workers (and a former vice president of the Laborers International Union), was convicted of mail fraud for, among other things, using his influence over union funds to obtain millions of dollars in personal loans from banks and receiving a kickback in return for arranging a union loan for a hotel project. Maria Busillo, also a former president of the Central States Joint Board, was convicted of mail fraud and making false statements to a bank and Gilbert Cataldo was convicted of mail fraud. The charges were brought following a joint investigation by the OLMS Chicago District Office, the FBI, the IRS, and the Department of Labor's Office of the Inspector General.

On July 16, 2001, in the United States District Court for the Central District of California, Wilfield Bloomfield, former bookkeeper for Carpenters Local 1553, pled guilty to one count of embezzling \$2,275 in union funds. The charges were brought following an investigation by the OLMS Los Angeles District Office.

On July 13, 2001, in the United States District Court for the Southern District of Indiana, Michele Terrell Spargur, former office secretary for Carpenters Locals 364 and 1124, pled guilty to two counts of embezzling a total of \$29,673 in union funds and two counts of destroying union records. The charges were brought following an investigation by the OLMS Cincinnati District Office.

On July 11, 2001, in the United States District Court for the Northern District of New York, Nancy Groome, former secretary-treasurer of the Civil Service Employees Association, Local 316 of the State, County, and Municipal Employees, pled guilty to one count of embezzling \$111,476.48 in union funds. The charges

were brought following an investigation by the OLMS Buffalo District Office.

On July 9, 2001, in the Circuit Court for the City of Newport News, Virginia, Stanley Coppedge, former grievance person for Steelworkers Local 8888, was indicted on charges of defrauding the Newport News Shipbuilding Company and/or Steelworkers Local 8888 by obtaining money or property by false pretenses. The charges were brought following an investigation by the OLMS Washington District Office.

On July 9, 2001, in the United States District Court for the Southern District of West Virginia, Donna Hill, former office secretary for Painters Local 970, pled guilty to count one of an indictment which charged her with embezzling \$59,167 in union funds. The charges were brought following an investigation by the OLMS Pittsburgh District Office.

On June 27, 2001, in the United States District Court for the District of Massachusetts, Leo MacGillvray, former treasurer of Utility Workers Local 446, pled guilty to a one-count information charging him with embezzling \$86,311 in union funds. The charges were brought following an investigation by the OLMS Boston District Office.

On June 27, 2001, in the United States District Court for the Southern District of Illinois, Rhonda Ostendorf, former bookkeeper for Painters District Council 58, pled guilty to one count of embezzling \$6,331 in union funds and one count of false statements under 18 U.S.C. 1001. The charges were brought following an investigation by the OLMS St. Louis District Office.

On June 21, 2001, in the United States District Court for the Eastern District of California, Jeremias Z. Lopez, former business manager/secretary-treasurer of Laborers Local 220, was indicted on one count of embezzling \$10,814 in union funds and one count of falsifying union records. This case was investigated by the OLMS Los Angeles District Office jointly with the Department of Labor's Office of the Inspector General.

On June 20, 2001, in the United States District Court for the Southern District of Ohio, Emanuel Graham, president of American Federation of Government Employees Local 2031, was indicted on 16 counts of violating 18 U.S.C. 287 by filing false claims for travel and per diem expenses with the Veterans Administration when he had already been reimbursed for those expenses by the union. He was indicted on 16 additional counts of violating 18 U.S.C. 641 for theft of U.S. government money corresponding to those claims. The charges were brought following an investigation by the OLMS Cincinnati District Office.

On June 17, 2001, James E. Cole, General Secretary of the Iron Workers International Union, pled guilty in the United States District Court for the District of Columbia to one count of union funds embezzlement, one count of failing to disclose a material fact in a union financial report filed with the U.S. Department of Labor, and one count of making a false entry in union records. Mr. Cole had been charged in an 18-count indictment on January 3, 2001, with embezzlement of more than \$10,000 in union funds, false reporting and mail fraud. The OLMS Washington District Office conducted the investigation with assistance from the FBI. Mr. Cole is the fourth official of the Iron Workers to plead guilty as a result of the investigation.

On June 15, 2001, Earnest W. Carter, former financial secretary and business manager of Sheet Metal Workers Local 399, was charged in a one-count information in the United States District Court for the District of South Carolina with embezzling \$22,092 in union funds. The OLMS Atlanta District Office conducted the investigation.

On June 15, 2001, in the United States District Court for the Northern District of Texas, Gary Monsson, former secretary-treasurer of AFGE Local 3000, pled guilty to an information charging him with embezzling \$51,464.49 in union funds. The charges were brought following an investigation by the OLMS Dallas District Office.

On June 12, 2001, in the United States District Court for the District of North Dakota, Bryan Kroh, former secretary-treasurer of Brotherhood of Locomotive Engineers Division 746, pled guilty to one count of embezzling \$33,469 in union funds. The charges were brought following an investigation by the OLMS Minneapolis Resident Investigator Office.

On May 31, 2001, in the United States District Court for the Western District of Pennsylvania, Richard P. Miller, former secretary-treasurer of United Railway Supervisors Local 202, pled guilty to a one-count information charging him with embezzling between \$20,000 and \$40,000 in union funds. The charges had been brought following an investigation by the OLMS Pittsburgh District Office.

On May 31, 2001, in the United States District Court for the Northern District of Alabama, a two-count indictment was returned charging Patricia Smith, former office secretary for the Laborers Alabama District Council, with one count of embezzling \$21,687.85 in union funds and one count of making false entries in records required to be maintained. The charges were brought following an investigation by the OLMS Birmingham Resident Investigator Office.

On May 31, 2001, in the United States District Court for the Northern District of Alabama, a two-count indictment was returned charging Eugene Wilkinson, former financial secretary of Mine Workers Local 7154, with one count of embezzling \$12,024.89 in union funds and one count of false reporting. The charges were brought following an investigation by the OLMS Birmingham Resident Investigator Office.

On May 21, 2001, in the United States District Court for the District of Kansas, J. Craig Rider, former business manager of Laborers Local 1290, pled guilty to charges that he embezzled \$15,345 in union funds. The charges had been brought following an investigation by the OLMS St. Louis District Office.

On May 15, 2001, in the United States District Court for the District of New Jersey, Stephen Burks, former comptroller of State, County and Municipal Employees Council 71, was indicted on one count of embezzling over \$23,000 in union funds. The charges were brought following an investigation by the OLMS Philadelphia District Office.

On May 14, 2001, in the United States District Court for the Eastern District of Virginia, Donnie L. Block, former president of Bakery & Tobacco Workers Local 66, pled guilty to one count of embezzling \$38,702 in union funds. The charges had been brought following an investigation by the OLMS Washington District Office.

On May 14, 2001, in the United States District Court for the District of Hawaii, Glenn Reys, former secretary-treasurer of Letter Carriers Branch 4644, entered a guilty plea to one count of embezzling \$2,000 in union funds and one count of filing a false labor organization annual report, Form LM-4. The charges had been brought following an investigation by the OLMS San Francisco District Office.

On May 11, 2001, in the United States District Court for the Eastern District of Missouri, Roy Keith Harris, former financial secretary of Steelworkers Local 11-659, entered a plea of guilty to the embezzlement of \$28,123 in union funds. The charges had been brought following an investigation by the OLMS St. Louis District Office.

On May 11, 2001, in the United States District Court for the Middle District of Tennessee, Robert Emery, Sr. former financial secretary of International Brotherhood of Electrical Workers Local 429, was indicted on three counts of embezzling a total of \$16,851 in union funds and two counts of failure to file Form LM-30, Labor Organization Officer and Employee Report, relating to transactions the union conducted with a T-shirt business owned by his wife. His wife was charged in one count of the indictment with aiding and abetting him in embezzling \$5,340 for her personal benefit. Terri Myatt, Local 429 office manager, was also charged in one count of the indictment with aiding and abetting Mr. Emery in embezzling \$5,818 for her personal benefit. The charges were brought following an investigation by the OLMS Nashville District Office.

On May 8, 2001, in the United States District Court for the Eastern District of Wisconsin, Robert Gordon, former financial secretary-treasurer of State, County, and Municipal Employees Local 366, was indicted on six counts of embezzling \$88,000 in union funds and making false entries in union records. The charges were brought following an investigation by the OLMS Milwaukee District Office.

On May 4, 2001, in the United States District Court for the District of Kansas, Britt Commons, former business manager of International Brotherhood of Electrical Workers Local 1523, entered a plea of guilty

to falsifying union records to conceal an embezzlement of \$8,025 in union funds. The charges had been brought following an investigation by the OLMS St. Louis District Office.

On April 25, 2001, in New York County, Laura Greco, former treasurer of Local 1501, State, County and Municipal Employees (District Council 37), was indicted for grand larceny in the amount of \$8,965 for using union funds for personal expenses. The charges were the result of information provided by the OLMS New York District Office.

On March 26, 2001, in the United States District Court for the Southern District of Alabama, Frederick Michael Jordan and Robert Gaillard, president and former treasurer, respectively, of Local 1575 of the Paper, Allied-Industrial Chemical and Energy Workers International Union (PACE), each pled guilty to one count of failing to maintain union records. The charges had been brought following an investigation by the OLMS New Orleans District Office.

On March 23, 2001, in the United States District Court for the Northern District of Iowa, Steven Lathrop and Randy Kamp, former treasurer and president, respectively, of Local 07-9937 of the Paper, Allied-Industrial Chemical and Energy Workers International Union (PACE), entered guilty pleas to informations charging them with embezzling \$52,997 in union funds. The charges were brought following an investigation by the OLMS St. Louis District Office.

On March 21, 2001, in the United States District Court for the Eastern District of Tennessee, Donald G. Martin, former financial secretary of Steelworkers Local 35-8681, was indicted on fifty counts of embezzling a total of \$10,591 in union funds, five counts of making false entries in union records, and two counts of false reporting. The charges were brought following an investigation by the OLMS Nashville District Office.

On March 20, 2001, in the United States District Court for the Central District of Illinois, Robert Comerford, former treasurer of Letter Carriers Branch 31, pled guilty to one count of embezzling in excess of \$10,000 in union funds. The charges had been brought following an investigation by the OLMS Chicago District Office.

On March 19, 2001, in the United States District Court for the District of Oregon, Barclay Grayson, a minority owner and President of Capital Consultants, LLC, pled guilty to one count of mail fraud in connection with his participation in a scheme to defraud union pension plans in violation of 18 U.S.C. 1341. The charges had been brought following an investigation by the OLMS Seattle District Office, the IRS, the FBI, the Department of Labor's Pension & Welfare Benefits Administration, and the Department of Labor's Office of the Inspector General.

On March 16, 2001, in the United States District Court for the District of Minnesota, Janet Hornsby, former office secretary/bookkeeper of Plumbers Local 6, pled guilty to one count of embezzling \$54,649 in union funds. The charges had been brought following an investigation by the OLMS Minneapolis Resident Investigator Office.

On March 9, 2001, in the United States District Court for the Central District of California, Wilfield Bloomfield, former bookkeeper for Carpenters Local 1553, was indicted on 12 counts of embezzling \$25,140.57 in union funds. The charges were brought following an investigation by the OLMS Los Angeles District Office.

On March 8, 2001, in the United States District Court for the District of Minnesota, Elliot Cohn, president of a Florida-based firm that held itself out as providing collective bargaining and related services to labor organizations, pled guilty to one count of mail fraud which charged him with defrauding the Minnesota Licensed Practical Nurses (MLPNA) of \$22,248 in reimbursement for airfare expenses never incurred, fraudulently increasing his compensation from the Technical Employees Association of Minnesota (TEAM) -- which compensation was a percentage of TEAM's expenses, and fraudulently increasing his firm's compensation from TEAM from 70% of dues after TEAM expenses were paid to 100% of that amount, which resulted in an overpayment of \$31,670. The charges had been brought following an investigation by the OLMS Minneapolis Resident Investigator Office.

On March 6, 2001, in the United States District Court for the District of North Dakota, Bryan Kroh, former treasurer of the Brotherhood of Locomotive Engineers Division 746, was indicted on one count of embezzling \$33,469 in union funds and one count of making false statements in violation of 18 U.S.C. 1001 by filing false LM-3 Labor Organization Annual Reports with OLMS. Also indicted was Kroh's spouse, Dinah, on one count of aiding and abetting him in embezzling \$6,105 of the total amount he was charged with embezzling. The charges were brought following an investigation by the OLMS Minneapolis Resident Investigator Office.

On February 28, 2001, the District Attorney of Armstrong County, Pennsylvania charged Gail McGranahan, a former employee of Mine Workers Local 1378, with 20 counts of forgery and 20 counts of theft and is seeking \$6,610 in restitution to the union. The charges were brought following an investigation by the OLMS Pittsburgh District Office.

On February 28, 2001, in the United States District Court for the District of Colorado, Shelley Sue Pfeifer, former bookkeeper-office secretary for Plasters Local 577, was indicted on charges of embezzling \$16,493.27 in union funds. The charges were brought following an investigation by the OLMS Denver District Office.

On February 26, 2001, in the United States District Court for the District of Oregon, John Abbott, former secretary-treasurer of the Laborers District Council of Oregon, Southern Idaho, and Wyoming, pled guilty to one count of accepting \$194,940 in gratuities to use his influence as a pension plan trustee in violation of 18 U.S.C. 1954 and one count of filing a false tax return by omitting gratuities of \$76,560 in violation of 26 U.S.C. 7206(1). The charges had been brought following an investigation by the OLMS Seattle District Office, the IRS, FBI, the Department of Labor's Pension and Welfare Benefits Administration, and the Department of Labor's Office of the Inspector General.

On February 20, 2001, in the United States District Court for the Western District of North Carolina, a one-count bill of information was filed charging Terry K. Wilson, former secretary-treasurer of Steelworkers Local 1133-L, with embezzling \$22,073 in union funds. The charges were brought following an investigation by the OLMS Nashville District Office.

On February 14, 2001, in the United States District Court for the Eastern District of Wisconsin, Shawn Drake, former secretary-treasurer of Local 736 of the Paper, Allied-Industrial Chemical and Energy Workers International Union (PACE), was indicted on one count of embezzling \$17,419 in union funds. The charges were brought following an investigation by the OLMS Minneapolis Resident Investigator Office.

On February 5, 2001, in the United States District Court for the Middle District of Florida, Barry James, former president of Musicians Local 389, pled guilty to a one-count information for filing a false labor organization annual financial report. The charges were brought following an investigation by the OLMS Atlanta District Office.

On January 17, 2001, in the United States District Court for the District of Columbia, Gregory Floto, president of Treasury Employees Chapter 116 in Tucson, Arizona, was indicted on seven counts of mail fraud/deprivation of honest services (three counts), making false statements (three counts), and obstruction of justice (one count). The charges were brought following a joint investigation by the OLMS Los Angeles District Office and the U.S. Customs Service Office of Internal Affairs.

On January 9, 2001, in the United States District Court for the Western District of North Carolina, a one-count indictment was returned charging Roger Causy, secretary-treasurer of Food and Commercial Workers Local 427-C, with embezzling \$13,218 in union funds. The charges were brought following an investigation by the OLMS Nashville District Office.

Last Updated: 02/12/10

Please oppose establishing "Right to Work" in N.H.

States that have "Right to Work" (for less) laws have lower ^{wages} ~~wages~~, and women and people of color, are disproportionately impacted. ^{management at} Union "shops" should have to negotiate new contracts and have no interference from NH state legislature.

Please oppose "Right to work" (for less) in NH. Other "Right to work" (for less) states have more poverty, lower educational spending, and higher ^{infant} ~~infant~~ mortality rates than non "Right to work" (for less) states. We do not want to join this cohort.

Thank you -

Lynn Clowes

43 Hautshorn Lane
Warner NH 03278

The Truth about "Right to Work" Laws

"We must guard against being fooled by false slogans, such as 'right to work.' It is a law to rob us of our civil rights and job rights... Its purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone. Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are no civil rights."

— Rev. Dr. Martin Luther King, Jr., speaking on right-to-work laws in 1961¹

Introduction

There are many misconceptions about "right-to-work" laws. This sounds like it would be a plus for working people. However, this term is misleading, and a distortion of the reality underlying it. Despite its name, right-to-work laws do not guarantee anyone a job, protect against unfair firing, guarantee equitable wages, or decent working conditions. By undermining unions and the ability of labor and management to bargain freely, right-to-work laws weaken the best job security protection workers have -- the union contract. Maine has rejected such a law a number of times in the past, including a 1948 referendum in which state voters defeated two different right-to-work proposals (see Maine history, below).

In the current political climate of austerity and concerns about the role of government, it is tempting to seize upon various proposals for addressing economic challenges. However, it is critical to explore whether states with right-to-work laws are better off or worse off than those states in which workers and employers are free to reach their own agreements through collective bargaining, the process through which a union and an employer negotiate a contract. In particular, given the evidence showing lower incomes and wages in states with such laws, one must ask whether having lower wages and reduced income for Maine workers is a desirable goal in state policy. **Also, the frequent claim by proponents that right-to-work laws will encourage more economic development is highly questionable.**

This paper will explore the following issues: a) what is meant by "right to work;" b) the legal issues involved in union membership and right-to-work; c) impacts of right-to-work laws, including comparisons of right-to-work vs. "free-bargaining" states, and d) the history of earlier right-to-work attempts in Maine.

What is meant by "Right to Work?"

Right-to-work laws affect the collective bargaining process between employers and employees in the private sector, and also can cover workers in the public sector. Through collective bargaining, employers and unions meet to negotiate a contract covering the terms and conditions of employment. Generally, both the employer and the union agree to all provisions in the contract before it is implemented. Union members also vote on whether to accept the contract, which covers wages, hours, benefits, working conditions, and other issues. Many unions and employers agree to include a "union security" clause, which says that all workers who receive the benefits of a collective bargaining agreement must pay their share of the costs of union representation. **A right-to-work law prohibits employers and employees from negotiating a union security clause.**

Under the legal duty of "fair representation," a union must represent all workers in the bargaining unit fairly and equally, whether or not they belong to the union. In short, right-to-work laws allow workers to pay nothing and still receive all the benefits of a negotiated agreement. Currently, there are 22 states with right-to-work laws, mostly poorer states in the South or Midwest, with none in the Northeast.² These states also have lower unionization rates (see Table One).³

¹ Rev. Dr. Martin Luther King, Jr., 1961; quoted at: www.nathannewman.org/laborblog/archive/003608.shtml

² U.S. Department of Labor, Wage and Hour Division (U.S. DOL/WHd); "Table of State Right-to-work Laws as of January 1, 2009;" <http://www.dol.gov/whd/state/righttowork.htm>

³ U.S. Department of Labor, Bureau of Labor Statistics (U.S. DOL/BLS); "Table 5. Union affiliation of employed wage and salary Workers by state;" <http://www.bls.gov/news.release/union2.t05.htm>

An analysis of the consequences of right-to-work laws shows that they are unfair to workers who are paying dues in return for union representation and services. Such laws force unions to allocate their time and members' dues money to provide benefits to non-members who are unwilling to pay their fair share. This ultimately weakens unions and their ability to bargain collectively, as well as affecting the wages and working conditions of both union and non-union workers. **In essence, government would be interfering with the bargaining rights of labor and management to negotiate over the issue of union security.**

The term "right to work" also is highly deceptive, since it implies that workers are forced to join unions. This is not true. The U.S. Supreme Court has already ruled, in the 1963 case *NLRB v. General Motors Corp.*, that workers cannot be legally required to join a union as part of a collective bargaining contract.⁴

Unions, Fair Representation, Right to Work, and the Law

There is much misunderstanding of how unions work, along with other issues in the right-to-work debate. So it is important to clarify some basic legal context, including the legal duties of unions regarding workers, the costs and activities of union representation, and the definitions of union membership.

✚ **Duty of Fair Representation:** One of the principal functions of a labor organization is to represent everyone in the "bargaining unit" it represents, in negotiating and maintaining a collective bargaining agreement with an employer. **Under federal laws, unions are legally required to represent all workers covered by this agreement fairly, equitably, and responsibly, whether they belong to the union or not.** This responsibility is known as the Duty of Fair Representation (DFR), and a union can be sued for failing to meet its DFR responsibilities.⁵ The union also can be charged with an Unfair Labor Practice through the National Labor Relations Board, which enforces the National Labor Relations Act.

✚ **Costs and Activities Involved in Union Representation:** It may not be widely understood that the various activities involved in representing workers costs money. Negotiating a contract, maintaining and enforcing the contract, and representing workers in grievances, are all time consuming and expensive. To help cover these basic costs, members of a union often propose to include a "**union security**" clause in the contract. If the employer and the union agree, this clause requires that all employees in the bargaining unit should at least pay their fair share for the costs of the union representation activities to attain and maintain the wages, benefits, and working conditions that have been obtained through the union.

Right-to-work laws actually take away the right of labor and management to freely negotiate a union security clause. There is no "forced unionism" in free-bargaining states where workers and employers are able to work out their own agreements regarding union security, since **collective bargaining contracts cannot require a worker to join a union.**⁶ Also, a union cannot require an "objector" non-member to pay for any union activities "unrelated to collective bargaining, contract administration, and grievance adjustment."⁷

To summarize, unions are required under federal law to fairly represent all workers covered by a collective bargaining agreement, which protects and benefits both nonmembers and members.

⁴ *NLRB v. General Motors Corp.* (1963). See memo by NLRB Acting General Counsel Leonard R. Page, "Questions and Answers on Typical Union-Security and Beck Issues," 2001, www.lawmemo.com/nlr/beck-qa.htm

⁵ The legal duty of unions to provide "fair representation" to all workers covered by a union contract was first established in a 1944 Supreme Court decision, *Steele v. Louisville & Nashville R. Co.* In 1962, the National Labor Relations Board (NLRB) adopted the doctrine of the duty of fair representation (DFR), previously developed by the courts. (Communications Workers of America; www.cwa-union.org/pages/Duty_of_Fair_Representation).

⁶ NLRB, Leonard R. Page, *ibid.* Workers who decide not to join the union are seen as "financial core members." While still entitled to the rights and protections provided by the collective bargaining agreement, they are not entitled to participate in internal union affairs since they are not full dues paying members. (*NLRB v. General Motors Corp.*)

⁷ *Communications Workers v. Beck* (1988). NLRB, Leonard R. Page, *ibid.*

Impacts of "Right to Work:" Comparisons of Social and Economic Well-Being

Governmental studies show that workers who belong to unions receive better wages, benefits, and working conditions than non-union workers.⁸ In addition, the standards attained in labor/management agreements also help to improve the wages, benefits and working conditions of non-union employees, by raising the state's overall average weekly wage and benefit levels. **Over time, a right-to-work law is likely to undermine these wage and benefit gains, and prevent adequate representation for workers.**

It is also important to compare the social and economic well-being of families and workers in right-to-work states, versus states which allow employers and unions to negotiate their own contracts freely. There are a number of ways in which states are different on these issues (see Table One). This table shows the median weekly earnings, average annual pay, median income, and poverty rates for each state, and then calculates the average of these numbers for all right-to-work states, compared to all free-bargaining states.

First, the differences in worker pay levels between free-bargaining states and right-to-work states are quite evident. In 2009, the **median weekly earnings** of full-time workers in free-bargaining states (\$771) was **13.4** percent higher, on average, than for workers in right-to-work states (\$680).⁹ Similarly, the **average annual pay** for workers in all industries was 14.1 percent higher in free-bargaining states (\$44,707) than in right-to-work states (\$39,169).¹⁰

Household income figures show a similar contrast between these two groups of states. Among free-bargaining states, the **median household income** for 2009 (\$52,513) was again **13.4** percent higher for "free bargaining" states (on the average) than for right-to-work states (\$46,328). The figures for Maine in particular show that our state's median household income was \$47,502 in 2009, higher than the median income in right-to-work states, taken as a whole, by \$1,174.¹¹

Proponents for right-to-work laws often argue that a right-to-work environment will help to attract industry and encourage economic development. However, the evidence supporting this is inconsistent, and other evidence does not support this claim. For example, in the most recent rankings available from the Corporation for Enterprise Development (CFED), **Maine's business creation rate, or the number of establishment openings for every 1,000 workers in the state, was ranked as the ninth highest in the U.S. (in 2007), and was substantially higher than the average right-to-work business creation rate.**

These figures show that there were **13.1** businesses opened for every 1,000 workers in Maine, compared with only 10 businesses opened in right-to-work states, on the average.¹² By this measure, Maine is already in a healthier economic place than 16 out of the 22 "right-to-work" states. **Is it worth the risk to move Maine into the category of right-to-work states which are struggling to attain economic well-being?**

Another empirical study offers more evidence that right-to-work laws are not a solution for promoting economic growth. In a careful economic analysis, Kenneth Sanford and Kenneth Troske found that states with right-to-work laws were actually worse off in terms of their state's Gross State Product per capita

⁸ U.S. DOL/BLS; "Union Members Summary: Union Members -- 2009." Table 2: "Median weekly earnings of full-time wage and salary workers by union affiliation and selected characteristics;" 1/22/2010.

www.bls.gov/news.release/union2.t02.htm

⁹ U.S. DOL/BLS; "Highlights of Women's Earnings in 2009;" June 2010. Table 3: "Median usual weekly earnings of full-time wage and salary workers, by State and sex, 2009 annual averages." www.bls.gov/cps/cpswom2009.pdf

¹⁰ U.S. DOL/BLS; calculations from Quarterly Census of Employment & Wages. In addition, **private sector annual hourly earnings** in 2009 averaged \$20.04 for workers in "right-to-work" states, and \$22.54 for workers in "free bargaining" states". www.progressillinois.com/quick-hits/content/2010/09/16/earning-less-right-work

¹¹ www.census.gov/hhes/www/income/data/historical/household/H08_2009.xls

¹² Corporation for Enterprise Development (CFED), "2009-2010 Assets and Opportunity Scorecard: Business Creation Rate", http://scorecard.cfed.org/business.php?page=business_creation_rate

(GSP).¹³ In discussing the results of their “regression analysis,” they state that the most important predictors of income in a state are not “business climate” factors, but a state’s “stock of knowledge,” such as the educational levels of the state’s residents. They also concluded that “**states that became right-to-work states tended to experience slower growth after adopting right-to-work legislation.**”¹⁴ [emphasis added]

Lastly, Table One shows a strong contrast between free-bargaining states and the right-to-work states in terms of poverty rates.¹⁵ **It is notable that fully half of all right-to-work states – 11 out of 22 – have poverty rates over 15 percent.** The average poverty rate for all of these states combined is also 15 percent. In contrast, only six of the 28 free-bargaining states have poverty rates over 15 percent, and the average for this group is 12.8 percent. Although many factors probably contribute to the high poverty rates in these right-to-work states, these data do suggest that right-to-work laws may have negative economic impacts.

To summarize, these data clearly suggest that becoming a right-to-work state is not likely to result in a healthier or stronger economy. On the contrary, it may risk a downward slide into a more depressed economy, with higher poverty rates. **If passed, a right-to-work law could encourage “low-road” employers to offer even lower wages and fewer benefits, to an already distressed population of workers in Maine.**

As noted, the wages paid in right-to-work states, on the average, are substantially less than in states free of these highly restrictive statutes. Furthermore, despite the claims of right-to-work proponents, **these lower wages are NOT simply explained by differences in the cost of living in these states**, as shown by a controlled study by the Economic Policy Institute.¹⁶ Low wages also have negative impacts on the state’s economy and standards of living. People with low incomes have little money to buy goods and services, or to pay taxes. Low tax revenues lead to a reduced quality of public services involving education and health care, which can prevent a state from attracting business and industry needed to create jobs and economic growth.¹⁷ Thus, a so-called right-to-work law can hurt the **entire economy** of a state.

History of Previous “Right to Work” Attempts in Maine

Since the passage of the Taft-Hartley Act in 1947, which contained a provision allowing individual states to adopt so-called “right-to-work” statutes, there have been five attempts to adopt this type of legislation in Maine. The first attempt (1948) ultimately was defeated through a public referendum when Maine’s electorate voted by a margin of over two to one against two competing right-to-work bills.¹⁸ The next four attempts to adopt a right-to-work bill in Maine occurred in 1961, 1963, 1979, and 1999. Each time, these bills were defeated on a bipartisan basis.

It is both instructive and timely to review the positions of Maine’s prominent politicians and government officials regarding right-to-work:

¹³ Kenneth Sanford and Kenneth Troske; “Why is Kentucky so Poor?: A Look at the Factors Affecting Cross-State Differences in Income.” Kentucky Annual Economic Report, 2007: Center for Business and Economic Research; University of Kentucky, 2007; p. 8. GSP is the market value of the goods and services produced by the labor and property located in a State. [cber.uky.edu/Downloads/Sanford&Troske07.pdf](http://www.cber.uky.edu/Downloads/Sanford&Troske07.pdf)

¹⁴ Sanford and Troske; *ibid.* The negative regression coefficient for “right to work” was statistically significant.

¹⁵ U.S. Census Bureau, American Community Surveys, “Number and Percentage of People in Poverty in the Past 12 Months by State and Puerto Rico: 2008 and 2009.” www.census.gov/prod/2010pubs/acsbr09-1.pdf.

¹⁶ Lawrence Mishel, “The Wage Penalty of Right-to-Work Laws,” Economic Policy Institute, 2001. This multi-variate study controlled for the standard of living in each state. http://www.epi.org/resources/datazone_rtw_index/

¹⁷ Corporation for Enterprise Development (CFED), “Development Report Card for the States”, http://cfed.org/knowledge_center/research/DRC/

¹⁸ University of Maine Bureau of Labor Education (BLE), “Summary History on Efforts to Pass a Right-To-Work Law in Maine,” p. 2. This summary was based on the following sources: 1) Garland, Whitmore B., *The Right-To-Work Movement in Maine: A Study of Interest Group Technique*, Master of Arts Thesis, University of Maine at Orono, 1963). 2) Register of All Bills and Resolves -- History and Final Disposition -- 1963, Maine State Legislature.

Margaret Chase Smith: "I am opposed to the Barlow (right-to-work) bill as I do not think it is workable or sound." (Maine State Labor News, September, 1948).

Maine Attorney Sidney Wernick labeled the Barlow bill as a "deceptive measure" which he said is designed to "trick Maine voters into destroying Maine unions and fundamental American liberties." (Maine State Labor News, February, 1948.) Also, he pointed out that "this bill is misleading and unconstitutional." (Maine State Labor News, August, 1947).

In March of 1961, a right-to-work bill was killed in the Maine Legislature by a Republican caucus. Governor John H. Reed, stating that "he opposed the right-to-work bill," told a T.V. audience Wednesday evening, March 29, 1961, that "he was gratified with the action taken by the House Republicans Tuesday night." (Daily Kennebec Journal, March 30, 1961).

Marion E. Martin, Former Commissioner, Maine Department of Labor and Industry: "Any individual might and frequently does prefer working for an employer who has a contract with the union because the working conditions generally are better. These conditions are the result of a contract entered into by the free will, and I emphasize this, the free will of the employer and the employees. I question the right of any one or a number of individuals to upset such contracts and to create labor unrest and discord where labor-management relations are excellent." (From speech before Chamber of Commerce, Presque Isle, January 7, 1963).¹⁹

Conclusion

Although many proponents argue that right-to-work laws are important for business development and state economic well-being, the evidence does not support this claim. In reality, these laws serve no other purpose than to weaken unions. This is explicitly recognized in much economic analysis of right-to-work. As one scholarly article from the Journal of Law and Economics stated, "**We agree with the dominant opinion in the RTW literature that right-to-work laws are passed 'to make unions more insecure – to slow down or halt the rate at which unions are organizing and to destroy existing unions.'**"²⁰ Ultimately, the phrase "right to work" has been found to be so misleading and confusing that the Supreme Court of Idaho refused to permit the term as part of the title on a past initiative measure proposed to voters in that state.²¹

In the current conditions of a fragile economy, with many people already unemployed or in low-wage jobs, a right-to-work law would further undermine the precarious situations of thousands of Maine's working families. This "flim flam" play on words actually represents a movement whose main purpose centers on lowering wages, restricting the rights of workers, and weakening the long standing principles of free collective bargaining in the U.S. Such a law could jeopardize Maine's economic growth, and would only give workers the "**right to work**" for less.

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¹⁹ For more information on the history of Right-to-Work in Maine, refer to Charles Scontras, BLE, working paper in progress entitled: "Echoes From the Past: The Right-to-Work Movement in Maine, 1961 – 1979."

²⁰ William J. Moore, Robert J. Newman, and R. William Thomas; "Determinants of the Passage of Right to Work Laws: An Alternative Interpretation." Journal of Law & Economics, April 1974, 197-211, p. 198; cited in Thomas M. Carroll, "Right to Work Laws Do Matter;" Southern Economic Journal, Vol. 50: No. 2; October, 1983; p. 495.

²¹ Idaho Supreme Court, "Re Petition of Idaho State Federation of Labor (AFL)", 1954, cited by Missouri Attorney General Chris Koster, "Opinion Letter No. 17-87", 1987. <http://ago.mo.gov/opinions/1987/17-87.htm>

Table One: Indicators of Social and Economic Well-being, "Right-to-Work" vs. "Free-Bargaining" States

	Percent Unionized, 2009	Median Weekly Earnings, Full-Time Workers, 2009	Average Annual Pay, All Industries, 2009	Median Household Income, 2009	# of Quarterly Establishment Openings per 1,000 Workers*	Poverty Rate, 2009
"Right-to-Work" States						
Alabama	10.9	\$683	\$39,422	\$39,980	6.9	17.5
Arizona	6.5	\$735	\$42,832	\$45,739	10.4	16.5
Arkansas	4.2	\$596	\$35,692	\$36,538	9	18.8
Florida	5.8	\$704	\$40,970	\$45,631	13.7	14.9
Georgia	4.6	\$732	\$42,902	\$43,340	13.3	16.5
Idaho	6.3	\$653	\$34,124	\$46,778	15.2	14.3
Iowa	11.1	\$713	\$37,158	\$50,721	7.6	11.8
Kansas	6.2	\$685	\$38,154	\$44,717	8.7	13.4
Louisiana	5.8	\$650	\$40,579	\$45,433	8.9	17.3
Mississippi	4.8	\$595	\$33,847	\$35,078	7.5	21.9
Nebraska	9.2	\$688	\$36,644	\$49,595	8.8	12.3
Nevada	15.7	\$706	\$42,743	\$51,434	11	12.4
North Carolina	3.1	\$661	\$39,844	\$41,906	10.1	16.3
North Dakota	6.8	\$676	\$35,970	\$50,075	10.6	11.7
Oklahoma	5.7	\$625	\$37,238	\$45,878	8.9	16.2
South Carolina	4.5	\$648	\$36,759	\$41,101	8.8	17.1
South Dakota	5.5	\$628	\$33,352	\$45,826	10	14.2
Tennessee	5.1	\$637	\$40,242	\$40,517	6.4	17.1
Texas	5.1	\$661	\$45,692	\$47,475	7.7	17.2
Utah	6.9	\$714	\$38,614	\$58,491	13.7	11.5
Virginia	4.7	\$775	\$48,239	\$60,501	9.7	10.5
Wyoming	7.7	\$785	\$40,709	\$52,470	14.7	9.8
Average, Right-to-Work	6.6	\$680	\$39,169	\$46,328	10.1	15.0
"Free-Bargaining" States						
Alaska	22.3	\$879	\$47,103	\$61,604	12.3	9.0
California	17.2	\$803	\$51,566	\$56,134	9.7	14.2
Colorado	7.0	\$797	\$46,861	\$55,930	14.2	12.9
Connecticut	17.3	\$965	\$57,771	\$64,851	6.1	9.4
Delaware	11.9	\$754	\$47,770	\$52,114	11.5	10.8
Hawaii	23.5	\$696	\$41,328	\$55,649	7.8	10.4
Illinois	17.5	\$746	\$48,358	\$52,870	8.5	13.3
Indiana	10.6	\$714	\$38,270	\$44,305	7.4	14.4
Kentucky	8.6	\$654	\$37,996	\$42,664	7.9	18.6
MAINE	11.7	\$712	\$36,617	\$47,502	13.1	12.3
Maryland	12.6	\$857	\$50,579	\$64,186	9.4	9.1
Massachusetts	16.6	\$945	\$56,267	\$59,373	10	10.3
Michigan	18.8	\$771	\$43,645	\$45,994	8.6	16.2
Minnesota	15.1	\$801	\$45,319	\$56,090	10.3	11.0
Missouri	9.4	\$681	\$40,022	\$48,769	7.1	14.6
Montana	13.9	\$626	\$33,762	\$40,437	16.7	15.1
New Hampshire	10.8	\$839	\$44,932	\$64,131	11.1	8.5
New Jersey	19.3	\$886	\$55,168	\$64,777	9.7	9.4
New Mexico	6.7	\$694	\$38,529	\$43,542	9.8	18.0
New York	25.2	\$782	\$57,739	\$50,216	10.7	14.2
Ohio	14.2	\$707	\$40,900	\$45,879	7.1	15.2
Oregon	17.0	\$740	\$40,757	\$49,098	11.7	14.3
Pennsylvania	15.0	\$740	\$44,829	\$48,172	8.6	12.5
Rhode Island	17.9	\$789	\$43,439	\$51,634	12	11.5
Vermont	12.3	\$745	\$38,778	\$52,318	12	11.4
Washington	20.2	\$844	\$47,470	\$60,392	9.8	12.3
West Virginia	13.9	\$684	\$36,897	\$40,490	7.6	17.7
Wisconsin	15.2	\$744	\$39,131	\$51,237	6.7	12.4
Average, Free-Bargaining	15.1	\$771	\$44,707	\$52,513	9.9	12.8

DATA SOURCES: See footnotes #3, 9 - 12, & 15, respectively.

*Data for 2007.

Dear Committee Members,

My name is, Dennis Adams, I live on Range Road in Deerfield, New Hampshire.

I am opposed to HB474 the Right-To-Work bill. I have been a non-union construction worker, a union construction worker, and a union officer elected by the brothers and sisters of my union. I got elected to my position in 1994 and since that time I have seen RTW proposed here in New Hampshire at least a dozen times. It has been proposed with Republican Governors, with Republican controlled Houses, and Republican controlled Senates. Every single time this Virginia based group picks out a freshman House or senate member and gets them to propose the RTW bill. IT HAS BEEN DEFEATED EVERY TIME!!!!!! Why? Right-To-Work-is-not-Right for New Hampshire.

As I stated before I have been a construction worker both non-union and union and have witnessed job site safety. It is no surprise to me that RTW states have a worse safety record and higher workplace fatality rate than non RTW states. (Bureau of Labor Statistics, documented RTW states rate was 52.9% higher). RTW states receive \$5,538 lower wages annually than non RTW states. The University of Maine, not Massachusetts, has done a study on RTW and has an informational paper on it that substantiates what I have spoken here. I have a couple of copies here if you would like them. These are just a few of the reasons why I oppose RTW; there will be more testimony here today about the economic impact and lack thereof of RTW. In closing I would like to say I have spoken in the past with Republicans and Democrats and they have agreed that New Hampshire does not need some Out-Of-State company proposing Right-To-Work in New Hampshire. I ask that you listen to all the testimony here today and do as your predecessors did and VOTE HB474 Inexpedient to Legislate!!!!!! We have worked together in the past; let's continue to do so in the future. Thank you for your time and consideration.

Dennis Adams

Wisconsin bishops praised for 'clear statement' on worker rights

WASHINGTON (CNS) — The chairman of the U.S. bishops' Committee on Domestic Justice and Human Development gave his support Feb. 24 to views on the rights of workers caught in the midst of Wisconsin's budget battle earlier articulated by Milwaukee Archbishop Jerome E. ListECKI on behalf of the state's bishops.

"I write to express support for and solidarity with your clear statement," said Bishop Stephen E. Blaire of Stockton, Calif., the committee chairman, in a letter to Archbishop ListECKI.

"You and our brother bishops in Wisconsin are offering a timely reminder of what the Church teaches on the rights and duties of workers, including the right to form and belong to unions and other associations, and the obligation to address difficult problems with respect for the rights and needs of all," Bishop Blaire said.

Large daily protests have inundated Madison, Wisconsin's capital city, and its government and legislative offices since a budget-balancing proposal was issued earlier in February by new Gov. Scott Walker.

The bill would force state employees to pay half of their pension costs and 12.6 percent of their health care coverage, moves that Walker expects will save the state \$30 million in the

short term and up to \$300 million over the next two years. In exchange for the savings, Walker promised no layoffs or furloughs — but threatened to lay off 6,000 workers if the bills failed to pass.

But state workers, many of whom belong to unions, contend the bill is a pretext to decimating union rights. The bill would strip nearly all collective bargaining power for most government workers at the state, county and local levels, including teachers; the only exceptions would be for police, firefighters and state troopers.

The state Assembly passed Walker's bill Feb. 24. It was stalled in the state Senate, because Democrats left Wisconsin to prevent a quorum from being called, delaying consideration of the bill.

"The situation in Wisconsin is not unique," Bishop Blaire said. "Other states and the federal government also face daunting challenges of growing budget deficits and how to allocate burdens and share sacrifice in ways that reflect principles of social justice, economic fairness and wise stewardship."

He told Archbishop ListECKI, "Your efforts to share the consistent teaching of the Church in the midst of this controversy are an example for all of us on how to apply our moral principles to the 'signs of the times.'"

"Hard times do not nullify the moral obligation each of us has to respect the legitimate rights of workers," Archbishop ListECKI said in his Feb. 16 statement, adding it would be "a mistake to marginalize or dismiss unions as impediments to economic growth."

De Blois, Tom

From: Laura Jones [laurajonesnh@gmail.com]

Sent: Tuesday, April 05, 2011 5:16 AM

To: De Blois, Tom

Subject: My Testimony for HB 474

Hi Senator DeBlois,

Please include my testimony in the official file for HB 474. I can't make it today to the public hearing on account of sickness.

Thank you,
Rep. Laura Jones

Mr. Chairman, members of the committee, I am Representative Laura Jones, and I represent the City of Rochester. I'm here to urge you to vote HB 474, the New Hampshire right to work bill, ought-to-pass.

As a monther with a son who's just entering the workforce, I want him to be able to stay in New Hampshire. But without jobs, that isn't possible.

From 2000 to 2010, New Hampshire lost 12,800 jobs. And forced-unionism states as a whole lost 3.8 million jobs. Meanwhile, right to work states, despite two recessions in the last decade, actually saw slight job growth. That's because, as Site Selection Magazine has reported, large numbers of companies won't even consider states that don't have right to work.

In addition to increased job growth, real personal income also grew much faster in right to work states than in states without right to work. From 2000 to 2010, real personal income grew 24.3% in right to work states, while it only grew 10.9% in non-right to work states as a whole, and only 8.4% in New Hampshire. (U.S. Labor Department's Bureau of Labor Statistics.)

So it shouldn't surprise anyone that between 1987 and 2007, 2.8 million Americans aged 25 to 44 picked up and moved to right to work states from non-right to work states. As Exeter demographer Peter Francese says, in New Hampshire, this "rapid unbalancing" of the state's population is tantamount to "economic suicide."

We need to get back to creating jobs, and a right to work law is a great way to do that. Please vote HB 474 ought-to-pass. Thank you.

4/5/2011

LABI founder: Scene sets stage for unions

10/31/01

By Jack Wardlaw

Capital bureau/The Times-Picayune

BATON ROUGE -- Edward Steimel, who spearheaded passage of Louisiana's "right to work" law in the 1970s, now says that "the pendulum has swung too far" and construction workers in the state are underpaid.

Steimel, who battled organized labor to win passage of the 1976 law that grants employees the right to choose whether to join unions, said in a news release that, "What the shortsighted industries are doing is creating a climate for a return of unions. Unions are a very normal and proper response when workers are provided unfair wages, benefits and working conditions."

The founder and former president of the Louisiana Association of Business and Industry, or LABI, Steimel retired from that post several years ago and is now director of development in the College of Engineering at Louisiana State University. Before organizing LABI, Steimel was president of the Public Affairs Research Council for many years.

"A look at the construction craftsmen's wage rates in Louisiana for the year 2000 compared to wage rates in Michigan, New Jersey and Illinois show a bleak story for Louisiana workers," Steimel said. "It also explains why so many workers are leaving their families here in search of higher pay elsewhere."

He cited U.S. Department of Labor figures showing that construction wages in Louisiana in 2000 averaged \$17.10 per hour, compared with New Jersey at \$29.50, Michigan at \$27.82 and Illinois at \$22.97. In Texas, he said, the average construction wage is \$20.25 an hour.

The figures show actual construction wages in New Orleans and Baton Rouge have steadily fallen behind the Consumer Price Index over the past 20 years, he said. Construction wages in 1982 averaged about \$12 an hour, growing to the current \$17-plus. "If they had kept pace with the CPI," he said, "the rate would now be \$22 an hour, or \$5 an hour more."

2/10/2011

When skilled workers leave the state in search of higher pay, he said, "This is terrible economics for Louisiana. Huge dollars are being spent on craft training in apprenticeship programs and in vocational schools and community colleges, and we are losing many of our best-trained workers to northern and eastern states."

What happens, he explained, is that most companies, which in past years did their construction maintenance work in-house, now contract out the jobs. To win the contracts, he said, contractors are "forced to pay wages below what they would normally pay."

"Many plant managers, unlike decades ago, now move after a few years and apparently do not want to have records of higher than usual construction costs on their watch," Steimel said. "The result is to squeeze the wages of construction workers."

Another problem, Steimel said, is that Louisiana chemical and refinery workers average \$31.06 and \$32.50 an hour, respectively. When construction workers work alongside higher paid chemical and refinery workers, he said, "the construction workers don't understand why the plant pays its own workers substantially more than they earn even though their skill levels are comparable."

"Unrest among workers over wages and benefits has long been one of the greatest reasons they resort to unions," Steimel said. "It appears such a condition is virtually at hand in Louisiana. I hope Louisiana does not find the labor-management conditions deteriorating to the level it was in the late 1960s."

.....
Jack Wardlaw can be reached at jwardlaw@timespicayune.com or (225) 342-7315
begin_of_the_skype_highlighting (225) 342-7315 end_of_the_skype_highlighting.

10/31/01

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What is a so-called right-to-work law?

A RTW law is a state law that prohibits employers and employees from negotiating a union security clause requiring all workers who receive the benefits of a collective bargaining agreement to pay their share of the costs of representing them.

RTW and the Economy

Will a RTW law benefit New Hampshire's economy?

No, New Hampshire has a better economic record than RTW states.

Production workers in NH average \$22.65/hr. In RTW states, they average \$20.01/hr.ⁱ

Full-time women workers in NH average \$17.44/hr. In RTW states, they average \$15.40/hr.

In NH, the poverty rate is 7.8%. In RTW states, it's 14.5%.ⁱⁱ

How will a RTW law affect New Hampshire's economy?

For employers, a union contract with lower turnover and higher employee morale equals higher productivity. By undermining contracts and depressing wages, a RTW law will reduce expendable consumer income and hurt productivity.

Does New Hampshire need a RTW law to attract new jobs to our state?

Industries locate in a state for many reasons, but a RTW law is not one of them. New Hampshire needs to create good jobs throughout the state, but a RTW law will not persuade companies to move to the North Country instead of southern NH.

Who benefits from a right-to-work law?

No one. Some low-wage employers might think that they would benefit from weak unions and low wages, but union members are also consumers.

A RTW law would undermine the purchasing power of unionized workers. Employees covered by union contracts receive 27.8% more in wages and benefits than unorganized workers. If a RTW law weakens unions and drives down wages and benefits, workers will have less to spend and the entire economy will suffer.

RTW and Individual Freedoms

If New Hampshire does not have an RTW law, can an employee be forced to join a union?

No. The U.S. Supreme Court has ruled that no collective bargaining agreement can require anyone to join a union. Unions and employers may only negotiate contract provisions requiring non-members to pay the proportion of union dues spent to represent them.

Does a union security clause require non-members to pay full union dues?

No. Non-members pay only the proportion of union dues that are related to collective bargaining expenses.

¹ John Schmitt, *The Unions of the States*, Center for Economic and Policy Research, Feb 2010

² US Census Bureau

Cathy A. Wallace
141 Gold Street
Manchester, NH 03103

April 5, 2011

Dear Chairperson and Committee Members:

Please vote against HB 474.

This bill would jeopardize collective bargaining by weakening our unions. It would result in lower paying jobs with no security and no future. It would also create chaos and strife in the workplace.

People want good paying jobs with good benefits that would help them plan for and secure their future. If people get good paying jobs with benefits it will help to stimulate the economy.

The Unions helped to bring us out of the Great Depression let them help to bring us out of the Great Recession.

A vote against HB 474 would be a vote for the working people and a vote against big corporate profiteering.

Thank you for your time and consideration.

Cathy A. Wallace
Cathy A. Wallace

Universal Steel Erectors, Inc.

149 Reservoir Drive

Weare, NH 03281

E-mail: steelerecutoruse@aol.com

Phone: (603) 529-5100

Fax: (603) 529-5101

Re: Opposition to HB-474, "Right To Work" Bill

Dear Honorable Chairman & Honorable Senators of the Committee:

I urge that you oppose HB-474. For decades, our employees have worked harmoniously without regard to union membership or dues issues. This Bill, if it became law, would disrupt that harmony, create problems, and require paper work for my small business. I own and operate a business fabricating and installing steel, primarily on construction sites in New Hampshire and Massachusetts. In good times I employed over 79 individuals. My firm employs both union and non-union individuals. I do not experience "labor" problems, and this Bill, in spite of its name, would create them.

The "Right-to-Work" name seems a masquerade. No such right exists in our National or State Constitutions. I worry when governments create new "rights" like this Bill that encroaches on traditional employer prerogatives. For example, in New Hampshire, as in all states, businesses can terminate an employee "at will," even for no reason whatsoever. Cloutier v Great Atlantic & Pac. Tea Co., Inc., 121 NH 915 (1981). Further, if I choose to hire someone only on the condition that the employee arbitrate claims against my business (rather than go through expensive and time-consuming courts), I may. Circuit City Stores, Inc. v. Adams, 532 US 105 (2001). In short, no one has a right to work for me, unless they contract to do so. Some of my employees have contracted do so, and this Bill would penalize me solely because I choose to collectively bargain contracts with some employees. Respectfully, I urge that you not interfere with my contractual relations, and ignore the Bill's name. It turns upside down the concepts of free enterprise, liberty, and hands off approaches that my business needs to ensure labor harmony, especially when mobilizing my employees out of state. I fear the consequences of this Bill for our good employees who travel interstate.

For example, on projects in Massachusetts I must assure public awarding authorities that my employees could "work in harmony" with work crews on the projects. GL 149, §44E (Labor Harmony Clause in Public Procurement Code). This Bill would not apply to my employees when they work in Massachusetts, and it could diminish my ability to persuade awarding authorities of a harmonious work force when I travel with my New Hampshire crew into Massachusetts. Further still, this Bill would inhibit my ability to gain business contacts that could result in hiring more people. Worse, it could result in forcing me to layoff, if I lacked employee harmony. Worse still, it discriminates against NH workers, as more employers that work in both NH and MA might simply hire MA workers to avoid NH labor law issues. Ironically, it creates legal and business problems, all apparently to address a problem that does not exist in my Company, nor in our State.

Currently, my company enjoys freedoms to move employees from state-to-state without worrying about inconsistent labor law. If enacted, the law would pit our employees against each other, and create serious and substantial financial liability for my firm. Specifically, it creates new lawsuits against all employers, more paper work to document employee activity, onerous postings on all construction sites, and tends to increase the need for my business to pay taxes toward yet bigger government needed to enforce new "rights" the Bill creates. We do not need a criminal law aimed against business owners like me. The Bill allows not only government investigation into my business affairs, but also encourages lawsuits against me and my firm. Further, it forces my management team to become witnesses for some of our employees against others. This mires our businesses in litigation requiring us to expend capital on legal expenses we cannot afford. Our capital is best spent investing on business opportunities that also create jobs, not on lawsuits that drain my capital.

Still further, the Bill offends my beliefs against government interference and in individual liberty, especially regarding private property takings by governments. Here's how: Our unionized employees vote by secret ballots how much, if any, of their wages (their private property) they wish put toward union dues. They place their property into private bank accounts, and use that money to finance grievances, contract with employers, and pay staff and office space. The Bill's current version allows state police power to coerce our unionized employees to spend their property on our non-union employees' grievances. Like *eminent domain*, the Bill takes the private property of my unionized workers and forces them to spend that property on non-union employees, but without compensation.

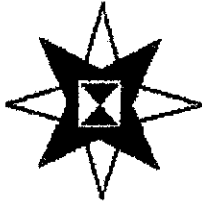
I realize that a Supreme Court case, Kelo v City of New London, 545 US 469 (2005), now allows governments to take private property and give it to private developers, but only after paying "just compensation." Many Libertarians opposed that decision because the government took private property, but not for "public" use intended in the US Constitution. This Bill extends Kelo by creating a more offensive government taking of private property. Here, unlike in Kelo, our non-union employees would not have to pay even "just compensation" or any compensation to our unionized employees when they demand that the union handle a grievance or represent them. This inputs a divisive element into my workforce and constitutes government micromanaging or intruding on my liberty to contract, i.e., with my employees.

Please limit government's input into my affairs, and allow me the liberty to contract with my employees without more laws. Toward that end, I respectfully urge that you vote this Bill inexpedient to legislate.

Thank you for your service to New Hampshire,



Randy Beliveau, Owner & President
Universal Steel Erectors, Inc.
Weare, NH 03281



AMERICAN FRIENDS SERVICE COMMITTEE
NEW HAMPSHIRE OFFICE
Arnold Alpert, Program Coordinator
4 Park St., Suite 209, Concord New Hampshire 03301
tel: (603) 224-2407 fax: (603) 228-6492
e-mail: aalpert@afsc.org

Prepared Statement of Arnold Alpert
HB 474 - "Right To Work" – April 5, 2011

My name is Arnold Alpert. I am New Hampshire Program Coordinator for the American Friends Service Committee. I am also a member of UNITE-HERE Local 66L and the UNITE HERE New England Joint Board. I am pleased to be able to appear before you today to tell you that both my employer and my union urge you to reject HB 474, the so-called "right to work" bill.

The American Friends Service Committee is a Quaker organization that turns 89 years old this year. Throughout our history, we have assisted working people who have sought to better their lives and working conditions. From the coal mines of Appalachia to the orange groves of Florida to the grape fields of California to the maquiladora factories along the Mexican border, the AFSC has stood with people who have sought employment, living wages, and dignity on the job.

The ability of working people to attain a decent standard of living is threatened in our country and in our state. According to the National Low Income Housing Coalition, it takes an income of \$3,410 monthly or \$40,917 annually to afford a typical two bedroom apartment in New Hampshire. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into a Housing Wage of \$19.67, more than two and a half times the minimum wage.

If the purpose of HB 474 were to provide jobs at decent wages so that working people could afford decent housing, we would be enthusiastic about it. But this bill is not about ensuring that all people have the right to a decent job. Rather this bill is a thinly veiled attempt to undermine the ability of working people to organize among themselves and bargain collectively with their employers.

By making it more difficult for workers to organize, "right to work" would force down the wage levels of all working people in New Hampshire. The ability to afford health care would be threatened. The ability to pay taxes to support schools would be diminished. The state's housing crisis would intensify.

Over the years, in this country and around the world, most recently in Egypt, the American Friends Service Committee has observed that strong unions help their members better their wages and working conditions, but also can be powerful advocates for human rights and a better standard of living for everyone.

If you are interested in reducing poverty and giving more people access to decent jobs, you should recommend this bill inexpedient to legislate.

Susan C. DeLemus
Rochester Dist #1

Senators of the Commerce Committee

HB 474-FN - AS AMENDED BY THE HOUSE

15 Feb 2011... 0218h
15 Feb 2011... 0313h

2011 SESSION

11-0609
06/01

HOUSE BILL **474-FN**

AN ACT relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

SPONSORS: Rep. W. Smith, Rock 18; Rep. Baldasaro, Rock 3; Rep. Seidel, Hills 20; Rep. Lauer-Rago, Merr 2; Rep. Holden, Hills 4; Rep. Brosseau, Graf 6; Rep. Summers, Hills 26; Sen. Forsythe, Dist 4

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

This bill also provides that no public employee labor organization shall be required to represent employees who elect not to join or to pay dues or fees to the employee organization.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

*If a person chooses to work for the Post Office...
ie: Postal workers have that prerogative so let's force all people to join
It's all about freedom*

*I'm here representing my constituency who ^{have} asked me to collectively represent them
Individual rights of the people to choose how they will live their lives.*

The employees ^{should} have the right to choose

40 years is long enough,

I was not aware that ^{an} employer who owns a private business has to run that business as a democracy.

Labor laws + the dept. of labor are diligent in protecting workers rights.

one of my best friends had to borrow money from me so that her husband could ~~get a job he had been hired to do~~ ^{go to} work

People should be able to be in a union or not

Fair or not it is the prerogative of the individual

HB 474-FN - AS AMENDED BY THE HOUSE

15 Feb 2011... 0218h
15 Feb 2011... 0313h

11-0609
06/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Name of Act. It is the intent of the general court that this act be known as "The Franklin A.
2 Partin Jr. Right to Work Act."

3 2 New Paragraph; Obligation to Bargain. Amend RSA 273-A:3 by inserting after paragraph IV
4 the following new paragraph:

5 V. The employee organization certified by the board as the exclusive representative of the
6 bargaining unit shall not be required to represent employees who elect not to join the employee
7 organization. A collective bargaining agreement reached under this chapter shall apply only to public
8 employees in the bargaining unit who are members of the employee organization.

9 3 New Paragraph; Obligation to Bargain. Amend RSA 273-A:3 by inserting after paragraph IV
10 the following new paragraph:

11 V. The employee organization certified by the board as the exclusive representative of the
12 bargaining unit shall not be required to represent employees who elect not to join or to pay dues or
13 fees to the employee organization. A collective bargaining agreement reached under this chapter
14 shall apply only to public employees in the bargaining unit who are members of, or who elect to pay
15 dues or fees to, the employee organization.

16 4 New Chapter; Right to Work Act. Amend RSA by inserting after chapter 273-C the following
17 new chapter:

CHAPTER 273-D

RIGHT TO WORK ACT

20 273-D:1 Short Title. This act may be cited as the "Right to Work Act."

21 273-D:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in
22 order to maximize individual freedom of choice in the pursuit of employment and to encourage an
23 employment climate conducive to economic growth, that all persons shall have, and shall be
24 protected in the exercise of, the right freely, and without fear of penalty or reprisal, to form, join, or
25 assist labor organizations, or to refrain from any such activity.

26 273-D:3 Definitions. In this chapter:

1 I. "Employer" means any individual, corporation, association, organization, or entity that
2 employs one or more persons. The term includes, but is not limited to, the state of New Hampshire
3 and its agencies, every district, board, commission, instrumentality, or other unit whose governing
4 body exercises similar governmental powers. The term "employer" includes, but is not limited to,
5 employers of agricultural labor.

6 II. "Labor organization" means any organization of any kind, or agency or employee
7 representation committee or plan, which exists for the purpose, in whole or in part, of dealing with
8 employers concerning grievances, labor disputes, wages, rates of pay, hours of work, or other
9 conditions of employment.

10 273-D:4 Freedom of Choice Guaranteed, Discrimination Prohibited. No person shall be
11 required, as a condition of employment or continuation of employment:

12 I. To resign or refrain from voluntary membership in, voluntary affiliation with, or
13 voluntary financial support of a labor organization;

14 II. To become or remain a member of a labor organization;

15 III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor
16 organization;

17 IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent
18 to or a pro-rata portion of dues, fees, assessments, or other charges of a labor organization; or

19 V. To be recommended, approved, referred, or cleared by or through a labor organization.

20 273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from
21 the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges,
22 to be held for, transferred to, or paid over to a labor organization, unless the employee has first
23 presented, and the employer has received, a signed written authorization of such deductions, which
24 authorization may be revoked by the employee at any time by giving written notice of such
25 revocation 30 days in advance of its effective date. Every employer who receives such an
26 authorization from an employee shall have a duty to promptly notify that employee in writing that
27 the employee may revoke an authorization at any time by giving the employer 30 days written
28 notice.

29 273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal.
30 Any agreement, understanding or practice, written or oral, implied or expressed, between any labor
31 organization and employer which violates the rights of employees as guaranteed by the provisions of
32 this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike,
33 picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or
34 attempting to induce an employer to enter into any agreement prohibited under this chapter is
35 hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

36 273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep
37 continuously displayed the following notice at such a place or places in the business, establishment,

1 or premises where it may be readily seen by all employees, and it shall be the further duty of every
 2 employer to furnish a copy of such notice to each employee at the time the employee is hired:

3 EMPLOYEES FREEDOM OF CHOICE

4 Under the law of the state of New Hampshire, employees are protected in the exercise of their
 5 free choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor
 6 union to enter into a contract or agreement requiring them to pay dues, fees, or charges of any kind
 7 to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not
 8 discharge or otherwise discriminate against an employee because of joining or refusing to join a labor
 9 union, or to pay dues, or other charges to a labor union.

10 273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor
 11 organization, or officer, agent or member thereof, or employer, or officer thereof, by any threatened
 12 or actual intimidation of an employee or prospective employee, or the employee's parents, spouse,
 13 children, grandchildren, or any other persons residing in the employee's or prospective employee's
 14 home, or by any damage or threatened damage to property, to compel or attempt to compel such
 15 employee to join, affiliate with, or financially support a labor organization or to refrain from doing so,
 16 or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful
 17 to cause or attempt to cause an employee to be denied employment or discharged from employment
 18 because of support or nonsupport of a labor organization by inducing or attempting to induce any
 19 other person to refuse to work with such employees.

20 273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an
 21 employer or labor organization, who directly or indirectly imposes upon any person any requirement
 22 prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall
 23 be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days,
 24 or both.

25 273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened
 26 violation of the provisions of this chapter shall be entitled to injunctive relief against any and all
 27 violators or persons threatening violation, and may also recover any or all damages of any character,
 28 including costs and reasonable attorney fees, resulting from such violation or threatened violation,
 29 cognizable at common law. Such remedies shall be independent of, and in addition to, the penalties
 30 and remedies prescribed in other provisions of this chapter.

31 273-D:11 Duty to Investigate. It shall be the duty of the attorney general and of each county
 32 attorney, to investigate any complaints of violation of this chapter, and to prosecute all persons
 33 violating any of its provisions, and to use all means at their command to insure effective enforcement
 34 of the provisions of this chapter.

35 273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered
 36 into on or after the effective date of this chapter and shall not apply to existing contracts, but shall
 37 apply to any renewal or extensions of such existing contracts.

1 273-D:13 Exceptions. The provisions of this chapter shall not apply:

2 I. To employers and employees covered by the federal Railway Labor Act.

3 II. To federal employers and employees.

4 III. To employers and employees on exclusive federal enclaves.

5 IV. Where they would otherwise conflict with, or be preempted by, federal law.

6 273-D:14 Severability. If any provision of this chapter or the application thereof to any person
7 or circumstance is held invalid, the invalidity does not affect other provisions or applications of the
8 chapter which can be given effect without the invalid provisions or applications, and to this end the
9 provisions of this chapter are severable.

10 4 Effective Date. This act shall take effect January 1, 2012.

LBAO
11-0609
01/20/11

HB 474-FN - FISCAL NOTE

AN ACT relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 12, 2011

THE COMMITTEE ON Commerce

to which was referred House Bill 474-FN

AN ACT relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-1

AMENDMENT # 1403s

Senator Russell Prescott
For the Committee

Patrick Murphy 271-3067

New Hampshire General Court - Bill Status System

Docket of HB474

Docket Abbreviations

Bill Title: (3rd New Title) relative to freedom of choice on whether to join a labor union.*Official Docket of HB474:*

Date	Body	Description
1/21/2011	H	Introduced 1/6/2011 and Referred to Labor, Industrial and Rehabilitative Services; HJ 11 , PG. 188
1/27/2011	H	Public Hearing: 2/3/2011 10:30 AM Representative's Hall
2/2/2011	H	Executive Session: 2/8/2011 2:00 PM LOB 307
2/10/2011	H	Majority Committee Report: Ought to Pass with Amendment #0218h(NT) for Feb 15 (Vote 10-7; RC); HC 13 , PG.235
2/10/2011	H	Proposed Majority Committee Amendment # 2011-0218h (New Title); HC 13 , PG.258
2/10/2011	H	Minority Committee Report: Inexpedient to Legislate; HC 13 , PG.235
2/15/2011	H	#0218h (New Title) Adopted, DIV 240-110; HJ 17 , PG.375-376
2/15/2011	H	Floor Amendment # 2011-0313h (New Title) (Rep Daniels) Adopted, VV; HJ 17 , PG.376
2/15/2011	H	Ought to Pass with Amendments #0218h(NT) and #0313h(2ndNT): MA RC 221-131 ; HJ 17 , PG.375-378
2/15/2011	H	Reconsideration (Rep W.Smith): MF RC 100-248 ; HJ 17 , PG.380-382
3/30/2011	S	Introduced and Referred to Commerce; SJ 12 , Pg.243
3/31/2011	S	Hearing: 4/5/11, Representatives' Hall, 9:00 a.m.; SC18
4/13/2011	S	Committee Report: Ought to Pass with Amendment # 2011-1403s , NT, 4/20/11; SC20
4/20/2011	S	Committee Amendment 1403s, NT, AA, VV; SJ 13 , Pg.263
4/20/2011	S	Ought to Pass with Amendment 1403s, NT, RC 16Y-8N , MA; OT3rdg; SJ 13 , Pg.263
4/20/2011	S	Passed by Third Reading Resolution; SJ 13 , Pg.270
5/4/2011	H	House Concurs with Senate Amendment #1403s(NT) (Rep Daniels): MA RC 225-140 ; HJ 42 , PG.1446-1448
5/4/2011	S	Enrolled; SJ 16 , Pg.319
5/4/2011	H	Enrolled; HJ 42 , PG.1490
5/11/2011	H	Vetoed by Governor 05/11/2011; HC 41 , PG.1395-1396

NH House

NH Senate

Other Referrals

Press Release

For Immediate Release
May 11, 2011

Contact:
Communications Director
Office of the Governor
603-271-2121

Governor Lynch's Veto Message Regarding HB 474

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 11, 2011, I vetoed HB 474.

States should not interfere with the rights of businesses and their employees to freely negotiate contracts. That is unless there is a compelling public interest, and there is no compelling public interest in passing this legislation.

There is no evidence that this legislation will offer any benefits to New Hampshire's economy or workers.

As I have said repeatedly, New Hampshire has an economic strategy that is working. New Hampshire has one of the strongest and fastest-growing economies in the nation. We have one of the lowest unemployment rates and one of the highest median incomes in the nation. We are considered one of the safest states and one of the healthiest states, and a high percentage of our citizens have private health insurance.

New Hampshire has a lower unemployment rate and a stronger economy than most states with so-called right-to-work laws. In states with a right-to-work law, workers on average have a lower standard of living, bringing home less in their paychecks and going without health insurance more frequently.

In my time as a CEO, in my years spent in the private sector turning around companies, and in my seven years as Governor, I have never seen the so-called right-to-work law serve as a valuable economic development tool.

In the last seven years of recruiting businesses to move to New Hampshire, not one business leader has ever even asked me if New Hampshire had a right-to-work law, let alone suggested it was a factor in the company's location decision. No New Hampshire business leaders have ever told me that the lack of a so-called right-to-work law prevented them from expanding or hiring new workers here in New Hampshire. And no New Hampshire workers have ever told me they couldn't get a job because New Hampshire doesn't have a so-called right-to-work law.

The debate over the so-called right-to-work bill in New Hampshire appears to be largely driven by national outside interest groups, and is not a result of problems facing New Hampshire businesses or workers.

There is no justification in this case for state government to interfere with the right of private businesses to freely negotiate and enter into contracts with their employees. Therefore, I am vetoing HB 474.

COMMITTEE REPORT FILE INVENTORY

HB 474-FN ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1403s _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): *Governor's veto message*

DATE DELIVERED TO SENATE CLERK

8-5-11

BY:

Patrick Murphy
COMMITTEE AIDE