

# LOCAL Voice



3336

## For the Record

Doug Drake, 1st Vice President

It's that time of year again. Time to weed the garden one last time. The garden that needs weeding most is Oregon politics. Labor has already kept any Sizemore weeds from growing again this year. Let's see if we can keep up the good work and elect some labor and environmentally friendly candidates in November!

To expedite the job your union has pulled together some background on a number of the important local and statewide races, as well as significant ballot measures. The idea is to summarize where the candidates stand on a few of the hot issues members of AFSCME 3336 care about--labor issues like state employee rights, benefits and environmental interests that affect our everyday work at DEQ. No candidate or measure is perfect but once you look at the information we've gathered, I think you'll see where the weeds are.

Election information has been inserted, so keep this newsletter handy when your ballots come in the mail. Help yourself, help your fellow workers, and help the environment by casting a vote for a better future and a better Oregon.

Speaking for AFSCME 3336 Executive Board,

Thanks.

**I consider it important, indeed urgently necessary, for intellectual workers to get together, both to protect their own economic status and, also generally speaking, to secure their influence in the political field.**

*Albert Einstein (commenting on why he joined the American Federation of Teachers, AFL-CIO)*

## Why Are Unions

### Involved in Politics?

Mary Orr, Exec. Board Member  
AFSCME Local 88 (Multnomah County)

In 1806, members of the Cordwainers (shoemakers), recognized as one of the first American unions, were arrested and charged with conspiracy after striking for higher wages. Using a Conspiracy Doctrine dating from the 14<sup>th</sup> century, the courts judged union members to be in an *illegal conspiracy* against their employers. With the force of the law, troops, and scabs, the employers crushed the Cordwainer's union. The fledgling labor movement nearly disappeared.

#### The workers discovered politics

Workers found another way to improve their lot: they formed political parties with progressive platforms to fight for free education, a ten-hour work day, and eliminating debtors' prison and child labor. Throughout history, when it's been difficult to make progress at the bargaining table, people turn toward politics.

#### The Labor Movement:

**The folks who brought you the weekend.** We can gain inspiration from successful labor/government collaborations that have resulted in a better world than the Cordwainer's world of 1806. A good example is the creation of social security, and wage and hour laws during New Deal in the 1930s.

Government and business don't give benefits and decent working conditions out of the goodness of their hearts. Upon taking office, George W. Bush signed a bill eliminating the newly formed ergonomic regulations—ten years in the making—that would have provided for safer and healthier working conditions.

The current administration also wants to exempt thousands of Homeland Security workers from labor relations authority. They would be “at-will” workers with no legal right to organize. **President Bush thinks managers should have unilateral authority over working conditions, and shouldn't have to negotiate.** Federal workers have modest union rights, and Bush wants to use *legislative action* to take them away. Sounds a bit like the 14<sup>th</sup> century, wouldn't you say?

**Pension plans and health insurance**, won by the labor movement after World War II, **are starting to erode** (or be stolen, like the pensions that you read about in the business pages).

Like the Cordwainers, workers will again turn to politics to protect the gains made at the bargaining table. These problems are too big for local unions to solve themselves. What about the majority of workers who don't have a union? **Do we, as union members want to contribute to social policy?** If so, then labor needs to be involved as a partner with other social constituencies (like seniors, the poor, the uninsured and environmental caretakers). Political grassroots organizing is the only way.

Jobs with Justice (JwJ) is a national coalition of labor, community, and religious organizations that fights for workers' rights. Margaret Butler of Portland's JwJ on why coalitions are important: "**We don't have enough power as individual unions to win the struggles of working people**; we need the labor movement and the community with us. We forget that many workers are fighting for basic respect and the right to organize." JwJ works through direct action, lobbying, coalition building, and education to improve social and working conditions.

**As public employees, bargaining is politics.** The government is our employer: they have power over our wages, benefits, and working conditions. We have the unique opportunity to elect our own bosses. The attempt by Oregon's legislature to eliminate PERS is happening in the political arena, but PERS came out of bargaining.

According AFSCME Council 75, **business outspends unions 15 to 1**. To those who claim we're "buying politicians:" we couldn't buy a politician's finger, nor would we want to. But we do want access. "We should help candidates when they need it most, when they are trying to get elected, so that when they're elected, they'll know who we are and what we do. Through the interview and endorsement process, we find out what they stand for..." says Cornelia Murphy at Council 75.

**The U. S. is the only industrialized nation without a labor party.** Hence, unions focus on electing pro-labor legislators. To do this, most unions use "hard" money given voluntarily (not collected via dues) for direct contributions for federal candidates. AFSCME's campaign is called PEOPLE (Public Employees Organized to Promote Legislative Equality).

"Soft" money (dues) cannot be used for federal candidates according to campaign finance law. **Dues are used for education and research** (i.e., to check and publicize voting records), and to communicate about why we endorse candidates and issues. Then you decide. **In the 2000 election, the Oregon AFL-CIO had the highest labor turnout in the country with 86 percent**

**of registered union members voting.** Business may outspend us 15 to 1, but we have old-fashioned numbers on our side. Our money goes a long way, buoyed by a strong communication structure. Unions can dedicate special funds to fight ballot measures that are anti-union or anti-public employee, such as Sizemore's attempts to keep unions out of the political process.

Oregon labor spent \$5 million in 2000 to defend hard-won rights. **In 2002, labor got proactive and created the Voter Education Project (VEP) to watchdog the initiative process.** The VEP made headlines with shocking videos of signature gatherers forging names. By spending just half a million dollars, Sizemore was blocked from putting measures on the ballot through fraud. Spending less money on defense frees us to support positive change and candidates who care about working people and the disenfranchised.

**In every industrialized country besides the U. S. and South Africa, benefits such as paid vacation, sick time, health care, and maternity leave are guaranteed under the law.** By contrast, American unions must renegotiate these benefits with every contract; those without a union (86 percent of workers) depend on their employer's goodwill. Naturally, employers try to prevent workers from organizing since they'll have to pay for benefits. If benefits were legislated (and all employers had to pay), having a union wouldn't be such a scary thought for employers. And we union workers wouldn't have to pour our time and money into bargaining and political action to gain and maintain benefits that workers in Canada and Europe take for granted.

Can we shift the way this country looks after its workers? It's been 200 years since the Cordwainer's struggle for fair and decent working conditions was crushed.

**They turned to politics. So must we.**

Comments? [Maryorrlocal88@aol.com](mailto:Maryorrlocal88@aol.com)

This article was excerpted from a NW Labor Press article by Mary Orr. Mary has worked for Multnomah County Health Department for eight years as an HIV/AIDS Program Development Specialist, monitoring service contractors and working with community planning groups. She organized a union in an insurance company at age 19 and is still hanging in there, currently as a steward and executive board member of Multnomah County Employees Union, Local 88 AFSCME.

## We're on the Web!



Yes, Local 3336 has joined the rest of the world and has a site on the internet. This site will allow us to communicate directly with members without the restrictions we presently have with our agency intranet site.

The idea is to eventually have this newsletter available via the web and save the local money by eliminating postage costs. We will still send the newsletter to those folks who don't have internet access. The site has links to other important websites, so going to our site will make it easier to get union calendar of events, E-Board minutes, voting information, contract negotiation news, etc.

So check it out and tell us what you think. Visit us at [www.afscme3336.org](http://www.afscme3336.org).

## PERS Update?

It's hard to know what the latest on PERS is as this newsletter goes to press. A recent court ruling had the PERS Board's earlier decisions coming under attack. For the latest news it is probably best to check out the PERS website at [www.pers.state.or.us](http://www.pers.state.or.us) or AFSCME Council 75's site at [www.oregonafscme.com](http://www.oregonafscme.com).

Needless to say PERS is a politically hot issue right now, and the next legislature will be looking to "fix" (read: do away with) what really needs to be made fiscally solvent. If there is no other issue than your retirement benefit that gets you politically active, let this one be it!

## Contract survey coming

Be on the look-out for the next newsletter. We are entering into "contract campaign" season and we will want to know what we should be asking for this time out. This will be one of the toughest contract negotiations we've had in recent years and we want to go to the table with a good strategy and unified members.

## Contract Spotlight

Speaking of the contract, we are focusing on a specific article of the contract in each newsletter. First up is the most basic of all union rights--your "Weingarten rights"(Article 12).



The rights of unionized employees to have present a union representative during investigatory interviews were set by the U.S. Supreme Court in a 1975 case. These rights have become known as the *Weingarten* rights.

Employees have *Weingarten* rights only during investigatory interviews. An **investigatory** interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for **discipline** or asks an employee to defend his or her conduct.

If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. Management is not required to inform the employee of his/her *Weingarten* rights; it is the employees' responsibility to know and request.

When the employee makes the request for a union representative to be present, management has three options:

1. It can stop questioning until the representative arrives;
2. It can call off the interview; or,
3. It can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to a union representative (an option the employee should always refuse.)

Employers will often assert that the only role of a union representative in an investigatory interview is to observe the discussion. The Supreme Court, however, clearly acknowledges a representative's right to assist and counsel workers during the interview.

The Supreme Court has also ruled that during an investigatory interview management must inform the union representative of the subject of the interrogation. The representative must also be allowed to speak privately with the employee before the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

While the interview is in progress the representative can not tell the employee what to say but he may advise them on how to answer a question. At the end of the interview the union representative can add information to support the employee's case.



For a list of Union officers and stewards, please visit [www.afscme3336.org](http://www.afscme3336.org).

**Newsletter Staff:** Doug Drake  
Susan Drake  
Tina Olson  
Liz Waddle

You can make  
the difference:  
**VOTE!**

## Local Voice

AFSCME Local 3336 – DEQ Employees  
P.O. Box 40446  
Portland, OR 97204