



President Biden removes key figure at National Labor Relations Board — union leaders rejoice

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By Andrew Keshner

Amid a flurry of first-day orders and actions, President Joe Biden's administration showed the door to a top-ranking lawyer at a labor agency meant to guard against unfair labor practices for private-sector workers.

The administration allegedly fired the National Labor Relations Board's general counsel, Peter Robb, reportedly after he refused to resign according to Bloomberg Law.

But why would one lawyer's presence matter so much at a time when Biden is facing a surging COVID-19 pandemic, a mass vaccination effort, stiff economic headwinds and the aftermath of a siege on the U.S. Capitol?

The answer, observers say, lies in the power of the general counsel role and Biden's focus on organized labor. It also could mean new prospects for college athletes, ride-share drivers, graduate students and others seeking organized labor protections, according to one expert.

Union leaders hailed the action. "Robb's removal is the first step toward giving workers a fair shot again," AFL-CIO President Richard Trumka said in a statement.

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PRESIDENT BIDEN REMOVES KEY FIGURE AT NATIONAL LABOR RELATIONS BOARD — UNION LEADERS REJOICE

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Robb's alleged firing is "the critical first step toward restoring an NLRB that understands that the purpose of the National Labor Relations Act is to encourage collective bargaining and prevent the abuse of corporate power," Communications Workers of America President Chris Shelton said in a statement.

But members of the business community struck an opposite tone, saying Robb's departure now was "at odds with longstanding practice from both Democrat and Republican administrations and sets a concerning precedent that could apply to other independent agencies," said Glenn Spencer, senior vice president of the U.S. Chamber of Commerce's Employment Policy Division. "It also will be disruptive to the NLRB's operations and may be subject to legal challenge. Certainly, we hope this decision is reconsidered."

Robb, who started a four-year term in November 2017, was no longer the general counsel, as of 5 p.m. Wednesday, a National Labor Relations Board spokesman confirmed. Deputy General Counsel Alice Stock was the acting general counsel on Thursday, the spokesman said.

But later Thursday, the spokesman said the White House advised the board Stock was no longer employed at as the deputy general counsel, effective Thursday at 5 p.m.

He referred further comment to the White House.

Stock said she was declining the new administration's request that she resign, according to a letter obtained by MarketWatch. Both she and Robb had planned to serve out Robb's term to its November 2021 finish. "This would have been the normal, traditional and legal course," Stock wrote. But then came Robb's "abrupt and unceremonious removal," she added.

Robb could not be reached for comment and a White House spokesperson didn't immediately respond to a request for comment.

Here's why one personnel move might have boarder significance — especially at a time when union membership keeps declining while the pandemic

puts working conditions front and center.

Why does it matter who the general counsel is?

The National Labor Relations Board is an independent federal agency that's meant as a safe guard against unfair labor practices from both employers and unions. The agency also exists to ensure workers can collectively bargain if that's their choice.

There are five slots on the board and members decide unfair labor practice cases after administrative judges hear them first. One seat is currently vacant. Biden on Wednesday tapped Lauren McFerran, an Obama-era appointee, to chair the board.

But there's also the general counsel, who is appointed by the president. This role "functions as a prosecutor," pressing unfair labor cases before the board, explained Rebecca Givan, a professor at Rutgers University's School of Management and Labor Relations. The general counsel has "a great deal of authority" on the allegations that come before the board for decision, Givan said.

The general counsel's office also has a lot of sway in the rule-making process, and Givan said that may affect an even wider swathes of workers compared to particular cases.

In one April 2019 "advice memo," Robb's office said Uber drivers were independent contractors.

However, that conclusion "effectively robs Uber drivers of the rights under the NLRA to engage in collective action — such as organizing a union or collectively bargaining — to improve their working conditions," according to researchers at the left-leaning Economic Policy Institute.

Union critics note Robb's career includes work in the early 1980s air-traffic controller strike. Unionized air traffic controllers walked off the job in 1981, and President Ronald Reagan ended up firing most of them in the watershed case. Robb worked unfair labor-practice cases against the air traffic controllers after Reagan fired them, according to the AFL-CIO.

Can't new administrations bring in their own appointees?

Yes, Givan said. "In most cases a president's administration will allow the general counsel to serve the remainder of the term, but they do have ability to fire a general counsel," she said.

Rep. Virginia Foxx, a Republican from North Carolina, scorched Biden for the dismissal, saying his "continuous calls for unity and civil discourse upon taking his oath of office are already proving to be empty aspirations."

The ranking Republican in the Education and Labor Committee said the "outrageous ultimatum" to Robb was a reward to "Big Labor." Foxx urged Biden to pull back "this ill-advised and divisive action against a Senate-confirmed official and allow General Counsel Robb to finish the job he was appointed to do independently and free from political influence."

What does this mean for the future?

Union membership has been on a decades-long slide to the point that 10.3% of all working Americans were in a union in 2019.

When running for president, Biden was clear in his support for organized labor, with his campaign website saying "There's a war on organizing, collective bargaining, unions, and workers."

On a practical level, Givan said Robb's removal could be a green light for college athletes, rideshare drivers, and graduate students to band together find support at the board.

One of Robb's first acts was pulling back guidance that college football players could be considered employees under the National Labor Relations Act, according to a 2017 analysis from lawyers at Jackson Lewis, a national law firm representing management.

At a broader level, Givan said Robb's removal "signals that the Biden administration is taking restoring workers' right seriously and restoring the right to be represented by a union." For her, it shows the new administration "understands the actual purpose of the National Labor Relations Act" and will staff the agency "with people that will fulfil that purpose."

UNIONS AND THE FIGHT FOR CIVIL RIGHTS

Jimmy Settles,
Detroit Free Press
guest writer
Feb. 23, 2016

As we celebrate Black History Month, it is important to remember the historical importance of organized labor to black workers and their families, and unionism's continued relevance today.

It was once legal to discriminate against minorities in hiring and wage equity. Even when it became illegal to discriminate against minorities in the workplace, bias against minorities was widely practiced and tolerated. Unions were at the forefront of the battle fighting for equal wages and an equal chance at jobs that could elevate families out of poverty.

Historically, African-Americans were given the least desirable jobs – if they were permitted to work at all alongside whites – and the auto industry was no exception. With the advent of the UAW, job opportunities and wages improved.

The UAW was formed to fight for, and ensure, workers' rights. Fairness and justice is the epicenter of our value system and it extends to the community as a whole.

UAW was one of the earliest and most steadfast supporters of the civil rights movement, particularly Martin Luther King, Jr.'s message of equality and solidarity. When Nelson Mandela was finally freed from prison in South Africa, he demanded to visit UAW-Ford Local 600 in Dearborn to thank UAW members for their unwavering and outspoken support.



UAW International Vice President Ernie Lofton (left) and UAW Owen Bieber stand with Nelson Mandela at the Ford Rouge complex in June 1990. *Daymon J. Hartley/Detroit Free Press*

The tradition of the UAW's commitment to societal justice continues today. We are an outspoken opponent to unfair and unsafe labor practices worldwide. Our concern extends beyond labor to community welfare. UAW-Ford members volunteer thousands of hours every year to improve the communities in which we live, work and play.

Today, the UAW is as important to labor rights as it was in its earliest years. Right-to-work laws threaten to undermine the effort put into hard-won negotiated rights and attempt to splinter and weaken unions. This by extension weakens minority communities, as African-Americans are particularly vulnerable to a reduction in unionism. To illustrate organized labor's significance in African-American communities consider this: unions represented 15.8% of African American males in 2014. That's more than 3% higher than any other demographic.

Organized labor has historically been the door through which African-Americans entered middle class status. States with Right to Work laws have been shown to have lower wages, lower rates of health coverage, higher poverty and infant mortality rates, less investment in education and higher workplace fatalities.

Battles waged against unions disproportionately affect African-American middle class communities.

Whether it's fair housing, job opportunities or voter registration and participation; UAW is at the forefront of fighting for civil and human rights issues.

As we commemorate Black History month in 2016, let us not only remember how far we have come, but also keep in mind that our hard-won victories still need protection today.

Jimmy Settles is vice president of UAW-Ford.

NOTES FROM THE JAN, BOARD OF HIGHER ED MEETING

Questions

1. **Will there be an extension for the 10 days sick leave that the CARES Act (FFRCA) offered through the state?**
The act goes away, then it will be up to HR folks on each campus to decide what to do with those employees who are sent home because of contact exposure or positive testing. No consistency among them.
The federal government stated that it was extended to March 31st, but the BHE does not qualify for it.
2. **If you have COVID-19 you can still test false positive for 90 afterwards, even though you are negative. People who had it should not be made to produce a negative test to return to work.**
3. **Timeline for vaccine for CPOs and others with an on campus presence?** Some campuses have received them for CPOs and maintainers. Salem State, North Shore, Bristol, STCC
Because of the way health services are set up at Salem State, their health services can administer they vaccine for CPO's, maintainers and building administrators. Other campuses do not have the same set up and qualifications to administer vaccines on their campus.
Some campuses are working with the new community health partner to offer the vaccine to campuses
4. **Questions of whether or not it will be mandatory.**
That has not come up in any conversation yet at the state level.
 - Dan Morse (staff rep): He represents a group who had vaccines offered through their employer and administered by CVS. There was a particular block of time set up for his members to show their badge as proof of employment to get the vaccine at the CVS.
5. **Any word on a 5 year package for retirement coming from the state?**
No, not likely
6. **Clarification on the MOA for vacation time as it relates to retirement. Specifically, Section 11 which caps vacation time payout for anyone leaving state employment, either by resignation or retirement at 375 (unit 1) & 400 (unit 2) hours.**
It's a cap for everyone who leaves employment. All others will have the time to work their vacation time down extended to April 2021. Mike Murray said they are considering extending it beyond April. And looks likely that the date may be pushed out again.
7. **State Specs for Admin Series to review...**
Mike Murray and Al Grey get their committee together to get dates review the series proposal. They are aiming for the end of February for that to happen.
8. **Dispatcher moving from unit one to two.**
Kim Sylvia will be working on the wording of the joint petition with our counsel and getting that moving forward.
9. Mr. Murray stated that the new state budget will get rolled out soon. With revenues up the outlook looks promising.

CAMPUS POLICE OFFICERS

As table officers we took an oath to listen to the voices of all our members. But because the concerns of law enforcement personnel on our campuses are unique, AFSCME 1067 would like to set up a database just for you. Where we can send out information that is specific to you and your situation or to get your feedback on pressing issues.

If you would like to be part of this new initiative please provide us with your contact

information by [clicking this link.](#)

Some of the topics we will be highlighting in our correspondence with you will be:

- Homeless shelters at North Shore Community College and Bunker Hill Community College
- The use of body cameras at Bunker Hill Community College
- The communications dispatchers being moved from Unit I to Unit II.
- Changes to the AFSCME constitution and what that

means to you and its impact on CPOs.

- A proposed ZOOM meeting for CPOs to discuss setting up elections for a steward from each campus to represent CPOs at monthly AFSCME Executive Board meetings.

We can't do this without your help. Please take the time to register for this important step in letting your voices be heard!

[CLICK HERE AND REGISTER NOW!](#)

WAYS TO COPE DURING A PANDEMIC

The pandemic continues to impact every part of the globe, leaving no one unaffected. You don't have to contract the virus to be impacted by it. People can experience sleep disturbances, loneliness, emotional instability. If you're working either in person or remotely that has its own stressors. The stress of balancing work and home life, how to avoid getting burnt out, and emotional wellness may be on the forefront of your mind.

Luckily there are resources available to help cope with those stressors in our daily lives.

Below are a list of just a few videos out there that can help. Click on the picture or the link to open video.

Sleep Tips During COVID-19 - 5:43

<https://youtu.be/BDKkv3KQK38>



3 Components of Connectedness - Fighting Loneliness During COVID-19 - 2:13

<https://youtu.be/eVEtKAY45Rw>



The importance of self-compassion during COVID-19 - 3:11

<https://youtu.be/PPyH97Zm9hO>



Working From Home During the COVID-19 Pandemic?



How to avoid burnout while working from home - 3:59

<https://youtu.be/5jwHJhR21Zs>



Grief and COVID-19: Mourning What We're Missing - 2:25

<https://youtu.be/fcBTBSrAg-8>



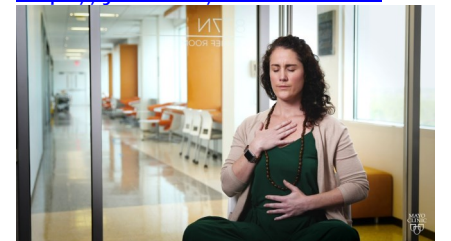
Emotional Wellness During COVID-19 - 3:13

<https://youtu.be/Sph8-JUwqYU>



Kristin Lothman: Mindfulness & Meditation - COVID-19 - Meditation Example - 6:43

<https://youtu.be/T0Tv7FuvNJ8>



How to Be a Good Parent During COVID-19 - 19:20

<https://youtu.be/iu-VbwpiRkA>



AFSCME ADVANTAGE

HARDSHIP HELP

Union Plus is here to help union members and their families through times of uncertainty with unique Hardship Help benefits. Find out if you're eligible for these Union Plus programs.

- [Layoff Assistance](#)
- [Mortgage Assistance](#)
- [Save My Home Hotline](#)
- [Disaster Relief Grants](#)
- [Legal Help](#)
- [Medical Bill Negotiating Service](#)
- [Hospital Grant for Mortgage](#)
- [Supplemental Insurance](#)
- [Disability Benefits](#)

MORTGAGE FINANCING



UNIONPLUS
MORTGAGE COMPANY

Call 1-855-UNION-53 TO SPEAK WITH A LOAN OFFICER



Home Mortgage

CALL 1-866-802-7307 FOR A CONSULTATION

MONEY & CREDIT

From credit cards to credit counseling, AFSCME Advantage offers union members and their families a wide array of financial products to meet their everyday needs.

[Credit Card Program](#)

[Credit Counseling](#)

[Personal Loan](#)

[Consumer Tips](#)

UNION PLUS BENEFITS

Union Plus is a non-profit and we're the ONLY consumer benefits organization created and endorsed by the AFL-CIO.

Here at Union Plus, our mission is to improve the quality of life for union members and their families, provide valuable benefits and services that

strengthen the ties of union members to their unions and contribute funding to the labor movement.

"...Union Plus is a non-profit and we're the ONLY consumer benefits organization created and endorsed by the AFL-CIO."

We believe that our country's middle class was built by union-strong members like you, so we diligently research every benefit and tailor them to support you and other union members — we're working hard to make life a little easier for you.

If You're Union — You're Eligible

As current and retired union members, you are automatically eligible for your union's Union Plus Benefits —



UNIONPLUS

often times, your parents, spouse and children are also eligible. No Union Plus membership, No Fees, No Waiting Period, No Hassle.

Don't have access to a union job? Consider joining Working America for free.

IMPORTANT AFSCME LINKS

Looking for the most recent contract:

[2017-2020 AFSCME Contract](#)

Looking to reallocate? Start by finding the correct spec for you new position.

[Mass State Classification Specifications](#)

Fill out the request reallocation packet

[Appendix E Reallocation Packet](#)

Having an Election on your campus?

[Local-Union-Election-Manual-English](#)

Are you a public safety officer?

[Public Safety Protection Plan brochure](#)
www.psoaa.org/faq.php website

Sign-up and payments are handled by the local. The per-member cost for this option is \$15.75 per quarter (\$5.25 per member per month).

The Local is willing to pay for the first six months.

Looking for your campus steward?
<https://afscme1067.org/wp-content/uploads/2020/06/steward-list-2020.pdf>



FREE COLLEGE BENEFIT

“The Union Plus Free College Program is an extremely valuable benefit. I really appreciate my union membership giving me access to this opportunity.”

– Lorraine L., Free College student



Free College for you and your family members! A life-changing opportunity from your union to earn your Associate Degree

Free associate degree for you and your family

Union Plus Free College offers working families a debt-free and convenient higher education opportunity. Current and retired union members, their spouses, domestic partners, children (including stepchildren and children-in-law), financial dependents and grandchildren can all take advantage of this exciting opportunity! Family members do NOT need to be financial dependents or living with the member to be eligible.

Zero out-of-pocket costs

Members and their families can earn an Associate Degree online, with no out-of-pocket costs. A last-dollar scholarship covers the difference between any federal grants and your tuition, fees and e-books at Eastern Gateway Community College (EGCC).

Eastern Gateway credits are transferable

Eastern Gateway Community College is a public, non-profit school in the University System of Ohio and is regionally accredited by the Higher Learning Commission. Credits you earn can transfer to other schools, saving you as much as \$15,000 on your education!

The Free College benefit covers the cost of tuition, fees and books after any PELL or other federal grant, or employer reimbursement is applied. The remaining amount will be cleared with the Free College scholarship. As long as your financial aid file is complete, there is no cost to the student and students are never asked to take out any loans.

Higher
Education

IN JUST 4 STEPS

- 1 **APPLY to Eastern Gateway**
Go to unionplusfreecollege.org and select the Get Started Today button.
- 2 **COMPLETE the FAFSA**
Complete the form online:
FAFSA.ed.gov (school code: 007275)
- 3 **SUBMIT proof of high school graduation or GED completion**
- 4 **ENROLL in classes**
Work with an enrollment advisor to register for classes.

Enroll anytime. Classes start every 8 weeks.



1-888-590-9009
unionplusfreecollege.org

Free College is possible thanks to the early support and enthusiasm of AFSCME, who entered into a collaboration with Eastern Gateway Community College in 2016.

AFSCME Local 1067 Strong Instruction for New Cards

Make a plan within your local to speak with each member – spread the work out, you should get volunteers to assist. The members will be more engaged in the local if we get them talking with each other on a local level.

First, approach each individual member and get them to recommit to the union. Ask them if they would be willing to help by getting active at work. Check the box where they are willing to do something. Keep this information for your records. (top section)

Second, have the member fill out the Membership Application (middle section)

Make sure the card is signed. And, cell phone and personal email are important.

Third, explain to the member how important it is to be involved politically

Make sure you tell the member that dues money can't be spent on politics. That's why we need them to contribute to PEOPLE. It's job security for them to

have someone lobbying for their best interests.

When you complete this process you can **give the original cards** to your Council 93 Staff Representative when they are on campus or at Executive

Board Meetings or mail them to Brittany Alexander, 8 Beacon Street, 8th Floor Boston, MA 02108. **Make a copy and submit to both HR and Payroll.** Keep a copy for your local files, In between meetings/mailings a scanned copy can be e-mailed to Brittany Alexander at balexander@afscme93.org.

You do not have to wait until you get cards from all the members; get them to Council 93 staff when you receive them. Please send the whole card, even if only the middle section has been filled out. Do not perforate or cut the card.

- FOR NEW MEMBERS: Original card goes to Council 93 – Copy to HR and Payroll.
- PEOPLE – When a member fills out the PEOPLE card, make sure they have selected a deduction amount and signed the card. Make a copy of the card for local records.
- CAMPUS – Make sure that the name of your college/university is on the card

The image shows two forms from AFSCME Council 93. The top form is the 'Membership Application' with a blue header and 'AFSCME STRONG' logo. It includes a checklist for members to sign up for, such as 'Talk to colleagues at work about AFSCME' and 'Make phone calls to AFSCME members for campaigns'. Below this is the 'Membership Application' form itself, which asks for personal information like name, address, and phone number, and includes checkboxes for 'New Member' and 'Please Print Legibly'. The bottom form is the 'Contribution Form' with a blue header and 'AFSCME PEOPLE' logo. It asks for a monthly contribution amount and includes checkboxes for 'New Member' and 'Please Print Legibly'. Both forms have a 'Please Print Legibly' instruction.

WEINGARTEN RIGHTS! KNOW THEM!

Beware that management is not obligated to inform employees of their Weingarten rights – employees must ask for them.

Unlike Miranda rights –where police are required to tell a suspect of his/her right to an attorney, etc. – employees must ask for their Weingarten rights.

Weingarten – State the following:

“If the discussion in this meeting could in any way lead to my being disciplined or terminated or impact on my personal working conditions, I request that my steward, local officer or union representative be present.

Without union representation, I choose not to answer any further questions at this time.

This is my right under a Supreme Court decision called Weingarten”.

Weingarten rights apply during investigatory interviews when a supervisor questions an employee to obtain information that could be used

as grounds for discipline for either you or a colleague. When an employee believes such a meeting may lead to

discipline, he/she has the right to request union representation. These basic Weingarten rights stem from a Supreme Court’s decision.

The employee must request representation before or during the meeting.

After an employee makes the request,

the supervisor has these choices:

grant the request and wait for the union representative’s arrival;

deny the request and end the meeting immediately; or

give the employee the choice of either ending the meeting or continuing without representation.

Never continue without representation. EVER! If the supervisor denies the request and continues to ask questions, the employee has a right to refuse to answer. In addition, the supervisor is committing an unfair labor practice. As always, call your Chief Steward if you have questions or if you are unsure!

“Never continue without representation. EVER!”

UNION TRAINING SESSIONS FOR 2021

Training sessions for interested members are as follows:

- Session 1: Feb 16: Role of a steward (Source of the union's power; what it means to be a steward; terminology; Knowing and using your contract)
- Session 2: March 2: Navigating the 5 steps of the grievance process + deeper dive on documenting & investigating grievances
- Session 3: March 23: Negotiating basics and labor-management meetings (including Impact bargaining – maybe a mock session)
- Session 4: March 30: FMLA, EEOC, Title XI

[Click here to register](#)

MONTHLY E-BOARD MEETINGS

January 12, 2021

February 9, 2021

March 9, 2021

April 13, 2021

May 11, 2021

June 8, 2021

July 13, 2021

August 10, 2021

September 21, 2021

October 12, 2021

November 9, 2021

December 14, 2021

Monthly Executive Board Meetings *AFSCME Local 1067*

January 12, 2021 at 9:30 AM

Members Can Join Zoom Meeting

by clicking the link below

<https://zoom.us/j/96713662043>

by phone: 929-436-2866

Meeting ID: 967 1366 2043

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Bridgewater State University	Kim Sylvia	Massasoit Community College	Kim Sylvia
Bristol Community College	Kim Sylvia	Middlesex Community College	Ashley Peel
Bunker Hill Community College	Ashley Peel	Mt. Wachusett Community College	Dan Morse
Cape Cod Community College	Kim Sylvia	North Shore Community College	Carol Markland
Fitchburg State University	Dan Morse	Northern Essex Community College	Carol Markland
Framingham State University	Dan Morse	Quinsigamond Community College	Dan Morse
Greenfield Community College	Joe Malinowski	Roxbury Community College	Ashley Peel
Holyoke Community College	Joe Malinowski	Salem State University	Carol Markland
Massachusetts Bay Community College	Ashley Peel	Springfield Technical Community College	Joe Malinowski
Massachusetts College of Art & Design	Ashley Peel	Westfield State University	Joe Malinowski
Massachusetts College of Liberal Arts	Joe Malinowski	Worcester State University	Dan Morse