



AFSCME®

1625 L Street, N.W., Washington, D.C. 20036
Telephone (202) 429-1000

To: Elizabeth Brickman From: Pat Glynn Date 3/27/84
Re: Howard Mental Health - Burlington, VT Local No. Area Office
Boston, MA

Attached please find literature distributed in AFSCME's recent organizing campaign to represent employees of Howard Mental Health Services. This is a private, non-profit community mental health facility in Burlington, Vermont. The agency hired the law firm of Moss & Boris (One Dag Hammerskjold Plaza, New York, New York 10017) to represent them during the NLRB election process. This law firm is well-known (not only in Vermont and New York, but nationally) for its union-busting tactics. Bob Moss was on the scene running the anti-union campaign every step of the way.

AFSCME filed a petition to represent the direct care staff of Howard Mental Health on November 1, 1983, with the Regional Office of the NLRB in Boston. Moss came in immediately and began to stall the process by not agreeing to an election. There were five days of hearings on the unit during the month of November and into early December. Then, Moss requested three extensions on the deadline for filing briefs. The Regional Office of the NLRB granted a portion of, if not all, the time at each request. This brought us up to the beginning of the new year.

The Regional Director of the NLRB issued a decision and directed an election finally on February 2, 1984. A group of seven employees, who were originally active in the organizing campaign, were found to be supervisors. Also, we had two units of employees--professionals (potential of 122) and non-professional (potential of 17). The professional unit not only included all the direct care staff that we originally petitioned for, but also included part-time and contracted employees who had no interest in the union.

An election was held on February 29, 1984, and the results are as follows:

Professional Unit

AFSCME	64
No Union	50
Challenges	6

Non-Professional Unit

AFSCME	3
No Union	14

As you can see from the attached literature, the employer really inundated employees with anti-union propaganda. Also, Jim Leddy, the

in the public service

Elizabeth Brickman

March 27, 1984

Page 2

Executive Director, visited every work site to plead "his case" against the need for a union. Leddy even sent handwritten letters to employees the weekend before the election. One employee was taken out to lunch three times and sent flowers (upon her return from maternity leave).

The AFSCME organizing committee consisted of 13 employees from the various work locations. The committee kept close phone and personal contacts with their co-workers during the campaign. We also did home visits to all employees the weekend before the election. AFSCME had an open meeting each month during the campaign. These meetings were well attended--not only by interested and/or undecided employees, but by management spies.

If you would like more information, please contact me.

PG:pg

ATTACHMENTS

cc: Laura Spencer, Council 93 Coordinator
Steve Fantauzzo, Area Director/New York

HMHS management
union-busting materials

FALL-WINTER 1983/84

Howard Mental Health Services

The Union Earlier Wrote Staff
and Assured You as Follows:

*“Regarding Strikes — AFSCME Unions
Are Relatively Strike Free.”*

But What Are the Actual Facts?
Please Judge for Yourself

THESE ARE ALL A

THE NEW YORK TIMES

July 28, 1981

Providence Mayor Says He'll Dismiss Strikers

PROVIDENCE, R.I., July 27 (AP) — Mayor Vincent A. Cianci Jr. threatened today to dismiss all 1,600 striking municipal workers and seek contempt of court orders against some employees.

Workers received written warnings as they picked up paychecks for work performed before last Monday, when sewage employees walked off to protest a

reduced work week resulting from budget cuts. The strike soon spread to most clerical and blue-collar workers.

"We mean business," Mayor Cianci said at a news conference today.

Long Walkout Ends in Pennsylvania

1980
Luzerne County, Pa.—AFSCME Local 1198 county workers have returned to work after a one-month strike over wages and working hours.
The workers' battle for their firm contract began last year after AFSCME won bargaining rights for the 550-worker unit. Workers walked off the job after talks broke down.

The Burlington Free Press

Mental Patients Are Sent Home

In Strike's Wake

NEW YORK (AP) — Thousands of mental patients were being sent home or transferred Tuesday because of a strike by a New York City hospital workers' union.

Boston Herald American 20,000 strikers disrupt state



STATE EMPLOYEES STRIKE—Pickets outside of John W. McCormack building (left photo). Worker squares through line (center photo) and lady picket pleads with worker at tollbooth (right photo).

1980

Settlement Ends 88-Day Michigan Walkout

Grand Rapids—After an 88-day strike, Michigan's longest this year, Local 1061 city workers have returned to work with a new two-year agreement.

Long Island Press Violence and sabotage mark hospital

SCME STRIKES... THERE

THE NEW YORK TIMES, SUNDAY, NOVEMBER 7, 1982

Bitter Strike at a Hospital Embroils Ohio City

Special to The New York Times

WARREN, Ohio, Nov. 6 — When 700 workers at a hospital walked off their jobs Aug. 1 after their three-year contract expired, officials thought the strike would be over in a day or two.

"In the beginning, nobody expected it wouldn't be settled right away," said Gwynne Moore, Trumbull Memorial Hospital's public relations director. "The weather was nice; it was a warm weekend. There was almost a party atmosphere to it."

Within a week, the hospital was hiring people to replace the strikers, members of Local 2804 of the American Federation of State, County and Municipal Employees. That led to contentions that the hospital was trying to break the union, a troubling thought in a city with an unemployment rate of about 20 percent, in part from steel industry layoffs.

Soon hundreds of Ohio union supporters and leaders of other labor organizations came to this city of 60,000 people. They formed the Workers Solidarity Movement and staged weekly rallies at the hospital in support of the striking service workers and nurses' aides.

41 Arrested at 2 Rallies

At rallies in October, the police used nightsticks to subdue protesters throwing eggs, overturning cars and splattering paint. Forty-one people were arrested at two rallies.

Asked why the strike had led to violence, Miss Moore replied: "I don't think it's because the strike is that significant in itself as strikes go. It's a

symbolic issue here of a fight for union strength. Who can they blame for unemployment? The hospital became a place they can vent their frustration and despair."

The frustration began over wages. Union members at the 500-bed Trumbull Memorial wanted to earn at least as much as their counterparts at two other hospitals here.

Hospital Benefits Stressed

The striking workers earned about a dollar an hour less than their counterparts. The average minimum wage for the various union job classifications at Trumbull was \$4.85. Miss Moore said the hospital had offered an average minimum of \$5.46. "The dollar figure may be lower than the other hospitals, but our benefits are better," she said.

The strikers included maintenance, food service and laundry workers; orderlies, nursing aides and surgery and X-ray technicians. Registered nurses remained on the job.

The union members struck in 1979 but agreed on a contract and returned to work less than a day later. This time supervisors and clerical employees became tired of working long hours at unaccustomed tasks. "We had to hire a boiler operator," Miss Moore said. "We had to have hot water. Reality set in that these people weren't coming back."

The hospital started hiring more replacements, 296 in all. About half of the striking workers then crossed picket lines and reclaimed their jobs. The hos-

pital offered a new proposal Sept. 15, although Miss Moore said the wage offer was no higher. It was rejected.

A rally Oct. 3 became violent. Cars were vandalized, and the police arrested a score of protesters after street clashes. The scene was repeated on Oct. 13, when 14 more demonstrators were jailed on charges ranging from assault to aggravated rioting.

'An Attempt to Break the Union'

The next week, 400 protesters moved their demonstration to a union hall after reports of progress in the negotiations. Then the members heard the terms of the newest contract proposal. The hospital wanted to keep the replacement workers and hire strikers only as the need arose. The union rejected the proposal Oct. 28.

"Labor sees this as an attempt to break the union," Robert J. Catlin, president of the Trumbull County Federation of Labor, has said. Miss Moore denies that charge. The hospital has stopped enforcing contract provisions calling for new employees to be in the union. It says 100 more striking workers want to return to work but have not been needed.

The hospital's right to replace striking workers under Federal and city regulations is a subject of dispute. The Workers Solidarity Movement has filed complaints with the National Labor Relations Board on the issue. A Federal mediator has been in contact with both sides, but no new talks have been set.

THE NEW YORK TIMES

DECEMBER 19, 1982

Employees of Ohio Hospital Vote to End 4½-Month Strike

WARREN, Ohio, Dec. 18 (AP) — Striking maintenance and service workers at Trumbull Memorial Hospital voted to end their four-and-a-half-month walkout Friday, though some of the strikers will not go back to work for nearly three years.

Under an agreement signed by the hospital and Local 2804 of the American Federation of State, County and Municipal Employees, the hospital must recall 100 of the 280 strikers by Oct. 31, 1983. An additional 100 must be recalled by Aug. 31, 1984, and the rest must be back at work by June 1, 1985.

Strike hits
as pact lo

By MICHAEL ROSENBAUM
Seven social work agencies affiliated with the Federation of Jewish Philanthropies were struck today. Employees rejected a co-

The agencies serve 100,000 people through citizens programs, services, counseling centers, Nassau and Both residential facilities.

Negotiated scheduled on-site social child care center.

Strike Continues
At Philadelphia;
Pickets Curbed

PHILADELPHIA (AP) — A city judge Sunday issued injunctions restricting the picketing activity of 19,000 municipal employees whose three-day strike has shut down or sharply curtailed services in the nation's fourth largest city.

THE NEW YORK TIMES

60 Striking Atlanta Workers Clash

ARE MANY MORE

PHILADELPHIA

1982

Some 160 Jewish Employment and Vocational Service (JEVS) workers—AFSCME Local 1739 members—ended a 16-day strike here and agreed to a new wage and benefit package.

The workers at JEVS—a nonprofit organization that provides employment and vocational training to the unemployed and underemployed—will receive a 4 percent cost-of-living adjustment retroactive to November 1, to be followed by an additional 2 percent increase this month.

Council 47 Director Tom Cronin said the grounds for the strike were a lack of decent wages and benefits. "We're not pleased with what we got, but it's the best that we could get at this time considering all that we had to deal with," he concluded.

social agencies in close vote

THE NEW YORK TIMES

Caseworker Strike Doesn't Shut Down Some Feelings

By DAMON STETSON

Blanche Falder, a 77-year-old widow, leaned forlornly on a cane and waited on a streetcorner in Brooklyn for more than an hour Thursday morning for the minibus to take her to a senior center run by the Jewish Association for Services to the Aged. But the bus never came because of the strike against seven major Jewish casework agencies.

"It's so disappointing," Mrs. Falder said. "I go to the center to talk and discuss. I have lunch. It's a place for lonely people. It's good. You meet friends. Now everyone's feeling sorry."

At the I. H. B. Day Treatment Center and Residence in Brooklyn, an affiliate of the Jewish Board of Guardians, a volunteer tucked a small emotionally disturbed boy into bed. "Thank you," the boy said, "but if my counselor was here he would hug me."

At Childville, a child-care agency for troubled children at 440 East 88th Street operated by the Jewish Child Care Association, 34 of the 46 children in residence have been sent home for the duration of the strike.

1980

Totowa, N.J.—Over 400 North Jersey Training School employees—AFSCME Local 2211 members—are back to work after a four-day walkout over working conditions.

THE NEW YORK TIMES

HOSPITAL STRIKE ENDS AS WORKERS SURRENDER RAISES

1979

OHIO HOSPITAL STRIKE CONTINUES IN DISPUTE OVER FIRST CONTRACT

A strike by some 300 professional and nonprofessional employees at O'Brien Memorial Hospital in Athens, Ohio, enters its sixth week as members of the American Federation of State, County and Municipal Employees Local 1252 reject the latest salary offer made by the hospital. The union which represents all employees, except supervisors, struck the hospital on March 20 in a dispute over a first contract.

A union spokesman said the second negotiating session since the strike began was held on April 20 and the hospital increased its wage offer from 15 to 25 cents an hour but the union is requesting a 40-cent across-the-board increase. The union also is seeking a union shop, dues checkoff for union members, and an increased health insurance package.

AFSCME has filed unfair labor practice charges with the NLRB alleging that the hospital has refused to bargain in good faith, has tried to intimidate striking employees, and was bargaining with an "internal committee" of rank-and-file members rather than with the union. The charges are being investigated by a Board agent.

AFSCME won bargaining rights for the unit in an NLRB election in May 1978. No further talks are scheduled at this time.

1981

Philadelphia—A three-week strike by private, non-profit Family Services social agency employees—AFSCME Local 1739 members—ended with a new contract, guaranteeing increased wages and an agency shop.

The one-year pact provides a 5% across-the-board pay hike, upgraded health benefits and modified agency shop where non-members pay 85% of union dues for representation.

"Winning agency shop is a clear-cut victory," says negotiator Jane Shure, a social worker. "It's the one item management refused to consider."

The 35 social workers and clericals at the 100-year-old facility struck after contract talks broke down over agency shop and wage proposals.

"Most of the workers," says Council 47 Director Tom Cronin, "had never been on a picket line—the greatest labor educator. But before it was over, they'd learned valuable lessons in

The New York Times

August 11, 1980

Garbage Piles Up in Boston In Strike of City Workers

BOSTON, Aug. 10 (UPI) — Garbage piled high in the Haymarket produce center and throughout the city today because 1,000 public works and Parks and Recreation Department workers remained on strike.

Dennis Austin, the city's labor relations supervisor, yesterday threatened "severe discipline" against workers who continued to defy a back-to-work order issued by the state Labor Relations Commission Friday night.

Actual letters to staff presently in a four-month AFSCME strike where the union is demanding that the child care agency give greater raises than can be afforded under the reimbursement provided by the state.

ABBOTT HOUSE
MEMORANDUM

December 22, 1983

TO: All Abbott House and Abbott School Staff
FROM: Geoffrey R. Wiener *GRW*

I want the entire staff of both the agency and the school to be aware of the kind of totally irresponsible behavior which has occurred at the agency since the strike began after rejection of the offer we made to the union which provided an additional 5 per cent salary adjustment that had been given to the 220 non-union agency staff members.

1. On Friday night, December 16th, ten tires on agency vans were punctured in the parking area. Previously, four tires on a non-striking staff member's car were punctured at his home; windshield wiper and radio antenna were destroyed. Another member had paint thrown on his car in a church parking lot. Sugar was placed in the tank of an agency van.
2. Children have advised us that they have been encouraged by striking staff to misbehave, flood the building, light fires, overturn furniture, and sexually molest and abuse female staff on duty. These acts are currently under full and active investigation by the Irvington police.
3. Staff members coming to work have been stopped and sworn at. School buses have been stopped from safely delivering youngsters, creating a dangerous traffic situation on North Broadway. Delivery trucks have been blocked from making deliveries to the agency.

Despite this rash of unconscionable acts, the agency has been continuing to serve our children and meet their needs. I would like to personally thank all working staff for their efforts, loyalty, and support.

Abbott House 100 North Broadway Irvington-on-Hudson, New York 10533

(914) 591-7300

November 30, 1983



Dear

President
Mr. Theodore A. Wilson
Vice-President
Ms. JoAnn Heffernan Heisen
Vice-President
Mr. Leslie A. Danish
Vice-President
Mr. James B. Sweeney
Secretary
Mrs. J. B. Parnell, Sr.
Treasurer
Mr. Jack Bealus
Assistant Treasurer
Mrs. Armond V. Masco
President Emeritus
Mr. Irving Lerner
Board of Directors
Ms. Doris V. Brunson
Mr. William N. Burnette
Dr. John Clarkin
Mr. Michael A. Cornman
Mr. Gerald Eisner
Mr. Neil Maher
Mr. Archibald H. McAulay
Mr. Anthony J. Puma
Mr. Stanley Rubenzahl
Mrs. Charles E. Stewart Jr.
Executive Director
Geoffrey R. Wiener
DSW, ACSW

It is with regret that I write you at this time. What should be a normally happy time of the year for everyone and their families has turned into a difficult period.

As this senseless strike continues, we cannot justify continued support of Agency paid premiums for group hospitalization, surgical, major medical and life insurance coverage for those employees who are not actively working. Therefore, effective December 1, 1983, if you wish to continue this insurance coverage you will be individually responsible for payment of the entire premium cost of these insurance premiums.

To continue your coverage, it will be necessary for you to reimburse Abbott House directly the sum of for the monthly insurance premiums. Your insurance premiums must be actually received by the Abbott House no later than the 15th of the month, and if your premium payment is not received by Abbott House by the 15th of the month your insurance shall cease. It is strongly recommended that you do not let this valuable insurance program lapse. All individual insurance premium payments should be forwarded to the attention of Mr. Charles Miller.

Should you have any questions regarding this matter, please feel free to call Mr. Miller or Mrs. Myra Gray.

Very truly yours,

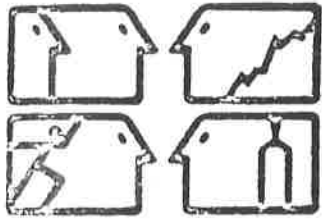
Geoffrey R. Wiener
Geoffrey R. Wiener
Executive Director

GRW:MAH

Strikes are not inevitable, but AFSCME is hardly "strike free"! I truly hope you will vote on Wednesday against any possibility of AFSCME strikes ever happening at Howard Mental Health.

Jim Paddy

October 21, 1983



Howard Mental Health Services

300 Flynn Avenue
Burlington, Vermont
05401

802/658-0400

James P. Leddy
Executive Director

Affiliated With

Vermont Department of
Mental Health

Vermont Council of Community
Mental Health Services

National Council of Community
Mental Health Centers



We are writing to you at home because of a serious development which is occurring at Howard Mental Health Services. As some people may be aware, a union (AFSCME) is attempting to unionize the employees of this Agency.

In view of these developments, we believe you ought to know your legal rights, as well as how the Board and Administration feel about this issue.

First, it is our position that it is not in the best interests of our clients, our employees, or the Agency itself to bring in a union to stand between us. We sincerely feel that management and employees should continue to deal directly with each other without the intervention of an outside organization. Our employees do not need to pay outside union professionals to represent them in order to receive fair treatment. The Agency fully respects the ability of the employees to act and speak for themselves.

Secondly, we do not believe that this AFSCME union is seriously interested in direct employee-management relationships which in the long-term result in the providing of true quality care to our clients. When outside third parties spread disharmony and polarization to serve their own purposes, it creates an environment unfavorable to quality client care objectives.

Additionally, rigid channels of communication and forced dealings with business agents and shop stewards, which occurs in a unionized structure, do not foster a close working relationship in which employees are regarded as individuals. Conflict and antagonism have no place at Howard Mental Health Services. It is for these reasons that we urge you to resist any pressures that union agents and their supporters may place upon you to get you to sign union authorization cards.

You need to be honestly well-informed about your rights. You do have the right to support a union, if you wish. However, under Federal law you also have the absolute right not to support a union.

If you are requested, in the weeks and months ahead, to sign AFSCME union authorization cards, be sure to understand all the legal involvements which may result from signing such cards. These cards are not merely to get an election, as union organizers so often tell employees. Union cards are a legal assignment

of your rights of representation and should not be signed unless you are willing to accept all of the obligations covered by the card. Should you sign a card, you could be sacrificing your right to vote in a secret ballot election because the union might try to get legal status on the basis of signed cards without actually having an election.

Overtures by AFSCME have already been made to our Board for the union to come in...with no mention of any employee election whatsoever!

The Agency has made considerable progress as a result of cooperative efforts between staff, management, and the Board. You may be assured that we continue to remain committed to a program of continued progress.

We are confident that staff will support us in our effort to withstand any compromise which will affect the quality of care we provide our clients. We remain convinced that a constructive and positive partnership of staff, management and Board, without outside union intervention, is the most productive and effective way for Howard Mental Health Services to operate.

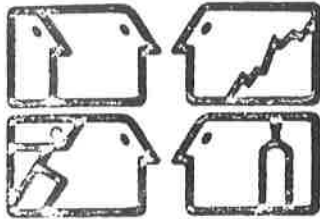
If you have questions or would like more information, please contact your supervisor, unit chief, Marcia Hawkins, or either of us.

Sincerely yours,

Dennis Voigt, President
Board of Trustees

James P. Leddy
Executive Director

DV/JPL/pc



Howard Mental Health Services

300 Flynn Avenue
Burlington, Vermont
05401

802/658-0400

James P. Leddy
Executive Director

Affiliated With

Vermont Department of
Mental Health

Vermont Council of Community
Mental Health Services

National Council of Community
Mental Health Centers



4 November 1983

Anne Blazis
22 Browe Court
Burlington, Vermont 05401

Dear Anne

We have received a demand by the AFSCME union that we should agree to recognize it as the legal agent of our staff without any of our staff being given the opportunity to vote in a secret ballot election on this very important issue.

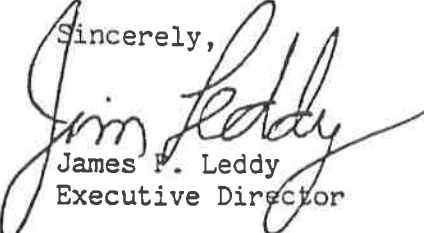
We did not agree to this demand because we will not sacrifice this fundamental right of our staff to choose in a secret ballot election on whether or not they wish to be represented by a union.

Following my response, we are pleased that the union finally took the matter to the National Labor Relations Board so that the issues of eligibility, bargaining units, etc. may now be determined.

Enclosed is the response I sent to the union regarding its recognition. As I had earlier stated to everyone, we do not believe that this union would be in the best interests of either our staff, the Agency, or the clients we serve. You may be assured that we will take every step necessary to ensure that the rights of all our staff are fully protected and that our staff has full opportunity to decide for themselves on this very serious and important matter.

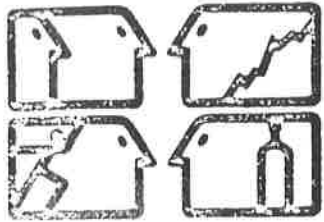
We will continue to keep you informed.

Sincerely,


James P. Leddy
Executive Director

JPL/bt

Enclosure



Howard Mental Health Services

300 Flynn Avenue
Burlington, Vermont
05401

802/658-0400

James P. Leddy
Executive Director

Affiliated With

Vermont Department of
Mental Health

Vermont Council of Community
Mental Health Services

National Council of Community
Mental Health Centers



4 November 1983

Ms. Patricia Glynn
Assistant Area Director
American Federation of State, County and
Municipal Employees, AFL-CIO
8 Beacon Street, #24
Boston, Massachusetts 02108



Dear Ms. Glynn:

This letter is in response to the demand made by your union that the Agency recognize AFSCME as the legal agent of our staff without any secret ballot vote by the staff. Please be advised that we doubt that your Union represents a majority of our staff in a unit of employees recognized by the government as appropriate for collective bargaining.

Even assuming that you have designations from a number of our staff, we do not believe that such designations were signed with the intent for your union to be brought in as the staff's legal agent without all eligible staff having the opportunity to express their preference through the election process provided by law.

As you know, had we accepted the proposal made by your union, it would have absolutely denied our staff of their fundamental constitutional right to choose for themselves through the privacy of the secret ballot process. Although acceptance of your recognition demand would certainly have served the interests of your union, it would have been accomplished only by sacrificing the rights of our staff, which we frankly believe to be more important than the interests of your union.

You may be assured that we shall resist any further attempt by your union which in any way impairs or sacrifices the right of every eligible person at the Agency to participate in the voting process on a matter so important to each of them.

Now that this matter is finally before the NLRB, we would hope that the matter of appropriate units and employees eligible may be expeditiously decided. We look forward to an early resolution.

Sincerely,

James P. Leddy
Executive Director

cc: Board Members
All Staff

HOWARD MENTAL HEALTH SERVICES

M E M O

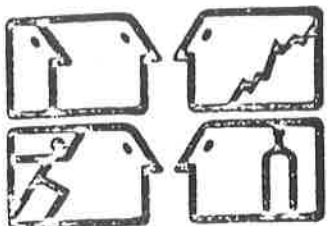
TO: *Don Mullins, Resident Manager /MR*
FROM: Marcia Hawkins, Personnel Administrator *MH*
DATE: November 7, 1983
RE: Supervisory Status Under the National Labor Relations Act

As you know, a union (AFSCME), has submitted a petition to the National Labor Relations Board requesting an election by eligible staff for purposes of collective bargaining.

This is to notify you that we are currently reviewing your job classification to determine whether or not you qualify for exclusion from a bargaining unit because of your supervisory role.

As soon as a determination has been made, we will notify you in writing.

MH/pc



Howard Mental Health Services

300 Flynn Avenue
Burlington, Vermont
05401

802/658-0400

James P. Leddy
Executive Director

Affiliated With

Vermont Department of
Mental Health

Vermont Council of Community
Mental Health Services

National Council of Community
Mental Health Centers



November 17, 1983

Joanne Mankoff
201 B North Avenue
Burlington, VT 05401

Dear Joanne:

To keep you informed, enclosed please find correspondence between Stephen Foster, Allocations Chairman of the United Way, and me in response to an outrageous accusation by Patricia Glynn, the union agent of AFSCME, that Howard Mental Health Services was diverting United Way funds to pay legal expenses related to the union organizing effort.

That such a false accusation was made to an important funding source should at least raise the question: Whose best interests does AFSCME represent? It is difficult to imagine how such union action threatening present & future funding truly is in the best interest of our clients and staff.

Sincerely yours,

Jim Leddy
James P. Leddy
Executive Director

JPL/pc

Encl.

November 10, 1983

Mr. Stephen P. Foster, Chairman
Allocations Division
United Way of Chittenden County, Inc.
125 So. Winooski Avenue
Burlington, VT 05401

Dear Steve:

I am writing in response to your letter of November 7th in which you state that a union representative has charged that Howard Mental Health Services is using United Way funds to pay the law firm we have engaged as counsel to protect the rights of the Agency and its employees in conjunction with the union organizing effort at our Agency.

Let me state unequivocally that this accusation is absolutely false and totally without foundation. On an attached page you can see the program areas that are receiving United Way funds. The allocation and expenditures of these funds are open to audit or any other means of verification, should you wish to validate the use of United Way revenue.

We allocate United Way funds based on two general criteria:

1. the need for a particular service in the community;
2. the lack of adequate support from other funding sources to support a high priority program.

In other words, United Way funds are used to sustain, and even ensure the survival of critical services and programs for the people of Chittenden County.

I am deeply disturbed that Ms. Glynn, the union representative, would make such an accusation. I can only regard this false allegation as an attempt to jeopardize a vital source of funds to the programs of our Agency. That a blatantly false accusation might threaten these programs is despicable at best.

Our Board President, Dennis Voigt, and I will be pleased to meet with you and United Way board members, should you wish more information.

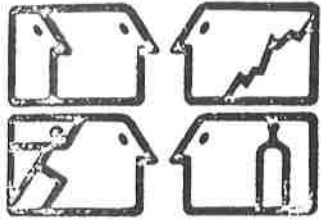
Sincerely yours,

Jim Leddy
James P. Leddy
Executive Director

JPL/pc

Attach:

cc: Sally Hackett, President, United Way of Chittenden County
Board Members - Howard Mental Health Services
All Staff



Howard Mental Health Services

300 Flynn Avenue
Burlington, Vermont
05401

802/658-0400

James P. Leddy
Executive Director

Affiliated With

Vermont Department of
Mental Health

Vermont Council of Community
Mental Health Services

National Council of Community
Mental Health Centers



UNITED WAY

of Chittenden County, Inc.
125 So. Winooski Avenue
Burlington, Vermont 05401



November 7, 1983

Mr. James Leddy
Executive Director
Howard Mental Health Services
300 Flynn Ave.
Burlington, Vt. 05401

Dear Jim:

A union representative has made a charge to us that United Way funds are being used to pay the consultant hired by Howard Mental Health Services in conjunction with the current union organizing effort there.

Our principal concern in this matter is, of course, continuation of the services funded by the United Way. In your request for \$125,000 you specified certain mental health services and we were able to allocate \$96,000 toward these direct services.

I would appreciate whatever information you can provide as to whether or not there is a basis to the above charge. I would like to report to the United Way president on this as soon as possible. I welcome your cooperation.

Sincerely,

Stephen P. Foster, Chairman
Allocations Division

SPF/kem

Thanks to you it's working

UNITED WAY
of Chittenden County, Inc.
125 So. Winooski Avenue
Burlington, Vermont 05401



December 6, 1983

Pat Glynn
AFSCME
Area Office
8 Beacon Street
2nd Floor
Boston, MA 02108

Dear Ms. Glynn:

I feel that your visit with me on Wednesday, October 26th was for informational purposes, you asked if I know how Howard Mental Health was spending United Way dollars? I gave you the information and explained our Allocation process.

My recollection is that you then asked me if I knew that there was a union busting campaign at Howard Mental Health.

You then asked if any of the funds were being used to hire the legal counsel, I said I did not know but would check with our Allocations Chair. Our Chairperson, Steve Foster wrote a letter to Jim Leddy on November 7th asking for this information.

Jim Leddy replied by letter on November 11th with information desired.

This is my recollection of what happened.

Sincerely,

A handwritten signature in dark ink, appearing to read "Raymond B. Jacoby". The signature is stylized with a large "R" and a long horizontal stroke.

Raymond B. Jacoby
Executive Director
United Way of Chittenden County

Thanks to you it's working

8647541

HOWARD MENTAL HEALTH SERVICES

M E M O

TO: All Staff
FROM: Jim Leddy
DATE: 5 December 1983
RE: Guess What?

It's me again! I regret having to communicate in this medium but unfortunately the limits of time and space make it impossible to speak with each of you personally about the various issues being considered in the NLRB hearings.

Concerning the hearings, the union stated in a letter to staff that the agency opposed moving the November 21st hearing to Burlington. To clarify this matter, we asked Jeffrey Jankot, the NLRB hearing officer, whether the agency had ever indicated opposition to having the hearings here. In the presence of union representatives, Mr. Jankot stated clearly that we had never expressed any such opposition.

The NLRB hearing process deals with a number of complex issues. Although the union has stated that there is no need for hearings, the fact sheet on Unit Determination distributed by the union highlights these issues and the need for them to be resolved through the NLRB hearing process.

Attached is the petition filed by the union to the NLRB. It identifies the job classifications they wish to include in the bargaining unit. Several questions and issues are raised by the bargaining unit as proposed:

1. The Bargaining Unit Itself.

The union proposes one bargaining unit. But the law states that "professional employees" and "non-professional employees" cannot be combined in the same bargaining unit unless the "professional employees" so approve. (Please see attached for definition of the term "professional".)

Although the union fact sheet on Unit Determination speaks to the distinction between "professional" and "non-professional" employees, the petition itself makes no reference to this requirement, nor does it identify which positions are "professional" and which are "non-professional."

Thus far in the hearings, the union and Howard have agreed that the following positions are clearly professional according to the standards of the law:

- Community Mental Health Clinician
- Emergency Services Clinician

Memo to all staff
From Jim Leddy
5 December 1983
Page Two

- Childrens Services Clinician
- Adult Outpatient Clinician
- Elderly Services Coordinator
- Nurse
- Psychiatrist

The agency believes many other positions are "professional", but this will be determined by the NLRB based on testimony re: the duties of individual positions and the qualifications of the people in those positions as compared to the standards spelled out in the law.

2. Who Are Supervisors?

Attached is the NLRB definition of a "supervisor".

At least one position listed in the petition (Coordinator of Children's Services) is clearly supervisory and therefore ineligible to be represented by the union. The union now agrees that this position is supervisory. Two other positions (Group Home Manager, Residential Manager - Staffed Apartment) may be supervisory. As with "professionals", the determination will be made after hearing testimony on these positions as they relate to the criteria in the law.

3. "Part-time Permanent Substitutes and Temporary Part-time Substitutes"

Many people fall under these classifications, especially in residential programs. We also have many people who work part-time in a regular capacity (e.g. nurses, clerical, psychiatrists, clinicians, Service Coordinator, among others).

The petition makes no mention of the minimum number of hours a part-time person must work to be eligible to vote in a union election. In a case involving the Newton-Wellesley Hospital in Massachusetts, the NLRB established a policy that persons working 30 or more hours in an eleven week period are eligible to vote. Agreement on this matter has not been reached at this time.

4. "All other job classifications not excluded under the NLRA". (National Labor Relations Act).

This is an all-inclusive statement. And yet, at the first hearing in Boston, the union sought to exclude clerical, business and support staff, including van drivers, from voting. Since all of these positions are not excluded from union representation under the NLRA, they certainly should be eligible to vote. This remains the agency position in the hearings.

Memo to all staff
From Jim Leddy
5 December 1983
Page Three

One last point. The union has stated repeatedly that the NLRA requires that a union must seek recognition by management before an election can be held. In a landmark ruling on this issue, the NLRB states that "Representation petition need not show on its face that the petitioner requested recognition and the employer refused recognition before the petition was filed." (NLRB decision: In re Advance Pattern Company, 80 NLRB, No. 10).

The hearings are scheduled to resume Wednesday at 9:00 a.m. at Herrouet Theatre at the Ft. Ethan Allen campus of St. Michael's. If you wish to attend on your lunch hour or on your own time, you are encouraged to do so. Give Marcia or me a call if you would like more information.

JL/bt

Attachments

The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

The term "professional employee" means -

(a) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or

(b) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

From the "Labor Management Relations Act, 1947"
Revised 1982

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

PETITION

DO NOT WRITE IN THIS SPACE

1-RC-11,051

Date FIED

November 1, 1983

NATIONAL UNION - Submit an original and four (4) copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.
If more space is required for any one item, attach additional sheets, numbering them accordingly.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

Purpose of this Petition (If box RC, RM, or RD is checked and a charge under Section 8(h)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.)

(Check one)

- ☒ RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ RD-DECERTIFICATION - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ UD-WITHDRAWAL OF UNION SHOP AUTHORITY - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by employer, but petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified ☐ In unit previously certified in Case No. _____
- ☐ AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. _____

Attach statement describing the specific amendment sought.

2. NAME OF EMPLOYER: Howard Mental Health Services
EMPLOYER REPRESENTATIVE TO CONTACT: James P. Leddy, Ex. Dir. 658-0400
3. ADDRESS(ES) OF ESTABLISHMENT(S) INVOLVED (Street and number, city, State, and ZIP Code): 300 Flynn Ave., Burlington, VT 05401 (see attached list for all work sites)
4a. TYPE OF ESTABLISHMENT (Factory, mine, wholesaler, etc.): Community mental health facility
4b. IDENTIFY PRINCIPAL PRODUCT OR SERVICE: mental health services

5. Unit Involved (In UC petition, describe PRESENT bargaining unit and attach description of proposed clarification.) 6a. NUMBER OF EMPLOYEES IN UNIT:

Included

(see attached list)

PRESENT 90

PROPOSED (BY UC/AC)

Excluded

Supervisory, confidential, managerial and contracted employees.

6b. IS THIS PETITION SUPPORTED BY 30% OR MORE OF THE EMPLOYEES IN THE UNIT?

☒ YES ☐ NO

* Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. ☐ Request for recognition as Bargaining Representative was made on October 31, 1983 (Month, day, year) and Employer declined recognition on or about October 31, 1983 (Month, day, year) (If no reply received, so state)

7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the NLR

8. Recognized or Certified Bargaining Agent (If there is none, so state)

NAME: None AFFILIATION: _____
ADDRESS: _____ DATE OF RECOGNITION OR CERTIFICATION: _____

9. DATE OF EXPIRATION OF CURRENT CONTRACT, IF ANY (Show month, day, and year): None 10. IF YOU HAVE CHECKED BOX UD IN 1 ABOVE, SHOW HERE THE DATE OF EXECUTION OF AGREEMENT GRANTING UNION SHOP (Month, day, and year)

11a. IS THERE NOW A STRIKE OR PICKETING AT THE EMPLOYER'S ESTABLISHMENT(S) INVOLVED? YES _____ NO ☒ X
11b. IF SO, APPROXIMATELY HOW MANY EMPLOYEES ARE PARTICIPATING?

11c. THE EMPLOYER HAS BEEN PICKETED BY OR ON BEHALF OF _____ A LABOR (Insert name)

ORGANIZATION, OF _____ SINCE _____ (Insert address; (Month, day, year)

12. ORGANIZATIONS OR INDIVIDUALS OTHER THAN PETITIONER (AND OTHER THAN THOSE NAMED IN ITEMS 8 AND 11c) WHICH HAVE CLAIMED RECOGNITION AS REPRESENTATIVES AND OTHER ORGANIZATIONS AND INDIVIDUALS KNOWN TO HAVE A REPRESENTATIVE INTEREST IN ANY EMPLOYEES IN THE UNIT DESCRIBED IN ITEM 3 ABOVE (IF NONE, SO STATE)

NAME	AFFILIATION	ADDRESS	DATE OF CLAIM (Required only if Petition is filed by Employer)

I declare that I have read the above petition and that the statements therein are true to the best of my knowledge and belief.

American Federation of State County and Municipal Employees, AFL-CIO (Petitioner and affiliation, if any)

By: Patricia Flynn Asst. Area Director (Signature of representative or person filing petition) (Title, if any)

Address: 8 Beacon St., 424 Boston, MA 02108 367-3686 (Street and number, city, State, and ZIP Code) (Telephone number)

WILLFULY FALSE STATEMENT ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

10230

#5 Job classifications included in proposed bargaining unit:

Precare/Aftercare Outpatient Clinician
Day Treatment Counselor/MH
Residential Treatment Worker/MH
Residential Assistant/MH
Cooperative Apartment Worker
EASE Clinician
EASE Night Manager
Emergency Placement Clinician
Acute Care Unit Clinician
Emergency Services Clinician
Elderly Service Program Coordinator
Coordinator of Children's Services
Children's Clinician
Outpatient Clinician
Alcohol Outpatient Clinician
Head Instructor - Day Services
Day Services Instructor
Day Services Aide
Law Enforcement/Court Liaison
Managing Trainer
Team Leader/ICFMR
Residential Instructor/ICFMR
Residential Instructor/ICFMR (evening)
Residential Instructor/Supervised Apartments
Residential Manager/MR
Residential Instructor/MR
Part-Time Permanent Substitutes
Temporary Part-time Substitutes
and all other job classifications not excluded under the N.L.R.A.

#3 Addresses of Howard Mental Health programs:

300 Flynn Avenue (main business office)


50 South Willard Street
41 Spruce Street
72 North Winooski Avenue
Pine Street
157 King Street
North Avenue (ICFMR)
39 Lincoln Street
452 South Union Street
Van Patten Parkway
169 Killarney Drive
355 Manhattan Drive

Burlington, VT 05401

2 Champlain Place, Winooski, VT 05404
38-40 North Street, Essex Junction, VT 05452

HOWARD MENTAL HEALTH SERVICES

M E M O

TO: All Staff
FROM: Jim Leddy 
DATE: February 6, 1984
RE: Opportunity to Resolve Union Issue has Finally Arrived

This morning we finally received the long-awaited decision re: the voting eligibility and jurisdictional issues which had been raised by the result of the AFSME union petition filed with the NLRB.

The Boston office of the NLRB has now ruled, contrary to the position taken by AFSME, that MR Group Home Managers and Residential Managers in Staffed Apartments are considered to be supervisors under the law and therefore will not be eligible to participate in the voting process. It has also ruled that the Agency does fall within the NLRB jurisdiction. As a result, unless either party requests an appeal of the decision, the election should be held within approximately 30 days.

We are very anxious to put this union issue behind so that everyone can get back to normality and, therefore, the Agency will not appeal the NLRB decision re: jurisdiction in our case.

Under the rules of the NLRB, once a decision re: a voting eligibility is made, an employer is required to give the union a complete list of names and addresses of all employees eligible to vote. As a result of this obligation, all eligible staff names and addresses are being turned over to the AFSME agents. We do not know what the union will do with this information, but unfortunately, we have no control over AFSME's use of this list.

One final word: Over the past two weeks I have met with staff throughout the Agency. These meetings are an encouraging sign that staff are interested, largely supportive, and wish to be fully informed. Many have expressed regret over the polarization and divisiveness we have experienced. Many of the questions asked me have been searching and difficult and the comments of staff have been perceptive. To a large extent, there is considerable understanding by staff re: the many difficult problems faced by the Agency.

I intend to continue my meetings with staff, to answer your questions, and to be as accountable as possible for the management of this Agency.

Whatever your past feelings and positions, what is important is that you will now have the full opportunity to vote as you wish when the elections are held.

If you have any questions, please contact your supervisor, your unit chief, Marcia Hawkins, or myself.

JPL/pc

February 10, 1984

Diane E. Edgecomb
3 Spruce Street, Apt. #5
Burlington, VT 05401

Dear Diane:

With the election scheduled for February 29th, it is important that each staff member consider and decide whether it is necessary to have union representation at the Agency.

As is evident from the demonstrable progress we have and continue to make, I believe that the path to progress for the staff and Agency is accomplished through direct and collaborative efforts of staff and management rather than through union stewards and rigid channels of communication which do not presently exist.

If the union wins the election, the union will be the legal representative of all eligible employees. This is true even if you fail to vote or are not in agreement with particular goals of the union. Individual concerns involving your relationship with the Agency will be largely controlled by the union. Though you are permitted initial discussion with supervisors, concerns existing thereafter must be processed only through the union. In a collective bargaining contract there are restrictions and little flexibility in recognizing the special circumstances, talents or needs of staff.

With the election date set, you can expect that the union will continue their efforts to convince you that the best interests of our clients are somehow equated with union representation. This appeal to quality client care is a transparent effort to capitalize on the professional pride of our staff and it should not be confused with the basic decision of whether it is necessary to have AFSCME at the Agency.

In the next two weeks, you will probably see standard unionizing techniques such as continued attacks on the Agency management for opposing the union effort (with opposition often equated to being "threatened" and opposed to change); unfounded claims that AFSCME lobbying efforts will somehow directly benefit the Agency; statements that there is not and will not be polarization and that there is no risk of strikes; unsolicited home visits and phone calls.

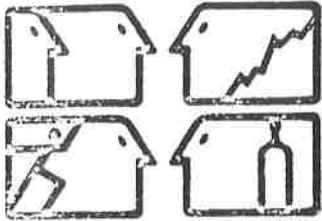
The final decision is yours. Whether you may have signed a union card or felt neutral when this began, you will have the absolute right to vote as you wish in the upcoming secret ballot election.

Solutions to our concerns must come from us - from within. I remain convinced that we can continue the progress we have already made together and that we do not need the intervention of an outside third party.

I hope to provide you with more facts and information prior to the election. If you have questions, please speak to your supervisor or contact me directly.

Sincerely yours,

James P. Leddy
Executive Director



howard mental health services

300 Flynn Avenue
Burlington, Vermont
05401

802/658-0400

James P. Leddy
Executive Director

Affiliated With

Vermont Department of
Mental Health

Vermont Council of Community
Mental Health Services

National Council of Community
Mental Health Centers



AFSCME IN VERMONT: A LOOK AT THE RECORD

In the past 5 years AFSCME has won 8 elections to represent employees in Vermont. Two of these elections (Middlebury Police Department and Champlain Water District) were within the past 6 months and contracts have not yet been signed while collective bargaining goes on.

In three of the other six places, employees have been so dissatisfied with AFSCME representation that they voted AFSCME out through the difficult decertification process. This has occurred in Weathersfield, Westminster and Windsor.

During this same 5 year period, AFSCME was also decertified and voted out by the Bennington Home Health Agency, the Essex Police Department and workers in the City of Rutland. AFSCME came into these organizations more than 5 years ago.

HOW DOES THIS COMPARE WITH OTHER UNIONS?

Since 1979, AFSCME has been a party in 18% of union elections conducted by the Vermont Labor Relations Board. At the same time AFSCME has been involved in 55% (6 of 11) of successful decertification votes in this same period. No other union has been decertified more than once.

WHAT DOES THIS SAY ABOUT THE QUALITY AND EFFECTIVENESS OF AFSCME REPRESENTATION ONCE THE UNION WINS AN ELECTION?

Ask employees in Weathersfield, Westminster, Windsor, Bennington, Essex and Rutland.

February 17, 1984

Dear Fellow Employee:

In the past several months, we have all been the recipients of a great deal of information, both pro and con, regarding union representation at Howard Mental Health Services. After hearing the views of both management and the union, we felt it would be valuable to hear from some employees who are eligible to vote, but do not wish to be represented by a union.

We realize that some changes may need to be made in existing policies and procedures so that employee concerns can be better heard and resolved. However, we feel that changes can be made without the highly structured and formalized processes which would be introduced by a union.

Those of us who have been employed by Howard for some time, as well as newer employees, have been through some difficult times together; we have also seen many positive changes. We believe that we can continue to work together with management to make things better.

Finally, regardless of your feelings about the union, we would like to encourage you to vote on February 29th.

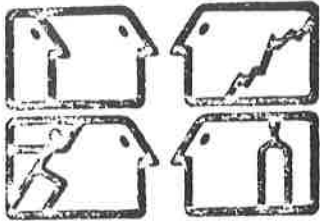
12 Crash

12 non-profess

19 professional

Nancy Bessette
Corona M. Sheppard
Tina Miller
Betty Dusablon
Jacqui Martello
Shirley Collins
Judy Thessin
John Geraw
Lisa Osborne
Andrea Pieta
Alfred J. Thomas
David C. Roberts
Robert E. Booth
Timothy O. Moran
Jean F. McCarty
Emily M. Scales
Sharon Anderson
Marianne Van Esen
Richard Webster
Deborah Higgins
Panee Coffin

Christine Lamphere
Cheryl Sequin
Elaine Ruther
Jon Gallinger
Mary Jo Sullivan
Rhey J. Plumley
Martha Mulligan
Karen Campbell
Debra A. Rochefort
Susan Hood
Pascal Cheng
Joanne Brill
Debra Mazzitelli
Jay E. Parizo
Jean Brown
Michael A. Fernandez
Rodney G. Hill
Mary Carol Massoneau
Gary R. Martin
Donald J. Wehmeyer
George Stoltenberg
Margaret Quinn



Howard Mental Health Services

300 Flynn Avenue
Burlington, Vermont
05401

802/658-0400

James P. Leddy
Executive Director

Affiliated With

Vermont Department of
Mental Health

Vermont Council of Community
Mental Health Services

National Council of Community
Mental Health Centers



February 21, 1984

Betsy deCastro
130 Robinson Parkway
Burlington, VT 05401

Dear Betsy:

I would like to invite you to an important breakfast meeting for all staff to be held:

Tuesday, February 28th
7:00-8:00 A.M.
Mental Retardation Svcs.
157 King Street

With the union election imminent, this is a most critical time in the life of the Agency, and I hope you will plan to attend.

Sincerely yours,

Dennis Voigt
Dennis Voigt, President
Board of Trustees

DV/pc

P.S. As in the past the breakfast will feature the exquisite cuisine of Jim Cameron and other staff.

Howard Mental Health Services

NLRB Election – Fact Book

The following has been prepared to provide all eligible voting staff with factual information about unionization and the AFSCME union which is seeking to become your exclusive agent for matters relating to wages, benefits and working conditions.

The Agency View . . .

We sincerely believe that neither the staff nor the clients we serve will benefit from the introduction of the AFSCME union as the exclusive bargaining agent for staff in matters affecting wages, benefits and conditions of work.

In recent years management, the Board and staff have worked extremely hard in an effort to make significant progress in improving the working situation. In a period of rapid growth and change we have come a long way in developing a benefit program to fulfill the needs of staff. In addition, channels to address problems and concerns that are bound to arise in the complicated environment in which we function have been strengthened. Notwithstanding the positive changes which have been accomplished, we recognize that the need for further progress exists. However, staff should not have to pay a third party to do a job which we together can do more effectively by continuing to deal directly in a spirit of cooperation and mutual respect.

The Agency is committed to maintaining a place where responsibility for our acts remains with us and where people will continue to help each other, to work in dignity and to better serve our community and our clients.

What Is The Union?

The Parent AFSCME or a Local?

For some time now, staff has been hearing about "the union," but exactly what is "the union" may not be entirely clear. The union agents have been saying that Howard staff will have their own local which would be responsible for all decision making. But...under the recent decision by the National Labor Relations Board, the sole union to be voted on is the parent union "American Federation of State, County and Municipal Employees." (See page 15 of NLRB decision). All NLRB ballots will have as the question to be answered:

...

"Do you desire to be represented for the purpose of collective bargaining by the American Federation of State, County and Municipal Employees?"

There is no local involved in the election and if staff choose to be represented by a union, their legal agent will be the parent union which is located in Washington, D.C. Only the President or the Executive Board of the parent union may then decide if it is appropriate to permit a local to be established (Article IX of union constitution).

If a Local Comes Into Existence What Will Be Its Rules and Regulations and the Financial Obligations for Staff?

No one can be quite sure since no local exists. Even the amount of current monthly dues and other fees cannot be certain since the parent union constitution only compels the minimum dues to be paid, not the maximum, so that until a local comes into existence no one knows exactly how much this union will cost.

Although the parent union constitution states the minimum dues must be \$8.00 per month, the local union organizers have stated that dues will begin at \$11.35 per month for staff working more than 20 hours per week. Thus, it becomes clear you must decide whether to vote for or against this union without any knowledge of what a local structure and rules will be.

Is There a Mandatory Oath of Obligation?

Yes ... section 9 of Article IV (page 17 of the AFSCME constitution) states:

"Each new member shall subscribe to the Membership Obligation."

This oath, found on page 121 of the parent AFSCME constitution, states:

"I, (name) , promise to abide by the Constitution of the American Federation of State, County and Municipal Employees and Local Union (number), I further promise to carry out all duties assigned to me and to do my best to uphold and promote the principles of trade union democracy."

UNION/MGMT GUIDELINES WHILE IN FORMATION.

DO'S AND DON'TS

These DO's and DONT'S are presented to serve as guidelines to supervisors and managerial employees in their day-to-day dealings with employees. Remember that these guidelines cover particular situations in only a general way. They do not deal with every possible kind of permissible or impermissible conduct but merely set forth some common examples.

If you are in doubt about a particular situation or have any questions concerning these matters, do not hesitate to call me. If employees raise any questions to you and you are not sure of the answers, please call me. Whenever you make a factual statement to employees, be sure your facts are accurate.

WHAT YOU AS A SUPERVISOR OR MANAGERIAL EMPLOYEE CAN DO:

- (1) Tell employees that you and the Employer prefer to deal with them personally and directly, rather than through an outside organization, a third party, or a stranger, regarding problems arising from day to day.
- (2) Tell employees that you or any other member of management are always willing to discuss with them any subject of interest to them.
- (3) Tell employees about the wages and benefits they presently enjoy and remind them that these wages and benefits were provided voluntarily without a union. (Avoid veiled promises of increased benefits or threats of loss of present or future benefits.)

- (4) Tell employees how their wages, benefits and working conditions compare with those provided by comparable employers, whether unionized or not, provided the comparison is helpful. (Be sure of your facts.)
- (5) Tell employees of the disadvantages that may result from belonging to a union - such as loss of income because of the expense of dues, fines and assessments.
- (6) Tell employees that no union can make an employer agree to anything it does not believe is right, or pay any more than it believes is fair. (Avoid inferences that the Employer would not bargain in good faith or would arbitrarily refuse to consider a union's demands.)
- (7) Tell employees about any experience you may have had with unions.
- (8) Tell employees anything you know about any union or its officers.
- (9) Tell employees about any untrue or misleading statements or arguments made by a union organizer or by a union handbill, or through any medium of union propaganda. You may always give employees the correct facts.
- (10) Tell employees your opinion about union policies and union leaders.
- (11) Tell employees that they are free to join or not to join any organization without prejudice to their status with the Employer.
- (12) Tell employees that signing a union authorization card or application for membership does not mean that they must vote for the union in an election (very important).

- (13) Tell employees about VLRB election procedures, the importance of voting, and the secrecy of the ballot. .
- (14) Actually campaign against a union seeking representation of your employees.
- (15) Enforce employees rules impartially and in accordance with customary action, irrespective of the employee's membership or activity in a union.
- (16) Tell employees that you respect their right to do as they see 'fit but you personally prefer not to have a union and you hope they will vote against a union.
- (17) Inform employees that unionization is usually a one-way trip. Once a union is voted in and gets exclusive bargaining rights, it is difficult for employees to have it decertified even if they later decide they would like to be rid of it.

WHAT YOU AS A SUPERVISOR OR MANAGERIAL EMPLOYEE CANNOT DO:

- (1) Promise or grant employees a pay increase, promotion, betterment, benefit or special favor if they stay out of a union, do not sign a card, or vote against a union.
- (2) Threaten loss of jobs, reduction of income or discontinuance of any privileges or benefits presently enjoyed, or use any coercive or intimidating language, in order to influence an employee in the exercise of his right to belong, or refrain from belonging, to a union.
- (3) Threaten to or actually discharge, discipline or lay off an employee because of activities on behalf of a union.
- (4) Threaten, through a third party, any of the foregoing acts of interference.

- (5) Threaten to close or to reduce operations if a union is selected as representative.
- (6) Spy on union meetings. For example, attending a union organizing meeting or standing outside to watch employees entering or leaving would be improper.
- (7) Conduct yourself in a way which would give the impression to the employees that you are watching them to determine whether or not they are participating in union activities. For example, telling an employee that you understand he/she went to a union meeting would be improper.
- (8) Discriminate against employees actively supporting a union by intentionally assigning undesirable work to such employees.
- (9) Transfer employees prejudicially because of union affiliation.
- (10) Engage in any partiality favoring other employees over employees active on behalf of a union.
- (11) Discipline employees actively supporting a union for an infraction which other employees are permitted to commit without being likewise disciplined.
- (12) Make any work assignment for the purpose of causing an employee who has been active on behalf of a union to quit his job.
- (13) Take any action which is intended to impair the status of, or adversely affect, an employee's job or pay because of his activity on behalf of a union.
- (14) Intentionally assign work or transfer employees so that those active on behalf of a union are separated from those you believe are not interested in supporting a union.

- (15) Select employees to be laid off with the intention of curbing a union's strength or to discourage support for a union.
- (16) Ask employees for an expression of their thoughts about a union or its officers.
- (17) Ask employees whether they are for or against a union or how they intend to vote in an NLRB election.
- (18) Ask employees at time of hiring or thereafter whether they belong to a union or have signed a union application or authorization card.
- (19) Ask employees about union affairs such as union meetings, the identity of union supporters or the progress of a union organizing campaign. (Some employees may, of their own accord, walk up and tell of such matter. It is not an unfair labor practice to listen, but you must not ask questions to obtain additional information.)
- (20) Make a statement that the Employer will not deal with a union or will only go through the motions of dealing with a union.
- (21) Make statements to the employees to the effect that they will be discharged or disciplined if they are active on behalf of a union.
- (22) Urge employees to try to persuade others to oppose a union or stay out of it.
- (23) Give financial support or assistance to a union, its representatives or employees.
- (24) Visit the homes of employees for the purpose of urging them to support or reject a union.

- (25) Call employees individually or in small groups into management offices or similar locations away from their normal work area for private discussions concerning union matters. (Individual or small group conversation is okay, but not in closed or coercive locations.)
- (26) Sponsor or suggest a petition or circular against a union or encourage or take part in its circulation after its being started by employees.

A Critical Decision . . .

This decision is the most critical ever faced by the staff at Howard. It is important to make sure that action reflects the will of the majority. No one at Howard wants a lingering concern that the result might have been different if only a few more people had voted. Every vote, therefore, is crucial, and all who can vote have an obligation to members of their families and to their fellow staff to do so.

The subject of union representation is a complex one. All individuals at the Agency are entitled to carefully weigh the considerations involved in the election. Eventually you should decide for yourself based on all the considerations whether the staff at Howard truly need AFSCME representation in order to get fair treatment in both human and economic terms.



Your Vote Counts

The decision on whether or not AFSCME will become the exclusive bargaining agent for the Howard staff will be made by a majority of the staff who actually go to the polling places and vote in the election. If the turnout is light, the decision might be made by a minority of those who will be affected. If you are neutral and do not vote, you will be permitting some one else to decide this important matter for you. No one should be neutral since if the union wins it will definitely affect you.

There will be two groups voting. In the non-professional unit, the ballot will read:

Do you desire to be represented for the purpose of collective bargaining by the American Federation of State, County and Municipal Employees?

The ballot for the professional group will read:

- (1) Do you desire to be included in the same unit as other non-professional employees employed by the Employer at its various locations within Chittenden County for the purposes of collective bargaining?
- (2) Do you desire to be represented for the purpose of collective bargaining by the American Federation of State, County and Municipal Employees?

Thus, based on the results of the balloting, any one of several possibilities can result at the Agency.

1. No Union
2. All Howard staff being unionized
3. Two separate unionized groups -
 1 professional
 1 non-professional
4. Only one unionized group -
 professional staff
5. Only one unionized group -
 non-professional staff

Can You Just Try the Union Out?

Some people believe that a union can be tried out for a time and that if they become dissatisfied with the way it is representing them, they can simply vote the union out. In fact, the process under National Labor Relations Board law for getting a union out is a very difficult one.

If AFSCME is voted in and the members become unhappy and decide that they wish to change the international union with which their local is affiliated, the process is also very difficult. Further, the AFSCME Constitution (Article X) places severe restrictions on members rights to do this and can legally place heavy penalties on members who try to assist any competing union.

Decertification

The difficult procedures involved in decertification point up the fact that a vote for a union is a serious commitment with long-term consequences. It is not just an experiment in a form of representation which can easily be reversed.

The process of voting a union out and the procedures involved are specified in the National Labor Relations Act. The first step calls for the dissatisfied employees to file a petition with the National Labor Relations Board for a decertification election. This petition must be signed by at least 30 percent of the employees in the bargaining unit.

Most significantly, a decertification petition may be submitted to the NLRB only under special circumstances and at specific times set by law. Such a petition may be filed at any time after one year from the date of certification, but only if a first contract still has not been entered into by the new union and the employer. Once there is a contract, the only time a petition may be filed is between the 90th and 60th day before the contract expires. For example, if AFSCME had a three-year contract, staff would have absolutely no right to file a petition for decertification until almost three years after the first contract was signed.

AFSCME Strikes . . . Not an Idle Concern!

It is not possible to weigh the advantages or disadvantages of having the AFSCME union at the Agency without considering strikes. Everyone knows that strikes are used by unions in disputes with management and that the threat of a strike almost always exists at the bargaining table as the union's leverage. Should no agreement be reached through bargaining, AFSCME's ultimate weapon is a strike.

AFSCME is famous for its strikes. In recent years when the bargaining process has broken down, dozens of AFSCME strikes have occurred ... many of the AFSCME strikes violated the law and yet they still occur. These AFSCME strikes have often been very long and very disruptive. Nor have their strikes been limited to the public sector. Many AFSCME strikes have had a disastrous effect on private, non-profit services and patient care in:

- . hospitals
- . mental health facilities
- . mental retardation programs
- . children's residential homes
- . day care centers
- . family service organizations, etc.

The experience in other states with AFSCME strikes is clear witness of AFSCME's willingness to engage in strikes having devastating impact on care for the ill and handicapped despite prior assurances that such events will not occur.

In the AFSCME Union .. Voting on Strikes Is a Very Limited Right

- * Only AFSCME members may vote on an AFSCME strike even though the union may represent many other employees in the bargaining unit who are directly affected.
- * There is no provision in the AFSCME Constitution that members be allowed a secret ballot vote on the issues of a strike.
- * There is no requirement in the AFSCME Constitution that a member strike vote be taken at a time when the strike issues are defined. Once strike authority is given, the union leaders may then call a strike even though employees may not be in favor of the issues the leadership is seeking.
- * Only AFSCME members may vote to discontinue a strike even though its continuation may severely affect all other persons the union represents in the bargaining unit.

Discipline and Fines

The AFSCME Constitution includes strict provisions about disciplining disobedient members. Article X of the AFSCME Constitution says that "accused" members shall be put on trial for a broad spectrum of violations of union rules including but not limited to:

- "Violation of any provision of this constitution or of any officially adopted and approved constitution of a subordinate body to which the member being accused is subject." (The AFSCME constitution alone is 120 pages).
- Any activity which assists or is intended to assist a competing organization within the jurisdiction of this union (this would apply if employees were dissatisfied with AFSCME and attempted to bring another union into the Agency).
- Acting in collusion with management to the detriment of the welfare of the union or its membership (this could be applied if you assisted the Agency with any program which the union leadership opposed).

When accused members are found guilty, penalties and fines are severe. The AFSCME Constitution under a section entitled "Penalties against a Guilty Party" (Article X, Section 15), says "that any one or more" of the following penalties may be imposed:

- A fine up to 1 year's dues.
- Formal reprimand in addition to a formal warning against repetition of the act or acts.
- Suspension from the union.
- Expulsion from the union.

Where the Money Goes . . .

Until a local is formed the \$11.35 paid in monthly membership dues by each staff member (3/4 dues for staff working less than 20 hours a week) goes to the parent AFSCME in Washington, D.C. In the event a local is permitted, at least 30% will be deducted from members monthly dues and paid directly to Washington, D.C. If the local is required to belong to an AFSCME Regional or State Council even less money stays with the Local for its own use (Article IX, Section 6).

If AFSCME were to gain a union shop or union agency fee requirement where all staff are compelled to pay dues to the union, it would mean that Howard staff would contribute well over \$15,000 each year to AFSCME. This is only a minimum amount since every year the dues of each local is required to be increased (Article IX of Constitution) according to the percentage increases of the average earnings of full time State and Local Government employees in the United States.

In AFSCME money is very important. Members monthly dues are even required to be paid where a member is unemployed just so long as that member is receiving: (Article III, Section 8)

- . unemployment compensation
- . sick leave pay
- . other remuneration

Bargaining (continued) . . . the Realities

- Individuals in the "Bargaining Unit" May Have Little or No Say Concerning Demands of the Union.

The extent to which employees actively participate in discussions about which demands are to be placed on the bargaining table varies widely. First, you must be a member of the union. Although sometimes input prior to negotiations may occur, union leadership has broad discretion in determining the extent to which union members have a say in what or how much they will demand of management.

Experience has shown that the bargaining process tends to hear and react to the groups in the union with the strongest voices. If the AFSCME union wins the election, therefore, segments of employees who do not have a strong voice may be ignored. Since the union has no formal local by-laws or leadership structure, it is impossible for the union legally or otherwise to say how much, if any, input you will have. This is particularly true if you are not a dues-paying member in good standing.

- Collective Bargaining Can Be Blind to Individual Needs and Concerns.

In the event of a union contract, pre-existing working arrangements worked out between a supervisor and a member of the staff, no matter how advantageous to the individual, are usually superceded by the contract. Thus, flexibility in recognizing the special circumstances, talents or needs of employees is rare under a collective bargaining agreement.

The National Labor Relations Act, which governs union contracts, does permit individuals to raise their own grievances with a supervisor. The union, however, has the legal right to veto a settlement that conflicts with the union contract. As a general matter, unions discourage bargaining unit employees from approaching their supervisors directly since this tends to erode union strength and dilute union authority.

Contract Bargaining . . . the Realities

If the AFSCME union were chosen to represent staff, the union would have exclusive authority to bargain on all matters related to your wages, benefits and working conditions. Under the National Labor Relations Act the union must legally represent everyone in the voting unit, not just union members, regardless of how close the election is or how few employees vote in the election.

Collective bargaining by its very nature is an adversarial process. It is rarely pleasant and not necessarily productive. Interests of employees are only part of the process. Responsible management must seek to protect the erosion of its ability to operate efficiently and economically. The union has its own business interests to protect, some of which have nothing to do with the best interest of employees, such as:

- Gaining new membership and requiring that membership continue during the term of a contract.
- Compulsory payment of union dues or other union fees to pay the cost of union organizing, salaries of union representatives, and the expense of the long and difficult hours of bargaining and strict contract administration.
- Seeking that union stewards be given certain authority and granted seniority rights over other employees.
- Paid time off with full benefits for employees who work for the union to attend AFSCME business at State and parent union functions.

Collective bargaining does not require that terms and conditions of work for staff be made better or worse. The good faith bargaining obligation under the law (National Labor Relations Act) states "such obligation does not compel any party to agree to a proposal or require the making of a concession." Thus, despite promises by union organizers no one ever knows what can result from collective bargaining. Wages and benefits may be gained or lost. In recent times many AFSCME members have had to give up wages and benefits as a result of collective bargaining.

Further Control of the Parent Washington, D.C. Union Over Its Locals . . .

The parent AFSCME union also has the authority under Article IX of the constitution to:

- Suspend and disband locals.
- In the event of suspension, if the local is disbanded, all funds, books and records, collective bargaining agreements and any and all other property of "whatever nature or description of such subordinate body" shall be taken over by the parent.
- Set the minimum dues of locals.
- Establish how much of members' dues shall remain with the local, how much shall be sent to superior councils, and how much shall be forwarded to the parent union as "per capita tax."
- Determine yearly the minimum dues increase of every local for that year.
- Mandate minimum dues for members working part time (minimum dues for members working less than twenty hours a week must be 3/4 of the minimum dues set for others...no variances are permitted).
- Keep 50% of all initiation fees and/or reinstatement fees obtained by the Local during any month.

Also:

- Under Section 16, Article IX, any local with fewer than 10 members for 3 months shall be disbanded and have all its money and property transmitted to the parent union.

Who Controls the AFSCME Union and How Does the Parent Control Its Locals?

The governing body of the AFSCME Union is composed primarily of an International President, an International Secretary-Treasurer, between 21 and 25 Vice Presidents from the union's districts (Vermont along with Maine, New Hampshire and Massachusetts are in the Northern New England District) and the International Executive Board. The governing body has supreme powers over matters of finance, administration and discipline in its locals and ultimately over each individual local member. The following excerpts from the AFSCME constitution illustrate the virtual lack of independence of AFSCME locals.

Under the AFSCME constitution the union President in Washington, D.C. has the power, subject to the approval of the AFSCME Executive Board, to:

- "determine all matters relating to the jurisdiction and proper affiliations of subordinate bodies (locals)" - Article V, section 6.
- "direct the International Secretary-Treasurer to conduct an examination of the books and accounts of subordinate bodies (locals) ..." - Article V, section 7.
- "interpret the constitution" - Article V, section 8.
- order the immediate suspension, pending full investigation for up to 30 days of officers and staff employees of any subordinate body ..." - Article V, section 13.

Does a Local of AFSCME Have the Right to Determine Its Own Rules and Regulations Independent of the Parent AFSCME?

No ... the parent AFSCME constitution strictly controls what occurs on the local level. Even the President of the parent Union can't grant a local the right to make its own key decisions! Article IX, Section 42, of the Union Constitution provides:

"The Constitution of every subordinate body and any change in the constitution of any subordinate body (locals, councils, etc.) shall conform to the provisions of the International Constitution The adoption of a new constitution by any subordinate body and any change of any nature in the constitution of any subordinate body shall be subject to the approval of the International President... Regardless of such written approval, if a conflict between such subordinate body constitution or amended constitution and the International Constitution including the provisions of the Bill of Rights is found, the provisions of the International shall prevail."

In the model constitution which the parent requires of its local unions, the following provisions must be included (page 128 of International Constitution):

"This local union shall at all times be subject to the provisions of the constitution of the American Federation of State, County and Municipal Employees."