

A RIGHT-TO-WORK MODEL, THE UNIONIZATION OF FAIRFAX COUNTY  
GOVERNMENT WORKERS

by

Ann M. Johnson  
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Doctor of Philosophy at George Mason University

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## **Dedication**

This is dedicated to the memory of my beloved parents, Wilfred and Ailein Faulkner, and sister, Dawn “Alex” Arkell.

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## Table of Contents

	Page
List of Tables .....	viii
List of Figures .....	ix
List of Abbreviations .....	x
Abstract .....	xi
Chapter One Introduction .....	1
Citizens Respond to Inequality .....	4
Labor's Decline .....	9
Public Sociology and Labor Studies .....	12
Social Movement Unionism.....	17
Research Methods .....	21
Chapter Two Labor Union Debates .....	27
Public Opinion.....	27
Defining Unionization.....	32
Legal Frameworks of Unionization.....	34
The Right-to-Work Debate.....	39
The Public Sector .....	44
Virginia.....	51
Chapter Three The Early Years .....	54
Slave Labor and Free Labor .....	54
Women Have Always Worked.....	61
Civil War Years.....	64
Class conflict.....	65
Gender .....	66
Race .....	68
Immigration .....	71
Worker Revolts .....	73

American Federation Labor (AFL) .....	78
Chapter Four The Modern Years .....	86
Congress of Industrial Organization (CIO) .....	86
New Unionism and Immigration .....	88
A Changing Society .....	90
Neoliberalism and Widening Inequality .....	98
The Human Cost.....	106
Chapter Five The Beginnings of Fairfax County Government Employee Union .....	113
Northern Virginia .....	113
The Virginia Way.....	116
The Origins of FCGEU .....	120
SEIU .....	125
FCGEU Strategic Planning .....	130
Issue Based Organizing.....	142
Fairfax County Board of Supervisors (BOS) .....	145
County Executive .....	146
5 Years Later .....	149
Chapter Six Organizing the Rank and File .....	155
“FCGEU Power Grows As Part of SEIU VA 512” .....	155
Growing Membership .....	164
SEIU Organizers .....	165
Chapter Seven Leadership .....	178
FCGEU Executive Board of Directors.....	179
The Five Year Pursuit of a Pay Plan-“An Issue of Fairness” .....	188
Dignity and Respect .....	199
Member Services.....	202
Diversity: Gender, Race and Class.....	208
Natasha McKenna’s Death and the Criminalization of the Mentally Ill.....	210
Voting Rights .....	215
Chapter Eight Conclusion.....	221
Can Local Campaigns Revitalize the Labor Movement?.....	222
Partisan Political Reality .....	223

Homecare Is a Real Job .....	226
SEIU VA 512 Endorses Hillary Clinton.....	228
The Limits of the Democratic Party .....	242
The Promise of Local Campaigns .....	243
Appendix.....	252
References.....	254



## **List of Tables**

Table	Page
Table 1 The Decline in Union Membership Rates in the United States.....	11
Table 2 Opinion of Right-to-Work Laws.....	40
Table 3 FCGEU Membership by Agency.....	199

## List of Figures

Figure	Page
Figure 1 Support for Unionization by Occupation .....	28
Figure 2 2016 Public-Sector Union Membership Rates .....	45
Figure 3 2015 Public Sector Union Membership Rates by State.....	46

## List of Abbreviations

Affordable Care Act (Obamacare).....	ACA
American Federation of Government Employees.....	AFGE
American Federation of Labor and Congress of Industrial Organizations .....	AFL-CIO
American Federation of State, County and Municipal Employees.....	AFSCME
Americans for Prosperity .....	AFP
Bureau Labor Statistics .....	BLS
California Nursing Association.....	CNA
Change to Win .....	CTW
Community Services Board .....	CSB
Department of Labor .....	DOL
Department of Public Works and Environmental Services .....	DPWES
District of Columbia, Maryland, and Virginia.....	DMV
Fairfax County Government Employee Union .....	FCGEU
Graduate Workers of Colombia .....	GWC
Justice for Janitors.....	JfJ
Market Rate Adjustment .....	MRA
National Association for the Advancement of Colored People .....	NAACP
National Conference of State Legislatures .....	NCSL
National Labor Relations Act (Wagner Act) .....	NLRA
National Labor Relations Board .....	NLRB
National Park Service .....	NPS
North American Free Trade Agreement .....	NAFTA
Pay For Performance.....	PFP
Professional Air Traffic Controllers Organization .....	PATCO
Right-to-Work.....	RTW
Services Employee International Union Virginia 512 .....	SEIU VA 512
Services Employee International Union .....	SEIU
Severe Mental Illness.....	SMI
Social Movement Unionism .....	SMU
The Industrial Workers of the World (Wobblies).....	IWW
Trans-Pacific Partnership Free Trade Agreement.....	TPP
United Automobile Workers.....	UAW
United Farm Workers .....	UFW
Virginia Association of Personal Care Assistants .....	VAPCA
Virginia Health Care Foundation.....	VHCF
Woman’s Trade Union League.....	WTUL

## **Abstract**

### **A RIGHT-TO-WORK MODEL, THE UNIONIZATION OF FAIRFAX COUNTY GOVERNMENT WORKERS**

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Labor unions have been in steady decline for decades despite income and mobility inequality and the persistent struggle of most workers in the labor force. Based on the growing number of collective actions throughout the country from various sectors of the work force, unions are still believed to be an important institution to combat the great power imbalance between workers and employers. However, forceful resistance to unions presents ongoing obstacles for workers, particularly in right-to-work states where anti-union public policy and culture undermines organized labor. In recent years, right-to-work legislation was passed in West Virginia (2016), Wisconsin (2015), Michigan (2012), and Indiana (2012). While workers in those union stronghold states were losing collective bargaining rights and wondering how to maintain union rolls, Fairfax County Government Employee Union (FCGEU) was forming in Fairfax, Virginia, a right-to-work state where general county workers have long been without collective bargaining rights and a culture of unionism. FCGEU joined with Services Employee International

Union (SEIU) in 2009 to implement their new model, a hybrid that combines the old tenets of union workplace structures with local grass roots organizing, political mobilization, community coalitions and social movement activism. This dissertation project is an ethnographic case study of the formation of FCGEU. In this time of income inequality, greater wealth concentration and rollbacks on public sector bargaining rights, this study explores whether this new model can organize public sector workers in right-to-work Virginia. An examination of FCGEU's organizational structure, strategies and tactics revealed more strengths than limitations to achieving political and cultural changes, and revitalizing the labor movement.

## **Chapter One**

### **Introduction**

On March 15, 2014, the Fairfax County Government Employee Union (FCGEU) joined its chapter members of SEIU VA 512 and other advocacy groups for a statehouse rally in Richmond, Virginia to support Medicaid expansion under the Affordable Care Act (Obamacare). Medicaid expansion could provide health care coverage to low-income individuals, families and those with disabilities who cannot afford the market costs of coverage. Virginia remains one of 19 (FamiliesUSA. org 2016) states in political impasse over the merits of the Affordable Care Act in general and Medicaid expansion in particular as it has become a political means to oppose the new healthcare law.

A small busload of union organizers, members and their families made the trip from Fairfax to Richmond to join the rally. As the bus pulls into Richmond, SEIU VA 512's President David Broder begins to energize participants with reminders of why they are making the trip. "Medicaid expansion will give 400,000 workers with low income health care and create 30,000 jobs in healthcare industry." He works up the group about the fiscal, moral, and social obligation of the Governor and the Virginia legislature to pass the bill. With a new Democratic Governor, Terry McAuliffe, a candidate SEIU VA 512 stumped for, the hope is to keep pressure on the Virginia General Assembly that only days prior closed its session in gridlock over Medicaid expansion. Their signs read: "We

Need Medicaid Expansion Now,” “Virginia is for Lovers of Health Care,” and “Close the Coverage Gap.” SEIU VA 512 was joined by about 300 participants from various advocacy groups: the National Education Association, Planned Parenthood, Virginia New Majority and others, noticeably Americans for Prosperity (AFP), the Tea Party sect of the Republican Party that staunchly oppose Obamacare. They are represented by a group of young adults in green shirts that read “We Love VA.” This group mostly lingered quietly on the periphery of the rally except on occasion when they moved among participants to take group photographs giving the thumbs down symbol. I asked a young man in a “We Love VA” t-shirt about his participation in the rally and specifically the thumbs down photos. He replied “I cannot give a statement; you can call Sean Lansing our leader for that.” I asked him if he was here to disrupt the rally, and if he was paid to attend; he repeated his response about contacting Lansing. Sean Lansing was Americans for Prosperity-Virginia State Director in March 2014; their website issued a statement about the rally: “President Obama’s political arm can say whatever it wants about Medicaid expansion, but the reality is that citizens across Virginia, local government officials, business leaders and newspaper opinion pages have all made one thing very clear: they do not want a government shutdown over Obamacare under any circumstances” (AFP.org 2014).

Rally participants listened to an assortment of speakers ranging from home health care workers to war veterans who spoke about the “coverage gap” that leaves without healthcare those who make too much to qualify for Medicaid and too little to afford the federal healthcare exchange. One SEIU VA 512 member who falls into this coverage

gap is homecare worker Roselyn Gady, 61. She told the *Richmond Times Dispatch* that not having health insurance left her with an “overwhelming fear” for people in her age group, and she is “praying that no type of incident occurs before Medicare kicks in at 65” (Huang 2014). The Virginia Health Care Foundation’s (VHCF) Urban Institute report, based on the most recent data from the 2014-2015 American Community Survey, revealed 12.9 % or 874,000 Virginians under age 65 were uninsured: 76.9% are U.S. citizens, 48.6% are part of families with at least one full time worker, and 40% live below the federal poverty level (VHCF.org 2016).

SEIU VA 512’s participation in the Medicaid expansion rally is symbolic of its expansive union model. This model seeks to engage all aspects of political, social and economic issues that affect the community, including emphasis on how national issues impact local communities. Unionism is no longer just about a specific group of worker grievances against an employer, but rather for SEIU it has been about uniting workers across occupations, social issues, and geographic areas. In the matter of health care, it is about educators and veterans joining social workers and homecare workers to galvanize support for Medicaid expansion.

Despite the decline in union density in the United States and the recent passing of right-to-work legislation in West Virginia (2016), Wisconsin (2015), Michigan (2012), and Indiana (2012), FCGEU joined with SEIU in 2009 to mobilize public workers in Virginia, a long established right-to-work state. While public sector workers in union stronghold states were losing collective bargaining rights and wondering how to maintain union rolls, FCGEU was forming in Fairfax, Virginia where general county workers have



long been without unionization and collective bargaining rights. They seek to be an example of how to unionize in a right-to-work state. Their new model is a version of “issue based organizing” which applies the old tenets of union organizational structures, local grass roots organizing, political and community mobilization, and social movement activism in new territory where adaptation and discovery merge. FCGEU/SEIU intend to unite a diversity of people, issues, and organizations to advocate for better social conditions for working people, and perhaps revitalize the labor movement with its local campaigns. This dissertation is a study of the formation of this new model of unionization.

### ***Citizens Respond to Inequality***

Increasingly, the United States is a first world economy with third-world inequality levels.  
Sociologist Jake Rosenfeld 2014

Today, American workers from urban centers to rural country sides are confronted with the hardships of economic inequality: unemployment, contingent labor, long work hours or multiple jobs, low and stagnant wages, wage theft by employers, hazardous work conditions, and decreasing benefits and job security. At the same time, financiers, the architects of the 2008 financial recession, were salvaged with government bailouts that maintained their market ideology, practices, exorbitant profits, and domination, while the livelihoods of working taxpayers in the absence of a union culture and collective bargaining rights have become virtually powerless over the direction of the American economic system. From the Wisconsin and Michigan public workers dissenting against government restrictions on collective bargaining rights to the “Fight for \$15” minimum wage strikes by non-unionized service workers, the labor movement

continues its long enduring crisis. Walmart and service sector workers, adjunct professors, homecare, construction and farm workers, college students and many others are seeking collective action in the form of unionization, and other organizing efforts, as a way of speaking to publics about the conflict between the interests of capital and the well-being of workers.

The labor movement was joined by a growing number of protest groups responding to the 2008 economic collapse and other social maladies. The Tea Party, (referencing the 1773 Boston Tea Party tax protest), a majority white fringe of Ron Paul's failed 2007 Libertarian presidential bid, resurfaced with mass protests when President Obama took office. The Tea Party opposed taxes for government bail-outs and stimulus packages, particularly the Homeowner Affordability and Stability Plan that aided middle income home owners, many of whom were minorities threatened with foreclosure. Generally the Tea Party opposed President Obama as they did not mount protests against the Troubled Asset Relief Program (TARP), President Bush's big bank bailouts. Supported by wealthy sponsors, the Tea Party became a fixture in the Republican Party that intensified against Obama's healthcare plan. Their focus has been on political mobilization and obstructionist tactics intended to limit government programs, reduce taxes and promote unfettered market enterprise (Weigel 2010; Rich 2010).

In the fall of 2011, the Occupy Wall Street movement directed the nation's attention to the disparities of wealth between what it termed the 1% Wall Street barons who dominate business and government institutions against the interest of the 99%

struggling to keep their homes and find employment during recession. A diverse group of activists camped out in Zuccotti Park in Manhattan for weeks and led protests in the financial district, Wall Street, Union Square, and the Brooklyn Bridge (*Daily News* 2011). The Occupy movement spread to cities around the nation, and steered an activist climate that has since developed into new social movements centered on changing institutional inequality, most notably the fight for \$15 per hour minimum wage, opposition to the Keystone XL Pipeline, and the anti-fracking movement. The 2014 climate march of 400,000 protesters in New York City demanded cuts in emissions and investments in renewable energy (Levitin 2015).

The Dream Defenders and Black Lives Matter, mostly young African American activists challenging systemic racism and seeking criminal justice reform, emerged in the wake of the 2012 killing of Trayvon Martin and the acquittal of assailant George Zimmerman. In July 2013, the Dream Defenders led a 31-day sit-in at the office of Florida Governor Rick Scott to protest Zimmerman's acquittal on the Stand Your Ground law. They broadened their platform to include advocacy for "community control of land, bread, housing, education, justice, peace and technology" (Dreamdefenders.org 2016). One of its leaders, Phillip Agnew later became an SEIU field organizer. Black Lives Matter, founded and led by black women, held numerous marches throughout the country in response to police killings of unarmed black citizens. In North Carolina, the clergy led a protest movement called Moral Mondays against rollbacks to civil rights, particularly voting rights. Undocumented immigrant youth known as the DREAMers mobilized to influence immigration policy, and young intellectuals on college campuses responded to

the urgency of the times by adding their voices and social action to a range of issues. With the exception of the Tea Party movement, these collective actions are intersecting on common ground. At a summer 2015 voting rights rally in North Carolina sponsored by Moral Monday activists, SEIU banners are hoisted, as are fight for \$15 posters and youths are wearing Black Lives Matter and college t-shirts.

Labor activism continues despite legal and political challenges. In August 2014, 27,000 Minnesota homecare workers voted to join SEIU and bargain collectively for better work conditions in. The Minnesota *Star-Tribune* called the long fought campaign “Minnesota's largest labor organizing efforts since the Depression” (Simons 2014). In April 2016, 40,000 Verizon workers, including landline technicians and call-center employees, from Massachusetts to Virginia, represented by Communications Workers of America (CWA) and International Brotherhood of Electrical Workers (IBEW), went on strike for nearly seven weeks before winning a four-year contract. The union contract salvaged pensions, halted the outsourcing of jobs overseas, garnered wage increases, modest bonuses and profit-sharing, and added provisions requiring employment of union workers at domestic call centers (Scheiber 2016). IBEW’s New Jersey representative Robert Speer said: “This agreement makes a lot of progress in reversing the outsourcing trend” (Greene 2016).

In August 2016, the NLRB issued a landmark ruling in favor of the Graduate Workers of Colombia (GWC) seeking unionization with United Auto Workers (GWC-UAW). Graduate workers, teaching and research assistants at universities are relegated

to low wage precarious work without collective bargaining rights or fair representation in academic or employment decisions. The ruling reversed the 2004 finding in favor of college administrators that claimed graduate workers are “statutory employees” with work duties linked to their academic program, and thus not in an employment relationship with the college. The GWC petition draws from successful graduate student unions on public university campuses that organized under state labor laws. UAW, United HERE and SEIU are spearheading campus organizing of graduate workers, adjunct professors and other university staff with support from students, faculty and activist campaigns like Black Lives Matter and Fight for \$15 (Chen 2016). The Harvard University dining staff, members of UNITE HERE, waged the first campus strike in 30 years to advocate for \$35,000 annual wage and against increases in health care co-pays. They were joined on the picket lines by janitorial and clerical staff, students and faculty (Winslow 2016).

At the close of 2016, broad economic insecurity, worker disaffection, race and class divisions, and political deception culminated in a politics by any means presidential election. The result was the election of Republican Donald Trump, a complete anti-social demagogue who called his campaign a social movement. These actions by the polity and civil society all question the logics of the market and the state, and the social meanings of democracy in American society.

### ***Labor's Decline***

By the 1950's, collective bargaining provided job security and social benefits to large sectors of blue collar workers that rivaled their white collar counterparts: paid sick leave and vacations, pension plans, health insurance for workers and dependents, and living wages. In 1945, union density in the United States peaked at 34 percent in the nonagricultural workforce during a post war economic boom aided by President Roosevelt's pro labor New Deal legislation (Vallas et al. 2009; Richards 2008). By 1954, union density fell to 28.3 percent and decline continued throughout the civil rights years until present day, in times of economic boom and bust (Mayer 2004; Monthly Labor Review 2016). In 2016, 10.6 percent or 14.6 million wage and salary workers were unionized; 6.4 percent of the private sector and 34.4 percent of the public sector, an overall decline of 240,000 from 2015 (BLS 2017). Occupational groups with the highest unionization rates by percentage are education, training, and library (34.6); protective service (34.5); and construction and extraction occupations (18.4). The lowest rates are in food preparation and serving related occupations (4.1); sales and related occupations (3.3) and farming, fishing, and forestry occupations (1.9) (BLS 2017).

Debates about labor's decline have noted a variety of political, social and economic factors with local, national and global consequences. These include: global competition and deindustrialization, new technology and deregulation; legal, political and employer obstacles to unionization, regressive tax laws and anti-union culture. Faltering union bureaucracy and inertia, primarily the failure to organize women, minorities, and immigrants in the growing service sector also contributed to union decline (Dickens and

Leonard 1985; Clawson and Clawson 1999; Bronfenbrenner and Hickey 2003; Richards 2008). Historian Nancy MacLean summarizes the external and internal factors.

A rapidly restructuring economy and changing labor market and the rising power of the anti-union Sunbelt states were among the forces that weakened labor. At the same time, labor lost moral authority as the AFL-CIO's top officials gave their blessing to the war in Vietnam, presided over undemocratic, even tyrannical bureaucracies, dragged their feet on pushing recalcitrant affiliates to obey civil rights legislation, and failed to take seriously their own movement's crisis. By the mid 1980's, all signs pointed, as one observer sadly put it, to 'a labor movement that has lost its bearings and has no strategic outlook' (MacLean 2006:289).

The research of Hogler, Hunt, and Weiler (2014) correlated union decline with cultural values rooted in "individual efficacy and social hierarchy" rather than "collective action and social justice," particularly in Confederate states.

Culture enabled the great shift of wealth that began three decades ago and continues into the present. Attitudes about individual merit, federal power, and property rights ensured a political bloc capable of defeating any efforts to raise taxes, to enact favorable union legislation, and to significantly devote federal resources to stimulus measures, or, as events of late 2013 made clear, to carry out basic governmental functions in the face of destructive obstruction. Attacks on unions continue with new initiatives for right to work laws, repeal of protections for public workers, and court decisions hostile to collective action. In light of the current political stasis, it is unlikely that activism among low-wage workers, or any other initiatives supported by organized labor, will be sufficient to restore unions to their former power (Hogler et al. 2014:25).

Table 1 (p. 11) shows the decline in union membership over the past twenty one years in both private and public sectors. Table 1 shows only a slight difference in union rates between women and men with women closing the gap in recent years. Black workers have the highest union membership rates, and members tend to be older adults, ranging in age from 35 years to 64 years. Full-time unionized wage and salary workers continue to benefit from higher median weekly earnings than non-union employees.

**Table 1**

The Decline in Union Membership Rates in the United States from 1995-2016 (by total percentage)

	2016	2005	1995
Unionized Wage and Salary Workers	10.7	12.5	14.9
Public Sector	34.4	36.5	37.8
Private Sector	6.4	7.8	10.4
Median weekly earnings of union workers	\$1,004	\$801	\$602
Median weekly earnings of nonunion workers	\$802	\$622	\$447
Full-time workers	11.8	13.9	17.3
Part-time workers	5.7	6.4	8.0
Sex			
Men	11.2	13.5	17.0
Women	10.2	11.3	12.0
Race and Ethnicity			
Black Workers	13.6	15.1	20.0
White Workers	10.8	12.2	14.0
Asian Workers	9.8	11.4	NA
Hispanic Workers	9.4	10.1	13.0
Age			
16 to 24 years	3.6	4.7	6.2
25 to 34 years	8.7	10.6	12.7
35 to 44 years	11.5	13.7	18.5
45 to 54 years	12.8	17.0	22.5
55 to 64 years	12.9	16.8	20.3
65 years and older	9.8	7.5	8.9

NA/not available (Bureau of Labor Statistics Union Summary 1996, 2006, 2017)



### ***Public Sociology and Labor Studies***

The history of unionism in the United States is a history of reinvention, a constant search for new ideas, new strategies, and new victories. Labor studies in the discipline of Sociology have been confronted with changes in theory and methodology to better explain the causes and responses to the continuous decline in union density. These changes have turned the sociology of labor away from the study of the labor process toward a Public Sociology that seeks to engage the labor movement. Public Sociologists work in dialogue with the public to identify, analyze and solve social problems by applying the sociological perspective to explain how social events are related to one another and how society can better work for the public good.

The labor movement crisis has also been a crisis in labor studies, called a “double crisis” by Sociologist Beverly Silver (2003) that is deemed long term and structural. Declining union density has signaled both contentions that unionism is either just wanting for new vigor and new ideas or is part of an industrial past that has been eliminated in the post industrial world by globalization. Explanations for the crisis of the labor movement often center on the impact of globalization, particularly variations of the “race to the bottom” thesis which claims the hypermobility of capital created a single labor market of unorganized low wage workers with diminished bargaining power. The same global dynamics are said to have contributed to weakened state sovereignty in that nation-states are either unable or unwilling to protect workers. Still others see new sites of labor strength where workers are building power and making demands on the state for protections. Beverly Silver explains the differing perspectives.

Those who see the terminal crisis of labor movements tend to see the contemporary era as one that is fundamentally new and unprecedented, in which global economic processes have completely reshaped the working class and the terrain on which labor movements must operate. In contrast, those who expect the reemergence of significant labor movements tend to perceive historical capitalism itself as being characterized by recurrent dynamics, including the continual re-creation of contradictions and conflict between labor and capital (Silver 2003:3).

Sociologist Michael Burowoy cites three important changes in 1974 that transformed the labor movement and labor studies: the shift from examining the labor process to engaging the labor movement, the attempt to turn away from business unionism to social movement unionism, and the shift from industrial unionism to public sector unionism. The first change occurred when the labor movement shifted its orientation from industrial sector work to service sector work in an effort to address its declining membership. Labor studies changed its approach from examining the labor process to engaging the labor movement after the publication of Harry Braverman's 1974 influential text *Labor and Monopoly Capital*. Braverman's text and research program was a break from industrial Sociology and organization theory that was concerned with the day to day formal and informal practice of bureaucracy. Industrial Sociology focused on a theory of stability that was specific to the work environment; ideas were centered on good human relations to garner employee cooperation in the workplace. Scholars believed the union gains of the post WWII years created a "passivity of labor" that lost sight of class struggles and the union movement itself. This passivity was not in sync with the changing times of the 1960's anti-war and Civil Rights movements. Functionalist theories of social stability were replaced with conflict theories, critical of patriarchy, race and class domination. Social movement theories emerged along with a

critical Public Sociology that critiqued capitalism as degrading labor and professional Sociology for obscuring this degradation (Burawoy 2008).

Braverman returned labor studies to Marxist theory which examined the consequences of capitalism on the worker; his “deskilling hypothesis” claimed monopoly capitalism historically degraded work and workers in the process. The pursuit of surplus through deskilling increased labor control and lowered wages. Labor process theory built on Braverman’s platform with Karl Marx’s theory of commodity production and worker alienation, and Max Weber’s theories of bureaucratic control and the influences of norms, values and cultural ideas on economic arrangements. Included in labor process theory are feminist and race theories of gender and racial inequality. Feminist studies considered the way gender factored into the deskilling of the workplace, the impact of women participating in unions, and their equity struggles around comparable worth to men. Feminist theory redefined the value of work, extending the meaning of work to the service sector, particularly the importance of emotional labor and care work (Vallas et al. 2009, Burawoy 2008).

As labor studies continued its critique of capitalism another shift took place, from Karl Marx’s view of the exploited proletariat to Karl Polanyi’s view of the commodification of workers by unfettered markets. This was a shift from Marx’s analysis of workers relation to the means of production to Polanyi’s analysis of workers relation to the market. Polanyi finds that subordinating human beings to the market is unnatural and destructive, and consequently likely to result in counter movements that seek “protection for society.” He repudiates capitalist claims that markets should be free, or disembedded

from the social structure, to self-regulate. Unregulated markets deliver uneven distribution of resources that historically require government intervention to overcome the inequities. Thus, markets require regulation, and the idea of utopian market success through deregulation has historically proven to be a false claim. Historically, these arrangements produce fascism, imperialism and wars, as society moves from a natural focus on traditional social relations to the unnatural commitment to market adventures. These arrangements also produced socialist protections against harmful market outcomes as the social policies of the New Deal illustrate (Polanyi 1944).

A decade of prosperity in the twenties sufficed to bring on a depression so fierce that in its course the New Deal started to build a moat around labor and land, wider than any ever known in Europe. Thus America offered striking proof, both positive and negative, of our thesis that social protection was the accompaniment of a supposedly self-regulating market (Polanyi 1944:211).

Polanyi contends globalization must be more than market enterprise; whereby economic exchange is a part of all societal ties, elites dominating society is contrary to democracy and human rights. When human beings are subordinated to the market, human values of reciprocity and redistribution, fairness and basic human rights are subordinated to the whims of a system destined to benefit the interests of power brokers. Beverly Silver notes that viewing the labor movement through Polanyi's lens gives a "pendulum-like" understanding of the nature of that resistance: "when the pendulum swings toward the commodification of labor, it provokes strong counter movements demanding protection" (Silver 2003: 17). Contemporary analysts drawn to viewing globalization through Polanyi's lens expect that the pendulum will swing toward new upsurges in labor resistance.

The second change in 1974 was the United States economy experienced a major recession, and the rise of neoliberalism affected the labor movement and labor studies. The recession changed the political landscape toward aggressive global capitalist endeavors that included attacks on unionization. The labor movement, although slow to rethink its strategy, began to turn from business unionism to social movement unionism. The tactical models of the civil rights movement continued to inspire collective action as evidenced by the women's movement, gay and lesbian, and environmental movements. The labor movement considered a return to its social movement and social reform roots, but the transition from bureaucratic organization to grass roots mobilizing would prove challenging for years to come (Burowoy 2008).

The third change in 1974 was the growth of public sector unions; it was the year public unions first surpassed the private sector in member density to become the main source of union strength (Burowoy 2008). Social movement unionism was deemed the best approach to mobilize public workers against privatization of public services. While union density and action in the private sector continued to fall, the public sector movement emerged in the 1960's and 1970's with strike activity and political strength that was primarily concentrated in cities, counties, schools, and agencies of local government. The growing numbers of women and racial minorities in government employment would change the demographics of the labor movement in succeeding years from majority white male unionists to near gender parity and majority African American membership. The public worker movement is distinct from the private sector in strategic demands, resources, and political position. The private sector is organizing labor market

participants and the public sector is organizing within a single organization that provides necessary public services (Johnston 1994). Sociologist and former union organizer Paul Johnston elaborates on the differences.

Public worker movements are constrained to frame their demands as public policy-rational, universalistic, and purportedly at least, in the public interest. They depend for power less on market position and on conditions in their labor market than on their political position and involvement in the coalitions that govern public agencies. These movements are involved not only in collective bargaining and lobbying over wages, benefits, and working conditions but also in broader political conflicts over the public agenda that guide and fund public sector work (Johnston 1994:4).

### ***Social Movement Unionism***

The U.S. labor movement has to organize hundreds of thousands of workers just to stand still, and millions of new workers to make any significant gains in private sector union density.

Bronfenbrenner and Hickey 2003

Social movements occur when individuals with a common interest and distinct identity band together collectively to create political and social change, usually by pressuring authorities to grant or protect the rights of marginalized groups. Social movements tend to be enduring or consisting of a number of collective actions such as large scale demonstrations, boycotts, or strikes that can be transported beyond local communities to transform society. “The nineteenth-century abolition movement was one of the first social movements to use these tactics, organizing a boycott against sugar grown with slave labor and sending petitions signed by large numbers of supporters to the British Parliament” (Staggenborg 2011:4). In this context, the origins of social movements are rooted in the rise of modernity: the spread of capitalism, the expansion of nation-states, urbanization, wage labor and warfare. The development of national electoral politics produced “special purpose associations” that represented various

contesting groups, including dissatisfied workers who chose the peaceful tactics of mass petitions and marches to avoid violent clashes with authorities. The same repertoire of tactics is employed today with a degree of variance according to historical circumstances, political conditions, and movement organizational structures or lack thereof. In recent years, new technologies and the processes of globalization, for example, have produced Internet based protests and transnational movements (Staggenborg 2011:4-5).

By the 1980's and 1990's, labor unions in the United States and globally were seeking new vitality to combat neoliberal globalization and halt decades of union decline. Deindustrialization, technology, and capital mobility diminished the bargaining power of industrial workers in the United States and globally making it increasingly difficult to build and sustain unions. It was argued that the decline in unionism was in part due to unions not acting on behalf of all of the working class, but rather limiting their role to the interests of select workers at particular worksites.

The revitalization of the labor movement was centered on a belief that if unions are to grow, and they must grow numerically and politically to fight capitalist power, they must be part of a larger social and political movement where the growth of unions, and the development of a broader social justice movement occur together. Social movement unionism (SMU) became the standout model for trade union reinvention. The concept of SMU derived from union practices in South Africa (COASTU) and Brazil (CUT) where unions, based in the workplace, were political social movements led by workers confronting state power to make class-based change (Moody 2007; Upchurch and Mathers). Unionization would extend beyond the workplace, where its focus is on

bargaining contracts and servicing existing members, to form community alliances and learn new ways to rediscover their associational power. Trade unions were encouraged to shift focus toward the face to face interaction of grass roots organizing, and the development of rank and file leadership and community coalitions with all participants galvanized around class based struggles (Fantasia and Voss 2004; Yates 2009; Upchurch and Mathers 2011).

Beginning in the late 1980's and continuing into the new century, SEIU janitors launched successful social movement campaigns named Justice for Janitors (JfJ) in Silicon Valley, St. Louis, Denver, Los Angeles, Philadelphia, Hartford, and other regions that significantly increased SEIU membership. The JfJ campaigns were well planned and executed as SEIU focused on grass roots mobilization with performance goals. Janitorial work was framed as warranting respect, fair wages and benefits, as a civil right entitled all workers. Strikes and other direct actions that targeted core firms as the "real" employer rather than smaller contract units, and community alliances were strategically used. Influenced by the civil rights movement and Cesar Chavez's United Farm Workers movement, SEIU promoted alliances with civil rights, women and religious organizations to galvanize the workplace and community around social justice issues of fair wages and respect in the workplace (Johnston 1994).

SEIU's JfJ campaign in Los Angeles used a successful strategy of publicly shaming owners by comparing the wealth of building owners to the poverty wages of immigrant workers. This galvanized community support and solidarity while publicly exposing corporate exploitation and threatening the profit outcomes of business. The



struggle for immigrant rights and citizenship became another mobilizing identity that united labor with class struggles outside the workplace (Burowoy 2008). Paul Johnston observed: “this redefinition of unionism as social justice mobilizes solidarity more effectively than the economic self-interests emphasized by business unionism: not only within the union and among community organizations, but also with other labor organizations (Johnston 1994:166).

In 1995, the AFL-CIO, led by John Sweeney, Richard Trumka, and Linda Chavez Thompson began the “New Voice” movement that promised renewed mobilization efforts. This resurgence was advanced by the AFL-CIO developing the Organizing Institute to educate and train new labor activists. In 1999, the Seattle protests against the World Trade Organization that aligned unionists with international labor rights groups, environmentalists, consumer protection advocates, and others was seen as an encouraging sign the labor movement was renewed with national and international worker solidarity. This idea was further advanced when unions began to forge ties internationally to protest NAFTA and challenge the expansion of transnational corporate power.

In 2000, sociologists brought the JfJ campaign into the academy, making it symbolic of this new social movement unionism. That same year the American Sociological Association founded a new labor section as Public Sociologists were learning to collaborate with labor leaders (Burowoy 2008; Yates 2009). These were all viewed as signs of a renewed labor movement even though union decline continued. SEIU was a major exception, while the union movement stalled SEIU’s grass roots organizing continued to build membership and win campaigns.

However, some labor scholars criticized SEIU and other union structures for not practicing social movement unionism as intended and generally questioned the efficacy of SMU to revitalize the labor movement. Kim Moody asserted SMU has “been adopted by a wide spectrum of people with very different views” and thus “has lost much of its unique meaning” (Moody 2007:237). Upchurch and Mathers argued that social movement theory that includes feminists, human rights and environmental campaigns, “retreat from a class-based analysis of change in society, in favor of wider society based cultural struggle,” that has not revitalized labor (Upchurch and Mathers 2011:266). Cassandra Engeman argues that the term SMU “often constructs a false dichotomy with business unionism” and that “the practice of SMU encompasses a delicate balance of union organizational and movement dimensions.” This balance allows unions to “engage in broader social justice issues while maintaining their identity as economic agents in collective bargaining” (Engeman 2015:446). Engeman’s research concluded unions continue to provide the vital organizational structure and seasoned leadership required to set feasible goals that create the capacity for long term mobilization and meaningful social change (Engeman 2015).

### ***Research Methods***

Public Sociology has followed the shifting course of labor studies towards labor activism by producing studies that examine the global, national and local context of organizing campaigns, many conducted in dialogue with labor leaders, organizers and workers. It is in this context that this Public Sociology project is formed. This is an ethnographic case study of the Fairfax County Government Employee Union (FCGEU),

only recently formed in 2009 with international partner Services Employment International Union's (SEIU) guidance and support. The purpose of this case study is to explore the implementation of FCGEU/SEIU's new right-to-work model to unionize public sector workers in Fairfax County Virginia where public sector collective bargaining is illegal and union culture does not exist. In the absence of collective bargaining rights, political support, and a culture of unionism, organizing requires a constant push on all fronts at all times. In other words, campaigns never end; wins can just as quickly revert to losses as the political climate changes, and thus sustaining a union requires the building of a steadfast organization. This comprehensive study looks beyond a specific mobilizing campaign or direct action to examine FCGEU's organizational structure, goals, resources, collective action strategies, tactics, and difficulties to determine if this is an effective model to unionize public workers in a right-to-work state.

FCGEU is attempting to organize approximately 8,500 "general" Fairfax County workers. General county employees are not associated with established teachers, firefighters, police or deputy-sheriffs unions that have long standing traditions in most communities, even in right-to-work states. General county employees consist of a wide assortment of public sector workers from the many service departments connecting citizens to family services, environment and education services, health, transportation and other vital human services. Mental health therapists, parks/recreations specialists, librarians, plumbers, transportation design engineers, sanitation workers, child care

workers, housing specialists and city planners are among the vast myriad of county workers providing essential public services.

As a former Fairfax County employee and FCGEU member, I was able to gain full access to union staff and members who volunteered to participate in this study. I had already resigned my position with Fairfax County as a supervisor of a mental health treatment center before beginning the interviews for this dissertation in August 2014. Resigning my position with Fairfax County ended my union membership.

The research primarily focuses on FCGEU, its staff, and membership. Since FCGEU is one of four chapters (Loudoun County, Fairfax Deputy-Sheriffs and VAPCA homecare) in the regional SEIU VA 512, the chapters often intersect, and thus the research will capture this as it relates to understanding the development of union growth and political power. Each local chapter has its own organizers, board members and bylaws and is led by a core SEIU VA 512 management staff. SEIU staff also includes an attorney/advocate, communications director and data base administrator. FCGEU members are Fairfax County employees that work directly with SEIU staff to unionize Fairfax County workers.

I chose the method of ethnography, specifically the extended case method, to provide an in depth understanding of labor organizing and union membership through interaction with the participants as they experience their everyday lives as union activists. Through interaction and interviews with participants, the researcher seeks to learn about their cultural backgrounds, experiences, and beliefs as individuals and as a group to learn how these experiences inform their ideas and activism at this time, in this place. In doing

so, it recognizes how historical relations influence everyday conditions. As presented by Michael Burowoy (1991), the extended case method is reflexive ethnography that extracts macro theory from micro experiences to extend everyday understandings to broader historical patterns and theoretical claims. The project's theoretical framework draws from neoliberal theory and social movement theory. Neoliberal theory explains the structural conditions of inequality rooted in the domination of global laissez-faire capitalism (Harvey 2005; Moody 2007; Steger and Roy 2010; Bockman 2013). Social movement theory advocates fighting capitalist domination with broad social justice movements and remains a prominent theoretical response to labor's renewal (Fantasia and Voss 2004; Burowoy 2008; Yates 2009).

Bronfenbrenner and Hickey's (2003) guide to successful organizing strategies and tactics was used to assess FCGEU's approach to unionization. Even though the guide was intended for private sector NLRB elections and collective bargaining contracts, the elements of this comprehensive approach translate to right-to-work organizing. Key organizing tactics include:

(1) adequate and appropriate staff and financial resources; (2) strategic targeting and research; (3) active and representative rank-and file organizing committees; (4) active participation of member volunteer organizers; (5) person-to person contact inside and outside the workplace; (6) benchmarks and assessments to monitor union support and set thresholds for moving ahead with campaigns; (7) issues which resonate in the workplace and the community; (8) creative, escalating internal pressure tactics involving members in the workplace; (9) creative, escalating external pressure tactics involving members outside the workplace, locally, nationally and/ or internationally (Bronfenbrenner and Hickey 2003:18).

Although union tactics and successful outcomes vary by industry and campaign, research shows better mobilizing success and wins when unions place at the center of their campaigns the broader issues of dignity, justice, discrimination, fairness, or service quality. Creating a culture of solidarity with regular events, activities, trainings, and committee memberships also contributes to higher participation rates and retention (Bronfenbrenner and Hickey 2003).

Data analysis is based on 21 in-depth, semi-structured audio-taped interviews of FCGEU/SEIU union staff and union members, 30 ethnographic observations of union activities, and examination of internal union documents and external media reports. Ethnographic interviews and observations were conducted from August 2014 until December 2015. Interview participants were SEIU directors and organizers, FCGEU president and executive board members, and rank and file members. All SEIU staff members working with FCGEU at the time of the research were interviewed (11 participants). Using purposive sampling, FCGEU rank and file members were selected for interview based on active member participation (10 participants). Active participation was determined by participation on the FCGEU executive board or regular participation in union functions and at least one committee. Interview questions were open ended to allow participants to discuss their ideas and experiences at length and allow the interviewer to further explore discussion themes. The majority of the interviews (18) took place at the FCGEU office in Fairfax, Virginia; 3 interviews were conducted at a Fairfax worksite. Each interview lasted 1.5-2 hours.

Interviews were augmented by 30 ethnographic observations of union activities at various locations. Observed events included: monthly member meetings, political rallies, community events, election campaigns, community canvassing, budget hearings, political candidate interviews, FCGEU board meetings, member trainings, organizer staff meetings, and worksite organizing drives. Field notes were taken on site and informal interviews were conducted with participants at events. Internal union documents, including emails to members, flyers, social media outreach, newsletters, and website articles were examined to gauge mobilizing strategies and tactics, targeted goals, member participation and community engagement. External media reports, primarily local newspaper articles, were examined. Transcribed interviews, field notes and content material were coded into categories that identified core themes for systematic analysis. Results are presented in the form of descriptive narrative to detail as much as possible in the voice of the participants the formation of this new union organization.

Chapter two will present current public opinion data on unionization, the right-to-work debates, and public sector unionism in Virginia.

## **Chapter Two**

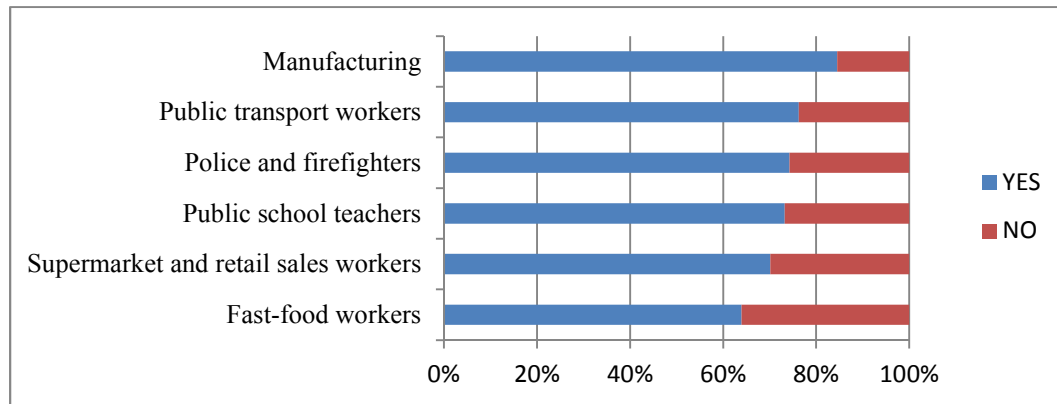
### **Labor Union Debates**

#### ***Public Opinion***

Even though a small number of working Americans belong to a labor union there is still support for unionization. Labor unions won 71 percent of the 1,574 representative elections held in 2015 by the National Labor Relations Board (NLRB 2015). A 2014 Gallup poll revealed 53 percent of Americans approved of labor unions. Gallup has polled American views on unionization for 75 years with respondents stating at least 50 percent approval every year except 2009 (Rosenfeld 2014). A 2015 Pew Research Center survey revealed “mixed views” from Americans about the impact of union decline: 52 percent said the reduction in union representation has been “mostly bad” for working people, compared with 40 percent who said it has been “mostly good.” 48 percent held favorable opinions of labor unions, 39 percent unfavorable views; blacks and young people had the highest favorable rates. Similarly 48 percent of the public held favorable views about business corporations compared with 43 percent stating unfavorable views. Views differed along partisan lines with 60 percent of Democrats having favorable views of unions to only 28 percent of Republicans and 48 percent of Independents. When asked if various sectors should be able to unionize the majority of respondents supported



unionization as shown in Figure 1 (survey conducted March 25-29 2015 by Pew Research Center).



**Figure 1 Support for Unionization by Occupation (%)**

President Obama opened his 2012 reelection campaign with the message that “it’s still about hope and change,” still about “everyone getting a fair shot,” and “everyone playing by the same rules.” Talking to mostly enthusiastic young students attending rallies at Ohio State University and Virginia Commonwealth University, the President said “corporations aren’t people, people are people.” He reminded of Republican economic policies that led to higher unemployment and lower wages for the middle class while granting tax breaks to the rich without promised trickle down benefits to workers. President Obama touted his administration’s attempts to remedy these problems with health care reform and job creation in the private sector. He said to the crowd of young supporters: “this is not just an election, it is a make or break moment for the middle class; “harder work has not led to higher wages,” and “we’re not going to roll back the bargaining rights of workers that millions have fought for” (Obama 2012). The

President's message did not translate into practice during his first term. Although the auto industry bailout spared union jobs, retiree pensions, health benefits and averted financial crisis (AFL-CIO 2012; Reuther 2015), he was not able to pass the Employee Free Choice Act designed to remove barriers to unionization, and political challenges to the labor movement mounted as union stronghold states passed right-to-work (RTW) laws. "Since becoming president, Obama and labor seemed more like allies of convenience than comrades at arms," proclaimed *U.S. News and World Report* editor Joseph Williams. Finding President Obama's relationship with labor "complicated," Williams noted that while candidate Obama promised allegiance to unionists during the 2008 campaign, he also connected with Wall Street barons who took part in his administration. This dual relationship yielded a tepid response from the President during one of labor's most critical moments in 2011, the rollback of public sector collective bargaining rights by Wisconsin's Governor Scott Walker.

Tens of thousands of workers occupied the Wisconsin state capitol in protest, many of them calling for Obama to lace up those comfortable shoes he talked about and grab a picket sign. But the shoes stayed in the closet, Air Force One stayed on the tarmac, Obama stayed on the sidelines and the tide against Walker didn't turn (Williams 2015).

The Obama administration's relationship with labor brought mixed reviews in his second term. Unions generally opposed the Obama promoted Trans-Pacific Partnership Free Trade Agreement (TPP). The AFL-CIO, the primary federation of labor unions in the United States said: "the final TPP will not create jobs, protect the environment or ensure safe imports. Rather, it appears modeled after the North American Free Trade Agreement (NAFTA), a free trade agreement that boosts global corporate profits while

leaving working families behind” (AFL-CIO 2016). Workers pushed state legislators and localities for \$15 per hour minimum wage as the Obama administration, despite its support for \$10.10 per hour, was only able to garner the increase for government contractors through executive order. The federal minimum wage for non-exempt workers remained \$7.25 per hour, stagnant since 2009. Workers that receive tips experience even lower wages at \$5.15 per hour-the basic combined cash of \$2.13 and tip of \$3.02 (DOL

2016). Three million workers had wages at or

**2016 DMV Minimum Wage Rates**

<b>District of Colombia</b>	<b>\$11.50</b>
<b>Maryland</b>	<b>\$8.75</b>
<b>Virginia</b>	<b>\$7.25</b>

**Source: Department of Labor 2017**

below the federal minimum, they made up 3.9 percent of the 77.2 million (58.7%) of all hourly paid workers in 2014, down from 4.3 percent in 2013 (BLS 2015). According to the Department of Labor (DOL) there are 29 states plus the District of Columbia (highest

rate in U.S. at \$11.50/hour, with effective increases to \$12.50 7/1/17 and each year until reaching \$15 in 2020) with minimum wage rates set higher than the federal minimum wage. Federal minimum wage law supersedes state minimum wage laws except in those states where the state minimum wage is greater, the state wage prevails (DOL 2017; NCSL 2017).

President Obama received some praise from unions for his National Labor Relations Board (NLRB) appointees and favorable rulings. An August 2015 New York Times headline read: “As His Term Wanes, Obama Champions Workers’ Rights.”

With little fanfare, the Obama administration has been pursuing an aggressive campaign to restore protections for workers that have been eroded by business activism, conservative governance and the evolution of the economy in recent decades (Scheiber 2015).

Among the regulatory changes expected to benefit workers are: protections for workers misclassified as contractors and denied benefits, minimum wage and overtime protections for previously exempted homecare workers, and overtime pay for millions of previously denied workers. “These moves constitute the most impressive and, in my view, laudable attempt to update labor and employment law in many decades,” said Benjamin I. Sachs, a professor at Harvard Law School and a former assistant general counsel for the Service Employees International Union (Scheiber 2015).

In his final state of the union address January 2016 President Obama told his fellow legislators: “It’s not much of a stretch to say that some of the only people in America who are going to work the same job, in the same place, with a health and retirement package, for 30 years, are sitting in this chamber. For everyone else, especially folks in their forties and fifties, saving for retirement or bouncing back from job loss has gotten a lot tougher” (Obama 2016). President Obama spoke of an ever changing, yet sturdy economy that has not fairly rewarded all workers:

What is true - and the reason that a lot of Americans feel anxious - is that the economy has been changing in profound ways, changes that started long before the Great Recession hit and haven't let up. Today, technology doesn't just replace jobs on the assembly line, but any job where work can be automated. Companies in a global economy can locate anywhere, and face tougher competition. As a result, workers have less leverage for a raise. Companies have less loyalty to their communities. And more and more wealth and income is concentrated at the very top. All these trends have squeezed workers, even when they have jobs; even when the economy is growing. It's made it harder for a hardworking family to pull itself out of poverty, harder for young people to start on their careers, and tougher for workers to retire when they want to. And although none of these trends are unique to America, they do offend our uniquely American belief that everybody who works hard should get a fair shot (Obama 2016).

The closing days of Obama's presidency were marked by Democrats losing industrial Midwestern states in the 2016 presidential election: Pennsylvania, Ohio, Michigan and Wisconsin-manufacturing states that voted twice for Barack Obama. Republican candidate, Donald Trump campaigned heavily in those former union strongholds while Democratic candidate Hillary Clinton did not. Trump promised to reject Obama's TPP trade policy, renegotiate President Bill Clinton's 1994 destructive NAFTA trade agreement and bring jobs back to industrial cities. Flint, Michigan is an example of the floundering towns in the United States. In 1980, Flint General Motors employed 80,000. By 2016, it employed 7,200 and Flint was a vacated city (McClelland 2016). Political journalist Edward McClelland noted: "as Michigan has become older, less educated, less unionized, less urbanized and more insular, it has become more reactionary.... had those college graduates found opportunities at home, they might have flipped their states to Clinton" (McClelland 2016).

### ***Defining Unionization***

I think there has been this movement for small government and capitalism and people being self-sufficient. But I think that when you have collective bargaining and people are able to work together, they are more powerful and able to correct some of the problems that they see. That's just my thinking; I think that people uniting together is more powerful than people being alone and just being capitalists.

FCGEU organizer Jess Brown

Labor unions are associations of employees who band together to improve their pay and working conditions, usually through collective bargaining with employers. The primary purpose of collective bargaining is to give workers, through their unions, the power to improve their economic status and influence workplace decisions by negotiating with employers the terms of employment. Terms of employment include wages, hours,

benefits, health and safety policies, family leave, grievance procedures, job security and other conditions (Smith 2011; AFL-CIO 2015). Labor scholar E. Paul Durrenberger states the chief aim of unionization is to “redress the power imbalance” between workers and owners or management:

Because workers and owners of capital do not share interests, this relationship is necessarily adversarial. One question is what legal or extralegal means each can bring to bear in its struggle against the other. When law enforcement is lax, corporations often break the law (Durrenberger 2007:75).

When unions are democratic organizations members gain knowledge of their political and legal rights and have a greater voice in workplace arrangements. When workers have a voice in the workplace they can demand employers address their priorities and treat them as human beings, with dignity and respect rather than merely as costs of production. Dignity and respect are core values many workers contend are absent in their workplaces (Yates 2009; Vallas 2009). Unions provide the personnel and resources for organizing workers and servicing the negotiated terms of employment. Organizing can range from mobilizing workers to join the union to organizing union members to participate in the electoral process. Servicing includes negotiating and enforcing contracts or agreements while assuring employers follow established labor regulations and grievance processes (Durrenburger 2007).

American unions have three levels of organization: local, national/international, and federation. FCGEU is a union local of the larger international SEIU, and one of four local chapters in the Virginia regional SEIU VA 512. If a union has local branches in Canada, it is considered an international; SEIU mobilizes workers in the U.S., Canada,

and Puerto Rico. The national/international union provides necessary resources and usually establishes the broad policies that direct local branches. SEIU's 2 million workers are spread across 150 locals representing three industries: healthcare, public services and property services. In addition, all SEIU locals are represented by 15 state councils (Smith 2011; SEIU 2016).

The largest federation, the AFL-CIO, is comprised of 56 national unions who fund the federation to promote the causes of organized labor, including public relations and lobbying for pro labor legislation (Smith 2011; AFL-CIO.org 2015). SEIU resigned from the AFL-CIO in July 2005 in a contentious split over the direction of the labor movement; SEIU generally wanted to stress organizing more than politics to stem the decline in membership. "Our world has changed, our economy has changed; employers have changed. But the AFL-CIO is not willing to make fundamental change," said Andrew L. Stern, then president of SEIU (Edsall 2005). SEIU would form a rival federation now called Change to Win that includes: International Brotherhood of Teamsters, United Farm Workers of America, and United Food and Commercial Workers International Union (Change to Win 2016).

### ***Legal Frameworks of Unionization***

Understanding the legal frameworks of unionization is complicated; most of the private sector is governed by the 1935 National Labor Relations Act (NLRA), and public sector employees, most notably teachers, police, fire fighters and an assortment of other government workers, are governed by the legal frameworks of states and localities. The

term “labor law” does not refer to all laws that apply to workers and employers, but specifically to the law that applies to unions and private employers. Before labor laws employers took to the courts to solve their labor troubles with each state dispensing its own laws, and “courts in those days were unsympathetic to unions” (Gold 1998:1). Employers were able to get the courts to rule against strikes, boycotts, and other union tactics that stalled business. The U.S. Constitution’s First Amendment permits freedom of association which protects collective action. However, courts often prevailed in dismissing union activity as criminal conspiracy when juries, mostly composed of owners and shopkeepers, ruled in favor of employers. When jury representation expanded to the working classes, employers resorted to injunctions to halt labor protests. Issued by a judge the injunction could immediately stop union actions and apply the threat of jail to violators. Beginning with legislation limiting court injunctions, four major labor relations laws were enacted in the modern era that greatly impacted the upsurge and decline of unionization (Smith 2011).

- The Norris-LaGuardia Anti-Injunction Act of 1932 (named for Senator George Norris of Nebraska and Representative Fiorello LaGuardia of New York, both liberal Republicans) was the first pro labor legislation during a time when unions had few options against employer attacks. The law restricted employer aggression against unionists. The Act strictly limited the ability of employers to obtain injunctions in labor disputes, and made illegal yellow-dog contracts, which stipulated an employee agree to not join a union as a condition of employment (Gold 1998; Smith 2011).



- The National Labor Relations Act (NLRA), also known as the Wagner Act (named for its sponsor Senator Robert F. Wagner, a Democrat from New York), was enacted in 1935 during the Great Depression. Section 7 of the NLRA gives workers the right to form labor unions without private employer interference and obligates employers to bargain collectively with unions chosen by employees. The federal agency, the National Labor Relations Board (NLRB or Labor Board), was established to investigate employer violations of the act and to conduct elections in which workers can freely accept or decline to be represented by a union. If the majority of employees vote for union representation, the NLRB will certify the election and the union becomes the exclusive bargaining agent for all the employees. The NLRB is the “primary institution” for enforcing labor law with the allowance of federal appellate court appeal of board decisions. The NLRA mandated employers bargain in good faith without interference or discrimination against workers. Composed of five members, appointed for five year terms by the President with the advice and consent of the Senate, the Labor Board has been a political operative both helpful and hostile to organized labor. In recent decades, unions have tried to find ways to secure employer recognition without going through normal NLRB procedures. One tactic has been to use economic, political, and community pressure to force the employer to recognize the union on the basis of some showing of majority support. Also during this period President Roosevelt signed, amidst great employer opposition, the Fair Labor Standards Act of 1938, which provided for the payment of a minimum

wage and overtime payment for hours in excess of forty per week (Gold 1998; Smith 2011).

- The Labor-Management Relations Act, mostly known as the Taft-Hartley Act (named for its Republican sponsors Senator Robert Taft of Ohio and Representative Fred Hartley of New Jersey) amended the Wagner Act in 1947 at the height of union power following a wave of strikes, some violent and deadly after WWII. The strikes, rising inflation, a public sense that unions had too much power, along with communist leanings, increased anti-union hostility during the era of McCarthyism, a period of strong anticommunist sentiment. Employers organized against union power, which resulted in the Taft-Hartley Act. This legislation reversed mandated union membership as a provision of employment and opened the hiring process to union and non-union members, essentially creating the right-to-work (RTW) without joining the union. The “closed shop,” or employment where union membership was mandatory, was outlawed and states were allowed to pass laws restricting union activity (Smith 2011). Even before Taft Hartley, Florida laws banned the closed union shop (1943), Arizona (1946), Arkansas (1944), Nebraska (1946) and South Dakota (1947) had already adopted a RTW constitutional amendment. Ten states, including Virginia, were already poised to become RTW in 1947 (NCLS.org 2015). Some remnants of closed shop arrangements still exist today. Building contractors, for example, hire construction workers through union hiring halls which in practice means workers must join the union for employment. Under the union shop, nonunion workers are hired but

required to join the union within a specified time period, usually 30-60 days. In an “agency shop,” arrangement employees do not have to join the union but are required to pay “agency fees” for union representation (Gold 1998; Smith 2011). The Taft-Hartley Act allowed the Labor Board and the courts to charge unions with unfair labor practices and order compensation to their victims. The Act weakened the union election process by limiting the methods that determine if the majority of workers want a union. At the same time, it advanced the employers right to “free speech” against unionization which opened the flood gates for employers to wage anti-union campaigns at the worksite. The president of the United States was granted authorization to halt strikes for an 80 day “cooling off period” while negotiations continued, especially when strikes occurred in industry where work stoppage could create health and safety hazards (Gold 1998; Fantasia and Voss 2004; Smith 2011).

- The Labor Management Reporting and Disclosure Act of 1959 also known as the Landrum-Griffin Act (sponsored by Representative Phillip Landrum of Georgia, a Democrat and Senator Robert Griffin of Michigan, a Republican) further regulated union activity by requiring detailed financial reports to the Secretary of Labor, secret ballot elections to select union officials, and other provisions including a Bill of Rights for union members (Smith 2011).

The vast majority of private unions have been formed through NLRB elections. However, the Labor Act does not cover all employees, among those excluded are: farm

workers, domestic workers in private homes, independent contractors, railroad and airline workers and employees of federal, state, and local governments. In some cases Congress and many state legislatures have passed laws similar to the NLRA that protect these workers (Gold 1998).

### ***The Right-to-Work Debate***

The right-to-work for less if you are in a right-to-work state

FCGEU organizer Jewel Farley

Just as the Wagner Act helped surge unionization into the 1950's by granting legal protections to collective bargain, the Taft-Hartley Act countered that wave with RTW laws imposing legal restrictions on union and employer negotiations. The Taft-Hartley Act limited strike activity or worker actions by making the process more "legalistic and bureaucratic," and it created an environment where "lawyers and labor law would play an increasingly more prominent role in industrial relations" (Valas et al. 2009). It "shifted from the New Deal toward a more business-friendly orientation," and granted "employers greater latitude in opposing unionization" (Bronfenbrenner et al. 1998). It made difficult organizing the South where employers held great political power and were able to pass right-to work (RTW) laws to cement their reign over workers (Dennis 2009). It addressed a growing sentiment among American workers that compulsory unionism, or the insistence workers join a union to get or keep a job, was undemocratic and un-American (Richards 2009), a view Americans still hold today. A 2014 Gallup poll headline read: "Americans Approve of Unions but Support 'Right to Work'" (Gallup 2014). The question was an update from 1957.

Some states have passed right-to-work or open shop laws that say each worker has the right to hold his job in a company, no matter whether he joins a labor union, or not. If you were asked to vote on such a law would you vote for it or against it?

**Table 1**

Opinion of Right-to-Work Laws

	<i>Vote For</i>	<i>Vote Against</i>	<i>No Opinion</i>
	%	%	%
April 7-10, 2014	71	22	7
July 18-23, 1957	62	27	11

The Gallup poll also revealed “64% to 32% of Americans disagree that workers should ‘have to join and pay dues to give the union financial support’ since ‘all workers share the gains won by the labor union” (Gallup 2014). Although the framing of the questions is more favorable to RTW proponents, the consistent favorable RTW responses indicate American culture favors individual choice over group benefit.

Federal law mandates all workers receive the benefits negotiated by the union, including those not in the union or paying dues. In RTW states, laws prohibit a “union security agreement” between employer and union that require workers to join a union or pay union fees. This means employees are not required to join a union or pay their share of union dues to get or keep a job, even though all employees benefit from union negotiated gains for workers (Smith 2011; Fletcher 2012). Usually, in states without

right-to-work laws, workers can refuse to join the union, but must pay fees toward collective bargaining if the majority of workers vote for unionization. Collecting union dues or fees is vital to meeting the costs of member mobilization, collective bargaining, and administrative activities. When some workers, offensively called “free riders,” do not pay fees the union has difficulty funding the campaigns required to bargain on behalf of workers. SEIU VA 512 President David Broder finds the free rider effect “problematic.”

We don’t run our country that way, we shouldn’t allow our economy to run that way, it would be like saying Ann you can choose to pay taxes or not: you still get to drive on the roads, you still get to send your kids to schools, you still get to flush your toilet and the sewage works, but you don’t have to pay taxes. We can imagine quite quickly no-one would pay taxes, and we would lose all that infrastructure... In right-to work states, the sad truth is, childhood poverty rates are much higher, people are much more likely to be injured and to die at work, people are more likely to live in poverty, they’re less likely to have healthcare, and they’re less likely to be able to retire than in states that aren’t right-to-work. So it is a friendly name that hides some really sinister results (Interview 2015).

The June 30, 2014, Supreme Court majority decision (5-4) in the case of *Harris v. Quinn* ruled that the first amendment prohibits the collection of “agency fees” from home health care workers who do not want to join or support a union. The decision overruled Illinois law that stipulated workers did not have to join the union but had to pay agency fees when the majority of their co-workers voted for union representation. An Op-Ed in the *New York Times* by law professors Cynthia Eastlund and William Forbath called the decision “a blow to unions” and asserted “the ability of unions to survive rests on whether they solve the ‘free rider’ problem.” The authors noted Illinois’ home care workers “nearly doubled their wages and secured state-funded health insurance, as well as training and safety provisions” when they unionized (Eastlund and Forbath 2014).

Labor activist Bill Fletcher declares the term RTW a “misnomer,” because “there is no right to work guaranteed by such statutes” (Fletcher 2012:3). Instead right-to-work is a façade of freedom of choice that conceals business interests in weakening labor power. The result is an uneven responsibility for collective bargaining in the workplace as demonstrated, for example, by the union density of the American Federation of Government Employees (AFGE-the largest federal union). In 2011, AFGE represented 600,000 workers, only 260,000 were union members paying the cost and doing the advocacy work for 340,000 workers not contributing their voice and money to improve workplace arrangements (Fletcher 2012).

Currently in Virginia 6.9 percent of the total workforce have jobs with union representation, 5.4 percent are union members. This percentage is considerably lower than neighboring jurisdictions that do not have RTW laws: District of Columbia 12.1% (10.4% members), Maryland 12.2% (10.5% members) and West Virginia 13.7% (12.4% members) (BLS 2016). West Virginia became the 26<sup>th</sup> RTW state in February 2016 (NCSL.org 2016). However, a court ruled in favor of a preliminary injunction brought by AFL-CIO and 10 other unions claiming West Virginia’s Workplace Freedom Act promotes property theft and deserves more careful consideration; the law is suspended pending review (Maccaro 2016; Teamsters.org 2016). Ken Hall, General Secretary Treasurer of the Teamsters Union said:

The Workplace Freedom Act will not bring freedom to the workplace, as the name deceitfully suggests. Rather, it will deny hardworking West Virginians the rights and protections they need to survive. If this becomes the law of the land, it will not only be in violation of our state’s very own constitution—it will cause workers’ wages to go down and workplace injuries to go up. This legislation is unconstitutional, unethical and unacceptable for West Virginia (Teamsters.org 2016).

Mark Mix, president of the National Right-to-Work Legal Foundation claimed unions were stealing from workers:

What it does do is it makes union officials much more accountable to rank-and-file workers, they now instead of just going and collecting a check every month from the employer that's taking out of an employee's paycheck as condition of keeping their job, they go out and they sell their product to America's workers, they won't win in that case (Maccaro 2016).

In early 2016, organized labor braced for another unfavorable ruling from the majority conservative Supreme court in the right-to-work case of *Friedrichs v. California Teachers Associations*. The case was another First Amendment argument against nonunion public educators paying “agency fees” for union representation. In California the vast majority of teachers, 325,000 are union members; only 9 percent of the teachers across 1,000 school districts choose not to join a union. By California law they are still required to pay agency fees for union representation (Totenburg 2016). *Friedrichs v. California Teachers Association* challenged the 1977 Supreme Court ruling in *Abood v. Board of Education* that “permits an ‘agency shop’ arrangement, whereby every employee represented by a union, even though not a union member must pay to the union, as a condition of employment, a service charge equal in amount to union dues.” Such an arrangement is deemed valid as long as the fees are used for “collective bargaining, contract administration, and grievance adjustment purposes” (SupremeJustia.com). The vacant seat on the Supreme Court after the death of conservative justice Antonin Scalia rendered a 4-4 tie with the deadlock decision upholding the 1977 case requiring agency fees for nonunion members. The 2017 Trump

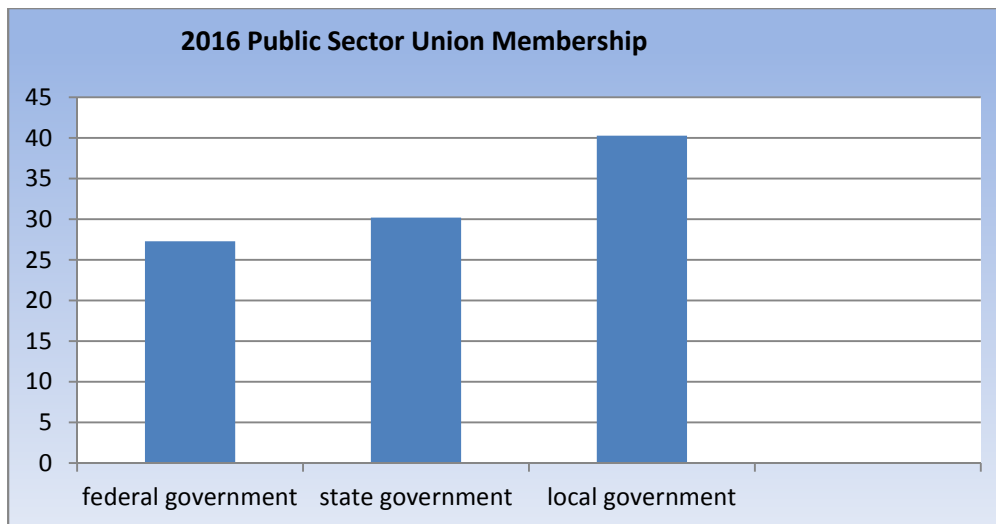


administration's appointment of a conservative judge could break the tie and render a decision against agency fees that will significantly reduce union bargaining power.

### ***The Public Sector***

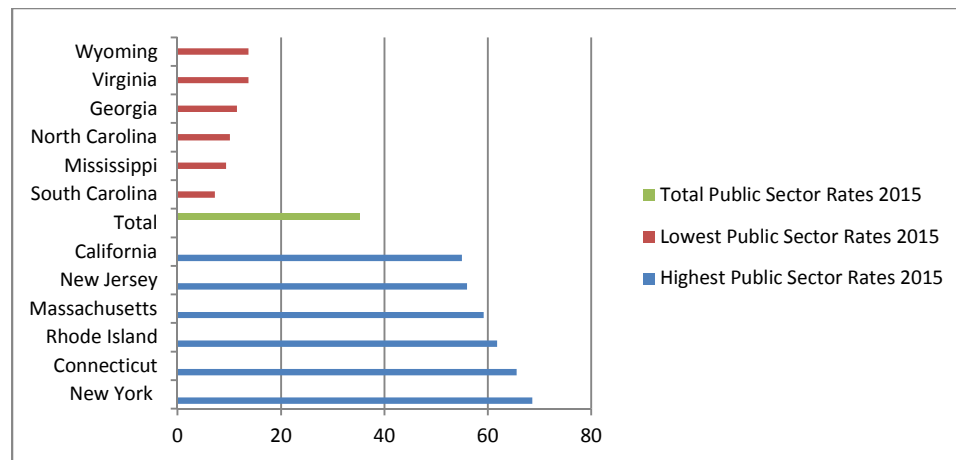
The public sector, consisting of a broad contingent of occupations, where union rates are highest and employer opposition less rigorous, was thought to be a particularly promising organizing tract to regain labor's lost political power. However, public sector union density has remained relatively constant in recent decades and subject to political attacks. According to the National Conference of State Legislatures (NCLS) right-to-work related laws were introduced in 20 states in 2014 (NCLS.org 2015).

The 2008 economic crisis weakened state revenues and state governments across the country and public sector workers' wages and benefits were targeted to balance budgets and control spending. Republican Governors in Wisconsin and Indiana passed RTW laws that diminished the ability of unions to organize and bargain on behalf of workers. As figure 2 illustrates (pp. 45), public-sector workers continue to have the highest union membership rates at 34.4 percent, slightly down from 35.7 percent in 2014. The public sector rate is more than five times higher than the 6.4 percent of unionized private-sector workers. The majority of public sector union members, 40.3 percent are in local government. To roll back collective bargaining rights of public sector workers is to assail the remaining stronghold of the labor movement.



**Figure 2 Federal government (27.3), State Government (30.2), Local Government (40.3) (Bureau of Labor Statistics 2016)**

Jake Rosenfeld (2014) finds the public sector not likely to lead labor’s resurgence, as both Democrats and Republicans often aim to shrink government. Democrat Bill Clinton proclaimed in his 1996 State of the Union address “the era of big government is over.” Clinton’s message was a holdover from the Reagan era that connected Democrats to big government expenditures. This messaging still influences political discourse today. In the 2016 democratic primary debate, a question from a Facebook Group citizen asked “are there any areas of government you’d like to reduce?” Candidate Bernie Sanders responded about wasteful inefficient government and Hilary Clinton talked about streamlining programs (PBS/CNN debate 2016). Shrinking the size of government reduces the public sector and by extension threatens union stability. Likewise, local and state governments have different collective bargaining laws that vary union membership and influence. Figure 3 ranks states according to their 2015 public-sector unionization rates, the six highest rates and six lowest rates.



**Figure 3 2015 Public-Sector Unionization Rates by State.** [www.unionstats.com](http://www.unionstats.com)

The top five states are all located in the Northeast region where Democrats have a stronghold. The bottom five states, except Wyoming, are all located in the South, a region with anti-union Republican leanings, particularly Virginia and North Carolina where public sector collective bargaining is illegal. Hogler’s research on Southern states with low unionization rates revealed: “slave-based culture is correlated with lower union density, lower human development, lower general trust, higher inequality, and right to work legislation. Union density is positively associated with greater human development, more per capita income, and negatively associated with right to work laws” (Hogler et al. 2014:23).

Right-to-work activism reemerged in 2010 to spread beyond Southern states following the Republican sweep of midterm elections and the Citizens United Supreme Court ruling that opened the floodgates to unlimited finance for political pursuits. In Wisconsin there were large union protests to resist the rollbacks, but the Wisconsin Supreme Court ruled along bi-partisan lines to uphold the legislation against collective

bargaining rights. This was followed by an unsuccessful recall campaign against Governor Walker. The immediate result of the new laws, combined with job cuts and union contracts expiring, was a decline in union membership from 11.7 percent in 2014 to 8.3 percent in 2015 (Stein 2016). In June 2011, New York Democratic Governor, Andrew Cuomo, averted layoffs by agreeing to terms with public sector unions that reduced current and future wages and increased costs of benefits (Kaplan 2011). At the same time, the *New York Times* referred to New Jersey Republican Governor Chris Christie's cut of benefits and wages to public workers and retirees as "the deepest cut in state and local costs in memory" (Perez-Pena 2011). In 2012, Indiana expanded its RTW provisions to cover all private sector employment; it previously only covered school employees (NCSL.org). By March 2013, sequestration budget cuts of \$85 billion to domestic and military programs particularly affected the military laden economy in Virginia with losses in jobs and services. An August 2013 *New York Times* front page editorial read "Government as a Low-Wage Employer" in response to growing complaints about the low wages of government contractors (*New York Times* 2013).

By March 2015, re-elected Wisconsin Governor Scott Walker, sitting at a desk with a sign that read "freedom to work," signed legislation making Wisconsin the 25<sup>th</sup> state to enact RTW laws (Rucker 2015). President Obama responded to the Wisconsin law by saying, "I'm deeply disappointed that a new anti-worker law in Wisconsin will weaken, rather than strengthen workers in the new economy" (Rucker 2015). Empowered by his union rollbacks Wisconsin Governor Scott Walker launched a short lived presidential bid that included proposals for a national RTW law, no bargaining for federal

workers, and elimination of the National Labor Relations Board (Marley 2015). An editorial in the *Wall Street Journal* (2015) by Luke Hilgemann and David Fladeboe, the CEO and Wisconsin state director of Americans for Prosperity, proclaimed the “right-to-work advantage.” They declared states with RTW laws “increased their employment rolls by 9.5%,” had “stronger economic growth,” and provided “good-paying positions,” that resulted in the “population of right-to-work states growing by 3%.” They claimed the significance of the “right-to-work advantage” is the “individual freedom” it gives workers to join or not join a labor union or support union endorsed political candidates. They noted that unions can still organize workers in right-to-work states, “the only difference is that unions can’t coerce them into joining.”

The decline in union membership one year after Michigan became the 24<sup>th</sup> RTW state in 2013 was offered as an example of workers exercising their individual freedom to not join a union (Hilgemann and Fladeboe 2015). A 2015 study by the “pro- business conservative” National Economic Research Associates (NERA) declared businesses are more likely to move to RTW states due to job growth, lower unemployment and better overall economic performance. The authors concluded, however, that the RTW effect is inconclusive as other variables also influence a state’s economic performance (Marks 2016). Scott Walker’s right-to-work campaign did not yield the 250,000 new jobs he promised (Schultz 2015).

Sociologist Tamara Kay countered the “right-to- work advantage” argument in a *Newsweek* opinion piece: “Although right-to-work laws are proffered as part of a state’s

economic development strategy, their real goal is to undermine workers' collective voice and power.” Kay reported that research did not show right-to-work states were able to lure businesses or impact economic growth. Instead business locations were selected based on: good education systems, “skilled workers who would stay for a long time,” and “market size, local taxes, wage rates and transportation infrastructure” (Kay 2015). Kay cited the Economic Policy Institute’s findings.

The most rigorous research study available—published in 2011 by the nonpartisan Economic Policy Institute and conducted by Heidi Shierholz (now the chief economist of the U.S. Department of Labor) and Elise Gould—controlled for 42 variables. It found that right-to-work laws result in lower wages and a lower likelihood of health care and pensions for union and non-union workers. It also shows right-to-work laws have no impact on economic growth. Right-to-work proponents, however, have used “research” reports that control for few if any variables, to suggest that right-to-work states have done better on a variety of growth measures, predicting that their state would similarly benefit by passing a bill (Kay 2015).

The right-to-work battle is largely waged between conservatives who deem labor unions a hindrance to economic growth and individual freedom and progressives who find the absence of unions and collective bargaining rights an unfair detriment to workers and a threat to American democracy. Political Science scholar David Schultz’s sums up the public discourse of the RTW debate:

What do we know about the economic impact of right-to-work laws? Legislative debates on the issues are generally badly informed, partisan-driven, or woefully devoid of fact-based impartial evidence. Often studies are cited by organizations with clear political agendas. Groups such as the Cato Institute, the Mackinac Center, and the U.S. Chamber of Commerce argue that right to work laws produce lower unemployment rates for states. Conversely, the generally liberal Economic Policy institute finds the opposite, and also asserts that right-to-work adversely affects unionization and family incomes. More nuanced and independent research yields a better picture (Schultz 2015).

Schultz’s “more nuanced” research findings mirror academic research, including the scholars at the Economic Policy Institute (Nieswiadomy, Slottje, and Hayes 1991;

Fichtenbaum 2011; Mischel 2012). Using Bureau of Labor Statistics data on unionization rates, unemployment and median family income Schultz found “no statistical relationship between states being right-to-work and unemployment rates,” but found “statistical evidence that right-to-work laws are associated with significantly lower incomes.” Schultz agreed with NERA that RTW laws are “only one variable effecting economic climate of a state,” but found “unions appear to increase family income,” (Schultz 2015). Table 1 (p. 11) shows the 2016 median weekly earnings of union workers (\$1,004) and non-union workers (\$802) according to the Bureau of Labor Statistics (2017). When FCGEU organizer Jewel Farley says right-to-work really means right to work for less, she is expressing a common sentiment among unionists that is supported by research findings.

Research studies link lower unionization rates to lower wages and income inequality (Nieswiadomy, Slottje, and Hayes 1991; Fichtenbaum 2011; Mischel 2012; Reich 2013). Economist Rudy Fichtenbaum’s (2011) panel study of U.S. workers in manufacturing (from 1997-2006) connected growing wage inequality to union decline and public policy initiatives. The study found “unions have a positive impact on labor’s share of income,” and “social and institutional forces play an important role in determining the distribution of income between labor and capital.” Thus, not enacting the Employee Free Choice Act, that would make it easier to form a union, while executing RTW laws are policy choices that determine income gains and losses for workers. Jake Rosenfeld’s (2014) research shows union members tend to have higher wages and better benefits in most industries, particularly the lowest paid workers in a workplace. Unions

can narrow the pay gap within similar work groups and between blue-collar and white-collar workers (Rosenfeld 2014). When union presence is high in a region, non-union employers are more likely to improve the wages and benefits of their workers to avoid unionization, this is referred to as the “spillover effect” (Rosenfeld 2014; Cooper and Mishel 2015).

Economic Policy Institute (EPI) economists David Cooper and Lawrence Mishel (2015) attribute growing income inequality to the “divergence of pay and productivity,” that has resulted from decades of lower compensation growth despite considerable productivity growth. Productivity growth, (the growth and output of goods and services per hour that provides the basis for living standards), and compensation, (wages and benefits), has grown so disparate that the last ten years have been called “a lost decade” for American workers. Cooper and Mishel note that productivity and compensation growth were in tandem from the postwar period until the 1970’s when the gap emerged and continued to widen without abatement.

A “key factor” to this divergence in productivity and compensation is the erosion of collective bargaining activity in recent decades. When unions are able to set strong pay standards in particular occupations or industries through collective bargaining, the employers in those settings also raise the wages and benefits of nonunion workers toward the standards set through collective bargaining. Thus, the weakening of the collective bargaining system has had an adverse impact on the compensation of both union and nonunion workers (Cooper and Mishel 2015).

### ***Virginia***

Virginia has been a right-to-work state since 1947 (NCSL.org 2015). In 1993, during a strong business climate that deemed public sector collective bargaining rights “negatively associated with business development,” Governor Douglas Wilder, a Democrat, reiterated the 1947 law by again signing into law the prohibition of collective



bargaining by government employees in Virginia (Partridge 1997:133). Whereas public employees were not barred from forming unions on behalf of workers, collective bargaining with an employer would be unlawful. The bill passed in both houses in the Virginia General Assembly with majority support from Democrats and Republicans.

Labor relations scholar Dane Partridge summarized the impact of the legislation:

The legislation declared that Virginia public employers do not have authority to recognize any labor union or employee association as bargaining agents of employees or to collectively bargain or enter into any collective bargaining agreement with any labor union or employee associations (Partridge 1997:127).

During the last decade of the 20<sup>th</sup> century Virginia and the South became the model for the RTW philosophy that was gaining national credibility beyond Southern borders. Organized labor rarely exercised political influence in Virginia with few exceptions in the tobacco industry in Richmond, the minefields of southwestern Virginia, the shipyards of Norfolk during the New Deal era, and other campaigns during the 1960's when a few pro-labor legislators were in office. Thereafter, conservative Democrats and Republicans upheld the state's RTW law, ignored union pleas for support against injurious employers, and cut state spending during recessions while luring international businesses with incentives. Despite the challenges to labor organizing, including employer threats and intimidation, workers throughout Virginia have been receptive to unionization (Dennis 2009).

None of the 6.9 percent of unionized worksites in Virginia mandate union membership or union fees as a condition of employment, as it is illegal to do so. Yet

again in 2015, Virginia legislators passed resolutions to have voters decide in November 2016 if RTW should become a constitutional amendment (NCSL.org 2015). Democrats largely opposed the measure as unnecessary given Virginia already has a long standing RTW statute. House Minority Leader David J. Toscano (D) said the state constitution should only be changed under “great and extraordinary occasions.” Republican opposition to liberal policy by Attorney General Mark R. Herring (D) on marriage equality, in state tuition for DREAMers, and gun control laws prompted their “proactive” measure to further protect RTW laws. Richard P. “Dickie” Bell (R) said “the right-to-work — just like the right to life, liberty and the pursuit of happiness — is fundamental and it deserves constitutional protection” (Vozzella 2016). FCGEU strongly campaigned against the proposal. On November 8, 2016 Virginians voted against a right-to-work constitutional amendment. This was a major union victory.

To understand the current plight of the labor movement requires recognition of the ever changing political, social and economic landscape that have historically often left the labor movement struggling for reinvention. Chapter three will give a brief history of the early years of unionization in the United States and Chapter four will highlight the modern years of the labor movement, the advancements and failures.

## **Chapter Three**

### **The Early Years**

#### ***Slave Labor and Free Labor***

Before the word “factory” invoked sites of industrial production in Europe, it referred to, among other places, the slave-trading depots on the West African coast, whence oceangoing ships and merchants’ accounts books created the racialized subjects and transformed them into commodities (Beckert and Rockman 2016:51).

From the beginning the United States was a business enterprise with domestic and foreign reach, an emerging capitalist land where native cultures were destroyed and humans were commerce, where poor European indentured servants and imported African slaves were bartered and sold. As the United States formed in the late 1700’s, gender, race and class distinctions were already established. The new American society was organized much like the household arrangements in England with the male responsible for household and public matters. Women, landless men, and the working poor were largely excluded from societal affairs (Heinemann et. al. 2007). The English government had already enacted laws that restricted mistreatment of white workers and produced legal divisions between poor whites, Indians and blacks. Whereby abuse of landless whites was curtailed they still could not vote, interracial marriage was criminalized, and there were no legal protections for African slaves who could be worked at will, whipped, raped and mutilated (Le Blanc 1999). Abolitionist Frederick Douglass wrote of his

experience as a Maryland plantation slave; he endured meager food rations, one set of clothes annually, wanton brutality and laborious days:

We were worked in all weathers. It was never too hot or too cold; it could never rain, blow, hail, or snow, too hard for us to work in the field. Work, work, work, was scarcely more the order of the day than of the night. The longest days were too short for him, and the shortest nights too long for him (Douglass 1995:37).

The origins of the United States are directly tied to the birth of the Commonwealth of Virginia, the primary state in the new country's development of a transnational capitalist market in tobacco, rice, cotton and slaves. Also called "Old Dominion," Virginia is named for being the oldest state and first colony of English settlement in Jamestown. Elite white patriarchs dominated colonial society from the slave plantations to the households to the legislative chambers. These settlers imposed English land tenure and developed a racial caste system to enslave Africans. Virginia was one of thirteen colonies to revolt against Britain to declare independence. The architects of American independence, the authors of the constitution and Bill of Rights were Virginians: Madison, Mason, Jefferson and Monroe; four of the first five Presidents hailed from Virginia as did most of the early legislators (Heinemann et. al. 2007).

Free independent workers in the pre-industrial era were mostly rural dwelling farmers, artisans, retailers and sailors; men and boys who ploughed the fields and women and girls employed as domestics. Master craftsmen such as carpenters, masons, shoemakers, blacksmiths, and tailors among others set up small retail shops and employed skilled journeymen, apprentices and wage workers (Dubofsky and Dulles 2010). Skilled merchants for centuries in European tradition formed worker guilds to protect members, often chosen for their craft skill or hereditary ties, from the payment

and trade demands of the ruling elite. The exclusionary practices of guildsmen made way for labor societies as the demand for less skilled factory labor increased by the end of the 1700's, the beginning of the Industrial Revolution (Skurzynski 2009).

As the United States expanded its territory, the population grew and a mass market for shoes, clothes and other goods developed to meet the increasing demand. Historians Beckert and Rockman note, the production of slave-grown cotton became “the most valuable export made in America,” a lucrative business for Southern planters and Northeastern factory owners who met the growing domestic and global demand for cloth by increasing slave and factory labor. “Slavery’s capitalism” was the “constitutive element of American capitalism” (Beckert and Rockman 2016).

The manufacturing boom in the North produced a wage system that became the core of the economic system. Men, women and children left family farms in search of more reliable wages and were met with the harsh conditions of factory labor. They were joined by European immigrants and some former slaves as job opportunities depended on color, sex, national origin and skill level; the best paying jobs were reserved for white men (Murolo et. al 2001; Skurzynski 2009). The industrial revolution magnified the conflict between the free labor systems in the North and the slave labor in the antebellum South. Free and enslaved blacks did not have political or judicial rights anywhere. They were largely deemed biologically inferior by racist pseudo-science claims, and were often the target of white workers’ resentment. Race and class tensions prevailed when employers preferred the lower cost of black labor over the higher wages of white workers. Free educated northern blacks organized campaigns against racial exploitation,

and a few slave revolts took place in the South. Organized labor used violent tactics and sought legislative support to restrict black labor market competition (Wilson 1980).

Sociologist William Julius Wilson explains the racial antagonism of a labor market split along racial lines.

Among those who protested were: a group of white carpenters in Wilmington, North Carolina, who in 1837 burned a building that had recently been erected by slaves and who threatened to burn all structures built by slaves in the future; a group of unemployed white stonecutters who in 1830 petitioned the Department of Navy in Washington, D.C. to discontinue using slave labor in the construction of a dry dock for the navy; and a group of white mechanics who petitioned the legislature of Virginia in 1831 to end the competition of slave mechanics...The laws wanted most by white laborers-laws to restrict the employment of slaves-were repeatedly defeated in councils and state legislatures because they conflicted with the interests of employers and slaveholders. Organized labor was weak in the face of the overwhelming political and economic resources of the master class (Wilson 1980:44).

From the very beginning of this nation the demand for pay and profit were at odds; capitalists sought wealth from low cost labor and labor reducing machines, and workers mired in race, gender and class tensions pursued living wages and humane working conditions via laws, protests and rebellions. Most of the colonists who fought in the Revolutionary War against the British army were poor workers; many toiled long hours daily for low wages that did not afford them food, clothes, and boarding for families. These workers associated freedom with political rule “by the people” rather than hereditary and wealthy elites. During this revolutionary time ideas about democratic governance, race, gender and economic equality were debated. Thomas Paine’s popular writings advocating independence, liberty, equality, and democracy influenced revolution and the declaration of independence from Britain. Such democratic ideals, however, contrasted with the ambitions of the upper class leaders of the revolution. Wealthy Northern merchant John Hancock, businessman Benjamin Franklin, and rich Virginian slave-owners Thomas Jefferson and George Washington were more so seeking freedom

from Britain's restrictive economic policies that denied greater profits (Le Blanc 1999).

Historian Howard Zinn notes the social control mechanism to maintain dominance.

Those upper classes, to rule, needed to make concessions to the middle class, without damage to their own wealth or power, at the expense of slaves, Indians, and poor whites. This bought loyalty. And to bind that loyalty with something more powerful even than material advantage, the ruling group found, in the 1760s and 1770s, a woefully useful device. That device was the language of liberty and equality, which could unite just enough whites to fight a revolution against England, without ending either slavery or inequality (Zinn 2003:44).

Among the influences of the wealthy architects of the Declaration of Independence and the Constitution was Scottish Philosopher-Economist Adam Smith's classic book *The Wealth of Nations* (1776). The first study of its kind on the shaping of political economy, Smith asserted laissez-faire (French for "leave alone") capitalism would bring economic liberty and general prosperity when government does not impede the practices of buying and selling. Freedom was associated with a minority of private owners with property rights and profitable businesses that were believed, through innovation and competition, to extend benefits to the larger society (Le Blanc 1999). After fighting for independence from the British, tensions mounted when workers remained excluded from political affairs and laden with poor social conditions. Historian Paul Le Blanc explains:

Despite their sacrifices, there were no poor farmers, laborers, or artisans among the "founding fathers" who wrote the new Constitution. Wealthy men had a peculiar view of liberty. Many of the Constitution's key features (allowing the imposition of property limits on voting, indirect election of the Senate, the Electoral College, and appointment of judges) were designed precisely to limit popular pressure on government. Furthermore, while the Constitution has numerous provisions designed to protect private property, it initially had little or nothing to say about human rights. Popular agitation helped to add ten amendments (the "Bill of Rights") to the Constitution, protecting citizens' rights to freedom of speech, assembly, religion, etc. (Le Blanc 1999:21).

The earliest labor disturbances recorded date back to fisherman off the coast of Maine in 1636 protesting withheld wages. The word “strike” meaning “to refuse work” is associated with 18th century British sailors who “struck their sails” or refused to sail their vessels during a labor dispute (Skurzynski 2009). Occasional strikes, also called “turn-outs” by seamen and printers in Philadelphia and shoemakers in New York seeking better wages and shorter work days, were noted in the press in the late 18th century, as were laborers protesting British taxation and inflation during this revolutionary period (Dubofsky and Dulles 2010).

Labor societies, exclusive to skilled workers, emerged in the late 1790’s: the Philadelphia shoemakers, Baltimore tailors and New York cabinetmakers. Members were expected to meet the standards of the best craftsmen; they were required to pay initiation fees, monthly dues and were fined when they did not attend union meetings. In Philadelphia in 1806 shoemakers presented a “price list” for the various types of work they did, when employers refused to pay, they refused to work, and expected others to not work for lower wages. The Journeymen Cordwainers (shoemakers) of New York had a provision in its constitution against working for a non-union business. Likewise, employers were expected not to hire non-union workers. This essentially began what would later be known as the closed union shop where employers agreed to only hire union workers. The negotiation between these early trade societies and owners introduced the principles of collective bargaining and when agreements were violated boycotts and strikes would follow (Murolo et al. 2001; Dubofsky and Dulles 2010).



In those days union members were assigned to walk from shop to shop to make sure bargained agreements were kept. These early attempts at unionization were met with political, economic and social obstacles. Employers, the press and politicians condemned the labor societies as conspirators against free trade and a threat to liberty. Economic depressions resulted in unemployment that quickly destroyed unions, and workers competing for limited job opportunities found it difficult to refuse work from non-union employers during hard times. Business owners relied on the courts for support against labor activity. The Philadelphia shoemakers were prosecuted in 1806 for conspiring to restrict trade and threaten individual liberty as were the Cordwainers of New York in 1815 and other trade societies that halted production as a way of securing better wages and working conditions (Dubofsky and Dulles 2010).

Although the nineteenth century was plagued with recurrent economic depression labor associations continued to build and spread, demonstrating resilience in hard times and ingenuity during economic growth. Just as economic downturns slowed unionism, economic growth increased the demand for labor and improved trade union activism. When demand for labor produced substantial gains for workers, trade societies grew rapidly and a movement formed to promote common aims, thus the uniting of trade societies into trade unions. The Mechanics Union of Trade Associations in Philadelphia became a widespread political movement. Labor newspapers emerged by the 1830's and workers tried to form their own political parties, most notably the Workingmen's Party.

The local parties ran candidates for municipal and state office with a political platform that called for participation in government by members of the working class.

Chiding the aristocracy for only being concerned with the elite, their demands included free public education and an end to child labor, banking monopoly, and imprisonment for debt. Some were influenced by German immigrants extolling Karl Marx's critique of capitalism and opposed private ownership of land and the inheritance of wealth, and some supported the abolitionist movement (Dubofsky and Dulles 2010). However, for the most part "white workers were indifferent or hostile to abolitionism, many argued that reform should begin at home, that white labor should focus on its own grievances," and "preserve the Democratic Party, whose core constituencies were workingmen in the North and slaveholders in the South" (Murolo et.al 2001:72-73). White abolitionists, most notably William Lloyd Garrison, the Boston editor of the anti-slavery newspaper *The Liberator* declared unionism "a pernicious doctrine" (Murolo et. al 2001:73). Frederick Douglass explained the harsh reality slave labor and wage labor shared.

The slaveholders with a craftiness peculiar to themselves, by encouraging the enmity of the poor, laboring white man against the black, succeeds in making the said white man almost as much a slave as the black slave himself. The difference between the white slave and the black slave is this: the latter belongs to one slaveholder, and the former belongs to all slaveholders collectively. The white slave had taken from him by indirection what the black slave had taken from him directly and without ceremony. Both were plundered, and by the same plunderers (Douglass 2013:180).

### ***Women Have Always Worked***

Women have always worked and were among the early trade organizers and social reformers. Working women had few labor choices in the early 19<sup>th</sup> century, work itself was deemed not virtuous as marriage and household care was the expectation. Women worked in homes as servants, in shops as hat-makers or dress-makers or in factories and mills. Even the educated were limited to more acceptable work as teachers, missionaries, or writers that often paid less than factory worker. When compulsory

education and the lengthening of the school year expanded teaching jobs, women were paid less than male teachers. “Starting wages in the least skilled men’s jobs paid more than those earned by highly skilled and experienced women” (Kessler-Harris 2003:37). Midwifery, an honorable profession largely performed by women, was taken over by medical schools that barred women. Young single women, often “immigrants, urban dwellers, and women classed as ‘degraded’” were confined in a paternalistic labor system that offered long hours and harsh conditions in textile factories and mills where most worked out of financial necessity. Seeking better pay, work, and housing conditions, women founded their own trade societies. The United Tailoresses formed in New York in 1825 then went on strike successfully in 1831 for price demands; In 1833 Philadelphia seamstresses won price demands without a strike, and then formed the first federation of women workers, the Female Improvement Society of the City and County of Philadelphia. The Factory Girls Association in Lowell, Massachusetts went on strike to overcome long work hours, overcrowding and rigid supervision in the factory boarding house system. 1,500 strikers marched through the streets singing: (Kessler-Harris 2003:41).

Oh isn’t it a pity that such a pretty girl as I  
Should be sent to the factory to pine away and die.  
Oh! I cannot be a slave  
I will not be a slave  
For I am so fond of liberty  
That I cannot be a slave

Activist Frances Wright joined the workingmen party and campaigned with abolitionists against slavery (Kessler-Harris 2003). A small integrated group of free black

and white women formed the Philadelphia Female Anti-Slavery Society (1833-1870) to provide political activism and social support to the antislavery movement (Hatcher 2011). Abolitionists Mary Meachum and Harriet Tubman, both former slaves, joined a network of free blacks and other abolitionists as “conductors” of the legendary “underground railroad” that provided safe routes and homes for enslaved blacks escaping North to freedom. Meachum’s Freedom Crossing is still celebrated by the National Park Service (NPS) and community groups in St. Louis, Missouri with festivals and reenactments. The Harriet Tubman Underground Railroad Visitor Center in Church Creek Maryland, her birth state, will open March 11, 2017 (NPS.gov).

The Treasury Department decided in 2016 after much public consideration to replace Andrew Jackson, former U.S. president and slave holder, with Tubman’s picture on the \$20 bill, the first African American to appear on U.S. currency; Jackson will remain on the back of the bill (Swanson and Ohlheiser 2016). Harriet Martineau, called the “first woman sociologist,” authored more than fifty books and was a proponent of women’s rights and the abolition of slavery; she argued that sociologists should study all aspects of social life and key institutions with the aim of benefitting society (Giddens et. al. 2016). Social reformer Ida B. Wells was among the first black scholars to use statistical data to refute claims of black criminality in anti-lynching campaigns (Muhammad 2010). Sojourner Truth, also a former slave, added her great public speaking skills to the cause; Harriet Beecher Stowe’s popular novel *Uncle Tom’s Cabin* detailed the horrors of slave life and Dorothy Dix wrote about the abuses of insane asylums and prisons (Kessler-Harris 1981). As women activists entered public life their

quest for utopian communities was often guided by Christian ideals that contrasted the reality of social inequality justified by Christianity.

### ***Civil War Years***

By the mid-19<sup>th</sup> century Mexicans were incorporated in the U.S. workforce as cheap labor following the war with Mexico (1846-1848) and the imperial acquisition of a large amount of new territory intended to expand slave regions. Pro slavery forces enacted the Fugitive Slave Act in 1850 and the 1857 Supreme Court Dred Scott decision denied African Americans citizenship rights. At the same time, anti-slavery opposition and slave rebellions mounted and was a prominent issue in the 1860 presidential election won by Republican Abraham Lincoln, a cautious slavery opponent supported by abolitionists and trade unions. The civil war was waged (1861-1865) between northern anti-slavery states (Union) and eleven Southern slave holding states (Confederacy), including Virginia that seceded from the United States (Le Blanc 1999). Northern factory workers joined the union army and free blacks, after Lincoln signed the emancipation proclamation, migrated north for factory jobs for less pay than white workers. This stoked racial tension, anger and violence by European immigrants from Italy, Ireland, and Germany competing for better wages. After the industrious North won the war and slavery was abolished, Radical Reconstruction, or the inclusion of blacks in political and social affairs, was pursued in the South but short-lived. White supremacy was reasserted with the Jim Crow racial caste system that continued for nearly another century (Le Blanc 1999; Skurzynski 2009).

The modern economy of the United States, dominated by large corporations took hold following the civil war. The advancements of new technology, the railroad, the steamship and the telegraph helped to form the national economy. Union growth at the local and national level accelerated as well during and immediately after the war years. Rapid economic and social changes, from the intimate family traditions of agricultural society to the impersonal rationality of industrialization, had a profound effect on social relations. Karl Marx and Friedrich Engels (1872:65) recognized the class conflict between the modern capitalists (bourgeoisie), the owners of the means of production, and wage-labourers (proletariat): “the modern bourgeois society that has sprouted from the ruins of feudal society has not done away with class antagonisms. It has but established new classes, new conditions of oppression, and new forms of struggle in place of the old ones.” The new oppressive conditions and forms of struggle that capitalist industry brought to American culture were tied to the intersections of gender, race, ethnicity and class in a developing multiethnic society.

### ***Class conflict***

Early labor unions were composed primarily of skilled white craftsmen, American born and Protestant; non-unionists were unskilled immigrants, Catholics, women and children. A culture of exclusion and second-class citizenry existed for minorities denied personal liberties based on race, ethnicity, gender, religion and national origin. Nancy MacLean (2006) notes three institutions shaped American life for most of the twentieth century: the family wage system, the sharecropping system and the system of immigration restriction. The family wage system consisted of the white male breadwinner

as the primary citizen representing his dependent wife and children in public matters. White female earners, most men and women of color, and most immigrants were second-class citizens. The family wage system shaped the labor market and public policy to favor white American males and marginalize others. Unions were no exception. “Higher paying skilled jobs belonged almost exclusively to American-born white men or male immigrants from northwestern Europe: for their households living standards rose despite the roller coaster economy” (Murolo et.al 2001:119). Distinctions were made between male and female forms of labor. Men were concentrated in mining, construction, transportation or manufacturing and women were segmented in textile factories, clerical, sales and service fields, the lowest paying jobs. “The problem was not unequal pay for the same work but different work for women that was accorded lower market value,” observed MacLean (MacLean 2006:120).

### **Gender**

Male unionists opposed female workers and undermined their labor interests; they characterized feminists as militant and asserted the female role of homemaker, wife and mother; they subjected female workers to poor conditions, played on racial and ethnic tensions, charged unaffordable union dues, and excluded women from union meetings. Most importantly, they failed for many years to organize the growing female faction of the labor force subjected to lower wages and poor conditions and in need of labor protections (Dye 1975; Kessler-Harris 1975).

Between 1870 and 1920 the number of female factory workers rose from 324,000 to 2,229,000. By the latter date there were more than 8,600,000 women wage workers

with almost 50 percent of them clustered in sales, service and clerical occupations, what later commentators called the ‘pink-collar ghetto’(Dubofsky 1985:12). Social stratification by hierarchy of occupations created additional intragroup conflict. “Lucy Warner, a Connecticut cotton mill operative wrote in 1891:

The teacher considers herself superior to the sewing girl, and the sewing girl thinks herself above the mill girl, and the mill girl thinks the girl who does general housework a little beneath her (Murolo et.al 1990:118).

Women of color historically had higher rates of participation in the workforce as their income was vital to the subsistence of the black family mired in institutional racism. Mary Church Terrell, an educator/activist with bachelor and master degrees from Oberlin College, Ohio spoke about racial inequality in a 1906 speech to the United Woman’s Club in Washington, D.C.

Unless I am willing to engage in a few menial occupations, in which the pay for my services would be very poor, there is no way for me to earn an honest living if I am not a trained nurse or a dressmaker or can secure a position as teacher in the public schools, which is exceedingly difficult to do. It matters not what my intellectual attainments may be or how great is the need of the services of a competent person, if I try to enter many of the numerous vocations in which my white sisters are allowed to engage, the door is shut in my face (Church-Terrell 1906).

The intersection of gender and race relegated women of color to low status jobs, usually domestic service for ten hour days, six days a week, in private households without protections. Even when black women joined welcoming labor unions, such as the United Packinghouse Workers, they had to organize and fight for gender equity in wages, job assignments and other work protections (MacLean 2006). Despite these obstacles and class distinctions women led many successful union campaigns. After the civil war in 1891 African American washerwomen in Atlanta conducted a massive strike for higher wages and respectful workplace arrangements (Yates 2009). The California Nursing Association (CNA) founded in 1903, continues today and has won significant benefits for



workers. Dorothy Cobble's research (1990) on female activism in craft unions found that majority female unions provided opportunity for women to focus on women's issues, explore new organizing tactics and develop leadership skills. Such activism would in later years propel unions to include women's issues in labor negotiations, including parental leave, child care, alternative work schedules, sexual harassment, and health and safety concerns specific to gendered occupations (Cobble 19).

### **Race**

The State from its very inception has been concerned with the politics of race. For most of U.S. history, the state's main objective in its racial policy was repression and exclusion. Congress' first attempt to define American citizenship, the Naturalization Law of 1790, declared that only free "white" immigrants could qualify. The extension of eligibility to all racial groups has been slow indeed. Japanese for example, could become naturalized citizens only after the passage of the McCarran-Walter Act of 1952 (Omi and Winant 1994:81)

Sociologists Omi and Winant assert that the "U.S. has been a racial dictatorship," in that racial formation in the United States, as both social structure and cultural representation is "far from intervening in racial conflicts, the state is itself increasingly the preeminent site of racial conflict." The legal sanctioning of segregation, denial of the vote, citizenship, and other democratic rights to racial minorities, along with crafting an American identity as white while negating racialized others has made the American state "inherently racial" (Omi and Winant 1994:82).

After the civil war, many former slaves became domestic sharecroppers or agricultural workers on their old plantations for subsistent wages with little opportunity to own land. The inhumane Jim Crow racial caste system rationalized inequality based on race. Jim Crow fostered state sponsored racist terror, most notably the Ku Klux Klan. African Americans were victims of discrimination and terrorism including a great amount

of lynching. Historian Khalil Gibran Muhammad explains the ideological justifications for racial domination.

In this emerging social Darwinist context, all evidence of domination in society by one group over another-as explained by Herbert Spencer, the most influential founder of American sociology and creator of the term “survival of the fittest”-came to be seen as a natural consequence of the group’s inherent superiority. Inequality based on exploitation, coercion, duplicity, and genocide were subsumed within an understanding that the oppressed were dominated because of their own inherent weaknesses (Muhammad 2010:24).

The brutality of Jim Crow was situated primarily in the South and Southwest but had nationwide political and cultural reach. Racism kept black workers out of skilled and many unskilled occupations as unions barred black workers and other racial minorities. The sharecropping system isolated and marginalized planters who were tied to the land they tilled. When the National Labor Union (NLU) formed in 1866 as the first national organization of unionists, social reformers and feminists, blacks were excluded, instead encouraged to form their own unions, and they attempted to do so (Saxton 1995). At the 1869 National Colored Labor Convention these remarks were addressed to Congress:

The exclusion of colored men, and apprentices, from the right to labor in any department of industry or workshops, in any of the states and territories of the United States, by what is known as ‘trade unions’ is an insult to God, injury to us, and disgrace to humanity (Saxton 1995:43).

When African Americans moved from sharecropping to wage employment their choices were limited and they were barred from craft trades. In 1897, 1,400 white workers went on strike to protest the hiring of black women at an Atlanta cotton mill (MacLean 2006). The change in the system of production again influenced race relations. Racial inequality during the antebellum era represented the class interests of the aristocracy; the industrial Jim Crow era represented the class interests of wage working

whites. As industrial capitalism took hold in the latter part of the 19<sup>th</sup> century white wage workers, large in numbers and wielding political and labor influence, were persistent in lobbying for laws to eliminate black economic and social competition for resources. Racial struggles soon moved beyond the economic sector to the socio-political order as racial control of neighborhoods, schools, municipalities, and recreational areas was contested (Wilson 1980). W.E.B. DuBois' 1899 landmark ethnography, *The Philadelphia Negro* chronicled the impact of structural inequality on black citizens and refuted eugenic ideas of black inferiority and criminality.

Here is a large group of people-perhaps forty-five thousand, a city within a city who do not form an integral part of the larger social group. This in itself is not altogether unusual; there are other unassimilated groups: Jews, Italians, even Americans; and yet in the case of the Negroes the segregation is more conspicuous, more patent to the eye, and so intertwined with a long historic evolution, with peculiarity pressing social problems of poverty, ignorance, crime and labor, that the Negro problem far surpasses in scientific interest and social gravity most of the other race or class questions (DuBois 1996:5).

Mexicans, then the second largest minority, primarily lived in the Southwest and similarly were cut off from the benefits granted Southern and Eastern European immigrants. They were relegated to low-wage jobs in railroad construction, maintenance, agriculture, and domestic services, and subjected to indiscriminate violence including lynching (Murolo et. al 2001; MacLean 2006). African Americans and Mexicans, along with other impoverished workers, were used as “scabs,” a derogatory term that describes workers employed to replace striking workers. Scabs or strikebreakers were abused by both employers and strikers. Mary “Mother” Jones, a fiery orator and labor activist, renowned for leading strike marches of women and children banging pots and pans

through the coal mining towns of Pennsylvania, wrote about the abuse of Mexicans by the Colorado Fuel and Iron Company.

The operators were bringing in Mexicans to work as scabs in the mines. In this operation they were protected by the military all the way from the Mexican borders. They were brought in to the strike territory without knowing the conditions, promised enormous wages and easy work. They were packed in cattle cars, in charge of company gunmen, and if when arriving, they attempted to leave, they were shot. Hundreds of these poor fellows had been lured into the mines with promises of free land. When they got off the trains, they were driven like cattle into the mines by gunmen (Skurzynski 2009:58).

### **Immigration**

The Knights of Labor, founded in 1869 during Reconstruction, spoke of inclusion of “every craft, creed and color” (LeBlanc 1999), with the exception of Chinese workers who were overtly excluded, demeaned and brutalized as race and class tensions persisted. Racist science claims, that included a spectrum of racial categories, continued to be the rationale for the social inequality that kept workers divided and in conflict. White workers rose in violent resistance against Chinese competition, especially during economic downturns when pay and workers were cut, and low wage labor sought: “Chinese were stoned, beaten, run down on the streets” (Saxton 1995:73). “Anticoolie” (coolie is a racist term that refers to workers of Asian descent) clubs were formed by white workers to restrict Chinese competition. There were racist boycotts of products made by Chinese workers. Cigar makers and other producers used race exclusive labels to promote products: “The cigars herein contained are made by WHITE MEN” (Saxton 1995:74). In 1867 5,000 Chinese workers in California struck the Central Pacific Railroad demanding better pay and shorter hours: “eight hours a day good for white men, all the same good for China men” (Murolo et. al 2001). The railroad bosses used white

workers during the strike and volunteer lawmen to intimidate strikers and cut off their food supply to the remote mountain area. The strikers returned to work without any of their demands being met (Murolo et. al 2001; Skurzynski 2009).

Chinese workers continued to organize and strike: farm workers, fruit pickers, and hops pickers. In 1882, the Chinese Exclusion Act prohibited Chinese laborers in the U.S. In 1905, California unionists founded the Japanese and Korean Exclusion League to eradicate Orientals from the labor force and deny them basic social services (Saxton 1995). The 1885 slaughter in Wyoming of Chinese workers by white miners of the “progressive” Knights of Labor demonstrated the intense hostility toward immigrant minorities. Still Chinese workers persisted; in 1890 California newspapers reported Chinese immigrants working in vineyards and orchards formed a union demanding \$1.50 a day in wages (Murolo et. al 2001).

From 1873-1897 the growth and diversity of working-class America soared as ten million immigrants entered the United States. These immigrant groups “drew on their own militant traditions, including German socialism, Bohemian (Czech), Italian, and Mexican anarchism, Irish resistance to English occupation, Jewish radicalism forged under Czarist persecution, Puerto Rican and Cuban rebellion against Spanish colonialism” (Murolo et. al 2001:121).

European immigrants still outnumbered the rest, but more and more arrived from Italy, Austria-Hungary, Russia, and Poland, and in smaller numbers, from Portugal, Spain, Greece, Romania, and Turkey. Syrians and other Arabs came from the Middle East. Japanese as well as Chinese arrived from Asia. In addition to English-and French speaking Canadians, immigrants from the Western Hemisphere included Mexicans, Caribbean islanders, and South Americans. Nearly all immigrants had one thing in common: they depended on wage work for their livelihood during their first years in the United States, if not longer (Murolo et. al 2001:116).

Immigrant groups, diverse in culture and language, tended to cluster into particular occupations and live in segregated ghetto neighborhoods where families struggled with the social challenges of unemployment, alcoholism, crime and violence, unsanitary conditions and disease. Stratification by color, ethnicity, gender and occupation, and job competition made working class solidarity difficult and often produced racial and ethnic violence among workers.

Native born white workers or immigrants from northwestern Europe despised Slavs, Italians, and Russian Jews. Slavs were vilified as dumb and docile, though they were in fact quicker than most immigrants to organize and strike. In 1891, coal miners in Wheeling, West Virginia, walked off the job when their employer refused to fire Italians, and 500 boys employed in a New Jersey glass factory rioted when fourteen Russian Jews were hired. Even when people worked together in relative peace, social life was typically segregated by color and ethnicity (Murolo et. al 2001:119).

### ***Worker Revolts***

For many years I have been impressed with the noble purposes of trade unions and the desirability of the ends which they seek; and at the same time I have been amazed at the harshness with which their failures are judged by the public (Jane Addams 1899:450).

The majority of Americans were wage earners as few had the opportunity to own farm land or small businesses. Wage earners and unionization remained vulnerable to the periodic ups and downs of the business cycle as the capitalist pursuit of profit can cause overproduction, price wars, falling profits, layoffs, unemployment and long lasting economic depressions. The rapid economic growth during the Gilded Age, the latter part of the 19<sup>th</sup> century, brought union growth and better wages for workers until depression and deflation stifled progress. American capitalists, attributing economic downturns to industrial capacity exceeding domestic consumption, sought new markets for products by joining the ranks of colonial powers ruling Asia and Africa. W.E.B. Dubois observed

“racist expansionism closely paralleled white supremacy at home,” and “modern imperialism and modern industrialism are one and the same system” (Murolo et. al 2001:173). By the end of the 19<sup>th</sup> century corporate mergers led to corporate domination of the political landscape. The labor movement participated in the anti-imperialist movement against repression at home and abroad. When economic insecurity hindered unionization, competition among workers became severe and revolts followed, often in response to ruthless employers and state intervention.

Nineteenth century revolts were violent and deadly in pursuit of shorter work days, higher wages, and better health and safety conditions. Most workers still toiled 12-14 hour days, often in unsanitary, hazardous conditions for subsistence wages or less. “From 1880 to 1900, 35,000 workers were killed annually and another 536,000 were injured” (Dubofsky 1985). The first notable revolt was called “The Great Uprising” by railroad workers in 1877 following a depression that began in 1873. When the B&O railroad companies, the nation’s largest employer, cut employee wages by ten percent, spontaneous strikes started in Martinsburg, West Virginia before spreading nationally, halting railroad service and business. President Rutherford B. Hayes sent in federal troops to stop the strike. In Pittsburgh militiamen killed twenty people including women and children, and outbreaks of violence between strikers and law enforcement flared nationwide. In the coal regions of eastern Pennsylvania state intervention repressed the Molly Maguire’s, a militant group of Irish immigrants using violent tactics to gain safe working conditions in the coal mines where workers suffered grave injuries. The labor movement pushed on with the first Labor Day parade held in New York City in 1882 and

continued actions for the eight hour work day (Le Blanc 1999; Dubofsky and Dulles 2010).

In addition to political and economic challenges, internal dissension stalled unionism: labor activists were split in their allegiance to established or independent party candidates, and they disagreed on the party platform and political philosophy, some wanted to abolish capitalism while others merely wanted a share in the benefits. The Workingmen's Party became the Socialist Labor Party, and radical fringes of the labor movement, including anarchists were also forming parties to challenge the capitalist order. "There was embittered rivalry between the Marxian socialists, who sought to promote trade unionism as a base for the revolutionary activity that was eventually to overthrow the capitalistic state, and the Lassaleans, who urged direct political activity as far more effective means of achieving the same end" (Dubofsky and Dulles 2010:110). This was the political climate when the tragic events at Chicago's Haymarket Square, known as the "Haymarket riot," occurred.

May 1, 1886 (May Day-International Labor Day) workers throughout the country struck, boycotted, picketed, and marched peacefully in large numbers to win the eight hour day: "Eight hours for work, eight hours for rest and eight hours for what you will" (Le Blanc 1999). Days after the May 1 demonstrations, police intervention killed four men during a scuffle between strikers and strikebreakers. A peaceful protest of the police killings a few days later in Haymarket Square erupted into violence when policemen arrived in the evening to disperse the small crowd remaining at the end of the event. A bomb exploded killing seven police and wounding seventy others. Even though "the



identity of the bomb thrower was never established;” eight labor leaders were convicted of murder and sentenced to death by hanging; four were hanged, one committed suicide in jail, and the others were pardoned by the governor (Skurzynski 2009). The authorities and the press blamed the violence on anarchists linked to unionists which significantly influenced public perception about the labor movement. Historians Dubofsky and Dulles (2010:110) note, “The foes of unionism made the most of this dramatic incident in trying to discredit organized labor and stigmatize it as radical, revolutionary, and un-American.”

More violent battles between unionists, owners and the state occurred at the close of the century. The 1892 Amalgamated Association of Iron and Steel Workers strike for better wages at Homestead Works, owned by wealthy Andrew Carnegie in Pennsylvania, resulted in a bloody battle with state militia. The 1894 Pullman Illinois strike of factory workers, that made Pullman railroad cars, spread nationally as factory workers struck over repeated wage cuts, unsafe working conditions, and worker terminations. The massive strikes halted railway until broken by federal troops and court injunctions that made the strike illegal. Labor leader Eugene Debs, who emerged a working class hero, was imprisoned for not following the court injunctions (Murolo et. al 2001). When earlier arguments that unionists were conspirators against free trade and liberty became ineffective employers sought court injunctions against striking workers and legal barriers became the primary opponent to unionization (Smith 2011).

Fantasia and Voss (2004:36) argue that even during the height of union success the labor movement “never escaped the imprint of the forces that shaped its formative years and that continue to mold it today.” Those forces were primarily the “exceptional”

political power against labor. The rise and decline of The Knights of Labor illustrates this point. The Knights began as a secret society organizing clothing workers in Philadelphia in 1869 before developing into the first major labor organization to create solidarity among a variety of workers that challenged the power of industry with successful strikes and other actions. The Knights rallied a broad base of workers that grew quickly into ten percent of all unionists in just two decades with local assemblies in every state and members campaigning for political office. Members included the skilled and unskilled, women and men, and some blacks, Chinese were excluded. Their platform included advocating for the eight hour work day, abolition of the contract system for prison labor, prohibition of child labor and the establishment of the Bureau of Labor Statistics (1884) (Fantasia and Voss; Dubofsky and Dulles 2010).

However, the Knights demise occurred more swiftly than its growth. Failed strikes, employer attacks, tactical errors by union leadership, and the linking of the tragic Haymarket event to unionists doomed the organization. As the Knights were branded radical and dangerous assemblies lost membership, industrialists gained economic expansion and greater wealth concentration, and the labor movement required reinvention (Dubofsky and Dulles 2010). Melvyn Dubofsky summarizes the disparity in the political power of workers and employers at the start of the twentieth century.

By the end of 1892 the lessons drawn by workers from two decades of industrial conflict were sufficiently clear. In most cases, by then, labor lacked the power to challenge concentrated capital. When workers had the short-term ability to stalemate their employers, the state usually intervened and tipped the scales in favor of capital. Ideally, workers and their leaders preferred to avoid open battle. But the choice was not always theirs alone. Where employers took the offensive and sought to drive out unions, workers had no choice but to fight back...much more important is what the conflict revealed about the respective strength and political power of workers and employers...while workers remained divided by craft, nationality, and race, employers united through mergers and trade association (Dubofsky 1985:50).

### ***American Federation Labor (AFL)***

A group of national craft unions under the leadership of British emigrant and cigar maker Samuel Gompers formed the American Federation of Labor (1886), a less expansive form of unionism that would provide central leadership and coordinate the overall labor movement. Gompers is lauded in AFL history:

It is to him, as much as to anyone else, that the American labor movement owes its structure and characteristic strategies. Under his leadership, the AFL became the largest and most influential labor federation in the world... In a society renowned for its individualism and the power of its employer class, he forged a self-confident workers' organization dedicated to the principles of solidarity and mutual aid. It was a singular achievement (AFL-CIO.org 2016).

Composed of skilled trade workers such as carpenters, printers, and brick masons, the new federation would come to accept the American class structure, embrace the Democratic Party, and eventually purge the left wing unionists from the labor movement. The result was a more conservative trade unionism, less confrontational, and more of a partner than an opponent of the employer (Fantasia and Voss 2004).

The result was that the AFL's version of unionism-narrow, craft-based and sectional-became firmly institutionalized, making it that much more difficult for successive generations to accomplish a broader industrial and general unionism that might venture to represent a wider social constituency (Fantasia and Voss 2004).

The AFL grew quickly, from 265,000 members in 58 unions in 1897 to 1,676,000 members in 120 unions by 1905 (Murolo et. al 2001). In 1890 the Carpenters union strike won the eight-hour day for about 28,000 members, a significant victory for the labor movement. During Gompers more than 40 year reign as President (until his death in 1924 when the AFL had three million members) he believed the federation should coordinate the goals of organized workers within separate trades by collective bargaining with employers to build powerful, self-sufficient unions for workers within the capitalist

system. He wanted workers to be devoted to their unions, contributing their money and time. In turn unions, not government, would provide vital needs such as job security, health benefits, and unemployment relief. The AFL's "voluntarism" policy opposed welfare legislation during a time when progressives were seeking government relief to alleviate poverty. Gompers initially discouraged political engagement, especially on broad social issues, believing it divided union loyalty. He later cautiously worked directly with politicians on legal issues that affect labor, advocating a bi-partisan approach (Zieger 1994; Skurzynski 2009).

The start of the 20<sup>th</sup> century began the Progressive era which ushered in social reforms from organizations such as the Socialist Party of America (1901), the Woman's Trade Union League (WTUL-1904) and the National Association for the Advancement of Colored People (NAACP-1909), co-founded by black Sociologist W.E.B. Dubois. The concerns of progressive organizations often conflicted with the AFL. The Industrial Workers of the World (IWW-Wobblies-1905) rivaled the AFL's craft unionism. Socialist Eugene Debs said at a IWW delegate convention; "the choice is between the A.F. of L. and capitalism on one side and the industrial workers and socialism on the other" (Dubofsky 1985:107). The IWW wanted to become "one big union" that welcomed all workers-skilled and unskilled, "socialists, anarchists, women, people of color, and immigrants"(Skurzynski 2009:45). They linked workplace concerns with community issues that ranged from high food prices to woman's suffrage to voting rights and anti-imperialist actions abroad. The IWW won strikes, most notably the 1912 "Bread and Roses" textile strike of men and women in Lawrence, Massachusetts that won a 7.5

percent wage increase for 250,000 workers. The IWW also won free speech and assembly cases before violent clashes with employers and government intervention, including imprisonment of its leaders, broke the organization. The eventual demise of the IWW and socialism from unionism narrowed the focus of the labor movement, limiting its choice to the two political parties, and obscuring its critique of the capitalist wage labor system. Socialism offered ideas of political, social, and economic egalitarianism and class unity intended to bridge race, gender and nationality divisions. Gompers and the AFL pursued a course of unionism that “was narrow, excluding women, the foreign born and unskilled workers” (Skurzynski 2009:45).

The WTUL managed to mobilize relatively large numbers of women against sweatshop practices and other employer abuses, and be a catalyst for future organizing. Sociologist Jane Addams and other Women’s Suffrage reformers focused their attention on building community coalitions to influence juvenile labor reform, peace activism, education and housing reforms. The renowned Hull House settlement in Chicago as well as other settlement houses, provided social services to immigrant families. Addams worked directly with trade unions, the Chicago branch of the WTUL organized at Hull House.

The WTUL was not able to sustain membership due to the large numbers of women in temporary or part-time work who still primarily identified as homemakers. Female workers experienced the “double day,” they had two jobs, one in industry and another as caretaker in the home. The demands of the dual roles limited time to meet and organize and they remained under-represented in union rank and leadership roles. The

AFL integrated women but openly discounted them as a threat to male demands for higher wages. An AFL representative blamed women workers for reducing union gains:

While men through long years of struggle have succeeded in eliminating the contracting evil and the rotten system of piece work, the girls are now trying to deprive the older members of the garment workers of their benefits because they can afford to work for small wages and care nothing about the condition of the trade (Dye 1975:113).

The NAACP and similar civil rights organizations, led by a small urban black middle class, sought to gradually change unjust laws and gain political resources for its labor and social justice campaigns. The National Urban League called for “jobs and justice,” while advising blacks to “get into somebody’s union and stay there” (MacLean 2006:25) Although the AFL publicly supported black unionists, in practice local chapters were exclusionary and black workers were relegated to segregated locals where workers received less pay than whites for doing the same work. In the 1930’s the mostly black Brotherhood of Sleeping Car Porters, that the AFL refused to charter, won an election and labor contract with the railroads after fighting years for better job conditions. Led by labor organizer and acclaimed black activist A. Phillip Randolph, the unionists were successful in getting the government to eliminate overt discriminatory practices in war industry. These labor victories provided the railroad men with the job opportunity and benefits of full citizenship, some were able to purchase homes and send children to college (MacLean 2006).

What became known as “business unionism” emerged as the AFL sought to improve its organizational structure by imitating corporate top down arrangements: “the rank and file obediently followed the commands of the bureaucratically inclined, well-paid officials...the practices and policies of the trade unions faithfully reflected their

leaders' oligarchic tendencies" (Dubofsky 1985:89-90). The initial results of the AFL's business unionism, which benefited from a good economy and low unemployment, was an upsurge in union density and labor power; labor organizing won numerous actions from strikes, boycotts and other protests, many in skilled craft industries. However, following the historical pattern, union membership waned again during economic downturns and changes in workplace arrangements, most notably "scientific management" or Taylorism (named for its pioneer Fredrick Taylor). Taylorism was the breaking down of craft labor into routine timed steps to produce the most efficient production. Industrial employers were attracted to Taylorism's "potential to marginalize craftsmen and their unions. Once craft labor was broken down into routine steps, the lion share of industrial production could be reassigned to less skilled workers at lower pay, and craftsmen could be relegated to ancillary roles" (Murolo et. al 2001:148).

Violent events, strikes and rebellions continued. The 1911 Triangle Factory fire killed 148 female workers; many immigrant girls aged sixteen to twenty-three years old, trapped by locked doors on top floors where fire ladders could not reach. Many were forced to jump from windows to their death. The tragedy, still commemorated by New Yorkers today, sparked mass protest and union mobilization under the mantra "who's gonna protect the working girl" (Levin and Pinkerson 2009; Skurzynski 2009).

In 1914 state militia killed striking miners and their families in Ludlow, Colorado: thirty-nine men, women and children in the tragic "Ludlow Massacre." This incident occurred just after new President Woodrow Wilson appointed William B. Wilson of the Mine Workers as the first Secretary of Labor in 1913. Union influence was now fully

entrenched in the political landscape. Massive strikes continued during and following World War I in steel, coal, textile and other industry. In 1919, roughly 350,000 steel workers throughout the country struck for better working conditions and wages and against employer harassment of union members. Strikers shut down large portions of the industry before relenting to employer and state pressures that included violence and public rhetoric stoking anti-communist and anti-immigration sentiments. Following a number of railroad strikes, the Railway Labor Act passed in 1926 establishing collective bargaining in the railroad industry.

By the end of the 1920's American workers began to experience a measure of prosperity from the gains of the labor movement. Workers were buying homes with electricity and telephone installation, and buying cars. Expanding transportation and communication industry opened opportunity to women and racial minorities, particularly migrating blacks from the South to the North experienced advanced living standards despite discriminatory limitations. Then the stock market crashed and "The great depression" of 1929 halted industry and unionism amid great unemployment (LeBlanc 1999; Murolo et. al 2001).

The federal government under Franklin D. Roosevelt responded to the needs and activism of American workers during the great depression by passing radical "New Deal" legislation that included government jobs for the unemployed and fundamental legal rights for workers. Even though New Deal legislation improved the lot of many workers, and incited 'the glory years of industrial unionism,' black Americans and racialized immigrants continued to be burdened by inequitable job, housing, and



entitlement policy. Trapped in low wage jobs, segregated rental housing, and cut off from the benefits of discriminatory New Deal programs, African Americans were not able to enjoy the upward mobility or build wealth like their white counterparts (MacLean 2006: Yates 2009: Vallas et. al.2009). Nancy MacLean explains the racist political wrangling.

The New Deal had emerged from compromises that wrote inequality into its component policies, from labor standards and work relief to housing and Social Security. Determined to protect the South's racial hierarchy and low-wage regional economy from challenge, southern Democrats in Congress joined with conservative Republicans to exact their pound of flesh before agreeing to social legislation. As the price of passage, northern reformers had to accept the exclusion of farm and domestic workers from reform legislation and abide the denial of voting rights to blacks in the South (MacLean 2006:17).

The 1930's were marked by legal advancements and sit-down strikes that won unions significant victories. The 1932 Norris-LaGuardia Act restricted injunctions and outlawed yellow dog contracts. The 1935 National Labor Relations Act (NLRA-Wagner Act) enforced labor laws, workers' rights and sanctions against harmful employers. The law was largely viewed as pro labor and encouraging of union collective bargaining with employers. Sit down strikes involved workers literally sitting down in industrial workplaces, refusing to work or leave the premises until demands were met. Police often intervened on the side of employers. The sit-down strikes of the United Automobile Workers (UAW) are legendary in labor annals, particularly the forty-four day strike in 1937 that began at the General Motors (GM) plant in Flint, Michigan before spreading to plants in thirty five cities. GM was brought to a standstill despite aggressive attacks by police and security guards that included tear gassing strikers. Facing great financial loss and political pressure GM agreed to recognize the union as the sole bargaining agent of the workers and negotiate a contract. During its heyday, sit down strikes by consolidated

unions became a labor movement norm that won significant victories. Henry Ford, a staunch anti-unionist who declared that “labor unions are the worst things that ever struck the earth,” eventually succumbed to a UAW campaign and entered into a “closed shop” agreement that meant all workers became union members no later than thirty days after employment (Vallas et al. 2009:186).

Chapter four will discuss the modern era of the labor movement. From the 1920’s into the 1970’s, labor organizing in the United States had a profound effect on mitigating social inequality. Union expansion across occupations, the growing power of workers within the union structure, the inclusion of women and racial-ethnic groups, social movement activism, and Roosevelt’s labor laws all connected to give workers collective bargaining power that would grow the middle class into the 1970’s. Large sectors of blue-collar and white-collar workers experienced the same job security and benefits: the 40 hour work week, paid sick leave and vacations, pension plans, health insurance for workers and dependents, and living wages (Vallas et al. 2009). In some sectors of the business community employers welcomed unions as a stabilizing force against competing business interests (Rosenfeld 2014). Unions were highly visible in political campaigns, primarily the Democratic Party, and one in three nonagricultural workers was a union member. Unionized industries included: coal mining, construction, railroads, textile, culinary, nursing, automobiles, electrical products and more (MacLean 2006; Vallas et. al. 2009).

## **Chapter Four**

### **The Modern Years**

#### ***Congress of Industrial Organization (CIO)***

Renewed labor militancy led to the formation of a new national federation of unions, the Congress of Industrial Organizations (CIO) was formed in 1938 by expelled AFL members following a dispute about how to pursue industrial unionism. Led by John Lewis, President of the United Mine Workers (UMW), the CIO would contrast the limited unionism of the AFL, which rapidly increased union membership. Lewis wanted “a powerful, activist labor movement” with broad appeal and reach: women, racial minorities, and anti-capitalists (Zieger 1994:51). The CIO fully engaged local, state and national politics and sought government welfare support for their workers as they were not financially equipped to support industrial workers during economic downturns. Also unlike the AFL, worker grievances were handled at the worksite by workers rather than remote union reps making deals with employers, and more workers became organizers and stewards. “As foremen tried to step up production or impose discipline, these activist pulled the switches, led unionists off the job, and launched chronic mini sit-downs, job actions workers called ‘quickies” (Zieger 1994:51). Less provincial than AFL leaders, the UMW had a history of organizing black workers. The CIO condemned job discrimination

and allied industrial unions in auto making, rubber, steel, and electrical products; generally the new rival federation was a counterpoint to the more exclusionary AFL.

By 1940, the Great Depression waned and industry revitalized in preparation for US entry in WWII with support from the majority of unions. Blacks and other racial minorities joined the CIO in large numbers as the CIO engaged in coalition building with civil rights organizations such as the NAACP, the National Urban League, and the Mexican American Political Association (MAPA). The wartime labor shortages drew Mexicans from rural areas to jobs in the cities or suburbs which connected the workers to progressive activists. Wildcat strikes (workers striking without union leadership approval) and other strikes took place in many industries during and immediately after WWII. In 1945 the U.S. experienced “a huge strike wave, with 4.5 million workers setting up picket lines throughout the country” (Le Blanc 1999:197). At the same time the Cold War (1945-1991) began with communist Russia; distrust and fear of communism led to the anti-communism crusade which purged activists once again from the labor movement. Corrupt union officials were also under scrutiny. Business reacted to union strength with among other things, a continued push for revisions to the Wagner Act, supported mostly by Republican legislators. The 1947 Labor Management Relations Act or Taft-Hartley Act (see legal frameworks of unionization, pp. 36), which unions decried as antiunion legislation, amended the legal gains of the Wagner Act by restricting union activity. The National Labor Relations Board changed from labor advocate to impartial arbiter, and the rights of employers were expanded to campaign against unionization (Zieger 1994). Lawrence Richards notes Taft-Hartley “emboldened” employers to “resist

unions,” and associated unions with corruption, crime and communism (Richards 2008:40). Additionally, the labor movement continued to be dominated by white men who often repressed the collective power of workers with sexist, racist, and xenophobic actions.

### ***New Unionism and Immigration***

The inclusion of racial minorities, women and immigrants varied from union to union, then diminished again when the AFL-CIO merged in 1955 and reverted back to the more exclusionary policies of the AFL. Immigrants were often targets during economic downturns (MacLean 2006; Yates 2009; Vallas et. al.2009). Just as labor lobbied for the Chinese Exclusion Act it helped to outlaw open immigration in the 20<sup>th</sup> century in attempts to improve job opportunity and wages for U.S. workers. The AFL-CIO historically was concerned about employers’ use of immigrants for cheap labor to depress wages or as strikebreakers to undermine union bargaining, especially immigrants from Mexico, China, the Caribbean and Africa (Ngai 2004; Ness 2005).

Since the 1920’s, following World War I, undocumented immigrants have posed a problem for the United States primarily because their cheap labor in various industries is desired except when competing with citizen labor or social resources. Prior to the 1924 Johnson-Reed Immigration Act, U.S. immigration was unrestricted, except Chinese exclusion, due to mass labor needs for economic development. The U.S. no longer required a mass labor force by the mid 1920’s and thus competition for jobs created class conflict, unemployment and urban slums. Typically white European groups, representative of the U.S. dominant white Protestant class, were preferred over those

“racially ineligible for citizenship,” or deemed unassimilable. Eugenics and hereditarianism beliefs rationalized immigration categories for exclusion. Undesirables were categorized as: foreign aggressors, criminals, anarchists, amoral, unassimilable, impoverished slum dwellers, etc. The start of passport use during World War I, followed by the addition of visas and numeric quotas, introduced restrictions to entering the U.S. and Europe. The restrictions of certain groups led to the creation of the undocumented immigrant or illegal alien as racially cast subjects. This racial formation kept the minority citizen in the social category of other or suspected alien, most notably Mexicans. Mexicans became the face of “illegal aliens” despite numerous racial/ethnic groups of undocumented status. Europeans entering from the Canadian borders were less likely to be deported and had better chances of gaining citizenship after a period without undesirable conduct. Even criminal conduct could be pardoned as minor discretions deserving a second chance (Ngai 2004).

Mexicans, propagandized as criminals by nature and unassimilable, suffered legal and extra-legal brutality at their border. Immigration laws over time wavered between greater inclusions and greater exclusions; more often the exclusionary ideas of nationalism and sovereignty guided the racially distinct categories of immigration policy and contradicted basic human rights. Marginalized to caste status even though they share livelihood and social space with American citizens, the undocumented immigrant lacked political and social power and security (Ngai 2004). Even though many labor leaders themselves were immigrants, unions tended to restrict membership to immigrants well into the year 2000 when the AFL-CIO began to temper its stance (Rosenfeld 2014).

## *A Changing Society*

The civil rights movements of the 1960's demanded new legislation to combat inequality. The 1963 Equal Pay Act, Title VII of the 1964 Civil Rights Act, the 1965 Voting Rights Act and other anti-discrimination laws, along with federal manpower programs, expanded opportunities for racial minorities and women workers that would slowly erode as the political and social climate changed. Political scholar Paul Frymer notes: "unfortunately, no legislation was passed that might have brought white unions and civil rights groups together" (Frymer 2008:6). Race and class problems were handled by different government regulatory agencies. Frymer argues that the labor movement was weakened when civil rights organizations found more success in court for labor integration than through labor regulatory agencies.

Democrats initially promoted labor rights at the expense of civil rights. When they finally turned to civil rights, Southern Democrats in Congress and conservative union leaders combined with Republicans to sabotage reform efforts by preventing the creation of a unified regulatory agency that would have handled both labor and civil rights complaints (Frymer 2008:7).

The 1963 March on Washington, led by heroic civil rights activist Dr. Martin Luther King Jr., was a march for "jobs and freedom." Dr. King recounted labor's involvement in the movement's economic justice campaign:

The National Council of the AFL-CIO declined to support the March and adopted a position of neutrality. A number of international unions, however, independently declared their support, and were present in substantial numbers. In addition, hundreds of local unions threw their full weight into the effort. We had strength because there were so many of us, representing so many more (Carson 1998: 222).

The changing times were marked by the assassination of Dr. King in 1968; his last public action was on behalf of 1300 AFSCME striking sanitation workers, mostly

African Americans, in Memphis, Tennessee. Dr. King's widow, Coretta Scott King returned to Memphis after his death to march with the workers who won wage increases and better work conditions (Skurzynski 2009).

The legacy of the civil rights movement would continue to impact and influence the strategies and tactics of the labor movement. The successful activism of the United Farm Workers (UFW) against California grape growers, led by Mexican-American union organizer Cesar Chavez, utilized the basic tenets of the civil rights movement to bring national attention to unfair labor practices: non-violent civil disobedience, community coalition building, marches, consumer boycotts and hunger strikes. Influenced by Christian theology and Gandhian activism, the UFW won a host of improvements for workers, including better wages and benefits and safer work conditions. Although revered in labor annals, Chavez' "autocratic behavior" and UFW's "very undemocratic internal structure," led to rank-and-file dismay and the eventual demise of a once vibrant and effective labor union. The same concerns about union democratization and the absence of membership empowerment continue to plague labor efforts today (Early 2011).

By the 1970's unions were being integrated, one in four black workers were in a union. At the same time white union members were leaving the Democratic Party and the consequence was Republican empowerment to rollback critical labor policy (Frymer 2008). Workers continued to battle racial discrimination and hazardous conditions, particularly racial minorities relegated to the most dangerous jobs. "In 1973, the National Institute of Occupational Safety and Health issued a report on the auto industry



estimating that workplace diseases alone were responsible for about sixty-five deaths a workday — more than 16,000 a year” (Elrod 2014). Detroit auto workers formed the short-lived League of Revolutionary Black Workers after the UAW was non-responsive to their grievances. Among their actions were wild-cat strikes and heat walkouts: “In the summer inside the plant it would get up to 120 degrees and our position was that once the temperature was over 120 degrees that is not a place for human beings to be working in” (Elrod 2014).

Residential patterns were changing the demographic of the working class. The American population grew from 150 million in 1940 to 203 million by 1970; rural dwellers were leaving farms for cities that stagnated as new housing arose in suburban neighborhoods. The age of the traditional family headed by the white male breadwinner was passing; women were in the labor force in large numbers, including married career striving women. Workers were single parents, two career couples, or members of non-traditional families. Technology influenced the decline in traditional employment in agriculture and major union regions-manufacturing, construction, mining, steel and transportation as jobs in service, clerical and government employment surged upward.

The U.S. Census Bureau classified 48 percent of the workforce as white collar by 1970. Government employment increased from 5.5 million in 1947 to 11.6 million by 1967; 85 percent of the growth was at the state and local level. Thousands of African American and woman workers were recruited for government jobs: “these workers often encountered long-entrenched patterns of racial and sexual discrimination with resultant lack of job security, making them particularly receptive to union appeal” (Zieger

1994:164). The Coalition of Black Trade Unionists formed in 1972 and the Coalition of Labor Women formed in 1974, reflecting the increase of African Americans and women in the labor movement (Le Blanc 1999). Public sector unionism coincided with changing job structures. Historian Robert Zieger explains how the once coveted government job became a contested workplace.

Whereas public employment had once enjoyed a certain elitist reputation for gentility and security, by the 1960s it had become as much an arena of disputation and conflict as the assembly line or loading dock. Hard-pressed governments, seeking to hold the line on taxes, imposed new productivity standards or burdened employees with additional tasks rather than hire new people (Zieger 1994).

Strikes, the primary action of labor power, had diminished significantly in the United States, with the exception of public employees, most notably the acceleration in teacher walk-outs and strikes in the 1960s and 1970s. The National Federation of Teachers (NEA) and American Federation of Teachers (AFT) membership grew rapidly and they abandoned the no strike approach to demand better pay, benefits and working conditions. Postal workers also increased membership and launched labor actions including the 1970 successful Postal workers strike in eight cities (Zieger 1994; Le Blanc 1999). Public employee unionism became a key area for labor expansion as private sector unions continued to decline. AFSCME, teachers, fire fighters, police and other unions utilized their legal right to organize and collectively bargain. In the coming years public sector workers would face legal challenges to their collective bargaining rights and public sentiment would mount against striking public officials.

Also changing was the union stronghold on labor activity as employer hostility toward union organizing became exceptionally coercive in the United States following

decades of great success by unions. Legal, political and employer obstacles to unionizing intensified. Laws allowed businesses to replace striking workers and use coercive anti-union methods (Clawson and Clawson 1999; Bronfenbrenner and Hickey 2003; Burowoy 2007; Moody 2007; Richards 2008; Rosenfeld 2014). In 1977 Atlanta's first black mayor, Maynard Jackson, fired striking AFSCME sanitation workers (Moody 2007). President Reagan's landmark 1981 firing of PATCO workers legitimized union busting tactics. Michael Burowoy asserted that the NLRB under the Regan administration "became a vehicle of the anti-union offensive, a vehicle to decertify unions, and make union recognition ever more difficult" (Burowoy 2007:7). Kate Bronfenbrenner and Robert Hickey's research found anti-union tactics by employers "pervasive," and "extremely effective in reducing union election rates."

Consistent with earlier research, we find that the overwhelming majority of employers aggressively oppose union organizing efforts through a combination of threats, discharges, promises of improvements, unscheduled unilateral changes in wages and benefits, bribes and surveillance (Bronfenbrenner and Hickey 2003:11).

Union inertia and corruption scandals contributed greatly to labor's own decline. From the 1950's the labor movement was sieged by corruption scandals and congressional hearings uncovering fiscal malfeasance. Links between union leadership, corrupt politicians and organized crime advanced anti-union cultural ideas perpetuated by the rise of media outlets and mass consumption of a growing white-collar middle class assimilating into a dominant culture where anti-union bias existed. Unions became the domain for the underprivileged, and lower class, not upwardly mobile professionals (Richards 2008).

Revelations of chronic corruption in several unions, notably the huge International Brotherhood of Teamsters (IBT), led to harsh regulatory legislation and tarnished labor's public reputation. Even unblemished unions came under criticism for having stodgy and bureaucratic, ever more remote from the concerns of a younger membership. Conservatives sought further legislative curbs on labor's political and organizing activities. The pages of the nation's leading general audience magazine, *The Reader's Digest*, subjected the labor movement to a steady barrage of criticism, while the National Right-to Work Committee blasted the labor movement as authoritarian and collectivist (Zieger 1994:147).

Unions were criticized for compromising to business interests, and creating grievance systems that increased union staff while alienating workers: internal disputes, union mergers, maintaining status quo leadership and culture, and failing to organize the growing numbers of service sector workers all hindered unionization (Clawson and Clawson 1999; Dickens and Leonard 1985; Richards 2008; Rosenfeld 2014). By the 1980's it was not only market and political forces that undermined union progress, research data showed Americans across class, race and gender generally held negative views of unions as corrupt, exploitative and discriminatory against the very people they are supposed to champion (Richards 2008). Labor educator Kim Moody noted; "when people lost their good union jobs they not only blamed management, they blamed the union too. They said "where was the union? They knew about this and they just let us go" (Moody 2007:6). These union impressions have long staying power. FCGEU organizer Jess Brown elaborates on the anti-union sentiment she faces today when engaging workers about the prospects of unionization.

What they usually say is 'I've seen unions do very corrupt things' and 'union bosses make so much money,' and 'where are these dues going?' and 'whose big salary is this going toward.' They had an experience with some other union that had nothing to do with SEIU and they use that to make a generalization about all unions. I think people are hard wired differently, I'm non-judgmental about it. I try to be as open minded as possible, at the end of the day I have lots of cousins, aunts, and uncles who are very conservative and I realize people see the world differently, you're not having a Republican Democratic conversation but there are a lot of people who will write you off if they hear you're with the union (Interview 2015).

The “golden age of controlled capitalism,” from 1945-1975 that spanned FDR’s New Deal and Johnson’s Civil Rights and War on Poverty was weakening (MacEwan 2009). The equitable industry standard achieved by industrial unions, like the UAW, across industries in mining, automobiles, rubber, steel, clothing, and transportation that stabilized wages and protected profits was replaced with concessionary bargaining. In 1975 New York City public sector unions during the fiscal crisis agreed to concessions that tied wages and pensions to productivity gains. By 1979 when Chrysler convinced the UAW to accept wage and workplace concessions to save jobs, General Motors and Ford followed suit even though both were profitable at the time, and the precedence was set for employers to make cuts to generate profits and press unions to yield to the same. When Congress endorsed the deregulation of the airline and trucking industries, industry standards that protected customers and employees deteriorated. Wage concessions were met with new technology and work reorganization aimed at speeding production, and increasing job loads and work hours. Workplace benefits, health care costs and pensions became the primary targets for concessionary bargaining by the 2000’s (Moody 2007; Dennis 2009). The stable employment model of full time work with benefits that unions built was dismantled systematically. The growth of the precarious worker emerged, part-time, temporary laborers without benefits, blue-collar and white-collar non-unionized independent contractors deemed non-standard workers, and thus not covered for protections by the National Labor Relations Board.

Beginning in the early 1990’s, immigrant workers, despite the economic and legal risks, brought their own sense of justice to the U.S. labor movement, and began forming

local work centers as alternatives to their exclusion from traditional unions. Worker centers grew from only four in 1992 to over two hundred by 2013 (Milkman and Ott 2014). Worker centers and other community-based organizations engaged strikes and other forms of direct action against precarious labor and exploitative employers, particularly in the low-wage labor market. These alternative organizing approaches would inspire non-unionized workers, most notably the fast food workers fight for \$15 movement. Unions varied in their response to worker centers, some provided support, others were hostile, and worker center leaders viewed traditional unions as, “anachronistic and poorly equipped” to meet their needs. Overtime, as labor scholars Milkman and Ott note, the mutual hostility would soften.

Union leaders increasingly were confronting the growth of the precarious labor arrangements within their own traditional jurisdictions, and gradually came to appreciate the utility of the innovative organizing tactics and strategies the centers had developed. At the same time...many worker center leaders developed a more positive view of traditional unions as they struggled to build durable organizations (Milkman and Ott 2014:7)

The U.S. economy, experiencing slower growth and instability, was weakened from the heavy expense of the Vietnam War and global competition. American firms responded with what economist Arthur MacEwan (2009: 335) called a “power grab,” the concerted effort to “shift the costs of economic deterioration onto U.S. workers and low-income populations.” MacEwan asserts political and economic policy directed the present circumstances of vast inequality with a shift in power, ideology and income redistribution that has been longstanding. The shift was away from the New Deal Keynesian approach of government protecting citizens during economic downturns with a safety net, fiscal regulation, and active fiscal policy. Instead Keynesian economics, named after British

economist John Keynes, was blamed for rising inflation, high taxes, business regulations, and big government during the Reagan era. The Reagan administration gifted corporations with significant tax cuts, deregulation, and hostility toward unions, along with a stunted minimum wage that redistributed wealth upwards to business owners and concentrated political and social power in the hands of the wealthy. Global Studies Scholars Manfred Steger and Ravi Roy summarize the political, economic and social conditions that spearheaded the return to uncontrolled capitalism:

In the three decades following World War II, modern egalitarian liberalism delivered spectacular economic growth rates, high wages, low inflation, and unprecedented levels of material wellbeing and social security. But this golden age of controlled capitalism ground to a halt with the severe economic crisis of the 1970's. In response to such unprecedented calamities as "oil shocks" that quadrupled the price of petrol overnight, the simultaneous occurrence of runaway inflation and rising unemployment (stagflation), falling corporate profits, an entirely new breed of liberals sought a way forward by reviving the old doctrine of classical liberalism under the novel conditions of globalization (Steger and Roy 2010:9).

### ***Neoliberalism and Widening Inequality***

No such thing as a perfectly free market anywhere, the government sets the rules by which the market functions. We make the rules of the economy, we have the power to change those rules; we got to mobilize, organize, energize other people, politics is not out there it starts here

Former Labor Secretary Robert Reich 2013

"Full scale globalization" began in the 1960's and has spanned the postindustrial era (the change from manufacturing to services). Globalization can be defined as "the widening, deepening and speeding up of worldwide interconnectedness in all aspects of social life" (Held et.al., 1999:2). It attracted a new form of laissez-faire capitalism known as neoliberalism, a dominant set of social, political, and economic practices that has gone through several stages and varieties on the national and global stage in recent decades. Influential and widespread, neoliberalism plays two roles, either to accumulate

capital or to restore the power of the capitalist ruling class (Harvey 2005). The tenets of neoliberalism are often broadly referenced to explain the growing imperial power of capitalist elites, the weakening of democracy, expanding inequality and unjust social relations in the United States and worldwide. Neoliberalism has “three intertwined manifestations: an ideology, a mode of governance, and a policy package” (Steger and Roy 2010:11).

The ideology of neoliberal governance is the widely shared belief in self-regulating markets that reinforce ideas of individual liberty and freedom through entrepreneurial pursuits. The belief is that individual liberty and freedom are best achieved when institutional structures preserve private property rights, free markets and free trade, and threatened when collective judgments, such as the social solidarity of trade unions, supersede individual choice, primarily market choices. The role of the state, deemed not capable of fostering economic growth and social welfare support, is to create markets where they do not exist, such as in education and health care, and secure market interests with military, defense, police and legal institutions, utilizing force as deemed necessary (Harvey 2005; Steger and Roy 2010).

Nobel Prize economists Friedrich Hayek of Austria (1974) and Milton Friedman of University of Chicago (1976) offered new approaches to classical liberalism intended to offset Keynesian policies. Friedman and others, most notably the 1979-1980 new regimes of Margaret Thatcher in the UK, and Ronald Reagan in the U.S. wanted to remove capital from social constraints. The effort to convert criticism of free enterprise and increase corporate power in the United States was achieved through the forming of



think-tanks, and CEO organizations, such as the Business Roundtable, along with academic institutions, and concentrated business media outlets that used corporate funding to create empirical studies and media reports in support of neoliberalism. Corporate financing funded the political process and neoliberal agenda of the Republican Party to support Reagan's candidacy, and continue to play a dominant role in electoral politics today (Harvey 2005).

The logics of these values and power relations are advanced with public policies. In the UK, the Thatcher regime aggressively dismantled unions as a direct threat to market flexibility, most notably the powerful miner's union in 1984, in favor of privatization that redistributed wealth upwards. Reagan's 1980 presidential campaign argued against big government and social programs, and for deregulation of businesses, tax and budget cuts, restrictions on trade unions, and no increases in minimum wage. Reagan supported "free trade" or taking production abroad which created less competitive markets prone to monopoly power (Harvey 2005). Foreign direct investments (FDI), or building and/or buying business facilities abroad, increased steadily post WWII to become the primary economic strategy of most US manufacturing companies seeking low cost production sites. Kim Moody notes US firms, like Japan and Germany, preferred "to build and produce inside foreign markets rather than exporting goods," and "there is no doubt that both free trade and the growth of overseas investment eliminated jobs in US manufacturing" (Moody 2007:16).

As deindustrialization accelerated the loss of unionized manufacturing and industrial jobs, Paul Volker of the U.S. Federal Reserve orchestrated a shift in economic

policy away from Keynesian full employment to inflation reduction. This triggered a recession, increased unemployment, broke unions, and began the crisis of a debtor welfare state. As unemployment increased union density declined at a rapid pace. From 1979 through 2004 manufacturing lost over 5 million jobs, the goods producing industry lost 3 million, and the non-unionized service industry gained 44.5 million jobs (Moody 2007). Thus, the neoliberal mode of governance “is rooted in entrepreneurial values such as competitiveness, self-interest, and decentralization,” rather than the “more traditional values of pursuing the public good (rather than profits) by enhancing civil society and social justice” (Steger and Roy 2010: 12). Sociologist Johanna Bockman explains the social impact:

As the state cuts social services, neoliberal subjects must compete to find assistance from non-governmental organizations, religious organizations, microfinance institutions and corporations, all of which join the state in networks of neoliberal governance. Thus, neoliberal societies move from national government to public-private governance and entrepreneurial citizenship. Those who cannot compete—such as the homeless, the incarcerated, or the formerly incarcerated—are excluded from full citizenship, abandoned (Bockman 2013:15).

The eroding social safety net is replaced with the implementation of laws that criminalize certain segments of the citizenry, creating for example, a market for the mass incarceration of the homeless, mentally ill, substance offenders and undocumented immigrants. Civil Rights advocate and litigator Michelle Alexander asserts “a whole range of prison profiteers must be reckoned with if mass incarceration is to be undone, and “the market for private prisons is as good as it’s ever been” (Alexander 2010:219). Bockman notes the contradictions of neoliberalism are practiced worldwide by an assortment of political subjects on the left and the right: “the Democratic Party in the US, the Labor Party in the UK, the Social Democratic Party of Germany, the Chinese

Communist Party have all implemented neoliberal policies” (Bockman 2013:15).

Although neoliberal states vary in approach, they share in the making of “entrepreneurial citizenship” and the fusing of citizen criticisms and discontent with market solutions that increase inequalities. “In the United States, politicians transformed criticisms of public housing into the destruction of public housing so that low-income people might be allowed to make ‘choices’ in expensive rental markets” (Bockman 2013:15).

The economic elite within countries benefited greatly from surpluses generated through international flows and structural adjustment practices. This enabled finance to dominate all areas of the economy, the state apparatus, and daily life, creating fast fortunes in biotechnology, information technologies, and retail as evidenced by the rise of Bill Gates, Paul Allen and the Walton family, owners of Wal-Mart. Most importantly, this included integration of Chinese production lines and retail stores worldwide. The “no alternative” hegemony of Western capitalists was further expanded by controls of key global economic institutions and trade organizations. The United States reign over the International Monetary Fund, World Bank, World Trade Organizations, NAFTA, APEC and the like, dictate the markets of periphery nations with few economic alternatives for subsistence (Harvey 2005).

Supporters of neoliberalism point to the economic boom years of the Clinton administration, the Roaring Nineties that brought the digital revolution, the proliferation of personal computers, the Internet, satellite TV, fiber-optic cables and other technologies speeding the transmission of information across time and space. American consumers could afford to purchase big items: computers, cars and homes, and the vibrant global

economy was said to raise the living standards in the developed world as well. Following the collapse of the Soviet Union and economic recession at home, Clinton believed a growing U.S. economy depended on a vibrant global economy, and he ushered in a second wave of neoliberalism that sought to emulate the high skilled success of workforces in Japan and Germany by “putting people first”( Steger and Roy 2010; Reich 2013).

The administration joined with Britain’s Tony Blair, and utilized international organizations, the World Bank, IMF, WTO and others to expand capitalist markets. Clinton represented the ‘New Democrats’ advocating neoliberal ideas of “individual responsibility and accountability in place of the old left’s credo of collective welfare.” He put forth an “innovative blend of market oriented thinking and moderate social policies,” that critics argued did not temper the extreme inequality of “turbo capitalism” (Steger and Roy 2010:64). Economic policy was primarily steered by trade agreements, structural adjustment programs, tax incentives, deficit reduction and deregulation that, among things, paved the way for mega-mergers that resembled monopolies: “The potential dangers of such profound deregulations of the finance sector would not become fully apparent until the global financial crisis of 2008-9” (Steger and Roy 2010). Welfare reform, tough criminal justice policies, a small increase in minimum wage, and Earned income Tax Credit highlighted Clinton’s domestic policy. Clinton’s Labor Secretary Robert Reich summarized the results of an administration that “presided over the best economy we’ve had in this country in living memory.”

In the last three decades nothing has changed in terms of inequality. It wasn't until the Clinton administration that there was an opportunity to reverse all of this and that was what was so damn frustrating. We had budget surpluses, we might have been able to take those surpluses and invest them in education and job training, change the structure ultimately of the economy but there wasn't the political will to do that (Reich 2013).

George W. Bush continued neoliberal policies with a costly war on terrorism and financial deregulation. The collapse of the economy in 2008 sent millions of Americans into foreclosure on properties overvalued by financial institutions that were saved by taxpayers. Although neoliberalism emerged during financial crisis to stimulate capital growth it has not been successful in sustaining economic growth or capital accumulation beyond redistributing wealth to elites as inequality and social instability within and between countries became widespread. David Harvey refers to this form of redistribution as “capital accumulation by dispossession.” This is achieved by privatization or commodification of public assets previously not accessed for profitability, as in Mexico where land was privatized, peasants were forced off their land and family farms were taken over by agribusinesses. The financialization of workers' benefits in the U.S., the loss of pensions to financial market speculators is another example of redistribution of wealth in deregulated markets where predatory tactics prevail. Loss of wages and benefits redistributes wealth from workers to CEO's who amass rich bonuses while workers lose lifetime pensions. State redistributions following privatizations created a loss of affordable housing and resources while revisions of tax code and subsidies benefited investors (Harvey 2005).

Fantasia and Voss (2004) argue that the imprint of the neoliberal project was the symbolic disappearance of the worker altogether, replaced by the consumer. Increasing

self-service lines at grocery and other retailers are stark examples of how consumer and worker have morphed into one; the shopper is obliged to use automated machines to scan, pay and bag items, tasks usually performed by a worker providing a customer service. As the social rights of consumers to acquire credit and conveniently purchase a variety of goods increased, the wages and benefits of workers diminished, creating debt ridden workers ever seeking cheaper goods made by cheaper labor, and in doing so acting against their own interests as workers.

The cultural significance of the neoliberal market rationale is that state and individual legitimacy is based on market success and thus humans function as market actors all the time, essentially as commodities. Market values are substantiated continuously as the rational norm, existing in all aspects of life: in social relations, education, art and politics (Brown 2003:5-6).

Consumer choice is equated with social equality which rewards personal responsibility and hard work; failures are individual failures not societal failures: not poverty, institutional barriers or discriminatory practices. The culture values individualism, private property, personal responsibility, and family cohesion, and devalues collective actions such as labor organizing or social protests. This “illusion of inclusion” according to Sociologist Charles Gallagher is the falsehood that social barriers no longer exist for women, racial, ethnic and sexual minorities and the poor to fully participate in American society: “ignorance becomes a form of hegemony that serves to maintain the privileges of the dominant group” (Gallagher 2006:302).

Justin Gest's ethnographic research of white workers revealed "white working class angst," that in part stems from the belief that ethnic minorities are given social advantages to compensate for past discrimination at the expense of white workers. "My respondents perceive a society that (they acknowledge) once rendered white people an inherent advantage, but now overcompensates for these missteps. In short, many white working class people feel like the victims of discrimination" (Gest 2016:16).

The proliferation of media images of racial minorities, women and gay public figures, particularly in the marketing of products to millions of Americans, gives the impression America is an open inclusive society while various institutional inequalities and hate crimes persist (Gallagher 2006). Michelle Alexander notes "few Americans today recognize mass incarceration for what it is: a new caste system thinly veiled by the cloak of colorblindness" (Alexander 2010:211). Sociologist Rosalind Chou, co-author of *The Myth of the Model Minority*, dispels the myth that Asian Americans, a lumped together group encompassing ethnicities from 50 nations, are all high achievers when large segments live in poverty, especially the Hmong and the Bangladeshi who match African American rates of poverty in the United States. Chou asserts: "there are consequences to living in a country with a racial hierarchy. The mental health rates are alarming in terms of depression and suicide" (Martin 2013).

### ***The Human Cost***

The garment industry is a microcosm of the global reach of the labor crisis. At its peak, the garment district, crossing six blocks along Broadway in New York City, was a bustling community of factories, shops, businesses, designers, suppliers, seamstresses,

cutters and more. Together they competed, exchanged ideas and socialized. It was a time when “Everything was union.” Prior to 1965, 100 percent of the clothing purchased in America was made in America. By 1980, 80 percent of all clothing was made in America, 50 percent in 1995, only 5 percent in 2009; the garment industry is now an import business. Americans no longer looked for the union label, a popular advertisement in the 1980’s. Today, the garment scene is almost entirely gone, hotels replaced factories, businesses replaced clothing shops, and blue-collar and white-collar workers had to find work elsewhere (Levin and Pinkerson 2009). The garment industry went abroad where too often human rights abuses and fatal labor practices prevail.

In 2001, almost a century after the New York Triangle factory fire, 46 girls locked in the Chowdury sewing factory in Bangladesh, making garments sold in the U.S. died in a fire. At Chowdury, labor was cheaper, unions and labor laws were non-factors, and employees worked 12 to 18 hour days, almost every day of the year. The poverty wages ranged from \$25 to \$40 month with children making less, the worksite provided minimal safety conditions and no fire drills (Bearak 2001). Gender Studies scholar Ethel Brooks (2007) notes that as long as garment producers present female workers as limited and unimportant to production, they become targets for low wages, long hours, and unsafe conditions whether located in New York or Bangladesh. 112 workers were killed in an unsafe Bangladesh factory in 2012, many of them young women ordered by managers to ignore fire alarms and keep working (Harris 2013). Again in 2013 the horrific collapse of the Rana Plaza building in Bangladesh killed 1,134 people and injured thousands (Harris 2013). An industrial fire at a footwear factory in the Philippines killed 72 male and



female workers in 2015, and 33 were killed and dozens injured in the September 2016 fire at the Topaco Foils LTD Bangladesh factory (Kashyap 2016).

Transnational labor activists developed global networks that expose the human indignities and risks of unregulated markets while advocating for market reforms and social change. Sociologist Ulrich Beck contends that a cosmopolitan vision is necessary for successful global movements. A cosmopolitan outlook is cultural awareness and action that is open to experience and connect with the struggles of people from all parts of the world. To be cosmopolitan is to want democratic ideals within all transnational relations, in market systems, nation states and civil societies. Beck is particularly impressed with the potential of consumer boycotts as direct action against corporate domination, “there is no counter strategy to confront the counter-power of consumers” (Beck 2006:6). Business cannot suppress consumers like they do workers, they cannot retaliate against consumers with firings nor can they abandon consumers by relocating elsewhere. The consumer boycott has reemerged in labor activism in the United States in recent years and will likely be labor’s most potent weapon, if they use it.

In the United States, the loss of livelihood and identity has devastated communities, especially when those affected are already on the margins of society. Joblessness and underemployment have created despair and depressed communities in ways that overwhelm the country with a myriad of social problems. By the 1990’s William Julius Wilson’s influential text *When Work Disappears* detailed the plight of segregated, impoverished inner cities experiencing increasing flows of immigrants, growing youth populations and loss of community resources and government aid. African

American male participation in the labor force declined from 84% in 1940 to 67% in 1980 as older Northern cities lost manufacturing jobs in large numbers. Between 1953 and 1984, New York City lost almost 600,000 jobs in manufacturing and gained 700,000 jobs in white-collar services, similar trends occurred in other major cities. The increase in younger, unskilled minorities at a time when the labor force was changing to benefit higher skilled workers significantly contributed to the growth of poverty. Long-term joblessness without a job network system, social isolation, and low tax base eroded basic institutions (stores, church, schools, and recreational facilities). Inner cities were transformed into isolated areas where citizens suffered high rates of drug addiction, mass incarceration, Aids, diabetes and other health epidemics, homelessness of entire families, violence and great despair (Wilson 1996). Structural inequalities intersected gender, race and class in African American female headed households with children. The structure of the economy relegated women to low-wage employment, high childcare and living costs, and diminished social supports that further exacerbated poverty (Crenshaw 1989).

In 1992 Los Angeles erupted in protest following the acquittal of four white Los Angeles police officers videotaped brutally beating/tasing black motorist Rodney King following a high speed chase. The Los Angeles rebellion revealed the socioeconomic plight and race and class tensions among the multiethnic working class citizenry. Segregated Los Angeles had become a tale of two cities: one majority white with the benefits of good education, employment, housing and political support; the other African Americans, Latinos and recent Asian immigrants living in poverty, poorly educated and limited to low wage service employment without union protections. The social pressures

of scarce resources, drug addiction and violence pitted the racial/ethnic groups against each other. Los Angeles experienced more than three days of intense unrest as diverse crowds of thousands of enraged citizens: Latinos, African Americans, Asians and Anglos, men, women, and children took to the streets to protest both nonviolently and violently the social structure and each other. The toll was immense: 42 deaths, 3,000 injuries, and 5,000 arrests, more than 5,000 buildings damaged or destroyed with estimates of up to 1 billion in property damage (Johnson 1995). More than 25 years later police violence against racial minorities continues to spark mass protests and social unrest.

Deindustrialization accelerated the loss of unionized manufacturing and industrial jobs that also left small towns like Youngstown, Ohio vacant and wanting for the good old days. Youngstown's "golden years" of steel production and white working class prominence collapsed by the early 1980's leaving the town destroyed after business closures. Youngstown was absorbed with high unemployment, personal bankruptcies, foreclosures, and pervasive mental health issues that overwhelmed social services: substance abuse, divorce, domestic abuse and suicide. An exodus of the best and brightest in search of better opportunities left a small pool of competent workers for the few public sector jobs addressing social problems. The once majority white population changed to a near majority African American town. Justin Gest describes Youngstown in 2016 as having "a post-apocalyptic feel."

...Its core is decimated. Boarded-up windows are ubiquitous, the city has thousands of empty lots, and relics of old factories and deserted railroad tracks litter the banks of the Mahoning River. There are few pedestrians at any time of day, and very few cars passing under the traffic lights that dangle from telephone wires above intersections. People drive through slowly, like submarines exploring an oxidized Atlantis of brick, mortar, and corroded metal" (Gest 2016:74).

Globalization, labor concessions, lean production and the shift to service producing industries significantly altered workplace arrangements and diminished labor power in the U.S. From 1979-2004 manufacturing lost over 5 million jobs, the goods producing industry lost 3 million, and the non-unionized service industry gained 44.5 million jobs. As unemployment increased union density declined at a rapid pace (Moody 2007). Again during the 2007-2009 recession manufacturing lost 2 million jobs or 15 percent of its workforce, construction 1.5 million jobs or 20 percent of its workforce, (the steepest occupation decline during the recession), and professional and business services lost 1.6 million jobs or 9 percent of its workforce (the largest loss in industry history). Other occupations taking losses due to the housing market bubble were finance, retail and hospitality (Monthly Labor Review 2016).

The more flexible and lean workforce that developed was “a trend away from the standard Fordist model of permanent full-time work to employment towards the growth of non-standard work or numerical flexibility” (Edgell 2012: 145). Lean production essentially is designed to eliminate waste by constantly lowering the cost of production, primarily by reducing the time and number of workers it takes to complete tasks. Automated machines are replacing manual labor and progressively as computers become more capable of interpreting speech, robots will be able to replace workers in a wide variety of professions.

Non-standard or contingent work (independent contractors, part-time, temporary, seasonal, and leased workers) created a growing contemporary norm of impermanent work that was no longer “highly regulated and collectively negotiated,” but rather

“deregulated and individually negotiated.” Work no longer had to be at a specialist site; it became spatially variable, taking place at multiple sites at varying times (Edgell 2012). The result of these cursory relationships with employers is a “structurally disaggregated and disorganized working class, prone more to ‘politics of resentment’ than to traditional working-class unions and leftist politics” (Silver 2003:5). This new production norm was praised for offering employers flexibility in the face of the just in time demands and seasonal and cyclical forces of global competition, and workers the flexibility to balance their work and home life (DOL.org). However, the growing problem of non-standard labor is it usually is void of a labor contract, often not secure and is unevenly distributed; its workers “tend to receive lower pay, fewer benefits, and experience greater job insecurity than standard workers” (Edgell 2012: 169). A 2016 United States Department of Labor report cited the following:

Unfortunately, current tax, labor and employment law gives employers and employees incentives to create contingent relationships not for the sake of flexibility or efficiency but in order to evade their legal obligations. For example, an employer and a worker may see advantages wholly unrelated to efficiency or flexibility in treating the worker as an independent contractor rather than an employee. The employer will not have to make contributions to Social Security, unemployment insurance, workers' compensation, and health insurance, will save the administrative expense of withholding, and will be relieved of responsibility to the worker under labor and employment laws. The worker will lose the protection of those laws and benefits and the employer's contribution to Social Security, but may accept the arrangement nonetheless because it gives him or her opportunity for immediate and even illegitimate financial gains through underpayment of taxes. Many low-wage workers have no practical choice in the matter (DOL.org 2016).

Chapter five will present the origins of FCGEU and the impact of globalization on Virginia culture and workplace arrangements.

## **Chapter Five**

### **The Beginnings of Fairfax County Government Employee Union**

#### ***Northern Virginia***

Fairfax County is a wealthy Northern Virginia suburb of just over one million residents. It boasts a median household income of \$113,208 and 590,000 jobs, of which 142,000 are technology jobs, the largest concentration in the U.S. (Fairfax County.gov 2015). Virginia's rise as an economic elite and leader of conservatism at the start of the 21<sup>st</sup> century was important beyond the local as it became an example of a new global economy of high paying technology jobs alongside lower paying contingent service sector, non-unionized jobs. Fairfax County benefited from the economic boom and population growth of the new global economy of the 1980's and 1990's. "The Virginia creed became the national creed" in that the former home of the confederacy was a primary southern state actor in the transition to the new economy, and the epicenter was Northern Virginia (Dennis 2009:17). "While mouthing the platitudes of state independence, Virginia consistently provided generous assistance to the high tech sector," asserts historian Michael Dennis:

Federal government contracts in telecommunications and information technology drew companies to the city and to the contiguous Fairfax County. By the 1980's, the corporate headquarters of airlines and other major interests were relocating to Fairfax. Internet, software, and business service ventures soon followed. Private investment fueled technological development, but state funds provided indispensable assistance (Dennis 2009:27).

Virginia's market prowess filled coffers at the top while providing economic insecurity, longer hours, less pay and less political power for many workers. The main attraction of Virginia's high achieving economy was the reduced labor costs that a streamlined flexible labor force offered. Companies increased profitability by spending less on wages, and transferring benefit costs to the workers. Virginia offered businesses a place to flourish by luring them with massive tax breaks and subsidies, reduced environmental regulations, RTW laws, a "docile labor force," and state and local legislatures encouraging non-standard types of work (Dennis 2009).

The tourist slogan "Virginia is for Lovers" is the populous sentiment of a state with an ever changing extensive landscape. No area more represents the considerable change in Virginia's 400 year history than Northern Virginia. Virginia's conflicting history stretches across a vast geography that created regions so culturally distinct from one another. Historian John Wiley (2015) separates Virginia into eight areas beginning with Northern Virginia, or NoVA, distinguished in recent years for its political and social liberals compared to the many conservative regions in Virginia. NoVA contains wealthy Fairfax County and the populous cities of Arlington and Alexandria west of the Potomac River in close proximity to Washington D.C. and bordering Maryland. Northern Virginia is different for its growing multiculturalism, high tech industries, and stifling traffic congestion. 2008 Republican presidential candidate John McCain said that liberal NoVA was not part of "real Virginia" (Wiley 2015). Virginia voted Republican in nine straight presidential elections before Barack Obama won in 2008 and 2012, primarily due to voters in populous Northern Virginia (*Politico* 2016).

The separate cultural identity of Northern Virginia from its Southern neighbors has been forging for decades. Although only amounting to 7 percent of Virginia's land use, Northern Virginia accounts for about half the economic growth, new jobs, and income-tax revenues of the state. A 2008 article in the local magazine *Washingtonian* asked: "Will Northern Virginia Become the 51st State? Northern Virginia sends millions to Richmond—and gets pennies back. It's one of the world's most dynamic regions, while other parts of the state are still fighting the Civil War. Why not secede and become the 51st state?" (Lindsay 2008). The sentiment was a reference to the late Martha "Mother Fairfax" Pennino, former Board Supervisor (1967-1991) who presided over Fairfax's growth from dairy farm producers to multicultural metropolis with accompanying human service programs. Following difficult sessions with Richmond legislators, Pennino halfheartedly proposed the BOS "secede from Virginia and become the 51st state" (Lindsay 2008).

For John McCain real Virginia might be the beautiful Shenandoah Valley, east of West Virginia and the Appalachian Mountains. It hosts the historic cities of Harrisonburg and Staunton with rural country sides that continue to provide glimpses of the colonial era. Central Virginia covers Virginia Piedmont from the home of capital city Richmond and its historical landmarks to Frederiksberg and the city of Charlottesville. Virginia Piedmont beckons the history of the early colonists, the revolutionary war, the civil war, and the civil rights movement. The small region on the Eastern Shore is almost overlooked except for the scenic Chincoteague Island, home of the wild ponies. Coastal Virginia in the Southeast is the large and influential Hampton Roads area including some



of the state's most populous cities: Virginia Beach, Norfolk, Chesapeake, Newport News, Hampton, Suffolk and Portsmouth, and the smaller historic cities of Jamestown and Williamsburg. The cities of Danville and Martinsville make up Southern Virginia which meets the region of the Blue Ridge Mountains where Roanoke fits between the Blue Ridge Parkway and the Appalachian Mountains. The very rural Southwest Virginia borders West Virginia, Tennessee, Kentucky and North Carolina (Wiley 2015). Southern Virginia maintains its tradition of social hierarchies and ideals of individualism, limited government and military power. Despite Northern Virginia's proximity to national power, progressive movements, and multiculturalism, Virginia's new global economy was steered "the Virginia way," by social and political conservatism.

### ***The Virginia Way***

Beginning in 1915 Democrat Harry Byrd Sr., wealthy newspaper owner, state senator, governor, U.S. senator and "most prominent Virginian of the 20<sup>th</sup> century," held political sway over Virginia to such an extent it was known as the "Byrd machine. His paternalistic politics, "pay as you go" conservative economic policy, and racist sentiment dominated Virginia legislation for more than 40 years. Byrd's "Virginia way" made alliances with big business, balanced budgets for business confidence, and espoused efficient government that cut costs to maximize profit. In tandem were low social service expenditures, and well managed race relations that opposed integration (Heinemann et. al. 2007).

Virginia achieved industrial growth, new infrastructure and a statewide system of efficient and economical highways, but languished behind in appropriations to schools

and all public welfare facilities. As the Byrd machine embraced big business it eschewed the democratic principles of democracy, corporate regulation and social justice, which left Virginia vulnerable in times of economic and social crisis. During the Great Depression fiscal conservative policies reduced staff salaries and social services to balance budgets. As a result, the private sector was depleted and social welfare problems mounted (Heinemann et. al. 2007; Wiley 2015). Federal intervention was required to provide the much needed assistance to Virginians.

Because the commonwealth provided practically no money for the relief and the localities appropriated only meager amounts, the federal programs deserve the credit for feeding and clothing Virginia's needy. The roads and bridges, schools and post offices, hospitals and libraries they constructed were more than concrete monuments to federal generosity; they were the means by which thousands of Virginians began to live better lives (Heinemann et. al. 2007:319).

Following World War II a new commonwealth emerged that began shifting political influence from the rural communities to the growing cities. Virginia had more federal workers than farmers, and rural residents shifted to urban jobs. The new urban corridor linked Northern Virginia to Hampton Roads and changed Virginia politics away from the Byrd machine. From 1940 to 1973 Fairfax County grew rapidly, from 41,000 residents to a pluralistic populous of over half a million. Although Fairfax's main attractions included Mt. Vernon, the slave plantation of President George Washington, and other preserved historical sites, the county surpassed its long rural history to become a burgeoning global metropolis. The new Washington D.C. suburbanites were less Virginian by birth, better educated, and more affluent than most Virginians. They experienced the growth of interstate highway, private sector business, and manufacturing that made Northern Virginia in particular a rising economic base (Heinemann et. al. 2007).

Changes in Virginia's political and social order were highly influenced by social movements and the federal government, laws changed to include racial minorities and women in mainstream life. Women and blacks advanced to serve in all areas of public sector employment and political life (Netherton 1992; Heinemann et. al. 2007). The 1965 Immigration Act created a steady flow of new immigrants from Asia, Africa, Latin America and the Middle East, arriving in the U.S. for economic opportunities. Fairfax County, with a wealth of jobs in corporate offices and retail outlets, was a major destination. In 1950, segregated Fairfax was 90 percent white, black residents lived in all-black neighborhoods, and attended segregated schools. In 1980, only 9 percent of Fairfax residents were foreign born, 10 years later 16 percent, by 2000 one in four Fairfax residents was an immigrant. Hispanic workers, affected by the impact of trade agreements on the Mexican economy, flooded into the region to fill low-wage jobs in restaurants, hotels, hospitals, and office buildings (Gjelten 2016).

Many Byrd Democrats were alienated by the liberalization of the party, especially on issues of race; their "white flight" resulted in the creation of the modern Republican Party that would come to dominate Virginia politics in the coming decades (Heinemann et. al. 2007; Dennis 2009). Virginia's new Republican Party was joined by religious conservatives called the moral majority. Led by Baptist minister Jerry Falwell of Lynchburg, evangelicals founded Liberty University to advance Christian ideas on social policy, particularly abortion, parental rights, and school choice. Although social conservative ideas were less appealing in Northern Virginia, fiscal conservative practices

of low taxes, balanced budgets, deregulation, pro-business and anti-unionism still prevailed throughout Virginia.

Virginia's high tech "Silicon Dominion" economy bolstered by military expenditures gave residents per capita incomes higher than the national average, low poverty rates, and some of the best colleges in the country. By the 1990's Northern Virginia's primary challenge was managing population growth and economic development. High tech firms were flourishing, along with supporting financial, legal, retail and hospitality services. The sprawling Tysons Corner connected retail outlets with corporate office centers and new housing developments (Netherton 1992). Northern businesses seeking relief from taxation, state regulation, and the reduced labor costs relocated to Virginia. Companies increased profitability by spending less on wages, and transferring benefit costs to workers (Dennis: 2009).

From 2000-2010 the fastest growing jobs in Virginia were in service industry: homecare, food preparation and serving, customer-service, registered nurses, retail sales, computer support specialists, cashiers, and office clerks. Virginia had a two tier workforce, low paying service workers providing hospitality services to the technological innovators on one tier, and high paid business and government professionals on the other (Dennis: 2009). The new century was met with economic downturns that were long lasting, and by the 2008 recession, middle class workers joined the ranks of wage workers enduring longer hours, increased workloads, disciplinary management, and declining wages. Public sector employees struggled with government downsizing and privatization that slashed the state budget and reduced funding to programs for the poor,

the disabled, and the mentally ill that accelerated the incarceration of citizens in need of human services. Fairfax County employee Kirk Cleveland expressed the common concerns among Fairfax County workers and residents.

I can't afford to live here anymore....8 years of no raises, the property taxes, water and sewage and taxes going up, inflation within the county for food and taxes, it's getting tougher and tougher. The vision for the county, I think is one they have to change, their process at the government center as far as budgeting, infrastructure work, drawing businesses to the county, getting revenue from big business, and taxes on the upper end instead of the low and middle end people. As we know taxes are just going up and the infrastructure is starting to decline in Fairfax County (Interview 2015).

As living costs increased and worker benefits decreased, managers dismissed employee complaints, instead prodding workers to be grateful they had jobs during difficult economic times. This was the climate for Fairfax County workers when the Fairfax County Government Employee Union formed.

### ***The Origins of FCGEU***

#### **“A Real Voice for Quality Public Services”**

Coming to a worksite near you FCGEU members will be visiting work locations throughout the county beginning Dec 8, 2010, talking and promoting quality public services to protect our jobs. With details of the proposed budget starting to be known, it is more important than ever for all county employees to plan the future for them and their families. Take the time to engage us in a conversation about your union and how you can join in helping all county workers achieve fairness in the workplace (FCGEU/SEIU November 2010).

A March 8, 2009 article in the *Washington Post* titled “Unions Making Presence Felt in VA,” recognized the emerging union activity of Fairfax County public service workers from the newly formed local Fairfax County General Employment Union (FCGEU) and its international affiliate Service Employees International Union (SEIU) as the county threatened lay-offs to balance the budget. The article noted “organized labor has long gotten a cold reception in Virginia,” largely due to Virginia’s Republican and

pro-business leanings as one of 22 “right-to-work” states, and one of only five states that legally ban collective bargaining. Organized labor’s recent political contribution to Democratic candidates along with its unionizing efforts is more aimed at preventing mass lay-offs, reforming worker compensation, pension and health care programs, and improving minimum wage than changing long standing labor laws” (Somashekhar and Craig 2009).

SEIU is making a powerful statement in Fairfax, the state's most populous jurisdiction and one that has tipped the scales in favor of Democrats in recent years. Although fewer than 300 have signed up thus far, more than 8,500 government workers are eligible to join. Organizers say interest has picked up since county officials began contemplating hundreds of job cuts to help close a \$650 million hole in the budget (Somashekhar & Craig 2009).

Karen Conchar began the process of unionizing general county workers with a “procedural memo” and 13 member signatures in 2006. From the beginning Karen Conchar was confronted with obstacles to unionization as the initial by-laws and the name Fairfax County Employee Association were rejected for too closely resembling the Fairfax County Employee Advisory Council in name. Dues deduction (Fairfax County managing the automatic deduction of union dues from the employee’s paycheck) became a political pursuit with legal considerations that could open the door or hinder unionization. Conchar, along with Dave Lyons, who assisted with the startup, remained steadfast when the Board of Supervisors and county executive denied their request for dues deductions before relenting under threat of a lawsuit. Conchar explains:

We continually submitted our bylaws as per the procedural memos and they were continually rejected. One rejection I recall vividly is they wanted us to add a phrase in our bylaws stating that we would not overthrow the government. We included that phrase, and at that time I went to the attorneys who handled union legal action for firefighters- friends of Dave Lyons wrote an intent to sue letter notifying that failure to approve due deductions will result in a suit (Interview 2014).

It was not until April 2008 the name Fairfax County General Employee Union, the bylaws, and dues deductions were accepted and unionization became viable with about 80 members in tow. The union membership fee is a voluntary \$10 bi-weekly deduction from county payroll. Fairfax County employees do not have to join the union or pay union fees. However, all general county employees will reap any benefits gained from union activity, even if they are not union members, in accordance with federal labor laws. This is Karen Conchar's first experience as an active union member; she admits "learning as I go."

Conchar grew up In Chantilly, Virginia where she attended high school before graduating Northern Virginia Community College with an A.A.S. degree in Construction Management. As a Fairfax County employee for 29 years in the Department of Public Works and Environmental Services (DPWES), Conchar, a white woman, began working for Fairfax in 1984 only a few years after a 1980 Department of Justice civil rights case. Fairfax County was found in violation of the Title VII Civil Rights Act for employment discrimination against blacks and women (629 F. 2d 932 - United States v. County of Fairfax Virginia). "I worked for several years for the Department of Environmental Management and watched over and over as white males were promoted over women and minorities" (Interview 2014). Conchar recalls she and about 100 Fairfax County general workers were members of the American Federation of State, County and Municipal Employees (AFSCME). Since 1932 AFSCME has mobilized civil service workers throughout the country and presently cites 1.6 million public sector members including nurses, corrections officers, and child care providers, EMTs, sanitation workers and

social workers (AFSCME.org 2016). However, AFSCME never organized Fairfax County workers although they collected dues from workers. Conchar says AFSCME was not proactive in developing membership or addressing employee concerns, particularly equal treatment of women and racial minority workers.

Conchar's activism on behalf of workers began with the Fairfax County Employment Advisory Council (EAC). The EAC is made up of eleven members from each county agency elected every three years by employees to provide a medium for workers to give their advice and suggestions toward a fair and equitable work environment. EAC members meet with the Human Resource director and county executive to manage employee correspondence about issues such as health care changes, pay for performance, employee grievances and various educational and recreational activities for employee welfare (Fceac.org 2016). At the EAC, Conchar met members from unionized Fire and Sheriff Departments, notably Dave Lyons who handled firefighters' union grievances and who later assisted Conchar in starting FCGEU. Conchar resigned as EAC chairperson after they ruled in favor of management in a case where her friend and co-worker died while working in a storm drain manhole.

On August 3, 2005, *The Washington Post* reported the tragic workplace death of Phillip Miley, 57, a Fairfax County employee for 22 years in DPWES; his body was discovered by county police after a citizen reported the manhole cover had been removed (Stockwell 2005). Conchar asserts that county budget cuts led to unsafe working conditions that resulted in Miley being alone on the job, without a cell phone or any means to get help, and without the proper tools for the inspection (Stockwell 2005). The



appeals case of Fairfax County Department of Public Works v. C. Ray Davenport, Commissioner, 0745094 (Va. Ct. App. 2009) summarized the incident and Circuit Court finding of numerous violations of safety standards by Fairfax County and DPWES. The majority of the citations were upheld on appeal.

Before entering the manhole at this location, Miley placed two cones near the manhole but did not place any barrier on the manhole. Miley then entered the manhole without an attendant present and, while inside, fell down a shaft that was ten feet, nine inches deep. During the fall, Miley struck his head on a storm water valve and received cuts on the back of his head and abrasions on his right arm. Miley then crawled into another pipe, where he died from these injuries. Miley did not have any communications equipment with him and was, therefore, unable to summon any assistance.

Gregory Pappas, a compliance officer with DOLI (Virginia Department of Labor Industry), investigated the fatality and determined that the confined space that Miley was inspecting when he died contained or had the potential to contain several safety hazards: falls, engulfment, atmospheric, and other hazards (i.e., being struck by objects falling or being thrown into the open manhole)...Pappas's investigation revealed that Miley was not equipped to test for atmospheric hazards. Pappas further learned from Tim Fink, an engineering technician with DPWES, that prior to Miley's death, DPWES employees routinely "[broke] the plane" of confined spaces to take photographs, but employees received no training on how to do so.

Following Pappas's investigation, DOLI determined that DPWES violated the provisions of the VOSH (Virginia Occupational Safety and Health) standards and issued numerous serious and willful citations against DPWES on January 20, 2006 (Fairfax County Department of Public Works v. C. Ray Davenport, Commissioner, 0745094 Va. Ct. App. 2009).

According to Conchar, even though Risk Management and the courts found Fairfax County committed numerous health and safety violations, the EAC did not want to hold management accountable, believing the tragedy resulted from Miley not taking proper precautions. This incident, along with a general sense of EAC ineffectiveness on behalf of workers, and recognition that protections and compensation for unionized police and firefighters are far better, combined to motivate Conchar to seek unionization.

The process of signing new members was initially slow, largely due to Conchar learning the administrative processes of establishing nonprofit status, setting up accounts and locating an international affiliate to help grow the union. Getting people to attend

meetings to assist with the tedious process of reviewing bylaws and other administrative duties was difficult and led Conchar to design a website to inform workers. Service Employee International Union (SEIU), looking to move their organizing campaign of public workers to this area, was searching websites when they located FCGEU and contacted Conchar to meet. Conchar was seeking direction and assistance with the startup and began interviewing perspective affiliates in 2007.

#### **FCGEU Mission Statement**

***We are dedicated to providing quality services to the people of Virginia and are united, educated and empowered to achieve equality and a real voice for working families.***

We were a very small union, only 300 people. I felt it was time to bring in the big guns, we always knew from the beginning that we would affiliate with someone. At one point the Professional Engineering and Technical Employees Union showed up from Oregon. I picked up a young man from Metro and showed him around the county, he got back on Metro and we never heard from him again. SEIU was growing, they successfully supported Obama, It was the only union growing in the United States at the time, had 2.2 million members. It sounded like a really great deal as far as having somebody with weight behind our words (Interview 2014).

#### ***SEIU***

“If they’re breathing, organize them”  
SEIU President George Hardy 1971-1980

As the labor movement had to look beyond external political, economic, and legal limitations to find new paths to organizing workers, SEIU led the march toward labor’s revitalization. Since the 1970’s SEIU organized new workers in healthcare, property services, and public services: women, racial minorities and immigrants were brought into the fold in large numbers. Starting in 1921 as the Building Service Employees International Union, SEIU represented mostly immigrants and minorities working as

janitors and window washers. Known for its grassroots organizing approach and participation in the civil rights and anti-poverty movements, SEIU represented low-wage workers excluded from or lacking voice in other unions. SEIU grew from 200 members in 1921 to 250,000 by 1960 and continued to gain membership in recent decades while other unions were in decline. By 2010 SEIU had 2.2 million members and its website boasted that it is the fastest growing union in North America. By 2014 the website adjusted its membership total to 2.1 million, then again in 2016 to 2 million, no longer claiming to be the fastest growing union, as recent right-to-work laws have reduced membership (SEIU.org 2010, 2014, 2016).

Today SEIU claims to be the largest healthcare union with 1.1 million members including nurses, LPNs, doctors, lab technicians, nursing homes, and home care workers. The largest property services union, with 375,000 members in the building cleaning and security industries, including janitors, security officers, superintendents, maintenance workers, window cleaners, and doormen and women. The second largest public services union, with more than 1 million local and state government workers, public school employees, bus drivers, and child care providers. SEIU sponsors a diverse group of affiliated programs: SEIU RISE develops young leaders ages 18-35; the Lavender Caucus facilitates dialogue between the LGBTQ community and the labor movement; the African American caucus provides labor education and training to African American members and staff; the Asian American Caucus dialogues with Asian organizers and the Retiree Council maintains participation of retired members. The website lists numerous

global partners to include international labor unions and human rights groups in the global North and South (SEIU.org 2014, 2016).

SEIU's reputation in recent years was linked to its former President Andy Stern, considered by many observers to be "the most influential and controversial labor leader of his generation" (Fraser 2010). From 1996 until his resignation in May 2010 Stern led SEIU to both engage big business and an all-inclusive grass roots approach to grow membership. Stern moved SEIU away from AFL-CIO federation in 2005 to form what would evolve into the rival federation Change to Win (CTW). The forming of CTW was viewed as a sign of upsurge and revitalization in the context that the labor movement was transitioning from business unionism to labor movement activism. While some viewed the new activism as resurgent, others deemed it weak against the powerful forces of globalization in that SEIU's approach did not benefit the labor movement or class struggle broadly (Fantasia and Voss 2004; Moody 2009; Fraser 2010; Early 2011).

Stern wanted to place greater emphasis on organizing workers, including minority groups, as he believed more organizing was critical to labor's survival. Under Stern's leadership membership steadily increased, some through mergers and absorptions of smaller unions (union mergers generally accelerated after 1979 as a strategy for organizational survival) but most through new organizing. Stern had passionate detractors and supporters. Opposition within SEIU and among other labor leaders criticized Stern's "back-room deals with employers and other shortcuts," that alienated the rank and file, and union allies, while "perpetuating an illusion of robust growth that has obscured

SEIU's failure to devise a viable long-term strategy for reversing labor's decline" (Fraser 2010).

SEIU researcher Clayton Nall summed up the criticism of Stern's leadership: "some of Andy Stern's critics on the left complain that he is replacing class struggle with class snuggle" (Early 2011:51). SEIU, along with the AFL-CIO Organizing Institute and other large unions were criticized for "failing to promote member based organizing" while creating "staff dominated multi-state megalocals" that "reinforced the dominant tendency of unions to act like insurance plans, bureaucratic and staff run, dispensing services for a fee" (Early 2011:18).

Stern's supporters found him to be a "new" and progressive labor leader willing to work with business. Among his supporters were business elites, Democrats, and Barack Obama, who relied on SEIU's financial support and Stern's consultation during the 2008 presidential campaign. Facing financial problems that caused cutbacks in organizing campaigns, and inter union disputes, Stern resigned in 2010. SEIU's executive board elected his successor, Mary Kay Henry, its current and first female president. Ms. Henry cited SEIU goals remained continued growth, expansion in homecare and the public sector, and funding for research and training programs (Fraser 2010).

When FCGEU members voted to become SEIU Local 5 in April 2009 they had about 300 members, an executive board of county employees, and begun involvement in county budget allocations, local county elections, and social media outreach. SEIU designated the title Local 5 to startups building from scratch in right-to-work states across



office, and receive all benefits of membership. Delinquent members who do not pay dues are suspended if payment is not made within 15 days of receiving a 90 days' notice of nonpayment, and delinquent members "are not entitled to voice or vote" (Bylaws 2015). Union dues are tax deductible for those filing an itemized return (FCGEU/SEIU March 2011).

FCGEU's first members came from Conchar's department, DPWES and Facilities Management (FMD), until interest spread through word of mouth as union members encouraged friends and family from other departments to join. FCGEU's vision and goals for the new union was stated in leaflets and newsletters spread throughout county worksites and emailed to members. Paramount to FCGEU's quest to build a strong union that assured workers fairness and dignity was to secure a new pay plan.

We want a pay system that is fair. We want 'Pay for Performance' to do what it is supposed to do: provide a fair wage for performance, not just be used as an accounting function devised to keep salaries down. "We want to be treated with fairness and dignity in the workplace. While most county workers and supervisors strive to provide this, we want to make sure this is a universal value, and that action is taken to protect employee rights (FCGEU/SEIU Annual Report 2010).

### ***FCGEU Strategic Planning***

All politics are local, we are part of the county and we are here to stay.  
SEIU Lead Organizer Kevin Jones

A permanent structure, a permanent voice  
SEIU VA 512 President David Broder

Before political and community organizer David Broder arrived in Fairfax he was organizing home healthcare workers in Southern Virginia since 2006. He worked out of a cramped basement office in Richmond as lead organizer for another newly formed SEIU 5 local for homecare workers called the Virginia Association of Personal Care Assistants

(VAPCA). Broder learned the plight of Virginia workers by driving around, knocking on doors, introducing himself and SEIU, and inquiring about the challenges facing workers. His start reminds of the olden days when unionists walked shop to shop pitching the prospects of better working conditions through unionization. SEIU had been successful in recent decades mobilizing homecare workers with their grass roots organizing model. As part of their Southern strategy SEIU decided to extend their public sector membership using this model.

Broder is a 36-year-old white male from Newton, Massachusetts with a BA in government/history from Cornell University and work experience with political campaigns. He is motivated by the belief that labor unions helped create the now eroding middle class and will once again deliver workers to economic stability.

When I started in Virginia in Jan 2006 Tim Kaine was just elected governor. SEIU helped him become governor, and we put significant resources into the race. SEIU just started to get a lay of the land; there were essentially no SEIU locals on the ground in Virginia. Virginia's political demographic changes brought about the interest in the campaign so I started to get a sense particularly around homecare about what would be possible in terms of helping homecare workers unite to have a union. When I started I basically got in the car and drove all around the commonwealth, met with any homecare providers I could find, met with a lot of advocacy and consumer groups, a lot of people with disabilities and older adults who rely on homecare services, individuals and organizations. I talked to them about the challenges that they and their providers were facing because of low pay and lack of benefits. It has been really amazing to watch it pick up steam from there (Interview 2015).

Broder is a relatively young man to bear the challenges of leading a new union in a not so friendly union town. He gets his creativity and union passion from his mother, an elementary art teacher and active union member. He attributes his even keel approach to his dad, a mental health therapist and adjunct professor. His work ethic, along with the other organizers, is outstanding as he tends to log upwards of 60 hours of work weekly.



Broder is married and the father of two young daughters born during his time with the Virginia campaign.

My mom got active in the union because it was really important to our family. I have fond memories as a kid going to union rallies on Capitol Hill, phone banking with her, doing the kinds of things that were important, I sort of understood and didn't really understand. Even though my father is a professional, a therapist, it was my mom's union contract that gave us healthcare, that union contract supplied a fair amount of financial certainty for our family, it's that contract that will allow my mother to retire when my father's retirement is less clear (Interview 2015).

Broder informs that SEIU delegates at their 2004 convention decided to focus on growing membership in regions previously neglected due to RTW laws, mainly in the South/ Southwest. Noticing the demographic changes and growth of industry and congressional districts in the South/Southwest, SEIU believed they "had to go broader." Union leaders, particularly with Southern roots wanted to return to the South after spending years organizing in the North where labor laws were more favorable; "the law and history of oppression made Southern organizing almost impossible," says Broder.

There was a real sense that if we were going to play nationally and impact politics and the overall economy, the union had to go to the South and Southwest, it had to get out of the areas just where it was strong, it couldn't be a bookend union of California and New York. The demographic changes in Virginia, what was once a very deep red conservative state was now a changing state, it was politically much more purple, much more diverse, yet still had very conservative politics that was holding people back, so a lot of those factors came together (Interview 2015).

SEIU wanted to spread its influence in non-unionized states: Colorado, Texas, Arizona and Virginia were among the early targets. Workers in the largely non-unionized regions have high poverty rates and lower wages, low rates of health insurance, fewer small businesses, and a low tax base that results in poor schools and few community supports for families. SEIU believed homecare workers facing low wages, no healthcare, sick or vacation pay, could become more powerful unionized, especially when joined

with unionized public workers. Public workers cannot be outsourced, they provide necessary services, and when united they can build the new American middle class. Broder (2015) says when organizers talk about the “union difference,” they are referring to what can be achieved working together, they are encouraging dissent; they want people questioning, and standing up for their rights. He finds that human service care givers nurture and advocate for their patients but do not stand up for their co-workers. He believes media images of corrupt unions, and the general fear of employer retaliation against union members can be overcome in one on one interaction between the union organizer and employee.

FCGEU strategic planning began with Karen Conchar’s vast experience and knowledge of the county system and Dave Lyons 26 years of union experience in political action and arbitration. Lyons is a 60-year-old white man raised in Texas. The father of three children, he worked with the Fairfax County Rescue Department from 1977 until he retired in 2003. Lyons has a BA in Philosophy from the University of Connecticut and BA in labor studies from the National Labor College. He was first elected to the Fire Fighters union executive board in 1980 where he served until retirement. During that time he also worked as a contractor organizing Fairfax hospital nurses, Amazon employees, and chicken workers on the Eastern Shore. After retirement he continued doing arbitrations, including for the Commonwealth as an unemployment hearing arbiter. During this time he also worked with Karen Conchar to form FCGEU (Interview 2014).

Conchar and Lyons examined the structure of Fairfax police, teachers, and fire fighters unions, noting what they did well and where they faltered. They discovered inequities in the funding of general county programs such as mental health, libraries and others that lacked the representative voice of unionized departments. Conchar and Lyons believed they could build a union for general county workers that could replicate the success of the established unions. For Lyons an important part of the pursuit was putting the RTW laws and the absence of collective bargaining in the proper perspective.

I've been involved working in this state in restrictive bargaining; I like to use the term restrictive bargaining states. I think right-to-work has become a sort of throw down phrase for anti-union. Legally it does not mean that at all. It means literally you don't have to be in a union as a condition of employment. That's all it means. One interesting aspect about here: no one in the union movement favors right-to-work. I think it's necessary to be effective in Virginia to not pay much attention to it and not complain about it, rail about it. It's a reality, it's been here forever, it's going to be here forever, and a good organizer can organize around it. You shouldn't use it as a crutch as to why we can't do anything, that's absolute nonsense (Interview 2015).

At the same time Conchar and Lyons were ironing out the legal considerations for starting the union, SEIU was examining the prominent role Fairfax played in driving the economy of Virginia. One in seven Virginians lived in Fairfax where a multicultural workforce had grown larger than Washington D.C. SEIU conducted a poll of Fairfax County employees to gauge their attitudes about unions and discovered most respondents were uncertain about unions. "People had no opinions about unions, they weren't familiar with them, had not grown up with them, didn't know what to make of them, and yet people who had experience were largely positive," said Broder.

FCGEU member Carol Taylor:

I had a stereotypical view of labor unions, where if they didn't like the way things were going they would just strike, maybe the labor unions were why things went up in price, because they wanted more money. I didn't know a whole lot of educated things, just the ideas that went flying around, I didn't really think they were bad or good, I really didn't know much about them (Interview 2015).

The new union was confronted with the major challenge of how to frame a diverse group like public sector workers beyond the stereotype of the “lazy government worker, always on a coffee break,” said Broder.

When you mention firefighters, police, or teachers, a positive image of community need is fostered. But how do we talk about the importance of mental health clinicians, substance abuse counselors, homecare workers, and janitors, we have to give people a real sense of the value of all labor (Interview 2015).

For Broder an important aspect of this new labor movement is inclusion, especially women and minorities in leadership roles: “unions can no longer be pale, male, and stale.” The starting goal was to organize workers and the community to establish a lasting union culture that becomes the norm for the next generation, to build “a permanent structure, and a permanent voice.”

SEIU organizers LaNoral Thomas and Kevin Jones were among those who first arrived to help with the startup and still remain today while eleven organizers from 2009-2016 have come and gone. This was the first time the SEIU organizers worked together on a campaign. Along with the FCGEU members, most everybody was new to each other. Karen Conchar described her initial reactions to LaNoral Thomas, the first SEIU organizer assigned.

She would come to my office every day, I never knew there was a job for an organizer to do, that it was a real job. I wasn’t comfortable with her, she was from Georgia, not from Virginia, never been a county employee...after a short time we bonded and trust developed (Interview 2014).

Labor organizer LaNoral Thomas, a 27-year-old African American woman with lots of union experience, charisma and a gentle way of prodding that gives away her Southern roots, arrived in Fairfax in 2008. She has since married and has a lovely little

boy who her colleagues watched crawl, walk and now run around at union activities. As a devoted unionist, Thomas began the campaign as FCGEU's lead organizer when the union only had 300 members. Growing up in "a union household" in Savannah Georgia, the graduate of Albany State University with a BA in English reveled at the opportunity to work for a union even though she "didn't realize this career even existed" (Interview 2014).

I grew up in a union household, my father was vice president of his local, United Paperworkers International Union, and I remember the union was always a part of our life. We knew about it, it was the union; everything we learned is from my parents investing in us, invested in our education, sent us to the best schools. My dad often talked about, 'I can afford to do these things because I had a union job' (Interview 2014).

Thomas' career started right out of college in 2003 as an organizer in training. She learned her craft from the older, now defunct, SEIU training model that required new hires get a thorough and varied experience of union campaigns. Thomas believes this model prepared her well for the long haul in Virginia. Every three months for five years Thomas moved to a different campaign; "I started in Portland Oregon, worked in Los Angeles, Texas, St Louis, Missouri, Baltimore, MD, Florida, Nevada, all over the country" (Interview 2014). This training model allowed her the opportunity to experience union shop and right-to-work campaigns, National Labor Relations Board bargaining, strike activity, political mobilization, and the overall political, legal and occupational variances of union campaigns.

I organized in every sector of our union, from property services with our janitors and our security officers, to our nurses, to our nursing homes, to the public sector. So every three months it was a different campaign, it was a different type of work, a different process because some of those campaigns are NLRB campaigns where you are running a National Labor Relations Board election, some are totally politics. If you don't line the politics up right we're not going to win. Some of them you're talking to people about going out on strike, that's our property services

model, very interesting model, great exposure, you meet a lot of different people, and you work on a lot of different campaigns (Interview 2014).

Kevin Jones is a 52-year-old African American man from West Virginia with a BA in Policy Analysis and MA in Public Administration from West Virginia University; he is divorced with six children and two grandchildren. Jones' work history is extensive and varied, from a printer in a Virginia manufacturing factory to a community organizer and university student program director at West Virginia University. Responding to an SEIU employment ad on Craigslist, this is his first job as a labor organizer. Jones chose labor organizing at this stage of his career because "It gave me an opportunity to live my values." A black and white poster of his Dad's coal mining regiment hangs on the office wall opposite his desk.

One of the big challenges, transitions in my life was when my father passed away. Coming from a very strong patriarch environment, despite being a father myself with responsibility at the time, it really unhinged me. I left behind academia and my consulting business, everything and came to Northern Virginia and started all over. I saw an ad on Craigslist. This gave me an opportunity to do something that was important to my dad; he was a union man, a church deacon and strong union member. I remembered the impression the union had on me when I was growing up and on our family. I remember coal miner strikes, I remember folks bringing by our food allotment during the strikes, and I remember union Christmas parties. One year they bought me a toy gun set, cowboy hats two gun set, yeah good stuff (Interview 2014).

2010 began with the historic "Snowmageddon" February blizzard that covered the DMV region with about 30 inches of snow that taxed county employees and resources. The year was also marked by FCGEU making its presence known throughout the county. "Our overall goals are always to empower members to build a union that helps them have a better life; our day to day goals are around growth, leadership identification, recruitment and training," said Thomas. By distributing a monthly newsletter, visiting

worksites to grow membership and leaders, community involvement, social media outreach, and political engagement, FCGEU extended its outreach to county workers.

FCGEU established an agreement with Human Resources allowing access to work sites, they gained a seat on the Ad Hoc Retirement Committee and Benefit Care Council that makes recommendations to the BOS, and began coordinating efforts with other unions to advocate fair retirement and health care benefits. FCGEU cheered when the personnel committee of the Fairfax County Board of Supervisors set a timeline to reform the Pay for Performance system which disproportionately rewarded higher grade employees. “Thanks to all union members for making this possible: through our advocacy and postcards, we created the urgency to change Pay for Performance” (FCGEU/SEIU flyer 2010). At a time when county workers were threatened with a reduction in force (RIF’s), FCGEU joined with the Board of Supervisors (BOS) to promote the “everybody wins” contest that had employees competing for the best cost saving idea. BOS Chairwoman Sharon Bulova, standing in front of FCGEU/SEIU banners, presented the winner with a plaque; his idea was for a store to sell the surplus goods being tossed into landfills (FCGEU/SEIU 2010).

For dues paying members FCGEU made concerted efforts to provide benefits that separated them from non-union members. The primary offering is Member Services, the branch of FCGEU that assists members with workplace concerns that range from legal representation, to conflict resolution, to accessing resources. FCGEU/SEIU monthly newsletter highlighted “new member benefits.” FCGEU flyers emphasized the \$10 bi-

weekly dues were considerably lower than the \$80 average monthly cost for members of teachers, police and firefighters unions (FCGEU leaflet 2010; August/September 2011).

Leaflets distributed at worksites answered the often asked question: “What do I get for my \$10.00 per pay period?”

- Worker’s Compensation protection from the #1 Public Safety Law firm in Virginia. Burgess, Kernbach and Perigard, PLLC.
- Job related protection from our Grievance Advocate with support for our law firm, Woodley & McGillivray, one of the largest law firms in the country.
- Advocacy for protecting our Compensation, Pension, Benefits and work related issues. We regularly meet with the Board of Supervisors, County Executive and HR Director to discuss these issues.
- FCGEU members have access to benefits that are not available to non-members, primarily AFLAC (American Family Life Assurance Company). In addition we have ACCESS benefit coming (discounts to over 240,000 merchants nationwide), BJ’s Wholesale Club, Pre-Paid Legal at discounted rate, and The Union Plus benefit program.
- Donated Leave requests go to all members.
- Flower Fund to members who suffer the loss of a loved one.
- Dues are tax-deductible from Federal and State Tax Returns.
- Monthly membership meetings (food always included) as well as additional town hall meetings, parties, etc.
- FCGEU items including shirts, lanyards, etc.
- Personal consultations for pension, benefits, personal regulations, and policy issues.
- Members and their children can apply for SEIU college scholarships that range in amount from \$500-5,000

Not all went well in 2010. FCGEU’s push to reverse the county’s decision to change the health care plan by January 2011 did not succeed despite an active member petition drive. The county’s new plan increased the cost of emergency room visits and dropped PPO Blue Cross/Blue Shield Vendor. “The county appears to be moving ahead with big changes to the healthcare plan despite the opposition of many employees and FCGEU members” (FCGEU/SEIU October 2010). The union set its sights on Pay for Performance (PFP):

Over time managers have done extremely well under pay for performance, but lower grade and minority employees have lost ground. We need a new pay system that addresses these inequities by rewarding employees for doing their job well, not for knowing the right people (FCGEU/SEIU December 2010).



Fifteen active union members participated in the first 3-day weekend leadership retreat where the FCGEU board, union members, and SEIU organizers planned to “build a strong union in a right-to-work state.” Members were compensated by the union for missing the Friday workday. Held in a conference room at a local hotel, the leadership retreat, part planning and training, would become a standard annual practice. Over the

**Mapping/Charting Exercise**

**How many floors?  
How many offices?  
Cafeteria location  
Parking lots  
Meeting places for breaks  
Exits  
Social groupings  
Worksite issues  
Potential leaders  
Non members**

**(FCGEU/SEIU leadership Retreat  
2010)**

course of the three days, topics ranged from growing membership and developing worksite leaders to exercises in worksite mapping and developing good communication skills. Among the discussions was what the union was “doing well,” what they could “do better,” and what the future holds. Morale was high on the steady membership growth with expectations of reaching 1000 members by years end. Still figuring out their communication apparatus, the group believed

they needed to broaden communications via e-mail, text messaging, and website updates to reach more county workers unaware of the new union. The first leadership group envisioned the formation of a strong union with a majority membership, expansive political power, and a seat at the table whenever workplace decisions are made (leadership minutes October 2010). The year ended with a December “blitz,” a short term increase in staff that added six more organizers throughout the county.

The goal was to increase membership to 1000 by the New Year and beyond before the November 2011 Board of Supervisor elections, with all board members up for reelection. The blitz organizers were noticeably younger than the leadership group. One of the young organizers, a recent graduate of Georgetown University, with a major in Sociology/Social Justice Analysis said: “My generation has not really heard about unions, especially if they’re from Virginia. They think it is a scam, they don’t know that we can work together.” After graduation the young organizer was undecided about employment, he considered continuing administrative work at Georgetown, returning to his summer computer job that paid well, or working with at risk youth that paid little. One day after an argument with his mother he decided to apply for a job with SEIU, hoping for an opportunity to travel away from home. He applied on-line, received a phone interview and job offer. Before taking the job, he consulted his professor who advised him “it would be a good way to grow up.” He began as an organizer trainee, knocking on doors in Georgia for democratic gubernatorial candidate Roy Barnes who lost the election. His second assignment was a brief stint back home in Fairfax, charged with signing up workers at Intellectual Disability Services. How is the experience? “It’s been a little rough; people seem a little afraid, they show interest then change their mind.” By the close of 2010, FCGEU had 870 union members primarily gained through face to face contacts between organizers and employees at work sites. FCGEU began to tout itself as “the fastest growing union in Fairfax and Virginia” (FCGEU/SEIU October 2010).

### ***Issue Based Organizing***

Fairfax Virginia was becoming the new and exciting place for the unionization of public sector workers. SEIU organizers from around the country united their varied experience and zeal for winning against the odds to create a new union model. LaNoral Thomas (2014) describes the FCGEU model as “issue based organizing,” an established SEIU model attached to a new approach in Virginia: “we are taking pieces of different models, trying them and seeing what works.”

All of our locals throughout the country have conversations around what is the best way to organize, because unions are under such attack it is at the forefront of everyone’s mind how we do this. David (Broder) and I and other staff and members have gone to meetings all over the country to talk about our model. What we call our model is issue based organizing. We have a whole training and plan that we do around issue based organizing, and essentially the reason people join a union in a right-to-work state is because we are organizing around an issue that means something to them and they want to see action taken on this issue and so that is our model. It has all of these different components, meaning if this is the issue: how do we win it, what are the communications, how do the politics have to align, who are the members, how much membership density growth do we need to have, all of those things” (Interview 2014)

Issue based organizing is as much about the broader issue of economic justice as it is about the workplace issues of budget allotments, a fair pay plan, affordable health care, and other concerns that workers bring forth. It’s about political action, community partnerships and education in labor activism. It includes connecting a wide range of workers, labor organizers, and community groups to the workplace and beyond to address the social issues of the time. FCGEU organizer Jessica Brown explains:

It’s not just about winning a fair pay plan, or winning a race, or specific benefit, what we’re trying to do is fight for families to be able to achieve, I know it sounds cliché, the American Dream in terms of being able to have health insurance, paid sick days, work one job not three jobs. God forbid if you get cancer you shouldn’t have to go bankrupt, we’re fighting for these moral issues, not just a raise (Interview 2015).

Member Services Director Dave Lyons states three principles to successful organizing: independence from government influence, concerted political action, and

community involvement. Independence from government influence includes recognizing there are benefits to organizing without legal mandates.

Virginia is legally ground zero, it is worse than Mississippi in its laws; however, we're extremely successful in Virginia. You need to know what's there and how to work around it. In my mind there is a certain amount of freedom to not have to mess with the freaking government. I don't need anybody's permission to organize anyone on that level in the sense I don't have to follow contractual rule or statute, it simply is not there. For instance, when I was representing people throughout the state in California, I couldn't do that, there were actually laws that speak to that. In Virginia, I'm no different than a house painter, there is no classification for me, so I can go out and do whatever; I'm a free agent (Interview 2014)

Lyons contends concerted political action "is the grease that makes everything work."

Even in an enormous county like Fairfax the way politicians look at it, this is the biggest county in Virginia, 1.1 million people, 700,000 voters, 550,000 registered voters, divided into 9 districts, one at large chair. Now we're down to 58-60,000 per district, of those 58,000 in local elections 30% will vote, so now we're down to 15, 16, 17,000. Of those 15, 16, 17,000 they're going to break 40/40 and there's 20 in the middle. So you start doing your math downward, what you realize is you are down to about 4,000 people. If that's all I gotta do, then shame on me if I can't win an election (Interview 2014).

Although unions are primarily aligned with the Democratic Party, almost entirely in recent decades, what makes this campaign so different is the gall of FCGEU to attempt unionization in a state where even Democrats are right-to-work stalwarts. Lyons recalls Democrat Gerry Connolly, (currently Congressman 11<sup>th</sup> District) was a "leading opponent" against granting dues deduction. To Lyons the success of the firefighters union was rooted in political independence and he implores FCGEU to have a similar approach.

In terms of the ideology of a local politician, I don't care how right or left you are, a pot hole is a pot hole, a check that didn't get delivered is a check, a service trash that didn't get picked up is what matters, I think we always forget this. Whatever your national inclination, Obama against an abomination like Romney doesn't apply here, one thing we said we will do is support Republicans and Independents who support us. We caught a lot of grief for that but it made us extraordinarily powerful quickly because nobody knew what we would do every election (Interview 2014).

The third principle is community involvement to forge connections, garner support and improve social conditions. The firefighters joined the affordable housing coalition, sat on the boards of major businesses in the area, got involved in charitable work and a diverse set of community causes. The point is for unions to not exist “in their little box fighting their opponents over here and not looking at the rest of the world” says Lyons (Interview 2014). For LaNoral Thomas it is imperative that all union actions focus on an issue that can unite the workplace with the community to gain political influence to improve conditions. “The challenge with the work is we always have to be grounded in an issue, if we are ever having a conversation that is not about an issue then we are not going to move anybody, we’re not going to win, we are not having a quality conversation” (Interview 2014).

When Thomas talks about the strategy to win issues in Fairfax County, like Lyons she notes that aligning the politics is key. In the absence of collective bargaining rights this refers to gaining the cooperation of the Board of Supervisors (BOS) and their appointed county executive. They institute policy and set the budgets that impact county workers; they are essentially the employer, in union parlance, the bosses. David Broder described FCGEU’s relationship with the Democrat majority (7-3 when FCGEU founded) BOS as “very strong.”

It is one of the few places where we enjoy good relationships, meaningful work relationships with both Democrats and Republicans. In today’s hyper partisan world that is significant; our job is to partner with them to deliver great services and great jobs and to hold them accountable when they fail to do that (Interview 2015)

The Fairfax County website explains the composition and responsibilities of the Board of Supervisors and the county executive.

### ***Fairfax County Board of Supervisors (BOS)***

Fairfax County has an elected Board of Supervisors consisting of nine members elected by district, plus a chairman elected at-large. The law requires that districts be of approximately equal population and that the supervisors (other than the chairman) be residents and qualified voters of their districts and be elected only by voters living in those districts. All voters in the county may vote for the chairman. The Board elects the vice chairman annually from among its members at its first meeting in January.

- Board members are elected for four-year terms.
- There is no legal limit to the number of terms a member can serve.
- Each Board member receives an annual compensation of \$95,000 per year, except the chairman who receives \$100,000 per year (Fairfaxcounty.gov 2016).

### **Responsibilities of the Board**

The Board establishes county government policy, passes resolutions and ordinances (within the limits of its authority established by the Virginia General Assembly), approves the budget, sets local tax rates, approves land use plans and makes appointments to various positions. These actions are taken in open meetings, which residents are encouraged to attend. All discussions are held in public, with the exception of issues exempt by the Virginia Freedom of Information Act, such as legal or personnel issues (Fairfaxcounty.gov 2016).

In March 2015 during budget season, with the usual expected shortfalls, the Fairfax County BOS voted 6-4 to raise their salaries 20k to the amounts listed above beginning January 2016. Even with the increase BOS members make less annually than board members in surrounding Montgomery County (\$124,641) and Prince William County (\$114,347). Supervisor Pat Herrity (R-Springfield) explained why he voted against the motion: “I could not vote to fund a raise... our residents don’t have the option to simply increase their pay to fund the Board’s salary and benefit increases” (WTOP March 2015). Although some members expressed disapproval of the raises in membership meeting, FCGEU did not oppose the raises.

### ***County Executive***

The county executive, currently Ed Long, is a full time official appointed by the BOS to oversee a senior management team comprised of a chief financial officer, an assistant county executive, a legislative director and four deputy county executives that supervise the functions of county agencies. This team “serves as the administrative arm of Fairfax County Government,” and includes five offices that report directly to the county executive: The Office of Internal Audit, The Office of Public Private Partnerships, The Office of Public Affairs, The Government Relations department, and The Department of Human Resources that oversees workforce matters (Fairfaxcounty.gov 2016).

LaNoral Thomas discussed the relationship between the union and the Board of Supervisors over the years.

I think we have a working relationship; it depends where we are in the campaign, it has its highs and lows. Our position is we have always been a solution driven union, we try our best not to go to the county complaining about something without offering a solution, and it's not our solution, it's our members' solutions. Our members are the people who are doing this work every day who have the best solutions. We definitely try our best to be a resource to the county and not a thorn in their side. What we did back in 2008-2009 after working politically to get people elected, Karen and other union members were appointed to boards in the county. We have members on the retirement board and members on the budget committee, all of those things happen because of relationships. The county can choose at any time to say we don't want employees, we don't want union representatives on these boards, but because we are solution driven and we created a new model of working with them, they are open to that relationship and they work with us (Interview 2014).

FCGEU's relationship with county executives has been more contentious. Beginning with executive Tony Griffith, David Broder states: “Tony and we did not see eye to eye on almost every issue, but we met regularly, we were civil, we shared information, we worked together, there were no surprises and there were palpable benefits to that.” Dave Lyons recalls Griffith's predictions of union failure; “he told us

you will never have 500 members.” Soon after the prediction the union was able to establish a formal written access policy that allowed organizers to enter worksites to talk to workers before and after work and during lunch breaks as long as it did not interfere with work requirements. Membership rolls began to ascend beyond Griffiths expectations as Lyons recalls.

Within six months we had dues deductions and we had double the amount of people. He’s the most powerful man in the county and he’s telling us it will never happen in a state where there is no reason to believe it will, and it did, and it’s still happening. Most people don’t even know we’re here for the most part but that will change (Interview 2014).

Thomas said the relationship with Griffith “got better as time progressed,” then after he retired Ed Long became county executive in 2012 and the union had to navigate a less than congenial relationship with him.

When county exec Ed Long came in that relationship totally shifted again, he pretty much did not interact well with the union at all the first few months. Most of what we win now is through our interaction with the board of supervisors not with the county executive (Interview 2014).

David Broder bemoans Ed Long for excluding FCGEU input in employee matters; “he repeatedly tried to go it alone with his own pay plan” despite the objections of FCGEU.

We got a working relationship with the BOS, sometimes it’s good, sometimes it’s not, in politics no permanent enemies or friends. We do not have a working relationship with the county executive. I think many of the Board of Supervisors don’t; that’s a bad model for local government and I think it’s inconsistent with what we’ve had in the past, it’s not tenable and I don’t think you’ll see him last (Interview 2015).

January 2011 began with the union continuing its protests against the health care changes to no avail. As the changes went into effect the union set its sights on pay for performance and market rate adjustments (MRA). Union President Conchar said: “For



the third year in a row, county employees were forced to take on more work without salary increases, while paying more out of pocket cost for health care premiums and co-pays” (FCGEU/SEIU March 2011). A March 1, 2011 article in the *Washington Post* read:

Members of Fairfax County's employee unions have had a less-than-enthusiastic response to County Executive Anthony Griffin's proposal to essentially hold the line on spending in fiscal 2012. Griffin's \$6.1 billion proposed budget does not include salary increases for county employees. County staff pay has been frozen for the past two fiscal years because of budget cuts, and salary increases were limited for a year prior to that.

The national media coverage of Wisconsin workers protesting cuts in pay and benefits influenced discussions about the value and cost of public sector workers and retirees. Throughout the nation and in Fairfax, budget shortfalls pitted citizens wanting to preserve human service funding against citizens opposing tax increases to maintain services.

By March 2011, a Fairfax County coalition of non-profit organizations serving the mentally ill, poor and homeless lobbied the BOS to increase taxes rather than defund social programs. In opposition Arthur Purves, president of the Fairfax County Taxpayers Alliance lobbied for cuts in county spending, which he deemed out of control, particularly the generous salaries, benefits and pensions of county workers. “We have Wisconsin here, even though we don’t have collective bargaining,” Purves told the *Washington Post* (Kunkle March 2011). Echoing the same sentiment, Wayne State University business professor Marick Masters explained the vulnerability of public workers to *The Wall Street Journal*: “there is increasing dissatisfaction with taxes and the image of the public employee and the wages and benefits that they get” (Maher 2011). On the other hand SEIU found the Wisconsin workers “uprising” inspirational and

unveiled a new strategic plan to build a grass-roots movement, called “Fight for a Fair Economy” that could extend beyond union ranks. SEIU President Mary Kay Henry told *Politico*; “the people of Wisconsin stood up in numbers and ways that we’ve never seen before, and it turbocharged our thinking about what was possible” (Smith 2011). SEIU planned a “17 city blitz” using about 1500 SEIU staffers to knock on three million doors throughout the country in hopes of “mobilizing underpaid, underemployed, and unemployed workers” and “channeling anger about jobs into action for positive change,” said Henry (Smith 2011).

### ***5 Years Later***

2011 was a pivotal year in the development of FCGEU. Exactly five years after Karen Conchar signed the first membership card the new union reached 1000 members in February. FCGEU’s vision and organizational structure began to take hold. Four member committees were formed: membership, political, communications, and advocate committees. Determined to “establish county employees/FCGEU as the major political players in Fairfax County,” members got involved in the 2011 BOS elections. All ten BOS were invited to complete FCGEU’s questionnaire and meet with the election committee to gain union endorsement.

After surveying approximately 500 members, the union’s Election Committee drafted a candidate questionnaire, which was sent to all candidates. The questionnaire asked candidates to take a stand on pay raises, protecting pensions, reforming Pay for Performance, providing quality services to county residents, and much more. The Election Committee also interviewed all candidates and researched their stands on the issues. After all this was done, members voted on which candidates to endorse for the County Board and the state Senate (FCGEU/SEIU December 2011).

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## WHERE DO I FIT IN?



Have you been wondering how to get more involved with your union? Or have you looked around at everything that gets done in the union and wondered how that happens?

You know about the Executive Board and the great work they do. But quietly working away behind the scenes are several committees. As 2102 gets started, why not get involved in one that looks interesting?

**The Membership Committee** works hard at growing your union to ensure you have the power in numbers to advocate for improvements and protect your job.

**The Political Committee** works to build strength within Fairfax and in Virginia.

**The Communications Committee** helps to create the newsletters, website and annual report that keep you informed.

**Advocates** work with members to help them successfully resolve workplace issues.

What role do you want to play?

(FCGEU/SEIU January/February 2012)

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21 local and state candidates participated, 15 were endorsed. Being selected meant funding and electoral backing, especially ground canvassing support. Attending the March budget hearings at the Government Center, Karen Conchar and about 40 union members, in their purple/gold shirts, presented their demands before the BOS. Union members advocated for the return of the MRA as a first step toward reforming the pay system, and a raise for county workers. The FCGEU March newsletter read: “*2012 Budget Proposal Shows No Raise: Unless you’re a Contractor.*” The article noted the FY2012 budget allotted \$3.2 million in raises for contractors and \$3.4 million for the new FOCUS (Fairfax County Unified System) software.

As the year progressed new partnerships with community and labor groups were formed. Already connected to VAPCA-Local 5 and Northern Virginia Area Labor Federation, FCGEU formed the SAFE coalition with firefighters,

police, teachers, and sheriffs unions. SEIU announced another local 5 startup in Loudoun

County, a challenging choice given the county's Republican majority Board of Supervisors. Plans began for the three local startups (FCGEU, VAPCA, and Loudoun) to form a statewide local union, SEIU Virginia 512.

By mid-year the union launched a major organizing drive for a 3.5% salary increase that could be paid for with funds from the county carryover budget

(FCGEU/SEIU July/August 2011). "Carryover is the process by which certain unspent or unencumbered funds for commitments to pay for goods and services at the end of one fiscal year are re-appropriated in the next fiscal year" (Carryover Budget Review 2012). Public hearings were held to discuss uses of the carryover budget before the county executive makes recommendations to the BOS who decide the final expenditures. Virginia law prohibits local governments from operating in a deficit (Carryover Budget Review 2012). Thus, in 2011 the BOS closed the current fiscal year ending June 30 and began FY2012 July 1. Union flyers compared Fairfax County's proposed 1.12% wage increase with the higher offerings given unionized Fairfax departments and surrounding counties. FCGEU's action plan involved workers wearing solidarity wrist bands that said "3.5 for all," and attending the carryover budget meeting to press their salary demands.

#### **FCGEU/SEIU**

#### **Union Members Say Yes, 3.5% For ALL!**

##### **2011 Raises Being Awarded**

• FCPS Employees	Average	3.5%
• Fairfax Co. Retirees		3%
• Loudoun Co. Employees		3%
• Prince William Co. Emp.		2%
• Fairfax Co. Employees (You!)		1.12%

Now is the time to reward employees for being consistent and hardworking.

County employees all around us are getting a fair increase, why not general county?

At the hearing, union members asserted the \$17.4 million costs for the 3.5% increase was an affordable and necessary expenditure for overburdened county workers.

Budget planning includes projecting years ahead. The FY2012 carryover review focused on two major issues: “the projected CSB funding shortfall for FY2013” (9.5 million), and expected fiscal challenges in FY2014 including “the looming federal budget showdown” and “revenue projections which continue to reflect very slow growth” (Carryover Budget Review 2012). The Community Services Board (CSB) budget shortfall caught the BOS off guard and garnered calls for fiscal oversight and a stern public rebuke from Chairwoman Bulova: “I also wanted to make it clear that these issues are serious multi-year budget issues. We cannot have this happen again” (Fairfax County.org 2012).

The CSB provides early childhood intervention services for the developmentally delayed and mental health, substance abuse and intellectual disabled services to county residents. CSB executive director George Braunstein (2008-2014) explained to local news outlet *The Connection* that increased demand for services, especially among children with autism and young adults with intellectual disabilities, occurred at the same time county (70% of CSB funding), state, and federal funding was reduced, causing the deficit (Ross 2012). For the first time in CSB history a waiting list of 165 children was started for the program Infant and Toddler Connection. To address the shortfall, the CSB proposed closing treatment centers and reducing services to the disabled. Supervisor Penny Gross (D-Mason) expressed her disapproval of the proposals.

I don't like being in this position because I've generally tried to be very supportive of things at the CSB, but I am really uncomfortable with these recommendations and I'd like to be able to say no because it cuts services. But if I vote no on recommendations, where else do we go? I guess I'm just venting, because I don't have a suggestion of what we need to do. I am extremely unhappy (Ross 2012).

The BOS resolved to conduct an independent audit of the financially troubled CSB and implement “a combination of reductions, redesigns, and consolidations coupled with funding from the Board's Reserve” (Carryover Budget Review 2012). While the BOS considered these “multiyear budget issues,” FCGEU made certain overburdened county workers would also be considered.

By June 2011 the BOS decided to return the Market Rate Adjustment (MRA) to county employee salaries. FCGEU May/June newsletter read: “With this change Fairfax County employees will better be able to stay competitive with employees in neighboring jurisdictions.” In August the FCGEU board testified before a civil service commission against county proposed changes to the Family and Medical Leave Act (FMLA). The changes would allow the county to terminate employees after a medical 12-week absence in certain instances. The Civil Service Commission ruled against the changes. Just as election season was heating up in September, the BOS approved a 2% raise for county workers. Even though county workers did not get the 3.5% given to teachers it was deemed a victory: “we advocated and won the first raises ever in a carryover budget” (FCGEU/SEIU Flyer: September 2011).

Karen Conchar told the *Washington Post* “we're very pleased...these sacrifices have taken a toll on us and our families” in reference to the three years Fairfax workers did not receive raises, and the significant drop in Fairfax wages compared to comparable workers in surrounding counties (Kunkle 2011). At the August membership meeting

Supervisor John Cook (R) from Braddock District spoke to FCGEU members. Cook, an employment attorney endorsed by FCGEU, presented his plan to protect and fund the county retirement system. The plan involved a task force that would include members from all county unions (FCGEU membership minutes August 2011).

As an active 2011 closed, FCGEU new right-to-work model was gaining national and international attention from unionists. LaNoral Thomas and other leaders were in demand for speaking engagements and union leaders were visiting the Fairfax office. A director from Australia's United Voice union met with FCGEU staff and members. Political changes in Australia toward fiscal conservatism produced right-to-work policy that rapidly depleted unions. The high cost of union dues relative to blue-collar wages also contributed to their union decline. The director was seeking strategies and tactics for organizing low-wage workers no longer required to join the union and pay dues.

FCGEU graduated its first group of advocates. Six union members completed the six month certificate program and were ready to work with Member Services to assist with grievances, pay for performance appeals, and a host of employee issues. FCGEU board elections were held for the four Directors and the Vice President; each retained their post. All 15 state and local candidates endorsed by FCGEU were elected; 13 Democrats and 2 Republicans. The year closed with 1200 members.

Chapter six will detail FCGEU efforts to grow membership and union power.

## **Chapter Six**

### **Organizing the Rank and File**

#### ***“FCGEU Power Grows As Part of SEIU VA 512”***

FCGEU joined new start up Loudoun County and VAPCA homecare to become SEIU VA 512. The number 512 was selected to represent Virginia’s start up local 5’s joining together in 2012. FCGEU retained its name and each statewide chapter has its own members, board of directors, constitution and bylaws, and makes its own decisions about member issues. FCGEU President Karen Conchar retired from Fairfax County after 29 years to “devote my full attention” as the first elected Secretary/Treasurer to SEIU VA 512. David Broder became the first statewide president, along with a Vice President (now defunct position) and four board members. LaNoral Thomas became the statewide Organizing Director. Each local chapter has a representative on the statewide board. Paula Woodrum, a Fairfax County employee with Fire and Rescue, replaced Conchar as FCGEU’s 2<sup>nd</sup> President. By this time the small union office was continuously active with staff and union members meeting, training, and planning events. Budget watch meetings, organizing drives, political candidate interviews, social events, and back to school youth drives to raise money for school supplies were among the activities.

2012 began another year of budget cut talks and local recession. Fairfax County hired a new county executive, Ed Long, the retired former director of the Department of



Management and Budget. FCGEU newsletter profiled his 30 years with the county and reported his salary as \$257,282 (FCGEU/SEIU May/June 2012). FCGEU participated in the “Quality Home Care” lobby day at the state capitol in Richmond and the “Jobs Not Cuts” lobby day on Capitol Hill that included meeting with Senator Mark Warner and other legislators. Member interest in lobbying increased as FCGEU prioritized education about the legislative process, and pushed for contributions to the Committee on Political Education (COPE) fund. The COPE fund pays for the expenses of Lobby Day, voter registration, canvassing and other political activities. SEIU VA 512 chapters legally cannot use union dues for political contributions and activities, but can ask members to volunteer to contribute to a separate political fund. SEIU VA 512 chapters are not financially independent; each receives financial support from SEIU international.

This political advocacy is not free, and we do not use union dues to pay for political work...FCGEU has used this money to talk to members about politics, to get members out on doors and phones supporting pro-working family Board of Supervisor candidates, and to push for political victories, such as the recent pay increases (FCGEU/SEIU May/June 2012).

After January lobbying, FCGEU spends February-May focused on the county budget, attending budget committee meetings and county budget hearings. The goals remained the same: funding the market rate adjustment (MRA), not cutting services and jobs, and the still unresolved pay plan. Raises were garnered; 2.18 percent MRA in July and 2.5 percent pay for performance (PFP) in January 2013.

In 2012, SEIU VA 512 hired its first communications organizer, Jessica Oxley, to “help brand the new statewide,” and help members understand “what it means to be in two unions.” Jess Oxley, a single 29-year-old white woman raised in Bloomington, Indiana, “knew very little about unions other than I thought they were good innately,”

before joining SEIU's Organizing in Training (OIT) program in 2011. Oxley has a BS in Journalism from Ball State University and completed two years of graduate school before moving to Washington D.C. to work with AmeriCorps VISTA, a program to alleviate poverty. She created and managed a website for Neighborhood Works America.

AmeriCorps workers can earn a small stipend and get student loan relief; "they pay you poverty wages so you get the same experience of the people you are helping," said Oxley.

After surviving for more than a year on the small stipend and food stamps, she thought it would be "challenging and fun" to join her boyfriend, an SEIU organizer. Beginning as an organizer in training she traveled extensively, living in hotels, and working the "fight for fair economy" campaigns in hospitals and nursing homes before joining SEIU VA

512.

This felt completely different, everything else I'd done was through NLRB. Even if open shop, it was places where they were going to get a contract, they were having an official NLRB vote to decide if they were going to form a union and the employer would ultimately have to go to contract negotiations with them... you have a vote, now you have a union, you're done with organizing, and then you just manage the union you have. Here it is not like that at all, you're always asking new people to join your union, and you're always trying to maintain the benefits, and the different workplace issues of the people who are already in your union (Interview 2015).

When Oxley started, communication was "very limited;" e-mails, newsletters, annual reports were inconsistent. Homecare relied primarily on event flyers and the international was still printing FCGEU's newsletters.

Something we still struggle with is how we make this thing which is really relevant to our county employees relevant to the rest of the local, or how do we make things that are relevant to the homecare providers feel relevant to the rest of the local. So that's a challenge, but every time we face it we get better at it. Let's say Medicaid expansion, the whole unit of FCGEU doesn't care about Medicaid expansion but our family services, our CSB workers care about Medicaid expansion and they would see a real difference if it passed. So it's about letting everybody on the surface know about what we're doing but honing in on the parts of the chapter that really care about it, and trying to engage those folks in it so that they can see that we are collaborative (Interview 2015).

The primary goal was to improve internal chapter and statewide communication by distributing routine correspondence that included: newsletters, emails, posters, member feedback surveys, union voting ballots, legislative flyers, and mailings citing union success; most correspondence included a membership card. Promotional items such as flyers, stickers, and buttons highlighted the “3.5 for All,” “Invest in Fairfax” and “Grow by One” campaigns. Communication was intended to have broad reach to members and non-members, with the focus on member stories that move others to join and actively participate in the union. They also wanted to “create conversations” by increasing text messaging and Facebook dialogue that allows members to interact with union content. Twitter was used sparingly as FCGEU members are “mostly older folks,” who along with younger members seem to prefer Facebook, although that could change if members request more twitter engagement. External communication to news outlets was “deprioritized” since “the general attitude of reporters about labor issues is pretty low. You have to have a really good interesting story to pitch for anybody to bite and that’s so rare so we don’t spend a lot of time on that” (Interview 2015). FCGEU prioritized external communication to coalition groups via the various modes listed above to “influence the language they use in their legislative priority to reflect the same things we ask for in our legislative priority.” While Oxley notes the importance of disseminating union materials, she maintains “my general principle is that literature or communications don’t organize people, organizers organize people. I believe all things I do are supplementing organizing” (Interview 2015).

The year closed with FCGEU celebrating the reelection of President Obama. Now with 1400 members, FCGEU continued to grow, albeit at a slower rate, despite declining union rates nationally.

“Share of the Work Force in a Union Falls to a 97-Year Low, 11.3%”  
(*New York Times* headline January 2013)

At the start of 2013, county workers received the 2.5% PFP raise just in time to offset the return of the 2% payroll tax holiday enacted in 2010 by the Obama administration as a short term measure to help working class Americans during the recession. The increase in health insurance and other taxes left Fairfax County workers with small reductions in pay despite the wage increase. As FCGEU urged county workers to join union ranks, the Bureau of Labor Statistics reported union membership fell by 440,000 in 2012 despite a national gain of 2.4 million jobs (BLS 2012). The decline was attributed to familiar occurrences: new right-to-work laws restricting union power in Wisconsin and other states that reduced union strength in local government; continued movement of manufacturing jobs to non-union areas, and failure to unionize the large segment of workers in the service industry (Greenhouse 2013).

The Virginia legislature began the year with redistricting legislation that was opposed by Democrats and some Republicans. Excerpts of a protest letter sent to Governor McDonnell (R) from an SEIU homecare worker read: “While one Democratic legislator was traveling to Washington, D.C. for President Obama’s second inauguration, Republicans in the Senate rammed through legislation to redraw Senate districts and make them more favorable to Republicans... our legislators here in Virginia used a

disgusting partisan power grab to try to disadvantage thousands of voters for years to come” (SEIU VA 512 February 2013). Union members were urged to send letters to the governor to veto the bill. The legislation did not pass.

County Executive Ed Long proposed an overhaul of the "financially unsustainable" payroll system that cost the county \$50 million in pay raises in 2012. Called STRIVE (Sustainable Training Resources and Incentives for Valued Employees), STRIVE proposed cost-of-living pay increases in odd-numbered years and performance-based raises in even-numbered years, both capped at 2%. Ed Long pitched the plan as an annual \$30 million savings (FCGEU/SEIU Flyer February 2013). FCGEU and SAFE coalition partners vigorously opposed STRIVE and spent most of 2013 lobbying against it.

The SAFE Coalition was concerned that this policy was developed behind closed doors with no input from front-line employees. After meeting with Mr. Long and Chairman Sharon Bulova, we were further concerned that the new policy would cut promised raises in half, did not actually guarantee any raises, and would ultimately lead to high turnover and diminished services for Fairfax families (SEIU VA 512 January 2013).

For the first time FCGEU Flyers displayed public shaming as a tactic to criticize the county executive. Each flyer displayed a picture of Ed Long, a husky middle-aged white man, sitting at a desk with one of the following bold captions:

**Ed Long got a 24% raise when he returned to the County in 2012 \$0 for YOU**

**Ed Long’s Fairfax: taking \$7M from your healthcare trust to pay for FOCUS \$0 for YOU**

**Ed Long’s Fairfax: \$74 million for FOCUS \$0 for YOU**

Beneath the caption was the question, “who’s on your side? The SEIU VA 512 logo and motto “a real voice for quality services” was displayed in response to the

question. More than 100 coalition members attended the public budget hearing to protest the plan (FCGEU/SEIU April 2013).

As Northern Virginia braced for sequestration spending cuts, the union sent a lobby team to Richmond to advocate for Medicaid expansion under the Affordable Care Act. SEIU homecare worker, union member and organizing volunteer Jewel Royal-Farley was among those featured in a *Richmond Times-Dispatch* article about Virginia's uninsured and the need for Medicaid expansion. Farley lost her nursing home job and health insurance when she suffered a chronic neck injury after lifting a bedridden patient. Surgery, long hospitalizations and follow up treatment left her in debt and without the proper care (Martz 2013).

I got hurt on the job, and rather than they take responsibility they fired me, they did not pay any of my medical bills. The medical treatment that they offered was not thorough enough so I was fired with a bunch of medical bills (Interview 2015).

Jewel Farley was among the estimated 400,000 uninsured Virginians that would qualify for health insurance if Virginia expanded its Medicaid program. "Without health care insurance, it's hard to take care of my own health...I need to stay healthy to work" said Farley, who expressed a common issue among homecare workers tasked with the care of others while not receiving proper care for themselves (Martz 2013). After recuperating from her injuries, Farley gained full time employment with FCGEU as a union organizer; and she was interviewed for this study.

In May 2013 the Deputy Sheriffs of Fairfax County became the fourth statewide local to form SEIU VA 512. An established local since 1994, 30% of the workforce was unionized when they left the International Union of Police Associations to join SEIU:

134 transferred membership, 13 did not. “We were a self-service local paying capital taxes to the international without getting services,” explained President Kevin Pittman (2015). “We were looking for something different, more than playing softball and drinking beer... anytime the union started growing, they would push back and try to stop it... we need real political power, we need real services for our members.” There were “concerns with having an affiliation with a progressive organization, I lead a local of some of the most conservative people on the planet,” said Pittman, who once held conservative views about unions.

I was very much a conservative thinker when I was younger, so obviously conservative press media have negative view of unions, that unions were overindulgent if you will, unions were the cause of the manufacturing base to leave the country, unions were causing manufacturing to be uncompetitive in the global marketplace, things you here today (Interview 2015).

Unable to meet their demands for pay increases the Deputy-Sheriffs hope SEIU’s organizing approach can increase membership and political power that will win a merit scale adjustment to their pay plan. “2001 is the last time the Sheriff’s scale adjusted, we went from one of the highest paid public safety in the county to the lowest...we don’t have political power that is the sole reason, said Pittman (Interview 2015).

Members from the four locals attended the annual statewide “Call to Action” weekend retreat at Virginia Beach. It was an opportunity for SEIU VA 512 members and their families to meet, discuss issues, exchange ideas, and create action plans. A monthly statewide conference call also connected chapter members to discuss local and statewide issues. Member Services Director Dave Lyons described SEIU VA 512:

We have a union today, probably the most eclectic state union I know, law enforcement officers, poor homecare workers in the same tent, we have county employees in Loudoun and Fairfax that are very different, but they all have a common interest, and that is the way this movement should be (Interview 2014).

FCGEU campaigned in statewide elections in 2013, endorsing union member Richard Cebellos (D) in District 50 of Prince William County in hopes of turning a Republican seat. Even though the majority of the endorsements by *The Washington Post's* editorial board (2013) were Democrats, they endorsed Cabellos' opponent, Jackson Miller, a former Prince William County police officer and Manassas city council member with "deep roots in the district." Although the *Post* did not find "credible" Miller's claim that higher taxes would disadvantage the district, he was deemed "a better choice than Democrat Richard Cabellos who only moved to the county three years ago," and thus was "unlikely to represent it effectively" (*Washington Post* October 2013). Miller retained his seat.

FCGEU successfully helped to elect union member Stacey Kincaid, the first female Sheriff of Fairfax County and Governor Terry McAuliffe, Lt. Governor Ralph Northam, and Attorney General Mark Herring, all Democrats. SEIU VA 512 Secretary Karen Conchar was appointed to the Governor-elect transition team.

Fairfax County employees received a \$500 bonus instead of a raise from the carryover budget as cuts continued with 83 county positions eliminated through attrition. Pay increases were not slotted for FY2014. FCGEU President Woodrum described 2013 as "very challenging" (FCGEU/SEIU December 2013).

The year closed with 1500 members, a slight increase over 2014; FCGEU newsletters no longer boasted membership totals. Membership growth slowed for various



reasons: fewer workers were joining, members left the county, and many departments had not been approached with correspondence or by organizers now focused on growing membership and leadership in unionized departments. Union staff cited some of the challenges were fewer organizers and the demands on a small staff transitioning to a statewide local. LaNoral Thomas explained that an important benchmark to union success is continued membership growth despite the drop ratio.

Our drop ratio is really low and so that is a huge success, on any given year our drops are about 50-75 people and the vast majority of those are people who retire or quit the county. So that is one of the major ways we measure success, if people are joining and staying in the union which is key in a right-to-work state, that means people are choosing to be here (Interview 2014).

### ***Growing Membership***

Our biggest obstacles is being so tiny and small, the best thing we can do is grow to 10,000.  
Jess Oxley

In union shop states the union has the ability to grow quickly, when the majority of employees vote to unionize, the election is won and all workers are members or paying union fees to support collective bargaining. Even in RTW states, where workers do not have to join or pay union fees, homogeneous groups like firefighters have an established union culture and public support to ensure maintaining union rolls. LaNoral Thomas (2014) described the culture of Fairfax firefighters: “it is inbred in them to join their union, their density is like 98% membership and literally when they go through the academy a union rep, meaning one of their coworkers comes out and says ‘we have a union, here’s the card, join.’” FCGEU President Joe Wilhelm (2014) notes the challenge of organizing a heterogeneous workforce.

The difference in our union is we represent so many wide varieties of different people in different job careers so what's important to one union member might not be important to others, whereas in the other unions public safety and stuff there is a common goal, it's harder to unite us around a common goal because there are so many significant differences. Our members are Democrats, Republicans, and Independents, it's not a straight down the party line, we try to look at what is the best interest of everybody. I'm sure we don't make everybody happy, we're trying to represent the majority of our members.

Right-to-work public sector unionism has distinct challenges, it requires not only getting workers to sign a membership card but also developing a culture of active members and leaders; this is especially challenging when mobilizing a diverse group of workers like general county employees. Union power and success is largely determined by the amount of union members pursuing direct actions to achieve goals, "you have to have a certain percentage of people in your union saying here are the things we want" explains Thomas.

When Fairfax members say they want to win a pay plan, we say what percentage of Fairfax county employees want a pay plan, well everybody wants one, well everybody is not in the union. So when we go to the Board of Supervisors or when we go before Ed Long and say county employees want a pay plan, Ed Long has actually been quoted as saying I represent whatever percentage of people aren't in the union, those people say they don't want this, and so we always say that back to employees who say 'I don't need to join the union, I don't want to join the union.' By not joining the union you're saying you are aligned with management and their plan (Interview 2014).

Essential to member growth is the union organizer.

### ***SEIU Organizers***

In Virginia there is a lot of mistreatment of people, and I wanted to be one of the ones to help empower people so they won't feel like their standing alone.

Jewel Farley

In 2014-2015 FCGEU was fully staffed with a total of ten paid employees located at the Fairfax office; all were interviewed for this project. As noted management staff includes SEIU VA 512 President David Broder, Secretary-Treasurer Karen Conchar,

Organizing Director LaNoral Thomas and Member Services Director David Lyons who oversee operations at FCGEU and the other three locals comprising SEIU VA 512.

FCGEU had three paid SEIU field organizers: senior organizer Kevin Jones, Jewel Royal-Farley and Bart Hutchins. They were assisted by SEIU VA 512 staff: Jess Oxley, communications organizer, Mike Lawrence, data base administrator, and Theodora Stringham, Member Services advocate/attorney. Also interviewed was organizer Jessica Brown who organized workers in FCGEU, Homecare, and Loudoun County.

“It is very difficult to recruit staff” says Thomas. Virginia is not a union state, thus organizers do not look for jobs in Virginia. Labor organizers are recruited in a variety of ways, including the OIT program, employee internet sites, political campaigns, community organizations or membership. Qualifications are not necessarily specific to education and experience as emphasis is placed on motivation to learn the craft and sustained passion to tolerate long hours and slow results. FCGEU organizers do not work for the county; they are “outsiders,” tasked with daily face to face contact with county workers, often for the first time, to convince them to join an organization that will directly challenge the decisions of their employer. After workers are recruited, the union organizer is responsible to educate, train, and supervise them during all phases of union activities; all while keeping “distance to allow the development to take place,” says Kevin Jones.

In labor organizing you are just allowing all these people with different gifts, skills, and talents to step forward and take charge of their own organization and movement... For years because there was no classification for us, because a statewide union didn't exist, I could never say to someone our union because I'm not a member of their union, it's your union (Interview 2015).

Senior organizer Kevin Jones was tasked with organizing workers in Facilities Management, then Housing and Human Services on the Southside of the county. Daniel “Bart” Hutchins joined the campaign in November 2013 and was first sent to organize Fairfax libraries before he branched out to organize several departments at the Government Center: Department of Tax Administration (DTA), Department of Vehicle Services (DVS), the mailroom, and the print shop. Hutchins, 24, is a single white male from Jacksonville, Florida with a BA degree in Religion/Philosophy and experience as a political organizer with the Obama and McAuliffe campaigns. He crossed paths with David Broder during the McAuliffe campaign. When the campaign ended he contacted Broder about an opening at FCGEU. This is his first experience with organized labor; “I knew very little about labor coming to work here, I knew how to organize.” Hutchins was not raised in a union household; he learned of his parent’s views on unions after he started working with FCGEU.

My mother was a police officer for a long time, come to find out she was very involved with her union; she was Secretary Treasurer of the union. As a police officer, as a Lieutenant for the dispatch she ran the call center. She is back in that work now that all of her kids are grown and out of the house and she is in charge of the dispatch center for the police that run the schools in Jacksonville, Florida. So they are their own entity outside of the police, no union, doing the same job, making less money now than she did in the 90’s. My work means a lot to her, my dad hates it; he’s a tea party right wing psychopath, so he thinks I’m trying to bring communism to America (Interview 2014).

Jewel Farley began organizing workers in Neighborhood and Community Services and Parks and Recreation in 2014. Farley is a 53-year-old African American woman, married with three adult children. She started as a member volunteer with VAPCA in 2006 when she was a homecare provider. Farley grew up in Richmond and Newport News, received a GED and completed Certified Nursing Assistant and

Medication and X-Ray technician programs. This is her first union job and she finds the work challenging and rewarding. “I love the fact that we are empowering people. People ask questions all day long, and to be able to answer their questions and have them breathe a sigh of relief, it’s the best feeling” (Interview 2014).

Data base administrator Mike Lawrence assists the organizers. “I created and maintain the overall database that keeps track of our membership and their contact information as well as targets for future membership and their assessments” (Interview 2015). Lawrence is a 24-year-old single white male born in D.C., and raised in Alexandria where he completed TC Williams High School before graduating from Michigan State with a BA in political science. “My parents were not union workers but my grandparents were, both my grandfathers in the port with naval shipyards in Maine for their entire lives. My dad’s dad was able to put four sons in college” (Interview 2015). After leaving college Lawrence worked on the Organizing for America 2012 presidential campaign in Florida where he met Bart Hutchins. From there he moved to New York to work on city council “get out the vote” campaigns followed by a stint with Business Labor Coalition of New York (Balcony) where he encountered his first union experience.

This was around the time De Blasio got elected as mayor; a big thing he was pushing was his affordable housing plan. I lived there but couldn’t afford it, so affordable housing was a big issue for me....one of the big events we were working on was a forum of business leaders and labor leaders to come and discuss a proposal: attendance 150 people, 32BJ was there, AFL-CIO, business leaders, many contractors tasked with building these new affordable housing units came to speak. It was really interesting seeing the dynamics between business and labor. That was my first introduction to unions, and I saw how they can make a big difference (Interview 2015).

Unable to afford New York's cost of living, Lawrence leaped at the opportunity to return home when his friend Bart Hutchins contacted him about the job opening at SEIU VA 512; he arrived in Fairfax in August 2014.

The three FCGEU organizers have the daunting assignment of organizing roughly 8500 general county workers in 39 departments spread over 406 square miles of choking traffic. Travel by car from the main Government Center complex where numerous department offices are housed, and where the Board of Supervisors meet and budget hearings are held, to the South County Center offices could take 45 minutes to 1.5 hours or more depending on the time of day, weather, accidents, anything, as it does not take much to slow the congested roads of Fairfax. To mobilize workers by department could take an organizer all around the county. The Department of Vehicle Services, that services and maintains all county vehicles, has administrative offices at the Government Center and four garage locations that Hutchins has to navigate to organize the office staff and the mechanics. "We have 3 organizers and we don't even know where all the places are, they are so spread out" said Hutchins (Interview 2015).

Initially, the strategy was to work department by department, as it is an efficient way to organize, develop and maintain contacts, address local issues, and build a leadership base. Yet Kevin Jones soon realized he had to modify this approach: "the reality is that people very quickly realized that whatever models and conventions were employed, they would have to be tossed out."

In terms of the need for us to keep growing and keep moving forward, for me it wasn't that the department model limited me or I found it too confining or constricting, but why am I going to the Housing Department in South County building without stopping to talk to the Family Services on the 4th floor, the CSB people on the 1st and 3rd floor. By working in these areas we begin to pick up and listen to employees talk about what is important, and looking at the types of populations

that are typically receptive I begin to make decisions myself, so I began to target people intentionally (Interview 2014).

By 2014, Kevin Jones was a five-year veteran of the campaign and was promoted to senior organizer; he supervises and mentors Hutchins and Farley, both new at labor organizing. Jones explains that the job of the organizer is “to ask who you know who shares your values, who want to stand with you to build a union.” He finds wherever that referral person is in the county to get each member to sign a card and to build a phone and address list that is crucial to grassroots organizing. When no phone list or referral names exist he gained access by simply going to the worksite, sometimes as early as 5am or as late as 9pm to meet workers before or after shifts. He introduces himself, engages workers that are available and asks to attend their staff meeting to discuss the new union. Some employees were more receptive than others.

I’ve been cussed at, I’ve had bosses try to throw me out, and I’ve had a couple guys try to pick me up and walk me to the door. I’ve had campaigns run against me: oh this guy is from outside he doesn’t know anything; he’s not even a county worker (Interview 2014).

All of the organizers reported confronting anti-union sentiment that ranged from general disapproval of SEIU, to opposition to paying union dues, to fear of employer reprisals: “I don’t like SEIU, I just think SEIU gets involved with things they should not get involved with; “what are you going to do with those dues? “I don’t have \$10 to give away, “I’m a Republican, I don’t like SEIU’s politics” (Hutchins Interview 2014; Jones Interview 2014; Farley Interview 2015; Brown Interview 2015).

Bart Hutchins:

I have 10-20 one on one conversations like this every single day, at least twice a day I hear well can't they fire you if you join a union, I won't get promoted if I join the union, even the petty stuff like we should all get along, we shouldn't fight against the boss, we should all just talk it out which is a coded anti-union sentiment which says I don't deserve to have power, they're looking out for my best interest which isn't true, the fear is the biggest one (Interview 2014).

Jewel Farley:

Some have been here so long and people are used to getting stepped on, they have to trust you, you have to earn their trust, develop rapport, sometimes I don't have that kind of time so they can join a union to help themselves, you end up going back and forth. But, when that one person joins that was anti-union, it's like I did it (Interview 2015).

After several months of visits to a work site to develop rapport with the staff, Kevin Jones was invited to a staff meeting at a mental health site to discuss the union. Jones spoke to nine employees about "the union difference." He asked the group of mental health counselors what workplace issues are important to them. Workers stated concerns about pay freezes, promotions, trainings, health care costs, and management's failure to listen to proposals about client care and workplace issues. Jones told the workers "this union came together to give voice to workers who have never had a voice." He said that they did not get raises for three years not just because of the economic recession, but also county mismanagement of funds and the failure to include workers in decisions about the use of county funds. He talked about the impact of pay freezes on pensions and the rising cost of health care. Jones cited union goals to fight for a fair pay plan and against rising health care costs. He said the union presented cost saving ideas to prevent reduction in force (RIFS or lay-offs), and encouraged workers to be "proactive problem solvers" together through unionization. "If you believe as we believe, stand with



us and become a member, as Frederick Douglass said ‘power concedes nothing without struggle’ your voice with ours, problems have to be solved by the people experiencing them, all politics are local, we are a part of the county and we’re here to stay.” Jones informed them that union dues would be \$10 pay check through payroll deduction. He passed out union cards and workers signed up, received their packet of union information including discounts at local merchants, union newsletters, stickers, pens, and the promise of a t-shirt to come. That was an easy day in the field.

FCGEU has experienced high turnover, eleven SEIU organizers in six years resigned for various reasons, as organizer retention has been a challenge. Jones explains the turnover:

They came here and they did the job and for whatever reason couldn’t cut it, some cases people reassigned, one very successful was reassigned, two of them, but for the most part what determines success is more about your temperament than anything else. I’ve seen people with great computer skills, public speaking skills, data analysis skills, people with loads of personality, people who took notes on paper had trouble spelling, people really shy, but I think the people that were successful shared this temperament, this ability to deal with this really pressured field, stressful type environment, and to balance that with how you do the work: compartmentalize, sometimes you see the long view and think it’s going to work itself out, they can process and keep going (Interview 2014).

Bart Hutchins: “It’s emotionally draining.”

Having 10-15 conversations a day and being measured and purposeful in agitation nonstop is exhausting, really tiring, throw that in with the long hours... That’s why Minnesota was so significant for me. I was organizing in trailer parks and when I was a kid I was in one so I saw a kid out there who looked just like me and I knew I was helping his mom fight for a better wage so that’s good. The negative, the flip side, is it is widely exhausting work and it is thankless and underpaying and it wreaks havoc on you as an individual (Interview 2014).

Jessica Brown, a single 38-year-old white woman raised in Medina, Ohio, is a licensed teacher with a BA in English from Wellesley College in Massachusetts and an MA from Colombia University Teachers College in New York. After teaching in New

York public schools for five years, Brown returned to Ohio in 2008. Unable to find teaching jobs during the recession, she decided to work on the Obama campaign and a few local campaigns. She enjoyed political organizing and per her mother's suggestion applied to SEIU's OIT program requesting the DMV area where her brother resides. Brown joined SEIU in July 2010 and has since worked in the public sector and homecare chapters. Jess Brown was not raised in a union household; she learned about unions as a member of the teachers union in New York where it was "frowned upon" to not attend meetings.

I was in the teachers union in NYC and I found them extremely effective, very powerful and a force for good... I earned my permanent teaching certificate and \$10,200 in bonuses for getting good ratings in low income schools...they basically tell you the union dues are \$30 per pay period, you don't have a choice, but believe me you want to be in the union, they negotiated this great contract for you, you wouldn't have this contract unless you were in the union so there's no reason to not be in it (Interview 2015).

Even though she has experienced the rigors and ups and downs of union work with SEIU VA 512 she is not burned out: "I feel more connected with who I really am, it resonates with the essence of who I am, what I'm doing now, I never experienced that as a teacher, as a teacher I experienced drift" (Interview 2015).

The job of union organizer is demanding, challenging and tiresome, it is filled with rejection and off putting suspicion, it requires assertiveness and resilience and often yields little regard and status. The union organizer is the direct service staff, the lowest ranked employee, yet perhaps the most vital to the progress of the union as they are charged with meeting membership growth expectations. Union organizer is a "justice job." Sociologist Daisy Rooks explains the three characteristics of a justice job: "workers are motivated by a basic commitment to helping others, the work is quite stressful and

emotionally draining, and workers often receive low salaries, limited training, and have limited opportunity for promotion” (Rooks 2004).

All of the organizers expressed a similar sentiment of compassion for struggling workers and a commitment to help change circumstances for workers and their families through unionization. Each claimed their salary was inadequate for the cost of living in the area, particularly if single and without a second income to share living expenses. Organizers use their personal vehicles; Kevin Jones’ small Toyota Echo, filled with union paraphernalia and an assortment of debris, posted over 330,000 miles by 2015, “it’s just going to take one more bump in the road for it to completely fall apart, I just don’t want a car payment (Interview 2015).

SEIU organizer salaries ranged from \$34,000-\$45,000 not including mileage and expenses that could increase annual income by several thousand dollars. They received a 1.4 % cost of living increase (COLA) in 2014-2015. In 2014, the median household income in Fairfax County was \$110,700; only 10 percent of Fairfax residents had income between \$25,000 -\$49,999 (Fairfax County 2016). Thus SEIU organizers are among the lowest paid workers in the county. Salary increases are determined by a “pay structure,” based on length of employment and skill development, from organizer 1 up to organizer 3, and senior organizer. Bart Hutchins claims “there isn’t a clear path” for promotion: “can you check off these boxes that you can do this: can you host a meeting, can you have a good organizing conversation, can you engage members in politics, can you sign up new members” are some of the skills sets examined for advancement (Hutchins 2014).

The consensus among the organizers was benefits are “very good” and to some degree compensated for the low pay. Benefits include mileage and travel expenses, sick and vacation pay, cost free health insurance, and 100% employer paid pension after three years of service. For Mike Lawrence his \$34,000 starting salary is “the best I’ve ever done.”

Bart Hutchins:

So the normal organizer starts at \$34,000. I have significant organizing background so I started at a whopping \$36,000 then I jumped to 39,000 after 6 months... my insurance is phenomenal, and I get good gas reimbursement, I get a car allowance that pays for things like oil changes and routine maintenance, the benefits outweigh the fact that the salary is below average for this area.

Jess Oxley:

The Washington D.C. metro area is a very expensive place to live. If I were in a different position than living in a one bedroom apartment with my fiancé I would struggle to get by.

Jessica Brown:

It’s good that we have good benefits and we don’t pay a premium for health insurance so that helps in terms of more take home pay. I love what I do and I consider that to be part of my pay check, it is very much in line with my values so I feel very good about what I’m doing. But sometimes I wonder if I’m harming myself in the long run because I’m not able to put as much in a 401K as other people my age, and I live in an apartment I don’t live in a house. With the amount of work that we all do we are probably underpaid.

In 2013 SEIU organizers formed their own union, referred to as the “staff union.”

All chapter organizers and union staff not part of senior management or in a position to hire or fire can join. Staff unions are fairly common according to Jess Oxley, who served as president. Oxley and other union reps meet with the management team monthly to discuss concerns that amount to: “a lot of financial issues and a lot of relationship issues, like how we work better kind of stuff” said Oxley. The staff union has not campaigned

for salary increases, but negotiated improvements to the car allowance allotment. “It’s challenging to ask for more money when we know the budget realities is we are not self-sustaining and the international is in crisis,” a reference to recent losses of fair share dues in new right-to-work states. During a time when the union is growing at a fast pace, mostly the staff union is seeking “to be heard,” explained Oxley: “lots of new decisions were being made and it was important we thought for the bottom line staff to be involved in those decision making processes” (Interview 2015).

FCGEU organizers can work upwards of 60 hours week to meet the daily demands of face to face organizing and campaign activities.

Jewel Farley:

Sometimes I can come 6am and leave 6 or 7 at night, sometimes I can come on the weekend, you may get home lie down 4 to 5 hours and you’re up again in the morning.

Jessica Brown:

Our day begins at 9am and we have a phone conference at 8pm which usually ends about 8:15-8:20 pm, so our day goes from 9am-8:15pm. Those are long days and it’s hard to give up your evenings because I like to participate in other activities like Fairfax County Democratic Committee and Toastmasters and I’m working on diversity day in Loudoun... I wanted to see this author Gretchen Reuben do a book talk on her new book on habits.....I had to take a personal day to go to the book talk at 7pm at night and that’s crazy.

LaNoral Thomas: I probably work 60-70 hour’s week, give or take.

Organizers are expected to sign up one new member daily, or 5 weekly, at least 20-25 monthly; a goal none of the organizers have met consistently. Each organizer stated they received basic training to conduct duties that also require a reasonable amount of self-directed learning. Union trainings teach organizers how to lead organizing

conversations and run a membership meeting or teach an engaging union 101. Jewel Farley and Jessica Brown joined toastmasters to improve their public speaking skills. When Kevin Jones joined FCGEU in 2009 he noted SEIU trainings were more suited to union contract models not right-to-work organizing: “So our case is so special, I would go to all these trainings and there would be nothing, I would say you guys have anything on right-to-work or SEIU trainings and they would say you wait until the end and we will talk, nothing” (Interview 2014). Organizers leaned heavily on field practice which sometimes meant asking workers hesitant to join to wear a “3.5 for All” armband or “Invest in Fairfax” button with the hope that the smaller action moves them a step closer to unionization.

Even though FCGEU secured an access policy allowing organizers to meet in breakrooms with workers during breaks and lunch hour, ease or difficulty depends on the worksite. Access to members working different shifts or in exclusive workplaces can be challenging. This requires the flexibility to meet workers anytime between 5am-9pm, and supervisors who are receptive to union presence. Developing worksite leaders helps organizers coordinate services and is vital to union growth.

Chapter seven will discuss the development of rank-and-file leadership and the challenges and rewards member leaders confront.

## **Chapter Seven**

### **Leadership**

2014 began with 100 members attending the annual January “Lobby Day and Dinner” in Richmond for two days of political advocacy for “Quality Services and Quality Jobs.” It was an opportunity to meet with the newly elected officials they endorsed, including Governor McAuliffe. McAuliffe’s election was particularly significant for the homecare chapter; his influence assisted with homecare unionization and increased wages. In February, Joseph Wilhelm was elected FCGEU’s third President. Senator Dave Marsden, a long-time ally of FCGEU co-sponsored bills to increase the minimum wage to \$8.25/hour on July 1, 2014 and to \$9.25/hour on July 1, 2015; the bills passed the Senate but failed in the House (SEIU VA 512 2014). Coalition rallies and strategic planning with teachers, librarians, law enforcement, fire fighters, clergy, healthcare providers and other community advocates highlighted the year. While continuing to focus on local electoral politics, FCGEU joined national social movements to rally for Medicaid Expansion, \$15 minimum wage and voting rights.

FCGEU joined organizers from across the country for the SEIU homecare “blitz” in Minnesota on behalf of 27,000 homecare workers who filed for an NLRB union election. Despite legal challenges attempting to halt the vote, homecare providers voted by a 60 percent majority to form an SEIU union and begin bargaining for better training,

wages and benefits with the state. The Minnesota *Star Tribune* called the vote “historic,” and “one of Minnesota's largest labor organizing efforts since the Depression” (Simons 2014).

A pay plan for Fairfax County workers was still the primary pursuit, along with membership growth, which became an important campaign issue during SEIU VA 512’s election for president. It was David Broder’s first contested election. His opponent, a FCGEU member with a teaching background campaigned on “developing our membership,” with “workshops, seminars, and individual training.” Candidate platforms were presented in union newsletters and at union events. David Broder won reelection to another 3 year term as statewide president. A sign of growing interest in FCGEU is member involvement in leadership positions, it also signaled impatience with the pace of membership growth and critique of leadership. During the early years, board elections more often were won by acclamation; by 2014 elections became more competitive. Members waged campaigns by mounting posters at worksites and talking to co-workers. On one occasion, a close election resulted in squabbles over securing and counting ballots that resulted in a change in election procedures. Even though FCGEU’s membership was growing at a slower rate, a core group of committed and passionate county workers developed as leaders.

### ***FCGEU Executive Board of Directors***

My vision was that everybody should be treated equally and fairly; that was my goal, to make upper management understand that people need to be treated equally and fairly, not unfairly because you dislike them, but equally across the board in the workplace.

Director Kirk Cleveland



The FCGEU Executive Board of Directors consists of 7 county employees that volunteer to hold elected office for two years to represent the membership. The officers consist of a President, Vice President, Secretary, and four Directors. Six board members were interviewed for this project along with five active union members. A member is deemed active if they attend meetings and events regularly and participate on at least one committee. Among the general duties of the executive board is to represent membership interests by presiding at union meetings and events. Directors also inform co-workers of union activities, answer inquiry about FCGEU, and actively recruit new members. The president supervises the board, ensures constitution and bylaw protocol is followed, and appoints committee members. The Secretary manages union documents and records.

FCGEU membership meetings are held monthly during lunch from noon-1pm at alternating worksites, either at the northern Government Center or the South County Center. Lunch is served, usually sandwiches, salad, fruit and beverages. The executive board is seated at the front of the meeting along with FCGEU organizers and directors. Attendance varies depending on site and issue at hand, typically between 25-50 members with the smaller number being the norm. Director Tammie Wondong attributes the fluctuation in attendance at South County to the varied schedules of shift workers but also to purposeful schedule changes by management to thwart union participation. "At one point we had a nice turnout, then Fairfax strategy broke our movement up...everybody was going to lunch 12-1pm, we had one hundred people showing up to the meeting, then they staggered the lunch hours 11:30-12:30, 12:30-1:30 to keep them from getting into this union" (Interview 2014).

The meeting agenda usually covers membership applications in which the name of each new member is read aloud and a motion is passed to approve membership. Meetings focus on the county budget, beginning with the county executive's budget recommendations in February until the budget is adopted in April. May-November is election season, members decide which candidates to endorse and the volunteer efforts required to win elections. In addition, there is a wide range of meeting topics that include: statewide events, action plans, membership growth, community engagement, member services, union elections and bylaw revisions. Question and answer open discussion is standard fare. Members are encouraged to join committees, participate in union trainings, canvas during elections, phone bank, and contribute to the political fund COPE. On occasion the agenda could be a "lunch and learn meeting" that instructs on such topics as Medicaid expansion. Generally, meetings were calm exchanges of information, not the raucous dialogue Jess Brown recalls of teacher union meetings in New York City.

FCGEU President Joe Wilhelm is a 52-year-old white man, married with three adult children and grandchildren. He was raised in Virginia where he graduated Woodbridge high school before attending two years of trade school to become a certified facility manager. He began working for Fairfax County as a Carpenter 1 in 1994 and is currently a project manager with the Department of Facilities Management. Wilhelm manages workers contracted through the county to work on "capital renewal projects" such as replacing roofs, windows, and HVAC unit. Wilhelm's first union experience, at age 22, with the Carpenters Joiners Union in Forestville, Maryland, left him with a poor impression of unions when he was laid off. He was reluctant to join FCGEU and was

asked many times before relenting, eventually convinced by his co-worker, the first FCGEU Vice President.

I thought I was a great employee, why would I need a union. As things progressed and a few incidents happened- employees were stuck out there on their own with nowhere to go, and the union stepped in to help. I started thinking that could be me; I could be all of a sudden pin pointed for something I had no control of... When I came here they started me out at very little money. I made \$11.22 hr. I had a family and 3 kids and a wife, not a lot of money, \$22,800 year. But I came with a promise, if you come here to work for this cheap amount of money, we'll give you a raise every year, we will provide you with health insurance and you will have a retirement. Since I've been here they have tried to do nothing but take all that away. This will be my third pay scale that I'm under. They did a retirement study two or three years ago where they tried to change the retirement system, they modified it for new employees, and all they keep doing is changing my health insurance, and I got to still worry if my retirement will be there later. So to me they did break their promises (Interview 2014).

Wilhelm became involved with the union board, taking over VP responsibilities after his co-worker retired. Over the years, he was elected Vice President twice then President by acclimation; "no one wanted to run." He noted a common theme among board members, that duties can be quite challenging and time consuming. The growth of FCGEU keeps him excited and energized; "I've seen our membership grow from below 200 up to 1675 right now, which is really amazing, it says something about our union" (Interview 2014).

Tammie Wondong, a 55-year-old African American woman, working as a Human Service Assistant with the Department of Family Services, was elected to the board in 2012. The married mother of three adult children was born and raised in Centreville, Illinois where she graduated high school and Southern Illinois University before completing MBA studies. Tammie Wondong has worked for Fairfax County for 25 years, this is her first active union membership; she is an advocate and serves on the political and budget committees. "When I look at my workplace there is a lot of unfairness going

on, unfair promotions. People are being promoted into positions where their skill set is not right but it's because of whom they know...I tried to get promoted several times, I did not go to grad school to stay in the position I'm in; this has been forever" (Interview 2014). Wondong was raised in a union household where she attended union meetings with her mother, a supervisor at a local hotel.

I'm from a family of 11 children with married mother and father in the home. Early in life we were taught you must work to take care of yourself.....my mother and father they're from the South, from Mississippi.....they had education up until 8<sup>th</sup> grade....they had to work in the field, during harvest season you had to go in the fields....if you had children they went along with you as well. Often time when they did not pay the wages that they were due for that day they would have to go and discuss what they were supposed to have made. As they moved on and went up North they settled in East St. Louis. My father was a mechanic by trade, my mother in the hotel business, a supervisor. They talked about the importance of being unionized to make conditions on the job better, it was always centered around the wages; she talked to us early on that it's always good to support a union because it is for the benefit of the conditions of the workplace you're in (Interview 2014).

Yvonne Wallace, a 64-year-old African American woman, retired as a Human Service Worker IV after working 30 years with Fairfax County. A graduate of A&T University in Greensboro, North Carolina with a BS in Early Child Education, the married mother of three adult children was raised in Richmond, Virginia where labor unions were scarce. On summer travels north to Trenton, New Jersey to visit relatives during her teen years she observed striking workers. Her aunts worked in a rubber factory and they would strike for better wages and benefits. "They would take us by to see the people marching with their signs... even though I was a child it was something I thought was necessary... when organizer Kevin Jones got my name from some other co-workers, and he first asked me, I joined, I felt it was something workers in the county needed, it was necessary" (Interview 2015). Wallace served on the board as Vice President and

Director until her retirement in March 2015; she remains active with FCGEU as an advocate.

Kirk Cleveland, a 53-year-old American Indian, was born and raised in Fairfax County where he attended high school and trade school. The married father of two young children has worked 17 years as a carpenter for Fairfax with the Department of Housing and Community Development, and he intends to continue until retirement. His father was a unionist and he grew up with a positive view of unions.

My father was with the union; he worked for American Airlines...over the years growing up he supported a union. I saw where they did fantastic work helping him out through some situations and issues, and they had protections on their job site, they could negotiate their contracts with the airlines, it showed me they made more money (Interview 2015).

This is Cleveland's first active membership in a union; he was a long time member of AFSCME but found them ineffective; "I had some issues and started working with them and I just got kind of shrugged off." He is proud that his department is more than 50% unionized and the leadership role he plays in that. He laughs when informing of his extensive involvement in the union: "I'm on every committee, well, I'm not on election committee, but I'm involved in it: the budget committee, Union 101 and the advocate program. I'm the lead advocate for the membership."

Board member Lisa McCorkle is a 45-year-old married Latina born and raised in Northern Virginia. A construction manager with DPWES, McCorkle graduated George Washington University with a Bachelor's Degree in civil engineering. This is her first union membership and she states little awareness of unions prior to this experience. Before accepting employment with Fairfax McCorkle worked for private civil

engineering firms in Northern Virginia. She decided to take less pay to work for Fairfax in hope of better opportunities in her field, but was confronted with a familiar reality.

The field I work in is very male dominated; I thought working for Fairfax would be better because they have an HR department, it is exactly the opposite. Private companies don't try to hide what they're doing as far as being discriminatory against everyone other than the white males, they don't hide it. But at the county they have a whole system in place to hide and cover it, and they do it just as well as any private sector company I've ever worked for, if not better (Interview 2015).

McCorkle worked in the same department as FCGEU founder Karen Conchar who shared her concerns about gender inequality.

When I was passed over multiple times for so many years I couldn't keep track, then I finally filed a grievance and it was Karen that worked in my department that helped me do that. That was my first experience with how a union can help; after my grievance was finished then I started working on the board (Interview 2015).

Lindsey Dawson, a 61-year-old African American woman, has worked for Fairfax County for 15 years. She currently works for the Community Services Board as a Substance Abuse Counselor II conducting assessments and referrals. The married mother of two adult children has a BA in Sociology from Johnson C. Smith University in Charlotte, North Carolina and a Masters in Management from University of Phoenix. Dawson's family members were unionists in the automobile industry and she was raised in an activist environment in North Carolina and Washington D.C. during the civil rights movement.

When we integrated schools in the late 1970's we learned to stand up for ourselves, to fight to integrate schools to make things better for African Americans. Most of the black schools were closed and we were bused in the white neighborhoods, I was always taught to stand up for myself (Interview 2015).

Dawson had union experience from previous jobs as a teacher and corrections officer for DC Department of Corrections, where she was a Teamsters shop steward. She

was a member of the Fairfax chapter of AFCME but also found them inactive in mobilizing county workers. Dawson, like the other board directors, described serving on the executive board as “challenging” and “rewarding.”

Each director stated the reward of being in the union is self- development; the education gained about local governance, workplace and community activism, and the confidence to “stand-up” for themselves. For Dawson, an example was attending the Ignite Conference in March 2015 in St. Louis, Missouri that united a diverse community of leaders to strategize about growing union power nationally and internationally. Dawson was particularly enlightened by discussions about economic inequality and structural racism, and appreciated being included. “I was asked to speak at the conference after I was overheard having a political discussion with another member... It was an experience, I never spoke in front of that many people before, over 5000 people, I was nervous but they said I didn’t look nervous.”

Board directors and members receive a variety of trainings that include: an introductory course in unionism and FCGEU/SEIU history called union 101, leadership training, advocacy and mediation training, local governance and county policy training, and political canvassing and grass roots organizing training. Members travel to national conferences and lobby events at the White House and Virginia State Capitol where they meet coalition activists and lobby legislators. FCGEU sponsored some members to attend Camp Wellstone, a training program for perspective political candidates, campaigners and organizers of progressive causes. FCGEU member Natalie Nguyen Woodruff attended Camp Wellstone:

They recruited me to join this kind of movement, the sponsors are Virginia New Majority in partnership with all the progressive nonprofits in the state to train people who want to run for office in Virginia: people of color, women, and people from low income communities, the working class, who want to fight for these issues. They train us throughout the year together, crafting life goals and things for us to do so that we go as a collation together (Interview 2015).

Board directors reported their primary challenge is the amount of time and effort it takes attending meetings and events, and navigating the daily inquiry about the union. “The biggest challenge is hearing everyone’s concerns. We are a very diverse union; we represent so many different employees, what is one person’s concern may not be the others,” said Wilhelm (Interview 2014). Directors spend 5-15 hours weekly, in addition to full time employment, on union activity. Director Cleveland said: “As a leader I’m probably pushing 10 hours week, when handling cases that could take anywhere over a period of months, it can be 20 hours or more” (Interview 2015). Fairfax policy allots each union a pool of 240 hours a year (shared by all executive board members) of paid activity leave to attend union meetings that occur during work hours. Union members not on the executive board must use their personal leave. Most meetings take place during lunch or after work.

Directors noted the long hours can be tiresome and interfere with family life. The overload of demands and pressures to meet expectations has on occasion strained working relationships as competing views and priorities clash. Directors want more consistent involvement from rank and file members to lessen the burden of a core group of active members. “The same people on the board are the same active people all the time and what happens is you wear those people out because you call on those people for everything” said Lindsey Dawson (Interview 2015). “The economy and things like that



has stressed people to the limits and they can't volunteer a whole lot of time" said Kirk Cleveland (Interview 2015).

President Wilhelm's leadership, along with the executive board and active members was significant to FCGEU reaching its long term goal of a "fair and equitable pay plan," after five years of direct actions.

### ***The Five Year Pursuit of a Pay Plan-"An Issue of Fairness"***

If you want to recruit and retain good employees you need to have something to show this is a career path, it's not just a job, without a pay plan you have a hard time saying this is a career.

Joe Wilhelm

In 2000 the Board of Supervisors implemented a change from the traditional merit and cost of living pay increases to a "pay for performance" (PFP) plan that offered larger raises, as much as 7 percent, to high achieving employees. After large numbers of employees were rated at the high end, the county started lowering the maximum rate over the years until it reached a 3 percent maximum in 2009. Prior to FCGEU, general county workers classified under the S-grade pay plan (one of 7 pay plans for Fairfax County workers), received raises under PFP while unionized workers in public safety divisions were under the more consistent step and grade plans (Turque 2008).

In April 2008, around the time FCGEU and SEIU were planning to affiliate, about 300 Fairfax workers gathered at the government center for a forum to discuss the 2009 budget proposal of 2.3 percent salary increase for S-grade workers. That was about half of what was proposed for police and fire fighters allotted a total of 6.45 percent in merit (5%) and MRA (1.45%) (Turque 2008). *The Washington Post* reported:

It also is not lost on employees that county firefighters have done far better than most employees on compensation over the past four years, averaging 10.8 percent a year, compared with 4.4 percent for the general county workforce. During that time, the politically active firefighters union has donated more than \$100,000 to board Chairman Gerald E. Connolly (D) and other supervisors (Turque 2008).

Board Supervisor Sharon Bulova (D-Braddock) told *The Washington Post* "I look across the board at county employees in this system, and it's not equitable compared to public safety and what the schools will do for their employees" (Turque 2008). The inequities were not just between the different pay systems but also within the S grade system. FCGEU argued that managers fared better under pay for performance (PFP) while lower grade and minority employees lost ground. Joe Wilhelm explained FCGEU evaluation of PFP: "we felt that pay plan was unfair, it could be biased, a good old boy system, and a lot people are penalized by it:

They were able to manipulate the system so they could compress your everyday workers, like the guy working on the trash truck as a driver. They would write his job requirements where he could never get to that 7, because he couldn't prove that he was saving the county money, to be outstanding you had to go above what your daily job was and prove you are saving money. When we were looking at the break downs, people at the lower grades, S15 and below, were getting the lowest raises and S22 or higher were getting the higher raises, there were less people, but they were the higher management (Interview 2015).

In 2011 when the BOS agreed to return the Market Rate Adjustment (MRA) and suspend PFP while considering a new plan, FCGEU was optimistic about returning to a step and grade pay scale. "We remembered the step and grade, how you could budget, you could plan, if I need a new car, can wait two years and I'll have enough money," said Wilhelm. Then new county executive Ed Long proposed the budget saving STRIVE that would maximize wage increases at 2 percent annually. FCGEU rejected STRIVE and put

forth a series of direct actions to counter Long's proposals. Organizer Bart Hutchins explains:

So we did one action, we made up stickers that say 'I deserve a fair pay plan' and tried to get everybody to wear one, whether union or not. Can you talk to your coworkers to wear the sticker on a specific day? There was a negotiating meeting, so when the politicians walk through the building they see it, they see it everywhere they go, everybody is talking about it. That is a tiny action that doesn't take a whole lot of work, but even that was difficult; there is an anti-union sentiment that says I don't want to get fired, leave me alone (Interview 2014).

Joe Wilhelm worked with the union board and membership to develop a plan to counter STRIVE and the 1.29 market rate adjustment (MRA), which was cited as below neighboring counties. Member meetings highlighted the ongoing negotiations and urged members to get their co-workers to join the union. Following a large coalition rally of more than 100 participants and testimony at the budget hearing, FCGEU gained 2.29% MRA as the pursuit for a pay plan continued.

Called the "Budget Watchers," FCGEU members met bi-weekly for Monday night dinners at the union office to strategize. They organized site team meetings and petition drives, sent e-mails, and made phone calls to the board of supervisor's employee compensation work group urging them to adopt the union's pay plan. FCGEU had two representatives on the employee compensation group, Joe Wilhelm and board secretary Lisa McCorkle. Other group participants included members from Data Management and Budget, Human Resources, Employee Advisory Council and Supervisors Frey, Foust, Cook and Gross. The group held six lengthy and sometimes contentious meetings and a few stalemates over six months. McCorkle described her experience on the work group, admitting she had neither the patience nor temperament for political wrangling.

It was hard to sit there and listen to the board members talk about how great it is to work for Fairfax County when they don't really know, and it is not. The HR person would say we don't have a recruitment problem and the people at data management and budget were doing all these charts and analogies of where people were and how much they were paid, and most people were making a very good salary, and it's comparable to other counties and the private sector, which it is not. When I came to county I took a huge pay cut, but the I reason I took it was I wanted to do something different...I was willing to take the pay cut because my husband made more money than me...there have been people I worked with that retire because they can go get a job that is a step down at another county and make more money than they would have made if they got a promotion to be their own boss, so they leave and that's good for them... now people are hired making more money than I am but they don't know how to do my job, so the board members will sit there and say they realize there is an issue with people coming in and needing to be trained by people making less money, but we can't fix everything, really actually you can, you created it, and you can fix it (Interview 2015).

Joe Wilhelm noted the negotiations were taxing, "by the third meeting we were at a standstill." Member meetings were encouraging: "this is not a one year fight, I remember early meetings when the county manager said they didn't have the money and we showed them the path to funding raises," said a member. Wilhelm kept trying to develop a long-term plan that matched public safety, upgraded employee salaries that fell behind, particularly in the lower grades, included MRA increases, and rewards longevity. At the 5<sup>th</sup> meeting the compensation group reviewed four plans, two from the county and two from the union. FCGEU's 25 year plan was selected.

Next meeting we're feeling good, but they took our idea and changed it from 25 years plan to 29 years. They watered down the front loading, compressed the brackets; you started at the top but fell down real quick... They left the longevity but they weakened it down so you didn't get paid a lot early on. We spoke out at that meeting, felt like we were blindsided, we had a big discussion about what a pay plan should look like. In their mind 29 years should be fine. We thought we were compromising already at 25 years since most pay plans are getting their longevity at year 20. We kept negotiating...it came down to board supervisors taking a poll. I took a stand and said our members are not going to accept this, if you're going with 29 yr. plan we are not accepting it, we already compromised enough, we put forth a good plan. They called for an extra meeting; they gave us permission to work directly with the budget department. We went on a campaign to educate the board supervisors...After a lot of debate and conference calls they finally gave in to put forth our plan. We did a lot of politicking in the background; we did a campaign of signatures and had members call supervisors (Interview 2014).

By late October the Board of Supervisors voted unanimously to adopt FCGEU's pay plan. Joe Wilhelm sent the following e-mail to members:

This victory is a direct result of the phone calls and emails you sent, the petitions you signed and the meetings you held and attended. This is a big win, but we must ensure the Board of Supervisors continues to make good decisions for working families. To do this, members across the state are knocking doors to get out the vote and show that SEIU Virginia 512 members make a difference in elections. Volunteer to knock doors today (October 2014).

#### FCGEU PAY PLAN HIGHLIGHTS

- The plan gives employees the opportunity to reach the top of their scale over the course of a 25-year career.
- The plan offers annual raises. Based on where you are in your scale, you will receive up to a 3 percent raise.
- The plan recognizes your commitment. County employees will receive a 4 percent longevity bonus at 20 and 25 years of service.
- The plan includes annual Market Rate Adjustments (MRA) to ensure your pay stays up-to-date with increasing costs of living.
- The plan provides the stability and security county employees need as they plan for their families or prepare for retirement.
- The plan is affordable, saving tax payer dollars by stabilizing the workforce, encouraging promotions from within and preserving services and jobs (FCGEU/SEIU January 2015).

Just as FCGEU was celebrating the pay plan, the tenuous nature of their progress soon became clear as three of their four endorsed Democratic Congressional candidates lost elections in early November. Suzanne Patrick (2nd District), Jack Trammell (7th District), and John Foust (10th District) lost handily to their Republican opponents despite months of active campaigning, particularly for Faust, a Board Supervisor who supported the union pay plan. Only Don Beyer (8th District) won the seat held since 1990 by retiring Democrat Jim Moran. *The Washington Post* reported voter turnout for the 2014 midterm election was the lowest since World War II. Only 36.4 percent of those

eligible voted, down from 62 percent in 2008 and 58 percent in 2012 (DelReal 2014). The *New York Times* reported turnout in Virginia “was by far the lowest of any of the competitive races” (Cohen 2014). Republicans, who opposed Medicaid expansion, minimum wage increases, and unions in general, held majorities in the Virginia legislature.

Funding the pay plan was the goal throughout 2015; raises are always dependent on county budget allocation. The FCGEU February newsletter announced the “breaking news” that the proposed budget for fiscal year 2016 included merit increases and the .084% MRA. “However, the proposed budget also funds only one-half of the MRA for county employees and cuts key programs and jobs across the county, especially in CSB and Libraries” (FCGEU/SEIU February 2015). By March FCGEU reported union actions “protected 22 jobs that were set to be eliminated, saved the Healthy Families Program and protected voting access by restoring cuts to the Office of Elections” (FCGEU/SEIU Flyer March 2015). Members were encouraged to take action to hold the Board of Supervisors accountable by attending the April budget hearing, and participating in the new *Grow by One* campaign. “If every member asks one person to join with them in the union, it will make FCGEU the largest union advocating in Fairfax County” (FCGEU/SEIU Newsletter March 2015).

By late April 2015 the pay plan was funded and raises were expected in July. The FCGEU newsletter read, “What’s in the Fairfax budget for you?” It was a telling headline as employees had difficulty making sense of a pay plan that would give full time merit employees raises anywhere between 1.68% -5.1%, depending on job evaluations,

longevity, and their place on the pay scale. “I don’t even understand it,” said Director Kirk Cleveland, a sentiment echoed by members. Natalie Woodruff had difficulty explaining the plan: “it’s really complicated and someone like me, who is more involved, still doesn’t get it.” At the April executive board meeting Kevin Jones said: “I get the impression our members do not realize how big this victory is.” He referred to recent drops in membership: “one lady said money is the reason, she’s been here 24 years and is getting a 5% raise next year and she drops the union. “We are not getting the message out that if we continue to grow, we can do more.” Lindsey Dawson responded: “people don’t want to hear a lot of foolishness, they want simple numbers.”

The pay plan is not easy to explain. It is a 25 year pay scale designed to bring and keep pay at market standard. Since funding salary increases is subject to annual budget allotment, the plan provides protections notes Wilhelm:

If our pay scale falls out of market they will have to increase us by 2-3% to bring us back in line, so there is a protection right there. If they don’t fund the MRA, they will have to fund it three four years later anyway (Interview 2015).

The maximum a worker can receive for performance compensation is 3% depending on where they are on the scale, plus the MRA allotted that budget year. Supervisors rate employees as either meeting the standard for performance compensation or not, essentially pass or fail. Joe Wilhelm explained the salary scale:

The max is at the beginning of the scale and it’s a 15% bracket spread there, you get that 3% for about 4 years before you step down to the 2.5%. The minimum you get in the scale is the 1.4% and the MRA on top of that, and you will only get that at the last 25% of the pay scale.

Workers below the pay scale received one time raises to bring them up to par plus the MRA. Workers at 20 years of service received 4% longevity increases plus the MRA. Others received raises based on the scale, either 3%, 2.5%, or less; workers that reached

the scale maximum received only the MRA. “There are probably employees at the max of their scale and they’re going to say “what about us, why aren’t we getting anything. The true answer is when you reach the max of your scale even in public safety there is nothing there except MRA and that’s what they will get... the way you get more money is to get promoted, it encourages people to make themselves promotable,” said Wilhelm. The reception to the pay plan was a mix of confusion, concern, and appreciation.

Director Dawson:

They really don’t understand it as much as it has been stressed; there are things about it that I don’t understand. You have the 1.1 MRA, then longevity to bring you up to par, then the annual that may max at 2.5, but if you don’t meet the standard, you won’t get the annual. I’m not sure pay performance will get you an increase so right back to square one, subjective supervisors (Interview 2015).

Director McCorkle:

It’s better in that it’s not up to someone’s discretion to give you more or less, that part is better, you either get it, or you don’t ...Everyone is going to get it because no supervisor is going to rate someone so low as to say they can’t do their job. Then it means the supervisor is supposed to be doing something and they don’t want to do anything, so they’re not going to point out that someone can’t do their job.....it’s good we have a plan and it’s good that we get something. But people still don’t follow all these rules that they have in place that are supposed to keep people doing their jobs (Interview 2015).

FCGEU advocacy got the MRA raised from .085 to a 1.1%. Organizers and members spent several months explaining the pay plan to workers. In July FCGEU sponsored a brown bag workshop “to teach employees how to calculate their raises and how to make sure that they get them” (FCGEU/SEIU July 2015). They posted to Facebook photos and statements from members about the “union difference” and the benefits of the raise. Postal mailings were sent to 1600 non-members that touted the union pay plan victory and included a membership card.



Despite the uncertain reception, FCGEU's pay plan improved on county executive Ed Long's STRIVE proposal. The STRIVE plan only offered employees a performance based raise or MRA in alternating years, both capped at 2%. Workers would not receive longevity pay or market standard increases. FCGEU is now positioned to annually gain performance and MRA increases. This was not an easy achievement. Developing a pay plan for more than 8500 county workers is a complicated process that brought together varied interests and ideas. President Wilhelm, the executive board and union members contributed countless volunteer hours and a good amount of emotional stress over an extended period to achieve a better pay plan on behalf of county workers.

FCGEU did not capitalize on the pay plan victory with increased membership, possibly because it was difficult to understand and too varied to produce a united front. The "grow by one" campaign had modest success as well. FCGEU member Mark Travis noted while some workers are leery of unions, many still remained unaware of FCGEU. "Some folks in this county don't know there is a union, some folks are intimidated by being in the union, they will talk to you off site, they will whisper to you, get me an application...I think the union could increase their employment rolls, need to hire more paid positions, it could really affect our numbers, the county is huge" (Interview 2014). Data administrator Mike Lawrence noted "we are at about 25% of the eligible universe assessed, so 75% unassessed" (Interview 2015). An important benchmark of union success is the percentage of turf that is assessed. When an organizer has face to face contact with a potential union member (target), they assess the target using a common union rating system. Each target is assigned a number from 0-4: 0 (unassessed) 1 (leader)

2 (member) 3 (undecided) and 4 (anti-union). Of the 25% assessed by the end of 2015, 20% joined the union and 1% was rated as leaders. Lawrence defines a leader as “someone who is very active in the union, turns out to most events, runs for leadership positions, and signs up new members” (Interview 2015). Table 3 (p. 198) shows January 2016 FCGEU membership totals by agency. FCGEU had 1840 members, an increase of slightly over 300 members since 2013, still a good return considering growth continues despite retirements and attrition.

The union members interviewed for this project all expressed difficulty in getting they're co-workers to join or participate in the union. “If we get 20 people to show up to something we did good,” said Kirk Cleveland at an executive board meeting. Kevin Jones responded: “our members are still scared to talk to co-workers about joining the union, start pushing people to take Union 101, it teaches people about our union and how we win.” Kirk Cleveland summed up the frustration of unionism in right-to-work states where all workers benefit from union gains while a small group pays dues and advocates for worker improvements.

The union put forth a pay plan that will benefit 8000 employees and we only have 1700 that fought for that, that stand up and let their voices be heard. The rest are just riding their coattails. Guess that's a way of life, you're going to have that, I wish our numbers were at least half, that would make us feel a little better. ..There is a core of the 1700 that work and volunteer a lot to get that work done, about 100 (Interview 2015).

**Table 3 FCGEU Membership by Agency**

<b>Fairfax County Agency</b>	<b># of Employees</b>	<b># of Union Members</b>	<b>% of Employees in Union</b>
Housing & Community Dev	197	113	57.31%
Planning Commission	4	2	54.86%
Facilities Management	198	108	54.59%
DPWES Solid Waste Management	342	163	47.76%
Code Compliance	32	14	44.89%
Prevent & End Homelessness	7	2	36.58%
Community Services Board	904	315	34.81%
Human Rights & Equity Programs	12	4	30.86%
DPWES Storm water Management	128	37	29.16%
DPWES Wastewater Management	214	59	27.53%
Library	426	117	27.34%
Tax Administration	231	62	27.00%
Purchasing & Supply Mgmt	31	8	26.79%
Family Services	1363	362	26.52%
DPWES Capital Facilities	104	22	20.86%
Admin for Human Services	143	25	17.63%
Neighborhood & Community Services	545	94	17.19%
Cable & Consumer Services	60	10	16.06%
Information Technology	203	32	15.99%
Office of County Attorney	15	2	15.68%
Health Department	542	72	13.29%
Fire & Rescue	202	24	11.88%
DPWES Land Development Service	180	20	11.37%
Transportation	106	11	10.22%
Police	204	19	9.41%
Human Resources	53	5	9.14%
County Executive	28	2	8.66%
Public Safety Communications	15	1	8.23%
Vehicle Services	181	14	7.96%
Retirement Administration	16	1	7.48%
Planning & Zoning	90	6	6.69%
Park Authority	1287	80	6.25%
Sheriff	64	4	5.61%
Finance	49	2	4.91%
Juvenile & Domestic Relations Court	254	12	4.73%
Circuit Court & Records	102	5	4.70%
General District Court	28	1	4.33%
Reston Community Center	153	5	3.15%
Office of Elections	137	2	1.75%
<b>Grand Total</b>	<b>8848</b>	<b>1840</b>	<b>20.80%</b>

FCGEU members asserted their activism is not just about worker pay and benefits; that they are also seeking worker “solidarity,” a “united voice” and “a seat at the table” in all matters of employment. “I talk about the solidarity we have, the feeling for the first time that we are part of something for the betterment of all employees” said Carol Taylor. “There is a whole new aspect of the union that I was not focused on, it has benefited me, the comradery of the union; you meet some real good interesting people, it’s a social network, you form bonds and friendships with good people, said Mark Travis. Common themes among workers who joined the union were “protection,” “voice,” and “fairness:” “not being treated with dignity and respect is the main complaint,” said Director Dawson. “I think the common ground is people just want to be treated fair, that our jobs are as important as public safety or a school teacher, we all work in the public and we all have an important job to do” said Joe Wilhelm. Interviews revealed members joined FCGEU for protection and voice in workplace decisions as workloads and disciplinary action summarily increased in recent years.

### ***Dignity and Respect***

I keep my job even though I can’t stand it, management is unfair, management is not understanding of personal family issues, have to move the trash and that’s it, on occasion have to work extra hours if other drivers not present. I stayed on the job because I had nowhere else to go (male worker at Newington Solid Waste).

FCGEU member Carol Taylor, a white 56-year-old married mother of two adult children, has worked 25 years with Fairfax County. Taylor lived most of her life in Virginia and had limited experience with unionization. “When I first came to the county I was with AFSCME, I paid the dues to AFSCME, but they really didn’t do anything.” Taylor has experienced many changes in the county including budget cuts, reductions in

force and transfers to other departments: “I’ve seen, which is absolutely appalling, people who have been sexually harassed at work, threatened with violence, bullied.” Currently employed as an Administrative Assistant V with the CSB, Taylor joined FCGEU in 2009: “I thought this is ridiculous, we’re not getting raises, we’re getting more work on us, the whole pay plan, and the union was fighting at the time to keep our retirement” (Interview 2015). As an active member and advocate Taylor encourages co-workers to join by telling them how she has benefited from union participation.

My affiliation with the union has empowered me more to stand up for myself and other people. Without the union I’d still be running scared of my bosses, whatever you guys want me to do, I’ll do, I don’t care how you treat me, I’m so thankful to have a job. No, I’m with the union now I can stand up for people, for what is right (Interview 2015).

FCGEU member Natalie Woodruff, a 31-year-old married Asian American, is employed as a Human Service Worker III. Woodruff has worked for Fairfax County for five years, currently as a workforce youth career and job counselor for youths ages 16-21 years. In the summer of 2016, Woodruff coordinated efforts for SEIU Virginia 512 to employ four interns through the Educating Youth through Employment (EYE) program. A graduate of Regis College in Massachusetts, she had a positive view of unions before joining FCGEU. “Growing up in a really poor part of Boston Mass, I saw how unions stood up for really poor and working class people who did not have political power to do it themselves individually.” Woodruff’s summation of the hardship experienced by increased workloads reflected a common theme among the union members interviewed.

We were understaffed at my team, three people left all at the same time. I took on two areas, the poorest part of Fairfax County. I had 120 young people I worked with, all with so many multiple layers of issues. I did that in the beginning as a team player. I know that I want to work, my life has been working with low income communities, and my ultimate passion is helping people get these services. But I felt like I was being taken advantage of by Fairfax County government. They were holding off the position to save money...they didn’t hire until ten months later. I was doing

two jobs with one salary; I hear these things happening in all areas of Fairfax County. I get there is less money in local government then it used to be, but that's not right, it's more about saving that dollar then really making sure your staff and community is ok. I was working about 14-16 hours a day, sometimes until midnight because after work is when I have time to do paperwork, and because it's state and federal mandated program, they audit us all the time. Paperwork needs to get into the system; there is a time limit, that is part of the problem with Medicaid too (Interview 2015).

Member Mark Travis is an African American man who worked 26 years with Fairfax County before retiring as a Mental Health Supervisor in 2015. A Washington D.C. native with MA degrees in Counseling and Criminal Justice, Travis has been an advocate since childhood. "It started with my mother who was blind due to a condition called RP (Retinitis Pigmentosa); when I was in 8<sup>th</sup> grade my mother received her first Seeing Eye dog. I have been around folks with disabilities all my life. My mother was very much an advocate for people with disabilities so it started since my childhood" (Interview 2014). Travis' only union experience was as an inactive member of AFSCME. He joined FCGEU and became "very active as an advocate with Member Services. "I always considered myself an advocate, I've advocated for the rights of others, but I always defended myself as a lone wolf. Folks would come to me and say I got this going on, I need assistance, and I help them write the grievance up." He described his working years with Fairfax as "a mixed bag."

The history of this county indicates that you will be actually foolish in my opinion not to have a union, not to have a body that could represent you in the event you need legal services. I've seen too many of my co-workers unfairly reprimanded, terminated. I have received several bogus reprimands. I had to fight back and file grievances and have those reprimands overturned, my job has been in jeopardy. Admin sees you as a threat or not a team player, anybody who voices and stands up against the county is viewed in a negative light...The reason I joined was to have representation in case I needed it, to feel safe on the job. It wasn't until a friend of mine, Lindsey, said come to meetings. It was like a whole new world to me, the canvassing, supporting your candidate, advocating for increased wages, then I got a chance to really see what Virginia is about (Interview 2015).

While workers may have joined for empowerment and protection they learned new skills in advocacy, mediation, and conflict resolution that broadened their understanding of workplace issues. Director Tammie Wondong on learning conflict resolution skills:

The union has benefited me by showing me how to step up....when something came about I might have been just angry and not knew how to address the issue, now I can address the issue by calling a meeting and saying this is why I'm here... when people don't know how to stand up for themselves, they are walking around with their morale down, they are fearful. Supervisors are people too, they are just like you, and they have the same issues you have. One of the most important issues they have is trying to deal with your anger, so if you can sit down and talk about it, two professionals working together to see what we can do to resolve this, and work toward a goal. A lot of people are not willing to do that because they don't know how (Interview 2014).

Workers also join the union under the duress of grievances against management.

Member Services provides a range of employee supports that include: workplace mediation, filing family medical leave (FMLA) and workman's compensation applications, and contesting disciplinary actions and terminations. Lindsey Dawson informs co-workers of the benefits of Member Services: "they say they don't have to join, I already got the raise anyway, but I tell them what if you get in trouble, you get fired. I was here 13 years, I didn't think I was going to get fired but look what happened to me" (Interview 2015).

### ***Member Services***

The way that unions operate in a right-to-work state is Member Services, that's why anyone would join.  
Kevin Pittman- President Fairfax Deputy-Sheriffs union

From the beginning FCGEU wanted to assure that dues paying members had services that non-members could not access: Dave Lyons explains.

We reiterated most successfully whatever you win in this state, a right-to-work state; a non-bargaining state in terms of pay raises it extends to everybody. Member Services is exclusively for members, that is you do not get the service if you're not a member; that is why it is so important because it is something that we could give people that not everybody was getting (Interview 2014).

Since right-to-work laws do not mandate workers join or contribute fees to unions, workers often join only to access the resources of Member Services. In 2011 the FCGEU newsletter addressed this issue.

Did you know that if you decide to quit FCGEU and then want to rejoin it later, the bylaws require that you be charged all back dues in order to be readmitted? So if you quit the union January 1 and want to rejoin a year later, you will be required to pay a full year of dues to be readmitted to the union. This policy was enacted to protect members from those who would join only when they had some kind of problem, use the union's resources and then quit when it was resolved (FCGEU/SEIU July/August 2011).

The issue persists and was addressed again with bylaw revisions in 2015 that require members vote in favor of new membership (at monthly meeting) before services are provided. At the May 2015 membership meeting David Broder proposed charging service fees to workers who join only to access services, given the significant resources put into cases. The consensus was to charge fees although it has not been implemented.

Member Services director Dave Lyons' approach is to work with management to solve workplace problems in lieu of discipline and grievances. He preferred a disciplinary diversion model, similar to what he developed with the fire fighters, that assisted workers with personal and workplace issues. "The overall theme is treating people with a lack of dignity, right or wrong, everybody gets into your right or wrong...the question I'm asking is how did this good guy with great performance reviews get so bad in a few months."

What I want to do safety programs, violence programs, health programs, we give resume classes here for members. Think about a guy at Newington with an 8th grade education, they may need help writing their resumes. This is my vision, we are not just here to help you when you screw up, we're here to help you with the quality of life (Interview 2014).



Theodora Stringham, a married 29-year-old white woman, raised in New Jersey, joined Member Services as an advocate in April, 2012 after working in Virginia on state and Board of Supervisor campaigns. A graduate of Rutgers Law School in Camden, New Jersey, both her parents are unionized teachers. Stringham's job as an advocate is to advise, assist, and represent members who have on the job concerns; she also trains and supervises FCGEU members to become advocates, and writes a column in the FCGEU newsletter on county policy. Stringham took the job with SEIU VA 512 to gain experience working in advocacy services.

I was interested in public interest law, advocating on behalf of people to have more increased access to legal services...I was interested in litigations, going to hearings, going to trials, to be able to do negotiations and help people, that was my passion going into law school and it seemed like a real opportunity to do that at a close level here...I'm doing pretty well, it is a challenging job, I have a good amount of case work, I get a lot of experience as a result. Since I started here I really have a wealth of practical experience that other people may not, just because it is necessary, that has been great for me; I want to exercise my advocacy skills (Interview 2015).

Member Services represents all four chapters of SEIU VA512, about 2000 workers, with upwards of 85 open cases in different stages at a given time. Most of the cases, about 50 with Fairfax County, include "appeals for discipline action, harassment and a common matter is workman's' compensation."

For workman's compensation those are mostly all blue collar, but for across the board grievances and for general concerns, there are a lot of white collar workers, and I'm not talking about just upper managers, its people who work at a desk, which could run the gamut of being an admin to the highest grade to be in a union. Those are cases where we have discrimination complaints going, there is bad stuff happening in the white collar sites too (Interview 2015).

In addition to cases, Member Services fields a large number of employee inquiries about personnel policy and resources. Lyons and Stringham are joined by 8 trained FCGEU member/advocates. At monthly meetings members are encouraged to participate in the advocacy program. “Even if you are a good employee you are only as safe as your new supervisor, new bosses love to discipline,” warns Kevin Jones (FCGEU meeting January 2015). Fairfax County workers have grievance rights that are governed by Fairfax County personnel regulations. A grievance is a complaint against the employer that can range from mistreatment to contesting disciplinary actions. There are a number

**Member Services FAQ: Injury Leave and Light Duty**

**Hurt on the job? Oftentimes, the hours and days after an on the job injury can be agonizing. Featured below are some frequently asked questions that we receive as a union regarding injury leave and light duty. Members can access the content referenced below in Procedural Memorandum 23 and the Fairfax County Personnel Regulations, Chapter 10. (FCGEU/SEIU Newsletter July 2015)**

of steps in the grievance process, beginning with an immediate supervisor and escalating up the management chain to the county executive who can grant a civil service commission hearing if the

matter is not resolved. The role of the Civil Service Commission is to “represent public interest in improvement of personnel administration; to advise the Board of Supervisors, County Executive and Personnel Director in formulation of Policies” (Fairfaxcounty.gov 2016). The commission consists of 12 members serving two year terms. They have “broad experience in management of public affairs,” and are qualified Fairfax voters not employed with the county or in elected office. The county requires at least three members be male, three female, and three a member of a minority group. Three members, with

backgrounds in hearing employment matters are appointed to the panel (Fairfaxcounty.gov 2016). The public hearing is conducted like a trial with union representation, opening and closing statements, witnesses, exhibits, and a decision by the commission. Stringham declares Fairfax County a “generous employer” for having the Civil Service Commission. “The whole civil service commission and going to a hearing is a favorable setup, you have a choice, basically the county is trying to keep it neutral, and in other jurisdictions it is not like that” (Interview 2015).

Member Services represented

Lindsey Dawson’s grievance case before the Civil Service Commission. Dawson was suspended five days then

*Fairfax County is a generous employer in that they choose to go above and beyond what the state says they have to have as a public sector employer of county workers. (Theodora Stringham)*

terminated for violation of program rules and county policy. The commission overturned the suspension, and while the termination grievance was pending the county reinstated her employment. Lisa McCorkle won a gender discrimination grievance against DPWES after being overlooked for promotion. Civil Service Commission hearings are seldom; there were four cases in 2015, which Stringham noted is “a lot.” Member Services assisted Yvonne Wallace and Kirk Cleveland with grievances that were resolved without a hearing. “Our goal is always to get a solution so we’re not always filing grievances,” said Stringham adding: time constraints, lack of training, failure to invest time to train workers, ignorance of county policy, and a “lack of creativity” in solving problems leads to the quick fix of disciplinary action.

As a manager you get thrown into it and suddenly you have to manage 8 people and do your own work. You don't have time, so when someone messes up you want to cover yourself and document and reprimand and put that in the file and move on. That is common in every agency in the Community Services Board and Department of Family Services in Fairfax and same thing in Loudoun County Mental Health and Drug and Alcohol Services, that's their CSB. They have similar problems where they write people up, we are liability prone and we have too much to do (Interview 2015).

Member Services "partnership" with management to mediate workplace concerns is not always well received by workers. They walk a fine line with members who want exclusive union representation, not brokered arrangements with management. At the Newington DPWES solid waste site Kevin Jones is listening to a worker complain about Member Services' handling of a disciplinary grievance. The worker was disciplined and docked pay for not reporting during inclement weather; he says the severe snow storm hindered his ability to get to work. He is not alone, a number of workers have complained about disciplinary actions at this site, and the perception of racial bias factors into the complaints by the majority African American workforce. Jones employs a bit of diplomacy, both validating the complaint and the county emergency response policy. Theodora Stringham acknowledges Member Services receive a large number of cases from the Newington site, adding "there is less concern then there once was." Union mediation included creating the maintenance crew chief position as a promotional path for workers stagnant in low level positions. "There's a lot of disciplinary issues there I think because of a lack of creativity by managers but also that it is one of the hardest jobs you could ever have," says Stringham. Dave Lyons said:

It isn't a class or money or race thing, it has to do with management and whether or not you're hearing and listening to what is going on. We have more problems in Newington, Fred Oaks, blue collar sites; those management are not generally trained, tool box limited, they don't get the breaks that the white guy in the office gets, they don't get the compassion (Interview 2014).

### ***Diversity: Gender, Race and Class***

FCGEU's political committee is spending Saturday interviewing state and local candidates seeking union endorsement. David Broder introduces a female candidate to the group by stating: "we have noted proudly that you are the 4<sup>th</sup> of 5 women candidates to interview today. If you look around the room it is women who lead and run our union, Richmond lacks diversity, we are happy to see diversity." Throughout the day Broder described FCGEU to candidates as a "diverse union with a broad spectrum of membership." FCGEU's executive board is multicultural and majority women; three of the four FCGEU presidents have been women. A cursory look at membership or committee meetings suggests majority women, albeit without supporting data as FCGEU does not keep member demographics on race/ethnicity and gender. The intersection of gender, race, and class, particularly the marginalization of homecare workers, and the empowerment of women workers is often referenced. FCGEU touted its influence in electing union member Stacey Kincaid, the first female Sheriff in Fairfax County. Natalie Woodruff comments on the participation of women in the union.

I think women are more willing to join the union than men, from what I've seen in some of these political events there is definitely a lot more women... I think a lot of human service workers or people who go into this field are more women than men, and then the home care chapters there are a lot more women than men. At a lot of these events women have a bigger influence (Interview 2015).

The theme of female achievement was carried into the 2016 presidential election as Hillary Clinton was portrayed as an inspirational role model for girls and women. David Broder explains union diversity also means uniting workers from varied occupations and diverse cultures across the socioeconomic spectrum.

We are building a union that reflects the diversity of Fairfax County, we are not trying to be the voice for any one work force, any one work site, any one type of worker, this has to be an intensely diverse union and that's about the kind of jobs we do... To build a union with only Latinos, or only blacks, or only whites is to build a union that is not going to be successful... We want to make sure there are good public services and good jobs and we think those two go hand in hand; you can't have good public services if the people providing those services don't have good jobs (Interview 2015).

FCGEU members are represented from a cross section of occupations, from entry level low paying jobs to high paying management positions. The pay plan's emphasis on raising pay to market standards helped workers at the lower end of the pay scale, and these workers have voice in union decisions. Generally, members agreed the union was open and inclusive to all members with a "rising tide lifts all boats" approach. Some members wanted more targeted outreach and advocate resources for minorities, specifically Latino and Asian workers as a means of increasing membership. FCGEU is engaged with the Fight for \$15 and Black Lives Matter movements. "I was at the March protesting police brutality Saturday, I saw SEIU...they seem to be present when there is a positive cause, they acknowledge the importance of having political power," said Mark Travis. David Broder believes unions play a significant role in addressing racial inequities.

I also think that the union is one of the few places left in society that has people from different races coming together to have a conversation right now about police violence, about what's happened in Ferguson, New York and Baltimore, frankly there is so many places I could list now it's depressing...I think the union is one of the few places that pull people together, even beyond the organizing on the ground. I feel unions are going to play a vital role in having a meaningful dialogue about race (Interview 2015).

However, when the national issue of police brutality against African Americans reached Fairfax County, conversations about police violence and systemic racism proved

difficult for leadership to navigate. This was especially challenging during the 2015 reelection campaign of Sheriff Kincaid.

### ***Natasha McKenna's Death and the Criminalization of the Mentally Ill***

On February 3, 2015 Natasha McKenna, a 37-year-old African American woman, known to have schizophrenia, was restrained and shocked four times with a stun gun at the Fairfax County jail while being removed from the cell for transport to another jurisdiction. *The Washington Post* reported: “after the shocks were administered Feb. 3, she stopped breathing, was taken to a hospital and died several days’ later” (Well 2015). McKenna leaves behind a 7 year old daughter. Schizophrenia is a long term severe mental illness (SMI) often characterized by disorganized thoughts and erratic behavior if not treated. The Virginia House Appropriations Committee (2015) reported 13.2% of inmates in Virginia jails have SMI (“defined as schizophrenia, schizoaffective, delusional, bipolar, major depressive and post-traumatic stress disorders”). At the Adult Detention Center in Fairfax SMI inmates are 20% (188 inmates) of the population (Reynolds 2015). McKenna was jailed for public commotion and assaulting a police officer when she resisted arrest January 15 in Alexandria, Virginia. Initially, she received treatment at Inova Mount Vernon Hospital in Fairfax until Jan. 26 when taken to Fairfax County jail in response to an assault warrant issued by Alexandria. When Alexandria failed to pick up McKenna, the Fairfax emergency response team decided to transport her to Alexandria. *The Washington Post* editorial board called for a “prompt and transparent investigation.”

That must include releasing the video of the violent encounter (whose existence county officials confirm), the medical examiner’s report and relevant documents from both the sheriffs and police

department's investigations. The public also deserves to know whether guards at the jail, including the emergency response team, have received training in crisis intervention — training that Ms. Kincaid, incredibly suggested it is not important for officers who deal with inmates (2/12/15).

In April the Virginia medical examiner's office ruled McKenna's death was an "accident" and the cause of death: "excited delirium associated with physical restraint including use of conductive energy device, contributing: Schizophrenia and Bi-Polar Disorder." *The Washington Post* reported "numerous experts interviewed by *The Post* said the use of a stun gun on a fully restrained prisoner was an unreasonable use of force, particularly in a jail setting where a person is unlikely to flee" (Well 2015). The editorial board (2/27/15) added: "the American Civil Liberties Union, among others, has cast doubt on "excited delirium" as a cause of death, suggesting it is used mainly to give cover to excessive use of force by law enforcement." The Sheriff's office announced a review of policy on stun gun devices and a temporary suspension of its use in the jail (Well 2015). By September, after the commonwealth attorney decided not to charge deputies, Sheriff Kincaid released the 45 minute video of deputies restraining McKenna while promising a review of policy, crisis intervention training for deputies, and a jail diversion program for the mentally ill (Fairfax County Sheriff 2015).

The video revealed authorities were aware McKenna was severely mentally ill and symptomatic. The video begins with a sheriff deputy from the emergency response team (SERT) stating: "they had use of force on her this weekend, she's been non-compliant with orders, she's created a major bio hazard incident in the cell with urine and possibly feces; she was throwing urine out of the cell, and she was in the restraint chair at some point this weekend, so those are the reasons SERT is being activated." He did not mention McKenna's diagnosis, or indicate if she received psychotropic medications or



psychiatric treatment during her struggles at the jail, and the SERT team did not include a mental health clinician.

McKenna expressed intense fear and paranoia when the cell door opened: “you promised me that you wouldn’t kill me. I didn’t do anything.” The video is brutal and disturbing in the amount of force (body shield, knee compressions by large men on an average size naked woman, taser shots) and length of time it takes 6 deputies, 5 clad in full body protective gear, to place a non-combative McKenna in a chair. The deputies do not appear to have mental health crisis intervention training, they seem oblivious to McKenna’s fear: “stop resisting,” yelled a deputy over and over, but it is not clear how McKenna is resisting. It is clear by her words, that she is tense, frightened and confused by the swarm of men around her.

*The Washington Post* surmised: “Ms. McKenna is approached and treated as if she were a creature from an alien galaxy, not a human being... No deputy tries to speak with her. No tactic beyond force is contemplated... in the video she does not appear possessed of “super-human” or “demonic” strength, which deputies later attributed to her.” After the release of the video Sheriff Kincaid, an SEIU VA 512 member, interviewed with local station WAMU.

There’s a lot of lessons that were learned, I mean, first and foremost you don’t bring someone to jail for mental health treatment. You bring them to a mental health facility. You have to have more than a couple of people seated at the table in order for us all to come together as a community, which includes the judges. It includes public defenders. It includes the commonwealth’s attorney. It includes mental-health advocates. It includes law enforcement because we all have to come together so everybody is going to decide that this is something very important. It’s about human capital and it’s about taking care of people who are desperately in need (Pope 2015).

The video was released during Sheriff Kincaid's reelection campaign which renewed discussions about FCGEU's endorsement. Some members found Kincaid's public response to the "tragedy" deliberate and uncaring. Some members of the Deputy-Sheriff's local did not support the Black Lives Matter movement. McKenna's death, support for Kincaid, and SEIU VA 512's activism with the Black Lives Matter movement created continuous strain and disunity among members. National police unions and conservative media condemned Black Lives Matter as incendiary, and linked civilian killings of police to the protest group. "All Lives Matter," even "Blue Lives Matter," became the preferred idioms as many dismissed claims of racial disparity in police use of force, despite the regular media feeds of citizen recordings of police brutality. When police brutality was addressed, the focus was on individual police misconduct, policy and procedures rather than the structural racism and social inequality that rendered the inhumane treatment. Union leadership, eager to engage social movement activism and influence public policy, had difficulty managing the discord.

FCGEU decided to endorse and stump for Sheriff Kincaid with emphasis on advocating for crisis intervention training and jail diversion services. At budget hearings FCGEU leaders addressed the BOS about the importance of not cutting jail diversion jobs and funding crisis intervention for the mentally ill. The jobs remained intact. Some FCGEU members chose not to support Kincaid, who was reelected.

Kevin Pittman, a 43-year-old white man, has worked 16 years as a Deputy-Sheriff at the Adult Detention Center. "I've been involved with mental health inmates since 2002, I've been troubled by using force to manage their behavior, it is a jail."

The big tragedy of this whole system is that we've known for years what the deficiencies are, you can look at report after report identifying these deficiencies, and nothing has been done to correct this, because it always comes down to money, everybody agrees this needs to be done...but when it comes down to funding it, nobody wants to take responsibility, state doesn't want to, the county doesn't want to... We were doing a form of jail diversion, started a program in 2006, as with a lot of other initiatives, didn't go away completely, still doing training, but the resources were not provided to do it effectively...if I had to identify one failure it's funding and advocacy for funding....advocacy is something the union has been doing this time, instead of just talking about pay, saving positions in CSB, including jail diversion positions (Pittman Interview 2015).

Pittman is the married father of two adult children, and graduate of Stonewall Jackson high school in Manassas, VA and Western Kentucky University with a BS in political science. His mother was a unionized garment worker; "A lot of times growing up I knew the only reason we were able to have things was because of the union contract they were able to negotiate." Pittman has been President of the Fairfax Deputy Sheriffs union since 2008, and he says he is "more liberal and progressive," than his co-workers. In 2013 the Fairfax Deputy Sheriffs union, despite "concerns" about affiliating with "progressive" SEIU, became the 4<sup>th</sup> statewide local of SEIU VA 512, joining FCGEU, Homecare, and Loudoun County.

Even today after two years, I still hear some bellyaching about it, the whole public safety mentality, police officers, and fire fighters have the same mentality, is that we're better than everybody else; we are a different class of citizen if you will. So being involved in an organization that has home healthcare workers, and folks that work at a garage at Newington and all of that, working with them and being in photo ops with them, working on political projects with them, it's something that's new... these are folks that are representative of the community we serve, and having contact and discussion and building rapport and relationships will help us do our jobs better...most of the folks (deputies) live outside the county, they don't live in the community, they live in rural settings, we tend to be isolated private people...we forget who the community is, sometimes we forget our job is to protect and serve the community (Interview 2015).

Since McKenna's death Pittman has participated on committees with mental health advocates, local legislators, county executives and other community organizations seeking long-term jail diversion services for the mentally ill. These collaborative efforts

resulted in the Diversion First Program that began January 2016. Crisis Intervention trained (CIT) police officers can divert nonviolent offenders to the Merrifield assessment center for mental health evaluation and treatment. Funding to expand CIT training is ongoing with the goal of more police officers and deputies completing the training. Pittman explains: “a lot of the mentally ill are charged with assault on police, are they really violent offenders, the answer is no. CIT is empathy focus treatment first, nobody is asking to compromise your safety, what we’re asking for is more empathy and nontraditional approaches.” A portion of the 40 hours of CIT training will include on-site training at mental health treatment centers.

In February 2016, one year after McKenna’s death a small group of demonstrators gathered at the jail. “We’re here to remember Natasha McKenna’s life and how it was stripped away from her in a torturous way” says Erika Totten, a member of Black Lives Matter DMV (Uliano 2016). In September 2016, protest groups led a Fairfax demonstration against the shooting death of Giovanni Martinez, 29, a mentally distressed man shot by Deputy Patrick McPartlin when Martinez charged him with a signpost. The shooting occurred at a bus stop near Inova Fairfax Hospital soon after Martinez was evaluated or suicide ideation and released. Deputy McPartlin, an 18 year veteran, was on the SERT team in the McKenna death and received training to respond to the mentally ill, according the Sheriff’s office (Jouvenal 2016).

### ***Voting Rights***

*“Just like in Selma, we must march”*  
*Jess Brown*

On Monday July 13, 2015, SEIU VA 512 joined the NAACP, Black Lives Matter, the AFL-CIO and other labor and community activists in Winston Salem, North Carolina to March and Rally against changes to voting laws. The *Winston-Salem Journal* reported thousands marched in protest 50 years after the landmark 1965 Voting Rights Acts (Herron and Hinton 2015). In 2013 the Supreme Court “struck down the heart of the act when it ended a requirement that nine states with histories of discrimination, including North Carolina, get federal approval before altering voter laws” (Blythe 2015). Soon after the decision North Carolina implemented new voting rules that reminded of the state’s long history of voter suppression. A capsule of the new rules included (Blythe 2015; Graham 2015):

- Required photo ID to vote (not considered at trial as the General Assembly later amended the photo-ID law, which had been the strictest in the nation).
- Reduced early voting
- Ended same-day voter registration
- Banned the practice of casting ballots out of precinct
- Ended pre-registration for teens

July 13 was the first day in federal court: the Justice Department, NAACP, and League of Women Voters were suing the state of North Carolina over the new voting laws. They claimed the new rules suppressed minorities from voting: “The struggle to gain the right to vote in this state has been an arduous, slow effort to overcome one

barrier placed in the path of African Americans after another,” said Penda Hair, the NAACP legal representative. The Republican led state claimed the new laws ensured fraud-free elections and cost-savings by reducing early voting days. Butch Bowers, an attorney representing Gov. Pat McCrory (R) said, “the history of North Carolina is not on trial here,” and the new laws applied “equally to everyone, regardless of race” (Blythe 2015).

Organized by the NAACP, the “legal action,” coincided with the “direct action” of the March and an evening “teach-in” at a local church to provide education about the issue and activism. “This is our Selma” proclaimed Rev. William Barber, leader of the NAACP and the grass roots Moral Mondays protest movement that began with Monday protests throughout the state when the laws were enacted (Blythe 2015). The 1965 “Bloody Sunday” March on the Edmund Pettis Bridge in Selma, Alabama became the symbolic reminder of the brutality activists withstood to gain the 1965 Voting Rights Act. Ava DuVernay’s timely 2014 film *Selma* further sealed the historical significance of equal voting laws in the public conscious.

SEIU VA 512 organizer Jess Brown is leading the group of unionists and activists traveling by bus at 8:00 am from Fairfax to Winston Salem. “Just like in Selma, we must march,” Brown shouts before she succinctly explains the history of the fight for voting equality and the importance of this case. “We stand in solidarity with our brothers and sisters for voter rights...this historic case will have an impact on all of us.” Brown reviews the schedule that includes a stop in Richmond to pick up more participants, collects emergency numbers, and gives a lesson in media response and outreach; “we are

telling our stories to social media, send a headshot and quote while marching today.”

David Broder addresses the group to inform SEIU President Mary Henry contacted locals last week about attending the rally, but many were not able; he is “very proud of our union’s ability to mobilize quickly.” As everyone nestled into their seats for the nearly 6 hour trip, the film *Selma* begins on the small screens. *Selma* is being seen for the first time by a number of participants. This remarkable film reveals as much about bygone history of U.S. race relations as it does about current racial inequality. *Selma* opens with Dr. King receiving the Nobel Peace Prize, then cuts to four black girls at play in church before a racist bombing kills them, then cuts to Annie Lee Cooper, played by Oprah Winfrey, being humiliated and denied voter registration.

Today America remains confronted with its racist past and present. Barack Obama, the nation’s first black President, gave a hopeful race speech before elected to office in 2008, but his presidency was met with partisan obstruction, racial taunts and growing race and class divisions. Killings of unarmed black men by civilians and police incited national protest and debate about race. North Carolina, typically a Republican state, voted for Obama in 2008, then shortly after, like many state legislatures, elected a Republican governor and majority legislature that enacted reforms detrimental to poor and minority residents. In North Carolina, along with voter restrictions, these included reducing unemployment benefits, rejecting Medicaid expansion under the Affordable Care Act and repealing the Racial Justice Act, which allowed convicted criminals to appeal sentences based on racial disparities (Graham 2015). By the end of his 2<sup>nd</sup> term, President Obama was solemnly singing Amazing Grace as he presided over the service of

nine black parishioners killed during prayer by 21-year-old white supremacist Dylann Roof. The targeted racist killings at the historic Emanuel African Methodist Episcopal church in Charleston, South Carolina led to the removal of the confederate battle flag, a symbol Roof revered, from its capitol grounds. This was the climate that brought activists to rally in North Carolina.

The multicultural and multi-generational march through downtown Winston-Salem was not somber, it was vibrant with drummers, dancers, and spontaneous cheers as the large crowd chanted: “I believe we can win, and “we demand voting rights now.” The drummer shouts, “if we can’t get it,” crowd responds, “shut em down.” Signs are hoisted: “Voter Protection Not Suppression,” “Fight for \$15,” “Veterans for Peace,” “Respect all of Us Equally,” and “No New Jim Crow.” The SEIU crew, in their purple and gold, carry a large banner with their signature phrase: “A real voice for quality services.” Several young people wear t-shirts with the faces of four civil rights icons: Diane Nash, Fannie Lou Hammer, Bayard Rustin and Ralph Abernathy. The band is loud and powerful, playing classics like Stevie Wonders “Sir Duke” as the marchers proceed toward the stage for the rousing speeches that kept the crowd active.

Reverend Barber gave the final remarks, a crowd pleasing delivery on politics, religion, and activism. “50 years after Selma voting rights still matter...” it’s not merely conservatism, its sin; it’s not right vs left, its sin. Barber’s moral outcry recalled Dr. King’s famous reference to state ‘interposition and nullification’ against civil rights. He reminded the gathering of the activists who were beaten and killed for the right to vote: “remember those who died nobly.” The Rally ends with remembrance of the young civil



rights workers: James Chaney, Andy Goodman, and Michael Schwerner, killed in 1964 in Neshoba, Mississippi while there to register voters. The final Rally chant was “forward together, not one step back.”

Back on the bus, the group is still riled up. David Broder feeds the energy. “How was that, how do you feel, you feel fired up? Think about what we can do on our way back to change our democracy...only 30% expected to vote in Virginia’s election.”

## **Chapter Eight**

### **Conclusion**

Currently there are 28 right-to-work states: Kentucky became the 27<sup>th</sup> in Jan 2017, and Missouri the 28<sup>th</sup> in February 2017, both states enacted RTW laws immediately after Republican wins in the November elections. Right-to-work activism, aided by unlimited finance from business interests, reemerged with Republican fervor in 2010, and continues to gain momentum as six states were added to the fold since FCGEU was formed. Union density in RTW states is historically low as RTW laws discourage labor organizing. Just as there are fewer organizing campaigns in RTW regions, there is limited academic research on the RTW organizing process, particularly non-NLRB organizing in the public sector. This dissertation project contributes to labor scholarship a qualitative case study of a new model of right-to-work union organizing.

The extended case ethnography method revealed the complexities of forming a new union: the organizational structure, strategies and tactics, the wide range of attitudes and beliefs that inform the cultural milieu, and the societal events that shaped the union's trajectory. Even though this case study is specific to public sector workers in Fairfax, Virginia, the comprehensive examination of FCGEU's organizational structure disclosed strengths, limitations, and pitfalls of RTW unionization that could inform a wide range of campaigns. The research finds that social movement unionism can be practiced

effectively within traditional business union structures that focus on political engagement and cultural reform.

### ***Can Local Campaigns Revitalize the Labor Movement?***

The labor movement largely dismissed RTW regions as risky investments of resources given the intense political opposition to unions and anti-union culture. Now that RTW has expanded to the majority of states, revitalizing the labor movement will depend on innovative and varied organizing strategies. When FCGEU joined with SEIU in 2009 they were encouraged by the changing political and social demographics in Northern Virginia, a burgeoning wealthy hub of ethnic diversity and socially liberal Democrats. Eight years later FCGEU has unionized 1700 Fairfax County workers and joined with Homecare, Loudoun County, and Fairfax Deputy Sheriffs to form regional SEIU VA 512. This is occurring in a right-to-work state where public sector collective bargaining is illegal and union culture is scarce. SEIU decided to sojourn into Southern territory with its new model, a hybrid of its issue-based organizing model that connects workplace issues with political unionism, community coalitions, and social movement activism. Add to that some ingenuity where “you pick up what you can on the ground and you fight with it,” says Dave Lyons, and you have a model to combat right-to-work obstacles to unionization. It has not been easy.

FCGEU’s organizational structure, strategies and tactics revealed more strengths than limitations to organizing public sector workers. Strengths include: influencing workplace and political culture, commitment of core leadership, winning campaigns for pay raises, prevention of program and benefit cuts, member advocacy and protections,

development of workplace leaders, political and civic engagement of workers, and social movement activism. Limitations include: partisan politics, limited resources that impede membership growth, staff turnover, low member participation, work overload of a core group that threatens solidarity, and RTW laws and anti-union culture that impede membership growth.

### ***Partisan Political Reality***

“We’re always trying to win our next election”  
Kevin Jones

SEIU VA 512 is foremost a political union. “Its political power that actually gets you what you need in a right-to-work state” asserts Kevin Pittman (2015). On the eve of the November election LaNoral Thomas (2015) tells a packed room of FCGEU members that political engagement is essential to gaining quality jobs and services, and then bluntly adds, “I detest politics, I hate doing it, but I have to.” David Broder says political engagement is the “fundamental challenge” facing the union.

I think politics becomes the word that we use for anything we don’t like, which is problematic. But when I’m talking about politics, I’m talking about the full range of civic engagement, I’m talking about elections, I’m talking about legislative advocacy at the local, state, and federal level. I’m talking about going to the local town hall to hear your elected officials, voter registration, commenting on state regulations-the full range of civic life... Our job with our members and with the community at large is to have people see the importance of politics to the things they care about: their jobs, their families, and then be empowered to take action (Interview 2015).

Although fully engaged in local politics, organizers and members are not always enamored with politics beyond the local. Kevin Jones (2016) said “I see myself as a guy who builds a union almost impartial but I know we’re not, I hate thinking we are another version of the Democratic Party.” Dave Lyons (2014) asserts, “If you look nationally,

what the hell has a Democrat done for us, not a thing as far as I'm concerned, not for years." Tammie Wondong recalled her attempts to convince a co-worker that unionization is more about workplace and social issues than political affiliation.

He says all unions are Democrat, that's the little he knows. If you can educate yourself beyond Democrat and Republican, we all share the same issues. We work in the same area, we fight for this Medicaid, so that impacts you as well when people come to the office to get services, but they have no insurance. So we have to find out who can make a donation to get this person medicine, same issues that impact the Democrats impact the Republicans as well (Interview 2015).

FCGEU organizers and members claim the union is politically independent.

David Broder likes to repeat the political mantra, "no permanent enemies, no permanent friends." Unionism, however, especially post New Deal legislation has a long association with Democratic allies and Republican opponents. While FCGEU has given the nod to a few local Republicans, the majority of their endorsements go to Democrats. Of the 22 FCGEU unionists interviewed for this study 17 are Democrats, 6 Independent, and none Republican. Mike Lawrence explained: "It's not necessarily a Democrat or Republican thing; it's more about an ally thing, some allies are across the aisle." When asked: are most of your allies Democrats? Lawrence replied "absolutely." Sociologist Jake Rosenfeld (2014) succinctly sums up the partisan reality of unionization: "Today, where Republicans rule, unions generally don't."

FCGEU policy success has proven to be almost entirely linked to Democrats, as much as opposition is Republican based. FCGEU has made significant advances in organizing workers in Fairfax where the BOS are majority democrat (8-2). In 2015, FCGEU endorsed and campaigned for the eight Democrats and one Republican, all winning election. Loudoun County's majority Republican BOS (9-0 in 2014) has made

organizing workers far more challenging. SEIU began organizing Loudoun County in 2010; five years later they only had roughly 200 members. Unlike in Fairfax, organizers are not given access to county buildings, not permitted worksite meetings during breaks or lunch, and workers received anti-union messaging from management. Jess Brown spent four years trying to organize Loudoun workers: “I would always get kicked out of all the worksites, they have to grow from the inside out; you can’t come into Loudoun” (Interview 2015). Member services advocate Theodora Stringham elaborates on the employer obstacles to unionization in Loudoun County:

Loudoun county is antiunion, they have a 100% tea party Board of Supervisors...they are very good at scaring employees into thinking they might get into trouble if they join...it is not as foreboding or threatening in Fairfax as it is in Loudoun. That has a lot to do with the tone that the Board of Supervisors set by the people they choose to be Agency Directors, and the things they say all the time in agency meetings, they’re just not supportive (Interview 2015).

Despite the political limitations in Republican strongholds, persistence yielded results in 2015 when union endorsed Democrats in Loudoun won three board seats, two by the first African Americans to serve on the Loudoun BOS: Phyllis Randall, a mental health therapist, was elected at-large chair, and Koran Saines, an election officer, represents Sterling. Kristen Umstattd (D), an attorney and former Mayor was elected to represent Leesburg district. SEIU VA 512 also endorsed Republican Suzanne Volpe who did not support the Fight for \$15, but was deemed “progressive” on employee benefit issues. Although gains have been slow in Loudoun, the changing BOS is viewed as a hopeful sign of growing labor influence.

The Virginia General Assembly offers similar political challenges; that is where the homecare chapter negotiates its wages and benefits. Fairfax workers battle with the county BOS, homecare workers battle with the state legislature. The General

Assembly consists of the House of Delegates, 100 members serving two year terms, and the Senate, 40 members serving 4 year terms. Unlike in other states Virginia elections take place during odd-numbered years. Like most state legislatures during the Obama years Republicans held the majority, in the House (66-34) and Senate (21-19). Dave Lyons (2014) observes:

This entire political system in VA was designed by the Byrd's, Harry Byrd and the Byrd machine to limit voter participation. That's why you have elections at the weirdest times in the country, off year elections, and Governors' election in 2013, 2017. Legislature is elected on off years except if you live in a town where you elect in the spring, except if you have a vacancy you have to fill it in 30 days. It's totally designed for special interest to rush in and spend money, and get it done on a limited vote. The biggest lie is that I want everybody to vote, no they don't, they want 10% to vote. We said ok, we're not going to change that, so we will master that.

### **Homecare Is a Real Job**

Since homecare workers are transient public employees often working with patients at varying times and locations, SEIU VA 512 relied on the Freedom of Information Act to get "the list" with contact information for homecare workers in Virginia. LaNoral Thomas said SEIU did not receive updated lists when Governor Bob McDonnell (R) was elected in 2009; he did not respond to the union's request for the list, and did away with the state system of payroll deduction of union dues secured under Democratic Governor Tim Kaine. The loss of the list and payroll deductions reduced membership from 1600 to 650 in less than a year; organizers had to locate and sign members individually to a bank draft to collect the \$15 monthly dues. It was a major loss of momentum to the homecare campaign. Jess Brown referred to McDonnell's anti-union actions as a "boss campaign" against low-income workers organizing for basic labor standards. "He tried to eliminate the homecare program all together when he took away

dues deduction.” FCGEU organizer Jewel Farley, a former homecare worker explained the expertise, and emotional and physical demands of home health care work.

You could work with people who are mobile or fall risk, so when they walk you have to walk beside them...sometimes they're elderly, sometimes they're not, and some are young people. You don't have to administer medications, but make sure they take meds; you could have a person on a feeding tube, a trach tube that you have to clean. I had a man who constantly had strokes, patients that have seizures, patients with mental disabilities, some go to the bathroom on themselves and play in it, and men with mental disability sit there and play with themselves, a quadriplegic. You have to dress them, feed them, take them to the bathroom, if they can't go to bathroom, change their diapers, get them off the bed put them back in the chair (Interview 2015).

To secure SEIU VA 512's endorsement and campaign support for Governor in 2013, Terry McAuliffe, a right-to-work supporter, agreed to return the list and advocate on behalf of homecare workers. In September 2013, President Obama passed federal law that recognized homecare as a profession and extended the protection of U.S. minimum wage and overtime law to almost two million workers. Home health workers, personal care aides and certified nursing assistants are covered by the Fair Labor Standards Act since January 2015. Labor Secretary Thomas Perez said: "we are taking an important step toward guaranteeing that these professionals receive the wage protections they deserve while protecting the right of individuals to live at home" (Becker 2013). Previously defined as "companionship services," 90% of homecare workers are women, and nearly half minorities with a median annual pay of \$22,600 in 2016 (Becker 2013; BLS 2016). Jess Brown informed that prior to the law "they could be paid less than minimum wage," and are "still not paid overtime pay in Virginia," although homecare workers received a modest 2% raise in 2015.

Governor McAuliffe tried to put overtime pay into the state budget, they rejected it in the Senate and House, but instead the Senate put in a 2% raise, the House didn't. It went into conference committee where they take the two budgets and compromise on one. They left the 2% raise for homecare providers which could have gone either way, that's how they won... In Northern



Virginia your salary is going up from \$11.47 to \$11.90, in Winchester \$8.86 to \$9.04 and the rest of Virginia (Interview 2015).

SEIU VA 512 celebrated homecare raises amidst a sobering political reality.

In addition to our victories, we also continue to face real challenges. Extremist anti-union politicians voted against Medicaid expansion, raising the minimum wage, providing all working people with paid sick days and making our tax system more fair (FCGEU/SEIU Newsletter March 2015).

At the close of 2015 all 140 seats in the General Assembly were on the ballot.

Democrats were hoping, but failed to gain a seat to even the Senate at 20-20 with the Lt. Governor (D) having tie breaking authority. Democrats picked up two seats in the House vacated by Republicans not seeking reelection. Kevin Jones said “gerrymandering won” the election. *The Washington Post* summed up election results with the headline: “The Fix: The 2015 election in Virginia: A tribute to gerrymandering.”

Incumbents have a sweet ride in the commonwealth. A total of 122 current office-holders ran for reelection to the 140 seats in the Virginia Legislature, and all 122 were reelected. Seventeen of the 40 Senate seats were uncontested, as were 62 of the 100 House districts... Three words explain these results in the Old Dominion: gerrymandering, gerrymandering and gerrymandering. If politicians have the opportunity to draw their own district boundaries, these politicians have the power to create a system that offers most voters a Soviet-style candidate list in return... The system is fixed, and it’s no wonder so many voters are angry with politicians. Moderate voters, in particular, lose out when the real electoral decisions are made by the partisans who participate in the nomination stage (Farnsworth 2015).

FCGEU turned in full force to the 2016 presidential election where the idea of a fixed or rigged system became even more palpable.

### **SEIU VA 512 Endorses Hillary Clinton**

On the eve of Super Tuesday Hillary Clinton’s campaign rally at George Mason University in Fairfax, Virginia is under way. Pharrell’s exuberant anthem “Happy” is on blast as Governor Terry McAuliffe, surrounded by a cheering coalition from SEIU VA 512, warms up the crowd. “Every friend, every neighbor, everybody you got, you drag

them to the polls because Virginia is Clinton country.” Clinton emerges on stage giving a hi-five to Tammie Wondong and cheers to the SEIU brigade wearing purple “SEIU for Hillary” shirts and waving “Fighting for Us” placards.

A hoarse Hillary Clinton thanked the “Hil-lary” chanting crowd and began to shout about “what’s at stake in this election.” She plans to “move the country forward” while “scapegoating” Republicans will “rip away the progress, send us backward, and deprive people of rights they attained.” Clinton’s stump speech was a litany of progressive promises: access to quality healthcare, change systemic racism, increase good jobs in left behind communities- especially coal country, create jobs in infrastructure, advance manufacturing and clean renewable energy- more “jobs that can’t be exported.” Unlike Republicans she will address climate change, have solar panels in every home, increase energy jobs, and help small business, especially for the young, minorities and women. “And let’s get around to raising the federal minimum wage because right now it’s a poverty wage and people who work full time should not still be in poverty, and don’t you think it’s finally time to guarantee equal pay for women’s work.” Cheers. She praised her husband, former president Bill Clinton’s economic policies of the 1990’s, claimed he produced 23 million new jobs that raised American incomes by 17%, African American incomes 33%. She blamed the 2008 recession and subsequent loss of jobs, homes and family wealth on Republican trickle-down economic policy that slashed taxes and deregulated Wall Street. President Obama was credited for “digging us out of the ditch,” and she vowed to continue his success by defending the Affordable Care Act, getting the costs down, taking on the drug companies and overcoming educational

barriers with better early childhood education and affordable college. “We have enough prisons; we don't need any more prisons. We need investment in higher education instead.” She then asked the college audience about student debt and interest rates higher than 10%-11%-12%? Someone yelled 14%.

Clinton promised policy to refinance student debt at lower interest rates and offer income based repayment plans and debt relief in exchange for public service. Then, with unseemly aplomb Clinton said this to a room full of college students.

If you pay your debt back every month faithfully, at the end of 20 years, it doesn't matter how much is left, you're done. We are not going to have you carrying that debt around... Now, I do have a disagreement with my esteemed opponent in the Democratic primary because he wants to give everybody free college, and there's two problems with that. One is that does nothing to get the costs down. If you're going to have a guarantee of free money, there's no reason to try to get the costs down. The other problem with it is I think people who can afford -- upper class, rich people-- they should pay. I am not going to tax you and your family to send Donald Trump's youngest child to college for free.

Clinton closed her stump speech as she began, asserting her disagreement with Republicans about “civil rights, voting rights, women’s rights, gay rights, and workers’ rights, they seem to be against them all.” She will protect women’s health care rights, defend marriage equality and voting rights, fight to end Citizens United, defend Obama to nominate Supreme Court justices, defend social security from privatization and make the wealthy pay their fair share in taxes. “I’m sick of mass killing.” She denounced the horrific racist killings of nine parishioners in Charleston S.C. and noted the accused killer was a felon who should not have been able to purchase weapons. She will fight the gun lobby and change laws, and fight Isis by building coalitions with Muslim nations rather than insulting them like her Republican rivals. She is proud of our military, especially the many stationed in Virginia, and she will fix the criminal justice system. “America’s

best are still ahead of us, if you go out and vote for me I will fight for you” (C-Span.org 2016).

Hillary Clinton’s checklist of progressive reforms were honed over the primary months, but still rang hollow. Primary opponent Bernie Sanders crushed Clinton’s neoliberal politics at every turn: “Do we really feel confident about a candidate saying that she's going to bring change in America when she is so dependent on big money interests?” (CNN 2016).

Bernie Sanders, an energetic 75 year old white haired New Yorker, serving Vermont in the Senate as an Independent since 2007, joined the Democratic Party to run for President. Touting “democratic socialism” Sanders, a relative unknown financed by small donors, proposed returning America to the social sentiments and policy of FDR’s New Deal programs that addressed income inequality and poverty and rebuilt trust in government. Sanders’ brand of socialism does not eschew private enterprise, instead called for more equitable distribution of profits to workers and more political representation. Sanders advocated collective bargaining rights, fair taxation, business regulations and public funding of elections. His major proposals included: \$15 minimum wage, universal healthcare, tuition free public college, full employment economy, and legislation combating climate change. Sanders proclaimed his social policy proposals are in the same vein as Social Security, Medicaid and Medicare, unemployment and disability insurance, once also called “socialist” but now “have become the fabric of our nation and the foundation of the middle class” (Sanders 2015). Sanders galvanized

young voters, and the progressive wing of the Democratic Party discontented with vast inequality and corporate domination of politics.

In vibrant debates with Clinton, Sanders denounced her vote for the war in Iraq: “the worst foreign policy blunder in the history of this country,” and her vote for “virtually every disastrous trade agreement which cost us millions of decent-paying jobs,” and her ties to the wealthy campaign funding of super PACs and Wall Street; “Secretary Clinton was busy giving speeches to Goldman Sachs for \$225,000 a speech” (CNN 2016). The dismissal of Sanders socialist programs as unrealistic was displayed in the debates; he was pointedly asked by the moderator: “given your obvious contempt for large American corporations, how would you as president of the United States be able to effectively promote American businesses around the world?” Sanders responded:

Well, for a start, I would tell the gentleman who's the CEO at Verizon to start negotiating with the Communication Workers of America. This gentleman makes \$18 million a year in salary. That's his compensation. This gentleman is now negotiating to take away health care benefits of Verizon workers, outsource call center jobs to the Philippines, and trying to create a situation where workers will lose their jobs. He is not investing in the way he should in inner cities in America.

Clinton: I have seen the results of what can happen when we have the government cooperating with business. And that's exactly what I will do. When I was Secretary of State, I helped to lead the way to increased exports of American goods around the world, which supports tens of thousands of jobs (CNN 2016).

Black Lives Matter activists confronted Sanders and Clinton about their role in mass incarceration and criminal justice reform. Clinton was approached by black youth at political events with “I’m not a super predator” signs; a critique of her 1994 dehumanizing comments about violent black youth. “They are not just gangs of kids anymore,” she said. “They are often the kinds of kids that are called ‘super-predators.’” No conscience, no empathy. We can talk about why they ended up that way, but first we

have to bring them to heel” (Alexander 2016). During the campaign Clinton apologized for her remarks and pledged judicial reform. She supported Governor McAuliffe and SEIU’s efforts to restore voting rights to felons. In July 2016 McAuliffe signed an executive order, then battled Virginia courts and Republicans, to restore voting rights to 200,000 violent and non-violent felons. “These individuals are gainfully employed. They send their children and their grandchildren to our schools. They shop at our grocery stores and they pay taxes. And I am not content to condemn them for eternity as inferior, second-class citizens” said McAuliffe (Vozzella 2016). John Whitbeck, chairman of the Virginia Republican Party, said: “Terry McAuliffe’s decision to break with centuries of precedent in a blatant effort to stack the deck for Hillary Clinton in November was nothing but a naked power grab” (Boyer 2016).

Michelle Alexander’s (2016) article in *The Nation* entitled “Why Hillary Clinton Doesn’t Deserve the Black Vote,” offered a rare analysis of the Clinton’s legacy of harm to the black community. “From the crime bill to welfare reform, policies Bill Clinton enacted—and Hillary Clinton supported—decimated black America” begins Alexander, author of the landmark book *The New Jim Crow*, which offers greater detail of the devastation of Bill Clinton’s social policy. Alexander argues Bill Clinton’s crime bill “produced staggering racial injustice in sentencing and boosted funding for drug-law enforcement.” At the same time his welfare reform policies limited or cut programs to aid poor families and children as “billions of dollars were slashed from public-housing and child-welfare budgets and transferred to the mass-incarceration machine” (Alexander 2016). Contrary to myths about the great Clinton economy, black unemployment was

exceedingly high and extreme poverty doubled, and both became longstanding as Clinton policies excluded felons from basic social assistance, including housing and education.

Michelle Alexander surmised:

It is difficult to overstate the damage that's been done. Generations have been lost to the prison system; countless families have been torn apart or rendered homeless; and a school-to-prison pipeline has been born that shuttles young people from their decrepit, underfunded schools to brand-new high-tech prisons (Alexander 2016).

Alexander found Bernie Sanders' policy record less harmful than Hillary Clinton's. Even though he voted for the crime bill and dismissed reparations, he opposed welfare-reform, bank deregulation and the war in Iraq, all supported by Clinton. "In short, there is such a thing as a lesser evil, and Hillary is not it," said Alexander. Despite the critique, Hillary Clinton garnered support from prominent black leaders and the vast majority of black voters, albeit fewer votes than Obama in 2008 and 2012. Since the 1980's, the Democratic Party made political choices to take a more conservative stance on civil rights and labor issues; those decisions came home to roost in 2016.

SEIU international endorsed Clinton in November 2015, early in the primary season, "after a rigorous, months-long member engagement process." Member engagement included town hall meetings, national polling from fall 2014-fall 2015, executive board debates, and local union discussions. SEIU President Mary Kay Henry said "Hillary Clinton has proven she will fight, deliver and win for working families" (SEIU 2015). Clinton adopted the SEIU slogan *Stronger Together*.

Selecting Clinton was not well received by all SEIU VA 512 members. At the time of the announcement the Sanders campaign had unexpectedly gained momentum and his supporters did not feel engaged in the selection process. Neither did an emerging

minority of Donald Trump supporters. Some believed it was a top down decision made by executive boards that early on surmised Clinton was the best option. Others believed it reflected union partisan politics. Most important, too many rank-and-file members wanted more electoral control, a democratic vote, in the selection process of national political candidates and top union officials.

Some members quit the union in protest of the Clinton choice, which is not unusual for politically active unions; some remained in the union but dropped their COPE funding of political candidates. Clinton was endorsed by most of the major national unions. Communication Workers of America and its 700,000 members endorsed Sanders in a break from the national norm (McGill 2016). Unexpectedly, large locals broke with national leadership to endorse Sanders. Among those opting out of the Clinton endorsement were healthcare local-SEIU 1199, and public sector locals in Oregon-SEIU 503, and Massachusetts -SEIU 888 (Mahoney and Levine 2015). The 19,000 members of Washington Federation of State Employees broke with parent union AFSCME to endorse Sanders (McGill 2016). It was particularly dismaying to unionists that Clinton did not endorse the Fight for \$15 campaign just as it was gaining steady momentum; she pledged \$12. Bernie Sanders pressed Clinton during debates and she gave an unclear nod to \$15. SEIU presented Clinton as endorsing \$15 on public flyers.

Clinton: Going from \$7.25 to \$12 is a huge difference. Thirty-five million people will get a raise. One in four working mothers will get a raise. I want to get something done. And I think setting the goal to get to \$12 is the way to go, encouraging others to get to \$15. But, of course, if we have a Democratic Congress, we will go to \$15 (CNN debate 4/16/16).

Sanders: "I think we have got to be clear, not equivocate, \$15 in minimum wage in 50 states in this country as soon as possible" (CNN debate 4/16/16).



Clinton won the Virginia primary and became the first woman of a major party to run for President. FCGEU members supported Clinton and actively campaigned on her behalf for months. SEIU international descended on Virginia, a key swing state, with canvassing and funding. However, the Democratic base was fractured. Bernie Sanders claimed the system was “rigged” in favor of Clinton. “The establishment determined who the anointed candidate would be before the voters got into the process” he said in a CNN interview (CNN 2016). Clinton selected for Vice President former Virginia Governor and current Senator Tim Kaine, a right-to-work advocate, who supported TPP and less restricted banking regulations (Nichols 2016). Kaine focused his campaign rhetoric on fighting poverty.

Republican candidate Donald Trump, a 70-year-old white businessman with no experience in public office, continued the narrative of Clinton representing the “rigged” system and inept establishment politics. The heir of a wealthy realtor, Trump maintained his fortune in business and entertainment ventures and garnered a reputation for chicanery. His father, Fred Trump, amassed his fortune amid federal investigations for “profiteering off of public contracts,” and “discrimination against black tenants.” *The Washington Post* reported that folk singer Woody Guthrie wrote lyrics about the elder Trump’s racism in the 1950’s (Moyer 2016).

*I suppose  
Old Man Trump knows  
Just how much  
Racial Hate  
he stirred up  
In the bloodpot of human hearts  
When he drewed*

*That color line  
Here at his  
Eighteen hundred family project*

Donald Trump has a penchant for racial animus. For years he promoted the lie that President Obama's birth certificate was fraudulent, that the first African American president was not born in the U.S. and deceptively won the presidency. Trump held "Make America Great Again," populist rallies, mostly in Southern and Midwestern states that appealed to disaffected white workers with racist, sexist, xenophobic and violent rhetoric. Mexicans, Muslims, and refugees were prominent targets. Women were objectified, African Americans ghettoized. Trump became an outlier in his own party, eschewing aspects of Republican global and domestic policy for America first nationalism that promised workers less competition and more opportunities. He rejected the American alliance with NATO, promised to renegotiate Bill Clinton's NAFTA trade deal that was supported by Republicans, threatened tariffs on imports, and opposed Obama's TPP trade policy that Republicans endorsed and Clinton initially supported before changing course. Rather than support wage increases, he harkened back to old union sentiments that scapegoated immigrants for taking jobs and lowering the wages of American workers. He promised to make Mexico pay for a wall on the their border, ban immigrants, and cut taxes and business regulatory protections to return jobs, middle class prominence, and law and order to America ((Politico 2016). Trump selected Mike Pence for Vice President, a free trade and right-to-work advocate who opposes prevailing wage laws and minimum wage increases (Mahoney 2016). Immigration and Customs

Enforcement officers and Fraternal Order of Police were among the few unions supporting Trump (Jackman 2016).

On November 3, 2016, on the eve of the presidential election, the National Labor Relations Board, citing unfair labor practices, ordered Trump International Hotel in Las Vegas to bargain with the Culinary Workers Union local 226 that voted to unionize in 2015. Many of the 500 unionists are Latino and Filipino immigrants working in housekeeping, food and guest service jobs that earned less than their unionized counterparts. Trump International refused to bargain with workers, affiliated with UNITE HERE, claiming the election was rigged; a claim rejected by the National Labor Relations Board. The Culinary Workers Union responded to the delays with escalating actions, large protests outside Trump high-rise hotels and boycotts, before Trump International relented and negotiated a four year contract that won employees wage increases, pension and health care benefits (Rindels 2016; [culinaryunion226.org](http://culinaryunion226.org)).

Clinton and Trump became known as the most unpopular major party candidates in modern American history, with voters believing the other party threatens the well-being of the nation. Just three months before the election a Washington Post-ABC News poll revealed 59% of registered voters held an unfavorable view of Clinton; 60% held unfavorable views of Trump (Blake 2016). The Clinton-Trump contest was cloaked in what Benjamin Ginsberg and Martin Shefter call politics by other means. “Rather than engage in an all-out competition for votes, contending political forces have come to rely upon such weapons of institutional combat as congressional investigation, media

revelations, and judicial proceedings to defeat their foes” (Ginsberg and Shefter 2002:14).

In recent decades the Nixon, Reagan, Bill Clinton and George W. Bush presidencies were all marred by politics outside the electoral arena, mostly in the courts and corporate media. Nixon and Clinton were impeached, Reagan was heavily investigated, and the Supreme Court was pivotal in deciding the Bush/Gore presidential outcome. In 2016, even a foreign power was added to the fray as Russian computer hackers were alleged to have exposed Hillary Clinton and Democratic Party e-mails to sway the election in favor of Donald Trump. The Obama campaigns were exceptions, popular voter mobilization was a successful tactic and the administration was relatively scandal free, although hampered by partisan obstruction. The increasing importance of these institutional weapons was pronounced when Donald Trump, a reality TV personality and all around huckster, became the corporate media’s favorite miscreant to the tune of billion dollar profits for major media firms. A *U.S. News & World Report* headline read: “Who’s winning the election? Networks” (Risen 2016). Trump brought the indecent and disturbing behavior of reality TV and the vitriol of social media to electoral politics. CBS CEO Leslie Moonves said:

Who would have thought that this circus would come to town? But, you know, it may not be good for America, but it’s damn good for CBS. That’s all I’ve got to say. So, what can I say? It’s—you know, the money’s rolling in, and this is something. I’ve never seen anything like this. And, you know, this is going to be a very good year for us. But—sorry, it’s a terrible thing to say, but bring it on, Donald. Go ahead. Keep going (*Democracy Now* 2016).

The revenue driven broadcast news focused exclusively on the folly of elite establishment candidates with little recognition given to independent candidates or pressing social issues. The major media and its surrogate social mediums channeling

populist, often false messages, along with the partisan politics of presidential executive orders, filibusters, independent councils and partisan courts, all supplanted electoral competition. The consequence has been dysfunctional political patterns that undermine government effectiveness. Ginsberg and Shefter note: “Barriers to voting decrease participation as politicians increasingly limit opportunity and reason for citizens to participate in politics. Elections no longer determine who will govern as legislative branches do not cooperate with each other, and institutional battles continue after elections” (Ginsberg and Shefter 2002:14).

In 2016, Republicans disavowed the constitution by halting President Obama’s Supreme Court nominee for almost a year. In an interview just days before the end of his presidency, President Obama said, “I was surprised and continue to be surprised by the severity of partisanship in this town” (60 minutes 2017). Eleven days before the election FBI Director James Comey reopened an investigation of Hillary Clinton’s use of a private email server (Cassidy 2016), only to close the case several days later after the political damage was done. On the eve of the election Republicans threatened to seek impeachment if Hillary Clinton was elected. Trump said “Haven’t we just been through a lot with the Clintons? The work of government would grind to a halt if she were ever elected” (*New York Times* 2016).

Hillary Clinton won the popular vote but lost the Electoral College, the institutional battle and the election. FCGEU, much like large segments of the country, were surprised and dismayed by Clinton’s loss; political polls and pundits predicted a Clinton win. Jess Brown said she was “shocked,” Kevin Jones said some members were

in “disbelief” and “scared” of the idea of a Trump Presidency. Jones’ Facebook post several days after the election assured members of FCGEU commitment to workers.

Just wrapped up another worksite meeting and had great conversations about the state and local challenges ahead. Tough decisions have to be made so make your voice heard! Remember, unions fight for fair treatment for all members and we stand against intimidation and injustice. No election changes that. If you feel you're being treated unfairly, please contact us (Facebook post November 10, 2016).

Clinton won Virginia and the DMV region, and SEIU VA 512 scored a major victory when the right-to-work constitutional amendment was defeated. SEIU VA 512 finished the year with a frenetic pace of actions. On November 29 the union marched in Richmond’s Fight for \$15 National Day of Action that took place in 340 cities. On December 6 a large contingent of FCGEU members attended the Fairfax Civil Service Commission hearing to oppose changes to the county's emergency leave policy, deemed “unsafe and unfair” to workers. FCGEU scored a victory when the commission rejected the policy changes. The year closed with FCGEU joining community businesses to provide food and resources to local families during the holidays. FCGEU had about 1700 members at the end of 2016, its first drop in membership from the previous year.

Organizers and members worked tirelessly for the Clinton campaign amid a backdrop of internal strain from anti-Clinton members. The lengthy campaign redirected limited personnel resources away from workplace organizing and community issues and burdened the new local with internal strife. Future research could examine the impact of presidential campaigns on local unions: the degree of unity or dissension among members, the degree of focus on local issues during national campaigns, the changes in membership density, the allocation of financial, staff, and member resources, the process

for selecting national candidates, and the impact of wins and losses on member morale and overall stability of the local.

### **The Limits of the Democratic Party**

The Trump victory along with Republican majorities in the House and Senate brought immediate reaction from SEIU international. At the close of 2016 media outlets reported SEIU plans to reduce its \$300 million annual budget 30% by the start of 2018, including an immediate 10 percent reduction by the start of 2017. SEIU expects Republicans to nominate judges and a Supreme Court justice to expand RTW laws that diminish union density, dues collection, and political power. “Because the far right will control all three branches of the federal government, we will face serious threats to the ability of working people to join together in unions,” wrote Mary Kay Henry, SEIU president, in an internal memo. “These threats require us to make tough decisions that allow us to resist these attacks and to fight forward despite dramatically reduced resources” (CBS News 2016). FCGEU is still reliant on SEIU international for financial support and may be impacted by the cutbacks.

Organized labor has a long history of major financial contributions to political campaigns, and reportedly spent record amounts on political action committees (PAC’s) during the 2016 election cycle, mostly to Democratic candidates. SEIU donated \$19 million plus many volunteers canvassing and phone banking over an extended period (Jamieson and Blumenthal 2016). With RTW campaigns mounting and union membership still in decline in public and private sectors, the labor movement has reaped few rewards in recent years from its alignment with the Democratic Party on the national

level. Labor leaders should consider directing those resources to winning local campaigns and independent political candidates that offer credible solutions to economic inequality.

From the lukewarm support of Wisconsin's public workers, to the determined choice of Hillary Clinton, the Democratic Party is viewed by large segments of American workers as representative of the ruling elite: bureaucratic, hierarchical and impersonal. Hillary Clinton's public record contrasted her checklist of liberal reforms and moral pronouncements that neither addressed the pitfalls of capitalism nor connected inequality to union decline. The leaders of the Democratic Party and labor have lost connection to the working class movement to such a degree they believe their only chance of winning is to support RTW candidates who vacillate between the goals of Wall Street and labor, and substitute civil rights for diversity and superficial inclusion. American workers are dismayed by this reality. SEIU may better serve its members and the labor movement by investing more in local campaigns like SEIU VA 512. Such campaigns are connecting workers to the labor movement with the humanistic ideas and progressive actions long abandoned by the Democratic Party.

### ***The Promise of Local Campaigns***

To build a successful union of rank and file leaders from the ground up, FCGEU has to appeal to a broad constituency of general county workers and union members have to learn how to engage county government and in some cases the state legislature. It takes time, patience and perseverance to grow membership and establish union presence, particularly in a RTW state.



Many of the comprehensive organizing strategies and tactics for successful unionism noted in the research of Bronfenbrenner and Hickey have been implemented effectively by FCGEU. Organizers have person to person contact inside the workplace where they develop relationships with workers and leaders. Strategic targeting by agency and department resulted in greater union density at Housing & Community Development (57%), Facilities Management (55%), DPWES Solid Waste Management (48%), and Community Services Board (35%); these sites were early targets where organizers developed sustaining relationships. Less organizing activity at other large departments yielded low outcomes: Neighborhood & Community Services (17%), Health Department (13%), Park Authority (6%), and Juvenile & Domestic Relations Court (5%).

FCGEU operates with limited staff and resources; only three organizers on average cover roughly 8500 general county workers in 39 departments spread over 406 square miles; many departments are still not assessed. Although SEIU staff reported adequate or the usual amount of resources allocated new locals, the majority of interviewed members wanted SEIU to increase organizing staff to grow membership and leaders, especially after winning campaigns. FCGEU has difficulty hiring and retaining organizers; the job is difficult, with long hours and relatively low wages for the cost of living in Fairfax County. All of the organizers said their wages were below living standards. Organizers Bart Hutchins, Jess Oxley, Jewel Farley and advocate Theodora Stringham left the union in 2015-2016 for various reasons including: job demands, financial security and health issues. Hutchins and Farley remained involved with SEIU VA 512 through affiliated organizations.

For SEIU, the cornerstone of the labor movement is grass roots organizing; it has gained them success when other unions struggled with decline. SEIU places great emphasis on developing organizers, but has not fully nurtured this asset by making the union organizer the model for a good paying job that draws young adults. This is a major limitation to membership growth and long term stability of the local.

Members interviewed for this project stressed the need to target young workers via face to face contact and social media outlets that represent their issues. The average age of the executive board at the time of the research was 50 years; this is consistent with national rates that show union membership is highest between ages 45-64 years and lowest between the ages of 16-34 years (BLS 2017). This contrasts with Pew research survey data that has consistently shown in recent years high union favorability rates among young people (Pew Research 2013, 2015, 2017). A January 2017 Pew research survey (Maniam) showed most Americans view unions favorable (60%) with young people ages 18 to 29 having the highest favorability rating (75%). A step in this direction was hiring young interns from the Educating Youth through Employment (EYE) program in the summer of 2016 during the robust presidential election season. Likewise, FCGEU continues to advocate for student loan debt relief legislation that failed in the House of Delegates in early 2017.

The unionists interviewed for this study reported they received minimal or no information about the history of the labor movement in school, including those with college education. “In middle school, in high school, in college we should be teaching our history of how America was built, how you got the 40 hour work week, your vacation

time, your sick leave,... the everyday person have no idea that a lot of the rights they have at work is because of a union contract,” says LaNoral Thomas (Interview 2014). Collaborations with secondary schools, community colleges and universities to provide education and intern opportunities could advance youth outreach which is vital to the future of the labor movement. There is a need for additional research on effective strategies and tactics to bring young people into the labor movement.

FCGEU has an active and representative rank-and file membership, albeit a small group relative to total dues paying members. Participation of the 1600 membership is quite low and attributed to limited contact with organizers, the demands of employment and family life, and the difficulty navigating traffic congestion. Meetings at different locations throughout the county, weekend events, family outings, phone bank outreach, statewide conference calls, and social media platforms are tactics employed with varying success to increase participation and solidarity. The absence of a communications director in 2016 hindered outreach. Participation on the executive board has increased over time as active members are drawn to the decision making process; there are more contested elections with new directors elected in 2016 and 2017. Director Tammie Wondong was elected FCGEU’s 4<sup>th</sup> President in March 2017. All of the board members interviewed stressed the importance of getting more members involved to lessen the burden of a small group of core leaders. To this end, some members have proposed the executive board expand to be more representative of the many county agencies.

FCGEU has organizing committees, extensive trainings, workplace advocacy, political activity and community events, all in keeping with creating a democratic culture

of solidarity. Members gain knowledge of their political and legal rights and have a greater voice in workplace arrangements. Member Services is exclusive to union members, it unites member advocates with colleagues to solve workplace issues, and presents as a deterrent against employer abuse. Campaigns have tackled workplace and community issues including a fair pay plan, rising health care costs, worker safety, cuts to pensions and social programs, voting rights and more recently student loan debt. Always at the center of campaigns are the broader issues of dignity, fairness, protections, service quality, political accountability and union power. Campaigns have won annual raises and a long term pay plan, preserved pensions and FMLA rights, annually salvaged programs and jobs from budget cuts, protected voting access by restoring cuts to the Office of Elections, and supported numerous pro labor candidates who won local elections.

Electoral wins in Fairfax County translated into union wins that resulted from constant internal and external escalating tactics. Tactics included worksite displays, calls to the BOS and other officials, testimony at public hearings, coalition rallies with librarians, firefighters, law enforcement and teachers, and annual “Call to Action” events at locations throughout Virginia to connect workers, coalition partners and politicians. FCGEU connects members to national issues that impact local conditions. Alliances with social justice movements have taken members to Minnesota to help win the homecare campaign, to Richmond to rally for Medicaid Expansion and Fight for \$15, to Washington D.C. and Ferguson, Missouri to support Black Lives Matter judicial reform, and to North Carolina to rally for voting rights.

SEIU VA 512's core group of leaders has remained intact since 2009 and this contributes to the stability and growth of FCGEU and its local partners. Forming a statewide regional requires a leadership team that can be attentive to each local while guiding all towards solidarity. During a time of great political division, when people are drawn to self-reinforcing silos and are less tolerant of different views, SEIU VA 512 formed a regional representative of the class, race, gender and cultural ideas of the citizenry in Virginia. Members expressed greater awareness and tolerance of different views and better skills navigating political compromise. Adding the Deputy-Sheriffs local during heightened national tensions between police and racial minorities brought diverse groups together, to struggle through racial tension, to improve human services.

Organizing public sector workers in a right-to-work state without formal bargaining rights is challenging, workers cannot vote to have a union and cannot bargain a contract with employers. Each worker has the choice to join the union or not, and each must be signed individually and agree to pay union dues for the cost of representation. The law mandates that workers who do not join the union receive the same gains from union negotiation as dues paying members. Thus, only 1700 dues paying members (\$10 bi-weekly) are supporting the benefits gained by about 8500 workers. This greatly limits the resources for worker representation and encourages free riders. The exclusive offering of Member Services attracts committed long term members, but also troubled workers who only join the union when in need of legal support; some stop paying dues after utilizing resources.

FCGEU's approach has been to not see RTW laws and the absence of collective bargaining as obstacles, but rather an opportunity to partner with the employer to set the rules of engagement that will meet employee needs. Since the employer does not have to bargain, FCGEU had to build the political power and electoral influence necessary for representation in workplace decisions. David Broder asserts that winning a pay plan in the absence of collective bargaining rights "is a great reminder that that's just a tool, and power is not in collective bargaining, power is in bringing the employer to the table and we used political power to bring the employer, the Board of Supervisors, to the table. Whatever you want to call it, we negotiated a pay plan over months then we got that pay plan funded" (Interview 2015).

FCGEU leaders are split on the merits of focusing on changing RTW laws that are ingrained in Virginia's anti-union culture. Generally, RTW candidates are endorsed as the political reality in Virginia. FCGEU's goal is to increase union presence in the workplace and community to change the culture with the expectation that a cultural shift will produce a future statewide candidate to overturn right-to-work laws. Gaining access to workers and inclusion in county matters is often predicated on partisan politics. FCGEU found success with the majority Democratic BOS in Fairfax, the Loudoun local was obstructed by the majority Republican BOS, and Homecare had major setbacks under Republican governor McDonnell before renewal with Democrat Terry McAuliffe. The Republican majority in the state legislature has not been an ally of labor.

Scholars have long shunned political unionism as limited to the whims of politics, and thus incapable of revitalizing the labor movement. Certainly there are major

drawbacks to labor's enshrinement with the Democratic Party, and the persistent opposition from the Republican Party, but political unionism is about more than winning elections and pay raises. Many citizens do not have voice in government. FCGEU has changed that reality for county workers who felt devalued by disdainful managers and budget analysts who reduce the community value of human services to mere production cost. Quality human services cannot be delivered when workers are overburdened and repressed.

Union members expressed a sense of value, belonging and protection in having input in their workplace and community. When workers come together to examine and solve issues in their local communities, and when they interact directly with public officials, they influence the politics and culture of Virginia. Each member interviewed stated union activism gave them a broader perspective of social issues. There are benchmark signs that unionization is influencing Virginia culture. Loudoun County's majority Republican Board relinquished 3 seats to Democrats in 2015, 2 seats to the first African Americans elected to the Board. The underpaid, underappreciated, majority female homecare profession is unionized and fighting the state legislature for better wages and improved conditions; Virginia politicians are debating their issues. Virginia's right-to-work constitutional amendment was defeated in the November 2016 election and Virginia's 2017 Democratic Gubernatorial candidates are campaigning for a statewide \$15 minimum wage. At Reagan and Dulles International airport, Lt. Gov. Ralph Northam and his rival, former congressman Tom Perriello, met with low wage workers to pledge support for \$15 minimum wage. SEIU Local 32BJ has been organizing airport workers

for the past two years. “I would challenge anyone out there to go try to support themselves and support their families on \$7.25 an hour,” Northam said. “This is about the dignity of work, but it’s also about economic growth in our community,” said Perriello.

There is no perfect blueprint for unionizing public sector workers in right-to-work states. FCGEU and their local partners at SEIU VA 512 offer an effective model and inspiring example of how to successfully adapt established organizing strategies to a new environment and the ever changing events shaping society. As the anti-union Trump administration takes hold, many Virginia residents are poised to join the growing national and international activism against undemocratic policies. SEIU VA 512’s local campaigns have much to do with that.



## **Appendix**

### **Interview Participants**

David Broder	SEIU VA President
Jessica Brown	SEIU Organizer
Kirk Cleveland	Carpenter 1; FCGEU Executive Board
Karen Conchar	Retired Construction Engineer; FCGEU founder; SEIU VA 512 Secretary/Treasurer
Lindsey Dawson	Substance Abuse Counselor II; FCGEU Executive Board
Jewel Farley	SEIU Organizer
Daniel “Bart” Hutchins	SEIU Organizer
Kevin Jones	SEIU Lead Organizer
Mike Lawrence	SEIU Data Administrator
David Lyons	SEIU VA 512 Member Services Director
Lisa McCorkle	Construction Engineer; FCGEU Executive Board
Jessica Oxley	SEIU Communications Organizer
Kevin Pittman	Deputy-Sheriff; President Deputy-Sheriffs local
Theodora Stringham	SEIU VA 512 Member Services Advocate
Carol Taylor	Administrative Assistant V; FCGEU Member

LaNoral Thomas	SEIU VA 512 Organizing Director
Mark Travis	Retired Mental Health Supervisor; FCGEU Member
Yvonne Wallace	Retired Human Service Worker IV; FCGEU Member
Joseph Wilhelm	Project Manager; FCGEU President
Tammie Wondong	Human Service Assistant; FCGEU Executive Board
Natalie Woodruff	Human Service Worker III; FCGEU Member

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## **Biography**

Ann M. Johnson graduated from Andrew Jackson High School, located in Queens, New York. She received her Bachelor of Arts in Sociology from Hamilton College, in Clinton, New York, then went on to receive her Master of Arts in Sociology from the University of North Carolina at Charlotte. She worked for more than 20 years in various sectors of Human Services before receiving her PhD in Sociology from George Mason University in 2017.