NLRB OFFICIAL STEPS INTO RED CROSS CAMPAIGN VS. OPEIU, TEAMSTERS, FINDS NON-PROFIT GUILTY ON MULTIPLE LABOR LAW-BREAKING COUNTS

By Mark Gruenberg
PAI Staff Writer

LANSING, Mich. (PAI)—A National Labor Relations Board administrative law judge has stepped into the middle of the Red Cross' long campaign to drive down wages and benefits of its unionized workers, finding the huge non-profit organization guilty of multiple labor law-breaking charges against the Office and Professional Employees' Lansing, Mich., Local 459, and Teamsters Local 580.

And in his May 5 54-page ruling, Administrative Law Judge Jeffrey Wedekind said he found the Red Cross' arguments for its case were "without merit" or worse.

Wedekind's ruling represents another win for OPEIU and its union allies in their long-running battle with one of the nation's best-known, and wealthiest, charities. The Red Cross has been trying to cut wages, benefits and jobs – all represented by OPEIU and also by other unions – in Michigan, West Virginia and several other states.

Its cuts forced the Lansing OPEIU local to strike for three days in 2010, and led to declining staff morale elsewhere in the organization. The resulting staff cuts also led the federal government to fine the Red Cross $37 million in the past few years for not keeping the U.S. blood supply fresh. The Red Cross is its principal custodian, and without trained workers to monitor blood and replenish it, the blood becomes useless.

Wedekind found the Red Cross guilty of, among other charges:

* Repeated failure to provide the unions information they requested on its claim there was "reduced demand for blood." The "reduced demand" led Red Cross to "demand significant concessions from employees," but it never backed its stand with evidence, Wedekind said.

* Refusing to provide needed information to Local 580 over a Red Cross scheme to eliminate a choice of five health care coverage plans in favor of one national, Red-Cross-run plan. Red Cross finally provided data, after a key open-enrollment period closed, showing it was still offering alternative plans elsewhere in the country.

* "Unilateral transfer of tele-recruiter work" out from under OPEIU Local 459 to another state.

* Unilateral and sudden enforcement of a new, more-stringent attendance policy in Nov. 2008, without bargaining with the unions. The Red Cross "began more strictly enforcing its existing attendance policy by disciplining unit employees for only three or

(continued)

four previously unscheduled absences or tardies regardless of the reason (for example, even if the absence was for medical reasons and the employee had accrued sick leave)," Wedekind noted. Citing past NLRB rulings, Wedekind said the Red Cross "was obligated to provide the OPEIU with advance notice and an opportunity to bargain over the change and its effects, but failed to do so." Altering the policy is "a significant change in mandatory terms and conditions of employment, requiring bargaining."

* Throwing OPEIU's semi-yearly union meetings off of Red Cross premises in April 2009, after allowing them since at least 2007. A 28-year worker testified she could not remember any off-premises OPEIU meeting.

* Unilaterally dumping the retiree medical program for OPEIU members who are now in the bargaining unit, but who will retire in the future.

"It is uncontroverted that neither the American National Red Cross nor" its Michigan affiliate "directly notified the union of the change," Wedekind said. "The union only learned of the change from a union steward, shortly after the ANRC's president and CEO, Gail McGovern, sent an Oct. 28, 2008 memo to all employees announcing both the Jan. 1 change and a second change to occur on July 1, 2009."

That direct memo broke labor law by going around the union, Wedekind noted. And the Red Cross board also broke the law by announcing the changes to the retiree medical program "as a *fait accompli"* without notice or bargaining, he added.

* "Unilaterally suspending employer matching contributions to the 401(k) savings plan on May 1, 2009, and closing the pension plan to new hires on July 1, 2009," for the Red Cross workers represented by OPEIU. But Wedekind said the 401(k) case against the Red Cross covering workers represented by the Teamsters was unproven.

* Disciplining one OPEIU shop steward for doing her job, and barring another from talking to workers.

* "Denying annual leave and guaranteed hours" to workers after the strike, OPEIU said.

"The judge upheld the charges and issued an order for the Red Cross to remedy all violations with back pay and interest and to post a notice notifying employees the Red Cross will not break the law in the future. The Red Cross is embroiled in contentious labor relations around the country. There are more than 30 expired union contracts nationally and similar unfair labor practice charges are pending in a number of states," said Lance Rhines and Joseph Marutiak, staff reps for OPEIU Local 459.

"Dozens of labor unions representing Red Cross employees, including Local 459, have formed a coalition to advocate for better safety and employee rights. The coalition is supported by groups outside the labor movement such as the National Consumers League, Jobs with Justice, Interfaith Workers Justice, the Hemophilia Foundation of America and the Committee of Ten Thousand," the two staff reps added.