

NSO Contact

National Staff Organization

NEA-New Hampshire – It's a war zone!

Hope for improved labor relations dims

The New Hampshire Staff Organization (NHESO) is fighting for its very existence right now.

"The behavior of NEA/New Hampshire is worse than any management we have to fight against for our members," said Phil Pratt, NHESO Grievance Chair. "There is no respect for the contract, the collective bargaining process or NHESO members,"

Despite facilitated intervention attempts, the steadily deteriorating labor relations conflict between NHESO and NEA-New Hampshire has generated a stream of grievances.

Currently, there are two staff termination arbitrations; four grievances at the arbitration stage awaiting hearing dates; and many more grievances that will probably have to be solved through arbitration.

The only bright spot has been NHESO's success with three ULPs before the National Labor Relations Board with the help of NSO's Jack Schamel.

All three ULPs stem from the two UD terminations. In all three charges, NEA-New Hampshire violated the National Labor Relations Act for their refusal to provide information in a timely manner to NHESO that would assist in the termination cases.

In the third ULP agreement, NEA-New Hampshire agreed to post notice that they did not provide the necessary information in a timely manner.

Pratt said, "It was a long, hard fight to get NEA/New Hampshire to comply with the law. It's a victory for unionism when the NLRB recognizes the damage done by a union of unions when it disregards employee rights."

NHESO's battle is not over. NHESO signed the ULP agreement with the assurance that NEA-New Hampshire would also sign. However, the NLRB Regional Director is refusing to sign the agreement because there is an outstanding request for information from NEA-New Hampshire. Management had yet to respond to the request.

"The up side to all of this is that we are finally getting information that we requested, even though it has taken a very long time," said Pratt.

At its June 16 annual membership meeting, NHESO took a unanimous vote of no confidence in Executive Director Debra Swoch-Swoboda and Debra Shepherd, her Executive Assistant.

The staff's vote comes on the heels of NEA-NH's third vote of confidence in Swoch-Swoboda in the past year.

"It's a strange message NEA-NH is sending to its members. NHESO has to use so many of its resources to fight a union whose duty it is to protect members' rights and collective bargaining agreements," said Pratt.

For the latest updates on the New Hampshire situation go to www.nheso.blogspot.com/.



Ohio PSU and Indiana ASO settle

Shortly before 5 p.m. on Aug. 31, Ohio PSU and OEA representatives reached a tentative agreement, thereby avoiding a strike. The agreement is for one year. In the next few weeks, both sides will hold formal ratification votes. Go to <http://ohiopsu.squarespace.com> for updates.

Indiana ASU also reached a one-year agreement with ISTA. Ed Halvey, NSO Retired and former NSO Executive Committee member, was instrumental in helping reach a tentative agreement.

The next bargaining session for South Carolina staff and management will be in mid-October when both sides will be meeting with a mediator.

In Georgia, staff is facing management proposals calling for concessions in pension contributions and a wage freeze. Staff is holding firm against the assault. For updates, go to

<http://docs.google.com/Doc?docid=0AZSQG4-9UPCAZGNzYzI2Z2tfMWY2bXNmN2Z0&hl=en>

Two new members join NSO Executive Committee

Catherine Alexander from Oregon and Pat Chavez from New Mexico were elected at the NSO RA to fill two seats on the Executive Committee.

Alexander serves as Oregon PSO president and most recently led the professional staff in a successful 20-day strike. She comes from a family of active union members and considers union participation as an obligation, not a choice. Alexander will be representing Region 7.

Chavez will serve as an At-Large B representative on the Executive Committee. He is a former ESP, working 15 years in the building trades.

Arkansas files ULP over RIF

A unilateral move by management to eliminate a program director position in the bargaining unit and transfer the work to management precipitated the filing of a ULP by the Arkansas staff.

Management invoked a RIF to do away with the position that had been in the staff contract for more than 13 years. Four new contracts have been negotiated since the position was put in the bargaining unit.

The ULP is being deferred until a contract grievance arbitration is heard. No date has been set for the arbitration.

An NEA attorney will be representing Rich Nagel, the Executive Director, in the ULP.

Arbitrator rules against employee in FMLA case by Marius Ambrose, NSO Vice-President for Defense

An arbitrator has ruled in favor of the employer in a grievance in which an NSO member was suspended for alleged abuse of FMLA leave.

The employee suffered from migraine headaches and was given intermittent FMLA leave to accommodate migraine episodes. For a two-year period, those episodes occurred on Fridays, Mondays or the days before a holiday.

Suspecting abuse, the employer issued a five-day suspension. The union grieved the discipline on the grounds that the leave had been approved under FMLA. When the grievance was denied, the issue went to arbitration.

While the leave had been approved under FMLA, the arbitrator ruled that the occurrence of the headaches on designated days indicated a pattern of abuse. As a result, the suspension was upheld.

No arbitration would have been necessary if the employer had invoked FMLA's new provision regarding certification of a medical condition. Previously, an employer could request a certification no more often than every six months. The new ruling allows an employer to request recertification of an ongoing condition every 30 days.

Increase in FMLA abuses requires vigilance

Changes to some FMLA regulations went into effect Jan. 16, 2009. And based on the number of cases of employer abuse of FMLA provisions, those changes seem to be a well-kept secret.

The change regarding an employer's request for recertification of a medical condition has already been a part of a recent arbitration.

The change to the FMLA provisions governing military caregiver leave is another change worth noting.

Under FMLA, employees are eligible to care for a spouse, child or parent who is ill; the law does not extend to the care of a grandparent, aunt, uncle or cousin.

Under the new military caregiver provision, FMLA protection is extended to whomever the service member designates as "next of kin." That individual can provide care for a service member who suffers from a serious injury or illness incurred while on active duty.

The designated service provider gets a total of 26 weeks, rather than the usual 12 weeks, in a single 12-month period.

This new provision will help FMLA-eligible employees who have a spouse, child or parent in the National Guard who has been called to active service on short notice.

To review the final FMLA regulations, go to www.dol.gov/esa/whd/fmla/finalrule.htm.

NSO Pension Benefits Update

To keep NSO members briefed on current pension and benefit issues, Dennis Eisenberg, a senior member of the NSO Pension Benefits Committee from Wisconsin, offers his commentary on the market.

5 Life lessons from the recession

This downturn will almost certainly mold your ideas about money. And if you learn what hard times can teach, it'll serve you well in the years ahead.

- Frugal isn't a 4-letter word
 - Lenders are not your friends
 - Everything involves risk
 - It pays to have good help
 - This, too, shall pass
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401(k) Statements – Did you open yours?

According to a survey (1-Pension LLC) one fourth of middle income investors did open the 2008 fourth quarter statement. Nearly a third had no idea about asset allocation. More than 55 percent didn't rebalance or change investment options. According to the summary in the April 2009 issue of the *Journal of Financial Planning*, 82 percent say they make their own allocation decisions – but they overwhelmingly would request advice IF the employer paid for it.

Market meltdown – How long to recover?

Losses hurt and take time to make up

One of the nasty things about losing money is that to “get even,” you must either gain more than the percentage you lost, or recovery will take longer. For example, if you lost \$5,000 of a \$10,000 portfolio, then you need to double your money (100 percent) to make up for the 50 percent loss.

If you lost 30 percent of your pension/401(k) balance in 2008, you'll need an asset allocation that can return 7.4 percent over five years. If you are less aggressive, you'll need assets that will return 5.2 percent, but it will take you seven years to get back to even--assuming there are no further employer contributions.

Required Annual Return % To Get to Even (No New Assets Added)

Your Loss	1 Yr	3 Yrs	5 Yrs	7 Yrs
5%	5.3%	1.7%	1.0%	0.7%
-10%	11.1%	3.6%	2.1%	1.5%
-15%	17.6%	5.6%	3.3%	2.3%
-20%	25.0%	7.7%	4.6%	3.2%
-30%	42.9%	12.6%	7.4%	5.2%
-40%	66.7%	18.6%	10.8%	7.6%
-50%	100.0%	26.0%	14.9%	10.4%
-60%	150.0%	35.7%	20.1%	14.0%

Harvard Trade Union Program applications available

The 99th. session of the Harvard Trade Program will be held Jan. 11 to Feb. 29, 2010 at Harvard University.

Since 1942, the program has prepared union activists for leadership positions within their unions. As well as deepening the understanding of the value and importance of labor unions, the Program helps participants develop managerial and organizational skills and problem solving techniques.

The curriculum is organized by a team of Harvard faculty. In addition to core courses, there are seminars and specially arranged programs.

The program is open to NSO members. Contact Region 1 Director Cheryl Singleton at csingleton@massteacher.org for an application and more information. Completed applications must be returned by Nov. 15, 2009. NSO scholarships are available.

RA adopts 10 new business items

Issues both national and internal

RA delegates voted to accept new business items which reflect the diversity of interests and opinions of NSO members across the country.

Support of the Employee Free Choice Act was approved unanimously. Delegates agreed to contact their legislators to urge them to pass this important pro-union legislation. For more information on the Act, go to www.AmericanRightsatWork.org or www.aflcio.org.

Other national labor issues also won approval. As part of the economic recovery plan, the RA supported a resolution that commits all U.S. companies to purchasing goods and materials that are produced in this country. A similar motion will have NSO encouraging affiliates and affiliate employers to buy U.S. and union-made products and services.

RA delegates also approved new business items that direct internal NSO policies. To provide formal opportunities for affiliates to discuss union trends and threats, NSO will host Emerging Issue sessions at major functions. Also, NSO was encouraged to host events at hotels or facilities that employ unionized staff, whenever possible.

RA approved 2009-10 NSO budget

The NSO RA approved a \$973,914 budget for the coming year which did not include a dues increase. The budget was unanimously recommended by the Executive Committee.

The new 2009-10 budget represents a \$9,125 decrease from the 2008-09 budget. A decrease in membership is partially responsible for the change. Hiring freezes in affiliates and the loss of 17 members in the Oregon Trust also account for the decrease.

The budget is based on revenue generated by dues. NSO collected dues from 2,405 associate members and 2,451 professional staff members.

Where does NSO fit into Van Roekel's organizational vision?

The NEA world of education and labor and unions is changing fast. The status quo is no longer acceptable. We're moving in a different world that none of us have ever seen before. Our current reality encompasses two wars, an economic crisis and a battle over health care.

That's the backdrop against which NEA President Dennis Van Roekel explains his vision of NEA. The question, however, is how does NSO fit into that vision? What does this "different world" mean for us?

Van Roekel assures us that we're all in this together and we need each other to succeed. Van Roekel lists three major roles NSO has in that effort to succeed.

First of all, we need to be open to change. We can't be so busy holding on to what we have that we can't let go and reach for another spot, as Van Roekel describes it. We have to all be better organized and learn how to function in an "Obama world," where communication is instantaneous and features a one-on-one style. Like the health care battle, we need to fight for something bigger and not be content to play defense. If we're unorganized, we can't play at all.

Second, the labor movement built the middle class and no further progress is possible without labor and labor unions.

But Van Roekel sees no point in living in the past, He says, "War stories don't motivate." And that point simply builds on our need to change."

Lastly, there is a need to transform public education. If everyone is to succeed, the system has to change. No system delivers anything that it wasn't designed to do and today, we've designed a system where 25 percent don't succeed, according to Van Roekel.

For him, NEA exists as an organization to fulfill the promise of education.

Van Roekel challenges, "With \$1.7 billion going to unions in annual revenue, don't we think we can make a difference?"

The NEA Vice President declares that "It's our time!" With courage to act, we can will anything to happen. We just have to have the audacity to dream big.

NSO Research Committee needs current information

The only way the NSO Research Committee can achieve their goal of securing the most current and accurate information for NSO affiliates to use in bargaining is with your help. It's essential that affiliates keep the Committee updated on their settlement information.

That means affiliates need to send their settlement information to the CBC Co-chairs and the Research Committee as soon as bargaining is finished.

At their recent Sept. 12 meeting, the Committee started gathering of data for the 2010 research CD. Since many affiliates will be bargaining, an updated research database is necessary for the CD.

The group also worked on making the completion of the forms more user-friendly so they can be submitted quickly. If you have had a recent settlement please [click here to complete the form](#). Completed forms can be mailed to Robert Blackwell at 411 Western Blvd. Jacksonville, NC 28546.



The NSO Research Committee met in Little Rock, Arkansas to begin the review of settlement data.

NSO Calendar

2009

Oct. 7-11 NSO Executive Committee

2010

Jan. 14 Leadership Academy; Sarasota, FL
 Jan. 15-16 Winter Advocacy Retreat; Sarasota, FL
 March 24-28 NSO Executive Committee
 June 11-12 Representative Assembly; San Antonio, TX

National Staff Organization

The world's largest union of union staff—that's what the National Staff Organization has become. Through the efforts of literally hundreds of staff leaders, NSO has grown from a mere 35 members in a handful of states in 1969, to 5,013 (as of August, 2008) from 89 affiliates in 50 states and the District of Columbia. A major portion of that growth came with the decision by the 1978 NSO Representative Assembly to organize associate staff members.

Today, NSO has over 2,400 full-time and over 2400 part-time associate staff members.

NSO Executive Committee

President – Chuck Agerstrand

Vice President for Defense – Marius Ambrose

Vice President for Program – Lynn Adler

Treasurer – Ron Goldenstein

Secretary – Mary Henson

Region 1 – Cheryl Singleton

Region 2 – Butch Santicola

Region 3 – Emmitt Jimmar

Region 4 – John Stephens

Region 5 – Kathy Hill

Region 6 – Michael Coleman

Region 7 – Catherine Alexander

At Large-A – Robert Blackwell

At Large-B – Pat Chavez

Communications – Rosemary Carey

Web – Miriam Garcia

Comptroller—Vera Stafford

Check out the web site,
www.nationalstaff.org for the latest news
and updates on bargaining.
