

Forced-Unionism Abuses Exposed

The facts Big Labor bosses would rather you didn't hear about.

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Compulsory unionism breeds corruption. In each issue of "Exposed," the National Right to Work Committee will highlight yet another example of union-boss abuse spawned and perpetuated by Big Labor's government-granted privilege to force workers to pay union dues, or be fired.

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New Haven Firefighters 'Prevail' at Supreme Court Without IAFF Union Bosses' Help

"New Haven Firefighters Prevail" declared the headline of an International Association of Firefighters (IAFF/AFL-CIO) union press release sent out a few hours after the U.S. Supreme Court issued its long-anticipated decision in *Ricci v. DeStefano*. A casual reader of the IAFF hierarchy's statement would probably assume that IAFF union bosses had in some way helped Frank Ricci and the other Connecticut firefighter plaintiffs win their case before the High Court.

However, that would be a false assumption. A quick review of the docket in both the Supreme Court and the 2nd Circuit Court of Appeals, where *Ricci* was previously considered, shows that IAFF bosses and their lawyers were not involved in the case at either of those levels.

At first blush, this might seem puzzling. Mr. Ricci and his coplaintiffs went to court because they had compelling evidence that their employer, the city of New Haven, Conn., had illegally discriminated against them in the workplace. Union officials regularly commend themselves for supposedly standing up for workers who get a raw deal from their employer. And union officers of IAFF Local 825 wield "exclusive" power to address firefighters' workplace concerns.

Actually, that last point is the rub. Under Connecticut law as well as the laws of dozens of other states, public employees like firefighters may be forced to allow the agents of a single union to speak in their stead regarding pay, benefits, and other workplace issues. Specifically, IAFF Local 825 acts as the monopoly-bargaining agent over all New Haven firefighters, regardless of whether or not they are union members, and regardless of what they think of the promotion policy decisions made by the city of New Haven that spurred the *Ricci* case.

As this case indubitably illustrates, different New Haven firefighters have sharply conflicting views about what a fair and reasonable promotion policy would be. There is simply no way that IAFF bosses can act as advocates for all the employees for whom they purport to speak. That's why, when Mr. Ricci and his coplaintiffs brought forth their landmark

discrimination case in federal court, their union “representatives” offered them no help whatsoever.

The facts of the *Ricci* case, already familiar to many Americans, were succinctly laid out by syndicated columnist George Will in his June 30 column:

In 2003, New Haven “gave promotion exams to 118 firemen, 27 of them black. The tests were prepared by a firm specializing in employment exams and were validated, as federal law requires, by independent experts. When none of the African-Americans did well enough to qualify for available promotions, a black minister allied with the seven-term mayor warned of a dire ‘political ramification’ if the city promoted from the list of persons (including one Hispanic) that the exam identified as qualified. The city decided that no one would be promoted, calling this a race-neutral outcome because no group was disadvantaged more than any other.”

As a result of the city’s decision, Mr. Ricci did not get a promotion, even after preparing at length for the exam and earning a higher score than all but five other firefighters.

If government policy is to favor the unionization of public employees, then it’s only common sense that Frank Ricci ought to be able to opt for a union that will defend his right to get a promotion that he earned, according to the rules New Haven had in place at the time he took the promotion exam.

At the same time, firefighters who believe the promotion exam was unfair should be able to opt for a union that speaks for them on that issue. But under the current, counterproductive monopoly-bargaining system written into the law in states like Connecticut, what public employees get is a union that effectively speaks for nobody except its officers and paid staff.

Incredibly, this summer Congress is poised to consider legislation (H.R. 413) that would hand public-safety union officials in currently non-monopolistic jurisdictions across the country Connecticut-style monopoly-bargaining power over fire and police departments. Proponents actually have the moxie to claim enactment of this legislation would empower public-safety employees to defend their interests.

The fact is, as the *Ricci* case illustrates, monopolistic unions are congenitally unable to represent “bargaining units” of public-safety employees whose interests are at odds with one another -- and this is the normal state of affairs. Congress should either amend H.R.413 to empower each public-safety employee to choose which, if any, union he or she is represented by, or scrap the legislation altogether. As it stands, it will serve only the interests of public-safety union professionals.

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