

NATIONAL RIGHT TO WORK COMMITTEE

OBAMA ADMINISTRATION PERSONNEL ALERT

John Lund

Former SEIUⁱ and IUOE Officialⁱⁱ
Big Labor Consultant
Pacific Northwest Labor Collegeⁱⁱⁱ Director
University of Wisconsin School for Workers^{iv} Director

APPOINTMENT:

U.S. Department of Labor (DOL), Office of Labor-Management Standards (OLMS) Director

Current Responsibilities: Overseer of labor union financial reporting and disclosure, union officer conflict-of-interest reporting, and certain employer activities; he is responsible for criminal investigations regarding issues under his oversight such as labor union financial irregularities and embezzlement.

Past and current non-DOL employers: Lund is currently on unpaid leave from his other employer, University of Wisconsin's School for Workers. The School for Workers is a taxpayer-supported institution with its primary function is to serve as a training center for union officials, such as the union organizers who ginned up the tension in Madison, Wisconsin and across the U.S.

It is reported that, from 2004-2007, Lund worked closely with the AFL-CIO "on [union] financial accountability and transparency issues." These are the issues Lund currently controls at DOL.

He has been a consultant for the AFL-CIO, the Teamsters, BLET^v, and IUOE, to name just a few. In his position of union trainer and consultant, Lund worked directly with many of the union officials who has recently rewarded with reduced reporting and disclosure regulations that he has instituted during his tenure at DOL. Lund is also in charge of the DOL office which investigates embezzlements and union election fraud, giving Lund the conflicting responsibility for making decisions about union officials he has trained and advised. In addition, Lund oversees union audits and he is now privy to DOL's labor union auditing and criminal investigation techniques. Soon he will be back teaching these same union officers how to navigate around DOL audits.

The fact that Lund has trained such a large number of union officials to complete (and navigate around) OLMS reports, the question arises, "If DOL investigators find a report(s) that Lund helped prepare for his union clients, will he now not inform his former union clients of the investigation nor try dissuade DOL investigators by arguing on behalf of his former clients? Will he provide the names of all the unions and all of the union officers he has trained over the years to DOL investigators and require them to keep investigations involving any of these people secret from him?" There is an unavoidable tension between his former and future clients, and his current appointed position that creates an inescapable conflict-of-interest.

Executive Order 13490 (EO 13490) Ethics Questions: On his first full day as President, Barack Obama issued Executive Order 13490, known as the Ethics Executive Order. Obama's ethics order required appointees to sign a pledge affirming that:

"For two (2) years from date of appointment, you may not participate in any particular matter involving a specific party that includes a former employer or a former client."

[EO 13490](#) creates two problems for John Lund:

- (1) His former clients include the AFL-CIO and other labor unions and labor union LMRDA Trusts^{vi}, and
- (2) He remains an employee of Wisconsin School for Workers which continues to provide training for labor unions.

Facts related to Lund's EO 13490 Ethics Pledge

- On 29 April 2008, Lund made [formal comments](#) against DOL's Form T-1 Disclosure Report. As OLMS Director, Lund [rescinded the Form T-1](#) disclosure report on 1 December 2010, and he simultaneously rescinded reporting by NEA "intermediate bodies," like the Wisconsin Education Association Council.
- In [2008](#), Lund provided training at the IUOE FALL NORTH/CENTRAL STATES CONFERENCE on "Selecting and Researching Organizing Targets." Lund has recently chosen to ignore reporting of the 2007 LM-30 conflict-of-interest disclosure reports, and proposes to rescind these reports. In addition, he has proposed to redefine the statutory term "Employer" by regulation in an effort to eliminate disclosure of union organizing activities and employer-paid union time.

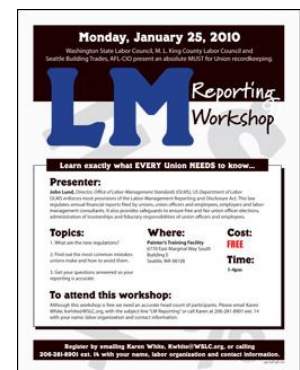
In fact, when Lund wrote his 2005 piece about LM-30, a union stewards' "[Advisory regarding Labor Dept. LM-30](#)" was published about the LM-30, with Lund's 2005 LM-30 article attached. Now, Lund has proposed changes to LM-30 form that exempts most union stewards from having to report any conflict-of-interests.

- Without regard to appearances, OLMS Director Lund continues to take time to provide training for his Big Labor friends. On 2010 January 25, Lund flew, at government expense, to Seattle, WA, to provide the AFL-CIO's Washington Labor Council members with a personal overview of his recent reporting rescissions. To the right is an image of the union's headlining John Lund's 3-hour tax-payer funded presentation.

At the Jan. 25 workshop, Lund will discuss the new regulations, the common reporting mistakes unions make and how to correct them, and answer your specific questions to ensure your LM reports are accurate.^{vii}

OLMS maintains a District Office in Seattle and normally, its staff would have provided this compliance assistance. Instead, OLMS Director John Lund went out of his way, with taxpayer dollars, to create this personal conflict-of-interest.

- Among the many examples illustrating Lund's close ties to the AFL-CIO, this [Australian description](#) of Lund in 2007 stands out: "For the last four years, he has worked closely with the AFL-CIO on financial accountability and transparency issues." In fact, AFL-CIO General Counsel quoted a John Lund burden estimate for the 2003 LM-2 changes in his arguments against disclosure. John Lund's estimate was proven erroneous as were other AFL-CIO experts' claims, such as the outrageous of \$1.3 billion exaggeration by Dr. Ruth Ruttenberg.



But, now that Lund is in charge of OLMS, AFL-CIO union experts' estimates are taken seriously; despite the AFL-CIO's past record of demonstrably false "expert" calculations and comments.

- After studying OLMS audit closing letters, Lund [wrote](#) the "Seven Deadly Sins of Local Union Financial Recordkeeping." He essentially created a list of steps to use to avoid triggering a criminal investigation based on audit results. He developed this list of "sins" by reviewing 522 DOL compliance assistance audit closing letters posted on the OLMS website for fiscal years 2006-2007. Now that Lund has direct access to OLMS audit and investigation techniques, he will no doubt include this information in his next "Deadly Sins" training program for his Big Labor Clients.
- According to the School for Workers, Lund continued [working for unions on special projects](#) even after Obama appointed him:

When the New South Wales Nurses' Association (NSWNA), a 51,000-plus member nursing union in Australia, needed help in determining how to provide effective professional in-service and other training, collective-bargaining representation, and legal and other services to its rapidly growing membership, it reached across 15 time zones for the expertise of John Lund. NSWNA staff members knew Lund, a professor at the School for Workers in the Continuing Education, Outreach and E-Learning division of UW-Extension in Madison, Wis., from his extensive on-site involvement with Australian unions during several previous visits to Australia, including his 2007 sabbatical.

Overcoming time and travel constraints via technology As the NSWNA and Lund began their planning in May 2009, Lund was appointed by President Barack Obama to head the U.S. Department of Labor's Office of Labor-Management Standards in Washington, D.C. This development might have ended the collaboration, but Lund and the union agreed to do an online organizational climate survey of the NSWNA staff, with Lund tabulating the results and sharing them with the union's officers and staff in a series of Web conferences using UW-Extension's Instructional Communications Systems WisLine Web.

- In [2008](#), [2007](#), and [2006](#) Lund provided workshops for Teamster affiliate BLET. The workshops provided training on filing LM-2 reports and included a session titled, "Tips, Tricks and Traps" for BLET Secretary -Treasurers who are required to sign the very reports that Lund now oversees the collection and investigation.
- In [2007](#) and [2008](#) Lund provided the Chicago Teamsters Joint Council 25 training.
- In [February 2008](#), Lund trained the National Association of Letter Carriers with a "two-day program February 11 and 12 for union financial officers on updating record keeping skills for compliance with the Landrum-Griffin Act and the new LM-2 form."
- In 2007, Lund apparently considered taking a stab at providing a blog of his work regarding DOL rulemaking.

Union Finances

This blog is intended to share best practices on union financial management, transparency and reporting for trade union financial officers around the world

The [only blog post](#) that appears to have been posted:

Welcome (Monday, June 18, 2007)

My name is John Lund; I'm a professor at the School for Workers, University of Wisconsin-Extension, the oldest university labor education program in North America. I'm just finishing up a sabbatical in which I've been studying union financial management practices, particularly transparency and accountability. I've also been studying laws and regulations from countries all over the world and will shortly present some shorter versions of my papers and links to key web sites on this blog. [note that Lund was on a sabbatical at the time]

John Lund's Research Publications

- [Mapping and Charting Construction Organizing Targets and Opportunities: Lessons from Wisconsin](#) (2005) – Lund provides guidance to labor unions on how to create employer organizing campaigns that could include corporate campaigning targets or government employers.

Abstract: The International Brotherhood of Electrical Workers (IBEW) has adopted a strong organizing focus among its inside construction local unions since the late 1980s, mandating that each inside local employ a full-time organizer. These full-time organizers meet monthly on a state-wide level with regular progress meetings among the entire district. At one of these meetings, organizers engaged in a mapping exercise to track electrical contractors and the jobs they were working on. They obtained a CD-ROM with raw survey data for inside electricians by county for the entire state of Wisconsin 2000 through 2003. Each data record showed the contractor name, the project name and location, the number of hours worked by inside electricians on that project, the hourly wage and fringe benefit scale paid, and whether the contractor was unionized or not. Prior to this analysis of market share by county, only one or two of the organizers had any idea of union density in the counties in their jurisdiction. This paper demonstrates how the data base works together with mapping and charting for organizing and bargaining. Finally, the paper describes efforts underway in other states and other construction unions to replicate this survey method, and show how other labor educators and construction organizers can duplicate this effort in their state.

- [Auditing Local Union Financial Records](#) (1992) – Lund's sequel to this book will likely be filled with the institutional knowledge he gains from his behind the curtain look at DOL audits and investigations.
- [The State of the \(U.S.\) Unions](#) (2007) – Lund sees Card-Check legislation and a new NLRB as the best hope for unions to increase union density.
- [PUBLIC SECTOR EARNINGS AND THE EXTENT OF UNIONIZATION](#) (1997) – Lund provides an evaluation for union officials to use to expand compulsory unionism in the public sector. Interestingly, Lund fails to include in any of his calculations the increased burdens on taxpayers; rather he focuses on forced gains through mandatory arbitration and political power.
- [Financial reporting and disclosure requirements for trade unions: a comparison of UK and US public policy](#) (2009) – Just days before arriving at DOL, Lund released this analysis of the reports that he quickly rescinded and/or rewrote.

Abstract: The underlying policy objectives and the degree to which they are served by current trade union financial reporting and disclosure regimes in the US and the UK are examined in this article,

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along with a detailed comparison of the government oversight agencies, annual disclosure forms and member access to union financial records.

On the Lighter Side, Lund is no Bob Dylan but he may be another Woody Guthrie

John Lund reportedly has written several songs. Two that were [mentioned with acclaim](#) are:

The Delegate's Lament

Words: John Lund

Tune: Wildwood Flower

*Who is this worker of lowly pay
Looking so haggard, hair's gone to gray
Gets no sleep, day nor night
Always wrong, never right.
Doesn't have a law degree
But goes to bat for you and me
Knows the hows, whys and whens
All the problems known to men
Awards and clauses, annual leave
Penalty pay and when to grieve*

*Super-annuation, working tools
Management rights and union dues.
When with the boss the delegate agrees
Then s/he's the sellout with weak knees
If to the workers s/he seems to cater
Then they're a Communist agitator.
Everyday somebody will complain
Their union has gone and screwed up again
The person who has to take this slop
Is only the delegate of your shop.*

TQM is simple

Words: John Lund, @1996

Tune: "Tis a gift to be simple"

Chorus:

*TQM is simple, very simple indeed
It's trying to figure out what your customers need
You problem solve, you act on fact
You listen to your folks
It'll change your business
It's really not a joke*

*1. It isn't something simple, it's been done o'er
and o'er
The consultants say it's really hot, let's try it out
once more
While their meter keeps on running and the
meetings never end
We will reinvent the wheel and then we'll do it all
again.*

*2. We go to lots of meetings where on one big
team we play
And we practice problem-solving, gee, it's fun to
learn this way
While we build our paper aeroplanes and we
draw our fishbone charts
But what this has to do with work is way beyond
my smarts.*

*3. Oh Pareto charts are wonderful and
scattergrams are nice
But there's hardly any workers here, the suits are
thick as lice
No they haven't got the message, no they haven't
got a clue
If you're not part of the solution, you're part of
the problem too.*

*4. We really want your input, to our meetings you
must come
We will fill the wall with flip charts, we'll
facilitate each one
And when we've picked your brains clean of these
new ideas of yours
We will pick your pockets, steal your jobs, leave
you insecure.*

*5. I once read a book by Deming it had written
thirteen rules
Get rid of quotas, drive out fear and many other
jewels
But the meaning for our managers is really
common sense
You must practice what you preach or you'll be
the past tense*

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ⁱ SEIU – Service Employees International Union

ⁱⁱ IUOE – International Union of Operating Engineers

ⁱⁱⁱ Pacific Northwest Labor College – Was created to fill the vacuum left by closing of the Pacific Northwest Labor School in 1949 and the increasing size of the Washington State Labor Council. The Pacific Northwest Labor College was located in Portland, Oregon area. It was created with the support of the AFL-CIO's Washington State Labor Council. The Labor College appears to have operated only in the 1970s.

^{iv} [Wisconsin School for Workers](#) - The mission of the School for Workers (SFW) is to empower working labor organizations through a comprehensive program of lifelong adult learning opportunities. Founded in 1925, SFW is the oldest University labor education program in North America. The faculty provides a full range of technical assistance and other outreach services related to worker and union concerns, conducts applied research, and actively contributes to the body of scholarship that informs the discipline of labor education.

Course and Technical Assistance Subject Areas:

- Union Leadership-a three part series: Union Administration, Leading Your Union, and Personal Leadership Skills, New Industrial Relations – high performance work practices, new compensation systems, team work, work group facilitation, interest-based bargaining
- Organizing and Mobilization – internal and external union and worker organizing, coalition building, political action techniques, using the media
- Building Trades – specialized programs on organizing, collective bargaining, labor law and apprenticeship training for the building trades
- Special Requests – the School is responsive to client requests for training or technical assistance on virtually any topic related to work, the work environment, unions and industrial relations
- Web site: <http://schoolforworkers.uwex.edu>

^v BLET: Brotherhood of Locomotive Engineers and Trainmen an affiliate of the Teamsters union

^{vi} [LMRDA Trusts](#) - The trust is a trust defined by section 3(l) of the LMRDA, that is, the trust is a trust or other fund or organization (1) that was created or established by a labor organization or a labor organization appoints or selects a member to the trust's governing board; and (2) the trust has as a primary purpose to provide benefits to the members of the labor organization or their beneficiaries (29 U.S.C. 402(l)); and the labor organization alone, or in combination with other labor organizations, either appoints or selects a majority of the members of the trust's governing board; or contributes greater than 50% of the trust's receipts during the one-year reporting period. Any contributions made pursuant to a collective bargaining agreement shall be considered the labor organization's contributions

^{vii} Lund's [January 2010 Seattle workshop](#) provided by the Washington State Labor Council, the M.L. King County Labor Council, and the Seattle-King County Building and Construction Trades Council.

