

THE CASE BRIEF

CASE Newsletter

NEW MEMBERS ELECTED TO THE CASE BOARD OF DIRECTORS



CASE held its annual election in October, and we received the results in early November. We have some fresh faces on the CASE Board of Directors, as well as a familiar one in a different role.

First, we would like to congratulate Lance Davis, formerly a director on the Board, for being elected to serve as CASE Secretary.

We would also like to congratulate our new board members John Appelbaum and Timothy O'Connor in their new positions as Director-at-Large.

We encourage all members of Bargaining Unit 2 to participate in our annual election. If you were not eligible to vote this year, we encourage you to participate in future elections and contract ratifications by becoming a Voting Member.

You can sign up online at www.calattorneys.org/sign-up. Thank you for your support.

PUBLIC SERVICE STORY: ALJ PROTECTS CONSUMERS

by Bryce Avalos

Sacramento, Calif. (11/10/2017) – A Nevada company with its headquarters located in California, named American Labor Alliance (ALA), has been ordered to stop selling insurance and worker's compensation plans in California, as they are not licensed to do so. ALA challenged the initial cease and desist order, claiming they were a labor union/Entity Claiming Exemption (ECE), and therefore out of the state's jurisdiction and authority.

The cease and desist order was upheld by Kristin Rosi, an Administrative Law Judge for the Department of Insurance. The decision was subsequently adopted by Insurance Commissioner Dave Jones as a Precedential Decision.

The American Labor Alliance is a subsidiary of the Agricultural Contracting Services Association. It is a non-profit organization whose stated purpose is to

provide employment benefits to agricultural workers and their employees. They claim to be a union labor organization; however, evidence suggests otherwise.

Although ALA has a large staff of labor relations representatives, they organize with the employers they sell insurance packages to first, and only then consort with their "members". To join, members do not have to be an employee of a company that ALA sells insurance packages to. ALA also claims that it does not represent its members, but instead their member's representative is the member who signed them up for the program.

To try to legitimize themselves as labor representatives, they use a method called "card check". This involves the distribution of signature cards where employers agree to use ALA as their representation.

Continued on page 4

INSIDE THIS ISSUE...

- New Legislation... Pg. 2
- Member Stories... Pg. 3
- Membership Drive... Pg. 5
- Janus v. AFSCME... Pg. 3
- Member Discounts... Pg. 4
- Social Media Tips... Pg. 5

THE CASE BRIEF

CASE Newsletter

CALIF. LEGISLATIVE VICTORIES FOR UNIONS

Labor unions across the nation are feeling the heat from the upcoming Janus litigation pending before the U.S. Supreme Court. Although the future of collecting fair-share fees seems bleak, we have gained recent legislative victories for unions in the State of California worth celebrating.

AB119, enacted on October 3, 2017, gives unions an advantage communicating with and welcoming new members to the union. The law requires the state to provide unions access to all new employee orientations.

This means CASE can meet with members just as they are starting at their new departments so we can educate them on their rights and benefits. For example, we educate new members on the difference between sick/vacation and annual leave. Sick/vacation is the standard leave that many businesses use, utilizing a set amount of leave credits specified for either sick time or vacation. Annual leave is more flexible, allowing leave credits to be used for either sick or vacation. Annual leave also comes with enhanced NDI that allows BU2 members to take a



disability/medical leave of absence and still receive 50% of their salary, with the option to supplement up to 75-100% of their salary with leave credits (see text box to the right). In addition, every remaining hour of annual leave time must be paid upon separation from the state. We also educate members on their Weingarten Rights. Weingarten Rights allow members the right to have a union representative present at investigatory interviews that may lead to discipline.

AB119 also allows unions easier access in communicating with our members so we can represent them more effectively. This will improve our ability to receive feedback from our members, organize, and combat the Janus litigation.

Another important piece of legislation, AB1711, was enacted on October 26, 2017. The legislation provides

military benefits for our members in the State Military Reserve (SMR). It states that members of the SMR are to be granted leave for military service, will maintain all their rights and benefits incurred for their service, and are to be reinstated back to their state

NDI VS. ENDI

Non-Industrial Disability Insurance (NDI) is the program for state workers who utilize sick/vacation leave and become disabled. NDI entitles you to only \$135/week if you become disabled. Enhanced Non-Industrial Disability Insurance (ENDI) is the program that applies to members who utilize annual leave. It entitles you to collect 50% of your gross salary while on disability, with the option to supplement up to 75% or 100% of your salary with leave credits.

position once they return from duty.

We face a tough political landscape and a difficult fight ahead of us, but with the achievement of small victories such as these, we can persist in advocating for our members' rights and continue to improve your salaries, benefits, and working conditions.

THE CASE BRIEF

CASE Newsletter

THE RIGHT-TO-WORK (FOR LESS) MOVEMENT

In the 1977 case, *Abood v. Detroit Board of Education*, the Supreme Court upheld the legality of a closed union shop in the public-sector by allowing Mandated Fee-Payers to opt-out of their unions' political action, but still requiring them to pay a fair-share fee to cover their collective-bargaining and representation costs. This decision was challenged last year with the U.S. Supreme Court Case *Friedrichs v. CTA*.

A conservative law firm named Center for Individual Rights funded a case for 10 public school teachers to argue that it is unconstitutional to charge non-union members a fair-share fee even though they still benefit from their

unions' contract and representation. Due to a vacancy left by Justice Scalia, the Supreme Court tied in their decision: 4-4, allowing fair-share fees to remain in place.

An identical case has re-emerged this term as *Janus V. AFSCME* with Justice Gorsuch now serving in Justice Scalia's place. With Gorsuch on the Supreme Court, we will likely see *Abood v. Detroit Board of Education* overturned, and there will no longer be a legal obligation to maintain a union shop in the workplace and collect fair-share fees, which would defund unions nationwide.

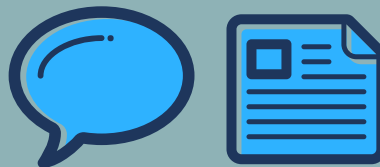
Those funding *Janus* call this effort "Right-to-Work" (RTW), but the statistics

from RTW states show that a more appropriate title is "Right-to-Work-for-Less." Tied to a drop in union membership, wages in RTW states are 12.7% less than union-friendly states, according to a report by the Economic Policy Institute.

Stand with us as we fight for our bargaining power and collective-bargaining rights against a tough political landscape. If we stand together with one voice as California legal professionals, we can fight this litigation and continue to improve the salaries, pensions, benefits, and working conditions that our hardworking members deserve. Fight back by becoming a Voting Member today.

CASE WANTS TO HEAR YOUR STORY

If you've been following us on social media, then you've probably heard of our "Public Service Story" campaign. We are gathering stories from members in our bargaining unit to help promote our members' good work. Let's let the public know that there are hard-working legal professionals out there fighting for the public's interest.



We need your public service stories to illustrate how our members benefit their communities and the State of California as a whole. We know our members are working hard every day: prosecuting criminals, saving

consumers from purchasing illegitimate insurance, making sure workers are properly compensated for their injuries, shutting down mismanaged facilities, and much more. We need you to give a voice and a face to that work. To submit your public service story, email bavalos@calattorneys.org and we will feature it on our website.

THE CASE BRIEF

CASE Newsletter



CASE MEMBER SPORTS DISCOUNTS

Basketball season is here! Catch a Kings or Clippers game at Golden 1 Center or Staples Center at a reduced rate for CASE Members. For hockey fans, we have partnered with the San Jose Sharks and SAP Center, the Los Angeles Kings, and the San Diego Gulls.

Don't despair baseball fans,

next season we will be partnering with the Oakland Athletics as well. To be placed on a list to receive regular ticket discounts for your favorite team, please email info@calattorneys.org. Thank you to all of our members for your support, and remember to get out there and root for your team!

NEW PARTNERSHIP: OMNI HOTELS IN SAN FRANCISCO

Traveling to the Bay Area anytime soon? We are proud to announce our partnership with Omni Hotels in San Francisco!

CASE Members can receive rooms at a substantially discounted rate. Just email info@calattorneys.org to receive the link to access your CASE Member Discounts.



WORKER INJURY COVERAGE POLICIES FOUND INVALID

Continued from page 1

The decision found that ALA has never held an official union election, nor have they ever requested one from the state or federal government. They have never been certified by a government agency as an exclusive bargaining representative for any business.

Moreover, according to the decision, ALA's representative collective-bargaining agreement (CBA) is only three pages long and doesn't identify personnel or job classifications. There are no processes for grievances or arbitration. Their CBA contains no mention of union rights, specific pay periods, or hours. In addition, their CBA has only



been signed by one employer that they work with. Without a signed CBA, the worker injury coverage policies are unable to be legally issued.

Due to the cease and desist order being upheld against ALA, they are no longer allowed to solicit, market, sell or issue insurance policies in the State of California. This ruling by CASE Member Kristin Rosi helps protect California employers and consumers from purchasing illegitimate insurance and workers compensation plans.

THE CASE BRIEF

CASE Newsletter

CASE VOTING MEMBERSHIP DRIVE

In order to help motivate you to become a Voting Member and to ask other members to join as well, we have created an incentive program with custom CASE rewards to show off your union pride. If you are currently a Mandated Fee-Payer, the first one is easy – just sign yourself up for the first reward! For each member you refer, you will receive an entry into our bi-monthly drawing for a \$100 gift card, plus these additional rewards as follows:

- Refer one new Voting Member (or yourself) and

receive a custom CASE ballpoint pen

- Refer three new Voting Members and receive a custom CASE coffee mug

- Refer five new Voting Members and receive a custom CASE t-shirt

- Refer seven new Voting Members and receive a custom CASE USB drive



- Refer 10 new Voting Members and receive a \$100 gift card to the store of your choice + 10 entries into our bi-monthly \$100 gift card drawing.

To receive credit for a member referral, email bavalos@calattorneys.org with the subject line, "Member Referral," and state your colleagues' name whom you referred. Your reward will then be sent out accordingly. Our first gift card drawing will be for a \$100 Amazon Gift Card, and will take place bi-monthly starting on February 1, 2018.

SOCIAL MEDIA TIPS

Are you following us? CASE is on social media! Follow us to receive the latest information and news related to CASE, trainings, updates on member discounts, contests and campaigns, and more. We are on Facebook at facebook.com/calattorneys, Twitter at twitter.com/cal_attorneys, and LinkedIn at linkedin.com/company/calattorneys.

Social media is a great place to communicate and organize. If you are worried about connecting your work life with your personal life, you can change your privacy settings so that only those you accept as a friend can see your activity.

Here's how to do it on Facebook:

1. Create or sign in to your profile;
2. In the upper-right hand corner of your screen select the down arrow;
3. Click on "settings";
4. Go to "privacy";
5. Change all of the settings to, "friends".

This will restrict all of your private information, what you post, and your activities on Facebook to only be seen by friends. That way, you can browse social media worry-free. Don't forget to like our page!

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