

Council 13 CONNECTION

Council 13 AFSCME, the American Federation of State, County & Municipal Employees, AFL-CIO

PLAY BALL!



**Council 13 Convention delegates cover
all the bases at FNB Field in Harrisburg**

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Message from the Executive Director



Sisters and Brothers,

We begin 2022 reflecting on an unusual past year and looking ahead to a hopeful future. We were able to hold a successful Council 13 Convention at FNB Field in October (Page 3) and are excited to hold a spectacular and special 50th annual Council 13 Convention in April.

At both the latest Convention and the joint District Council 84 and 85 Education Conference (Page 4), we showed our gratitude to the AFSCME members who have been on the front lines for the last two years. In that spirit, I want to extend a sincere 'thank you' on behalf of myself and the entire Council 13 family for all that you have done and continue to do in the face of endless adversity, and for simply being a member of AFSCME.

Your commitment to public service and the union way of life has offered Pennsylvanians hope of a brighter future and a more prosperous new year. That is why it would be my honor to continue serving as your Executive Director in 2022 and beyond, and I hope delegates to the upcoming Convention will grant me that opportunity as we enter an election year for Council 13. Positions on Council 13's Executive Board will be up for nomination, as well. Please join us and make sure your local union's voice is heard in these important processes.

With so many upcoming events, including the Council 13 Convention, the AFSCME International Convention, both the Pennsylvania and the National AFL-CIO Conventions, as well as numerous education conferences (see back for full 2022 Calendar of Events), you will be hearing plenty from me, so I just want to conclude by thanking you again, and I wish you and your family a safe, healthy, and happy new year!

In Solidarity,
J. David Henderson
Executive Director, AFSCME Council 13



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AFSCME MEMBER INVESTIGATES \$20 MILLION WAGE THEFT CASE

Throughout Supervisory Narcotics Agent Tom Moore's 23-year law enforcement career, he has worked cases involving drugs, child abuse, and murder, bringing offenders to justice.

Recently in Agent Moore's role working under the Pennsylvania Attorney General, the AFSCME Local 2245 member found himself as the lead agent on an investigation into the largest prevailing wage theft in US history. When he got the assignment, one question immediately came to mind: "What's prevailing wage?"

The Pennsylvania Prevailing Wage Act and the federal Davis-Bacon Act were enacted to level the playing field and protect workers by ensuring that all contractors working on projects that receive state or federal funding pay the same wage rates, which can include benefits such as healthcare and retirement contributions to employees.

As a result of the Office of Attorney General Josh Shapiro's investigation, Glenn O. Hawbaker, Inc., one of the largest contractors to complete projects on behalf of the Commonwealth, was sentenced for theft relating to violations of the Prevailing Wage Act and the Davis-Bacon Act. The company must pay \$20,696,453 in restitution to 1,267 affected workers and faces several other conditions, including probation and supervision.

"It's great that the victims were able to get money back in their pockets. They worked hard for that money, and it was taken from them," Agent Moore said.

Agent Moore credits the success of the investigation largely to the many people he worked with to make it happen, including some fellow AFSCME members, as well as Fraternal Order of Police members and other agents who picked through the complexities of the case.

"I'm not a financial guy so there's a lot of help from other aspects of our office that actually contributed a lot to the investigation, so I don't want you guys to think it was just me," he said. "It's truly a group effort."

According to the Office of the Attorney General, Hawbaker committed theft by using money intended for prevailing wage workers' retirement funds to contribute to retirement accounts for all Hawbaker employees – including the owners and executives. They were also charged with stealing funds intended for prevailing wage workers' health and welfare benefits and using them to subsidize the cost of the self-funded health insurance plan that covers all employees. The company disguised its scheme by artificially inflating its costs by millions of dollars each year and claiming credit for prohibited costs.

According to a recent report by the Center for Public Integrity, thousands of American companies illegally underpay their workers through a variety of tactics, often without punishment.

"If Pennsylvanians step up to report wage theft, know that my office is here to help. We will advocate for you," AG Shapiro said. "If we find another business employing these kinds of schemes, we will fight to get the full paychecks you've earned."

Pennsylvanians can report wage theft by sending an email to wagetheft@attorneygeneral.gov.

Agent Moore has enjoyed the challenges that his work for the Attorney General has presented since he joined the department in 2008. Before that, he served as a detective for Cambria County starting in 2004, and as an officer in Cresson, Pennsylvania, starting in 1998.

"Working for the Attorney General's office has been great ever since I started here because of the fact you get involved in stuff like this," Agent Moore said. "Whether it's drug work or getting involved in homicides or getting involved in wage theft, there are a lot of opportunities to help citizens across the commonwealth."

AFSCME Council 13 commends Agent Moore, his fellow agents, and all the members of law enforcement who hold criminals accountable for their actions, and we thank AG Shapiro for his sharp focus on protecting the working people of Pennsylvania.



COUNCIL 13 DELEGATES PLAY BALL, HANDLE BUSINESS AT 49TH CONVENTION



Delegates to the 49th Annual AFSCME Council 13 Convention covered all the bases at FNB Field in Harrisburg during what was a memorable, unique, and sometimes rainy event on October 23, 2021.

Just like nothing stops AFSCME members from getting the job done, nothing stops Council 13 from holding its Convention, especially not a little rain. Attendees embraced the “Challenge of Change” and weathered all conditions to move their union forward.

Delegates representing 76 local unions throughout all eight of Council 13’s District Councils were in attendance wearing their favorite sports apparel to hear remarks from Council 13 Executive Director David Henderson, AFSCME International President Lee Saunders, Council 13 Executive Board President Jane Gill, and a member from each District Council who shared the story of their struggles on the front lines throughout the pandemic.

The action began bright and early as the District Councils hosted tailgates in the parking lot of FNB Field and delegates got themselves registered. Members perused vendors and had photos taken leading up to the opening pitch, which was thrown by former Council 13 Executive Director and current AFSCME International Vice President David Fillman. Fillman then passed the ball to President Saunders, who called Executive Director Henderson to the field before symbolically passing the ball to him. Fillman hollered “play ball!” and the convention was called to order with the bang of a gavel by President Gill.

Jamar Johnson, President of AFSCME Local 1224 (PHEAA), performed a powerful rendition of the national anthem before Rev. Dr. Linda Green, representing AFSCME Local 2456 (State Professionals – District 8), delivered an uplifting invocation.

Between speeches, delegates passed several resolutions covering a wide range of initiatives, including Growing Through Engagement, Opposing the Closing of Polk and White Haven Centers, Supporting Liz Schuler and Fred Redman, Protecting Public Sector Workers, Honoring Front-Line Heroes, Remembering Lives Lost to COVID-19, and Thanking David R. Fillman.

With another home run in the books, Council 13 looks forward to convening again in April. Thank you to all the members, leaders, and staff who made this convention possible, who never let any challenge or change keep them down, and who always knock it out of the park in the name of public service and union solidarity.



Executive Director David Henderson shows his appreciation for the Council 13 members in attendance.



Former Council 13 Executive Director David Fillman throws out the first pitch before the convention is called to order.



AFSCME International President Lee doesn't let a little rain stop him from firing up Council 13's delegation.

DISTRICT COUNCILS 84 AND 85

UNITE

FOR FALL EDUCATION CONFERENCE



AFSCME members from District Councils 84 and 85 gathered in Erie, Pennsylvania, from October 1-3 for an education conference centered around building union power as well as showing gratitude to the front-line workers who have powered the commonwealth through the pandemic.

DC 84 Director John Galuska and DC 85 Director Shane Clark welcomed attendees Friday night followed by Council 13 Executive Director David Henderson, who reflected on his extensive history with both district councils and thanked members for their support. Henderson started with AFSCME as a member of Local 1955 in DC 84, going on to become a Staff Representative for the district council before becoming Director of District Council 85 to the north.

Saturday's General Session featured an interactive seminar on how to talk to coworkers about the union and a discussion on "What's At Stake" for AFSCME members in the modern era of anti-public employee, anti-union special interest groups working to dismantle collective bargaining rights.

Members then took part in a variety of workshops including "Workplace Action," "Arguing Your Case," "Public Speaking," "Building Community Service and Support," and "Bridging The Gap: Back to the Union."

District Councils 84 and 85 represent a combined 17,000 workers in southwestern and northwestern Pennsylvania, respectively, and their sisters and brothers left Erie with the tools and knowledge necessary to continue growing their local unions' strength moving forward.

Thank you to all the members and staff who took part in this conference and made it possible. Visit AFSCME13.org for more photos!



State College school employees negotiate back pay after COVID-induced concessions

As the pandemic took hold of our lives in 2020, public and private employers alike tried to cut back on all expenses, including payroll.

Labor unions were there to protect their members from the brunt of these COVID cuts whenever possible, but also worked with employers to seek the best possible outcome for everyone in a time when we all needed to band together (while maintaining a safe distance).

The members of AFSCME Local 259 in the State College Area School District (SCASD) agreed to forgo their expected pay increases in 2020 as the district found itself in a fiscal pinch, under the conditions that there would be no layoffs and the matter of pay increases would be revisited if the financial situation improved. When spring rolled around in 2021, SCASD had successfully avoided layoffs of AFSCME-represented employees and federal dollars were rolling into the public sector.



AFSCME Local 259 members pose for a picture at their September 18 local union meeting. Pictured left to right: President Jim Fogleman, Secretary Sue Grove, Treasurer Deb Wisor (Standing), VP Nigel Wilson, Gail Witherite, and Executive Board Member Deb Bair (Kneeling).

Jim Fogleman, a Building Supervisor in SCASD's Delta Program High School and President of Local 259, represents the custodians, maintenance staff, food service workers, and bus drivers in the district. Jim noticed employees in surrounding school districts were receiving bonuses, so he, along with his fellow local union executive board members and District Council 83 Staff Representative Dave Carey, went back to district leadership to negotiate.

Local 259 members pointed out that they went above and beyond to continue serving their school district and their communities throughout the pandemic without pay increases, and the district recognized that.

“Our school district gave out meals on Wednesdays, and it started when the pandemic started. Our employees helped bag and give out over a million meals from last March [of 2020] until August 11 [of 2021],” Jim said, explaining that bus drivers and other workers whose normal duties got disrupted shifted to these kinds of jobs to fill the void.

“So, it wasn’t like the AFSCME employees took a break. It actually got a little more intense for us to step up to the plate and do that.”

With all of this in mind, the district agreed to give employees their regular pay increases as well as retroactive back pay to make up for the raises they forwent, and they agreed to keep healthcare costs the same for employees.

“We are lucky to have the school district that we have to work with. We are lucky. They truly do understand, and they truly do care,” Jim said.

“I think all in all it turned out really well for everyone, and the school district was very appreciative of what we did.”

When asked about SCASD employees who are represented by AFSCME and will benefit from this agreement, but are not members of the union, Jim asked that those folks consider that the union helps workers negotiate fair contracts, advocates for safer working conditions, and even offers assistance with hearing aids and eyewear among other benefits.

He said, “I think too many people think that a union protects only the bad people, and that’s not the case. The union is here to protect everyone and make it a better place to work.”

While speaking to Council 13 about his local’s agreement with the district, Jim was juggling supervising duties, questions on his two-way radio, and a call from the school principal, but he seems to enjoy his work and the interactions with those around him, including the students. He speaks highly of the kids in the Delta program and describes them as kind, courteous, polite, and respectful.

“Working with the teachers and the kids to make it a good place to come to school – that’s the highlight of the job.”

IN MEMORIAM

Zach Hause



AFSCME Council 13 mourns the loss of Zach Hause, a dedicated union brother and loving family man gone too soon.

Zach was a Staff Representative for AFSCME District Council 84 for over five years. He was a graduate of Clarion University and got his start in the labor movement as an intern for the Association of Pennsylvania State College and University Faculties (APSCUF). He went on to be an intern for AFSCME, an organizer for SEIU, and the Director of the Central Pennsylvania Area Labor Federation (ALF), before joining the staff of DC 84.

Zach passed away unexpectedly on November 5, 2021, at the age of 37. He is survived by his wife Elizabeth and son Victor. Elizabeth is expecting twins in 2022.

Any contribution to his family is helpful and appreciated during this difficult time: gofund.me/94be549b.

According to his family, "Zach was a gentle, kind, and warm-hearted soul who will be deeply missed by so many," and his entire union family is included in that, and we send our deepest sympathy and condolences to Zach's loved ones.

Union siblings, family members gather for Juan Carter bench dedication

Friends, family, and union siblings of the late Juan Carter gathered in downtown Harrisburg on December 1, 2021, for a bench dedication ceremony to honor a man remembered for his big laugh and even bigger heart.

Juan was a Staff Representative for AFSCME District Council 90 for over eight years. He proudly served the members of his local unions while also serving his community by personally distributing supplies to the city's homeless population. Sadly, he passed away on November 25, 2020, at age 54 due to complications from COVID-19.

Now, a bench dedicated to Juan sits watching over Harrisburg, just like he always did and continues to do.

Visit AFSCME13.org for the full story and more photos.



Council 13 Executive Director David Henderson (right) poses with DC 90 Director Darrin Spann (left) and DC 90 staff at Juan Carter's bench dedication.



Family of Juan Carter pose at his bench dedication on December 1, 2021.

COUNCIL 13 SCHOLARSHIP

2021 WINNERS ANNOUNCED!

Congratulations to the 16 winners of the 2021 AFSCME Council 13 Scholarship Program! \$12,000 in scholarships were awarded to the children and grandchildren of Council 13 members and retirees. Each winner will receive \$500 with four top scorers each receiving \$1,500. Students submitted essays discussing how labor unions improve pay, benefits and conditions for both the workers they represent and non-union workers. Winners were chosen by a Selection Committee comprised of knowledgeable, exemplary individuals. Selections are final and binding and are not subject to appeal. Winners and their member affiliations are as follows:

District Council 83

Matthew Bowser (Michael L. Bowser - Local 1982)
Mallory Bowser (Michael L. Bowser - Local 1982)
Haley Bicko (Richard A. Bicko - Local 2365)
Donald Brothers (Donna Frick - Local 630)
Adam Mason (Vicki Mason - Local 691)
Madison Succheralli (Ryan Succheralli - Local 1983)

District Council 84

Nicholas Ammon (Cathy Ammon - Local 2622)*
Julia Ammon (Cathy Ammon - Local 2622)

District Council 85

Stone Helsel (Shelly Helsel - Local 2102)*

District Council 87

Jacob Mohring (Andrew Mohring - Local 2455)
Brody Miller (Teresa Miller - Local 2150)

District Council 88

Katrina Mulherin (Michelle Mulherin - Retirees Sub-Chapter 8809)*
Amanda Colecio (Anthony Colecio - Local 2244)

District Council 89

Kory Trout (Joyce Vandersloot - Local 1485)*
Kayley Brookes (Steven Breach - Local 1981)
Smaran Teru (Vijay Teru - Local 1981)

*Received \$1,500 reward

Congratulations to the winners and best of luck in your academic and professional journeys!

**For more union scholarship opportunities,
visit afscme13.org/members/scholarships**



**RECENT FEDERAL LABOR POLICY AND LEADERSHIP
SHIFTS SIGNAL POSITIVE CHANGE FOR WORKERS**

by Jessica C. Caggiano

The COVID-19 pandemic is shining a spotlight on inadequate protection of workers in various sectors of the economy like never before, with a resurgent interest in organizing and collective bargaining among the national work force. Against this backdrop, workers may be poised to expand collective bargaining rights across the country with a shift in federal labor policy and leadership in 2021. This year has seen a number of positive steps to change federal labor policy to one more supportive of unions and the workers that they represent. Here are some of the highlights:

- In January 2021, President Biden removed former National Labor Relations Board (“NLRB” or “Board”) General Counsel Peter Robb, a management-side attorney, and replaced him with reputedly worker-friendly Acting General Counsel, Peter Ohr. As the prosecutorial arm of the NLRB, the General Counsel is an important position that provides guidance to the NLRB’s regional offices about which cases and issues the agency should take on.
- On February 1, 2021, General Counsel Ohr rescinded 10 of the former General Counsel’s Memoranda that were unfavorable to workers and the unions that represent them. General Counsel Memoranda are not law, but they are used to guide policy changes at the NLRB. In taking this action, Ohr emphasized that “the policy of the United States is to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of their full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment. . . I have determined that a number of outstanding General Counsel Memoranda are either inconsistent with the above-described policies and/or Board law, or are no longer necessary.”
- In March 2021, the U.S. House of Representatives passed the Protecting the Right to Organize or “PRO” Act, and the bill is now pending in the Senate, and has the support of the new administration. The PRO Act has been lauded as pro-worker and would expand collective bargaining rights and remedies for violations of federal labor law, among other changes.
- On April 26, 2021, President Biden signed an executive order creating the “Task Force on Worker Organizing and Empowerment.” In this Executive Order, the administration confirms its policy, reflected in federal labor law, of encouraging “worker organizing and collective bargaining” because of the well-known benefits of union membership. To date, this has resulted in an initiative among federal agencies to encourage inclusion of federal employee union representatives at new employee orientation, and to provide new federal employees with information about their collective bargaining rights.
- On July 21, 2021, Jennifer Abruzzo became General Counsel of the NLRB after her nomination by the President and confirmation by the Senate. Ms. Abruzzo is regarded as a labor-friendly pick, based upon her record as special counsel to the Communications Workers of America, and as both Acting and Deputy General Counsel at the NLRB. Among her first major pro-worker initiatives, in September, she issued two memoranda directing the Regions to seek broader monetary remedies for employees who are discriminatorily discharged (beyond reinstatement and back pay), and more robust remedies in cases involving unlawful interference in employee organizing efforts, or refusals to bargain.
- On August 28, 2021, the NLRB returned to a Democratic majority, as Biden appointees Gwynne Wilcox and David Prouty, confirmed by the Senate in late July, took their places on the Board. Both appointees have left positions in which they worked to support labor, either in private practice as a union lawyer, in Board Member Wilcox’s case, or as union staff, in Board Member Prouty’s. This change, with a labor-friendly General Counsel, marks an opportunity to reverse anti-worker decisions under the prior administration.
- In November and December 2021, the NLRB invited briefing from interested parties, signaling their interest in making policy changes in two areas that would benefit employees. The first issue is whether the Board should expand its traditional make-whole remedy for employees who are unlawfully fired, laid off, or otherwise discriminated against, to more fully account for their actual economic losses. The second issue concerns whether the NLRB should reconsider a 2017 decision from the prior administration’s Board that has prevented smaller groups of employees from organizing.

All change takes time, but these developments in federal labor policy set the stage for unions and the workers they represent to enjoy greater protections after buoying America up through this pandemic.

***Council 13 members can access the
legal services benefit by calling:
1-888-294-2747 or 1-800-631-1233***

***Union members are also entitled to
legal benefits through Union Plus:
unionplus.org/benefits/home/legal-help***

Council 13 AFSCME® In Your CommUNITY



Members of AFSCME Local 2534 (PennDOT) took to the streets of Harrisburg on Veterans Day to distribute care bags to the homeless as part of their "Juan's Wings" initiative in honor of DC 90 Staff Representative Juan Carter, who passed away in November 2020 and was known to perform similar acts of kindness throughout the city.



Lancaster County Prison corrections officer and AFSCME Local 1738 member Allen Cromley took part in "Shop With a Cop," a program that included approximately 30 officers and 70 kids, and seeks to bridge the gap between law enforcement and the public.

AFSCME Local 211 (North Huntingdon Township), featuring Local Union President Mike Dietz in a hot dog suit, gave out more than 800 hot dogs and chips at a local Trick-Or-Treat event.



AFSCME Locals 1710 (Wayne County Prison) and 2145 (Wayne County PennDOT) joined together to donate \$500 to the Wayne County Food Pantry. Pictured left to right: Sam Mikulak, President of 2145; Michael Schott, Treasurer of 2145; Scott Jaycox, President of 1710; food pantry representative; and Ben Grover, VP of 1710.



Left to right: AFSCME District Council 83, Local 2344 (Torrance State Hospital), and Local 2411 (Cambria County Courthouse), joined with the Johnstown CLC to donate coats, hats, gloves, scarves, boots, and money to buy more coats. Pictured: DC 83 Staff Representative Kim George and President of Local 2344 and the Johnstown CLC Yvonne Buterbaugh. Right: Local 2127 (Blair County Trades & Labor) donated 20 turkeys to St. Vincent De Paul prior to Thanksgiving. Pictured on left: Local 2127 Trustee Corey Weaver.

Members of AFSCME Local 2592 (Lehigh and Northampton County Clericals) gathered donations at their Christmas party for Mosser Village food pantry in Allentown.



Members of multiple local unions from AFSCME District Councils 89 and 90 took part in the annual Great Harrisburg Litter Cleanup.

AFSCME Local 2902 (Lawrence County) took part in New Castle's Light Up Night Parade and their float won 2nd place Honorable Mention.



2022 Calendar of Events



AFSCME Council 13 Women's Conference*
Hershey Lodge, Hershey, PA



AFSCME DC 86 & 87 Leadership Conference*
Genetti Hotel & Suites, Williamsport, PA



Pennsylvania AFL-CIO Convention
William Penn Omni Hotel, Pittsburgh, PA



AFSCME Council 13 Convention*
Hershey Lodge, Hershey, PA



AFL-CIO Convention
Philadelphia, PA



AFSCME International Convention*
Philadelphia, PA



AFSCME Council 13 Non-State Conference*
Skytop Lodge, Skytop, PA

***STATE EMPLOYEES:** Please request union business leave from AFSCME Council 13's Education Department no less than 25 days before the date of the conference or convention in order for the request to be considered by the Commonwealth. More information and forms can be found on afscme13.org. Note: This list, including dates and locations, is subject to change. Additional events that have not yet been confirmed may be added at a later date.

**Visit our
website!**



afscme13.org

Council 13 Connection
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