

Rival raiding membership, union says

By Penni Crabtree
1 September 2005
The San Diego Union-Tribune

Sep. 1--The United Domestic Workers of America filed a complaint with the state labor relations board yesterday, charging that a rival union is trying to usurp it by fraudulently persuading members to switch allegiance.

The United Domestic Workers of America, based in San Diego, filed the unfair labor practice charge with the California Public Employee Relations Board. It says the Service Employees International Union mounted a deceptive membership drive with the aim of forcing a so-called decertification election.

The formal charge escalates an already bitter power struggle between the two unions, which are competing to represent home-care workers in California.

A spokesman for AFSCME, the American Federation of State, County & Municipal Employees union, which oversees the UDW, said that SEIU Local 434B in Los Angeles is coordinating a "campaign of lies and deception."

"UDW-AFSCME home-care workers across the state were tricked and coerced into signing membership cards with Local 434B," said Michael Zucker, director of strategic research for the AFSCME. "What the overwhelming majority of the UDW workers did not know is the SEIU was using these cards to attempt to force a decertification election from their own union.

"This activity is unethical and illegal, and we are asking the state to intervene."

The state labor relations board, which has the authority to investigate and resolve such disputes, did not return telephone calls. SEIU Local 434B did not return telephone calls.

SEIU Local 434B represents 105,000 home-care workers in Los Angeles and San Bernardino counties. UDW has about 40,000 members statewide.

Until recently the two unions co-existed in relative harmony. Under a 2000 agreement, the unions agreed to divide organizing rights evenly: UDW was authorized to organize in 29 counties in California, and organizing rights in the other 29 counties were given to the SEIU.

Relations between the two unions have soured in the wake of financial probes and labor movement squabbles.

Alleging financial mismanagement by UDW officials, the AFSCME won a federal court order in June to place the UDW into trusteeship. Then former UDW officers and recruiters went to work for the SEIU, which was under the umbrella of the AFL-CIO.

The AFL-CIO ruled in June that SEIU's soliciting efforts in nine UDW counties violated constitutional provisions that bar one union from "raiding" another. The SEIU quit the AFL-CIO days after the federation issued the ruling, making it moot.

Since then, the SEIU has collected an undisclosed number of membership cards from UDW workers and filed petitions in several counties to force a vote that could oust the UDW as the collective bargaining agent for home-care workers, Zucker said.

Glen Rothner, a UDW attorney, said the union is asking the labor relations board to rule that the membership cards solicited by SEIU Local 434B are invalid for purposes of meeting the threshold required to call a decertification election.

The UDW also wants the decertification petitions to be put on hold until the board investigates and makes a final ruling.

Rothner said the UDW will present to the board hundreds of declarations from UDW members that demonstrate fraudulent tactics the SEIU allegedly used to get them to sign the cards.

The SEIU solicitors misrepresented themselves as UDW agents and distributed literature that gave the false impression that the UDW was working with the SEIU to encourage the membership switch, Rothner alleged. The SEIU also told UDW members they would not receive pay and benefit increases unless they signed SEIU membership cards, he said.

Sheena Hume, a UDW home-care worker in Butte County, said she signed an SEIU membership card in July at the urging of a woman who said she was a UDW representative.

"She never told me that by signing the card I was disassociating myself from my union," said Hume, 29. "The SEIU shouldn't be allowed to go around and trick people just to get (membership) dues money."
