

CRC

# CARPENTER

The Newsletter of the St. Louis-Kansas City  
Carpenters Regional Council





*Al Bond*



## Al Bond, Jr.

Executive Secretary-Treasurer

In 2019, the Regional Council introduced several innovative health and welfare benefits for our members and their families to reduce overall costs to our Health and Welfare Plan while also improving our health. Healthcare Bluebook, Teladoc and the Carpenters Wellness Center are just a few examples.

Did you know that the majority of services at the Wellness Center have \$0 copay? Even prescriptions are more affordable than at a standard retail pharmacy. I know of one family who will be saving almost \$3,000 out-of-pocket annually on prescriptions. And it's not just them saving money—the Plan will also save about \$3,000, too.

In order to make it work and worth the investment of time and money, we knew the center (and the one coming soon in Kansas City) had to offer complete care. From new eye glasses to physical therapy, the Wellness Center was designed to be a one-stop shop for everyone in your family covered under the Plan. Convenience is key if we're going to get a handle on the expensive clinics and urgent cares that are bleeding the Plan and costing the union a lot of money.

While we expect these programs and services to produce substantial savings, the costs of healthcare in the U.S. are still rising rapidly. Our Health and Welfare Plan claims have risen by approximately \$45 million over the last three years alone.

In some ways, we are a victim of our own success. The demand has been so great that we are having to build out more space at the center and hire additional healthcare staff. Some appointments are already booking into May, and I thank everyone for their patience. Go ahead and continue making appointments, but just know that we're going to have a little bit of a wait time while we ramp up.

All of us have a duty and responsibility to each other to manage our healthcare in a financially sound way, without sacrificing care. I encourage all members to check out the Carpenters Wellness Center if you haven't and transfer your prescriptions. Utilize resources like Teladoc and Healthcare Bluebook, and experience the kind of convenient, affordable care we all deserve.



STLKCCRC

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Communications  
Department*

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# In The NEWS



## Stronger

2018's "Right to Work" battle is credited with boosting Missouri union membership to a 15-year high. Most recent data shows 47,000 new workers joined a union in the Show Me state in the last two years. The Stop RTW campaign successfully pushed organized labor onto the front pages and reignited discussions of wage stagnation, income inequality and corporate greed. The increase boosted the state's union membership to 297,000 people, the highest since 2004. Union membership in Missouri now stands at 11.1% of the workforce, which is the highest percentage in more than a decade.



## Fair Game

St. Louis Mayor Lyda Krewson has signed landmark legislation that requires prevailing wage rates on private projects of \$1 million or more with tax incentives. It levels the playing field for thousands of contractors and workers. "We have to do everything we can to support our local workforce and hardworking, dedicated trades men and women," Krewson said.

## Tax Fraud

More than \$8 billion is lost every year to construction industry tax fraud. It's a big problem, but one the Carpenters union is fighting. With Tax Day approaching, we (and other regional councils) have been planning public events to draw attention and publicize the nationwide problem of tax fraud within our industry. Sat., April 4 is the day we've chosen to banner job sites where we believe tax fraud is being committed, alerting the public to the damage it's causing to our communities.



## Sisterhood

The first week in March is National Women in Construction Week. Our sisters and MOWIT hosted Survival Skills Day, when journey-level women teach the next generation tricks of the trade for surviving and thriving in professional carpentry. Follow our SIBS on Facebook: Sisters in the Brotherhood of Carpenters STL/KC.





# ENERGIZED

A decade ago, our council had a bright idea...and it's paying off.

In business, everyone looks for the “win-win” — when each side gets what it wanted, and the partnership is a beneficial one for all of the players involved. If you can do that, then you’ve achieved your goal and scored the elusive win-win.

In 2008, the Regional Council came up with a winning idea that has certainly benefited our organization, but also paid off in a big way for St. Louis area electricians and electrical contractors. We offered them a place within the Carpenters by forming electrical workers Local 57. While it raised a few eyebrows at first, acceptance eventually came.

“It took a few years,” newly appointed 57 business representative Kurt Goodwin said. “They thought we were a bunch of unskilled electricians but they found out that we weren’t bobbleheads like some people said. We were easy to work with and didn’t cause the usual shutdowns and problems on the job they had been used to seeing.”

Goodwin spent four years as president of the local before joining the council’s executive team in February. His appointment comes at a time of renewed energy with membership growing, a new training program in the works, and a thaw in the frosty reception that first greeted the fledgling local.

Goodwin believes much of the change has been due to the added value that the electricians have brought to the council. “There’s a much greater acceptance now that the other locals realize how much our man hours are contributing to pensions and strengthening the overall union,” Goodwin said.



In joining the Carpenters, the electricians found formidable representation backed by the strength of more than 20,000 members. With that kind of clout comes the power to negotiate lower health insurance costs, and a pension plan that is unmatched. As the old saying goes, there is strength in numbers.

For many electrical contractors, that decision back in 2008 has been a game changer.

The UP Companies, a wide-ranging design and construction services contractor, is an example of the advantages that come with having electrical workers under the Carpenters umbrella.

When Power UP, the electrical arm of the company, gets hired to do a job, Square UP, which employs our carpenters and drywallers, is perfectly positioned to handle the rest of the job and take advantage of the door that Local 57 opened.

"They help the bottom line for general contractors because our guys work a full eight-hour day on the job, as opposed to our competitors. Our electricians also don't have wasteful work rules or abrasive

Since the beginning, the electricians have been getting their apprenticeship training through an agreement between the regional council and Ranken Technical College.

While other St. Louis area members of the union can study and train at the council's sprawling facility in South County, it was not designed for the kind of specialized electrical instruction that Local 57 members need.

Now, 12 years into it and with the local seeing healthy growth, the program is getting moved from Ranken to the Carpenters training center on Valcour Ave. Electrical students will train under one roof with other apprentices, giving the council greater control over how the program is run and monitored. More than just a physical change, the move is also a symbolic one.

"The time has come to bring all of this in-house with our building, our instructors and our own program," EST Al Bond said. "I also like the fact that it erases the barrier and separation that maybe made our electricians seem somehow apart from the rest of the Carpenters family."

Space is currently being built to house the new training, which is scheduled to start this summer.



attitudes on what work they will or won't perform," Michael Kennedy, president of the UP Companies said.

"Our people have pleasant attitudes and make our client's projects more collaborative. We want safe, high quality, and efficient job sites," Kennedy added.

Jerry Reinhold, owner of Reinhold Electric, sees numerous advantages for St. Louis area electricians who are affiliated with the Carpenters. "They don't have a hiring hall, making it a lot easier for everyone. And they've got that new wellness center, which is just a tremendous value and a real money saver for the union's members."

Although they may have been viewed with suspicion and faced a jolt of hostility in those early days, Local 57 has carved a place for itself within the Carpenters union. A longstanding problem was addressed, our contractors are happy and St. Louis electricians have been given a choice with a strong, active union on their side.



LOCAL  
 57

## At a GLANCE

Chartered in  
**2008**  
during the worst  
economic recession  
in modern memory.

Signature charity:  
Jefferson County  
Foster Children's Fund  
**\$17,000**  
raised

Electrical  
contractors  
partnering with  
**Local 57**

- Advance Lighting & Power
  - Fry Electric
  - Habco
- Higgins Electric
  - Power UP
- Reinhold Electric





# YOUNG PUPS



**In this Washington, MO school, kids discover carpentry and more building dog houses.**

Putting down their pencils and picking up hammers, 6th graders at Washington West Elementary are discovering the skill, teamwork, and yes, the fun of carpentry. "This is probably the most difficult thing I've ever done for school," Sydnee Winchester admits. "I thought it was good to challenge us and do something that we don't usually get to do."

In younger grades, kids in this district of 4,000 students gain woodworking experience building small bird houses. But Scott Byrne wants them to tackle more complex projects as they get older. Byrne, a business representative with the Carpenters, is also an elected member of the Washington, MO school board.

"Ultimately, I'd like to see them start in second grade, and then all the way through 12th grade introduce them periodically to this and help them understand that if you're good at math there's an opportunity in the building trades. Not everyone has to go to a four-year college," Byrne said.

The class is broken down into small groups (with names like Brick Dogs, Puppy Place and K9 Palace), each



responsible for completing a dog house from start to finish within the eight-week course called Build Academy. It starts with the kids researching different breeds and deciding if their group wants to build a house for a small, medium or large-size dog.

From there, high school students studying engineering help the 6th graders design a blueprint and map out how much raw material their house will require. And carpentry students from the building trades program work side-by-side with the kids making sure their houses get built correctly.

School administrators are also using the dog house assignment to teach important business skills, like marketing and advertising. At the end of the school year, their houses (about 30 in all) will be auctioned off to



the public. Money raised at the auction can then be used to buy wood, paint, nails and the other supplies needed for next year's class.

Before they even begin construction, the kids create logos and advertising plans, hoping their house will stand out from the rest and fetch the highest price at auction.

"We're going to be selling 25 to 30 dog houses, so they really

need to think about what will make theirs unique from everyone else's," 6th grade instructor Lindsay Kober said.

The biggest surprise comes not from the kids' skill at mastering basic carpentry, but from their talent for cooperating with each other in order to get the job done.

From designing the house, to choosing paint colors, each step of the project requires listening, debating and compromising.

"That's hard — to compromise, to communicate with each other, to disagree and still be able to work that out," Kober said. "That's one of the most valuable skills that they'll need in life."

Reaching kids, even as early as grade school, with new experiences and life lessons is crucial for getting them to start thinking about the future. In three short years they'll be entering high school, bombarded with questions about their plans for a career and higher education. Experts believe that waiting until the teenage years to discuss options is already too late. The younger, the better, when it comes to exposing kids to their hidden talents and possible careers.

Annie Wieland, the district's college and career specialist, wants the kids to remember the excitement they experienced in Build Academy when high school counselors ask them to decide their future plans.

"The students' view of what a carpenter is has changed because of Build Academy. They've realized that there's a lot more to it and a lot of the students are more hands-on than they ever knew."

Watch the  
Video

YouTube TheCarpDC

## KENZIE



"I learned that sometimes you might want to go with what other people want because it might turn out better than you expected."

## ERIC



"I think they want us to start thinking about a job at a young age and a dog house was a really good idea. We had to work through it and figure it out together."

## ISABELLE



"I never had to build anything super hard like this before. It was a lot of fun and we definitely got a reward doing it. I'm really proud of it."







**Carpenters**  
Wellness Center  
operated by 

## TO YOUR HEALTH

The Carpenters Wellness Center is your one-stop shop for member + family healthcare needs. We offer convenient hours, friendly staff and minimal wait times.

*We're Building a Healthy Union.*

# Overhead Lifts

By Debbie Goltschman and Angela Weis, PEAK Sports & Spine

Physical Therapy in Carpenters Wellness Center is provided by PEAK Sports & Spine



Repetitive Strain Injuries (RSIs) are injuries to muscles, bones, tendons/ligaments and nerves that are caused by repetitive use, vibrations, compression or prolonged positions. Unfortunately, preventing these injuries is difficult because of the type of work performed. However, there are three points to remember.

### When should you just pause...

- Pain or symptoms that last over the weekend
- Pain or symptoms do not get better after ice or heat
- Pain that is sharp or numbness/tingling symptoms begin

### What to do next: self-treat. What does that mean?

- Modify lifting mechanics to decrease pain/symptoms while working or use personal protective equipment (PPE) or safety gear
- Decrease lifting or carrying loads
- Stretch (i.e. bend backwards with hands on hips)

### When to seek help...

- Pain or symptoms that last greater than 2 weeks
- Pain or symptoms that are getting worse
- Pain or symptoms that limit your ability to perform the work tasks

## 2020 Plan Year Vacation Benefits

Available online for redemption on May 21, 12:01 a.m.  
Visit [carpdc.org](http://carpdc.org) to redeem your benefits.

*Vacation Benefit statements will not be available prior to May 21.*





# CONTRACTOR SPOTLIGHT

*Started over 30 years ago as Crown Electrical Services, Power UP has become the largest minority-owned electrical contractor in St. Louis.*



## **Tell us about PowerUP**

We were founded in 1987 and today we're the largest minority-owned full-service electrical contractor in the St. Louis region. In the midst of the financial crisis of the late 2000s, many small and medium-sized contracting firms were forced to close due to the struggling economy. In response, three accomplished business executives — each representing a different segment of the construction industry (architecture/engineering, general contracting, and subcontracting) — found that by combining their skills, talents and resources, they could design a new company with a corporate infrastructure that could thrive in the new and extraordinarily competitive marketplace. Existing companies were purchased and rebranded under the banner of The UP Companies. In addition to Power UP, other companies include Square UP Builders, Hustle UP Laborers, and Keep UP Commercial Services. As a complete provider of superior design and contracting services, our companies allows us to design and build better, faster and more affordably.

**How many employees do you have and where are you headquartered?** We have 85 Employees headquartered in St Louis, with offices here and in Kansas City.

**What type of work do you do?** Commercial/retail/hospitality; education; healthcare; historic renovation; industrial; and senior living.

## **Where do you primarily do business?**

Primarily in the St. Louis and Kansas City regions, however we have traveled with our clients to California, Washington, Ohio, Nebraska, Oklahoma and more.

## **How's business in the local market right now?**

The market is above average for what we would consider "normal" St. Louis volume. Typically, we would see a burst for 24 to 36 months then it tends to drop off in tandem with one large project. The market has been consistent for the past five years and we can see as far as 2023 with the current promised developments in the market. It's exciting to see \$10 billion underway with another several billion in the planning between Opportunity Zones, NGA, MLS, BJC Tower, Convention Center, and all the surrounding development they will ignite.

## **What charitable endeavors do you support?**

We are involved with: Every Child's Hope; St. Louis Children's Hospital KIDstruction Week; Redevelopment of the Boys & Girls Club Kitchen; Pedal the Cause; Boy Scouts of America; and Big Brothers Big Sisters.

## **Describe your relationship with the Carpenters Union.**

Local 57 provides excellent health benefits, pension for retirement and funding for first-class training. Our electricians also don't have wasteful work rules that make projects inefficient with too many workers and abrasive attitudes toward what they will and won't do to get a job done. We have pleasant attitudes and make projects more collaborative to work at as well from a cultural standpoint. What's the point of working hard every day if you can't enjoy your work? We want a safe, quality and efficient project that provides a great experience for the entire team. Safe, smart, hustle, hard work, good fun and mutual respect make a great partner. '



# STANDING UP TO TAX FRAUD

SPEAK OUT. TAKE ACTION.

For decades, the construction industry has represented a viable pathway for workers to develop employable skills and secure the types of jobs that have been the backbone of families and communities around the country.

Many corners of the construction industry feature some of the best labor practices in the American economy, including family-supporting wages and benefits, and worker education and training programs.

## In Contrast

Other corners of the construction sector feature some of the worst labor practices in the U.S.: meager wages, no benefits, unsafe working conditions, wage theft, and payroll fraud.

These unethical and illegal labor practices are largely the result of construction employers' single-minded pursuit of reducing labor costs. This has a cascade of effects. Most directly, these actions degrade the standard of living for workers in those jobs. But they also make it difficult, if not impossible, for honest and law-abiding contractors to remain in operation in a market where they must compete against firms with significantly lower costs. The exit of honest employers further degrades industry working conditions, leading to a "race to the bottom" that represents a threat to fair-minded employers and workers

whose best practices have helped build the middle class.

## National Study

A first-of-its-kind study shows that in an average month, between 12 and 21 percent of the construction industry workforce are either misclassified as independent contractors or working "off-the-books." (These represent national rates and do not rule out substantial differences across states and regions.) Overall, these results suggest that between 1.3 and 2.2 million workers are misclassified or working in cash-only arrangements.

Tax fraud is no accident. Cheating contractors use their schemes to evade their obligations. They fail to deduct and pay employment-related federal and state taxes to the tune of **\$8.4 billion** a year. Those taxes could be used to build schools, improve roads, fund police and fire departments, and help veterans.

Despite the incredible harm to workers and taxpayers, only a handful of states are taking aggressive steps to combat payroll fraud. This needs to change and we are committed to making it happen.

Working families, honest businesses, cities, states and taxpayers — we are *all* getting ripped off!

CONSTRUCTION INDUSTRY TAX FRAUD **DAYS OF ACTION**  
**APRIL 14 - 18, 2020**

**BIG  
BASS**  
Tournament

**MAY 2**  
Lake of the Ozarks

[carpdc.org/](http://carpdc.org/)  
Members/Discounts

(314) 644-4800 ext.  
5227



**CARPENTERS  
ANNUAL  
GOLF** TOURNAMENT

**SAT. SEPT 12**  
FOREST PARK

Registration  
Begins  
**April 1**



[carpdc.org/](http://carpdc.org/)  
Members/Discounts





## IN MY WORDS

**Vincent**

Misiaszek

Local 92

A couple of my really good friends are carpenters and part of the union. That helped me learn about it and persuaded me to go that route. I thought making \$11 an hour was a lot of money four years ago, and now I'm making three times that amount.

Attending leadership training has opened my eyes to just how strong this union is and it's given me ammo to have better conversations and get more people involved.

**Anyone interested should try it. You don't know until you try.**

For me, I knew I could always go back to school, but my body is only good for so long. It's hard work, but it's good work. I enjoy it.

The satisfaction of stepping back at the end of the day to see the progress you've made is just really cool.

I'm looking forward to being able to say to my kids, "Hey, I built that 20 years ago."

## Congrats New Grads

### Kansas City Carpenters

Jacob Cahill  
Timothy Callahan  
Paul Clair  
Joshua Hurshman  
Ross Johnson  
Shannon Klunder  
Ryan Losson  
Jimmy Speakman  
William Thomas

### Kansas City Millwrights

Jeremy Barber  
Colton Greenwell  
Eric Long  
Peyton Myers  
Kyle Nitcher

## In Memoriam

|                          | Local |                          | Local |
|--------------------------|-------|--------------------------|-------|
| Larry Armfield (65)      | 978   | Leonard Johnson (95)     | 662   |
| Dorothy Arnold (88)      |       | Floyd Kirn (83)          | 92    |
| Ben Bach (89)            | 1596  | Gary Kujath (78)         | 97    |
| Roger Boos (80)          | 97    | Bradley Laurent (39)     | 97    |
| Kenneth Brehm (84)       | 662   | William Line (83)        | 634   |
| Kenneth Charboneau (80)  | 716   | Darvin Lottmann (85)     | 32    |
| Herman Donnelly (91)     | 97    | Patrick McDonald (87)    |       |
| Jerry Donoho (71)        | 634   | Eugene Milzark (78)      | 92    |
| Robert Dotson (87)       |       | Lorl Morgan (84)         | 662   |
| John Dowdall (92)        | 32    | Roy Myers (95)           | 1839  |
| Evert Duncan (87)        | 32    | Carl Nagel (81)          | 662   |
| Dale Ebert (58)          | 32    | Donald Parks (84)        | 1596  |
| Erwin Ermeling, Jr. (77) |       | Melvin Pohlmann (79)     | 2298  |
| James Gravot (80)        | 662   | Edward Reed, Jr. (61)    | 97    |
| Robert Hackmann (89)     | 32    | Thomas Scott (94)        |       |
| Charles Hagan (78)       | 97    | Billy Smith (85)         | 97    |
| Clarence Hall, Jr. (86)  |       | Lynn Stemme (90)         | 97    |
| Donnell Hayes (79)       | 2214  | Bruce Stufflebean (69)   | 1596  |
| Danny Henry (69)         | 5     | Michael Thess (59)       | 716   |
| Adam Herr (40)           |       | Joseph Turek (97)        | 97    |
| Nathan Holloman (65)     | 1596  | Glenn Urich              | 1770  |
| David Ison (71)          |       | Thomas Vohsen (91)       | 97    |
| Eugene Jacobs (93)       | 32    | Michael Wierzchucki (79) |       |

## Welcome New Contractors

Advanced Furniture Installations • Blue Peaks Industrial • Creative Touch, LLC  
Kombi Carpentry

**Entry Deadline: May 29**  
**\$450 for 5-person team**

Mail Checks to:  
CARPAC  
2290 S. Illinois St.  
Belleville, IL 62220

Shane Huwer  
(618) 277-4226

**Southern Illinois**  
**CARPAC**  
**CLAY SHOOT**  
**Sat. June 13**



## Procedures for Objecting Nonmembers to File with the Union Objections to The Expenditure of Dues for Purposes Not Germane to Collective Bargaining

Union membership is an asset of great value to working people. Union membership alone provides workers with a measure of control over their wages, hours, benefits, and working conditions.

Under Section 8(a)(3) of the National Labor Relations Act, 29 U.S.C. 158(a)(3), employers and unions have the right (except in so-called right-to-work states) to enter into agreements requiring that workers, as a condition of employment, join and maintain their membership in the union.

This law and policy is consistent with the democratic principle of majority rule, and it ensures that everyone who benefits from union representation shares in the cost of providing that benefit. Consistent with this principle and the law, many collective bargaining agreements between employers and UBC Local Unions and Councils ("affiliates") of the United Brotherhood of Carpenters and Joiners of America ("UBC") require as a condition of employment that workers enjoying the benefits of these agreements join the union and remain members in good standing.

Over the years, however, the National Labor Relations Board and the courts have, to some degree, undermined union security by holding that these clauses can be enforced against workers who refuse to

join the union or resign from it only to the extent of requiring "financial core" membership, that is, the payment of union initiation fees and periodic dues. Workers cannot lawfully be required to actually join a union as a condition of employment. But, again, they can be required to pay the union an amount equal to the dues and fees uniformly required of union members.

These rulings clearly contradict the plain language of the statute, which specifically states that an employer can lawfully make an agreement with a union "to require as a condition of employment membership" in the union. Nevertheless, unless and until these legal interpretations are changed, the UBC will follow the prevailing law and enforce union security provisions in a manner consistent with the statute and applicable court decisions.

Recently, backward-looking court decisions have further narrowed workers' union security rights, holding that "financial core" nonmembers can file with the union an objection to paying for union activities that are not "germane" to collective bargaining in order to obtain a rebate of that portion of their dues, which is determined to have been expended for nongermane purposes.

Like most unions, the UBC spends a great amount of its funds on activities that even

the courts agree are directly related to collective bargaining. In addition, the UBC expends some funds for other activities, including organizing, legislative activity, publications, etc. All of these activities help to strengthen our union and thereby create a more favorable position for labor in the collective bargaining process. In that sense, every one of these activities advances our union's fundamental mission—workers joining together to better their lives. However, backward-looking court decisions have taken an extremely narrow view of the role of the trade union movement, ruling that certain such activities are not "germane" to the labor organization's function as the legally recognized representative of workers in collective bargaining.

"Financial core" membership carries with it very high costs—the loss of all of the benefits, rights, and privileges that workers would otherwise be entitled to as union members. These include (1) the right to receive union funeral benefits; (2) the right to vote on whether a strike will be called against their employer; (3) the right to vote on the rate of dues they are required to pay; (4) the right to vote on the ratification of collective bargaining agreements that determine their wages, hours, and working conditions; (5) the right to vote in the election of the union officers

and stewards who represent them; (6) the right to attend, speak, and vote at union meetings, where union policies that directly affect their jobs are determined; and (7) the right to a transfer card, so that they are not required to pay a new initiation fee if they go to work in a different collective bargaining unit, which frequently happens when a worker changes jobs.

In short, these nonmember workers lose very important rights, benefits, and privileges, including the right to meaningful involvement in setting the terms and conditions of their employment—a voice and a vote in union governance—thereby allowing others to unilaterally make decisions affecting them, their families, and their livelihoods.

It is illegal for an employer to compensate a nonmember worker in any way for the loss of these valuable union rights and benefits. As for the union, it is required by law to represent nonmembers in the same way that it represents members. While the union will meet this requirement of law, it will not do anything for nonmembers that is not absolutely required by law.

Objecting nonmembers who choose to file with the union objections to the expenditure of dues for purposes not germane to collective bargaining must comply with the following procedures:

**SECTION 1:** Workers who are covered by a union security agreement, who meet their union security obligation by paying all dues and fees but who choose or who have chosen not to become members of the union, or who have resigned from the union (hereafter “nonmembers”), may file objections to expenditures of dues for activities not germane to collective bargaining. Such workers filing objections in accordance with procedures set forth herein shall be entitled to receive an appropriate reduction of their dues or fees. **SECTION 2:** Nonmembers who wish to file an objection shall do so annually by notifying in writing the general secretary-treasurer of the UBC at 101 Constitution Avenue, N.W., Washington, D.C. 20001, of their objections. For those who have previously filed, the annual notice of objection must be received at the above address between April 1 and April 30 of the current year. The objection must include the objector’s social security number, a statement of the nature of the objection, and the objector’s current home address, and it must identify the objector’s UBC affiliate. Provided, however, that the UBC will honor nonmember employees’ express, written statement to the UBC that they object on a continuing basis to supporting union activities not related to collective bargaining and contract administration. The nonmember objector is obligated to inform the general secretary-treasurer of any change in address. Upon receipt of a proper objection as described above, the UBC shall send the objector a letter of acknowledgment and notify the objector’s UBC affiliate that an objection has been filed. Those individuals who, for the first time, regardless of when it occurs during the year, choose to resign their union membership, or who refuse to join the union and who wish to file an objection, must send their objection to the general secretary-treasurer no later than 30 days from the date of their resignation or refusal, as otherwise specified above. **SECTION 3:** Nonmember objectors shall be charged for all activities germane to collective bargaining, including all union expenditures for activities or projects normally or reasonably undertaken by the union to advance the employment-related interests of those it represents in collective bargaining. Such nonmember objectors shall not be charged for those expenditures that are not germane to collective bargaining. The term “germane” shall be given the most expansive scope allowed by law. **SECTION 4:** The general secretary-treasurer shall review the UBC’s audited records and determine the amounts of expenditures incurred in the prior fiscal year that are chargeable and nonchargeable to the objector, that is, those that are germane to collective bargaining and those that are nongermane. The general secretary-treasurer shall allocate union expenses into major categories and shall designate those expenses as either germane or nongermane. The objector’s UBC affiliate shall be responsible for reviewing its audited financial records to determine germane and nongermane expenses in general accordance with the principles and procedures specified herein. These UBC affiliates are independent of the UBC and are solely responsible for complying with the procedure specified in this Notice as respects their own expenditures and implementing reductions communicated to them by the UBC and other affiliates. In this regard the UBC bears no responsibility or liability for the actions or inactions of its affiliates. **SECTION 5:** The UBC’s and the affiliate’s review described in Section 4 shall be completed no later than July 31 of the year following the year in which the expenditures were made. As soon thereafter as practicable, a description of chargeable and nonchargeable expenditures shall be mailed to each nonmember who has filed a timely and proper objection under this procedure. The appropriate UBC affiliate shall mail the nonmember objector and the general secretary treasurer its description of chargeable and nonchargeable expenditures. **SECTION 6:** The amount to be paid by the nonmember objector shall be calculated based upon the percentage of chargeable and nonchargeable expenditures indicated in the review. For the review completed in 2019, the UBC’s chargeable expenses were 68.3% of its total expenditures. Thus, the per capita tax for the objecting nonmember paid by the affiliate to the UBC shall be reduced by that amount. For 2019, the St. Louis-Kansas City Carpenters Regional Council’s chargeable expenses were 89% of its total expenditures. Thus, the objecting nonmember’s dues shall be reduced accordingly. The most current available audit report shall be used by both the UBC and the UBC affiliate to determine the amount to be paid by the nonmember objector. When more current audit reports and reviews become available, the amount to be paid by the objector shall be adjusted accordingly. Any subsequent adjustment in favor of the objector will be sent to the objector as soon as is practicable. **SECTION 7:** Nonmembers filing a proper and timely notice of objection pursuant to Section 2 shall receive a dues reduction in the amount calculated under Section 6 above beginning within sixty (60) days of the receipt of their objection. They shall also receive a dues rebate in the percentage amount of their dues reduction back to the date of their objection. **SECTION 8:** Nonmembers filing a proper and timely notice of objection pursuant to Section 2 herein may challenge the calculation of chargeable and nonchargeable expenditures by filing a challenge with the general secretary treasurer of the UBC, at the address indicated above. Such challenge must be in writing and must be sent to the UBC within thirty (30) days from the date of mailing of the description of chargeable and nonchargeable expenditures as set forth in Section 5. Failure to comply with this procedure will render any purported challenge invalid. **SECTION 9:** The arbitration procedure which follows is not mandatory. Nonmembers may pursue their rights under all other available legal procedures. Upon receipt of a proper and timely challenge, the general secretary- treasurer shall refer same to the American Arbitration Association (AAA) for determination under the AAA’s Rules for Impartial Determination of Union Fees. Challenges may be consolidated by the general secretary-treasurer for determination by the AAA as appropriate. The general secretary-treasurer shall have the authority to informally resolve challenges in the best interests of the UBC. The arbitrator shall have jurisdiction over all procedural matters affecting the arbitration. A court reporter shall make a transcript of all proceedings before the arbitrator at the expense of the UBC. The transcript shall be the official record of the proceeding and may be purchased by the challenger or otherwise made available for inspection as required by the arbitrator. Fees and costs charged or associated with a party’s representative shall be borne by that party. **SECTION 10:** At the arbitration the union shall have the burden of establishing that the reduced dues amount being charged to objecting nonmembers is lawful. In determining the correct amount of the dues reduction, the arbitrator shall give full consideration to the legal requirements limiting the amount the objector may be charged and shall set forth the legal and arithmetical basis of such determination in the written decision. The order and decision of the arbitrator shall be final and binding on all parties. **SECTION 11:** The UBC shall establish an escrow account containing the portion of dues paid by nonmembers filing challenges pursuant to Section 8 herein which reasonably may be in dispute in arbitration. Upon receipt of the arbitration award, the escrow fund shall be distributed in accordance with the arbitrator’s decision.



## Procedimientos para Objetores que No son Miembros para Presentar a la Unión sus Objeciones sobre los Gastos de Cuotas para Propósitos que no son Pertinentes a la Negociación de Convenios Colectivos

La membresía de la unión representa un gran valor para las personas que trabajan. La membresía de la unión por sí sola proporciona a los trabajadores una medida de control sobre sus salarios, sus horas, sus beneficios y sus condiciones de trabajo. Bajo la Sección 8 (a) (3) de la Ley Nacional de Relaciones Laborales, 29 U.S.C. 158(a)(3), los empleadores y la unión tienen derecho (excepto en los estados que se hacen llamar estados con derecho a trabajar "right-to-work") a entrar en acuerdos que requieren que los trabajadores, como condición de empleo, se afilian a la unión y mantengan su membresía con la misma.

Esta ley y esta política son consistentes con los principios de la democracia donde rige la mayoría, y se asegura que todos los que se benefician con la representación de la unión compartan los costos que proporcionan esos beneficios. De forma consistente con este principio y la ley, muchos de los acuerdos de convenios colectivos entre empleadores y las Uniones Locales y Concilios ("filiales") de la Hermandad de Carpinteros Unidos y Enlistadores de América (UBC, por sus siglas en inglés) requieren como condición de empleo que los trabajadores que disfrutaban los beneficios de estos acuerdos se afilien a la unión y permanezcan como miembros en buenos términos.

A través de los años, sin embargo, la Junta Nacional de Relaciones Laborales (National Labor Relations Board) y las cortes han, hasta cierto grado, debilitado la seguridad de la unión al sostener que estas cláusulas pueden ser impuestas contra los trabajadores

que se rehúsen a afiliarse a la unión o renuncien a ella sólo hasta el punto de extender la "cuota financiera" requerida de la membresía, es decir, el pago de cuotas de iniciación de la unión y los cargos periódicos. Por ley, no se puede requerir que los trabajadores se afilien a la unión como una condición de trabajo. Sin embargo, se les puede pedir que paguen a la unión una cantidad igual al monto de los pagos y las cuotas que se requieren de todos los miembros de la unión.

Estos reglamentos claramente contradicen el simple lenguaje del estatuto, el cual especifica a los estados que un empleador puede legalmente hacer un acuerdo con una unión "para requerir como una condición de empleo la membresía" en la unión. Sin embargo, a menos que, y hasta que, estas interpretaciones legales cambien, la UBC seguirá la ley prevaleciente y exigirá las medidas de seguridad de la unión de una manera consistente con el estatuto y las decisiones aplicables de la corte.

Recientemente, decisiones retrógradas tomadas por la corte han acotado aún más los derechos de seguridad de los trabajadores de la unión, estableciendo que las personas que no son miembros de la unión pueden registrar con la unión una objeción por pagarle a ésta por las actividades que no son "pertinentes" a los convenios colectivos con el fin de obtener un descuento de esa porción de sus cuotas que se han gastado en propósitos "no pertinentes".

Como la mayoría de las uniones, la UBC gasta una gran parte de sus fondos en actividades que incluso las cortes están de acuerdo con su directa relación con

los convenios colectivos. Además, la UBC gasta otros fondos para otras actividades, incluyendo la organización, la actividad legislativa, las publicaciones, etc. Todas estas actividades ayudan a fortalecer a nuestra unión y así crean una posición más favorable para el trabajo en el proceso de negociación de los acuerdos colectivos. En ese sentido, cada una de estas actividades refuerza la misión fundamental de nuestra unión – los trabajadores unidos para mejorar sus vidas. Sin embargo, las decisiones retrógradas de las cortes han tomado una visión extremadamente estrecha del papel del movimiento de intercambio de la unión, estableciendo que algunas de estas actividades no son "pertinentes" a la labor de organización como el representante legalmente reconocido de los trabajadores en el proceso de negociación del convenio colectivo.

La membresía considerando sólo un "núcleo financiero" lleva consigo costos muy altos – la pérdida de todos los beneficios, derechos y privilegios de los trabajadores que de otra manera no tendrían derechos como miembros de la unión. Estos derechos incluyen: (1) el derecho a recibir beneficios fúnebres por parte de la unión, (2) el derecho a votar sobre si se realizará una huelga en contra de su empleador, (3) el derecho a votar sobre las tarifas que se requieren pagar, (4) el derecho a votar en la ratificación de acuerdos de convenios colectivos que determinarán sus salarios, sus horarios y sus condiciones de trabajo, (5) el derecho a votar en la elección de los oficiales de la unión y aquellos que los representan, (6) el derecho

a asistir, hablar o votar en las reuniones de la unión, donde se determinan las políticas de la unión que afectan directamente sus trabajos, y (7) el derecho a una tarjeta de transferencia, para que si ellos se van a trabajar a una unidad diferente de convenio colectivo no tengan que pagar una nueva cuota de iniciación, lo cual sucede frecuentemente cuando el trabajador cambia de empleo.

En resumen, estos trabajadores que no pertenecen a la unión pierden importantes derechos, beneficios y privilegios, incluyendo el derecho a involucrarse de manera significativa en establecer los términos y condiciones de sus empleos – una voz y un voto en las decisiones de la unión – permitiendo así a otros realizar decisiones unilaterales que les afectan a ellos, sus familias y sus vidas.

Es ilegal que un empleador compense a un trabajador que no pertenece a la unión de cualquier manera por la pérdida de estos valiosos derechos y beneficios de la unión. En cuanto a la unión, ésta requiere por ley representar a personas que no pertenecen a ella, al mismo tiempo que representa a sus miembros. Mientras que la unión cumple con estos requerimientos de la ley, no hará nada que no sea absolutamente requerido por ley por las personas que no pertenecen a ella.

Las personas que no pertenecen a la unión que están en desacuerdo y deciden registrar sus objeciones con la unión sobre los gastos de las cuotas por propósitos no pertinentes a un convenio colectivo deben cumplir con el siguiente procedimiento:



SECCIÓN 1: Los trabajadores que están cubiertos por un acuerdo de seguridad de la unión, quienes cumplen con las obligaciones de seguridad de la unión pagando sus cargos y cuotas, pero que deciden o que han decidido no convertirse en miembros de la unión, o que han renunciado a la unión (por lo tanto no son miembros de ella), pueden registrar objeciones sobre los gastos por cuotas designadas para actividades no pertinentes al convenio colectivo. Estos trabajadores registrarán sus objeciones de acuerdo con los procedimientos establecidos aquí y tendrán el derecho de recibir una reducción apropiada por sus cargos y cuotas. SECCIÓN 2: Los que no son miembros de la unión y desean registrar una objeción lo harán anualmente notificando por escrito sus objeciones al Secretario General-Tesorero de la UBC a la dirección 101 Constitution Avenue, N.W., Washington, D.C. 20001. Para aquellos que han registrado una objeción previamente, una notificación anual de sus objeciones debe ser recibida en la dirección mencionada entre el 1 de abril y el 30 de abril del año en curso. Ésta debe incluir el número del seguro social del objetor, una declaración de la naturaleza de su objeción, la dirección del hogar del objetor, y debe identificar al objetor como afiliado a la UBC. El objetor que no es miembro está en la obligación de informar al Secretario General-Tesorero de cualquier cambio de dirección. Una vez recibida la objeción apropiada, como se describió previamente, la UBC enviará al objetor una carta de reconocimiento y notificará a la filial del objetor que una objeción ha sido registrada. Aquellos individuos quienes, sin importar, a pesar de cuándo haya ocurrido durante el año, decidan renunciar a la membresía de la unión, o quienes se rehúsen a unirse a la unión y deseen registrar una objeción, deben enviar su objeción al Secretario General-Tesorero no más de 30 días después de su fecha de renuncia o de la fecha en la que se rehusaron a unirse, como se especificó previamente. SECCIÓN 3: Los objetores que no son miembros deberán pagar por todas las actividades pertinentes al convenio colectivo, incluyendo los gastos por las actividades de la unión o proyectos que normalmente, o de manera razonable, lleva a cabo la unión para avanzar los intereses relacionados con el empleo de aquellos que representan en el convenio colectivo. No se cobrará a aquellos objetores que no son miembros por los gastos que no son pertinentes al convenio colectivo. El término “pertinente” se considerará según el marco más amplio de acuerdo con la ley. SECCIÓN 4: El Secretario General-Tesorero revisará los documentos auditados de la UBC para determinar la cantidad de gastos incurridos en el año fiscal previo que se le cobrarán o no cobrarán al objetor, lo que quiere decir, todos aquellos que son pertinentes al convenio colectivo y aquellos que no lo son. El Secretario General-Tesorero debe designar los gastos de la unión en categorías principales y designar esos gastos como pertinentes o no pertinentes. La filial o sucursal de la UBC del objetor será responsable de revisar los documentos financieros de la auditoría para determinar los gastos pertinentes y no pertinentes de acuerdo con los principios y procedimientos especificados aquí. Estas filiales de la UBC son independientes de la UBC y son responsables de cumplir con los procedimientos especificados en este Aviso con lo que respecta a sus propios gastos y el comunicar las reducciones implementadas para ellos por parte de la UBC y otras filiales. En este aspecto, la UBC no tiene ninguna responsabilidad u obligación por las acciones o no acciones de sus filiales. SECCIÓN 5: La revisión descrita en la Sección 4 por la UBC y sus filiales debe completarse antes del 31 de julio del año siguiente en el que se realizaron los gastos. Tan pronto como sea práctico, una descripción de los gastos que se le cobrarán, y los que no, será enviada a cada persona no miembro que haya registrado con el tiempo apropiado su objeción bajo este procedimiento. La filial apropiada de la UBC enviará por correo al objetor no-miembro y al Secretario General-Tesorero la descripción de gastos que se cobrarán y los que no se le cobrarán. SECCIÓN 6: La cantidad a ser pagada por la persona objetora no-miembro será calculada sobre la base del porcentaje de gastos que se cobrarán y que no se cobrarán como se indica en la revisión. Para la revisión terminada en 2019, los gastos de la UBC que se cobraron fueron el 68.3% de sus gastos totales. Por lo tanto, el impuesto per cápita para los objetores que no son miembros que fue pagado por la filial a la UBC se deberá reducir por esa cantidad. Para el 2019, los gastos que se cobraron a St. Louis-Kansas City Carpenters Regional Council's fueron el 89% total de sus gastos. El reporte de la auditoría más actual y disponible será utilizado tanto por la UBC como por la filial de la UBC para determinar la cantidad a pagar por el objetor no-miembro. Cuando los reports de auditoría y las revisiones más recientes estén disponibles, la cantidad a pagar por el objetor será ajustada de esta manera. Cualquier ajuste-subsecuente a favor del objetor se le enviará tan pronto como sea práctico. SECCIÓN 7: Las personas no miembros que registren dentro del periodo establecido y de la forma adecuada su objeción según lo estipulado en la Sección 2 recibirán una reducción en sus pagos por la cantidad calculada bajo la Sección 6 antes mencionada comenzando sesenta (60) días después de haber recibido la objeción. También recibirán un descuento en sus cuotas en el porcentaje de la cantidad de la reducción de sus cuotas hasta el día en el que realizaron su objeción. SECCIÓN 8: Las personas no-miembros que registren dentro del periodo establecido y de la manera adecuada su objeción según lo estipulado en la Sección 2 pueden objetar los cálculos de los gastos cobrables y los no cobrables al registrar sus objeciones con el Secretario General-Tesorero de la UBC, a la dirección indicada anteriormente. Esta objeción debe ser por escrito y debe ser enviada a la UBC dentro de treinta (30) días de la fecha de envío de la descripción de los gastos que se cobrarán y los que no se cobrarán como se especifica en la Sección 5. El no cumplir con este procedimiento hará que su objeción sea inválida. SECCIÓN 9: El proceso de arbitraje descrito a continuación no es obligatorio. Los que no son miembros pueden hacer valer sus derechos por medio de todos los procedimientos legales disponibles. Una vez recibida la objeción dentro del periodo apropiado y de la forma adecuada, el Secretario General-Tesorero se referirá a la Asociación Americana de Arbitraje (AAA, por sus siglas en inglés) para determinación bajo las Reglas y Determinaciones Imparciales de las Cuotas de la Unión de la AAA. Los retos pueden ser consolidados por el Secretario General-Tesorero para su determinación por la AAA como sea apropiado. El Secretario General-Tesorero tendrá la autoridad de resolver la objeción de manera informal en el mejor interés para la UBC. El árbitro tendrá la jurisdicción sobre todos los asuntos de procedimiento que afecten el arbitraje. Un reportero de la corte hará la transcripción de todos los procedimientos frente al árbitro a expensas de la UBC. La transcripción será el registro oficial del procedimiento y puede ser adquirida por el objetor o puede estar también disponible para su inspección como lo requiera el árbitro. Los cargos y costos cobrados o asociados con un representante serán cubiertos por esa parte. SECCIÓN 10: En el arbitraje, la unión tendrá el peso de establecer que la cantidad de las cuotas reducidas cobradas a los objetores que no son miembros son legales. En determinar la cantidad correcta de la reducción de las cuotas, el árbitro dará su completa consideración a los requerimientos legales limitando la cantidad que al objetor se le puede cobrar y determinará las bases aritméticas y legales de tal determinación de la decisión escrita. La orden y la decisión del árbitro será final y obligatoria para todas las partes. SECCIÓN 11: La UBC establecerá una cantidad determinada de depósito que contenga la porción de cuotas pagadas por los que no son miembros que registran objeciones como en la Sección 8 las cuales pueden estar en disputa de arbitraje. Una vez recibida la solución del arbitraje, el fondo del depósito será distribuido de acuerdo con la decisión del árbitro.



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