

MARINE ENGINEERS' BENEFICIAL ASSOCIATION (AFL-CIO)

"On Watch in Peace and War since 1875"



M.E.B.A. TELEX TIMES

The Official Union Newsletter – "The Word to the Wise"
Number 35 – August 30, 2018



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FEDERAL JUDGE STRIKES DOWN EGREGIOUS SECTIONS OF ANTI-LABOR EXECUTIVE ORDERS

The arguments of a combined 15 unions, including the M.E.B.A., were validated by a Federal Judge on Friday following a ruling that three anti-labor Executive Orders violated statutory law. The Trump administration attempted to use three Executive Orders to take away the rights of federal employees to form unions and negotiate for fair treatment at work. Issued in late May, one Order watered down grievance procedures and eased the way for agencies to fire workers instead of disciplinary measures. Another Order targeted collective bargaining agreements to give the Government the upper hand against unions negotiating contracts. A third Order curtailed "official time" which allows labor unions to represent union and non-union bargaining unit members in disciplinary actions and other matters.

Through our affiliates and many of our bargaining units, the M.E.B.A. represents a large cross-section of Federal and State employees. The M.E.B.A.'s participation in the lawsuit challenging these Orders is part of our ongoing mission to elevate the rights of our members, give them a collective voice and ensure their hard work is adequately compensated.

Federal agencies had already begun implementing workplace changes which have been both combative and chaotic in their implementation. The American Federation of Government Employees, the largest union representing federal government workers, said that even before the Orders were issued, the Department of Education began implementing illegal anti-union policies in anticipation of the EO's. AFGE said that after the Orders were signed, "other agencies including the Social Security Administration and Department of Veterans Affairs have issued similar edicts in an attempt to eradicate unions from the federal workplace and deny workers their legal right to representation."

AFGE was the first union to file suit as they issued a challenge to two of the Executive Orders. The National Treasury Employees Union (NTEU) also challenged two of the Orders. M.E.B.A. then banded together with a dozen other coalition unions for a comprehensive filing with the D.C. District Court challenging all three Executive Orders. M.E.B.A. is part of the Federal Workers Alliance (FWA), a coalition of unions fighting for the interests of federal workers and their families.

The court challenge prevailed and U.S. District Judge Ketanji Brown Jackson's 122-page decision noted that the President exceeded his authority with the issuance of the three Executive Orders which would "eviscerate the right to bargain collectively as envisioned in the Federal Service Labor-

Management Relations Statute (FSLMRS).” Though most of the egregious provisions were found to contravene the intent of the FSLMRS, Judge Jackson did uphold portions of the Orders that did not conflict with the Statute. Her ruling noted, “This Court has concluded that many of the challenged provisions of the Orders at issue here effectively reduce the scope of the right to bargain collectively as Congress has crafted it, or impair the ability of agency officials to bargain in good faith as Congress has directed, and therefore cannot be sustained.”

“The judge rightly found that the president is not above the law and cannot, through these blatantly anti-union and anti-worker executive orders, eviscerate employee rights and undermine the collective bargaining process established by Congress,” NTEU President Tony Reardon said. “Today’s ruling is a resounding victory for all who want a fair and effective civil service.”

The court specifically declared unlawful and enjoined the following EO provisions: The imposition of a 25 percent cap on the use of official time; The prohibition against their right to petition and communicate with Congress; The ban on the use of official time by union representatives to prepare and present grievances; The one-hour per bargaining unit employee formula to be applied to set an aggregate cap on the use of official time; The limitations placed on unions’ use of agency facilities, such as office space and computers; The exclusion of challenges to performance ratings and incentive pay from the scope of the negotiated grievance procedure; The limitation of performance improvement periods (PIPs) to 30 days, with agencies alone having the discretion to apply longer periods; The direction to agencies to press for the exclusion of removals from the scope of the negotiated grievance procedure; and The prohibition against bargaining over the “permissive” subjects described in 5 U.S.C. 7106(b)(1).

“The coalition argued successfully that a majority of the three Executive Orders violated statutory law, thereby violating the rights of federal employees,” stated FWA Co-chair Sarah Suszczyk. “We are very pleased that the court agreed that the President far exceeded his authority, and that the apolitical career federal workforce shall be protected from these illegal, politically motivated Executive Orders.”

LABOR LEADERS ENCOURAGED BY NAFTA RENEGOTIATION

A statement issued by five prominent labor leaders is upbeat about the ongoing renegotiation of the North American Free Trade Agreement (NAFTA) but advises waiting until a thorough examination of the finalized details before proclaiming the pact a success. AFL-CIO President Richard Trumka, Steelworkers President Leo Gerard, UAW President Gary Jones, Machinists President Robert Martinez, Jr. and Teamsters President James Hoffa declared the original NAFTA a disaster and said that it “has had a devastating impact on workers for more than 25 years.” The five men were at the White House last week making their case that the renegotiation be undertaken carefully to ensure working families are not snubbed again. “Working people will accept nothing short of a serious, enforceable agreement that protects and advances the interests of working people,” they told the President.

President Trump has indicated that a new agreement is imminent as talks began heating up with Canada following an apparent agreement with Mexico. The labor leaders said, “We are aggressively engaged in pursuing an agreement that works for working people in all three countries, and we are not done yet. There is more work that needs to be done to deliver the needed, real solutions to NAFTA’s deeply ingrained flaws.”

Though they expressed cautious optimism, the leaders pointed out that a renegotiated deal “must raise wages, ensure workers’ rights and freedoms, reduce outsourcing and put the interests of working families first in all three countries.”

They pledged their assistance in working with the White House to get the deal right while noting that their “members’ jobs depend on it.”

“But, as always,” they concluded, “the devil is in the details.”

MSC HOSPITAL SHIP READIES FOR LOWER AMERICAS MISSION

The Military Sealift Command Hospital Ship USNS COMFORT will deploy to Central and South America in late September to begin a two-month humanitarian mission with stops in Colombia and the region. Civilian Mariners in the Military Sealift Command fleet are represented by the M.E.B.A., MM&P and SIU.

During the deployment, military medical personnel will work alongside partners to provide needed medical assistance, according to the needs defined by each stop.

The USNS COMFORT support in Colombia was requested by the Colombian government to relieve the pressure of increased population flows from Venezuela on their national health system. "This mission is a symbol of what can be accomplished when partners work together to aid people in need," said Adm. Kurt Tidd, commander of U.S. Southern Command, which will oversee the deployment. "Because this mission is humanitarian in nature, it will focus on the people we're assisting, on the nations we're partnering with, and on the region we're supporting together."

This marks the sixth hospital ship deployment to the region since 2007 and reflects the United States’ steadfast commitment of friendship and solidarity with the Americas.

UPDATE YOUR EMAIL ADDRESS & OTHER INFO WITH HQ

Be sure to inform Headquarters if you have changed your contact information. There is an address change form on our website to help expedite the process. It can be found at www.mebaunion.org under the “Members” tab or in the “Documents & Notices” section. Alternatively, you can send your updated information to Doris Fitzgerald at HQ by mail, fax at (202) 638-5369, or e-mail at membership@mebaunion.org Since the M.E.B.A. Plans office in Baltimore and Headquarters databases are NOT linked, you must also forward a signed change of address form to the Plans Office if you wish to update your information with them.

MEMBERS ENCOURAGED TO ATTEND THE UPCOMING SEPTEMBER MEMBERSHIP MEETINGS

The District Executive Committee is reminding members to set a few hours aside to attend one of the thirteen membership meetings taking place in September in the days following Labor Day (Sept. 4-7).

As a Union committed to democratic precepts and safeguards, membership meetings are a great way for members, applicants and retirees to stay involved, get informed, and deliver input to help advance the business of the Union. There is another full agenda of important communications and information set for discussion including a vote on a DEC resolution for proposed By-Laws amendments, an APL contract negotiation update, a ratification vote of the Matson Port Engineer Tentative Agreement,

and other important business that would benefit from a healthy attendance with plentiful membership discussion. In addition, these are the last Union meetings to purchase 4MF raffle tickets before the October drawing. Take a look at the upcoming September meeting list that appears at the bottom of this issue and see what fits into your schedule!

SUPPORT THE 4MF – PURCHASE A RAFFLE TICKET

Not much time remains to purchase tickets for a raffle supporting the M.E.B.A. Merchant Marine Memorial Foundation (4MF). The winning raffle ticket (\$2 apiece) will be drawn on October 9, 2018 at the Calhoon M.E.B.A. Engineering School (CMES) during the monthly membership meeting. You do not need to be present to win.

Tickets are available at each of the Union halls – so make sure you purchase a ticket and contribute to the cause.

Members, applicants, retirees and everyone else are strongly encouraged to help buoy the 4MF which provides upkeep and improvements to the Memorial Park located at the CMES. The Memorial honors fallen mariners who helped blaze the proud tradition our members continue today.

The grand winner will receive 50% of the proceeds from raffle sales. Please help honor our heritage and support the 4MF!

SIGN UP FOR M.E.B.A. VACATION PLAN DIRECT DEPOSIT

Designed for convenience, M.E.B.A. members can help themselves by taking advantage of the Vacation Plan Direct Deposit that will help save them time and ease Plans processing costs. Authorization forms are available from the Plans Office, Plans Outport Offices and at the Plans' website – www.mebaplans.org (Forms & Documents, Vacation Plan Forms). Complete details are available on the Plans site as well. Contact (800) 811-6322 or vacation@mebaplans.org for more info.

HALLS, OFFICES CLOSED MONDAY FOR LABOR DAY

M.E.B.A. halls and offices will be closed on Labor Day - Monday, Sept. 3rd, but will reopen on Tuesday. Union halls which usually have their regular membership meetings on the Monday of meeting week (Boston & Seattle) will instead conduct their meetings on Tuesday, September 4 at the regular time.

McGUIRE OR MAGUIRE - WHO ACTUALLY INVENTED LABOR DAY?

Department of Labor – Though most sources credit Peter McGuire with the origination of Labor Day, recent evidence suggests that the true father of Labor Day may in fact be another famous union leader of the 19th Century, Matthew Maguire. According to legend, Peter McGuire stood before the New York Central Labor Union on May 12, 1882, to suggest the idea of setting aside one day a year to honor labor. He believed that Labor Day should "be celebrated by a street parade which would publicly show the strength and "esprit de corps" of the trade and labor organizations." Peter McGuire was a young, though well-respected, union leader. A child of immigrants, he quit school at an early age to go to work. In 1881, he founded the United Brotherhood of Carpenters, which would become the largest trade union of the time. Later, McGuire would join with his friend, Samuel Gompers, to found the American Federation of Labor (AFL). Through the AFL and the Carpenters, McGuire led the great strikes of 1886 and 1890, which would eventually result in the adoption of the eight-hour workday on the nation's agenda.

Recently, however, evidence uncovered at the New Jersey Historical Society in Newark reveals that another respected union figure of the day, Matthew Maguire, may quite possibly be the man behind the creation of Labor Day. In the 1870s, Matthew Maguire led several strikes, most of which were intended to force the plight of manufacturing workers and their long hours into the public consciousness. By 1882, Maguire had become the secretary of and a leading figure in the Central Labor Union of New York.

According to the New Jersey Historical Society, after President Cleveland signed into law the creation of a national Labor Day, The Paterson (N.J.) Morning Call published an opinion piece entitled, "Honor to Whom Honor is Due," which stated that "the souvenir pen should go to Alderman Matthew Maguire of this city, who is the undisputed author of Labor Day as a holiday." This editorial also referred to Maguire as the "Father of the Labor Day holiday." So why has Matthew Maguire been overlooked as the "Father of Labor Day"? According to The First Labor Day Parade, by Ted Watts, Maguire held some political beliefs that were considered fairly radical for the day and also for Samuel Gompers and his American Federation of Labor. Allegedly, Gompers did not want Labor Day to become associated with the sort of "radical" politics of Matthew Maguire, so in a 1897 interview, Gompers' close friend Peter J. McGuire was assigned the credit for the origination of Labor Day.

REGULAR MONTHLY MEMBERSHIP MEETINGS

Monday, September 3 – **Labor Day** – *Halls Closed*

Tuesday, September 4 – **Boston@1200; CMES@1430; Charleston@1400; Houston@1315; Oakland@1230; Seattle (Fife)@1300;**

Wednesday, September 5 – **Jacksonville@1300; New Orleans@1315;**

Thursday, September 6 – **L.A.@1230; NY/NJ@1300; Norfolk@1300; Tampa@1300;**

Friday, September 7 – **Honolulu@1100.**

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The M.E.B.A. is the nation's oldest maritime labor union, established in 1875. M.E.B.A.'s expertise and proven track record of readiness, safety, and loyalty in answering America's call to action in times of both peace and war is unrivaled in the world. M.E.B.A. HQ – Phone: (202) 638-5355; mebahq@mebaunion.org. Visit us on Facebook. For publication and related inquiries contact Marco Cannistraro, M.E.B.A. Special Projects & Communications – marco@mebaunion.org