

Department for Professional Employees, AFL-CIO
General Board
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George Meany Room, AFL-CIO



President's Report

June 1, 2007 – May 31, 2008

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The state of DPE is good. In the U.S. labor market, professionals and related workers remain the fastest growing segment. In the AFL-CIO, the unions affiliated with DPE play an ever more important role. They continue to make DPE a vibrant forum for its affiliated unions collectively to analyze changes, develop plans and proposals, achieve consensus, and act.

This report reviews DPE activities under these headings:

- Changes and Strategic Planning at DPE
- Outreach to Professional Associations
- Convening the AEMI ICC
- Independent Contractors
- Public Policy and Legislation
- Research and Publications
- Speeches, Presentations, Workshops, and Communications
- International Connections

With your invaluable participation, it's been a very full year.

Changes and Strategic Planning at DPE

Since the 2007 meeting of the General Board, DPE welcomed the re-affiliation of the Retail, Wholesale and Department Store Union and the affiliation of the Utility Workers Union of America. DPE also thanked the American Federation of Government Employees, the Federation of Professional Athletes, and the International Alliance of Theatrical Stage Employees for increasing the number of professional and technical workers for which they contribute to DPE. DPE acknowledged the United American Nurses for its determination, despite events requiring a temporary dues exoneration and a

reduction in its contribution, to remain affiliated with DPE. DPE regrets the disaffiliation of the Communications Workers of America, effective July 1, 2008.

With the aid of the DPE Program Committee – representatives from the Actors' Equity Association, the American Federation of Teachers, the Communications Workers of America, the International Federation of Professional and Technical Engineers, and the Screen Actors Guild – DPE completed the strategic planning process that the General Board launched in 2006. Many of the recommendations of the Program Committee have already been implemented, including encouraging the affiliation of appropriate unions, planning and convening a meeting of professional associations and DPE unions, and investigating moving the DPE offices into the AFL-CIO building. Others are likely to influence DPE activities over the next 12 months, for example, hosting a conference to highlight the impact of globalization and developing relationships with unions outside the U.S. or convening a program about occupational safety and health issues that affect professional and technical workers. While these recommendations are important, DPE recognizes that strategic planning and change are a continuing process. The effectiveness of DPE depends on its adjusting and responding to the needs of our affiliated unions. The key mission for DPE has been defined through its strategic planning: “to assist its affiliated unions to achieve their objectives on behalf of professional and technical workers.”

Outreach to Professional Associations

The strategic planning developed a tightly focused mission for DPE. A core element is “building alliances with professional associations and societies promoting the interests of professional and technical workers.” The work of DPE in the last 12 months honored that emphasis.

Since 2006, the DPE Work Group on Professional Associations has focused on how unions might learn from and collaborate with professional associations. Its meetings have included representatives from the Actors' Equity Association, the American Federation of Musicians, the American Federation of State, County and Municipal Employees, the American Federation of Teachers, the American Federation of Television and Radio Artists, the International Association of Machinists, the International Brotherhood of Electrical Workers, the International Federation of Professional and Technical Engineers, the International Union of Painters and Allied Trades, the Screen Actors Guild, the United American Nurses, and the United Steelworkers.

The Work Group commissioned separate comprehensive reviews of professional associations by Cornell professor Richard Hurd and by DPE itself. From the Hurd and DPE reports, the Work Group identified professional associations to which DPE reached out.

As DPE engaged the professional associations in discussions, a theme emerged. Professional and technical workers, whether in professional associations or unions, see

their ability to do their jobs right as under attack. For these workers, maintaining their professional integrity against external pressures, or in the face of inadequate staffing and resources, frequently ranks in importance with compensation. With the approval of the DPE Work Group on Professional Associations, the theme of strengthening professional integrity in the public interest became the touchstone of the DPE outreach.

By November 2007, eight associations agreed to participate in a joint planning committee for a leadership meeting, "Strengthening Professionalism in the Public Interest," on June 5, 2008. Volunteers from AFSCME, AFT, IFPTE, and USW, each of whom participated in the DPE Work Group, joined the joint committee, which DPE convened, hosted, and staffed. The committee met monthly from November 2007 through May 2008 to formulate common ground about professional integrity, the challenges to it, and the stakes for the public, as well as to develop the agenda and format for the leadership meeting.

The DPE interaction with the professional associations built on and extended its previous relationships. Over recent years, DPE has worked with its affiliated unions, academics, and others to develop programs and policy resolutions, and disseminate information, at the American Library Association (ALA) and its companion organization, the American Library Association-Allied Professional Association (ALA-APA); and at the American Public Health Association (APHA). DPE Assistant to the President Pamela Wilson co-chairs the AFL-CIO-ALA Joint Committee on Library Services to Labor Groups, serves on the ALA-APA Committee on the Salaries and Status of Library Workers and chairs its Union Subcommittee, and chairs the APHA Labor Caucus.

The DPE connection has led to programs at ALA and APHA featuring speakers and panelists from, among others, AFSCME, AFT, UAN, USW, and the Alliance for Retired Americans. It has fostered collaboration on gathering and analyzing data and developing publications. It has also brought recognition: In 2008, ALA-APA named DPE, with Assistant to the President Pamela Wilson and me, as an ALA-APA Angel, along with AFSCME and its President, Gerald McEntee. Also in 2008, an APHA Governing Council member and others nominated Pamela for the first Sidel-Levy Award for Peace, one of eight APHA awards, for her work with AFM, AFSCME, AFT, AFTRA, BAC, IATSE, SIU, USW, and the AFL-CIO, among others, in making possible the powerful and widely viewed November 2007 exhibition at the AFL-CIO, *Unembedded: Four Independent Photojournalists on the War in Iraq*, during the annual APHA meeting in Washington, DC. *Unembedded* marked an unprecedented collaboration between the labor, peace, and public health communities to display photographs and public health information about the war in Iraq, with funding, publicity, and attendees from all three groups. DPE Executive Director David Cohen and I each moderated a panel at the same November 2007 APHA meeting.

In addition to its ties with ALA and APHA, DPE has collaborated for many years with the Institute of Electrical and Electronics Engineers (IEEE) on public policy issues, including H1-B visas for highly skilled professional and technical workers.

The outreach by DPE in 2007 led to relationships with the American Speech-Language-Hearing Association (ASHA) and the National Association for the Education of Young Children (NAEYC); both participated in the joint planning committee. DPE outreach also brought to the joint planning committee and June 5 leadership conference the American Association for the Advancement of Science, the American Chemical Society, and the National Association of Social Workers.

Convening the AEMI ICC

Since the General Board last met, DPE has continued to host and chair the Arts, Entertainment and Media (AEMI), Industry Coordinating Committee (ICC). The creative and energetic participation of the AEMI unions has brought tangible and constructive results.

In collaboration with the AFL-CIO Organizing Department, which provided funding, the AEMI ICC designed and commissioned strategic organizing research, which the AEMI ICC reviewed in December 2007. With the analysis as a starting point, DPE convened a conference call in February 2008 to identify do-able projects. In April 2008, DPE and the AFL-CIO Organizing Department brought together AEA, AFM, AFTRA, IATSE, and SAG to begin discussing the possibilities.

Other items on the AEMI ICC agenda have included a campaign for performance rights, compensation to musicians and singers for AM/FM radio play, where DPE assisted AFM and AFTRA in preparing and passing an AFL-CIO Executive Council resolution and obtaining AFL-CIO legislative support; Free Exchange on Campus, a coalition working to preserve academic freedom in which DPE participates; the Federal Communications Commission proceedings on its media ownership rules, for which DPE had submitted detailed comments; the RESPECT Act, pending legislation to undo a radical redefinition by the Bush-appointed majority of the National Labor Relations Board of who is a supervisor and thus not entitled to union protections (see below); proposed legislation to minimize counterfeiting and piracy affecting intellectual property; the Writers Guild strike; bargaining with ABC and CBS; and organizing actors at American Girls.

Independent Contractors

The DPE Work Group on Independent Contractors and Antitrust defined two areas of interest: how unions might 1) effectively represent true independent contractors and 2) combat employers' abuses in misclassifying employees as independent contractors.

On the first topic, effectively representing true independent contractors, the Work Group focused particularly on possibilities for providing health care coverage. In the last 12 months, DPE talked with insurers, benefit providers, and insurance experts on staff at

affiliated unions. So long as health insurance remains the province of lightly regulated profit seekers, insurance companies will cherry-pick only healthy premium-payers, offer reasonable rates only to large predefined pools of workers, and offer only promotional discounts to individuals.

DPE contributed to more promising results on the second topic, combatting employers' abusive misclassification of employees as independent contractors. It connected representatives from its affiliated unions to an AFL-CIO legislative task force on misclassification. In April 2008, DPE hosted a briefing by an AFL-CIO legislative representative and an AFL-CIO lawyer about three pending proposals in Congress that target misclassification. Members of the DPE Work Group took the opportunity to explain the concerns of the workers and unions they represent.

Public Policy and Legislation

In addition to its collaboration with its affiliated unions to oppose the misclassification of employees as independent contractors, DPE and its member unions have taken a leading role in other aspects of public policy and legislation:

- *Supervisory status under the National Labor Relations Act:* A February 2007 DPE conference, "Crossing *Kentucky River*: Next Steps for Professional and Technical Employees," highlighted the adverse impact of the September 2006 NLRB decisions radically expanding the definition of who is a supervisor and thus not entitled to union protections. It showed that professional and technical workers in a wide range of sectors – health care; arts, entertainment, and media; and even the public sector – faced a major threat. With that backdrop, DPE and its affiliated unions played an active role in supporting the introduction of the RESPECT Act, which would correct the NLRB decisions, and seeking co-sponsors for it.

- *H1-B visas and other immigration measures affecting professional and technical workers:* DPE has provided a major voice on Capitol Hill and nationally in contrasting the supply of highly skilled U.S. graduates in science, technology, engineering, and mathematics with management and industry claims of a shortage. In repeated appearances on CNN, I spoke out against employer abuses undercutting wages, increasing U.S. unemployment, and enabling the off-shoring of high tech work. As Vice Chair of the AFL-CIO Immigration Committee, I accompanied President Sweeney to key Hill meetings and provided a voice for the concerns of unions affiliated with DPE. President Sweeney asked also that I serve on a Special AFL-CIO Task Force on Immigration that he is chairing and that he asked former Secretary of Labor Ray Marshall to lead; the Task Force will work with affiliated union presidents, experts including the Economic Policy Institute, and others to develop a unified legislative framework for the next President and Congress.

- *Health care:* A federal push for a national health information technology (HIT) interoperable infrastructure has the potential to revamp entirely one of the largest

segments of the U.S. economy, in which professional and technical workers are organizing into unions at a dramatic rate. For several years, DPE has urged policymakers to recognize that HIT will work only if nurses, other frontline workers, and their union representatives are included from the start in HIT planning, design, and implementation. In my statement in October 2007 to the U.S. Senate Democratic Steering and Outreach Committee, where I represented AFL-CIO President Sweeney at his request and was the sole representative for organized labor, I stressed this point. I am pleased to report that recent versions of the leading legislative proposals for HIT at last include roles for professional and technical workers and their unions.

Other DPE health care activities include attending the weekly meetings of the RNs Working Together Industry Coordinating Committee, providing occasional research assistance, and developing fact sheets on health care topics, including the health care workforce. For more about the fact sheets, please see the section on research and publications below.

- *AFL-CIO Transition Work Groups*: DPE staff and I are participating in multiple AFL-CIO Transition Work Groups to provide a voice for the concerns of professional and technical workers, including immigration, trade, health care, retirement security, occupational health and safety, civil rights, overtime pay, and contingent work.

- *Monitoring and sign-ons*: The AFL-CIO Legislative Committee meets weekly when Congress is in session. DPE monitors the meetings and responds to requests to sign on to joint letters supporting the legislative priorities of its affiliated unions.

Research and Publications

The research and publications program of DPE is intensely practical. The DPE fact sheets provide statistical portraits of the professional work force and highlight the benefits of union membership for professionals. With excellent research assistance over the last 12 months from DPE interns Kathleen Hyland and Michael Ebell, DPE Assistant to the President Pamela Wilson has developed fact sheets and economic reports on *The Changing World of Work* (white collar workers account for 63 percent of the workforce and 51.3 percent of all union members); *HI-B; Nurses: Vital Signs* (Registered Nurses are projected to create the second largest number of new jobs among all occupations); *Safe Nurse Staffing* (nearly 90 percent of nurses say that better staffing ratios would improve recruitment and retention of nurses); *The U.S. Health Care System in International Perspective* (the U.S. spends considerably more on health care than any other OECD country); and *School Administrators: Just the Facts*. In development are updated and expanded fact sheets on the services sector; salaried and professional women; scientists and engineers, social service workers, and library workers; and a special publication and PowerPoint presentation using data on union versus nonunion salaries from the annual *ALA-ALA-APA Salary Survey*.

Speeches, Presentations, Workshops, and Communications

In the last 12 months, the DPE staff and I have responded to requests from the unions affiliated with DPE, and from other entities, for speeches, presentations, and workshops. DPE continues to circulate its monthly electronic newsletter, *DPE NewsLine*, and to issue *DPE Alerts!*, one-time bulletins flagging time-sensitive news, events, or action.

Among my speeches were addressing the AFM convention, the Massachusetts AFL-CIO convention, and the AFT Civil, Human, and Women's Rights Conference. DPE Executive Director David Cohen and I provided an internal seminar for the President, Vice President, and Program Directors of the Alfred Sloan Foundation. David also spoke on the future of work to the 25th Anniversary Labor & Employment Law Institute at the University of Louisville. He served on one panel for the AEA Organizing Committee and another for the Council of Engineering and Science Organizations (CESO). At the request of UAN, he led two workshops at its annual Labor Leader Institute and facilitated a plenary session for the Michigan Nurses Association. DPE Assistant to the President Pamela Wilson spoke at the Bethune-Cookman University conference on the value of unions for professionals and at the annual national AFGE legislative conference about the presidential candidates' proposals for health care reform.

DPE has also been able to arrange for interviews and program announcements on Pacifica Radio WPFW, 89.3 FM. These have involved DPE, APHA, and the APHA Peace Caucus in relation to *Unembedded* and the APHA annual meeting; the California Nurses Association in relation to the AFL-CIO screening of the Michael Moore documentary, *SiCKO*, which DPE co-sponsored; and *The Hollywood Librarian*, promoted by DPE, co-sponsored by the DC Labor FilmFest, and screened at the AFL-CIO.

International Connections

In April 2008, DPE hosted Tom Wilson, the Head of the Organisation and Services Department of the British Trades Union Congress, who offered a provocative presentation on "The Future for Unions" and discussed it with representatives from unions affiliated with DPE, the National Labor College, and the Albert Shanker Institute. In September 2007, DPE welcomed John Vines, Chief Executive, and Dario Tomat, National President, of the Association of Professional Engineers, Scientists and Managers, Australia (APESMA), who met to compare notes with DPE about unions, professional associations, and occupational identity.

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