



# PUBLIC EMPLOYEE Advocate

THE NATIONAL PUBLICATION OF AFT PUBLIC EMPLOYEES

## GOVERNMENT (like other goods and services) COSTS MONEY

AFT report looks at revenue policies that have been exploited, neglected

WHEN STATE LEGISLATURES reconvene in 2010, they will have a singular focus: balancing their budgets. Local governments will be scrambling to fill budget gaps, too, which promise to widen in 2010 as states cut their aid to local governments.

The budget decisions elected officials will be making will affect you on the job and off. Budget forces will determine what resources you will have to do your job instead of your job determining what resources you need. Budget decisions will determine the availability of public services in your communities. And budget shortfalls are certain to be the justification for wage freezes, benefit cuts, layoffs and furloughs.

"In too many states and localities, elected officials are shortsightedly approaching budget shortfalls as an expenditure problem," says Art Foeste, a corporate tax auditor for the Wisconsin Department of Revenue, and a member of the AFT Public Employees program and policy council (PPC). "What we have is a revenue problem, and there are ways to change the tax structure to raise revenue without raising taxes."

In October, the AFT released *State Revenue Systems: Options in the Current Fiscal Crisis*. "This report lays the groundwork for our union's advocacy for updating revenue systems so government can be responsive to the public's need and demand for services," says Foeste, chair of AFT-Wisconsin's State Employees Council. "Tax policy is central to the availability and quality of public services."

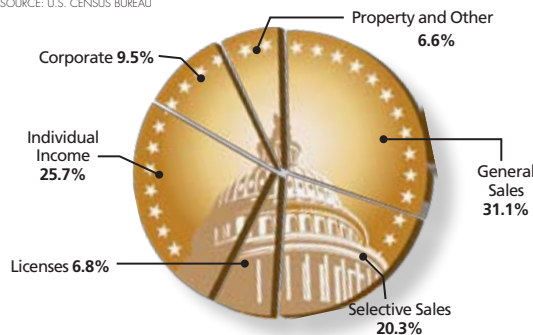
The report focuses on seven areas of tax policy that have been exploited, neglected or ignored over the years—tax policy that is ripe for reform. The seven areas include:

**1. Tax enforcement.** The tax gap, the difference between taxes owed and collected, represents a substantial part of the shortfalls that states are facing.

*Continued on page 6*

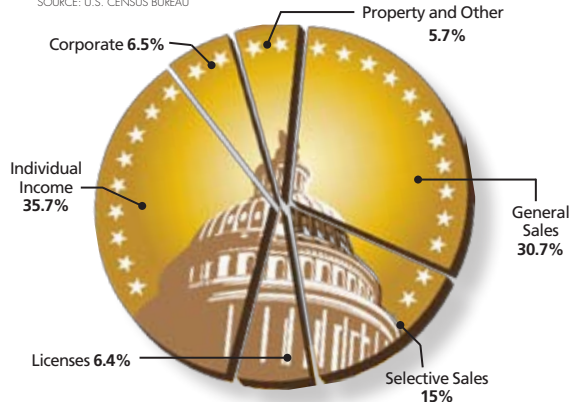
State Tax Collections by Type, 1978

SOURCE: U.S. CENSUS BUREAU



State Tax Collections by Type, 2008

SOURCE: U.S. CENSUS BUREAU



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## Let's set the agenda

RANDI WEINGARTEN, AFT President

THE ECONOMY SHOWS signs of moving in the right direction, but aftershocks from the deepest recession since the Great Depression are likely to jolt state and local budgets through 2012.

There are solutions to the budget crisis—they just aren't easy. And the AFT Public Employees division's No. 1 priority for 2010 is increasing the revenue pie to minimize harmful cuts in vital public services.

In **too many** states and localities, instead of re-examining outdated tax codes, elected officials **opt to cut public services**.

Just as it is the AFT's representational duty to work to elect candidates to office who support the work of our members, it is our duty to work to enact policies that support our work and our communities. The revenue governments collect in the form of taxes and fees support our work and pay for the services, programs and infrastructure that make our communities livable. And revenue is in short supply.

An abbreviated explanation for this shortage is that income tax collections are down because many people are out of work, and sales tax collections are down because people aren't buying. This sounds straightforward enough, but the reality is that state revenue systems across the country have long been inadequate; and that deficiency has been exacerbated by two recessions in the first nine years of the 21st century.

While the underlying inadequacy of funding for state services has been magnified by the current recession, the fundamental problems have been festering for decades.

Most state revenue systems are inadequate, in part, because structurally they rely too much on a certain tax, whether it's income tax or sales tax, for revenue. State revenue systems also tend to be regressive, meaning wealthier households pay a smaller share of their income, which accentuates the insufficiency during economic downturns.

Anti-tax rhetoric has undercut our revenue systems, too. Candidates often are elected to office *because* they run on a platform against taxes—the very resources that fund the offices they seek.

In too many states and localities, instead of re-examining outdated tax codes, elected officials opt to cut public services, close facilities, defer maintenance, and reopen negotiated contracts with their unions to implement a combination of wage freezes, benefit cuts, layoffs and furloughs. This approach to governing and management is misguided both in principle and in practice, but it is expedient, particularly when those of us who care about the quality of public services remain silent.

We can't cut our way out of this crisis. As a union representing the collective interests of our members, which includes the public that we serve, we must work with elected officials to set the public policy agenda. That agenda must include updating tax systems to build stability into the public coffers for funding the quality public services that support individuals, families, businesses and communities.

We must advocate for a revenue structure that supports our values.

Not all taxes are created equally, however, and the funding of public services must be a *shared* responsibility. We need to talk about policies that subsidize profitable corporations. Total state corporate income taxes have fallen by an average of almost 40 percent as a share of the economy since 1989, according to Citizens for Tax Justice. Not only have corporate income-tax rates fallen over the past several decades, but some of the country's largest and profitable corporations pay little or no income tax. That is simply wrong.

And we need to talk about tax policy that takes proportionately more from middle- and lower-income families than from wealthier ones. It is no secret that tax policy over the years has shifted a greater burden to middle- and lower-income families. That is not right.

Our tax systems don't need to be structured this way. And that is a message we must deliver to our elected officials along with our ideas for fairly and sufficiently generating revenue.

In October, the AFT released *State Revenue Systems: Options for the Current Fiscal Crisis*. The report focuses on seven areas of tax policy that should be revisited, including investing in tax enforcement to better ensure that all taxpayers, individual or corporate, are paying their fair share, and creating additional income-tax brackets for higher earners.

There are no easy solutions to the state and local revenue crisis, but recognizing that part of the problem is the inadequate structure of the revenue systems is an important start.



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# Retirement security: A lesson from West Virginia

## Laws can change; so can your retirement

STATE LAWMAKERS AREN'T inclined to "learn" lessons from other states, but AFT members should heed the cautionary tale from West Virginia—and take action to stop efforts to move the public sector from defined-benefit pensions to defined-contribution retirement accounts.

The lesson from West Virginia is about economic efficiency and retirement security.

**Defined-benefit** pensions provide retirees guaranteed income for life, typically based on years of service and final average salary.

**Defined-contribution** retirement accounts, on the other hand, are similar to a 401(k). Retirement income is based on the amount of money that has accumulated in the account—which is subject to Wall Street's ups and downs.

Facing a multi-billion unfunded liability in its defined-benefit retirement system for education personnel, West Virginia closed the plan and created a defined-contribution plan for new employees in 1991.

One salient point about the unfunded liability: The employees had been paying their share into the defined-benefit system—straight out of their paychecks. The problem was that the state had not made its payments for 11 out of 13 years during the 1970s and 1980s, explains AFT-West Virginia president Judy Hale, who also is an AFT vice president. So-called payment holidays have occurred in many states over the years with government, as the employer, relying on investment returns to make up for skipped payments.

Two realities were clear by 2005 in West Virginia. The first was that employees with defined-contribution accounts were not accumulating enough savings for retirement. The second was that the state was not saving money. In fact, low balances in the defined-contribution accounts pointed to an unintended consequence: participants would likely need government assistance programs in retirement.

Thanks to relentless lobbying by AFT-West Virginia and the West Virginia School Service Personnel Association, the Legislature and the governor approved a measure that allowed defined-contribution plan participants to transfer into the defined-benefit system for a

limited window in spring 2008. More than 75 percent switched.

"These employees, trapped in a failed plan that had little chance of producing enough money for retirement, can now count on a secure and viable retirement benefit," says Hale.

Greg Merritt was among the defined-benefit system participants who opted into the defined-contribution plan when it was instituted. "They sent people to the schools to talk about your options, and it was sold very well," recalls Merritt, a 24-year veteran teacher. "It seemed to me like the way to go at the time."

In 2008, with only \$30,000 in his defined-contribution account, Merritt, a math instructor at Jefferson Elementary School in Parkersburg, eagerly switched back to the defined-benefit system. "It became evident that my financial situation during retirement was going to be just terrible," he says. "I was going to have to work much longer than what I had anticipated if I stayed with the defined-contribution plan."

### Your state may be next

A combination of government budget shortfalls, investment losses, payment holidays, accounting rule changes for other post-employment benefits, and political ideology continues to fuel scrutiny of defined-benefit pension systems for public employees. Critics charge, among other things, that the systems are unsustainable and cost taxpayers too much. They want defined-contribution plans to be the mainstay retirement benefit in the public sector.



JEFF BAUGHAN  
"It became evident that my financial situation during retirement was going to be just terrible," says Greg Merritt about his defined-contribution retirement account.

The Alaska Legislature made the switch to defined-contribution accounts for newly hired public employees at every level of government starting July 1, 2006—just as the West Virginia Legislature was trying to untangle itself from its defined-contribution plan. Restoring the defined-benefit pension system for all Alaska public employees has been a legislative priority for the Alaska Public Employees Association ever since. And they are making headway.

Back in West Virginia, beginning July 1, 2005, all new hires were placed in the defined-benefit system. The state no longer offers its defined-contribution plan but some 5,000 education employees remain in it because they didn't switch to the defined-benefit system when they had the chance—before fall 2008 when the stock market and account values tumbled.

Meanwhile, Merritt, president of AFT-West Virginia's Wood County local, says: "Now I feel that my retirement is secure. I feel that I have the ability to retire without worrying about my financial situation."

## 2010 CENSUS: GETTING A FULL COUNT

IN AN EFFORT to ensure an accurate and complete census count, the AFT is encouraging members to participate in events and initiatives designed to raise awareness of the 2010 Census.

"More than \$300 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based on census data, including health-care, community development, housing, education, transportation, social services,

employment, and much more," according to a resolution adopted by the national union earlier this year.

Key dates: Census forms will be mailed or delivered to households in March 2010; and April through July, census takers will visit households that have not returned the form by mail. By law, the Census Bureau will report population information to the president for apportionment in December 2010.

Visit [www.census.gov](http://www.census.gov) for more information.

# Is there **A BULLY** in your midst?

Workplace incivility is a collective problem that calls for a collective solution

**NO WORKPLACE IS** immune to the problem. Detection is not difficult if we are sensitive to its signs. Yet workplace incivility is often allowed to persist, jeopardizing the health and productivity of workers.

Corliss Olson, an associate professor at the University of Wisconsin-Extension's School for Workers, describes inappropriate workplace behaviors across an "incivility continuum."

There's "negative behavior," which includes rude comments, insensitive actions, gossip, crude jokes and profanity. There's "verbal aggression," which includes yelling, belittling comments, intimidation and threats. Then there's "physical and sexual aggression," which includes assault, throw-

ing objects and violent outbursts.

Within this continuum, there is bullying. "Bullying is aggression and it is a form of emotional abuse," says Olson, a member of United Faculty and Academic Staff/AFT who has conducted workshops on workplace bullying for the AFT and other organizations. "Bullying is deliberate. It's hurtful. It is repeated. And it comes down to mistreatment of a target by a

bully driven by the bully's desire to control the target.

"Bullying," she says, "can be a nick, nick here and a pinch there."

Laverne Foster, an area vice president for the City Union of Baltimore, advises members to consult their union reps regarding "any situation that makes you feel uncomfortable or you think is inappropriate."

Foster, who has worked for Baltimore city government for more than 40 years, points

to employee turnover as a contributing factor to the decline of civility in her workplace. "Years ago in our department there was more respect for the rights of others and a higher level of professionalism," she says. "Now, with the rapid turnover, some people just don't care."

Early intervention can often resolve the situation, says Foster, an area manager with the Department of Recreation and Parks. Foster attended Olson's workshop at the AFT Public Employees conference in June 2009 "because I wanted to be able to put a label on bullying [behavior] as a union rep."

While there is a growing body of research on workplace bullying and its health effects, bullying is seemingly tolerated in the United States—despite its cost to employers. (The Canadian provinces of Quebec and Saskatchewan have laws prohibiting workplace bullying.)

"This is a health and safety issue," says Olson, who notes that emotional abuse is far more common in the workplace than physical abuse.

Workers' psychological and physical health pays a steep price. Stress, clinical depression, post-traumatic stress disorder, sleep loss, gastric problems, hypertension and heart problems are among the maladies suffered by targets of bullies.

Tolerant employers also pay. The cost of job stress, in general, to American industry annually is estimated upward of \$200 billion a year, says Olson, due to absenteeism, diminished productivity, employee turnover and workers' compensation awards, among other things.

## **Workplace bullying is pervasive and perverse**

According to a 2007 survey conducted by Zogby International for the Workplace Bul-

lying Institute, 37 percent of American workers have been bullied at work. The institute, founded in 1998, says workplace bullying is an epidemic.

For purposes of the survey, workplace bullying was defined as repeated mistreatment manifested as: verbal abuse; conduct that was threatening, humiliating or intimidating; sabotage that interferes with work; or some combination of the three.

The survey found that male targets were more likely to experience verbal abuse by their bullies; and that sabotage was reported with greater frequency by women targets. Other key findings were:

- Most bullies are bosses (72 percent);
- Most targets are women (57 percent);
- Most employers ignore the problem (62 percent); and
- Targets suffer stress-related health problems (45 percent).

Moreover, the survey found that bullying is four times more prevalent than illegal harassment.

If these statistics don't get the attention of employers, then maybe the bully's tactics will. Forty-seven percent of survey respondents said their bullies abused authority by denying advancement, stealing credit and giving arbitrary instructions, among other things. Forty-five percent said the bully interfered with their work performance through sabotage and other tactics.

## **The different types of bullies**

Olson says there are four kinds of bullies:

- Chronic bullies, who may be seen as leaders and are known for getting things done;
- Opportunistic bullies, which is the most common type;
- Substance-abusing bullies; and even
- Accidental bullies, who are often the larger-than-life personality types—and are unaware of the effects of their actions.

Not all unpleasant interaction in the workplace, however, rises to the level of bullying.



**"Bullying is aggression ... driven by the bully's desire to control the target."**



— CORLISS OLSON  
United Faculty and  
Academic Staff/AFT

Gary Namie, director of the Workplace Bullying Institute, distinguished the tough manager from the bully boss during a May 2005 appearance on NBC's "Today Show."

"A tough manager is going to be one who, when there's misery to spread around, spreads it fairly—and there's tough deadlines for everyone and when it's over there's going to be a celebration period," said Namie. "But the bully boss, the abusive one, is going to zero in laser-like on one or two targets at a time."

Namie also said that bullies often target people who threaten them—the person who's more technically skilled or has better social skills, for example.

**"I got to the point where there were no more cheeks to turn."**

—PATRICIA POGMORE,

Administrative and Residual Employees Union

Some of the most common bullying tactics, Olson says, are: unreasonable job demands, criticism of ability, inconsistent application of workplace rules, threats of job loss, discounting or denial of accomplishments, exclusion and stealing credit. Bullies often consider that they are never wrong. They are often poor communicators.

"It's very difficult to persuade people that someone is a bully when they are charming to outsiders and superiors," Olson notes.

### **Workplace civility: Can it be the law?**

In most instances, the bullying behavior does not rise to the level of an illegal act, so what do you do?

Olson emphasizes the importance of targets documenting incidents: What was said, date and time. "It's empowering," she adds.

Patricia Pogmore, a member of Connecticut's Administrative and Residual Employees Union, went to her union. "I got to the point where there were no more cheeks to turn," says Pogmore, who worked for the state for more than 20 years before she encountered a bullying supervisor. Thanks to her union, and Pogmore's documentation of incidents, Pogmore now has a new supervisor.

She also took her story to the Legislature. Pogmore took a vacation day from work in February 2009 to testify in support of a bill that addressed bullying in state government. The bill would have required the Department

of Administrative Services to report annually on the number and outcome of state employee complaints of workplace violence and abusive conduct. The bill defined abusive conduct as "conduct or a single act ... that is performed with malice and is unrelated to the state's legitimate interest that a reasonable person would find hostile or offensive considering the severity, nature and frequency of the conduct or the severity and egregiousness of the single act."

The Connecticut legislation was modeled after the Healthy Workplace Bill written by New Workplace Institute president David Yamada. Legislation modeled after Yamada's bill has been introduced in more than one dozen states since 2003, including Illinois, Kansas, Montana, Missouri, New York and Vermont, though none have yet passed.

Olson says that bullying is a collective problem—it affects employees, employers, targets and witnesses—and unions need to look for a collective solution.

### **One local's collective effort to foster workplace civility**

For more than a year, the University of Connecticut Professional Employees Association (UCPEA) has been part of a multi-union and management committee that has been discussing ways to engender workplace civility. "A big piece of this was where to go to [report] behaviors at the work site that don't rise to the level of illegal discrimination," says Annie Noonan, UCPEA's assistant director for contract administration, noting that bullying as well as subtle types of behavior that make people uncomfortable and unhappy were of concern to union members.

A nonretaliation policy is among the committee's byproducts. UCPEA reports that the purpose of the policy is to protect people from retaliation, including bullying, if they make good-faith reports of alleged violations of federal or state law—or university policy or rules; or if they participate in an investigation relating to such matters.

One of the next projects for the committee is defining civility, including acceptable behaviors in the workplace, and developing a policy that will be submitted to another committee that is working on revising the university's code of conduct.

Visit [www.ucpea.org](http://www.ucpea.org) for more information. Something's Happening Committee coverage can be found under the "member information" tab.

—KATHY WALSH



Laverne Foster says employee turnover has contributed to the decline of civility in her workplace.

MICHAEL CAMPBELL

AFT VOICES



### **What ideas do you have to build a more civil workplace?**

"It would be so simple if we all remembered the 'Golden Rule' and treated others as we expect to be treated. The idea has been around for ages. It would be nice to see it finally take hold."

KATHRYN SASSO  
Rhode Island

"Contract language, legislation, policies and training on workplace bullying. The effects of a bully in the workplace touch everyone in some fashion. This appears to be a growing problem and we need to address the issue."

JENNIFER MADSEN  
Alaska

"More workshops on interpersonal skills and anger management."

MAUREEN KELLMAN  
New York

### **Do you think it is important for public employees to contact their elected officials about funding for public services? Why or why not?**

#### **IT'S YOUR VOICE**

We want to hear from you! Visit [www.aft.org/voices](http://www.aft.org/voices) today where you can respond to this and other questions.



**Professional integrity bill tracker**

HAVE YOU EVER felt that your professional integrity has been compromised?

Professionals for the Public Interest (PftPI) is a coalition of unions, including the AFT, and professional associations that share a common focus: defending their members' professional integrity against external pressures.

Collectively, the groups represent more than 4 million professionals working in disciplines that range from the sciences and engineering to human services and healthcare.

Share your story about the challenges or triumphs you have experienced in defending your professional integrity against external pressures, and track federal legislation addressing professional integrity concerns at [www.pftpi.org](http://www.pftpi.org).

**National labor-environmental alliance unites 8 million people**

THE AFT HAS joined the Blue Green Alliance, a coalition of labor unions and environmental groups with big plans to expand our nation's prosperity and leave the planet in better shape.

With the addition of the AFT's more than 1.4 million members, the alliance now unites 8 million people in pursuit of good jobs, a clean

environment and a green economy.

The alliance is working to:

- Pass clean energy and climate change laws that will reduce global warming and move America toward energy independence. A direct result will be the retrofitting of buildings that will be powered by new fuels according to a renewable energy standard. Even more revolutionary will be making these buildings part of a "smart grid" transmission system that harvests energy from individual buildings and returns it to the grid.

- Pass the Employee Free Choice Act so that workers can retool the economy on family sustaining wages. Part of the alliance's plank on workers' rights and the environment is that union workers are better trained in health and safety matters, which makes them natural advocates for green jobs.

- Promote green chemistry, which has huge potential for secondary and postsecondary science programs. Green chemistry will reduce toxic products by inventing purer alternatives.

The alliance was launched in 2006 by the United Steelworkers and the Sierra Club. Visit [www.bluegreenalliance.org](http://www.bluegreenalliance.org) to learn more.

## GOVERNMENT COSTS MONEY (like other goods and services)

*Continued from page 1*

*What can you do?* Tell your elected officials to invest in tax enforcement by hiring more staff and modernizing technology. If the budget situation precludes this investment, then auditors and enforcement staff should be protected from layoffs and furloughs. If elected officials are leery of shoring up enforcement, then call on them to order a tax gap analysis. A 2002 analysis of New York estimated \$2.3 billion was due but not paid in personal income taxes. A 2005 analysis of Montana estimated \$178 million went unpaid in personal and corporate income taxes.

**2. Modernization of the sales tax to include more services.** Services make up a large percentage of what consumers buy, yet the sales tax predominantly focuses on the purchase of tangible property. Moreover, many states provide subsidies to retailers to offset their cost to collect the tax. It is estimated that \$1 billion in revenues is returned annually to corporations nationwide because of this subsidy.

*What can you do?* Lobby lawmakers to

broaden the sales tax base by taxing more personal and business services, such as dry cleaning, landscaping, health club memberships, and accounting and legal services. Expansion of the sales tax base may allow the legislature to lower the sales tax rate. Also, tell your elected officials to cap administrative subsidies for sales tax collection. Given that technology has greatly aided in the administration of sales taxes, there is little justification for an uncapped subsidy.

**3. Reform economic development subsidies.** Subsidies in the name of job creation


**"... there are ways to change the tax structure to raise revenue without raising taxes."**

— ART FOESTE, AFT-Wisconsin State Employees Council

and retention cost states and cities \$50 billion in lost revenue annually. Most of these subsidies come in the form of property and corporate income tax breaks.

*What can you do?* There are several reforms you can call on your elected officials to support, including "clawbacks," which allow the government to recapture part or all of the

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A Union of Professionals

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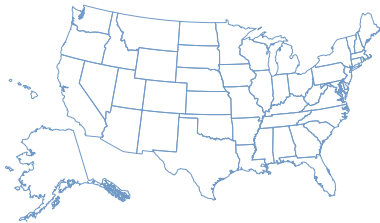
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subsidy when a company fails to meet promised goals, including job creation or capital investment. Another reform is elimination of subsidies that don't make sense. For example, subsidies to create low-paying jobs that do not lift families out of poverty, such as those for most retail projects, are a poor investment.

**4. Income tax reform.** The individual income tax is the cornerstone of a fair tax system if it has breadth. Changes that calibrate the income tax to assess the rich at a higher rate than middle- and lower-income families are among the most progressive ways to raise new revenues.

*What can you do?* Lobby elected officials to institute a graduated income tax or increase the tax on upper-income earners. Unlike the federal income tax system, state structures tend to be compressed. As a result, middle- and lower-income families are taxed at the maximum rate along with the wealthy. For example, Oregon enacted a new top rate of 11 percent on income over \$250,000 a year. The previous top rate had been 9 percent on income above \$7,300 a year.

*State Revenue Systems* is a collaborative effort between the AFT Public Employees PPC, the AFT budget task force and the AFT's research and information services department.



**DC** The dismissal of nearly 400 public school employees from the District of Columbia Public Schools brought together thousands in protest on Oct. 8.

Washington, D.C., Mayor Adrian Fenty and school chancellor Michelle Rhee dismissed 388 school employees, including 229 teachers—just two months after hiring more than 900 new teachers. Fenty and Rhee said a \$43.9 million shortfall in the 2010 budget necessitated the layoffs.

The Washington Teachers' Union (WTU), along with the AFT and the American Federation of State, County and Municipal Employees, organized the "Rally for Respect."

"There is no question that firing teachers at this point in the school year has disrupted the teaching and learning process," said WTU president George Parker.

The WTU has filed a lawsuit against the school district to halt the layoffs. The union also has filed a class-action grievance on behalf of all affected teachers.

**IL** It may not have made the headlines, but the Occupational Safety and Health Administration's (OSHA) approval of the Illinois Department of Labor's OSHA State Plan establishing a comprehensive workplace health and safety program for public employees is big news.

The state's plan covers more than 1 mil-

Ingrid Cruz is one of the Filipino teachers who was required to pay fees to an international recruitment firm.



CHERYL GERBER/USA TODAY

lion public employees at some 22,000 work sites at every level of government, from schools to state offices.

OSHA's approval, granted in early September, makes Illinois one of five states and territories with OSHA-approved plans for public employees. The others are: Connecticut, New Jersey, New York and the Virgin Islands.

The program will be administered by the Safety Inspection and Education Division of the Illinois Department of Labor. Federal OSHA funds up to 50 percent of a state plan's operating cost.

**LA** Complaints have been filed with Louisiana's Workforce Commission and attorney general, as well as the U.S. Department of Labor charging that Universal Placement International Inc. (UPI) cheated foreign teacher recruits, like Ingrid Cruz from the Philippines, out of thousands of dollars and held them in virtual servitude.

The complaints were filed by the Louisiana Federation of Teachers and the AFT.

"The allegations, backed by the facts, show these teachers to be victims of worker abuses like the ones in our students' history books: indentured servitude, debt bondage and labor contracts signed under duress," says AFT president Randi Weingarten.

The complaints were filed on the heels of an AFT report about the practice of using recruiters to place teachers from other countries in U.S. schools.

"Importing Educators: Causes and Consequences of International Teacher Recruitment" is available at [www.aft.org](http://www.aft.org). An estimated 19,000 teachers were working in the United States on temporary visas in 2007.

Cruz, who teaches science in East Baton Rouge, reports that UPI has threatened to have her visa revoked.

**NY** AFT-represented healthcare workers got some relief, thanks to their unions, the New York State Public Employees Federation (PEF) and the New York State United Teachers (NYSUT).

Gov. David Paterson rescinded health commissioner Richard Daines' emergency regulation requiring tens of thousands of healthcare workers to be vaccinated for the seasonal and H1N1 flu viruses by Nov. 30—or face possible disciplinary action, including termination.

Paterson's action came less than one week after a New York state judge issued a temporary restraining order (TRO) halting the regulation. The TRO was in response to lawsuits filed by PEF and NYSUT.

"Our opposition was with the regulation mandating the vaccination as a condition of employment," said PEF president Ken Brynien, who also is an AFT vice president.

Both lawsuits charged, among other things, that the Health Department exceeded its statutory authority.

Visit [www.aft.org](http://www.aft.org) for fact sheets and updates on H1N1 for every professional group represented by the union, including public employees.

## Urgent!

Your members of Congress need to hear from **you!**



**Healthcare reform is getting closer. Call your members of Congress NOW toll free 866/584-3962**

Tell your senators and representatives the final healthcare reform bill must:

- make healthcare affordable for working families;
- provide a public health insurance option;
- include real employer responsibility;
- oppose provisions that would tax health plans; and
- establish safe-staffing standards in healthcare facilities.

For more information, visit [www.aft.org/fight4america](http://www.aft.org/fight4america).

To send a letter, visit <http://go.aft.org/hcenate>.



## Furlough tally grows

ELECTED OFFICIALS CONTINUE to patch budget holes with unpaid furlough days, now scheduled in many places through June 30, 2011.

As reported in the August/September 2009 *Advocate*, furlough days have been scheduled in Connecticut, Maine, New Jersey, Ohio and Wisconsin, among others—and the tally continues to grow. While the result is lost income for workers, for many members, unpaid furloughs are more palatable than the alternative—layoffs.

Most bargaining units of the 29,000-plus member Hawaii Government Employees Association ratified a contract in October that calls for 42 furlough days through fiscal year 2011. Gov. Linda Lingle originally tried to impose 72 furlough days. The *Honolulu Advertiser* reports that the furloughs translate into about an 8 percent pay cut.

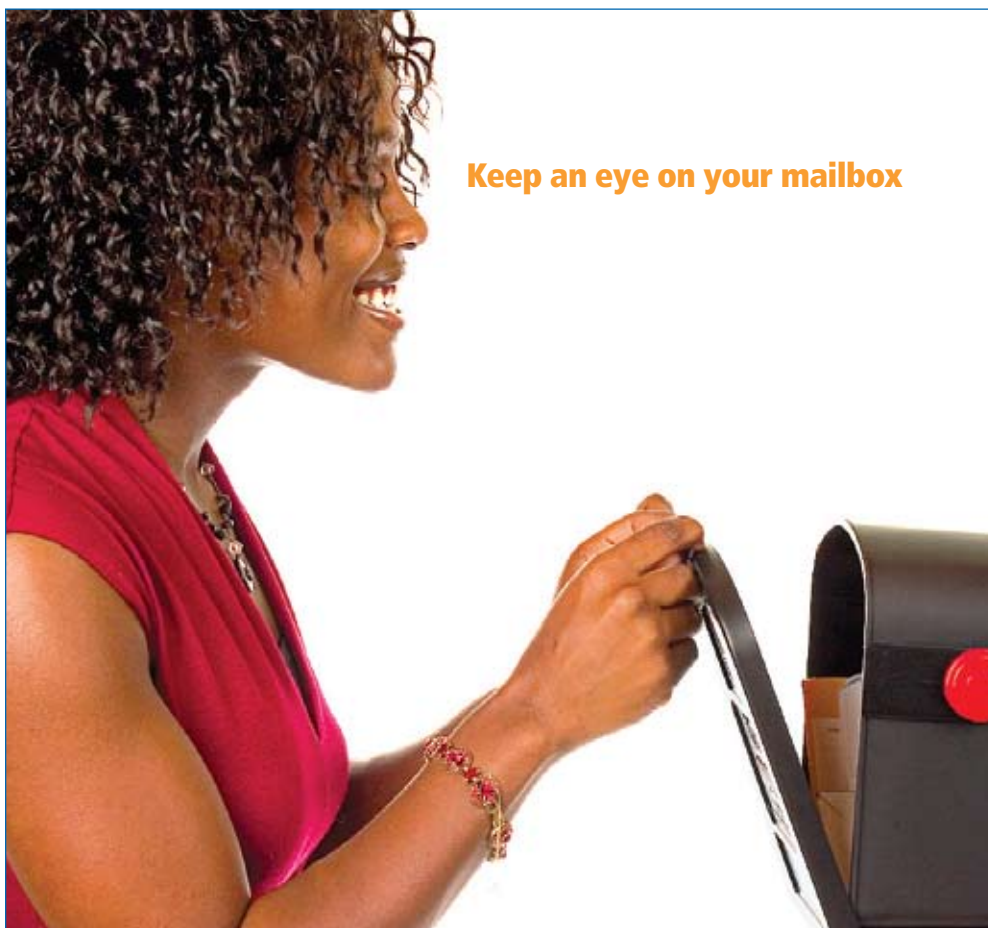
Another newcomer to the list is Baltimore city. Under the Board of Estimates-approved plan, nonpublic safety employees will take five to 10 furlough days through the current fiscal year. The number of days an employee must take is determined by how

much they make: city workers who make less than \$50,000 must take five furlough days; workers making \$50,000 to \$100,000 must take eight days; and those making more than \$100,000 must take 10 days.

In Maryland, where the governor has the authority to institute furloughs, the second wave of furloughs is under way. The number of days is determined by an employee's salary. The higher the salary, the more time off—up to 10 days through June 2010.

Colorado Gov. Bill Ritter also has called for additional furlough days this fiscal year, doubling the number from four days to eight days.

In Pennsylvania, state employee furloughs were taken off the table through June 2010 under an agreement reached in 2009 between the commonwealth and the unions representing state employees. Specifically, the unions agreed to loan the state more than \$200 million from the Pennsylvania Employees Benefit Trust in exchange for the commonwealth's commitment that it will not impose furloughs through June 2010.



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