



San Francisco City Workers United

Date: August 11, 2023

OFFICIAL PRESS RELEASE:

RESQUEST to ALL SAN FRANCISCO PUBLIC WORKERS in SUPPORT of CITY PAINTER'S ULP STRIKE

Date(s) to be determined.

SFCWU filed ULP Charges (case no. SF-CE-2037-M) on January 3, 2023, and is requesting support of City Workers, and organized labor to stand in solidarity in the face of the City's systemic unfair labor practices and pattern of reprisals against Unions, and workers for exercising their right to engage in concerted protected activities, such as the recently recognized right to strike.

Who we are: San Francisco City Workers United is the first independent public sector labor union in San Francisco organized founded by city employees (Painters) in 2012. We have fought hard for Union democracy, the right of free association, and the right to engage in concerted protected activities, such as the recently recognized right to strike.

Why we are asking for your support:

- First and foremost, the City has become emboldened to using our Union as a test case for employing egregious union-busting practices, such as recruiting bogus dissident "factions" to justify the indefinite and illegal suspension of bargaining;
- Second, because we will most likely lose the battle for workers' rights in San Francisco without your support.
- Third, if we do lose this fight then other city workers unions will be subjected to the same illegal practices.

This is a case of, an Injury to ALL, not just ONE!

SFCWU has been under attack by the city from at least, August 26, 2022. The basic principle we're fighting for, is that, no employer should be allowed to bully, and retaliate against any public worker or, the Union of their choice in San Francisco, and be allowed to get away with it! This is a case of, an Injury to ALL, not just ONE!

Precedural History, and basis of Charge:

Prior to SFCWU filing ULP charges with PERB, the city engaged in Unfair Labor Practices waged against the Legitimate Leadership of the Union, and our members for daring to oppose Mayor Breed's efforts to eviscerate the Civil Service Merit System through her "Temporary to Permanent Category 18 Hiring Program" under the auspices of her emergency authority to combat the effects of COVID-19. On August 12, 2022, SFCWU leaders met with city officials, and told the city that implementation of the proposed Civil Service Rule Changes including the "Temporary to Permanent Category 18 hiring program," would violate City workers' Constitutional Rights, and vehemently opposed the city's implementation of the program.

This program would have allowed the City to begin implementation of a two-tier hiring system to provide one class of permanent hire to be subject to regular hiring rules, while exempting other permanent hires to meet those same requirements. The larger concern being that, if they can get away with unilaterally imposing this program under a bogus (albeit no -existent) "emergency", then they will most certainly do it again.

The City then retaliated against the Union on August 26, 2023 by stripping the Union of its legal status as the exclusively recognized bargaining representative and unilaterally suspended all bargaining for almost a year - all without any cognizable legal basis or, justification warranting this unprecedented abuse of power.

Since that time, the city has compounded its blatant abuse of power by openly aiding, coordinating, and colluding with illegitimate hostile outsiders - including disgraced former president James Leonard, and our very own traitorous former general counsel, Alan Davis. Fellow members of his union busting group, including resigned Executive Board member Liam Kenny, and John Montes sought to exploit the chaos and disorder created by the City's unlawful acts to fraudulently take control over the union's treasury by falsely presenting themselves as the "new" Executive Board, and demanding that bank officials' hand over the union's treasury.

While these traitors have made no pretense seeking any adjudication from the courts, they have been permitted to engage in widespread misconduct by the City's unconditional and continual encouragement and support. These City-aligned "dissident faction" members, led by resigned former union official, Jim Leonard, have even admitted that the City presented a would indefinitely suspend bargaining in support of these imposters' efforts to extract concessions from the Union's legitimate leadership.

To date, the City has openly aided and abetted these illegitimate racketeers in their brazen efforts to defraud the Union and its members through, among other things, bank fraud, identity theft, threats, lies, and extortion against their former Union. Fearing no repercussions, the City has escalated the conflict by recognizing Jim Leonard's bogus faction and, thus, enabling this fraudster to single-handedly hijack the Union's governance by means of a phony election conducted in contravention of the Union's current Bylaws. The City has failed to explain its rationale for accepting the results of a bogus election despite knowing it had been conducted in contravention of the express terms of the Union's operative bylaws.

By the sum of its malfeasance, the City has presented a highly dangerous precedent to all unions by asserting non-existent authority to cease bargaining with the recognized bargaining agent based entirely on a single-individual's unsubstantiated claim of being denied reinstatement after voluntarily resigning. In our case, the City continues to insist on Jim Leonard's right (as an individual outsider) to single-handedly disrupt the Union's operations and, thereby, supersede the authority of the Union's executive board.

We caution you all that the City will show no ethical restraint in finding and recruiting "Jim Leonards" in all the City's unions. By manufacturing a non-existent internal union dispute over the former president's "resignation" the City has established its blueprint for how it will subvert union opposition by colluding with corrupt former union insiders.

The City has crossed all bounds of integrity by relying on frivolous legal arguments before PERB. As the city officially states in its position statement, its unlawful recognition of Jim Leonard as president is predicated on the on the absurd theory he was merely the "first to report" his made-up and fraudulent election results--nothing more.

Perhaps even more importantly, the City cannot provide any legal justification for its nearly year-long suspension of the Union's right to bargain. That is, for almost an entire year, the City asserted its false theory that mere uncertainty over a purported internal union dispute allowed the City to completely derail the collective bargaining system. That is not merely illegal, but also speaks volumes of the City's wanton disregard and disrespect for the rights of ordinary union members.

More than ever, a strong message must be sent to the City that labor will not stand for dirty tricks, lies and collusion and, in particular, will not permit the recruitment and encouragement of former union insiders to betray their own Union at the behest of the City. Absent an immediate reinstitution of normalized collective bargaining relations, and the City's immediate disassociation from Jim Leonard's bogus "faction", the Union shall henceforth exercise its right to invoke its weapon of last resort.

In Solidarity,



Gilbert J. Fragoso, President
San Francisco City Workers United

Cc: General executive Board
Myers Law Group, ACP
San Francisco Labor Council
SF Building Trades Council
SF Chronicle