



Philadelphia School Cafeteria Employees Local 634

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Robert L. Archie Jr., Esq.
Chairman
School Reform Commission
440 North Broad Street, Suite 101
Philadelphia, PA 19130

Dr. Arlene Ackerman
Superintendent of Schools
440 North Broad Street
Philadelphia, PA 19130

Dear Mr. Archie and Dr. Ackerman:

I would like to respond to the SRC testimony submitted by Regina James, and to the letter sent from a Ms. Jennik, Esq, concerning the status of Local 634.

Since 1977, School Cafeteria Employees Union Local 634 has represented employees of the School District, including cafeteria workers and noon time aides. We used to be affiliated with H.E.R.E., but after the merger that created UNITE HERE we chose, in 2005, to affiliate with the UNITE HERE Philadelphia Joint Board.

The Philadelphia Joint Board and UNITE HERE have parted ways. On the eve of their vote to split, the Local 634 executive board voted unanimously on March 6, 2009, to stay with our international union, UNITE HERE, and to leave the Philadelphia Joint Board.

Our membership has endorsed this decision. We have collected well over 1000 signatures from members supporting the decision to stay with UNITE HERE and to leave the Philadelphia Joint Board. We continue to collect more signatures, and we would be pleased to submit these signatures for review by the School District if they can be kept in confidence. It has been satisfying to feel the support from our membership for the tough decision that we had to make.

The past month has been even more difficult than we originally imagined. The Monday after we voted to leave, the Joint Board sent police into our office and informed us that we would be arrested for burglary if we removed any items from our office. The police threatened to arrest our UNITE HERE representatives for trespassing. They have redirected calls intended for us, turned off access to computers and cell phones, asked the Post Office to forward to them all mail addressed to our new PO Box, and restricted our access to the files that we needed to represent our members.

Some of these issues have since been addressed, but some still linger now, over a month later.

It turns out that the Service Employees International Union (SEIU) is undertaking one of the largest raids in American labor history. SEIU is attempting to divide our union by joining forces with the losing side of an upcoming leadership election within UNITE HERE. Lynne Fox, the Manager of the former Philadelphia Joint Board, was on that losing side. This put Local 634 square in SEIU's sights. A small group of dissidents within Local 634—including Regina James—has been working with SEIU and the Philadelphia Joint Board on this raid. Last month, they sent glossy mailers to all our members urging them to “join with the SEIU”. Our members received robocalls in their homes attacking my integrity. They have visited our members in the schools and in their homes, sowing confusion and making unsubstantiated threats.

On April 11, Lynne Fox called a meeting to vote on secession, but refused to allow me to preside as required by our bylaws. While she tried to shout me down, I called for an affirmative vote to stay with UNITE HERE; it was moved and passed, and then I adjourned the meeting. Most 634 members left. Ms. Fox continued with 2 hours of speeches, including one from Valarie Long, who leads SEIU 32BJ in DC. By the time Ms. Fox held her own “vote”, most of the people in the room were from SEIU 32BJ and other unions, many in other cities. She will not share a copy of the list of who voted. I can tell you that many longtime members of Local 634 observed people in line whom they did not recognize and had never seen inside of a school. I cannot tell you who they were.

This is the “vote” to which Ms. James refers in her testimony. It was a sham. It was a PR stunt designed to confuse. And it cannot hold a candle to the thousand signatures from Local 634 members that we would be pleased to share.

Regarding the legal claims in Ms. Jennik's letter, I just want to note that prior to our work with the Joint Board, we were not required to file LM2's with the Department of Labor because we were public sector. We made our filings voluntarily. Once we affiliated with the Joint Board, however, the legal requirements regarding our filing changed. For this reason, and per advice from DOL, we filed a terminal LM2. However, Local 634 has continued to exist as a distinct labor organization throughout. No UNITE HERE joint board can exist without distinct local unions. The entire joint board structure is built upon the notion of it being a collection of local unions.

I would also like to note that if, as Ms. Jennik's letter contends, Local 634 “ceased to exist as a separate labor organization” after 2005, then why did Lynne Fox just this month distribute a meeting notice (enclosed) claiming, “This meeting has been called at the request of the membership of Local 634 pursuant to Article III, Section 2, of the Local's By-Laws.” If the Joint Board's position is that Local 634 does not exist, then it is odd indeed to convene a meeting using our bylaws.

Furthermore, our affiliation agreement with the Joint Board provides explicitly that, “It shall remain the responsibility and the prerogative of Local 634's officers and stewards to administer the collective bargaining agreement(s) as before, with the assistance of Joint Board representatives where appropriate.” Our affiliation agreement provides further that, “The governing documents shall have decreasing precedence in the following order: UNITE HERE Constitution, Affiliation Agreement, Joint Board Bylaws, Local 634 Bylaws.” In other words, both the UNITE HERE

Constitution and the Affiliation Agreement trump the Joint Board bylaws. That is why we have remained in control of the enforcement of our contract.

Perhaps just as importantly, Local 634 was affiliated with the Joint Board when the Joint Board was part of UNITE HERE. The Joint Board is no longer part of UNITE HERE. It claimed to “disaffiliate”, and on March 13, 2009, the UNITE HERE General Executive Board declared its charter invalid and revoked and at the same meeting voted that Local 634 could disaffiliate from the Joint Board. The entity Local 634 agreed to affiliate with no longer exists. The affiliation agreement is a nullity.

We very much appreciate our relationship with the School District, and we hope that these troubles will not interfere with the positive relationship that allows us to represent our members effectively. We are proud that we were able to reach a recent one year contract, approved by the School Reform Commission in March. We look forward to fruitful negotiations with the School District that will enable us to continue working together to provide the children in our schools with healthy meals that build healthy minds.

We hope and pray that SEIU 32BJ’s raid on our union will stop. In the meantime, we will continue serving our members and strengthening our union, come what may.

Yours Sincerely,



Doris A. Smith, President
Local 634, UNITE HERE