

August 31, 2021

Joel Sacks, Director
Washington Department of Labor and Industries
P.O. Box 44000
Olympia, WA 98504-4000

Director Sacks,

It has come to our attention that the Department of Labor and Industries (L&I) is permitting professional union organizers from the Washington Federation of State Employees/AFSCME Council 28 (WFSE) to utilize their role in the Department’s new employee orientation process to both promote union membership and disparage the Freedom Foundation by name.

Audio and video footage of an L&I new employee orientation conducted virtually earlier this year was recently obtained by the Freedom Foundation. In the footage, WFSE organizer Matt Reiter makes a lengthy series of baseless and slanderous claims about the Freedom Foundation — falsely describing it at one point as a “union of billionaires” — in a manipulative effort to convince employees that joining WFSE is necessary to protect them from the “dark forces” attempting to orchestrate the “total takeover of... [their] lives.”

Reiter also spoke at length about the purported importance of “preventing the Freedom Foundation from influencing state policy” with its “cruel and unnecessary” agenda.

To conclude his remarks, Reiter encouraged participants to sign a union membership card, which he described as “the basis of participation if you really want a strong, robust, fighting union.”

Nowhere during his presentation did Reiter explain that joining the union was optional, that employees have a constitutional right to decline membership and dues payment¹, or that their ability to cancel dues deductions—once authorized—is limited.

Reiter’s comments were accompanied by a PowerPoint presentation which included a slide specifically attacking the Freedom Foundation, indicating anti-Freedom Foundation rhetoric is a standard feature of WFSE’s captive audience sessions with newly-hired L&I employees.²

These developments are disturbing and disappointing. L&I employees deserve access to information and alternative perspectives that they simply will not receive from WFSE organizers.

¹ *Janus v. AFSCME*, 138 S. Ct. 2448 (2018).

² Maxford Nelsen. “Union reps caught on tape trashing Freedom Foundation at L&I employee orientation.” Freedom Foundation. August 10, 2021. <https://www.freedomfoundation.com/labor/union-reps-caught-on-tape-trashing-freedom-foundation-at-li-employee-orientation/>

We are aware that RCW 41.80.083, RCW 41.56.037, and Article 39.11 of the general government collective bargaining agreement between WFSE and the State of Washington obligate L&I to provide WFSE with “reasonable access to new employees” for at least 30 minutes within 90 days of their hire.

Consequently, rather than asking L&I to terminate the union’s access to new employee orientations, the Freedom Foundation respectfully requests to provided with access to new employees at L&I that is comparable to the access presently provided to WFSE, except that we seek only 15 minutes’ access instead of the 30 minutes’ access guaranteed to the union.

The Freedom Foundation intends to use such access for the purpose of providing employees with factual information regarding their First Amendment right to refrain from union membership and dues payment and to address the false claims leveled against it by WFSE organizers.

Please be aware that your Department’s refusal to provide the Freedom Foundation with the requested access could leave L&I open to charges of unconstitutional viewpoint discrimination.

I look forward to receiving your reply to our request within 30 calender days.

Respectfully,

A handwritten signature in black ink, appearing to read "Maxford Nelsen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Maxford Nelsen
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