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Testimony of Jim Staus, Former University of Pittsburgh Medical Center Employee, House Education and Labor Committee, Health, Employment, Labor and Pensions Subcommittee “The Protecting the Right to Organize Act: Deterring Unfair Labor Practices”

Madame Chair Wilson, Ranking Member Walberg and Members of the Committee, thank you for the opportunity to testify today. My name is Jim Staus. I am 57 years old. I am a part-time day porter and I live in Pittsburgh, Pennsylvania.

I am honored to speak with you about the “Protecting the Right to Organize Act” or the PRO Act.

Seven years ago I started to organize a union at UPMC. I learned firsthand about the trauma workers face when they try to stand up on the job for better wages, safer working conditions and a stronger voice.

When I went to work at the UPMC in 2006, I thought that if I worked for the most powerful and influential employer in my city, I would be able to provide for my family. If you ask people in my area about getting a good job, they say, “try to work at the hospital. They pay well and treat you right.”

However, I quickly learned that things at the hospital were not what I pictured. UPMC is an \$19 billion dollar global health company. It has 87,000 employees. It operates dozens of hospitals across Pennsylvania and overseas. It’s the biggest private sector employer in my state.¹ Still I only made \$9.60 an hour when I started as a supply technician.

I was surprised to learn that I would be making so little at first, but I thought that if I just worked hard at UPMC, I would advance. Things would change. So I went to work at 5 a.m. each day prepared to give my best to UPMC.

Being a supply technician is very hard physical work. I had to carry anywhere from 100 to 300 pounds of supplies per shift. My job should have been performed with a power lifting jack, but we used manual ones after the lift broke. We didn’t have simple safety equipment like back braces either. I’m not a doctor so I can’t prove that working at UPMC without proper safety equipment was harmful to me. I can, however, tell you that I’ve had two knee replacement surgeries.

I can also tell you that I could not make ends meet. I needed government assistance to put food on the table for my family the whole time I worked there. And UPMC kept charging me and my co-workers more and more for our health insurance and our co-pays. During my time at UPMC, I paid about \$300 a month for my family’s health insurance.

¹ <https://www.upmc.com/about/facts>

One particularly rough winter, I couldn't afford to pay the water bill. Our water was shut off, so my wife and I had to melt snow to be able to flush our toilets.

Still I continued to give UPMC my best. I liked my job and I enjoyed the friendships I had with my coworkers. I knew I was helping people as they recovered from illnesses and injuries.

In 2012, I saw an opportunity to improve the job I loved. UPMC workers began to meet to talk about forming their union. I wanted in. In Pittsburgh, everyone knows that the way dangerous, low-paying steel jobs became middle class jobs was through the union. If workers came together, I knew that things could get better at the hospital too. I also knew being a part of a union could make a better future for my wife Cindy and my daughter Hannah and my coworkers too.

But instead of respecting our right to organize and make our hospital better, UPMC launched a fierce anti-union campaign with the assistance of a national union-busting law firm. The same employees who helped the hospital to heal patients and be profitable were now treated as the enemy.

As employees fighting for a union, we faced threats and intimidation. One of the first scare tactics that management used as we started organizing was holding a mandatory captive audience meeting to attack the union. This is when your boss takes you off your job to have a chat to make sure you know just how much it matters to them that you don't form the union. When the person who signs your paycheck makes this a mandatory conversation, it almost doesn't matter what actually comes out of their mouths. The meeting is the message.

Management's harassment of me intensified when I wore a sticker asking "Where's Ron?" to support one of my colleagues Ron Oakes who was the first worker illegally fired by UPMC for union organizing.

After that, I became the prime target for management's anti-union campaign. Management would follow me around the hospital and throw out pro-union literature that I shared with my coworkers. I was often a scapegoat and ostracized to the point where many coworkers were too scared to talk about the union with me.

And then things came to a head. After years of having only positive work evaluations, I was placed on a performance improvement plan. People I worked with were surprised to find out that I was on one of these plans but they knew it was because of my union activity.

Management's bullying continued until I was illegally fired in 2013. Other UPMC workers who wanted the union were also illegally fired. We fought our terminations and our cases were combined. In 2014, a judge from the National Labor Relations Board agreed that UPMC had violated our rights and ordered them to put us back to work. UPMC appealed, and in 2018 the NLRB again told UPMC that my firing was illegal and to put me back to work with backpay.

UPMC refused to comply with the NLRB's 2018 order and appealed to federal appeals court, where the case is currently pending.

My fight for a better life as part of a union has cost my family and me dearly. When the largest employer in the city fires you, even if they've fired you illegally, it's not easy to find work.

Sadly, my story isn't unique. Working people like me at UPMC and around the country are supposed to have union rights, but we have to risk everything to exercise them. And even when our employers violate our rights and are found guilty, they just appeal and delay.

The system is stacked against us.

Working people need new laws like the PRO Act to hold companies accountable and make it easier for people to join unions.

We need to stop companies from using scare tactics like ordering captive audience meetings to attack the union and people who support the union. If the PRO Act became law it would prohibit employers from forcing staff to attend these hostile meetings.

We also need real penalties so profitable companies will think twice about wrongfully firing people like Ron Oakes and me just for talking to our co-workers about having a voice on the job. Under current law there's no real incentive for employers not to willfully violate workers' rights. If the PRO Act were law, when a corporate giant like UPMC breaks the law, like they did when they fired me and my co-workers, they would be held accountable. They wouldn't feel comfortable to do it again to others because it would hurt their pockets.

And we need to force companies to make things right quickly when they break the law. Although the federal government twice found that UPMC wrongfully fired me, six years later I still haven't returned to work at UPMC and I still haven't seen a penny of back-pay. In fact, under current law, everything I earn since I was fired is deducted from what UPMC owes me. By trying to provide for my family at another job, I am working off UPMC's debt.

That's not right.

If the PRO Act were law, this wouldn't have happened. The NLRB's orders would be self-enforcing and UPMC could be required to reinstate me and others they illegally fired while our cases are pending. I would have immediately gotten back to work and received my full back pay, and would not be penalized for my earnings at other jobs while I was unlawfully fired.

I urge the members of this Committee to support the PRO Act and to pass this bill.

Thank you and I look forward to your questions.