

The Fairness Center

Contact: Conner Drigotas, 844-293-1001, conner@fairnesscenter.org

Erie City Workers Sue Union Over Deceptive Contract Negotiations

Union Officials Concealed Options, Negotiated in Bad Faith at Members' Expense

December 5, 2018, Erie, Pa.—Betrayed. That's how a group of eight Erie Water Works employees felt after learning their union lied to them and concealed retirement options during contract negotiations. Now, with the help of the Fairness Center, they are suing their union, AFSCME Local 2206, to recover monetary damages and ensure union officials have workers' best interests in mind—not the union's.

“We thought AFSCME was working for us,” commented Mark Kiddo, a 16-year veteran Erie Water Works employee and union member. “But it turns out our union leaders are willing to knowingly conceal information from us if it suits their purpose. We deserve fair and honest representation.”

As part of contract negotiations, Erie Water Works offered employees a contract with two distinct options hinging on retirement plan changes:

- **Option 1** included *higher* salary increases and *additional* benefits for all workers while transitioning new workers to a defined-contribution retirement plan (a 401(k)-style plan in which management would match contributions).
- **Option 2** included *lower* salary increases to current workers and *no* new benefits and limited new workers to the existing defined-benefit retirement plan (like a traditional pension).

Mr. Kiddo and his coworkers trusted that the contract offer presented at the ratification vote by AFSCME negotiators would reflect the offer made by Erie Water Works management, which included both options. But when AFSCME presented the contract offer to union membership, only Option 2 was presented for their approval. Several days later, Mark and his coworkers learned that an “Option 1” had been made to negotiators, and they started to question the validity of the AFSCME proceedings. Their questions fell on deaf ears.

Union officials' deception violates the duty of fair representation—and violates AFSCME's own “[Bill of Rights for Union Members](#),” which guarantees all members “the right to full participation, through discussion and vote, in the decision making processes of the union, and to pertinent information needed for the exercise of this right.”

The Bill of Rights goes on to state that the right to full participation “shall specifically include decisions concerning the acceptance or rejection of collective bargaining contracts” and any other agreements affecting “wages, hours, or other terms and conditions of employment.”

“The union is breaking its own rules,” commented Kiddo. “It's unacceptable.”

Documents:

- [Case Backgrounder](#)
- [Case Homepage](#)

Plaintiff Mark Kiddo and Attorney David Osborne are available for comment. Contact Conner Drigotas at 844-293-1001 or conner@fairnesscenter.org to schedule an interview.

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The Fairness Center is a nonprofit, public interest law firm offering free legal services to those hurt by public-sector union officials. For more information visit www.FairnessCenter.org.