



**Metropolitan Washington Council
AFL-CIO**

**2018 District of Columbia
Committee on Political Education
PRIMARY ELECTIONS**

CANDIDATE QUESTIONNAIRE

Metropolitan Washington Council AFL-CIO

2018 CANDIDATE'S QUESTIONNAIRE

GENERAL INFORMATION:

Name Phil Mendelson

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Candidate for: Chairman of the Council of The District of Columbia

Campaign Committee Name and Address: Mendelson For Chairman 2018

Campaign Committee Phone: 202 531-1675 Email / Web m.eric.rogers@gmail.com

Campaign Manager: Eric Rogers

Campaign Treasurer: Daniel Wedderburn

Does your campaign accept PAC contributions? yes

Previously elected / appointed office:

Office Council At-Large Term 1999-2012 Office Council Chair Term 2012-present

Have you ever received labor's endorsement? Yes When? 1998, 2002, 2006, 2010, 2012, 2014

PLEASE EXPLAIN WHY YOU SEEK LABOR'S ENDORSEMENT:

Friend of labor, friend of working men and women

SIGNATURE:



DATE: May 8, 2018

Please return your signed questionnaire by Wednesday, May 9, 2018 to the below address:

Metropolitan Washington Council, AFL-CIO

Attn.: David Dzidzienyo

815 16th St NW, Washington, DC, 20006

Submissions can also be e-mail to ddzidzienyo@dclabor.org

2018 Candidate Questionnaire

A. Workplace Rights: (Please answer by checking the box)

There are certain basic workplace rights that the unions and members of the Maryland State and District of Columbia AFL-CIO believe are fundamental and absolutely essential. Collective bargaining elections and representation are permitted for private sector employees, whereas for public sector employees in Maryland, legislation is required in order to have those same rights. Over the past decade, these rights have been given to many states, higher education and K-12 public school education employees and some county employees. However, thousands of public sector employees are still denied these rights.

1. Would you support comprehensive collective bargaining legislation that would provide collective bargaining rights (including exclusivity, binding arbitration and an independent labor board) for all public employees-local, county, school boards and state?

Support **Oppose** **Not sure**

What is your position on each of these fundamental rights?

2. The right of workers to organize and have union representation

Support *Totally* **Oppose** **Not sure**

3. The right to freely exercise workplace rights free from harassment, intimidation and/or delays

Support **Oppose** **Not sure**

4. The right to bargain collectively with a legal obligation on both sides to negotiate in good faith

Support **Oppose** **Not sure**

5. The right to resolve differences in a fair, impartial and timely manner, including binding arbitration

Support **Oppose** **Not sure**

The National Labor Relations Act grants private sector workers the right to organize themselves and be represented by a union in collective bargaining negotiations. From time to time, opponents of collective bargaining propose legislation to curtail workers' bargaining strength and effectiveness. Under the innocuous sounding name of "Right-to-Work," this legislation purports to protect the rights of workers and improve the state's economic development climate. But the net result in Right-to Work states is that workers earn less, have fewer health care benefits and have higher job fatality rates. Right to Work laws prohibit workers from negotiating a "union shop" or "union security" clause in their contracts. Such a clause obligates those in the bargaining unit to pay their fair share of the collective bargaining representation costs. By wiping out that protection, Right to Work actually weakens the rights of working people.

6. Would you support Right to Work in DC?

Yes

No

Not sure

Opponents of the labor movement have tried in recent years to stifle labor's political and legislative voice through a friendly sounding proposal called "paycheck protection." It proposes to give rank and file members more control over how their dues money is spent. It does so by requiring unions to spend an incalculable amount of time and money jumping through bureaucratic hoops. The net effect is that it would make it virtually impossible for unions to represent their members in the political and legislative arenas.

7. What is your position on the so-called paycheck protection idea?

Support

Oppose

Not sure

When workers choose an exclusive collective bargaining representative, that union is legally obligated to represent every worker in the unit. Even when some people choose to be non-members, the union must represent them fully and fairly. In other words, those who pay dues are obligated to subsidize those who don't.

8. In your opinion, should a union be permitted to collect a service fee from non-members for the cost of union representation as long as there are protections for those who object on religious grounds?

Yes

No

not sure

9. Please provide us with at least two examples of what you have done legislatively to support workers' rights?

*Displaced Workers Act
Presumptive Disability Act
Hotel card check requirement for government-supported projects
PLA requirement in procurement law*

B: Workforce Violence:

1. What is your position on work place violence in the Hospital and Health care facilities?

I will support legislation proposing uniform workforce violence prevention standards for healthcare workers. I have heard many stories from nurses over the years about how they were injured due to an act of workplace violence, and we need to be sure our nurses are kept safe. Recently we heard testimony at the Council from nurses at UMC and St. Elizabeths who were victims of workplace violence.

2. How do you see yourself as an elected leader championing this issue for workers?

I will work with Councilmember Vince Gray, Chair of the Health Committee to introduce this legislation.

C: Health Care: (Please answer by checking the box)

1. Nurses and other health care workers are often required to perform manual lifting of patients, without support offered by additional personnel, equipment, or training. As a result, registered nurses experience high rates of musculoskeletal disorders and injuries from lifting patients. Such injuries can have long-term detrimental effects on workers' ability to perform daily tasks, leaving them with chronic debilitating pain and often forcing them to leave the workforce. Indeed, about 12 percent of the nursing workforce leaves the bedside each year due to back injuries.

Do you support legislation that would require every healthcare employer to implement a comprehensive, evidence-based safe patient handling program that includes the use of lift teams, patient handling equipment, and proper training for healthcare workers?

Here, too, I will work with Councilmember Gray to introduce legislation that requires healthcare employers to implement evidence-based safe patient handling techniques. Nurses, and health care workers in general, need to have proper training and a safe environment, so they can stay healthy to care for District patients.

2. Health disparities, including those resulting in deaths, in the District of Columbia between black and white residents and between those in different wards are severe. Do you believe these disparities are a serious problem?

Yes No other (explain below)

If so, what policies are you proposing to eliminate these disparities?

There are a wide array of policies, including:

- ° Improved public education about health (e.g., need for proactive exams, primary care);
- ° Better access to fresh food and produce; eliminate food deserts;
- ° Promote physical education in the schools

Will you highlight these problems in your election campaign?

Yes No other (explain below)

3. Currently 28 million Americans, including at least 26,000 people in the District of Columbia, have no health insurance. Although the District government moved to expand Medicaid to cover an additional 35,000 people and has created an insurance exchange pursuant to the federal Affordable Care Act, it is the case now and will continue to be true that many people with health insurance cannot afford to use it due to high premiums, high deductibles and high co-pays. Nurses are concerned about the impact on access to health services resulting from limited networks of providers, and high out-of-pocket costs. Health insurance companies have reported record stock price increases, and hospitals anticipate increased revenues as well.

Furthermore, the subsidies promised under the Affordable Care Act may not be available because of federal budget constraints, and in any case will be insufficient for many Americans with low and moderate incomes. And the DC government contracts with private insurance companies to administer the District's Medicaid program, while some states administer their Medicaid insurance program in-house at approximately half the cost.

4. Will you support a "patient bill of rights" to ensure health care access and limit out-of-pocket costs for receiving care outside of insurance company-established networks?

Yes No Other (explain below)

5. Do you support prohibiting "balance billing" of patients by healthcare providers who seek reimbursement beyond what insurers pay?

- Yes No Other (explain below)

6. Do you support "in-sourcing" DC's Medicaid program so that private insurance corporations aren't allowed to profit off this vital public program?

- Yes No Other (explain below)

7. Are you in favor of a publicly administered, state-based, single-payer universal health care system and, if so, what steps are you prepared to take to make it a reality in the District of Columbia?

- Yes No Other (explain below)

Yes, but I do not believe the District of Columbia government can create and administer such a program at this time. I would be interested in examining the pros and cons such a system would have for District residents, especially if this issue was pursued at the federal level.

D: Education:

1. What steps will you take to promote public unionism in DC if, as is expected, the Supreme Court will rule against unions in *Janus vs. AFSCME*?

I will work with labor leaders to pursue whatever changes in District law are possible to ensure that dues can still be collected from all workers in, and benefitting from, a collective bargaining unit. I cannot specify specific steps without knowing the limits set forth by the Court and without consulting labor leaders.

2. Do you believe that the students of Washington, DC would be better served if the District ended Mayoral control of schools and educational policies were once again the purview of an elected School Board?

- Yes No other (explain below)

For the same reasons I set forth in my answers to WTU's questionnaire

3. Do you believe the Washington Teachers' Union and DCPS should have the right to collectively bargain on teacher evaluation standards and procedures? If so, what steps will you take to achieve this goal?

Yes

No

Other (explain below)

I have not been supportive of reopening this issue, but I am willing to sit down with WTU to discuss this. I do think that in the context of Labor-Management Partnership, WTU should be able to discuss this with management.

4. DCPS has one of the highest teacher turn-over rates in the nation. What would you do to address this problem?

The Council must conduct oversight hearings on this issue. I believe the time our teachers are required to spend outside of teaching takes away from their time to plan, teach, and grade. Teachers are burnt out and the government needs to look at and remove the excess requirements.

5. How are you going to help guarantee transparency in the DCPS budgeting process to make sure that funds earmarked for Title I programs and at-risk programs are used as intended?

We have to be able to follow the dollars in order to ensure that they are being spent correctly. Currently, transparency is a large problem. As chairman, I have required more information transmitted in the budget, and the Education Committee must conduct more rigorous oversight.

6. The achievement gap in DC between low income students and their more affluent peers is 38 times the national average.

see attachment

- What do you believe are the causes of the achievement gap?
- What will you do to address this problem?

7. The DCMR Title 5 states that principals and assistant principals serve one year without tenure in the position. Retention and reappointment shall be at the discretion of the Chancellor. Principals and Assistant Principals have no due process rights resulting in a high turnover of school administrators. How would you propose building continuity of leadership in the face of this situation?

I believe this provision in the DCMR needs to be reevaluated and probably rewritten. One-year contracts is antithetical to continuity. Evaluations can be undertaken without making personnel feel their jobs are at risk. Further, these personnel should have the opportunity to appeal/be heard.

E: Accountability/Economic Development: (Please answer by checking the box)

Short-term rental companies like, Airbnb, have grown exponentially in the last few years. In order to protect our neighborhoods and communities from commercial operators who convert valuable housing into de facto hotels, Councilmember Kenyan McDuffie introduced the *Short-term Rental Regulation and Affordable Housing Protection Act of 2017*. This bill will 1) limit short-term rentals to primary residences, 2) remove the incentive to operate commercially by putting a cap on the amount of days a host can rent their home while not present, and 3) hold hosting platforms accountable.

1. Will you vote in support of this bill?

Yes No

I am working with HERE on this bill.

2. Late last year, a Council committee held a hearing on noise complaints. It was evident from this hearing that the vast majority of the complaints should be addressed through better enforcement of the existing Noise Control Act. Unfortunately, some have proposed solving their noise concerns with draconian legislation that would limit the exercise of free speech in the District. Do you promise to defend the Noise Control Act, which provides critical protections for residents and visitors seeking to exercise their free speech rights in the District of Columbia?

Yes No

The existing law is not enforceable. I promise to ensure free speech rights.

3. Would you be willing to support DC legislation that would require any and all presenters, promoters, vendors, "Events DC", et al doing any form of for-profit theatrical presentation, show or concert on City property or on property controlled by the City to pay all of their employees an area-standard wage, provide health care coverage and access to job training in the Technical Entertainment Industry?

Yes No

4. Congress extended the Abolishment Act (D.C. Code §§ 1-624.08 et seq.), effectively allowing the DC government to define the procedures governing any RIF initiated by an agency head, by limiting the procedures to which an aggrieved employee is entitled, and rendering those procedures nonnegotiable. Although this was a misguided effort to help DC government reduce costs, agency heads exploited this Act, often using it as a means to rid their agencies of unpopular employees.

5. The use of such improperly targeted RIF's is an abuse of authority and does not serve the interests of the District. DC workers covered by a collective bargaining agreement have been unfairly deprived of any meaningful opportunity to assert the rights that they were intended to have under the District of Columbia Comprehensive Merit Personnel Act.

Will you support legislation to repeal provisions of the Abolishment Act that override collective bargaining agreements?

Yes No

6. Should DC government be able to override collective bargaining agreement provisions regarding RIFs?

DM Yes No

The Comprehensive Merit Personnel Act of 1974 (CMPA) establishes the right of DC government employees to form unions if they so desire, and sets out how representation elections will be held, how collective bargaining will be conducted, and how disputes will be resolved.

7. Some ES employees (paraprofessionals) work only 10 months out of 12. Would you support legislation to allow these workers to receive unemployment services during the summer months when they are deemed as officially being laid off employees?

Yes

No

8. Will you vote to uphold the provisions of the CMPA if they are challenged in any way which reduces workers' rights?

Yes

No

Noncompliance with wage and worker protection laws persists at a high level around the country. A 2008 survey found that 68% of people working low-wage jobs in large cities experience wage theft every week, losing about 15% of their earnings. When our laws regarding the minimum wage, overtime, wage theft, and paid sick leave are violated, workers and their families face real and dire consequences. They suffer increased poverty rates and are more likely to rely on public assistance, straining safety net programs and hindering workers' ability to improve their economic futures. But the harms of wage theft also extend beyond its immediate victims, reducing taxable income and exerting downward pressure on the wages of all workers in affected industries. Law-abiding business owners are also harmed as their competitors unlawfully trim labor costs*.

9. What steps will you take toward eliminating all forms of wage theft and fostering an environment of worker protections throughout the District of Columbia?

I have supported or authored legislation tackling wage theft, paid sick leave, family leave, etc. I established a separate labor committee to focus on the shortcomings of DOES which oversees enforcement of these laws. DOES should be taking greater, proactive measures to ensure compliance. I am open to looking at other ways we can address non-compliance.

While wage theft is pervasive and highly damaging, there is some good news: the problem is not unassailable. To be most effective, anti-wage theft laws must be meaningfully and effectively enforced, and must be accompanied by other legal provisions that empower victims to speak up against their abuse, such as strong anti-retaliation laws.

10. Will you work with community groups, city administration and others to support proven programs that combat wage theft: Community engagement in language access programs; Public Education Partnerships; the Development of Community Allies to assist with third party enforcement?

Yes No

11. Will you increase funding in the departments and programs that have proven to ensure that workers are paid correctly and made aware of their rights under the law, such as: increased funding in DOES for investigators, funding for community members who are third party enforcers; increased penalties for employers who violate the laws and; funding for a robust Public Awareness and Accountability Program?

Yes No

12. Will you provide the funding to implement the Procurement Integrity, Transparency, and Accountability Amendment Act of 2016, which requires that city contracts above \$75 million have a Project-Labor Agreement?

Yes No other (explain below)

I'm trying to get this funded in the pending budget.

13. Income and racial inequality are growing in DC. What would you do to address that?
This requires a very long answer, which really doesn't answer, because this is a national problem exacerbated by federal policies that are widening the gap and not reducing poverty. Public education is a key long-term strategy. The Council, under my leadership, has made substantial investments in expanding health access, funding public education, doubling funding for affordable housing (HPTF, etc.), increasing the minimum wage and establishing a living wage, etc.

F: Transportation: (Please provide your response on a separate sheet).

1. Do you believe that any privatization of public transit is acceptable for the improvement of service at WMATA, DC Streetcar or DC Circulator? If so, please explain.

Yes No other (explain below)

2. In the 2018 legislative session in Maryland, ATU Local 689 aggressively pursued legislation to see assaults on transit workers charged as an automatic felony. Will you work to make sure D.C. joins Maryland in raising the penalty of assaults on transit employees?

Yes No Other
We revisited this law a few years ago when I chaired Judiciary and I believe we made the penalty the same as assault on a police officer. The problem is unwillingness of U.S. Attorney to prosecute. All felonies are USAO cases.

1. CLASS I / Freight & Passenger Railroad – Safety & Security

Union Station is the second busiest station in the national Amtrak network with five million annual passengers. MARC, and Virginia Railroad Express (VRE) transport daily 50,000 commuters and visitors to the District of Columbia. The combined ridership for Amtrak, MARC, and VRE is expected to increase from 14 million – 34 million by 2040.

Freight railroad traffic through the District of Columbia is projected to increase by 57% to 48 daily double-stacked freight trains from the Ports of Norfolk, Charleston, Jacksonville, and Miami.

Wards 4,5,6,7 host the railroad corridors with a combined population of 297,747 residents equaling forty-four (44%) percent of the total population. Our 700,000 population is projected to increase by 30% by 2040. Many of these new residents will live and work in the old and new communities adjacent to railroad corridors.

The past two years the District of Columbia has experienced major railroad incidents:

- May 2016 - 170 car CSX train freight train derailed in Ward 5 traveling through the District of Columbia on the CSX Capital Sub-Division from Cumberland, Maryland to Hamlet, North Carolina. Fourteen cars derailed with seven tanker cars containing sodium hydroxide, ethanol, and calcium chloride leaking its contents.
- June 2017 – Two CSX Transportation employees were struck and killed by a southbound Amtrak Train No. 175 north of Union Station in the Ivy City.

In 2017, the Council approved the Rail Safety and Security Amendment Act (D.C. Law 21-254) authorizing the creation of an Emergency Response and Rail Safety Division within the Department of Energy and the Environment (DOEE). It also would establish of a Railroad Advisory Board.

2. In FY 2018 budget, the Council did not appropriate any funding to establish the State Rail Safety Office. Would you support full funding to establish the Rail Safety Office in the FY 2019 budget?

Yes

No

other (explain below)

3. Would you support an amendment to D.C. Law 21-254 "Rail Safety and Security Amendment Act" authorizing the DOEE to assess penalties and fines for safety or security violations on the railroads operating in the District of Columbia?

Yes

No

other (explain below)

G. Utility Issues: (Please provide your response on a separate sheet)

I. DC Water – Clean River Impervious Area Charge (CRIAC) Fee

Over past 30 years, the Metropolitan Washington Council / AFL-CIO has opposed policies that denied reasonable, fair, and equitable utility rates to District of Columbia residents.

It is our view the (Clean Rivers Impervious Area Charge) CRIAC being imposed on ratepayers by DC Water is of these policies. The CRIAC is onerous and undermines public support for Clean River Projects to improve storm water management and the Anacostia River.

More importantly, the CRIAC fee disproportionately affects senior citizens, working families, and long-term homeowners. It is also contributing to accelerated gentrification and the de-stabilization of many legacy neighborhoods and communities.

The CRIAC fee is making the District of Columbia unaffordable for its many public servants and residents. DC Water must develop a plan to broaden its rate base, to include assessments on the District of Columbia and Federal Governments.

The Metropolitan Washington Council Labor Council is committed to reducing the financial burden of the CRIAC charges and a more equitable formula to fund restoration and preservation of the Anacostia River.

If elected to the Council of the District of Columbia, will you commit to:

14. Do you support efforts to reduce and expand the distribution of CRIAC charges across rate groups?

Yes

No

other (explain below)

I am also looking at other strategies for rate relief.

15. Do you support greater oversight of DC Water operations and ratemaking? Including requiring Council approvals for all new fees, charges and rate hikes imposed on District of Columbia ratepayers.

Yes

~~No~~
 No

other (explain below)

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Other: Yes, I support greater oversight, and have introduced a bill to give the Peoples' Counsel a role in D.C. Water rate cases. No, the Council should not approve fees and rate hikes; that will once again politicize the process.

H. Retail/Budget

1. Do you support Fair Scheduling legislation to require employers to give retail and restaurant workers their weekly work schedules at least two weeks in advance, and requires employers to offer part-time workers more hours when a fellow employee leaves, rather than hiring additional employees?

Yes

No

other (explain below)

2. What are your top three priorities for the DC budget?

Affordable housing, and related programs (e.g., homelessness)
Ensuring that public education dollars get to the classroom and
at-risk children
Funding WMATA

Candidate (Please Print Legibly): Phil Mendelson

Signature: 

Date: May 10, 2018

Thank you.

Phil Mendelson

Attachment

The achievement gap exists in part because we are not successfully educating our students and, in part, because federal policies perpetuate poverty.

While we continue to provide funds to improve education, we still need to make a stronger effort to ensure that the funds allocated for at-risk students actually gets to the classroom. Too many of the funds that the Council has placed in the budget for at-risk students are not being used to support these students. I have worked to put additional dollars into education and am also committed to the proper oversight needed to understand how dollars are being spent not just at the LEA level but also at the school level.

School equity also continues to be an issue. Our schools are not equal, and this is highly problematic. It should not matter where our students live or go to school. Across the board we need equity among our schools.