

# United Mine Workers of America

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October 1, 2019

Yá'át'ééh Brothers and Sisters,

As your fellow Brother, and International Representative for the United Mine Workers of America (UMWA) here on Navajo Land, I am writing to update you regarding recent events on the Navajo Nation (Nation) that will negatively impact us, our family and relatives. My hope is that this letter will inform you about the struggles we face together, warn you about upcoming challenges, and call you to action to protect all of our rights.

For many years the UMWA, under the leadership of our International President Cecil E. Roberts, has proudly represented workers/members of Local Union 2005 at the Navajo Nation Executive Branch, Division of Public Safety and Navajo Head Start. Prior to the expiration of the Executive Branch's Collective Bargaining Agreement (CBA – Union contract) covering Executive Branch employees President Roberts assigned me to oversee our efforts on the Nation. In August of 2018, we, the UMWA initiated bargaining for a new CBA with the Nation. When we were unable to reach an agreement, we asked the Nation to sign contract extensions. At first, the Nation was agreeable to those extensions, but later refused to sign.

After this first refusal under Russell Begaye's Administration, we made other attempts consisting of memos, calls, emails and even visits to the Office of the President and Vice-President to voice your rights to bargain collectively under Navajo Nation law. Thereafter, President Jonathan Nez was elected into Office which brought us new hope because of our good relationship with him and his understanding of Collective Bargaining rights under Navajo Law that he learned when he was an Honorable Council Delegate. I requested to him in writing to meet the day after his Inauguration into the Presidency for the Navajo Nation. On July 8th, a meeting was held with Paulson Chaco, Chief of Staff for President Nez, the Human Resource Director, other UMWA representatives and myself. I asked the Nation to resume bargaining for new Agreements and, in the meantime, to sign contract extensions to cover our membership within the Executive Branch and Public Safety. We were told that our requests would be considered, and we would receive an answer by August 5, 2019. On August 7, we received a letter through email dated July 30, 2019, where President Nez's Chief of Staff Paulson Chaco stated that the Nation refused to sign any contract extensions nor bargain for a new CBA covering the Executive Branch, Division of Public Safety and Navajo Head Start. It should be noted that the CBA for Navajo Head Start's membership does not expire until December 31, 2019.

The July 30, 2019 letter seeks to unilaterally decertify the UMWA in violation of Title 15 Chapter 7 of the Navajo Nation Code; the Navajo Preference in Employment Act (NPEA) Section 606(A). That means that under Navajo law, President Nez is not empowered to unilaterally strip us of our UMWA membership or to deny us our right to work under a collective bargaining agreement. With all due respect to President Nez, he does not have the authority to deny us these rights.

President Roberts asked that I pass on to you that, we, the United Mine Workers of America will not walk away from this fight. The UMWA takes its responsibility as your certified bargaining agent very seriously and remains committed to you and your family. And that commitment means making sure that you continue to

enjoy the benefits of UMWA membership into the future. Those benefits include: working under a CBA; enjoying job protections and security; having access to a grievance procedure; maintaining a seniority system; receiving fair wages and benefits; and most importantly having rights, dignity, and respect on the job.

Protecting these rights for the employees within the Executive Branch, Division of Public Safety and Navajo Head Start is more important now than ever before. As you may know, the Navajo Generating Station (NGS) will be closing very soon. The Kayenta Mine which supplied coal to NGS has already closed. These closings have and will continue to result in hundreds of our Navajo (and UMWA) Brothers and Sisters losing their high paying jobs, and also resulting in a tremendous loss of revenue they received from coal royalties. It also kept Navajo families together here on Navajo land. With that blow to the community still being felt, it is essential that our Navajo Tribal employees continue to enjoy safe, secure, and fairly compensated work.

I believe that the powers that be on the Nation failed to do everything in their power to protect the jobs at Kayenta Mine and at NGS. With those facilities facing closure, the Nation decided to purchase three coal mines in Wyoming for \$75.7 million dollars, instead of investing that money in our future here at home. Again, with all due respect to President Nez, his decision to wrongfully decertify the UMWA as our representative and not to bargain collectively is in my opinion turning his back on our people.

I can assure you Brothers and Sisters, that given the history of the UMWA, President Nez's bad decision is just the beginning, not the end, of this fight. Together, working in solidarity, in unity and harmony, we can stop this injustice. I need you, your family, your relatives and friends to please do the following:

- Contact your respective Council Delegate and tell them that you want the Nation to resume bargaining with your Union, the UMWA, and want to work under a CBA.
- Contact President Nez telling him that he does not have the right to deny you these rights.
- Get involved, become a UMWA activist – Log on to the UMWA's web site at [www.umwa.org/about](http://www.umwa.org/about) for updates.
- Attend your regularly scheduled Local Union Meetings.
- Attend rallies showing your support.

Stand in Solidarity with me and all fellow Brothers and Sisters and "We Shall Overcome." If you would like to discuss this matter, please contact me at (928) 255-7644.

In Solidarity



Justin Tsosie  
International Representative

cc: Cecil E. Roberts, International President  
Levi Allen, International Secretary-Treasurer  
Mike Dalpiaz, International District 22 Vice President  
Bob Butero, Region IV Director  
UMWA International Executive Board  
Navajo Nation Council Members