

Corpus Christi Caller Times

Texas AG files lawsuit against accused employer Man says he was forced to pay dues

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Originally published 12:00 a.m., July 25, 2007

Updated 02:51 a.m., July 25, 2007

<http://www.caller.com/news/2007/jul/25/texas-ag-files-lawsuit-against-accused-employer/>

Texas Attorney General Greg Abbott is suing a security guards' union and the Corpus Christi-based employer of a guard who has accused the union of forcing him to pay dues.

Abbott's office filed a civil lawsuit on Tuesday in Nueces County against the International Union of Security, Police and Fire Professionals of America, Local 727, and Asset Protection and Security Services. The Attorney General's office, which filed a similar lawsuit in El Paso, seeks a permanent injunction that would prohibit the union from collecting dues as a condition of employment.

"It is a violation of the law when it becomes non-voluntary," said Thomas Kelley, a spokesman with the Attorney General's office. "The employee should have the option to join or not join. That's all this is about."

The lawsuits stem from grievances filed by two security guards working in U.S. Immigration and Customs Enforcement detention centers in El Paso and Bayview. A guard at the Port Isabel Service Processing Center in Bayview, 41-year-old Carlos A. Banuelos, is employed by Asset and alleges the union coerced him into paying union dues.

Officials with the union claim they're within their rights because the facilities are federal enclaves with exclusive federal jurisdiction. Banuelos and the Attorney General's office claim otherwise. Scott Mandel, Asset's president, said his attorneys have worked with the Attorney General's office on the wording of the injunction.

Mandel said the union presented papers before their agreement that said the facility was a federal enclave.

"That led us to believe it was one," Mandel said. "If it is, the state has no jurisdiction. If it isn't, then we'll uphold the law. Until the matter is resolved, we're suspending all union dues effective next pay cycle (Aug. 3)."

An administrative law judge for the National Labor Relations Board determined in June that the El Paso facility is not a federal enclave. A hearing on the Banuelos case is scheduled for Oct. 4 in Harlingen.

Kelley said the Attorney General's office waited for a the ruling before taking action to see if documents presented would prove the facility was a federal enclave.

"The state has jurisdiction in both facilities," Kelley said.

Officials with the National Right to Work Foundation, whose lawyers are representing Banuelos at the hearing, requested the Attorney General intervene shortly after filing a grievance with the National Labor Relations Board on behalf of Banuelos.

"The National Right to Work Foundation welcomes the Attorney General to our ongoing battle to prevent the erosion of Texans' right to work," said Stefan Gleason, the foundation's vice president, in a written statement. "No employee should be forced to pay union dues just to get or keep a job."

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