

Power and Respect on the Campaign Trail: Why It's Time for Political Campaigns to Unionize

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Introduction

Political campaigns foster an environment notorious for poor working conditions, long hours, inadequate wages, and little to no job security.¹ Campaigns are also fleeting; they may dissolve at any moment for a variety of reasons.² The temporary, fast-paced nature of campaigns, coupled with traditionally grueling hours and little job security with little to no pay, may seem incompatible with the structured workplace—uniform work rules, grievance processes, standardized wages and benefits—that collective bargaining provides in unionized work settings.³ Even staunch union supporters might question whether campaigns could be as effective for candidates if workers received the types of benefits afforded unionized employees, such as shorter work hours, higher wages, good benefits, and job security.⁴ Yet, as unions garner more support—especially among the younger generation of workers who are taking on increasingly important roles

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1. Emily Wilkins, *Unions Growing Among Democratic Political Campaign Staffers*, BLOOMBERG GOV'T (Aug. 26, 2020, 1:05 PM), <https://about.bgov.com/news/unions-growing-among-democratic-political-campaign-staffers> [<https://perma.cc/ZWSW-58DU>].

2. Saahil Desai, *Why 2020 Campaign Workers Are Suddenly Unionizing*, ATLANTIC (Aug. 24, 2019), <https://www.theatlantic.com/politics/archive/2019/08/2020-campaigns-unionize-sanders-warren-booker-castro/596599> [<https://perma.cc/4SPB-4QCD>].

3. Wilkins, *supra* note 1.

4. *Id.*; see also Alex Seitz-Wald, *Democrats Love Unions. Just Not for Their Own Campaign Workers*, NBC NEWS (Apr. 15, 2018, 6:58 AM), <https://www.nbcnews.com/politics/elections/democrats-love-unions-just-not-their-own-campaign-workers-n864196> [<https://perma.cc/8ZA5-JHY7>].

on political campaigns⁵—and as Democratic candidates strive to gain key endorsements from labor unions, campaign unionizing is quickly emerging as a new trend in progressive politics.⁶

The idea behind unionizing political campaigns is to transform an industry with infamously harsh working conditions to one that guarantees staffers fair wages, health benefits, stable hours, and a safe working environment.⁷ For campaign staffers, this development legitimizes campaign work, provides a living wage and much-needed benefits, and establishes a grievance process to voice concerns about violations of the collective bargaining agreement (CBA), such as unjust discipline. If recent unionization efforts are any indication, there is a growing recognition that campaigns can be successful without sacrificing those basic workplace rights.

Given the history of campaign working environments, it is only natural that campaign workers would want the benefits that unionization can bring. However, the logistics of political campaigns—such as their short length, unpredictable end dates, and limited and unpredictable budgets—complicate the often-time-consuming and contentious unionization process. Despite those obstacles, campaigns are unionizing. The successful organizing drive by employees of the Bernie Sanders 2020 presidential campaign, and the bargaining and ratification of a CBA (Sanders CBA),⁸ for example, demonstrated that political campaign staff can not only successfully organize, but that it can be done at even the highest levels of political campaigns. The lessons learned from the successful unionization of the Sanders campaign, and other successful campaign organizing efforts, evidence that unionizing

5. Sadie Bograd, “Campaign Managers in State and Local Races Are Often Recent College Graduates,” *TEEN VOGUE* (Oct. 28, 2020), <https://www.teenvogue.com/story/campaign-managers-state-local-elections> [https://perma.cc/B6JA-7QHZ]; Bushra Amiwala, *Engaging Young People in Politics*, PBS (Oct. 14, 2020), <https://www.pbs.org/education/blog/engaging-young-people-in-politics> [https://perma.cc/R6K5-VPRB]; Mitchell Hartman & Richard Cunningham, *Gen Z Is the Most Pro-Union Generation*, *MARKETPLACE* (Jan. 3, 2023), <https://www.marketplace.org/2023/01/03/gen-z-is-the-most-pro-union-generation> [https://perma.cc/5XXV-S4BW].

6. See Lissandra Villa, *These Democratic Candidates Are Unionizing Their Staffs, and It Could Change Campaign Work*, *TIME* (June 5, 2019, 2:56 PM), <https://time.com/5601430/democratic-presidential-candidates-unionizing> [https://perma.cc/UG4X-VW3Q]; see also Megan Brennan, *Approval of Labor Unions at Highest Point Since 1965*, *GALLUP* (Sept. 2, 2021), <https://news.gallup.com/poll/354455/approval-labor-unions-highest-point-1965.aspx> [https://perma.cc/4SEC-GBUW].

7. Wilkins, *supra* note 1; see *Our Mission*, *CAMPAIGN WORKERS GUILD*, <https://campaignworkersguild.org/what-we-do> [https://perma.cc/88X9-D8ZA]; see also *Bernie Sanders Workers Become First Presidential Campaign Staff to Ratify Union Contract*, *UFCW400* (May 8, 2019), <https://www.uncw400.org/2019/05/08/bernie-sanders-workers-become-first-presidential-campaign-staff-to-ratify-union-contract> [https://perma.cc/S3SA-WQY9].

8. *Bernie Sanders Workers Become First Presidential Campaign Staff to Ratify Union Contract*, *supra* note 7; *AGREEMENT BETWEEN UFCW LOCAL 400 AND BERNIE 2020, INC.* (May 2, 2019) [hereinafter *BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT*] (on file with authors).

future political campaign employees is no longer a fantasy, but something truly attainable.

This article first addresses the brief history of campaign unionizing. Second, it discusses why campaign employees are choosing to unionize now more than ever. Next, it describes the benefits of unionization, such as improving wages and working conditions, “professionalizing” campaign work, and promoting diversity amongst campaign staff. Finally, this article proposes that the Democratic National Committee (DNC) adopt an industry standard CBA and guidelines that future campaigns can look to as a model to guide future organizing and collective bargaining efforts. By referencing the already successful Sanders CBA, the DNC model would allow future campaigns that are willing to voluntarily recognize their staffs’ unions to bypass logistical issues that commonly arise when contemplating unionization, particularly the need to race against the clock to bargain and ratify a CBA.

I. A Brief History of Campaign Unionizing

Efforts to organize political campaign staffs are a recent phenomenon. The earliest successful example occurred in 2018 with the help of the newly formed Campaign Workers Guild (CWG).⁹ CWG was founded by former campaign workers who felt like their employers did not sufficiently address their workplace concerns. As we have observed recently with employees at Starbucks, Amazon, and other large corporations, these campaign employees formed their own independent union primarily to fight for “fair wages, . . . reasonable hours, and healthy working conditions” for campaign workers.¹⁰ In February 2018, Wisconsin congressional candidate Randy Bryce’s (D-WI) staff became the first political campaign employees to unionize with CWG.¹¹ In April 2018, the campaign staffs of Representatives Deb Haaland (D-NM), who now serves as U.S. Secretary of the Interior, and Max Rose (D-NY) also organized.¹² In June 2018, CWG became the exclusive bargaining representative for employees of the 2018 reelection campaign of Representative

9. Alexia Fernandez Campbell, *Bernie Sanders’s Campaign Staff Just Signed a Historic Union Contract. Here’s What’s in It.*, Vox (May 10, 2019, 10:44 AM), <https://www.vox.com/policy-and-politics/2019/5/9/18538272/bernie-sanders-campaign-staff-union-contract-details> [<https://perma.cc/EY6J-KULP>].

10. *Our Mission*, *supra* note 7.

11. Tom Kertscher, *First-Ever Political Candidate to Unionize? Randy Bryce Says His*, POLITIFACT (Apr. 25, 2018), <https://www.politifact.com/factchecks/2018/apr/25/randy-bryce/campaign-staff-randy-bryce-whos-running-paul-ryans> [<https://perma.cc/5SJR-CAPJ>].

12. *Deb Haaland for Congress Unionizing in NM-1*, RED LAKE NATION NEWS (Apr. 25, 2018), <https://www.redlakenationnews.com/story/2018/04/25/politics/deb-haaland-for-congress-unionizing-in-nm-1/71103.html> [<https://perma.cc/RG4A-FWMH>]; *Campaign Workers Guild*, FACEBOOK (July 9, 2018), <https://www.facebook.com/campaignworkersguild/photos/a.2057580621127924/2161847080701277/?type=3> [<https://perma.cc/G3L6-H5QY>].

Pramila Jayapal (D-WA), the first staff of any sitting member of Congress to unionize.¹³ Cynthia Nixon's (D-NY) New York gubernatorial campaign staff successfully organized with CWG in August 2018.¹⁴

Campaign unionization finally gained significant national attention and momentum when Bernie Sanders became the first presidential candidate to recognize and bargain with his staff's union in May 2019.¹⁵ Although CWG has and continues to organize dozens of campaign unions,¹⁶ Sanders's staffers voted to affiliate with another, more established union, the United Food and Commercial Workers (UFCW) Local 400.¹⁷ Following Sanders's staff's unionization, campaign workers from several other Presidential campaigns followed, including staffers working for Eric Swalwell (D-CA), Julián Castro (D-TX), and Elizabeth Warren (D-MA).¹⁸ Joe Biden's staff also successfully unionized, but not until May 2020, when it was clear that he would be the Democratic nominee for President of the United States.¹⁹ Notably, each of these campaign staffs affiliated with different unions.²⁰ The Sanders campaign was the first presidential campaign to voluntarily recognize the union and successfully ratify a CBA. That contract paved the way for the other campaign staffs to improve pay and working conditions, affording campaign staffers benefits and working conditions unusual in the campaign industry, such as a six-day work week.²¹

These unionization efforts have also spread to Democratic state-coordinated campaigns across the country, including Missouri, North Carolina, Virginia, and Wisconsin.²² Most recently, in January 2022,

13. Campbell, *supra* note 9. Pramila Jayapal (@PramilaJayapal), TWITTER (June 25, 2018, 5:56 PM), https://twitter.com/PramilaJayapal/status/1011367570996224000?s=20&t=troW1U5VHj_GW9_uqz3Tlpa [<https://perma.cc/43P7-5K39>].

14. *Who We've Represented*, CAMPAIGN WORKERS GUILD, <https://campaignworkersguild.org/who-weve-represented> [<https://perma.cc/3EHN-3XG7>].

15. See Campbell, *supra* note 9.

16. These campaigns include Alexandria Ocasio-Cortez for Congress (NY-14) and Mark Kelly for Senate. *Our Contracts*, CAMPAIGN WORKERS GUILD, <https://campaignworkersguild.org/our-contracts> [<https://perma.cc/4WKN-SFTK>].

17. See *Who We've Represented*, *supra* note 14; see *supra* note 7.

18. Tal Axelrod, *Swalwell Says His 2020 Presidential Campaign Is Unionizing*, THE HILL (Apr. 10, 2019, 1:10 PM), <https://thehill.com/homenews/campaign/438247-swalwell-says-his-2020-campaign-is-unionizing> [<https://perma.cc/WV5V-B44F>]; see also Jarrett Renshaw, *Warren Supports Campaigning Staff Decision to Join Union*, REUTERS (June 6, 2019, 12:01 PM), <https://www.reuters.com/article/us-usa-election-warren/warren-supports-campaign-staff-decision-to-join-union-idUSKCN1T72AX> [<https://perma.cc/49K6-66F9>] (also noting that Julián Castro recognized his staff's union).

19. Sean Sullivan, *Biden Staffers Approve Union Contract*, WASH. POST (May 4, 2020, 9:06 PM), https://www.washingtonpost.com/politics/biden-staffers-approve-union-contract/2020/05/04/eb35058e-8e58-11ea-a0bc-4e9ad4866d21_story.html [<https://perma.cc/85TC-9LKC>].

20. Villa, *supra* note 6.

21. *Id.*

22. *Democratic Party of Virginia Staff Announce Successful Unionization Efforts*, VA DEMS (Sept. 14, 2020), <https://vademocrats.org/news/democratic-party-of-virginia-staff-announce-successful-unionization-efforts> [<https://perma.cc/83BG-PMNU>]; Kaitlyn

the staff at the DNC itself voted to unionize, selecting Service Employees International Union Local 500 as their collective bargaining representative.²³ Of the vote, chairperson of the DNC Labor Council Stuart Applebaum stated:

The labor movement and the Democratic Party have long worked together to improve the lives of working Americans, based on shared values. . . . It is therefore significant that the DNC staff itself has now chosen to be unionized, and that the DNC's management has recognized and supported the staff's decision. When unions are strong, working families and our nation are strong.²⁴

So far, only Democratic campaigns have unionized, and some Democrats anticipate that unionizing will eventually become standard practice for the Party's candidates.²⁵ However, the same cannot be said for Republican candidates.²⁶ Union-side labor lawyers and union organizers alike generally agree that, given conservatives' less favorable attitudes towards unions,²⁷ it is unlikely that Republican campaign workers will attempt to unionize any time soon.²⁸ If they did, they would likely face more resistance from Republican candidates who might force elections

Schallhorn, *Missouri Democratic Party Staffers Take Initial Steps Toward Unionizing*, MO. TIMES (Feb. 5, 2020), <https://themissouritimes.com/missouri-democratic-party-staffers-take-initial-steps-toward-unionizing> [<https://perma.cc/4B6W-N86G>]; Jack Kelly, *Democratic Party of Wisconsin Strike Wage Deal*, CAP TIMES (May 16, 2022), https://captimes.com/news/government/democratic-party-of-wisconsin-unionized-staff-strike-wage-deal/article_8b21bc1a-bc2e-570e-a9b9-e78c5326c37b.html [<https://perma.cc/7JDQ-XHQN>]; *NCDP Offers to Begin Negotiations with Field Staff on Union Representation*, NCDP (June 9, 2020), <https://www.ncdp.org/press/ncdp-offers-to-begin-negotiations-with-field-staff-on-union-representation> [<https://perma.cc/b56U-GTGP>].

23. Claire Rafford, *DNC Staff Votes by "Overwhelming Margin" to Unionize*, POLITICO (Jan. 4, 2022, 6:01 PM), <https://www.politico.com/news/2022/01/04/dnc-staff-unionize-overwhelming-margin-526490> [<https://perma.cc/DY3Y-VT4J>].

24. *Id.*

25. Villa, *supra* note 6.

26. Kayla Epstein, *Democratic Political Staffers Are Unionizing, and Could Reshape Campaign Operations in 2022 and Beyond*, BUS. INSIDER (Dec. 22, 2021, 7:19 am), <https://www.businessinsider.com/democratic-political-campaign-staff-unionizing-2022-mid-terms-elections-dnc-2021-12> [<https://perma.cc/W42J-QZ49>].

27. See Oren Cass & Bradford Littlejohn, *Conservatives Should Embrace Labor Unions*, PUB. DISCOURSE (Sept. 26, 2020), <https://www.thepublicdiscourse.com/2020/09/71843> [<https://perma.cc/V57Q-5MK6>].

28. Telephone Interview with John Durkalski, Partner, Buttsavage & Durkalski, P.C. (Spring 2021) (on file with authors); Telephone Interview with Kayla Mock, Union Organizer, UFCW 400 (Spring 2021) (on file with author); see Audrey Conklin, *GOP Lawmakers Introduce National Right to Work Act*, FOX BUS. (Feb. 24, 2019), <https://www.foxbusiness.com/politics/paul-wilson-national-right-to-work-act> [<https://perma.cc/DE4D-RVVH>] (describing how Republicans support right to work laws, which make it more difficult for workers to unionize). *But see* Siobhan Hughes, *Marco Rubio Backs Amazon Workers Union Push, Citing "Culture War Against Working-Class Values,"* WALL ST. J. (Mar. 12, 2021), <https://www.wsj.com/articles/sen-marco-rubio-supports-amazon-workers-push-to-unionize-in-alabama-11615559462> [<https://perma.cc/CA29-LGYP>] (describing Republican Senator Marco Rubio's support Amazon workers' unionization effort in Bessemer, Alabama). However, it is unlikely that this support translates to support for his own staff to unionize. *Id.*

through the National Labor Relations Board (NLRB) rather than voluntarily recognizing a collective bargaining representative. Therefore, Republican campaign workers, who tend to be skeptical of organizing efforts and would face bigger hurdles than their Democratic colleagues, are less likely to attempt to organize. As former Republican National Committee Communications Director Doug Heye stated, “Republicans are looking at what Democrats are doing and scratching their heads.”²⁹ His reasoning: “It seems [that organizing is] not compatible with the realities of political campaigns.”³⁰ However, as this article argues, their Democratic counterparts are proving—one campaign at a time—that campaign unions are indeed compatible with the realities of campaign work.

II. Why Now?

A. Campaigns Now Know That It Is Possible to Overcome Logistical Issues That May Have Hindered Unionization in the Past

Political campaigns differ substantially from most traditional unionized industries, with a key difference being that they are temporary and of uncertain duration.³¹ By their very definition, campaign jobs are fleeting—it is inevitable that a campaign will end after an election or even earlier. While manufacturing workers may organize and ratify a CBA meant to apply for years, or even decades, prior to 2020, the longest presidential campaign in the last decade was only 596 days, or a little over a year and a half.³² As Teal Baker, the deputy chief operating officer on former President Barack Obama’s 2012 reelection campaign, stated, “[T]he 2012 campaign [was] this unicorn, billion-dollar corporation that . . . fail[ed] in eighteen months.”³³

Even if a candidate has a “long” campaign, it is still an undoubtedly short period of time to bargain, write, and ratify a CBA, as these agreements often take months, or even up to a year, to complete.³⁴ Moreover, apart from the CBA itself, short campaigns pose the logistical issue of actually organizing the employees themselves.³⁵ Even if a majority of staffers want to unionize and the campaign recognizes the union, the parties must obtain signatures and work out a voluntary recognition

29. Epstein, *supra* note 26.

30. *Id.*

31. Villa, *supra* note 6.

32. See Dylan Grosz, *As Length of Presidential Campaigns Increases, 2020 Might Follow Suit*, STAN. DAILY (Jan. 22, 2019, 1:45 AM), <https://www.stanforddaily.com/2019/01/22/as-length-of-presidential-campaigns-increases-2020-might-follow-suit> [<https://perma.cc/Q955-Y7AK>].

33. Desai, *supra* note 2.

34. Villa, *supra* note 6; Telephone Interview with John Durkalski, *supra* note 28.

35. Villa, *supra* note 6; Telephone Interview with John Durkalski, *supra* note 28.

agreement. Even before a contract is negotiated, these tasks may take more time than is available on a short campaign.³⁶

However, campaigns have shown that obtaining a voluntary recognition agreement, then bargaining and ratifying a CBA in this short amount of time is possible, especially where candidates do not throw up the obstacles typically employed by less union-friendly employers and where both parties otherwise act reasonably and in good faith. The Sanders campaign, which negotiated and ratified its CBA in only a matter of weeks, is a case in point.³⁷ Before the campaign ratified its CBA in May 2019, there was no model available for unionizing a national campaign so quickly.³⁸ Now, looking to the Sanders CBA as an example, national campaigns know that it is possible to successfully unionize, even in this short amount of time, and have a framework to do so.

B. The Culture of Campaign Work Is Shifting, with More Young People Favoring Unionization

In addition to the ephemeral nature of campaigns, the culture of campaign work is shifting, providing for “a reorientation for the newer generation” in favor of unionizing.³⁹ It is generally accepted that campaign work is grueling and often provides for poor working conditions, unpredictable hours, and no promise of long-term job security.⁴⁰ In the campaign industry, it is presumed that workers are aware of this lifestyle when they are hired, so staffers know what they signed up for. Their assumption may be that they are trading basic workplace rights for the opportunity to help a candidate they admire win and to possibly get a political position or appointment if the campaign is successful.⁴¹

While couch surfing and working long hours used to be worn as a badge of honor for campaign workers, young staffers are shifting their expectations.⁴² Younger campaign workers, who tend to be activists and progressives who know how to mobilize and fight for their rights, are now willing to push back on previously accepted—though not acceptable—campaign conditions to ensure fair working environments for themselves.⁴³

This culture shift is also demonstrated by the CWG itself, the recently formed labor organization that prompted the campaign

36. Villa, *supra* note 6; Telephone Interview with John Durkalski, *supra* note 28.

37. Villa, *supra* note 6; Telephone Interview with John Durkalski, *supra* note 28.

38. See Villa, *supra* note 6; Telephone Interview with John Durkalski, *supra* note 28.

39. Telephone Interview with John Durkalski, *supra* note 28; see Dee-Ann Durbin, *Young Workers Give Unions New Hope*, ABC News (Feb. 13, 2022, 8:00 AM), <https://abc-news.go.com/Business/wireStory/young-workers-give-unions-hope-82863341> [<https://perma.cc/T9UX-ZFN9>].

40. Villa, *supra* note 6.

41. *Id.*

42. Villa, *supra* note 6; Wilkins, *supra* note 1.

43. See Epstein, *supra* note 26.

unionization movement.⁴⁴ CWG was founded by young campaign workers who collectively decided that they—and other campaign workers—deserved better working conditions.⁴⁵ CWG succinctly states in its mission that “[w]e no longer accept . . . low wages and unacceptable hours.”⁴⁶ As young, progressive, former campaign workers, it is reasonable to assume that the views of the individuals who formed CWG are representative of other young campaign workers’ perspectives.

C. Practice What You Preach: Unionization Is Good Public Relations

Although unionizing the Bernie Sanders campaign was primarily worker-driven, it is undeniable that it was also good PR for the Sanders campaign. Before staffers on Democratic campaigns began to unionize, there was “an explicit disconnect between the Democratic platform and how Democratic candidates treat[ed] their workers.”⁴⁷ Campaign staffers would shuttle their candidate to union events, write speeches for their candidate expressing pro-union views, and wear apparel made by union workers (with the union insignia to prove it).⁴⁸ However, the staffers responsible for getting their candidate elected never had the protection or benefits of a union themselves—until now.⁴⁹ Now, Democratic candidates practice what they preach by not only voicing these pro-union views on the campaign trail, but supporting staffers in their own unionization efforts, all while touting the fact that their campaigns are unionized.⁵⁰

Those who support unions overwhelmingly identify as Democrat, and, as of August 2022, seventy-one percent of Americans support labor unions, the highest approval rating since 1965.⁵¹ In the 2020

44. Section 2(5) of the National Labor Relations Act (NLRA) defines a labor organization as “any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.” National Labor Relations Act, 29 U.S.C. § 152(5).

45. *Our Mission*, *supra* note 7.

46. *Id.*

47. Eli Day, *Campaign Workers’ Union Pushes Democrats to Practice What They Preach*, MOTHER JONES (Feb. 16, 2018), [https://perma.cc/KFW3-MENL] (quoting Julia Ackerly, an executive board member of the Campaign Workers Guild).

48. Desai, *supra* note 2.

49. *Id.*

50. *Id.* As stated by Faiz Shakir, campaign manager for the Bernie Sanders campaign, “We are proud of our workers and proud to uphold Bernie’s commitment to collective bargaining rights and a strong labor movement When Bernie Sanders is in the White House, he will make it easier not harder to join a union and we look forward to running a campaign powered by union workers.” Danielle Kurtzleben, *Sanders Campaign, Workers Ratify Union Contract*, NPR (May 8, 2019, 5:43 pm), https://www.npr.org/2019/05/08/721560528/sanders-campaign-workers-ratify-union-contract [https://perma.cc/54TL-YYXT].

51. See Justin McCarthy, *U.S. Approval of Labor Unions at Highest Point Since 1965*, GALLUP (Aug. 30, 2022), https://news.gallup.com/poll/398303/approval-labor-unions-highest-point-1965.aspx [https://perma.cc/A826-YBX6]; see also Brenan, *supra* note 6

election cycle, progressive Democrat Bernie Sanders was considered the most pro-union candidate, but moderate Democrats such as Joe Biden and Pete Buttigieg also had strong union-friendly proposals in their platforms.⁵² As the first presidential campaign *ever* to unionize, this action reflected positively on Bernie Sanders himself—not only did he espouse pro-union views throughout his campaign, but demonstrated his commitment by supporting unionization for his own campaign workers.

Candidates also receive good PR by voluntarily recognizing their staffers' unionization efforts. When workers move to unionize, employers often experience a knee-jerk, anti-union reaction because they see unionization as an added expense (e.g., higher wages) and additional red tape in the workplace (e.g., no ability to fire employees without cause).⁵³ However, all of the Democratic Presidential candidates chose to voluntarily recognize their staffers' unions rather than forcing employees to petition for an election with the NLRB or fight back against traditional employer anti-union tactics.⁵⁴ For example, management on the Bernie Sanders campaign voluntarily recognized its staffers' union with "no hesitation."⁵⁵ This willingness to support unionization efforts once again reinforces the idea that these candidates not only talk the talk when it comes to supporting unions, but walk the walk too.

III. Benefits of Campaign Unions

A. *Unionizing Legitimizes Campaign Work by Bringing About Higher Wages, More Predictable Work Schedules, Severance Pay, and Other Benefits*

Campaign unions are highly successful at helping to legitimize campaign work as a career.⁵⁶ It is not uncommon for campaign workers to be treated as little more than volunteers who are expected to sacrifice their personal lives and living wages for the greater-good of the campaign.⁵⁷

(stating that Democrats' approval of labor unions is ninety percent, while Republican approval is only forty-seven percent). Since public support hit a historic low in 2009, with only forty-eight percent of Americans approving of labor unions, there has been a steady increase in support of labor unions. *Id.*; Lydia Saad, *Labor Unions See Sharp Slide in U.S. Public Support*, GALLUP (Sept. 3, 2009), <https://news.gallup.com/poll/122744/Labor-Unions-Sharp-Slide-Public-Support.aspx> [<https://perma.cc/3Y2H-T468>].

52. Eli Rosenberg, *Election Could Hinge on the Union Vote. But Union Endorsements? It's Complicated*, WASH. POST (Feb. 13, 2020, 5:44 PM), <https://www.washingtonpost.com/business/2020/02/12/union-endorsements-2020> [<https://perma.cc/5VWL-5XRK>]; see also Brent D. Griffiths, *Bernie Sanders' Staffers Unionize in First for Presidential Election*, POLITICO (Mar. 15, 2019, 7:02 PM), <https://www.politico.com/story/2019/03/15/bernie-campaign-2020-staff-union-1223914> [<https://perma.cc/5SSC-SCA5>].

53. Desai, *supra* note 2.

54. *Id.*

55. *Id.*

56. Telephone Interview with Kayla Mock, *supra* note 28.

57. Daniel Ulloa, *Working on a Campaign Is Grueling. A New Union Wants to Make It Better*, TALK POVERTY (Nov. 6, 2018), <https://talkpoverty.org/2018/11/06/working-campaign-union-better> [<https://perma.cc/B9TA-PRTG>].

When calculating salaried pay on an hourly basis, a campaign worker's compensation often falls below the federal minimum wage.⁵⁸ By that measure, even candidates who champion a \$15 national minimum wage typically do not pay their staffers a livable wage.⁵⁹ Therefore, it is not surprising that the vast majority of staffers work on a campaign for less than a year, and only three percent of them choose to pursue campaign work as a profession for over ten years.⁶⁰ Simply put, it is not financially sustainable to make campaign work a career.

Unionized campaigns are expected to pay wages that are not only livable, but also stable, and campaign unions seek to ensure that staffers receive their full pay, even for a period after the campaign dissolves.⁶¹ Campaign CBAs codify fair wages and benefits for workers, ensuring that campaigns allocate appropriate funds from their revenue to pay their staffers.⁶² For example, the Sanders CBA “guaranteed a \$36,000 base salary for field organizers . . . [and] doubled the amount of paid time off, from two to four weeks.”⁶³ By guaranteeing this base wage for field staffers in the CBA, the Sanders campaign had to manage its \$211,206,776 budget to ensure that these staffers were paid at least a \$36,000 base salary.⁶⁴ That said, a campaign CBA guarantees that management cannot thwart staffers from receiving fair wages by claiming that they have no contractual obligation to pay them what they are entitled to.⁶⁵ Obviously, as with any employer, there are financial realities to contend with, but thus far candidates appear to have been able to redistribute their expenditures in order to provide living wages to their employees.⁶⁶

In addition to increasing salaries and providing stable wages, campaign CBAs can provide staffers with a multitude of benefits, including severance pay. Severance pay is offered to workers for a specified amount of time after losing employment, except if terminated for

58. Seitz-Wald, *supra* note 4.

59. Morgan Baskin, *These 2020 Democrats Are Barely Paying Some Workers \$15 an Hour*, VICE (July 25, 2019, 8:01 AM), <https://www.vice.com/en/article/3k33vb/these-2020-democrats-are-barely-paying-some-workers-dollar15-an-hour> [<https://perma.cc/LM9H-MUP8>].

60. *Campaign Worker Statistics in the US*, ZIPPIA, <https://www.zippia.com/campaign-worker-jobs/demographics> [<https://perma.cc/529H-UEBB>].

61. Seitz-Wald, *supra* note 58.

62. For context, for their 2020 election campaigns, the Bernie Sanders raised \$211,206,776, Elizabeth Warren raised \$142,386,608, and Joe Biden raised \$1,624,301,628. See *2020 Presidential Race*, OPEN SECRETS, <https://www.opensecrets.org/2020-presidential-race> [<https://perma.cc/B8ZN-9GMD>].

63. Desai, *supra* note 2.

64. See *2020 Presidential Race*, *supra* note 62.

65. Desai, *supra* note 2.

66. This is not just the case for presidential candidates, but even state and local candidates have been able to provide fair wages and benefits to their campaign staffs. See VICE News Tonight (HBO), *Should Political Campaigns Be Unionized? This One Is Trying*, YOUTUBE (May 22, 2018), <https://www.youtube.com/watch?v=jcgZvDOD12U> [<https://perma.cc/QYM4-F6BC>].

cause.⁶⁷ This legitimizes campaign work by allowing workers to move from one campaign to another—for instance, moving from a candidate who has suspended her campaign to one still in the running—without fearing that they will not receive any payment during the weeks following their loss of employment. It also helps workers with their transition to new employment after the election is over. Like in the example above, by codifying a severance benefit into the CBA, campaign management will have to budget and allocate the necessary funds to ensure that staffers receive such a benefit.

Ultimately, collective bargaining can create a contractual obligation for management to pay staffers specified salaries or hourly wages and to provide benefits that were not previously available. As a result, organizing may enable staffers to pursue campaign work as a career with reliable wages and benefits.

B. Unionization Promotes Diversity on Political Campaigns

The 2020 Democratic Presidential candidates were the most diverse in American history, and the 2020 Presidential election cycle saw an increased pressure to diversify campaign staffs, with candidates often making deliberate moves to hire people of color (POC), women, and other minority workers that more accurately reflect the electorate.⁶⁸ Although it is now evident that a majority-white campaign staff will not attract an increasingly diverse voter population, it remains a fact that the majority of campaign workers are white.⁶⁹ Thus, candidates found it difficult to recruit nonwhite campaign workers, especially to fill senior positions, because there were already so few working in the field.⁷⁰ This was problematic for candidates, especially since more and more POC are registering as Democratic voters.⁷¹ Now more than ever, it is important for political campaigns to diversify in order to adequately represent their increasingly diverse voter base.

One reason for the lack of diversity in political campaigns can be attributed to campaign workers generally not making what is

67. BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 10.

68. Laura Barrón-López & Alex Thompson, “*Old, Male, and Pale*”: 2020 Democrats Under Pressure to Hire Minorities, *POLITICO* (Feb. 3, 2019, 5:02 AM), <https://www.politico.com/story/2019/02/13/democrats-2020-campaign-staff-diversity-1166386> [https://perma.cc/KM4Q-7GFH].

69. *Campaign Worker Statistics in the US*, *supra* note 60.

70. *Id.*

71. Daniel Strauss, *Lack of Minority Staffers Threatens to Hobble 2020 Democrats*, *POLITICO* (Dec. 4, 2018), <https://www.politico.com/story/2018/12/04/2020-democrats-candidates-campaigns-minority-staffers-1035254>.

considered a living wage,⁷² traveling often for little to no compensation, and needing to uproot their lives for the campaign.⁷³ Thus, it is a career that is realistically only sustainable for those in the middle and upper classes, who are the only people who can afford to accept such work because they likely have other sources of financial support.⁷⁴ Race and ethnicity play a substantial role in socioeconomic status in the United States, with minority racial groups and POC experiencing significantly higher rates of poverty than those in white communities.⁷⁵ POC and other ethnic minorities living in low-income communities are therefore less likely to seek out campaign work that is temporary and offers little pay and so few benefits.

Campaign CBAs can take several steps to improve staff diversity. For example, CBAs would likely guarantee higher wages and steady compensation, allowing for more individuals who previously would have passed on a campaign job to accept one.⁷⁶ As a result, underprivileged would-be campaign workers could confidently take jobs with campaigns that they may not have been financially able to accept previously.⁷⁷ Moreover, CBAs also historically advantage workers of color because unions help to mitigate the POC-white wage gap and provide all workers with collective representation in the workplace.⁷⁸

Unionization may also increase diversity when campaigns negotiate a “Ban the Box” provision in their CBAs, as the parties to the Sanders CBA did.⁷⁹ “Ban the Box” provisions make it unlawful for employers to inquire about an employee’s criminal history “prior to making a contingent employment offer.”⁸⁰

Largely due to increased rates of policing and implicit bias in police officers, POC face substantially higher rates of arrest and

72. See *Living Wage Calculator*, MIT (2023), <https://livingwage.mit.edu/counties/11001> (showing that, for example, in 2023, a “living wage” in the District of Columbia for a single adult is \$23.15 per hour). *Contrast Political Campaign Staff*, ZIPRECRUITER (2023), <https://www.ziprecruiter.com/Salaries/Political-Campaign-Staff-Salary-in-Washington,DC> [<https://perma.cc/RYL6-ZTKR>] (stating that, as of May 1, 2023, the average hourly rate for a campaign worker in the District of Columbia was about \$22.00 per hour).

73. Wilkins, *supra* note 1.

74. *Id.*

75. *Ethnic and Racial Minorities & Socioeconomic Status*, AM. PSYCH. ASS’N (2017), <https://www.apa.org/pi/ses/resources/publications/minorities> [<https://perma.cc/J366-ECAP>].

76. Wilkins, *supra* note 1.

77. *Id.*

78. Celine McNicholas, Margaret Poydock & Lynn Rhinehart, *Why Workers Need the Protecting the Right to Organize Act*, ECON. POL’Y INST. (Feb. 9, 2021), <https://www.epi.org/publication/why-workers-need-the-pro-act-fact-sheet> [<https://perma.cc/HK6A-MTGQ>].

79. The Sanders CBA contained both a “ban the box” provision as well as an anti-discrimination clause that prohibited discrimination by the Union or the campaign based upon one’s criminal history.

80. BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 21.

incarceration than white people.⁸¹ It follows that “racial discrimination in the justice system makes POC more likely to have a criminal history,”⁸² which suggests that they are also more likely to experience negative hiring outcomes. As such, the “Ban the Box” requirement ensures that the campaign’s sole focus when hiring is on the applicant’s skills and experience, rather than their criminal history. Critics of “Ban the Box” argue that not asking about an applicant’s criminal history raises safety concerns in the workplace.⁸³ However, including a “Ban the Box” provision in a campaign CBA does not eliminate the campaign’s option to conduct a background check on the applicant, but ensures that it occurs only *after* extending an initial offer of employment.⁸⁴

C. CBAs Provide Staffers with a Grievance Process to Resolve Disputes and Enforce Contract Provisions

In a unionized workplace, the CBA typically provides workers with a formal grievance process to resolve workplace complaints.⁸⁵ The grievance process lays out the steps that staffers can utilize, with the help of their union, to individually or collectively voice complaints regarding any breach of the CBA.⁸⁶ In the campaign industry in particular, the grievance process is especially important with respect to discipline and job security because it generally requires employers to show “just cause” for discipline. Historically, campaigns could terminate employees for any reason or no reason at all, limited only by federal laws, which prohibit discrimination against protected classes of individuals.⁸⁷ Under a CBA with a “just cause” provision, an employee can challenge discipline or termination if they believe there was no just cause for management’s action against them, providing due process for that employee.⁸⁸ Then, if not settled between the parties, the dispute is decided by a neutral arbitrator in the final step of the grievance process. Moreover, a structured grievance process provides time limits to

81. CHRISTINA STACY & MYCHAL COHEN, URBAN INST., BAN THE BOX AND RACIAL DISCRIMINATION 6–7 (2017), https://www.urban.org/sites/default/files/publication/88366/ban_the_box_and_racial_discrimination_4.pdf [<https://perma.cc/DS7F-DNCX>].

82. *Id.* at 7.

83. *Employer Concerns About Liability Loom as Push for Ban-the-Box Policies Spreads*, BLOOMBERG L. (Aug. 5, 2014, 11:00 PM), <https://news.bloomberglaw.com/daily-labor-report/employer-concerns-about-liability-loom-as-push-for-ban-the-box-policies-spreads> [<https://perma.cc/BYE8-JA8K>].

84. *Id.*

85. Judd Lowe, *Managing the Union Grievance Process Without All the Headaches*, LAB. SOFT (June 17, 2020), <https://www.laborsoft.com/blog/managing-the-union-grievance-process-without-all-the-headaches> [<https://perma.cc/T2YK-WCSM>].

86. *Unions and the Grievance Procedure*, GTAWU, https://www.gtawu.org/index.php?option=com_content&view=article&id=48&Itemid=29 [<https://perma.cc/RFQ8-H4GX>].

87. *Id.*

88. *See id.*

ensure that grievances are resolved quickly and efficiently—something particularly important on fast-moving, short-lived campaigns.⁸⁹

The Sanders CBA outlines its grievance procedure in detail and sets reasonable time limits on how long management has to respond to an employee's grievance before moving to the next step of the process.⁹⁰ This procedure is fairly standard for collective bargaining relationships, and includes several “steps” in which the parties are afforded the opportunity to resolve grievances. The CBA also requires discipline to be “progressive,” such that employees cannot be terminated for a first minor offense. This process proved successful for the Sanders campaign. Numerous staffers filed grievances, many of them regarding discipline, and all of them were timely resolved without needing to resort to arbitration. As demonstrated by its success on the Sanders campaign, the structured grievance process provides staffers with a viable outlet to voice concerns and a way to enforce the CBA.⁹¹

IV. Recommendation: It's Time for an Industry Standard

To make unionizing more accessible for future campaigns, the DNC should design a model CBA that future political campaigns can easily adopt as their own. This industry standard CBA will provide campaigns with a starting point for negotiations and with a blueprint for language that would help build a successful campaign CBA. The Sanders CBA was drafted, bargained, and ratified in only a matter of weeks and is monumental for campaign unionizing because it proves that collective bargaining on a national campaign in such a short amount of time is possible. The experience of those who negotiated, worked under, and enforced the Sanders CBA can be harnessed to build an industry standard that would eliminate the logistical threat of not having enough time to negotiate and ratify a campaign's CBA.⁹² A model CBA would

89. *Id.*

90. BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 28–29.

91. Notably, the NLRB has yet to exercise jurisdiction over political campaign committees, and several NLRB Regional Directors have called into question campaign staff bargaining unit members status as employees under the NLRA. *See* Trump Corp, Case 02-CA-183801, at 1–2 (Acting Reg'l Dir. Nov. 28, 2017) (dismissing a charge that the Trump campaign had violated the NLRA and expressing skepticism about jurisdiction); Bernie 2020, Case 25-CA-245250, at 1 (Reg'l Dir. Nov. 1, 2020) (dismissing a charge on the grounds that the Board has never held that a presidential election committee fell within its jurisdiction and identifying reasons to hold that it would not). However, this issue has yet to be fully adjudicated, and the parties have nonetheless entered into a contract that they could seek to enforce voluntarily or through other legal means such as state or federal contract claims.

92. Villa, *supra* note 6. An additional concern is whether the NLRB would certify a presidential campaign staff unit. Several cases have suggested that the NLRB might refuse to exert jurisdiction over campaign employees. *See, e.g.*, Trump Corp., Case 02-CA-18301 (Acting Reg'l Dir. Nov. 28, 2017); *see also* NLRB Gen. Couns., Advice Memorandum on Pennsylvania Democratic Party Case 04-CA-190869 (Dec. 21, 2017); Bernie 2020, Case 25-CA-245250 (Reg'l Dir. Nov. 1, 2019).

also have the added benefit of making wages and working conditions more consistent from campaign to campaign.

By referencing similar provisions already set forth in the Sanders CBA and seeing what was successful in practice, the DNC can determine what provisions should be included in an industry model. Then, when campaigns begin their CBA drafting process, they can easily look to language in the model to pick and choose which provisions to include in their individual CBAs. Although there are numerous provisions that an industry standard would be wise to address, this article discusses only five important provisions that the authors believe are particularly relevant to the campaign industry and which would be beneficial to include in future campaign CBAs.

A. Relocation

Campaigns often need to relocate workers quickly, for example, to provide extra staff in competitive areas or move them from non-competitive locations. Historically, there have been no guarantees that field staff would be properly compensated for the expense of moving—however temporarily—to a new location.⁹³ Unionization can address relocation issues. Any campaign CBA should ensure the campaign’s need for flexibility in moving people to where they will be most effective, while also ensuring that staffers receive sufficient notice before and compensation for relocating.

The Sanders CBA demonstrates that campaigns can realistically provide staffers with these benefits without compromising the productivity of the campaign. First, the Sanders CBA requires management to pay staffers a “one-time, need-based relocation stipend.”⁹⁴ Also, to guarantee that staffers are not uprooted with little-to-no notice, the Sanders CBA mandates forty-eight-hours’ notice before requiring campaign workers to travel out of town and states that no employee can be discriminated against if they refuse to travel if given less than forty-eight-hours’ notice.⁹⁵ The Sanders CBA also guarantees staffers per diem, or daily payment, that is “meant to cover meals, tips, and other incidental travel expenses.”⁹⁶ These provisions ease the financial and logistical burdens on staffers who are being required to relocate.

Like in the Sanders CBA, an industry standard should provide campaigns with language that guarantees that staffers receive some sort of notice and financial compensation for relocating. Ideally, it would include a relocation travel stipend, at least forty-eight-hours’

93. See generally *Guide to Working on Political Campaigns*, BERNARD KOTEN OFF. OF PUB. INT. ADVISING, HARV. L. SCH. (2022), <https://hls.harvard.edu/bernard-koteten-office-of-public-interest-advising/a-quick-guide-to-working-on-political-campaigns> [<https://perma.cc/24SS-3XJR>].

94. BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 12.

95. *Id.* at 10.

96. *Id.* at 11.

notice before requiring staffers to relocate, and per diem. The stipend and per diem amounts would be determined by individual campaigns based on the financial status of the campaign. However, it should be an industry standard for campaigns to provide staffers with at least forty-eight-hours' notice before requiring relocation. As demonstrated by the Sanders campaign, providing staffers with this notice will not hinder the flexibility needed to run a successful campaign—even a national presidential campaign. On the contrary, without the added financial burden of relocating on short notice, staffers are likely to have increased productivity and less stress on the campaign trail.

B. Housing Support and Safety Concerns

In addition to relocating on short notice, campaigns often expect staffers to find their own housing when asked to relocate. On a campaign, it is not unusual for staffers to couch-surf or sleep in their cars if they cannot find housing on the campaign trail.⁹⁷ Other issues that commonly arise in conjunction with housing standards are safety and privacy concerns; it is one concern to find housing, but another to obtain housing in which the staffer feels safe and secure. As such, it is essential for campaign CBAs to require that management provides housing support that meets relevant safety standards to those employees who request such assistance.

The Sanders CBA has an extensive provision addressing housing standards for campaign workers.⁹⁸ Under the CBA, staffers may request “supporter housing.” The campaign, in turn, “will connect the Employee with opportunities to secure supporter housing,” if those opportunities are available.⁹⁹ If provided, the Sanders CBA establishes various housing criteria that must be met, including access to clean bathrooms, a private room with a locking door, and a bed with clean bedding, pillows, and blankets.¹⁰⁰ The CBA also specifically states that “[e]mployees shall not be expected to sleep on the floor or share a bed with another individual.”¹⁰¹ To address the campaign’s liability concerns, the CBA requires staffers provided with supporter housing to “sign a waiver absolving the campaign of any liability.”¹⁰² Furthermore, the CBA includes an anti-retaliation and discrimination provision and requires the campaign to help find alternative housing for employees who raise health or safety concerns about their accommodations.¹⁰³

97. Wilkins, *supra* note 1.

98. BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 8–9.

99. *Id.* at 8 (stating that the campaign “is not required to provide housing and does not guarantee placement”).

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.* at 9.

Campaigns often operate in areas where temporary housing may not be readily available. As such, the Sanders CBA did not *require* management to provide supporter housing for staffers,¹⁰⁴ but it did provide some guidelines to assist staffers, ensure their safety, and resolve any housing issues that may arise. However, the campaign industry “gold standard” should place at least a minimal requirement on campaigns to make their best efforts to provide housing where possible, if the staffer requests it. The standard should, like the Sanders CBA, ensure the safety, privacy, and security of staffers and include minimal criteria such as a locking door, clean bedding, and a private room. An industry standard should be clear that management should not have the power to choose whether to provide housing support for staffers if requested but should be expected to provide such accommodations if safe and available.

C. Employment Support for Field Staff

A unique part of working on a campaign is the role of field offices and field staff, who recruit local volunteers and work on the ground at the grassroots level.¹⁰⁵ Field staff bring “a personal, human approach to campaigning . . . [that hinges on] the power of one-on-one conversations to build connections and activate voters in a community.”¹⁰⁶ Field staff also use data to pinpoint exactly which potential voters to target in their campaign efforts.¹⁰⁷ It is clear that field staff are essential to running a successful national campaign, and their importance cannot be overemphasized. Therefore, it is essential that the employment interests of these staffers, and not just the campaign’s headquarters employees, are represented in campaign CBAs.¹⁰⁸ At the very least, field staff must be provided with employment opportunities when or if a field office closes.

The Sanders CBA specifically provides field staff with “redeployment” opportunities if a field office is to be shut down.¹⁰⁹ The provision states that “[a]t least twenty-one (21) days prior to the primary election in any state with a field office or assigned staff, the Employer will post open positions in other states and Employees will be given the opportunity to apply.”¹¹⁰ The CBA also states that seniority will play a “significant” role when filling positions, though the campaign will

104. *Id.* at 8.

105. Katie Turner, *Being a Field Director; Explained*, TEEN VOGUE (July 20, 2018), <https://www.teenvogue.com/story/being-a-field-director-explained> [<https://perma.cc/7G8Z-GFPT>].

106. Gabby Weiss, *GUIDE: Field Organizing that Wins Campaigns*, NGP VAN (Aug. 17, 2018), <https://blog.ngpvan.com/guide-field-organizing-that-wins-campaigns> [<https://perma.cc/C7NG-RXM6>].

107. *Id.*

108. *Id.*

109. BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 5.

110. *Id.*

also consider other qualifications that make the staffer suitable for the position.¹¹¹ This permits some flexibility for campaigns to strategically distribute their staff, while also providing some job security for longer-term employees.

The twenty-one day notice for posting positions in case of a field office closing is a reasonable buffer to allow field staff to take the necessary steps to apply for a new position if they want to continue working for the campaign. As such, providing field staff with redeployment opportunities further legitimizes campaign work as a career because it allows locally hired staffers to continue their work on a national campaign, but in a different office. The opportunity for field staff to move offices, therefore, provides them with job security and the opportunity to further pursue campaign work, if they are able to move. Keeping staff who are already trained and familiar with campaign operations helps the campaign, as well, by reducing the costs and logistical issues caused by turnover. Thus, it is reasonable that an industry standard CBA would require the campaign to post open positions in a field office at least twenty-one days before a primary election in that state to ensure that field staff receive these benefits if their home office was to close.

D. Severance Pay and Layoff Notice

While other industries often provide opportunities for long-term careers, meaning that an individual takes a job with the assumption that it will not spontaneously dissolve, campaign workers know that their job has an end date, though they may not know exactly when that date is. Consequently, it is not uncommon for staffers to work until a campaign abruptly ends, then find themselves suddenly cut off from their income and benefits with little notice. Therefore, it is essential that campaign CBAs ensure that workers receive notice of future unemployment as soon as the employer is aware of layoffs. In addition, staffers should receive financial compensation after the campaign ends or if they lose their jobs for other reasons, such as downsizing campaign staff or closing a field office.¹¹²

The Sanders CBA addresses the issue of unpaid wages at the end of its campaign by guaranteeing all salaried employees thirty days' salary upon the end of employment, and all hourly employees 160 hours' payment upon the end of employment.¹¹³ A notice provision

111. *Id.* (stating that “nothing in this section shall prevent the Employer from also considering applicants’ qualifications, geographic location, political relationships, connections to the community where the position is located, whether they have completed their current job assignment, or other considerations relevant to the Employer’s interest in filling positions with the individuals best suited to carry out the mission of the campaign”).

112. Villa, *supra* note 6.

113. BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 10.

also states that “all bargaining unit Employees and the Union will be given notice of the planned layoffs no fewer than thirty (30) days prior to the planned layoffs or as soon as the Employer makes their decision to impose layoffs whichever is more.”¹¹⁴ If a staffer receives at least thirty-days’ notice, they can use this time to line up another campaign job, further legitimizing campaign work. Moreover, if the campaign was to spontaneously dissolve and the staffer does not have enough notice to find another job, they are still guaranteed the specified amount of severance pay.

Like the Sanders CBA, an industry standard should provide employees with notice as soon as the employer is aware of layoffs, as well as guaranteed severance pay. The amount of payment would be subject to an individual campaign’s discretion. However, it should not be less than twenty-five days’ wages for salaried employees and 150 hours’ payment for hourly employees. The notice provision will provide staffers with time to search for another job with their impending unemployment; severance pay will provide staffers with at least a small financial buffer when searching for their next position if they are unable to secure one during the notice period.

E. Sexual Harassment and Other Forms of Discrimination

Sexual harassment is undeniably prevalent in the workplace,¹¹⁵ and it is not novel for a CBA in any industry to include a provision prohibiting sexual harassment.¹¹⁶ However, it is especially important that campaign CBAs address sexual harassment in the historically male-dominated world of political campaigns and provide survivors with an effective outlet to settle or adjudicate these claims, if necessary. Like other issues addressed in campaign CBAs, such as adequate compensation and more controlled scheduling, sexual harassment in the workplace is not a new phenomenon. In fact, some staffers on Sanders’s 2016 campaign reported that the campaign perpetrated an environment that ignored employees’ sexual harassment claims.¹¹⁷ However, consistent with the fleeting nature of campaigns, it is difficult to contractually address and resolve the problem of sexual harassment when the campaign is so short-lived. It was often the case that if a survivor of sexual harassment on a campaign eventually chose to disclose, they

114. *Id.* at 4.

115. *Women in the American Workforce*, EEOC, <https://www.eeoc.gov/special-report/women-american-workforce> [<https://perma.cc/H33Y-2KDN>] (stating that about thirty percent of the charges filed with the agency involve sex discrimination. Of that thirty percent, women filed 74.4% of those charges, normally alleging sexual harassment and other forms of harassment).

116. *Addressing Sexual Harassment in the Workplace: There Is Power in My Union*, AFL-CIO (Feb. 28, 2019), <https://aflcio.org/reports/addressing-sexual-harassment-workplace-there-power-my-union> [<https://perma.cc/7JXP-UKTQ>].

117. Campbell, *supra* note 9.

were left with no outlets to resolve their dispute because the campaign had already been suspended or dissolved altogether.¹¹⁸

With the unionization of political campaigns, survivors of sexual harassment are guaranteed a method of channeling claims into a contractually agreed upon grievance process established by the CBA.¹¹⁹ Thus, having a CBA in place with specific provisions that address reporting and resolving sexual harassment claims provides a way for survivors to collectively, or individually, leverage power through this process to make their workplace more conducive to acceptable standards of behavior.¹²⁰ Through specific language in the CBA, campaign staffers can better advocate for the enforcement of sexual harassment policies and hold perpetrators accountable for ill conduct.¹²¹

In addition to including language that specifically targets sexual harassment, campaign CBAs must include language targeting other forms of discrimination, including, but not limited to, discrimination based on race, color, national origin, gender identity, sexual orientation, religious beliefs, marital status, veteran's status, and socioeconomic profile. The Sanders CBA addresses a wide range of discrimination, and in addition to those forms of discrimination previously mentioned, it addresses discrimination on the basis of one's criminal history and/or immigration status.¹²²

As discussed above in Part III(B), the Sanders campaign and union chose to include a "Ban the Box" provision in their CBA, which protects against discrimination on the basis of an applicant's criminal history.¹²³ The Sanders CBA also specifically addresses immigration status, stating that the campaign must take steps to protect staffers with immigrant status.¹²⁴ For example, the campaign must refuse to admit DHS or ICE officers "who do not possess a valid warrant signed by a federal judge or magistrate."¹²⁵ And, among other steps, even if the officers have a warrant, the campaign should not provide them with the "names, addresses, or immigration status of any Employee."¹²⁶

In addition to increased racial diversity on campaigns, there are also a growing number of LGBTQ+ individuals becoming involved in politics. Today's LGBTQ+ community "has undergone a fundamental, cultural shift, both in how it defines itself and what it expects of

118. Telephone Interview with Kayla Mock, *supra* note 28.

119. AFL-CIO, ADDRESSING SEXUAL HARASSMENT IN THE WORKPLACE: THERE IS POWER IN MY UNION TOOLKIT 2 (2019), https://aflcio.org/sites/default/files/2019-03/1907_Sex_HarrassToolkit_eversion_0.pdf [<https://perma.cc/5LSLW8CV>]; *see also* BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 30.

120. AFL-CIO, *supra* note 119, at 2, 5, 9.

121. *See id.* at 9.

122. *See* BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 21.

123. *Id.*

124. *Id.*

125. *See id.* at 22.

126. *Id.*

workplace inclusion.”¹²⁷ One measure the Sanders campaign took to ensure that members of the LGBTQ+ community feel respected in the workplace was including an entire provision in the Sanders CBA addressing gender neutrality.¹²⁸ Among other specifications targeting inclusivity, it requires “everyone at the workplace or engaged in the Employer’s business to speak or refer to transgender Employees by the names they choose and the pronouns they identify with.”¹²⁹ To be fully inclusive in a campaign CBA, especially for a progressive candidate who will likely employ a higher percentage of LGBTQ+ individuals on its staff, it is essential to include this sort of language that protects all employees from discrimination.

Including provisions with language that target discrimination on the basis of one’s criminal history, immigration status, and LGBTQ+ identity is essential for staffers to have a fully inclusive, protected workplace. It would be wise for a model CBA to include such language so future campaigns can easily adopt these protections for workers into their CBAs.

Conclusion

Staffers on unionized campaigns undoubtedly receive benefits that increase the overall well-being of campaign workers. Higher wages, stable hours, safe housing options, and protection against sexual harassment and other forms of discrimination are only a few of many benefits that staffers may receive from a campaign CBA. Now more than ever, it is important for campaigns—especially progressive campaigns—to recognize the unique wants and needs of their staffers and codify them in a CBA.

After the successful drafting and ratification of the Sanders CBA in 2019, and the several other contracts negotiated by the staffs of other Democratic candidates, the DNC now has the opportunity to create an industry standard that addresses all major concerns of campaign staffers in a model CBA that would be available for all campaigns to use as a starting point in their own negotiations. By creating an industry standard, campaigns can bypass the logistical concerns that make unionizing campaigns so difficult. Instead, because the language will already be readily available, the process will become feasible for any campaign that wants to unionize. It is time to put aside the view that campaign work automatically constitutes grueling hours, low wages, and no guaranteed job security: it is time to unionize.

127. Pierre Dupreelle, Gabrielle Novacek, Jeff Lindquist, Nathan Micon, Simon Pellas & Glenda Testone, *A New LGBTQ Workforce Has Arrived—Inclusion Cultures Must Follow*, BCG (June 23, 2020), <https://www.bcg.com/publications/2020/inclusive-cultures-must-follow-new-lgbtq-workforce> [<https://perma.cc/F85Z-S6DR>].

128. BERNIE SANDERS COLLECTIVE BARGAINING AGREEMENT, *supra* note 8, at 27.

129. *Id.*

