

What You Are Likely To See

- Nothing? ... "grassroots" activity kept low key
- Issue-oriented pitches not necessarily tied to specific employee groups or problems
- Pressure from external sources, political figures
- Minimizing of union role, relying on partnership
 - Alternatively, highlighting new union "power"
- Breaking down of primary communication links and chain of command
- Potential upswing in employee-initiated litigation, regulatory complaints

Public Sector Organizing

- No obligation to follow private sector model for response
- Little or no risk of unfair labor practices
- Little or no limitations on communication methods or content
- HOWEVER, there are reasons the private sector model is desirable
 - discussed below

NATIONAL LABOR RELATIONS ACT

- The term "employer" includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or any State or political subdivision thereof, or any person subject to the Railway Labor Act [45 U.S.C.A. § 151 et seq.], as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

LABOR PEACE ACT

- "Employer" means a person who regularly engages the services of eight or more employees, other than persons within the classes expressly exempted under the terms of subsection (1) of this section, and includes any person acting on behalf of any such employer within the scope of his authority, express or implied. The term does not include the state or any political subdivision thereof, except where the state or any political subdivision thereof acquires or operates a mass transportation system, or any carrier by railroad, express company, or sleeping car company subject to the federal "Railway Labor Act", Title 45, U.S.C.A., or any labor organization or anyone acting in behalf of such organization other than when he is acting as an employer-in-fact

RIGHTS OF EMPLOYEES

- State or subdivision exempt and not subject to the National Labor Relations Act's statement of Employees' Rights:
 - Section 7: All employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such.

Not Exempt

- Operation of Mass Transit System
- Those State agencies and political subdivisions that expressly authorize collective bargaining
 - Collective Bargaining Agreements Enforceable, to the extent they do not violate public policy
 - No interest arbitration

Why Follow Any Labor Law

- Credibility
- Trust
- Limitations of union representatives/reality of bargaining
- Provide informed choice
- IT WORKS!

What to Expect From A Union During the Organizing Campaign

UNION PLAN OF ACTION

- Learn Operations
- Understand Special Relationships
 - Family/Social
- Identify Employee Issues and Problems
 - These are the themes of the campaign
- Contact Interested Employee Leaders
- Hold Low-Key Employee Meetings
 - Homes, Bars, Meeting Halls

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UNION PLAN OF ACTION

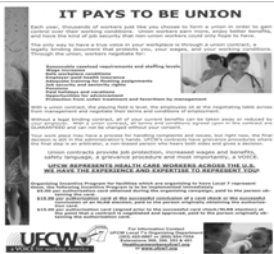
- Offer Union Solutions to Employee Problems
 - Union brings leverage to employment relationship
 - Grievance and Arbitration
 - Union Contract Restrictions
- Circulate Authorization Cards On Site
 - Use - "solidarity organizing"
- Distribute Literature On Site

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UNION PLAN OF ACTION

- Use Employee or Former Employees To Organize
- Scare Employees With Fear of Management Retaliation
- Offer Standard Agreement Exclusively -
- Use External/Third Party Pressure.

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COUNTY RESPONSE

- Group meetings
 - Well organized
 - Key management presentations
 - Questions and Answers
- Letters and "counter" literature
- Buttons, stickers, posters, etc.
- COMMUNICATE THE FACTS AND THE MESSAGE - COUNTY EMPLOYEES DON'T NEED A UNION

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COUNTY RESPONSE

WHAT EVERYONE SHOULD KNOW ABOUT UNION TARGETING EMPLOYEES

- L-M 2 Financial Report/Dues Structure
- History of negotiations (AFSCME Weak in CO (loss of 600 members in four years), IBT 2004 just merged into IBT Local 17), No results from Colorado WINS
- Legal Restrictions
- Recent Labor Struggles
- Other

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EFFECTIVE COMMUNICATION DURING AN ORGANIZING DRIVE

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PERMISSIBLE COMMUNICATION

- During an Organizing Campaign, You Have the Right to Express:
 - Facts
 - Opinion
 - Experiences



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REFRAIN FROM

- T. I. P. S.
 - Do Not Threaten
 - Do Not Interrogate
 - Do Not Promise
 - Do Not Spy on Employee Activity

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EDUCATE EMPLOYEES REGARDING UNION AUTHORIZATION CARDS

- It is a membership card
 - States that the signer gives power to the union to bargain on individual's behalf
 - Signing can commit you to union membership without you knowing the full obligation of such membership
 - Signing card can obligate you to dues, initiation fees and assessments
 - Without regard to legality of organizing or whether County has authorized collective bargaining

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Example of an Authorization Card

AUTHORIZATION AND APPLICATION FOR MEMBERSHIP

Name _____ Phone _____
Please Print

Address _____ City _____
 Employer _____ Location _____
 Dept. _____ Shift _____ Classification _____

I hereby apply for membership in the _____ and designate this Union as my collective bargaining representative in all matters pertaining to wages, rates of pay and conditions of work. I also hereby authorize said Union to request recognition from my employer as my bargaining agent and/or to petition the National Labor Relations Board for an election for certification of said Union as my bargaining representative.

Signature _____ Date _____
 YOUR RIGHT TO SIGN THIS CARD IS PROTECTED BY FEDERAL LAW.
(over)

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EDUCATE EMPLOYEES REGARDING UNION AUTHORIZATION CARDS

- Cards are enforceable, legal documents that authorize the union to represent the employee for collective bargaining purposes
- In public sector, primary method to establish union as exclusive representative
- Our Message -- "Get All The Facts Before Signing Anything!"

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WHY UTILIZE SUPERVISORS?

- Supervisors Are the Communication Link Between the Employer and the Employees; Supervisors Must Be Informed and Prepared
- Your Relationships with Employees Impact Their Views of the County and the Issues
- If Employees Have Trustworthy Supervision, They Will Trust the Employer
- If Employees Trust You, They Will Look to You For Advice and Facts

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THE ROLE OF SUPERVISORS

- The First Line Supervisor Is Key to Defending an Organizational Campaign; Also the Supervisor Is Key to Avoiding the Dissatisfaction Which Allows an Organizational Campaign to Get Off the Ground
- Daily Interaction With Employees
- Should Know Employees' Needs and Problems

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COMMUNICATION PLAN FOR ORGANIZATION CAMPAIGN

- We Want to Hit Early and Take a Position That We Feel Unionization Unnecessary
- Each Supervisor Is Going to Participate in This Communication
- Each Must Know the Facts and Feel Comfortable With His or Her Way of Conveying the Facts as to Why Unionization Is Unnecessary

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COMMUNICATION PLAN FOR ORGANIZATION CAMPAIGN

- Communicate Pertinent Facts and Views to Employees. It Is Critical That Employees Hear Both Sides. Express Your Opinions In Line with the Management Point of View
- DO NOT Threaten or Promise New Conditions of Employment to Employees in Response to the Organizational Campaign
- DO NOT Be Silent and Let the Union Provide Only Its Point of View

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MAINTAIN YOUR MANAGEMENT IDENTITY AND ENFORCE YOUR POLICIES

- Tell Employees That, as a Member of Management, You Are Always Willing to Discuss Any Subject With Them and That They Do Not Need to Pay a Union Representative to Do It for Them
- DO NOT Make Any Promise During Known Union Organizing or Union Election: That Is, Do Not Promise Pay Increases, Promotions or Special Benefits if Employees Stay Out of the Union

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CONTINUE TO MAINTAIN DISCIPLINE, INCLUDING DISCHARGE, FOR INFRACTIONS OF RULES

- DO Be Sure You Can Support Your Action by Written Warnings, Letters and the Like and Make Sure Your Discipline Is the Same for All Employees, Regardless of Their Union Sentiment

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CONTINUE TO MAINTAIN DISCIPLINE, INCLUDING DISCHARGE, FOR INFRACTIONS OF RULES

- DO NOT Discharge or Discipline for Union Activity
 - Example: You cannot discharge a union supporter for 10 absences while not taking action against a person with 15 absences.

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CONTINUE TO MAINTAIN DISCIPLINE, INCLUDING DISCHARGE, FOR INFRACTIONS OF RULES

- Tell Employees That During Work Time They Are Expected to Work and Discussion of Union Matters or Other Matters Will Not Be Tolerated
- DO NOT Prevent Employees From Talking About the Union or Any Other Subject on Non-Work Time, Such As Lunch and Coffee Breaks

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CONTINUE TO MAINTAIN DISCIPLINE, INCLUDING DISCHARGE, FOR INFRACTIONS OF RULES

- DO NOT Permit the Distribution and Reading of Union Literature and Other Literature in Working Areas During Working Time
- DO NOT Prevent the Distribution of Literature in Non-Work Areas, Such As a Break Room

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DO'S AND DON'TS OF INFORMAL DISCUSSIONS/INTERACTIONS

- Listen to Any Information an Employee Wants to Tell You - Even Ask Follow-up Questions to Verify Information Regarding Rumors of the Union Efforts. Keep in Mind the Place and Method of Questioning, i.e., Friendly Environs
- DO NOT Spy on or "Grill" an Employee
- DO NOT Ask an Employee How He or Any Other Employee Intends to Support the Union or Vote in Any Election
- DO NOT Spy on Union Meetings

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DO'S AND DON'TS OF INFORMAL DISCUSSIONS/INTERACTIONS

- Let It Be Known That If Employees Do Select a Union There Will Be a Third Party to Filter Their Grievances or Concerns and Impede the Direct Relationship Between Supervisors and Employees
- DO NOT Say You Will Not Deal With the Union If the Union Wins the Election

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DO'S AND DON'TS OF INFORMAL DISCUSSIONS/INTERACTIONS

- Inform the Employees They Have a Right to Try to Convince Their Co-Workers Not to Support the Union
- Encourage Employees to Consider the Quality of "Representation" If a Union Wins an Election
- Point to the relevant facts and experiences regarding unions.

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DO'S AND DON'TS OF INFORMAL DISCUSSIONS/INTERACTIONS

- DO NOT Draft Petitions for Employees to Sign or Provide Secretarial Help, Supplies or Other Help to Such Anti-Union Employees
- DO NOT Set up a "NO VOTE" Committee or a Negotiation Committee of Employees

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DO'S AND DON'TS OF INFORMAL DISCUSSIONS/INTERACTIONS

- DO NOT Talk to an Employee Individually in Management Offices Unless the Employee Requests It, AND
- Do NOT Visit Employees in Their Homes for the Purpose of Talking About the Union

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DO'S AND DON'TS OF INFORMAL DISCUSSIONS/INTERACTIONS

- Tell Employees That Just Because They Sign the Union Authorization Card or Attend Meetings Does Not Mean They Must Vote for or Support the Union
- Talk to Employees at Their Work Stations or in a Group on the Plant Floor

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INFORM EMPLOYEES OF THE FACTS OF BARGAINING

- No "Good Faith" applicable, but even if obligation imposed, according to Section 8(d) of the NLRA:
 - [T]o bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, . . . but such obligation does not compel either party to agree to a proposal or require the making of a concession

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INFORM EMPLOYEES OF THE FACTS OF BARGAINING

- DO NOT say that you will refuse to bargain with the union if it comes on the scene
- DO NOT say that the present benefits will be taken away merely because the union comes on the scene
- DO NOT suggest or imply that bargaining with the union will be futile and that a strike is inevitable
- ***County May Never Have A Legal Obligation To Bargain With Any Union (not necessary to rely on this message)

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Good Employee Relations Is the Key

- Nearly every union organizing campaign is about treatment of people not about wages and benefits
- Employees who are angry with their supervisors seek a third party because they feel powerless to make a difference.
- Employees who are in an environment of continuous change will seek security that unions say they can provide.

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QUIZ



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QUIZ

1. I heard that a union organizer was in our parking lot last night passing out authorization cards. Have any of you signed one?
 - Legal
 - Illegal
2. If the union comes in here, we will just start bargaining from scratch, and we will just see if you end up with the wages and benefits as good as you have now.
 - Legal
 - Illegal

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QUIZ

3. Union elections are by secret ballot. No one will know how you vote.
 - Legal
 - Illegal
4. Employees have a free choice when they vote. What you do before the time you have to mark your ballot does not affect that free choice. Signing a union authorization card does not mean that you have to vote for the union at the election.
 - Legal
 - Illegal

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QUIZ

5. If the union wins the election, a strike could occur. We are going to operate, even during a strike.
 - Legal
 - Illegal
6. Unions have tried to organize other employees in the County. They have not offered anything those employees have much interest in.
 - Legal
 - Illegal

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QUIZ

7. A union contract does not mean better wages and benefits. You might get more, you could get the same, or you could get less.
 - Legal
 - Illegal
8. Even if the union gets in, it cannot obtain more than Management is able and willing to give.
 - Legal
 - Illegal

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QUIZ

9. Look at the benefits the employees receive at the XYZ Company. They are represented by the union that is asking for your vote—but you have benefits that employees at XYZ do not have.
 - Legal
 - Illegal
10. Signing a union card could cost you your job.
 - Legal
 - Illegal

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QUIZ

11. Mary, I would like to talk to you about this union, so why don't you come into my office.
- Legal
 - Illegal
12. You need as many facts about this union as possible, and my personal objective is to get you those facts.
- Legal
 - Illegal

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QUIZ

13. I have worked in union facilities and the union officials in those places were real destructive to employee morale—they didn't know the first thing about our business and they constantly fought with our management.
- Legal
 - Illegal
14. This management will do everything within legal means to defeat this union.
- Legal
 - Illegal

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QUIZ

15. If the union told you different they are wrong! The law says we must bargain in good faith, it does not say we must agree to any of the union's demands.
- Legal
 - Illegal
16. The union is a business and they are interested in your membership dues.
- Legal
 - Illegal

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QUIZ

17. As you know, we ordinarily have salary reviews once a year. One of them is due now, but all of this union stuff going on has this facility handcuffed, so no reviews will be done for now.
- Legal
 - Illegal

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QUIZ

18. I know how this union organizing goes. You are always getting badgered to join the union. If you get any trouble or pressure to join the union, let me know and I will see that it is stopped.
- Legal
 - Illegal

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QUIZ

19. Hey, why should I bother to ask any of you if you went to the union meeting last night? Management can always get that kind of information. In fact, by noon I imagine I will know which of you were there.
- Legal
 - Illegal

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QUIZ

20. Have you read about the strikes at Safeway/Vons, Caterpillar, UPS and American Airlines? Those strikes were caused by unreasonable demands by the unions and those demands could have forced those companies out of business.
- Legal
 - Illegal

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QUIZ

21. I would like to work directly with you to solve our problems and your work problems, not through some outsider.
- Legal
 - Illegal
22. If you vote this union in, there will be an adversary relationship between the union and management, and all direct communication between the employees and management will stop.
- Legal
 - Illegal

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QUIZ

23. Listen, if you are against us becoming union, you have the right to try to convince your fellow employees not to support the union.
- Legal
 - Illegal
24. From what you have told me, Jane, you signed an authorization card, but you don't really like the union. Would you like me to try to help you get your authorization card back?
- Legal
 - Illegal

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QUIZ

25. I have read some of that union literature being handed out. It is full of lies.
- Legal
 - Illegal
26. If you are going to hand out that union trash during lunch break, you can just find somewhere else to eat.
- Legal
 - Illegal

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QUIZ

27. If the union wins the election, it will represent all employees, not just those voting for it, and the County won't be able to bargain with individual employees or other groups or organizations regarding your pay, work schedules or other work conditions.
- Legal
 - Illegal

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QUIZ

28. Here, Brian, have a "Vote No" button.
- Legal
 - Illegal
29. If a union organizer comes to your house, you have the right to slam the door in his face.
- Legal
 - Illegal

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