

2022 CALIFORNIA STATE HR

ADVOCACY & LEGISLATIVE CONFERENCE

SHERATON GRAND HOTEL - SACRAMENTO

APRIL 20-22, 2022

If You Thought Dealing
With Class Action Was
Bad, Wait Until the
Unions Come Knocking
on Your Door

Alden Parker
Regional Managing
Partner

Fisher Phillips



CALIFORNIA
STATE COUNCIL OF SHRM



WHY ARE WE HERE TODAY?



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WHY ARE WE HERE TODAY?

UNDERSTAND THE REASONS *WHY* WE PREFER TO OPERATE
UNION FREE!

UNDERSTAND HOW UNIONS ORGANIZE AT COMPANIES – AND
HOW TO LIMIT THEIR SUCCESS

REVIEW PRO-ACTIVE VS. REACTIVE APPROACHES
INTENDED TO SAVE US *TIME*, *MONEY* AND *STRESS!*



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OUR GOALS TODAY?

- LEARN HOW TO LAWFULLY DETECT & REACT TO UNION ACTIVITY AT EARLY STAGES
- LEARN HOW TO **LEGALLY** LIMIT UNION ORGANIZING ACTIVITY
- LEARN HOW THE DAILY PRACTICE OF FAIR & POSITIVE EMPLOYEE RELATIONS SKILLS CAN KEEP EMPLOYEES ON OUR SIDE!



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WHY DO WE PREFER TO DEAL DIRECTLY WITH OUR EMPLOYEES?

- To maintain maximum flexibility
- To preserve our culture of teamwork
- To motivate exceptional performance
- To coach up employees who fall behind
- To maintain accountability and standards of excellence
- To provide a workplace where employees rely on and support the company and one another

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RISKS POSED BY UNION INTERFERENCE

- Potentially destroys sense of “team”
- Can create an “us versus them” mind set
- Prioritizes seniority over performance
- Can restrict our ability to adapt and change
- Can erode a culture of accountability
- Interferes with direct communications
- Additional costs (grievances, negotiations, attorneys,)



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THE STATE OF UNIONS TODAY?

- Membership down from peak of 34%
- Total union membership below 12%
- Down to 6.2% in private sector!
- 2,000 NLRB elections/year vs. 8,000 30 years ago
- Figures are even lower in many states



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WHY THE DECLINE?

- Loss of traditional manufacturing jobs
- Erosion of political clout
- Failure to understand changing demographics
- Increased role of workplace regulation
- Less interest – today – in joining organizations
- Individual rights explosion
- Employers treating employees better
- Increase in proactive efforts
- Union complacency
- Unions' reputational issues



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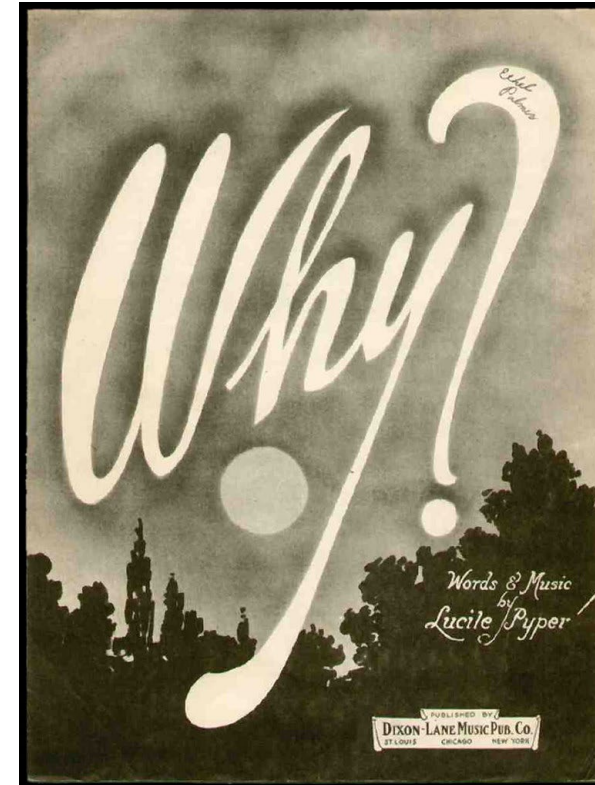
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WHY THE DECLINE?

- Failure to solve employee problems
- Poor (up and down) communications
- Perceptions of unfair treatment
- Perceptions of broken promises
- Lack of courtesy, respect, recognition
- Feelings of job insecurity
- Not keeping pay & benefits competitive
- Perceived favoritism
- No “skin in the game” opportunities



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THE LEGAL FRAMEWORK

THE NATIONAL LABOR RELATIONS ACT

- EMPLOYEES HAVE THE RIGHT TO “JOIN, FORM OR ASSIST” LABOR UNIONS
- EMPLOYEES ALSO HAVE THE RIGHT TO ACT TOGETHER IN A **CONCERTED** MANNER FOR PROTECTION OF THEIR JOB RIGHTS
- EMPLOYERS THAT VIOLATE THEIR EMPLOYEES’ RIGHTS TO “JOIN, FORM OR ASSIST” A UNION OR ACT TOGETHER CAN BE CHARGED WITH UNFAIR LABOR PRACTICES

Killing Jobs



Since 1935

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THE LEGAL FRAMEWORK

THE NATIONAL LABOR RELATIONS BOARD

- 5 MEMBERS – APPOINTED BY THE PRESIDENT
- REGIONAL OFFICES
- CONDUCTS ELECTIONS TO DETERMINE EMPLOYEE CHOICES ON UNION REPRESENTATION
- INVESTIGATES UNFAIR LABOR PRACTICE CLAIMS

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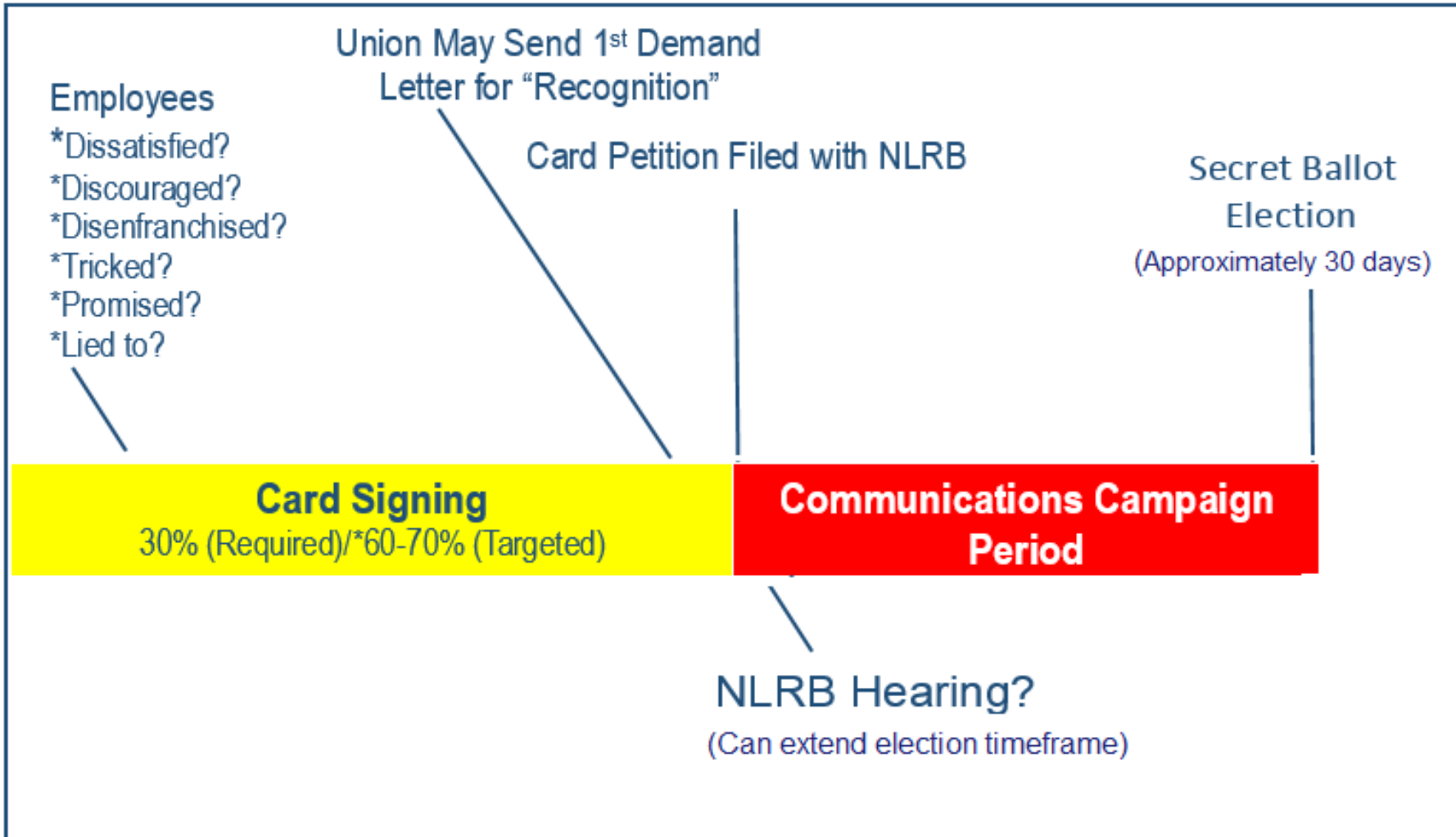
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NLRB ELECTION DIAGRAM: SCHEDULING



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NLRB ELECTION DIAGRAM: SCHEDULING

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FORM NLRB-502 (RC)
(2-16)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.
28-RC-234874

Date Filed
1-29-2019

INSTRUCTIONS: Unless e-filed using the Agency's website, www.nlrb.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both (1) a showing of interest (see 5b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-503); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer:
Bally's Las Vegas Hotel & Casino

2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code):
3645 Las Vegas Blvd South
Las Vegas, NV 89109

3a. Employer Representative - Name and Title:
Emily Willis
Director of Human Resources

3b. Address (if same as 2b - state name):
3655 Las Vegas Blvd South
Las Vegas, NV 89109

3c. Tel. No.:
702-946-4855

3d. Cell No.:

3e. Fax No.:
702-946-4259

3f. E-Mail Address:
Ewi1111@Caesars.com

4a. Type of Establishment (Factory, mine, wholesaler, etc.):
Casino

4b. Principal Product or Service:
Gaming

5a. City and State where unit is located:
Las Vegas, NV

5b. Description of Unit (Involved):
All Full-time and regular part-time Bally's Las Vegas Hotel & Casino Table Games Dealers

5c. Number of Employees in Unit:
293

5d. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? ☒ Yes ☐ No

6a. Name of Recognized or Certified Bargaining Agent (if none, so state):
Transport Workers Union of America
AFL-CIO

6b. Address:
2776 S Maryland Parkway #510
Las Vegas NV 89109

6c. Tel. No.:

6d. Cell No.:

6e. Fax No.:

6f. E-Mail Address:

7a. Petitioner is currently recognized as bargaining representative and desires certification under the Act.
Check One: ☒ Yes ☐ No

7b. Petitioner is currently recognized as bargaining representative and desires certification under the Act.
Check One: ☐ Yes ☒ No

8a. Name of Labor Organization:
Transport Workers Union of America

8b. Address:
2776 S Maryland Parkway #510
Las Vegas NV 89109

8c. Tel. No.:

8d. Cell No.:

8e. Fax No.:

8f. E-Mail Address:

9. Is there now a strike or picketing at the Employer's establishment(s) involved? ☒ NO ☐ YES If so, approximately how many employees are participating?
(Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____.

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above, (if none, so state):

10a. Name:

10b. Address:

10c. Tel. No.:

10d. Cell No.:

10e. Fax No.:

10f. E-Mail Address:

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election:

11a. Election Type:
☒ Manual ☐ Mail ☐ Mixed Manual/Mail

11b. Election Date(s):
February 19, 2019

11c. Election Time(s):
6:00am-10pm

11d. Election Location(s):
Employers Facility

12a. Full Name of Petitioner (including local name and number):
International Union, United Automobile Aerospace and Implement Workers of America (UAW)

12b. Address (street and number, city, state and ZIP code):
4310 Cameron St Suite 11
Las Vegas, NV 89103

12c. Full Name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state):

12d. Tel. No.:
702-806-4744 ext 102

12e. Cell No.:
810-610-3124

12f. Fax No.:

12g. E-Mail Address:

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title:
Heaven Walker
International Representative, Organizer

13b. Address (street and number, city, state and ZIP code):
4310 Cameron St Suite 11
Las Vegas, NV 89103

13c. Tel. No.:

13d. Cell No.:

13e. Fax No.:

13f. E-Mail Address:
hwalker@uaw.net

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print):
Heaven Walker

Signature:
Heaven Walker

Title:
Int'l Rep - Organizer



Date:
1-28-19

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Selection of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

NLRB ELECTION DIAGRAM: SCHEDULING

 **UNITED STATES OF AMERICA**
National Labor Relations Board
32-RC-259399 

OFFICIAL SECRET BALLOT
For certain employees of
ENEL NORTH AMERICA, INC.

Do you wish to be represented for purposes of collective bargaining by
**INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL UNION 1245?**

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES <input type="checkbox"/>	NO <input type="checkbox"/>
--	---------------------------------------

DO NOT SIGN THIS BALLOT. See enclosed instructions.
The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

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THE REAL GOAL OF UNION ORGANIZING DRIVES?

- UNIONS NEED TO GET EMPLOYEES' SIGNATURES
- SIGNING AN AUTHORIZATION **LEGALLY** INDICATES AN EMPLOYEE WANTS THE UNION TO “REPRESENT” HIM/HER
- CARDS: LIKE A “POWER OF ATTORNEY”!
- VALID FOR ONE YEAR
- ONCE SIGNED – NOT EASILY REVOKED!
- UNIONS ONLY NEED 30% SIGNED UP TO PETITION!

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THE REAL GOAL OF UNION ORGANIZING DRIVES?

- A UNION NEEDS A MINIMUM OF **30%** TO SIGN UP TO AUTHORIZE AN ELECTION
- UNIONS CAN TELL EMPLOYEES ALMOST ANYTHING TO GET THEM TO SIGN A CARD: TRUE OR UNTRUE!
- ***CARDS CAN EVEN BE USED TO RECOGNIZE A UNION'S ROLE WITHOUT ALLOWING AN ELECTION!***

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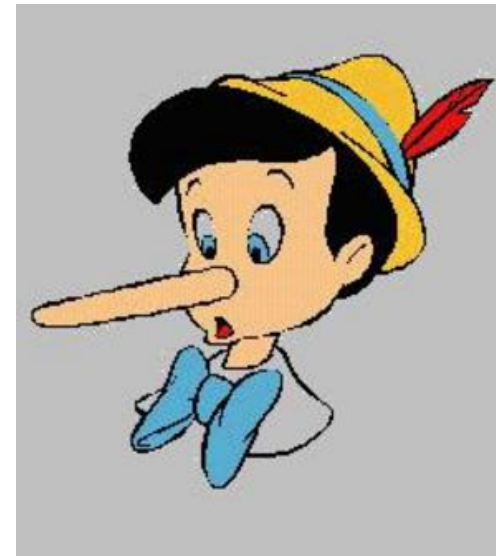
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WHAT DOES THE UNION SAY TO GET SIGNATURES?

- THE CARD DOESN'T MEAN ANYTHING. JUST TO GET A VOTE
- IF YOU DON'T SIGN – AND THE UNION GETS IN – YOU WILL BE IN TROUBLE.
- YOU DON'T WANT TO BE THE ONLY ONE WHO DOESN'T SIGN UP!
- IF YOU CHANGE YOUR MIND – YOUR SIGNATURE WON'T COUNT!
- We'll give you:
 - A voice
 - Fairness
 - Job security
 - A safer workplace
 - More bargaining power
 - More, more, more (money, benefits, PTO, etc.)



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WHAT TO LOOK OUT FOR?

- WHEN EMPLOYEES FIRST REACH OUT TO A UNION
- SETTING UP AN IN-HOUSE ORGANIZING COMMITTEE
- DEVELOPING “ISSUES” TO GET EMPLOYEES TO COMMIT
- THE IMPORTANCE OF KEEPING “A LID ON” UNION ACTIVITIES
 - NO VISIBLE UNION CARDS ON SITE
 - NO UNION LITERATURE ON SITE
 - NO COMMENTS TO MANAGEMENT

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WHAT TO LOOK OUT FOR?

- LEARNING TO OBSERVE CHANGES IN BEHAVIOR
- LEARNING TO OBSERVE CHANGES IN ATTITUDES
- WATCHING FOR GROUP DYNAMIC INSIGHTS
- KNOWING WHEN TO GET HELP



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WHAT TO LOOK OUT FOR?

- EMPLOYEES AWAY FROM NORMAL WORK AREAS
- EMPLOYEES STOP TALKING WHEN MANAGEMENT WALKS UP
- EMPLOYEE GROUPS CHANGE
- RISE OF NEW LEADERS
- OLD OR “DEAD” ISSUES RESURFACE
- GROUP COMPLAINTS



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WHAT TO LOOK OUT FOR?

- EMPLOYEE PARTICIPATION/ACTIVE FEEDBACK FALLS OFF
- DISTRUSTING RATHER THAN TRUSTING CLIMATE
- ARGUMENTATIVE QUESTIONS AND CLIMATE
- UNUSUAL QUESTIONS ABOUT POLICIES AND PRACTICES

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WHAT TO DO WHEN CARD-SIGNING ACTIVITY IS DETECTED

- RECOGNIZE/INVESTIGATE EARLY WARNING SIGNS
- FOLLOW EARLY WARNING SYSTEM GUIDELINES
- KNOW THE WHEN/HOW AND WHO TO COMMUNICATE WITH ABOUT POSSIBLE UNION ACTIVITIES
- COMMUNICATE – AS NEEDED



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LEGAL PARAMETERS FOR SUPERVISORS/MANAGERS

UNDER THE NLRA – SUPERVISORS AND MANAGERS
ARE “**AGENTS**” FOR THE EMPLOYER

EVERYTHING SAID OR DONE **BY** A SUPERVISOR MAY
BE DEEMED TO BE ATTRIBUTABLE
TO AN EMPLOYER

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Why Employees Turn to Unions

- Poor treatment by manager/supervisor
- Lack of respect
 - Feel their opinions are ignored
 - No one listens to their cares or concerns
- Favoritism
- Inadequate headcount, excessive overtime, disregard for personal schedules
- Safety issues
- Lack of management credibility



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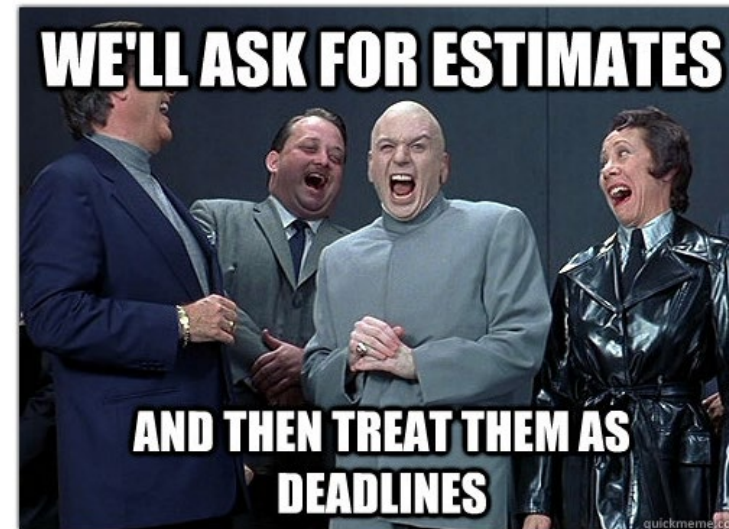
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Why Employees Turn to Unions

THE #1 REASON: Poor Treatment by supervisors!

- Supervisors can prevent this
 - Treat employees respectfully
 - Remember the Golden Rule
- Supervisors ARE the Company
 - In employees' eyes
 - In the law's eyes
 - You are crucial to remaining union-free



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Positive Employee Relations

- Be professional
- Be engaged
- Resolve issues



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Be Professional

- Set a good example
- Don't become too familiar with subordinates
- Don't criticize the Company or management



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Follow the Golden *Platinum* Rule

**Treat others as you
they would like to be
treated.**

**Be respectful,
consistent, honest,
fair, loyal, kind,
flexible, and
empathetic!**



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Don't be "That" Supervisor

- Do you lose your temper around employees?
- Do you ever raise your voice?
- Do you ever use strong language?
- Do you ever counsel employees when you are upset?
- The perception that you're a jerk will get you every time.
- *If you're that guy, your conduct could result in everyone having to deal with a union.*



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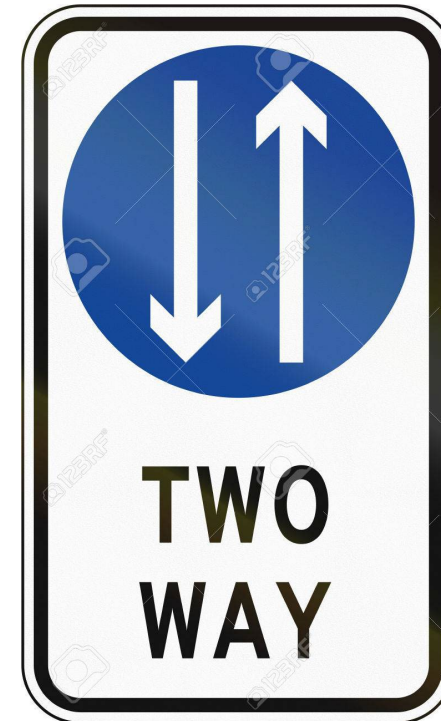
Be Engaged

- An Engaged Supervisor:
 - **Has daily interaction with employees**
 - **Knows his/her employees' current issues**
 - **Is the “go to” source of information**
 - **Is the first point of contact for resolving issues**
- **Employees bypassing supervisor = Problems**

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Communicate

- Talk with employees
 - We tell employees as much as we can
 - We correct rumors promptly
 - We are honest with employees
 - They won't respect you if they can't trust you
- We LISTEN to employees
 - Open Door Policy
 - We take action based on what they tell us



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Easy Communications

- “Good Morning”
- Praise
- Thank employees
 - Costs nothing.
 - Takes little time.
- Taking an interest in employees
 - Did you have a nice weekend?
 - How did your daughter like summer camp?
 - I heard you bought a new car, how do you like it?
 - Have you seen the new _____ movie?



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Hard Communications

- Counseling
 - Don't be loud or angry
 - Don't use strong language
 - Don't lecture
- Instead
 - Present the issue in a calm manner
 - Explain what was wrong and what you expect
 - Ask if there are questions
 - Review any paperwork (write up)



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Communicating Bad News

- The company doesn't do things just to be mean.
- Explain the business reasons for bad news
 - “Sell” the decision . . .
 - Even if you disagree with it
- NEVER blame the company
- Follow up – don't leave issues hanging
- If employee says union could prevent this, explain why that's incorrect.



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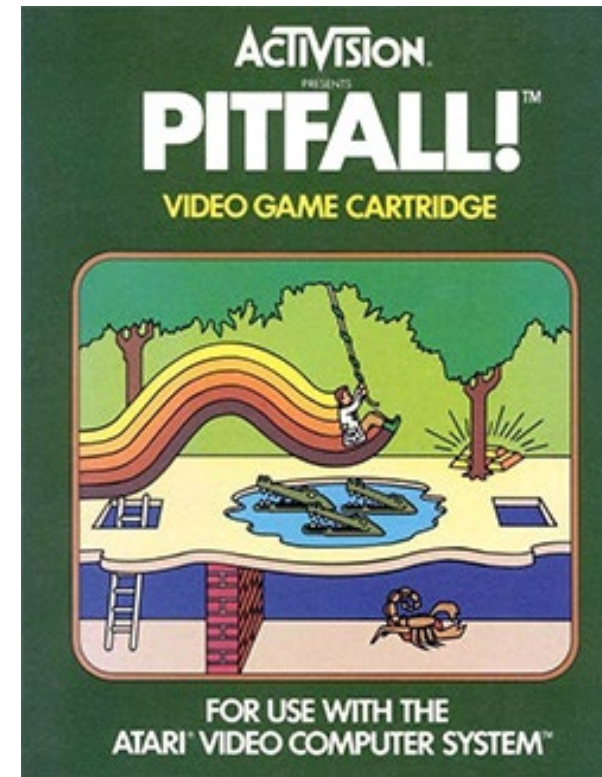
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Communications Pitfalls

- Failure to communicate good news
- Failure to celebrate success
- Not enough meetings with employees
 - Meetings should be regularly scheduled
 - “As needed” becomes “once in a blue moon”
- Insufficient one-on-one communications
- Blaming the company



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Communications Pitfalls

- Missing opportunities to share the truth about unions.
 - Employee: “My friend Joe got laid off from XYZ last week.”
 - Supervisor: “That’s a shame.”

OR

“That’s a shame. You know, XYZ just got unionized last year. I guess that just goes to show unions aren’t silver bullets.”



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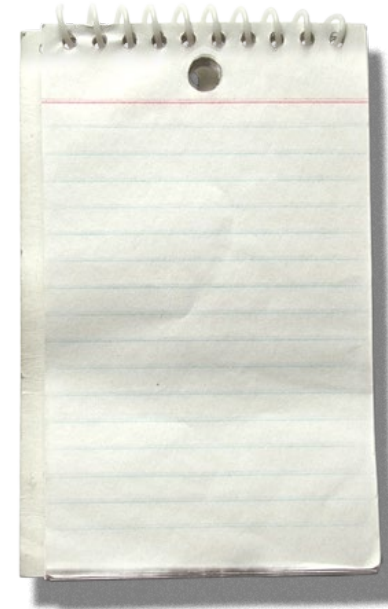
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Communications Pitfalls

- Management's most famous response:
"I'll get back to you"
 - How many times do we forget?
 - What message does that send to the employee?
- If you say it – do it
- A better plan – the notepad
 - Write it down
 - Follow up within 24 hours
 - Giving bad news is better than giving the impression you don't care.



FREE SPEECH PROVISO

- SECTION 8(C) OF THE NATIONAL LABOR RELATIONS ACT:

“THE EXPRESSING OF ANY VIEWS, ARGUMENTS, OR OPINIONS, OR THE DISSEMINATION THEREOF, WHETHER IN WRITTEN, PRINTED, GRAPHIC, OR VISUAL FORM SHALL NOT **CONSTITUTE OR BE EVIDENCE OF AN UNFAIR LABOR PRACTICE** UNDER ANY OF THE PROVISIONS OF THIS ACT, **IF SUCH EXPRESSION CONTAINS NO THREAT OF REPRISAL OR FORCE OR PROMISE OF BENEFIT.**”

- THIS PROVISO GRANTS YOU FREEDOM TO EXPRESS YOUR AND THE EMPLOYER'S VIEWS

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WHAT CAN YOU DO? SAY?

SECTION 8(C) SAYS SUPERVISORS
CAN OFFER:

F FACTS

O OPINIONS

E EXPERIENCES

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KNOW THE FOE

EXAMPLES OF FACTS

- UNION MEMBERSHIP HAS BEEN DECLINING SINCE THE 1950s – 6.2%!!
- NO COMPANY HAS TO AGREE – IN BARGAINING – TO ANY REQUESTS THAT A UNION MAKES!
- UNIONS AND COMPANIES AGREE ON FIRST CONTRACT TERMS IN LESS THAN 35% OF ALL CASES
- In 2018, only 6.4% of private sector employees were union members.
 - For example: UAW reported in 2018 it had lost 35,000 members (9%) in the past year.
- The amount of dues you have to pay for this union per month is \$XXX.

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EXAMPLES OF OPINIONS

- FLEXIBILITY IS THE KEY TO OUR SUCCESS. DURING NEGOTIATIONS, A UNION COULD INSIST ON WORK RULES THAT COULD LIMIT OUR FLEXIBILITY AND HURT OUR ABILITY TO WORK AS A TEAM
- WE DO NOT NEED A UNION HERE! WE ARE BETTER OFF WORKING TOGETHER – LIKE WE DO NOW
- WHEN A UNION IS ONSITE, THERE IS USUALLY CONFLICT INSTEAD OF COOPERATION

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KNOW THE FOE

EXAMPLES OF EXPERIENCES

- YOU CAN RELATE ANY EXPERIENCES YOU KNOW ABOUT OR HAVE PERSONALLY HAD
- **BUT ... you cannot** end your story by saying (or implying) “**and the same thing will probably happen here if the union gets in.**”
- PERSONAL EXPERIENCES CAN BE PERSUASIVE!

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- Supervisors have been told to share their union experiences with TMs. You're at a pre-shift meeting when Supervisor Bob tells his TMs:

“I think unions are terrible. At my last job, the Plant President told us the plant would close if the union got in. Then, 3 months after the union won the election, everything was packed up and sent to a non-union plant.”
- Is this okay? Should you say something?

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SCENARIO (Response)

- This could be interpreted as a **threat**.
- Maybe Bob didn't mean to predict this plant would close, but YOU need to clarify:
 - "I'm sorry to hear that, Bob. Maybe that plant just couldn't be competitive after the union got in."
 - "We wouldn't close our plant just because a union got in, but a union might make it hard for us to remain competitive."

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Respond to Employees' Questions

- If they asked, they probably value your opinion.
- Make it clear you believe we're better off without a union.
- Share your knowledge.

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What Do You Think About Unions?

Key Question No. 1 – Need a Strong Response

☐ What should you say?

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What do I think about unions, I'm glad you asked.

- Seize this opportunity
- Facts:
 - Losing members for 60 years
 - Only 6.4% of private sector employees in 2018
 - Can't deliver on promises (we can say no)
 - Cost money (dues, fines, assessments)
 - Risk of strikes (no pay, no unemployment, still have to pay your bills)
 - Can make companies less competitive
- Opinions
- Experience

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SCENARIO

- TM says, “Well maybe the union can’t guarantee improvements, but at least it could keep things from getting worse. The union could take what we have now and lock it down in a contract!”
 - How would you respond?

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SCENARIO (Response)

- Not necessarily.
 - Bargaining starts at status quo, but anything can happen from there.
 - Union might agree to less X to get more Y.
 - Company can say no.
- Unions sometimes make concessions.
 - Sometimes a company needs concessions to remain competitive.
 - If union refuses, that could impact job security.

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Unions Can't Deliver on Promises

- Collective bargaining is the only guarantee.
 - Individual employees no longer have the right to speak for themselves
- Union asks
- Company answers
 - Company can say “no”
- Union can:
 - Accept “no”;
 - Ask for something else; or
 - Call a strike.



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WHAT YOU CANNOT DO OR SAY!

T THREATEN

I INTERROGATE

P PROMISE

S SPY

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Threats

- Examples
 - Job loss
 - Denial of a promotion
 - Plant closings, etc.
- Vague vs. Specific
 - Don't try to be clever
- Opinion vs. Fact
 - As a supervisor, your “opinion” may be viewed as a fact.

Why Do It?

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SCENARIO

- A Supervisor hears one TM say to another, “People claim the company will close our plant if we get a union. Could that happen?”
- Before anyone answers, both TMs look at the Supervisor--because they know she heard the question.
- The Supervisor isn’t sure what she can and can’t say, so she shrugs, says nothing, and walks off.
- Did the GL make the right decision?

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SCENARIO (Response)

- No, the Supervisor did two things wrong.
- As an agent of the company, her silence could be interpreted as confirming a THREAT to close the plant.
 - She should have refuted the TM's statement.
 - Should at least have said: "We would not close the plant just because a union got in."
- She also missed an opportunity to educate.
 - "We wouldn't close the plant just because a union got in, but we might have to if a union made us uncompetitive."

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Interrogation

- Can't ask who supports the union.
- Can't ask about union activity.
- If it ends with "?", don't say it.
- YOU CAN:
 - Accept information that is volunteered.
 - Make statements that might inspire employee to volunteer information.
 - "I can't believe the things the union is promising."

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SCENARIO

- A team leader tells you a union organizer came to his house to talk. He says the union is also talking to other TMs.
- What should you do?

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SCENARIO (Response)

- Show interest!
 - Information is a gift!
- You want more info, but **can't ask for it.**
- Say something to get the TM talking.
 - "It's too bad the union is bothering people at their homes."
 - "I hope people aren't buying that stuff, I think a union would be a terrible idea."
 - "I think a union would be terrible for this plant."

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Promises

- Can't promise anything to influence employees.
 - If you'll support the company I'll promote you.
- Can't promise to fix something if union loses.
 - I didn't realize attendance policy was such a problem.
 - If you vote the union down and give us another chance, I'll change the policy.



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SCENARIO

- You and a pro-company employee (Fred) are talking about the union activity. You tell Fred that other TMs would respect his opinion, and encourage him to talk to them. A few minutes later, Fred asks where he stands on the job opening in maintenance.
 - What should you say?

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SCENARIO (Response)

- You can't PROMISE Fred special treatment because of his loyalty.
- You could say something like:
 - Fred, you're a good employee and I'm glad you're interested in that job.
 - We're going to award that job to the most qualified candidate, like we always do.
 - That may or may not be you.
 - I appreciate your position regarding the union, but that can't be a factor in the decision.

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WHY UNION-FREE?

THE SUPERVISOR'S / MANAGER'S PERSPECTIVE(S)

- UNIONS INTERFERE WITH SUPERVISORY DUTIES
- SUPERVISORS MAY LOSE FLEXIBILITY IN MANAGING EMPLOYEES (SCHEDULING? PEAK TIMES?)
- UNIONS DRIVE WEDGES BETWEEN SUPERVISORS AND EMPLOYEES
- SUPERVISORS MADE OUT TO BE THE “BAD GUYS”

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***WHY* UNION-FREE?**

THE SUPERVISOR'S / MANAGER'S PERSPECTIVE

- COMMUNICATIONS CAN BE RESTRICTED (DEALING WITH UNION STEWARDS – NOT DIRECTLY WITH EMPLOYEES)
- UNIONS CAN INTERFERE WITH HOW WE DO OUR WORK – CAUSE US TO BE LESS EFFICIENT
- COUNTLESS HOURS IN MEETINGS ABOUT UNION-RELATED MATTERS
- ADDITIONAL, UNNECESSARY PAPERWORK ON DISCIPLINE

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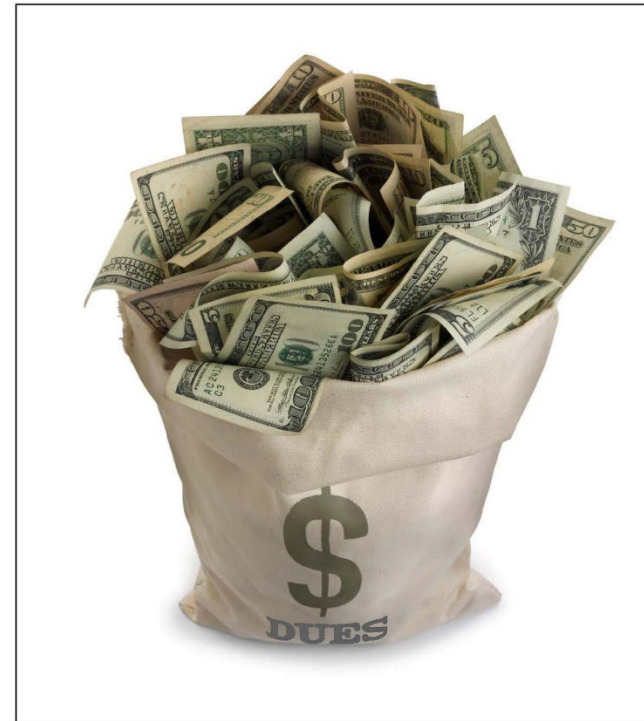
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***WHY* UNION-FREE – EMPLOYEES' PERSPECTIVE?**

COSTS!

- DUES
- FEES
- FINES
- ASSESSMENTS



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***WHY* UNION-FREE – EMPLOYEES' PERSPECTIVE?**

- PEER PRESSURE
- “US VS. THEM” ATMOSPHERE
- UNION RULES



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***WHY* UNION-FREE – EMPLOYEES' PERSPECTIVE?**

- A UNION CANNOT GUARANTEE “PROMISES” MADE ABOUT WAGES, BENEFITS, ANYTHING.
- NO GUARANTEES A CONTRACT WILL EVER BE FINALIZED
- POSSIBLE RISKS OF LOSSES ... PAY AND BENEFITS MIGHT STAY THE SAME ... OR EVEN ***DECLINE***
- FIRST CONTRACTS CAN TAKE YEARS TO NEGOTIATE
- UNILATERAL PAY INCREASES ARE NOT ALLOWED DURING NEGOTIATIONS

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***WHY* UNION-FREE – EMPLOYEES' PERSPECTIVE?**

- LOSS OF PERSONAL FREEDOMS (DIRECT COMMUNICATIONS, MERIT-BASED RECOGNITION)
- UNIONS FAVOR THE GROUP AT THE EXPENSE OF INDIVIDUALS (MORE RIGID RULES?)
- UNIONS FAVOR EMPLOYMENT DECISIONS BASED ON SENIORITY – NOT ON MERIT
- UNION RULES CAN RESTRICT ON-THE-JOB FLEXIBILITY AND CAREER OPPORTUNITIES
- UNION STEWARDS CAN PLAY FAVORITES

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Solicitation and Distribution Rules

The Rules:

- Non-Employees:
 - No Solicitation or Distribution on Company Property
- Employees:
 - No Solicitation During Working Time
 - No Distribution During Working Time
 - No Distribution in Working Areas

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Solicitation and Distribution

Rules for **Employees**:

- If any employee involved is supposed to be working:
 - No solicitation (anywhere); and
 - No distribution (anywhere).
- If no employee involved is supposed to be working:
 - Can solicit (anywhere); and
 - Can distribute in non-work areas (i.e., places where work is not ordinarily done)

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Solicitation & Distribution Rules, Employees

	Solicitation	Distribution
Non-Work Area	Allowed if no one involved is on work time.	Allowed if no one involved is on work time.
Work Area	Allowed if no one involved is on work time.	NEVER ALLOWED!

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Solicitation and Distribution

Analyze situations this way:

- Is any employee involved supposed to be working?
 - Yes = they can't solicit or distribute.
 - Tell them to get back to work.
 - No = ask yourself the next question.
- Is it a work area?
 - Yes = they can solicit, but not distribute.
 - No = they can solicit and distribute.



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SCENARIO

- TMs are eating lunch in the cafeteria.
- As you walk in, you see some of them passing out flyers about a union meeting.
 - Is this solicitation?
 - Is it distribution?
 - Is it allowed under the solicitation/distribution rules?
- What should you do?

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SCENARIO (Response)

- Is it solicitation or distribution?
 - Distribution.
- Is it work time?
 - No.
 - They can distribute during non-work time.
- Is it a work area?
 - No.
 - They can distribute in non-work areas.
- Don't interfere, but do report to HR.

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SCENARIO

- Jack and Jill work beside each other and they talk a lot as they work. This has never been a problem, and you've never told them they can't talk as they work.
- One day Jack starts talking about the union. Jill doesn't like unions and she asks Jack to stop talking about that, but he won't. Jill asks you to make Jack stop talking about the union.
- What should you do?

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SCENARIO (Response)

- You've tolerated talking until now. You can't suddenly prohibit "union" talk.
 - That would be discrimination.
- You can tell Jill she has an equal right to speak against the union.
 - You could also note that hard core union supporters like Jack often end up being stewards when a union is voted in.
- If Jack's talk begins interfering with Jill's ability to perform her work, we can take some action.
 - But that's not true here. Talking about anything else hasn't interfered with Jill's work.

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UNION-FREE : BEST PROACTIVE PRACTICES

- BE AWARE OF POSSIBLE “SALTING”
- INVEST IN SELECTION
- REVIEW THE POSITIVE REASONS FOR YOUR UNION-FREE APPROACH
- DON'T HIDE YOUR PREFERRED APPROACH
- MAKE GREAT COMMUNICATIONS A PRIORITY
- INSURE FAIRENESS IN ALL DEALINGS
- FIND WAYS TO INVOLVE AND CHALLENGE YOUR TEAM

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Questions?

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