

A MEASURED APPROACH TO MANAGING LABOR RELATIONS

EFCA, Union Organizing, Federal Labor and You

Richard W. Pins



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Training Goals

- Understanding the Current Labor Relations Climate
- Help leaders practice and promote positive employee relations through CPR
- Understand, express, model and reinforce positive human relations
- Feel comfortable addressing the topic

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Union Membership

- Unions represent approximately 7.2% of employees in the private sector
- Current overall unionization rate, including public sector, is 12.3% -- steady decline since peak at 35.4% in 1954

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Union Membership in Texas

Private Sector Workers
National: 7.8%
Texas: 3.1%
Houston Area: 4.0%

Union Membership in Georgia

Private Sector Workers
National: 7.8%
Georgia: 3.7%
Dalton Area: 3.3%



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Union Membership in New Jersey

Private Sector Workers
National: 7.8%
New Jersey: 11.8%
Edison Area: 15.4%

Union Membership in Illinois

Private Sector Workers
National: 7.8%
Illinois: 11.8%
Chicago Area: 12.4%



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AFL-CIO

"My goal is to restore labor unions to their times of greatness . . . To bring unions back to the center of American life."
John Sweeney, President



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CHANGE TO WIN (CTW)

“We are committed to mounting the largest and most effective organizing program in generations . . .”

Edgar Romney, Change to Win (CTW)
Secretary/Treasurer, and
UNITE-HERE Executive
Vice President



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CHANGE TO WIN

- Five unions split with AFL-CIO in September 2005; currently up to seven unions
- Split over spending differences (AFL-CIO wanted to spend more on politics than organizing)
- Comprised of 4 of the 10 most active unions
- 6 million members
- Goal - “organizing the unorganized”
- Will commit 75% of funds to organizing



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Employee Free Choice Act

- Card Check Recognition
- Government Intervention/Binding Arbitration
- Increased Penalties



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Real World Impact of EFCA Changes

1. Card Check Recognition
 - Eliminates secret ballot election
 - Eliminates campaign
 - Increases impact of misinformation and intimidation
 - Increases number of unionized employees
2. Government Intervention/Binding Arbitration
 - 10/90/30
 - Eliminates guarantee of negotiated agreement
3. Increased penalties



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Will it Pass?

- It is organized labor's number one priority.
- Obama and Biden were co-sponsors of the legislation when in Congress.



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Possible Compromises

- Significantly shortened "campaign period"
- Restrict employer free speech
- Union equal access
- Super majority for recognition
- Mail ballot
- "Baseball model" arbitration



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EXECUTIVE ORDERS AND RELATED RULES

- On January 30, 2009, President Obama signed three Executive Orders impacting federal contractors:
 - Notification of Employee Rights Under Federal Labor Law;
 - Nondisplacement of qualified Workers Under Service Contracts; and
 - Economy in Government Contracting.

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EXECUTIVE ORDERS AND RELATED RULES

- On February 6, 2009, President Obama signed an Executive Order related to the use of Project Labor Agreements for federal construction projects.
- On May 20, 2010, the Department of Labor issued a Final Rule which requires that all parties to contracts with any agency of the federal government of \$100,000 or more, as well as all related subcontracts of \$10,000 or more, post DOL-prescribed notices advising employees of their rights under the NLRA, including their right to organize.

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HEAD START ACT

The Act mandates that Head Start Funds (i.e., “funds appropriated to carry out [the Act]”) shall NOT be used to “assist, promote or deter union organizing.”

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Goals

Employ individuals who are:

- Informed
- Involved
- Appreciated

Unions should be viewed as:

- Not Evil or Bad
- Unnecessary to your Employees

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Maintaining Positive Employee Relations Will Help Minimize Discontent

Run your business in a way that convinces employees that there is nothing a third-party can do that they, working together with the their leadership team, cannot do better themselves.

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LEADERSHIP TEAM

The keys to creating such an environment are managers and front line supervisors.

Managers and supervisors are the eyes, ears and voice of the Company.

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Role and Responsibilities of Your Managers and Supervisors

- Know your employees
- Talk with your employees
- Listen to your employees
- Include your employees in decision-making
- Recognize extraordinary efforts

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What do Employees Think is Important in their Jobs?

- Job security
- Tactful discipline
- Help with personal problems
- Good wages/benefits
- Promotion and growth
- Feeling "IN" on things
- Interesting work
- Appreciation for doing job
- Loyalty to workers
- Good working conditions

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What do Employees Think is Important in their Jobs?

Supervisor Ranking

- Good wages/ benefits
- Job Security
- Opportunities for advancement
- Good working conditions
- Interesting work
- Loyalty to workers
- Tactful discipline
- Appreciation for doing job
- Help with resolving problems
- Feeling "in" on things

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What Causes Employee Dissatisfaction?

- Perception their ideas and opinions don't matter
- Perception they are not appreciated
- Perception they are not treated fairly
- Perception they are not compensated fairly
- Perception their jobs are not secure
- Perception they are not on the company team



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CONSEQUENCES OF AN UNHAPPY WORKFORCE

- Unhappy employees have lower morale;
- Low morale leads to absenteeism, apathy, decreased quality, high turnover, errors, and accidents;
- Productivity and satisfaction decrease; and
- The possibility of unionization increases



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CPR

- Communication
- Participation
- Recognition

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COMMUNICATION

- Perception: not well informed
- Ongoing, proactive, formal/informal
- Handbooks/policies
- Employee meetings
- Advance notice of change
- Respond to Rumors
- Accessibility

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PARTICIPATION

- Ongoing, proactive, formal/informal
- "Our Company"
- Opinion surveys
- Suggestion Box
- Exit Interviews

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RECOGNITION

- Perception: not appreciated
- Ongoing, proactive, formal/informal
- Sincere and credible
- Performance reviews
- Merit/skill based pay
- Non-monetary Rewards
- Tokens

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COMPANIES AND LEADERS SHOULD BE:

- PRO-EMPLOYEE
- NOT ANTI-UNION:
 - UNIONS ARE NOT THE ENEMY
 - BUT THEY SHOULDN'T BE NECESSARY

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General Colin Powell on Leadership

“The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help them or concluded that you do not care. Either case is a failure of leadership.”

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**THE LAW AND
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Section 7, NLRA

“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 shall also have the right to refrain from any or all of such activities”

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Section 8c, NLRA

“The expressing of any view, argument or opinion . . . shall not [be unlawful] . . . if such expression contains no threat of reprisal or force or promise of benefit.”

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Signs of Union Activity

- Union authorization cards, handbills or leaflets on the premises or in parking areas
- Employees meet and talk in out-of-the-way or unusual places
- The frequency of employee complaints increases
- An employee writing down the names of people in the department by copying from the clock cards or other lists of employees



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Signs of Union Activity

- Groups of employees suddenly stop talking when you approach
- During breaks or lunch periods you notice unusual, intense conversation or activity
- Strangers appear on the premises, in work areas or in the parking lot
- Complaints begin being made by a delegation, not single employees



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Signs of Union Activity

- Pointed questions about wages, benefits or job security at unionized plants
- Employees galvanize around an issue or two related to "fairness" or "equity" or "control"
- Increased inquiries made regarding technical legal practice, such as payroll, overtime, breaks, leave, OSHA
- Factions created amongst teammates and colleagues



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What Can You Say to Employees About Unions?

- F.O.R.E.
 - Facts
 - Opinions
 - Rights
 - Experience



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What Can't You Say to Employees About Unions?

- T.I.P.S.
 - Threaten
 - Interrogate
 - Promise
 - Spy



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Threats - Examples

- If a union comes in here we are going to close this place down.
- Anyone who supports unions will not last very long around here.
- If you spend your time working on that union stuff you may find yourself out of a job.



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Interrogation -Examples

- Do you think we need a union in here?
- Who's been going to those union meetings?
- Who's behind all this union talk?
- You're not going to sign a union card, are you?
- Are you involved with union organizing?
- It is not OK to interrogate, but it is OK to listen - and you should listen.

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Promises - Examples

- If you abandon this union organizing nonsense, we'll increase everybody's holidays by a day.
- If you vote no in the election, I'll make sure you make it onto first shift.
- The plant manager always takes care of those who are loyal to him.

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Spying - Examples

- Going to where union meetings are held to see who attends and who doesn't
- Following suspected employee organizers to see if they are meeting with union officials or doing offsite organizing

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Workshop Number 1

- Andy and Opie, two employees on your shift, approach you during work and say they want to talk about the union issue. Andy says that he heard employees at union plants make more money and have better retirement benefits than our plant employees. Opie asks if that is true, and if so, why shouldn't our plant employees join the union, too.



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Workshop Number 2

- Driving to work you see two of your employees - Joanie and Chachie - standing in the parking lot handing out what appear to be flyers of some kind. A third person, a stranger, is with them handing out flyers and talking with other employees in the lot.
- What do you do? Do you talk to the employees? The stranger?



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Workshop Number 3

- Rumor has it that Wally Cleaver and Eddie Haskell have been taking product out of the plant at night. Wally has always been a great worker, plus you go to the same church, and you can't believe he would do that. Eddie, on the other hand, is a low life, plus you've heard he has been talking Union.
- How do you handle the situation?



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Workshop Number 4

- You overhear employee Fred Flintstone telling employee Barney Rubble that “the company only cares about management; it doesn’t care about the workers.”
- How do you respond?



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Workshop Number 5

- Elaine approaches you in your office and says she heard a number of employees on the shift are planning on meeting with a union organizer. She asks if you want her to give you the employees’ names.
- How do you respond?



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Workshop Number 6

- Three employees - Homer, Bart and Marge - stop you on your way out of the restroom and ask if they can speak with you in private. In your office, Homer asks if the company has an official position on unions. How do you respond?
- Bart then asks why a union is OK for employees at another manufacturing plant, but not for our plant. Your answer?
- Finally, Marge asks if you are going to try to stop them if they try to start a union drive now? What do you say?



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Summary

- CPR
- FORE
- TIPS



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General Colin Powell on Leadership

“The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help them or concluded that you do not care. Either case is a failure of leadership.”



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