

Anybody Want A Union?

Steps To Take To Preserve Non-Union Status

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GENERAL FACTS AND OBSERVATIONS CONCERNING UNIONS

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GENERAL FACTS AND OBSERVATIONS

- Private sector unionization has been on the decline
- Reasons for decline in unionization: statutes; unions have made businesses uncompetitive
- Myth that unions are good for business is just a myth
- Costs of being unionized are significant

GENERAL FACTS AND OBSERVATIONS (cont'd.)

- Unions have greatest impact on first-line supervisors
- Issue causing employees to unionize – supervisory favoritism and unfair treatment
- Preventative measures are critical
- Employers should inform employees of employer's position regarding unions

GENERAL FACTS AND OBSERVATIONS (cont'd.)

- Deck is stacked against employer
- NLRB is pro-union
- Unions are using tactics that are becoming increasingly sophisticated
- It is difficult to get rid of union once a facility is unionized

GENERAL FACTS AND OBSERVATIONS (cont'd.)

- Unions tend to protect marginal employees
- Bad employees often assume positions of power in unions
- Legal restrictions on what an employer may say or do in opposing unionization should not paralyze the employer into inaction
- Unions can sneak up on employers

GENERAL FACTS AND OBSERVATIONS (cont'd.)

- Employers can't always believe what employees say regarding their lack of support for unions
- Union avoidance begins at time of hire
- Single most important factor in union avoidance is communication

GENERAL FACTS AND OBSERVATIONS (cont'd.)

- Union avoidance requires consistent effort
- Objective of union avoidance – make unions unnecessary

CURRENT RULES OF UNION ORGANIZING

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APPROPRIATE BARGAINING UNIT

- Appropriate bargaining unit is important issue
- May be more than one appropriate unit
- Group of jobs or job classifications
- Certain positions and individuals may not be included
 - Supervisors
 - Managerial employees
 - Confidential employees

REPRESENTATION PETITION

- Filed by employees or persons acting on their behalf
- Identifies employer, facility, union seeking to organize facility, proposed bargaining unit, and number of employees in proposed unit
- Must be supported by at least 30% of employees in an appropriate unit
- Showing of interest typically made by authorization cards or petitions

ELECTION MECHANICS

- Typically at employer's location
- Supervised by NLRB representative
- Secret ballot
- Ballots tallied immediately after election
- To win, union needs 50% plus one of votes actually cast

FACTORS INCREASING RISK OF UNION ACTIVITY

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FACTORS INCREASING RISK OF UNION ACTIVITY

- Lack of communication with hourly employees
- Poor relationships between supervisors and hourly employees
- Supervisors show favoritism
- Inconsistent enforcement of rules and policies

FACTORS INCREASING RISK OF UNION ACTIVITY (cont'd.)

- Failure to address employee complaints
- Arbitrary, rushed or emotional management action
- Management fails to keep promises
- Inferior wages or benefits compared to unionized employers in geographic area

FACTORS INCREASING RISK OF UNION ACTIVITY (cont'd.)

- Failure to give raises when expected or in amount expected
- Reduced wages or benefits
- Significant changes in job descriptions, job duties, schedules, or procedures, without advance notice to or discussion with the affected employees
- Unpleasant working conditions

FACTORS INCREASING RISK OF UNION ACTIVITY (cont'd.)

- Summarily discharging employees
- Failure to utilize progressive discipline
- Layoffs of employees
- Failure to address employees' health and safety concerns

SIGNS OF UNION ACTIVITY

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BE ALERT TO SIGNS OF UNION ACTIVITY

- Strangers
- Cards/union literature
- Terms associated with unions (seniority; grievance)
- Quiet employees become assertive
- Employees congregate

BE ALERT TO SIGNS OF UNION ACTIVITY (cont'd.)

- Conversations terminate
- Employees become better or worse, for no apparent reason
- Common work practices become health and safety issues
- Employees no longer come to management

REMAINING UNION-FREE

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CLEAR STATEMENT OF EMPLOYER'S POSITION

- Non-union agency; wish to remain non-union
- Better for employees
 - Deal directly with management
 - Advance based on merit, rather than seniority
 - Strikes
 - Dues, fines, assessments
- Better for Company
 - Better for cooperation and teamwork
 - Flexibility needed to remain competitive
 - No disruption
 - No sapping of resources

REGULAR COMMUNICATIONS

- Be out and about with your workers
- Develop rapport; show personal interest
- Encourage employees to bring issues or concerns or complaints to your attention
- Listen to what employees have to say
- Keep employees informed of significant matters affecting the agency

REGULAR COMMUNICATIONS (cont'd.)

- Compliment/pat on the back, where appropriate
- Use communications to reinforce team concept
- Communicate even unfavorable news
- Remind employees of benefits that they receive without a union

OTHER ACTIONS TO MINIMIZE LIKELIHOOD OF UNIONIZATION

- Avoid favoritism (e.g. assigning easiest work to favored employees)
- Avoid inconsiderate conduct (e.g. – neglecting to inform of OT until last minute)
- Enforce rules and policies consistently (e.g. – being late)
- Deal with employee complaints promptly

OTHER ACTIONS TO MINIMIZE LIKELIHOOD OF UNIONIZATION (cont'd.)

- Do not make promises that you do not intend to keep
- Reward merit/good performance
- Avoid angry/emotional responses to workplace issues
- Use seniority when things are relatively equal

OTHER ACTIONS TO MINIMIZE LIKELIHOOD OF UNIONIZATION (cont'd.)

- Follow the employee handbook
- Know and enforce the Company's no-solicitation/no-distribution rules
- Know and enforce the Company's no-access rule
- Know and enforce the Company's bulletin board policy

OTHER ACTIONS TO MINIMIZE LIKELIHOOD OF UNIONIZATION (cont'd.)

- Be fair and accurate when conducting performance evaluations
- Use the probationary period to weed out troublemakers
- Remember the acronym, “TIPS”

OTHER ACTIONS TO MINIMIZE LIKELIHOOD OF UNIONIZATION (cont'd.)

- Be pro-active
- Report any sign of union activity immediately
- If you see or hear of any cards, report

EMPLOYER PROGRAMS AND POLICIES TO AVOID UNIONIZATION

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EMPLOYER PROGRAMS/POLICIES TO AVOID UNIONIZATION

- Written policy against unionization
- Pre-employment screening
- Orientation meetings
- Probationary period
- Performance evaluations

EMPLOYER PROGRAMS/POLICIES TO AVOID UNIONIZATION (cont'd.)

- Open-door policy
- Attitude surveys
- Exit interviews
- Job bidding

UNION ELECTION CAMPAIGNS

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EMPLOYER'S CAMPAIGN

- Obligation to maintain status quo
- Initial meeting with management and supervisory personnel
- Address issues that employer may lawfully address
- Emphasize themes

EMPLOYER'S CAMPAIGN (cont'd.)

- Frequent communications with employees
- Periodic management meetings during campaign
- Objective: convince employees that they do not need a union

UNION'S CAMPAIGN

- Obtain employee involvement and commitment
- Make the union organizing effort appear to be an employee project, rather than a union project
- Offer protections to union activists, to allay fears of retaliation
- Align themselves with popular institutions or causes

UNION'S CAMPAIGN (cont'd.)

- Schedule off-site meetings, with innocuous purposes
- Make a preemptive strike at employer communications
- Encourage a “jump on the bandwagon” mentality
- Rely on favorable results that the union has obtained for other bargaining units

UNION'S CAMPAIGN (cont'd.)

- Attempt to interact with management
- Raise issues to which employer cannot adequately respond in a lawful manner
- Minimize long-term effects of unionization
- Recruit union moles, to gather information
- Arm supporters with difficult questions

Thank You

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Note: This document is not intended to give legal advice. It is comprised of general information. Employees facing specific issues should seek the assistance of an attorney.

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