

# Union Avoidance Issues and Strategies

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## Golden Rule

- The only promise a Union can keep is to be the Voice of your client's employees.

## Recognizing Signs of Union Activity

1. Individuals distributing flyers to employees or placing flyers on cars.
2. Non-employees on company property.
3. Employees forming in groups that include individuals who do not normally associate with each other.

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4. Employees in work areas they normally do not visit.
5. Avoidance of supervisors – employees clam up.
6. New items placed on bulletin boards about union settlements in your client's industry.
7. Cartoon or graffiti that direct humorous hostility toward the organization, management or supervision.

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8. Employees or strangers show unusual curiosity about the company's affairs and policies.
9. Employees adopt a new, technical vocabulary that includes such phrases as protected activity, unfair labor practices, demands for recognition.
10. Union authorization cards, handbills, or leaflets appear on the premises or in parking areas.

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Knowledge is Power: Know  
Your Rights

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## Manager's Bill of Rights

1. The company owns the property and can determine who comes on it.
2. A non-employee union representative does not have any legal right to demand to enter your client's property or to talk to its employees. This is true even if it has allowed the United Way or other charitable organizations to do so.

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3. Company officials and supervisors do not have to talk to an outside union representative. They are not required to comply with any union representative's request until and unless it becomes the designated representative of your client's employees.
4. Your client can restrict union organization activity by its employees to non-work time and in non-work areas of its property.
5. Your client can limit bulletin board postings to company related matters if it has not allowed them to be used for personal reasons in the past.

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6. Your client does not need to give union organizers information about its employees. Until the union becomes the designated bargaining agent or representative for your client's employees, it has no legal obligation to provide union representatives with any such information.
7. Your client can require employees to attend a meeting to listen to its views about why it does not think a union is appropriate for its culture.

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8. Your client has the right at all times to express its views about why a union is not appropriate for its culture.
9. Parking lots and cafeterias pose special challenges because of quasi-public nature. Treat it as your client's private property and deal with union organizers like any other vendor in regard to the scope of the invitation and the easements that exist.
10. Your client can tell its employees that they do take some risks in the negotiations process. They can lose things in negotiations.

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11. Your client can tell its employees that during an economic strike they can be permanently replaced.
  12. Your client can tell its employees that during a strike employees normally do not receive unemployment compensation benefits or paid insurance benefits.

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13. Your client can tell its employees that many Union contracts require union dues as a condition of employment. This means that the Union can negotiate a contract that requires an employee to join a union or lose his job for refusing to do so.
  14. Your client can tell its employees that Union dues are often up to 2.5 times an employee's hourly wage per month.

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15. Your client can tell its employees that a lot of times the people who negotiate for the union at the bargaining table do not always keep the best interests of the group in mind. Many of the people who are on the union bargaining team are there with their own agenda or axes to grind. The Union organizer normally disappears after the petition is filed.
16. Your client can tell its employees that the union owns the grievance. This means that if the union does not believe that an employee's grievance has merit, the union can refuse to arbitrate it over the employee's objection.

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17. Your client can tell its employees that they have no obligation to vote for the union, even if they signed an authorization card.
18. Your client can tell its employees that they can withdraw their authorization cards by sending them back to the union. (This may make the Union withdraw the petition.)
19. Your client can tell its employees that negotiations are a give and take process. This means that the company can take away some of the wages and benefits that employees now have as part of negotiations.

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20. Your client can tell its employees that they give up individual rights when they join a union. Majority rules. So if the employee wants life insurance and the majority does not care about it, the employee gets no life insurance.
21. Your client can tell its employees that they would be better off without a union.
22. Your client can tell its employees anytime to **VOTE NO** for the union, even on election day.

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Managers Must Manage But  
Don't Spit on Employees

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## S. P. I. T.

- If your client finds itself in a situation where it has to deal with an employee about union organizational activity, give your client's supervisors the SPIT rule:
  - S – Do not engage in *Surveillance* about employee union activity on or off the work site.
  - P – Do not make any *Promises* of increased wages or benefits or other privileges in exchange for an employee voting against the union.
  - I – Do not *Interrogate* employees about their union sympathies.
  - T – Do not *Threaten* employees

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## Surveillance

- Engaging in conduct that creates the perception that employees' activities are being monitored.
  - "I know you were at the union meeting last night."
  - "I know you support the union."

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## Promises

- Do not promise something good will happen if the employee does not support the union.
- “The company will give out bonuses if you reject the Union.”
- “We’ll have more money for raises if you reject the union.”

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## Interrogation

- Creating an atmosphere where employees feel compelled to disclose their thoughts and opinions about union activity.
  - “What was said at the union meeting last night?”
  - “What do you think about the union?”

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## Threats

- Don't threaten that something bad will happen to the employee if he supports the union.
  - *Direct threat.* "Layoffs will occur if the union gets in."
  - *Implied threat.* "You'll regret it if you vote for the union."

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## FOE – Facts, Opinions & Experiences

- **When your client's supervisors talk about unions, tell them to stick to Facts, Opinions, and Experiences.**
- **Facts:** Only 6.4% of the private sector is unionized compared to almost 50% in the 1950s.
- **Opinions:** I don't believe unions are a good idea in our industry.
- **Experiences:** My father was a member of the UAW when he worked on the assembly line in Detroit and the Union went on strike for two months and our family took years to recover from the economic losses and drama.

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Little Card

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Big Trouble

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**AUTHORIZATION CARD** 

**I support** working together with my colleagues for a voice in decisions that affect our professions and our future. I choose SEIU—Service Employees International Union—Local 660 to represent me in collective bargaining with my employer. I understand that this authorization card can be used by SEIU Local 660 to obtain recognition.

**PLEASE PRINT**

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
Home Street Address \_\_\_\_\_  
City \_\_\_\_\_ Zip \_\_\_\_\_  
( ) \_\_\_\_\_ ( ) \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Email \_\_\_\_\_  
Work Site \_\_\_\_\_  
Job Title \_\_\_\_\_ Date Hired \_\_\_\_\_  
Department/Unit \_\_\_\_\_ Shift \_\_\_\_\_  
 Full time     Part time     Per diem

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**Yes**, I want the National Nurses Organizing Committee-Ohio to represent me in collective bargaining with my employer, to support me and my colleagues in advocating for our patients and our profession, and to raise conditions for nurses and patients to the highest national standards.

**Yes**, I want to attend an NNOC Ohio meeting.

Name (please print) \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Email \_\_\_\_\_

Home phone (\_\_\_\_)\_\_\_\_\_ Cell phone (\_\_\_\_)\_\_\_\_\_

Current Facility \_\_\_\_\_ Job title \_\_\_\_\_

Signature \_\_\_\_\_ Date Signed \_\_\_\_\_

Please fill out and mail to: National Nurses Organizing Committee-Ohio, PO Box 33602, Cleveland OH 44133

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## The Union Authorization Card

- What a union can do with the cards it collects:
  - Cards signed by **30%** of people in the bargaining unit, it can petition the National Labor Relations Board for an **election**;
  - Cards signed by over **50%** of the bargaining unit, union may request **voluntary recognition without an election**;
  - Extremely important that your client's human resources department be notified immediately upon learning of any card signing activity so that appropriate steps may be taken.

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- Note that the Union Authorization Card says that the employee chooses the SEIU “to represent me in collective bargaining with my employer.”
- Also note that the Union Authorization Card says that, “I understand that this authorization card can be used by SEIU Local 660 to obtain recognition.”
- The NNOC card has a box to check for a meeting but also a box for representation. Union talks about a meeting but asks you to check box one.

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- Employees have to understand that a recognition card is like hiring an agent where you authorize the Union to act as your representative.
- For an election as a representative, a “legal” Authorization Card only has to say that the card is for an election. It does not have to say that it is for purposes of representation or collective bargaining.
- Signing a card that is an actual poll or a survey does not constitute a legal showing of interest to request an election.

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- Signing a card that is not a membership card is merely a gratuitous declaration.
- Your client should not accept any stack of cards from a representative. Tell the representative to file a petition for an election with the NLRB.
- If your client mistakenly accepts a package of cards, immediately return the cards to the Union Representative in a sealed package with its declaration that it has not reviewed the cards or reviewed employees' signatures.

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- Your client can tell employees not to sign the cards ***before getting all the facts.***
- Your client can point out the personal and private information the Union wants from employees.
- Your client can underscore the legal commitment involved in signing the card.
- Your client can tell employees that signing a Union authorization card isn't like a magazine subscription you can just cancel.

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## What Else Can My Client Do?

- Focus on the 10 ways to lose credibility
- Be aware during the hiring/employment process
- Vulnerability checklist

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## Ten Ways to Lose Credibility

1. Being aware of situations or problems which require attention and not taking prompt remedial action.
2. Being unobservant or unaware of situations or problems which require attention.
3. Not providing an answer, decision, or explanation to employee questions or concerns within a reasonable amount of time; being evasive, hard to pin down or difficult to locate.

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4. Being inconsistent in the application of policies, rules, and standards; or the failure to enforce the same.
5. Showing a general lack of technical competence.
6. Showing confusion, uncertainty, and the inability to properly plan the operation of the company; showing a lack of concern or planning in the orientation of new employees.
7. Criticizing your employees in front of others; not publicly recognizing an employee's good performance.

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8. Making your employees feel their contributions do not matter.
9. Making your employees feel that you think you are better than them just because you are more educated or make more money.
10. Not recognizing or showing empathy when something happens to an employee like a death in the family or serious illness.

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## Be Aware During the Hiring/Employment Process

- Lack of ability or care in screening applicants.
  - Ask applicants questions about former employer's procedures for discipline, promotion, etc.
  - Emphasize a merit based culture.
- Failure to remove unqualified or undesirable applicants, preferably during probationary period.
- Establish a mission statement that includes remaining union free.

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## Union Vulnerability Checklist

- Are the wages and benefits competitive? If not, has your client explained the circumstances?
- Do your client's employees feel secure in their jobs?
- Are work schedules being changed without notice?
- Are your client's employees getting the training and supervision that allows them to grow?
- Is there job progression where an employee can make more money, assume more responsibility, or acquire a new skill?
- Newsletters to quell rumors.

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## Golden Rule ...

*The Only Promise A Union Can Keep Is To Be The  
Voice Of Your Client's Employees.*

**DON'T LET YOUR CLIENTS LOSE  
THEIR VOICE!**

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