

WCIRA

WEST COAST INDUSTRIAL RELATIONS ASSOCIATION

ARIZONA OFFICE

7117 East Third Ave.
Suite 102
Scottsdale, Arizona 85251
(602) 946-5369

BAY AREA OFFICE

3350 Scott Blvd., Bldg. #24
Santa Clara, California 95051
(408) 249-9670

NEWPORT BEACH OFFICE

2121 Campus Drive
Irvine, California 92715
(714) 752-7401

PORTLAND OFFICE

4515 North Channel Ave.
Portland, Oregon 97217
(503) 283-4181

SAN DIEGO OFFICE

444 Camino del Rio South
Suite A116
San Diego, California 92108
(714) 296-2830

SEATTLE OFFICE

9311 S.E. 36th Street
Mercer Island, Washington 98040
(206) 455-1800

SERA

SOUTHWEST EMPLOYEE RELATIONS ASSOCIATION

2925 LBJ Freeway
Suite 165
Dallas, Texas 75234
(214) 241-4304

MERA

MID-AMERICA EMPLOYEE RELATIONS ASSOCIATION

611 Enterprise Drive
Oak Brook, Illinois 60521
(312) 655-0440

WCIRA

SERA

MERA

Maintaining
Your
Union Free Status

MAINTAINING YOUR UNION FREE STATUS

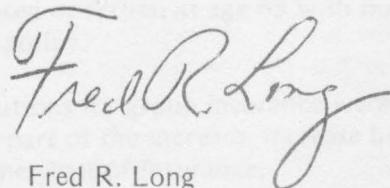
INTRODUCTION

Our seminar and this booklet are designed to provide you with meaningful information to take those preventative steps necessary to minimize the risk of unionization. There are additional pointers explained in laymen's language on what you can and cannot do in the event you face a union organizational effort.

With current labor legislation and a pro labor National Labor Relations Board we won't have the time we used to have to solve problems between the time a union petition is filed and an election takes place. Prevention in the form of supervisory training, good personnel policies and practices and a good two-way communications network will be vital to maintain your union free status in the future. Selection of new employees and retention of employees on board will also have to be done on a more sophisticated basis. Our organization has the experience and capability to assist you in these areas.

If preventative programs are not established NOW you may well wind up with a new managing partner, a Union! With the competitive problems Employers face today and a Union around to substantially raise your cost of operation and infringe on your management prerogatives we think you will agree with us that an ounce of prevention is worth a pound of cure.

For further information about WCIRA and its services we invite you to contact any one of the offices listed on the front page of this booklet and we will be happy to send you our brochure.



Fred R. Long
Chairman of the Board
W.C.I.R.A.

UNION DRIVE TECHNIQUES

A. Union "Plays Up" These Subjects

1. Employees non-union wages and benefits are not as good as union won wages and benefits.
 - a. Attack merit systems on basis of favoritism.
2. Employees need a voice to represent them. The union and the strength of its members will make the boss listen. Only the union can solve your problems!
3. Employees need union protection so they can't be fired at the whim of the boss. With a union you have seniority, a grievance procedure and arbitration. Without the union if you don't like something the only thing you can do about it is quit!
4. The boss doesn't want the union because he knows unions have the strength to bring a fairer share of the profits back to the workers pockets.
5. Employees need a contract to protect themselves against unilateral action by the boss. Without a union contract the boss could take away benefits you have and you could do nothing.
 - a. Labor contract protects against unilateral change. This argument is strong where:
 - (1) Benefits have in fact been reduced.
 - (2) Employees have been laid off out of line of seniority.
 - (3) Employees have been recalled out of line of seniority.
 - (4) Employees have been dismissed or retired at age 65 with no explanation except that it was company policy.
 - (5) Increased employee contributions for group insurance were necessary, even though the company shared part of the increase, increase became necessary because of continuously higher cost of insurance.
 - (6) Jobs have been combined, so that employees were doing more for the same rate.
 - (7) Work is subcontracted with consequent layoffs.

B. A union that has the production and maintenance employees organized has its foot in the door to organize other departments or plants of the same employer. White collar organization often happens this way.

1. Union pitches "take credit" reasoning . . . they got "office workers" the improved benefits by negotiating them for the factory workers.
 - a. Lesson . . . company must get full credit for bestowing benefits to its unorganized workers.

UNION DRIVE TECHNIQUES — Continued

- C. A Union will convince one of the "dumber" employee union advocates to go up to the boss when the drive is just getting started and tell him to tell the boss "this place needs a union and I'm going to do something about it." The unwary boss fires the employees, a U.L.P. is filed, the employee is reinstated, and the union gets the credit, and the employer must post a notice that "he will not interfere with, restrain or coerce employees in exercising their rights to join or not to join a union" . . . this the union takes full advantage of in a campaign.
- D. Organizing through In-Plant Committees
 - 1. Make employee contact . . . follow up at homes.
 - 2. General meeting is called at one of the employees homes. The organizer -
 - a. Reviews area contracts (with better benefits).
 - b. Uses soft sell . . . stresses employees must do the work if they want a union.
 - c. Tells employees not to worry about 25% company die-hards. Go after the 25% union sympathizers and the 50% fence post sitters.
 - d. Tells pro-union employees to select a "target" employee (usually a person popular with others).
 - (1) He is urged to sign up.
 - (2) If that doesn't work the union uses a "relay" system where pro-union employees hit him to sign up each half hour or so. The man is pestered to death so signs to get them off his back. Once he signs, it is noised about within the area of employees likely to follow him.
 - 3. The Union often notifies the employer . . . advising him of organizational activity and warning him not to interfere. Also advises company of names of union organizing committee.
 - a. The technique is used to get the employer to sit still and do nothing. It also satisfies burden of proof that employer knew what employees are involved with the union.
 - 4. The union will file phony U.L.P. at first layoff or even discharge for cause, for propaganda purposes. It is important to fight them to a conclusion rather than settle which is precisely what the union would prefer.
 - a. U.L.P.'s are often filed by the union for propaganda purposes, stirring up emotion in the voting unit, (that is, company breaks law . . . charges filed by union against XYZ company).

THE HIGH COST OF UNIONISM

I. COSTS OF UNIONISM

A. CONTRACT NEGOTIATIONS

1. Management Time
 - a. Preparation for Negotiations (anticipating demands, conducting surveys, costing out economic issues, developing strategy, strike preparedness)
 - b. Actual Negotiations
2. Lost Time - Union Committee

B. CONTRACT ADMINISTRATION

1. Management time required in processing grievances, record keeping, checkoff of union dues, preparing for arbitration.
2. Lost production of employees involved in grievance processing "Politics!"
3. Cost of Arbitration
 - a. Arbitrator's fee
 - b. Attorney's fee
 - c. Lost time
4. Possible unfair practice charges
 - a. Attorney's fee
 - b. Lost time
 - c. Potential dollar liability (back pay)

C. STRIKES

D. INVENTORY BUILDUP (to protect against strike)

1. Inventory carrying charges
2. Overtime premium caused by inventory buildup.
3. Layoffs and unemployment compensation liability in event contract is settled without a strike with inventory cut required.

E. CUSTOMER'S HEDGE against giving Union company all or most of its business because of supply cut off in the event Union calls strike. Lost Sales - Lost Profits.

F. COSTLY CONTRACT RESTRICTIONS (interfering with management's inherent rights)

G. HIRING AND RETAINING HIGH CALIBER EMPLOYEES due to Union dues and initiation fees/seniority rules.

Note: Studies show that Union and Non-Union Employers standing side by side paying identical wages and benefits would cost Union company 25% more to operate.

Pitfalls of Sweetheart Union concept.

II. CONTRACT RESTRICTIONS

A. EXPRESS

B. GENERAL

1. Discipline for just cause only.
2. Default (need for trained Supervisors)
 - a. Assignments between classifications
 - b. Job content
 - c. Union activities in plant
 - d. Standards for promotion
3. Implied Restrictions
 - a. Decisions that negatively affect bargaining unit.
 - b. Subcontracting - Transferring work to non-bargaining unit personnel.

Union's rely on -

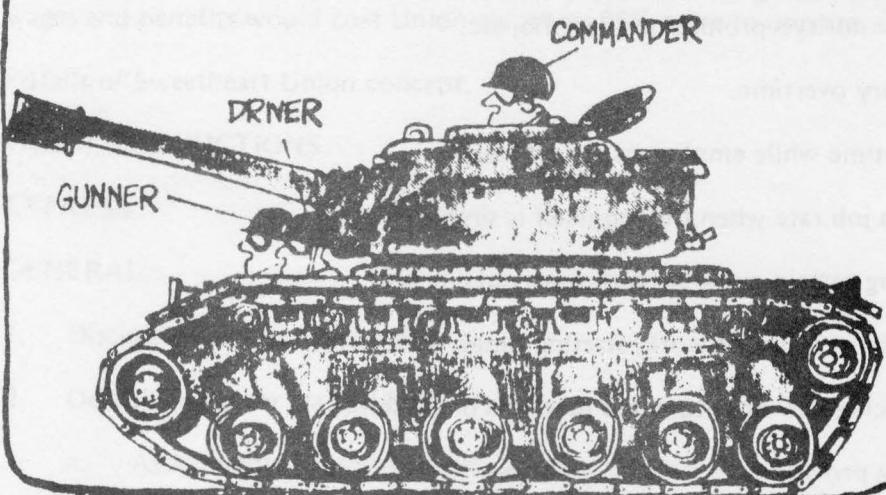
- c. Recognition clause
 - d. Classifications and job descriptions
 - e. Seniority provisions
 - f. Covenant of good faith
 - g. Intent and purpose clause
 - h. Restrictions on work assignment
4. Past Practice
 - a. Correct by modifying the circumstances under which the practice developed.
Practices are subject to the right of industry to make changes and improvement in TECHNOLOGY AND METHODS.

III. EXPRESS RESTRICTIONS IN TYPICAL CONTRACTS

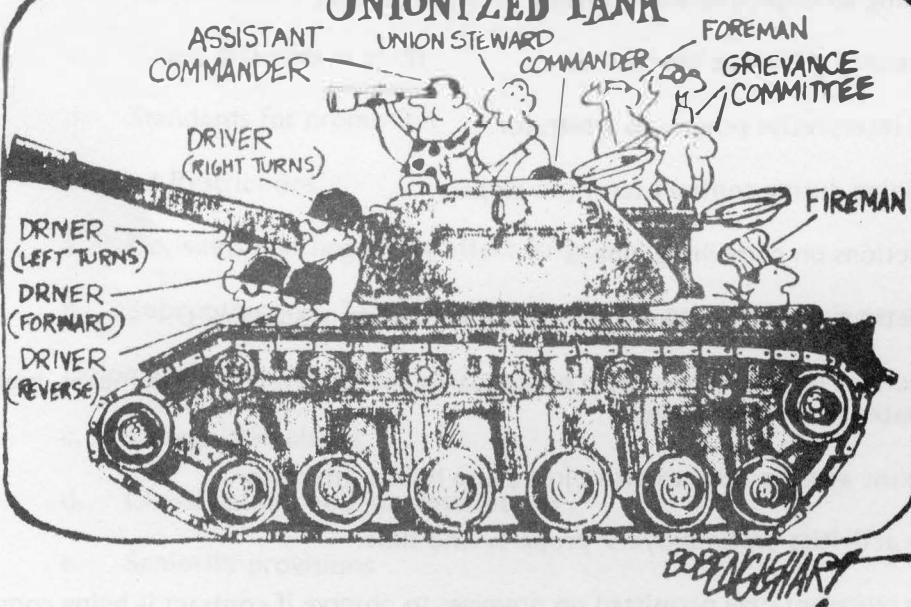
A. Subcontracting work.

- B. Relocation of facilities.
- C. Successor's Clause.
- D. Strict Seniority - promotions, layoffs, etc.
- E. Voluntary overtime.
- F. No overtime while employees are on layoff.
- G. Adjust a job rate when the job itself is simplified.
- H. Assigning certain work to employees outside unit.
- I. Determining hours of work, starting times, shifts, etc.
- J. Introducing new or automated methods or machines.
- K. Manning provisions.
- L. Assigning an employee work outside his classification.
- M. Open ended grievance procedures.
- N. Broad interpretive powers to arbitrator.
- O. Bargaining during contract term (no zipper).
- P. Restrictions on combining jobs.
- Q. Restrictions on determining job duties and content or standards.
- R. Restrictions on incentive system or standards changes even through means, methods and materials of job change.
- S. Discipline and the need to prove just cause before arbitrator.
- T. Union activities on Employers' property and time.
- U. Union representative permitted on premises to observe if contract is being complied with.
- V. Mutual Agreement clauses.
- W. Hiring Hall arrangements.
- X. Union Shop - dues and fees impede recruitment.
- Y. Joint Union Management Committees - grievance, safety, job evaluation, etc.
- Z. Restrictions on plant shutdowns for maintenance and repair, vacations, etc.

TYPICAL TANK TODAY



UNIONIZED TANK



THIS YEAR, AT LEAST TWO LABOR ORGANIZATIONS MAY TRY TO ORGANIZE THE ARMED FORCES INTO MILITARY UNIONS.

MAKING A UNION UNNECESSARY

COURSE IS DESIGNED FOR:

Personnel/Industrial Relations Managers responsible for employee relations in a non-union Employer.

Plant Managers/Production Managers/Related Line Managers of union-free employers.

Other members of management (public and private sectors) interested in maintaining a union-free enterprise.

I. INTRODUCTION

A. Trends in Organizing

B. How Organizing Begins

 1. Union Initiated

- a. Locational reasons
- b. Industry reasons
- c. Others

 2. Employee Initiated

II. CONDITIONS THAT CAUSE UNIONS

A. Poor Communications Up and Down

 1. Downward Communications

- a. Things that affect an employee's job.
 - (1) Automation, new managers, changes in means, methods and materials of production, rules and regulations, promotional opportunities, etc.
- b. Things about the company/hospital
 - (1) New products, productivity and profits, new facilities, etc.
- c. Personnel policies, procedures, rules and regulations that affect the employee.
- d. Management credibility and concern.

 2. Upward Communications

- a. Systematic means for listening to employees.
 - (1) Communication meetings, personal interviews at six-month intervals, etc.
- b. Day to day listening to employees.

(1) Supervisor, personnel manager, other members of management, etc.

B. Inept Supervision-Selection/Training/Supervisor's Needs

1. Selecting supervisors with technical skill, good production records, etc., rather than on leadership qualities.
2. Supervisory Training.
 - a. Treating employees with dignity and respect (human relations skills), avoid favoritism.
 - b. Fairness, firmness and consistency.
 - c. Individual differences in people.
 - d. Handling discipline situations.
 - e. Policies, procedures, rules and regulations, fringe benefits, compensation guides.
 - f. Keeps promises/understands need for feedback.
 - g. Has the answers.
3. Supervisor's Needs.
 - a. Pay differential over those he supervises.
 - b. Informed first - doesn't need to rely on grapevine.
 - c. Instruction in policies, procedures, fringe benefits, human relations skills, etc.
 - d. Not being put in short pants.

C. Insecurity

1. Seniority - layoffs/recalls/shifts/work schedules/promotions/etc.
2. Grievance Procedure
3. Discipline Procedure
 - a. Informed on behavior expected - rules/regulations.
4. Layoffs - automation/production planning/etc.
5. Stabilized work schedules.

D. Selection/Orientation/Promotion/Terminations

1. Checking employee's previous work record - especially the employee's attitude.
2. Avoid hiring applicants:

- a. Who are over-qualified
 - b. Who would take a cut in pay
 - c. Who have unrealistic wage and promotion expectations
 - d. Who show signs of egomania/paranoia/immaturity/etc.
 - e. Who have deep personal problems (debt, dope, alcohol, etc.)
 - f. Who have poor attendance records at school or with previous employers
 - g. Other.
3. Proper use of orientation program and probationary period.
 4. Failure to make real effort to fill job openings from within.
 - a. Failure to review jobs for upgrading when there are changes in means, methods and/or materials, etc.
 5. The use of exit interviews with terminating employees.

E. Wages and Benefits (the Negative Motivators)

1. Wages
 - a. Competitiveness in community/region
 - b. Automatic progression vs. merit
 - c. Proper supervisory administration of program.
 - d. Develop trusted means for convincing employees of fairness of wage program.
2. Benefits
 - a. Competitiveness in community/region
 - b. Benefit administration and morale problems associated with poor administration.
 - c. Factors to consider when designing a benefit program:
 - (1) Coverage exceptions vs. deductible with no exceptions
 - (2) Administration
 - (3) Employer contribution level
 - (4) Other.
 - d. Effectively communicating benefits.

F. Working Conditions

1. Clean restrooms, cafeteria, etc.
2. Ventilation, dust, noise, sanitation, etc.
3. Other

III. LOCATION/SIZE - ANOTHER KEY

- A. Areas to avoid if you are a certain type industry.
- B. Extent of unionization in community.
- C. Extent of competition for available work force.
- D. Geographical regions (location within)
- E. Size of facility factor.

HANDLING THE UNION CAMPAIGN

I. INTRODUCTION

- A. Importance of taking preventative measures before commencement of organization.
- B. Union initiated/employee initiated.
- C. Size and location of target facility.

II. UNION STRATEGY AND TACTICS

- A. Research on employer.
- B. Employee/community contacts.
- C. Secret vs open organizational effort before petition is filed.
- D. Committees
 - 1. In plant
 - 2. Telephone
 - 3. Home visitation
 - 4. Entertainment
- E. Filing petition - timing (filling ULP)
 - 1. Making demand on employer for recognition.
- F. Designing campaign issues peculiar to plant being organized - relating where possible to value of joining XYZ union. Typical issues.
- G. Communicating issues
 - 1. Home visits
 - 2. Group meetings
 - 3. Literature, handbills, pamphlets
 - 4. Newspaper, T.V., radio - size of target facility a factor.
- H. Union campaign strategies and timing.
- I. Restrictions on union campaigning.

III. COMPANY STRATEGY AND TACTICS

- A. Pre-petition activity
 - 1. Authorization cards and what they mean.

2. Employers position on union.
3. Identifying and resolving problem areas.
4. Instructing supervisors.
 - a. Management's position on unionism.
 - b. Supervisors are management.
 - c. Need for upward communication and feedback - what to look for.
 - d. Supervisor's role - an active one.
5. What to do if union organizer calls/demands recognition.

B. Petition Filing

1. Determine whether quick or late election is desired.
 - a. Quick - consent or stipulated consent agreement.
 - b. Late - litigate issues at hearing
 - (1) Jurisdiction of board
 - (2) Bargaining unit determination
 - (3) Voter eligibility (e.g., laid off employees)
 - c. If hearing - post hearing brief, exceptions to decision of Regional Director, etc.

C. Research Union and Organizer

1. LM-1 and LM-2 reports and what they show.
2. Union's constitution/by laws.
3. Strike history
4. Contact other plants/facilities organized by same union.
 - a. Review wages/benefits - look for advantages you have.
 - b. Review contract language - look for advantages you have.
 - c. Find out dues, initiation fee paid.
 - d. Other
5. Other sources of information on union.

D. Designing Company Campaign

1. Determine your weaknesses - resolve all problems possible within the law - prepare defensive arguments for those that can't be resolved. Humbleness tact of admitting problems exist and how to do it.
2. Determine your strengths.
3. Determine union's weaknesses.
4. Take the offensive if possible and tailor to your people - avoid generalized campaign.
 - a. Union weaknesses/company strengths - repeat, repeat, repeat . . .
 - b. Downplay company weaknesses - only cover them verbally.

E. Pre-Election Reminders

1. Selection of company observers/instruction.
2. Review Excelsior list for changes - terminations, permanent layoffs, etc.
3. Review employees on leave of absence, vacation, sick leave, etc. - strategy in such cases.

F. Election

1. Mechanics
2. Observers and their roles
 - a. Particularly with conduct of election.
3. Objectionable election activity

G. Post Election

1. Victory
 - a. News release
 - b. Evaluate campaign
 - c. Correct deficiencies which created union problem.
 - d. Maintain relationship developed with employees during campaign.
2. Loss
 - a. Review union's campaign conduct and determine if election objections are in order.

GUIDE FOR KEEPING UNIONS OUT OF YOUR FACILITIES

I. GENERAL MATERIAL

Many studies have been taken on the cost of operating a given plant or facility with a union, as opposed to operating that same plant non-union. You might be surprised to learn that their most conservative estimate shows a non-union plant was 25% lower in operating costs, assuming equal wages and benefits.

What accounts for this difference? Consider these factors . . . A union operates, functions and survives as a political organization. It lives on the raising of grievances, not necessarily on the winning of them. The shop steward serves as defense counsel for the employees he represents, even though they don't deserve being defended. A union cannot join or cooperate with management in managing employees. On the contrary, to survive it must drive a wedge between employees and the employer so that employees are convinced that without the union, the employee would be in the involuntary servitude and mercy of a ruthless management. Union's goals for employees and themselves fall into direct conflict with the profit motive of management. Some examples:

- A. A union's goal may be to organize all the plants of an employer to gain for itself maximum bargaining power. Anyone who has been in the labor business for any length of time knows that when a union gains strength, the strike issues are compulsory dues through a union shop, checkoff and extraordinary contributions to the union welfare funds. Oh yes . . . and just enough for the troops they represent to keep them happy and docile. Should they become unhappy, look out, today's "good" union may become tomorrow's "horror" because survival is the name of the game and there are other unions waiting in the shadows to jump in and get a piece of the action if the incumbent union doesn't produce.
- B. Goals for employees fall into these categories:
 1. Straight seniority to determine layoffs, recalls and promotions . . . performance and ability no longer count.
 2. Classifications . . . that is; employees shall not perform work outside of their job classification - that's someone else's work.
 3. Overtime — employees should only have to work it when they want to, not when the employer needs it. Or, the most senior man should get his choice to work overtime first, even if he's not particularly well qualified to perform the work.
 4. Schedule of hours — the employer shall only work employees during certain hours notwithstanding it makes sense to change these hours or, if the union lets you work outside of these hours, the employer must pay a premium rate.
 5. Part-time employees cannot be hired — even though you don't have a full time job.
 6. No subcontracting — even though it costs 50% less to perform the work through a subcontractor because of his special tooling and equipment.
 7. Restrictions on discharging the malingering employee (after all he's the one who helped get the union in) — you are forced to prove your case beyond a reasonable doubt and then you still may lose an arbitration case because it went to a "do gooder" arbitrator.

8. Establishment of adverse practices — anyone who has been exposed to a union knows the pitfalls to productivity in this area.

The foregoing were not picked out of the air . . . a clause of this type can be found in one of our own contracts. There are a "zillion" more I could discuss, but the point should be clear, even without the hours of management time wasted in processing grievances, preparing for negotiations, strikes and preparing for possible strikes, that a union works contrary to the profit motive of management.

Some argue, let's "buy" a union and get a "sweetheart". In some areas where unions and politicians are totally corrupt (e.g., New York City, New Jersey, Philadelphia, etc.) this alternative, even though unpalatable, may be the only alternative. This is so only because the union movement in these areas works almost like a "protection syndicate", to wit, sign the authorization card or we'll beat your brains out!!! Although this is clearly illegal under the law, it happens every day. The wisest thing to do is avoid these areas if it's at all possible . . . especially if you are considering a manufacturing operation.

However, where these conditions do not exist, "buying" a union and getting a "sweetheart" really is an admission of ineffective management . . . a management that believes it will inevitably be organized - so why fight it. If that were true, why are so many large companies totally non-union (IBM, Texas Instruments, Illinois Tool Works, etc., etc.?). Some argue that you can get away with low wages and benefits with a "sweetheart" union. This is false economy for several reasons, the most important of which is that unless you are competitive in the area in which you're located you will draw only marginal employees (low producers others don't want) and any good ones you already have are going to turn to greener pastures. When you start calculating your turnover, absenteeism, training costs and product quality rejections, it will be easy to see where you come out on the short end of the profit stick. You can pay a top notch employee \$5.00 an hour and if he produces you can come out better than if you hired two "ding-a-lings" at \$2.50 an hour.. In any event, sooner or later another union will start "sniffin'" around your employees represented by the "sweetheart" union and when that happens - look out - your honeymoon will be over!!

Now let's turn to what we can do to keep unions out.

II. WHY EMPLOYEES ORGANIZE

A. To Satisfy Their Need to Communicate

1. Poor communications is perhaps the major single cause for employee unrest. Employees, particularly the younger generation, want a piece of the action; they require a feeling of involvement, to be "in" on things . . . especially those things that affect them on their job. They want to be made aware of the employer's business (sales; products; problems . . . especially when it involves the employees, to wit, mis-marked merchandise, too much absenteeism, poor quality, etc.; new machinery and equipment; new facilities; etc.) and the "whys and wherefores."
2. At the same time, they want supervisors and management to listen to their ideas, problems and suggestions. If your employees know they are being heard and considered, you are well on your way to a union free and more productive and efficient work force.

B. To Satisfy Their Need for Dignity

1. A well-trained supervisor recognizes it's his primary function to get work out of those he supervises. He has a clear understanding that morale and productivity will be

improved if:

- a. He treats employees firmly, fairly and consistently without favoritism for a selected few.
- b. He remembers that each employee is different from any other, having his own personality and problems . . . and that it is his job to be aware of these differences while giving attention to the problems of the employees he supervises.
- c. He has the "guts" to periodically discuss in a tactful and constructive way, after getting the facts, those shortcomings an employee may have and the "guts" to discharge those employees who continue to be unsatisfactory performers or goofoffs . . . for he knows that his good employees will lose respect for him if he fails to discipline employees who need it and that they will think these sub-marginal performers are being shown favoritism. He also knows that union organizers always start a drive with the disgruntled worker, the one who shirks his responsibilities, the loafers - the employee the foreman knew he should fire for the past several months but for some reason hasn't.
- d. He gives full credit and appreciation to employees for doing good work recognizing that this is how you build a winning team.
- e. He commands the respect of his employees because he takes the time to become informed in depth about the employers fringe benefit programs and how they work, company policies and procedures and is the employees' source of information and decision and doesn't put employees in the position of seeking the answer elsewhere . . . he also won't allow himself to say "I'm sorry, but that's what management wants" - instead he'll say, "this is the new policy and these are the reasons why it was necessary to implement."
- f. He knows it's important that when he makes a promise to find out something for an employee or to do something for an employee that he is a man of his word and does it without undue delay. He also recognizes the need to feedback to the employee the status of a promise. He knows this because he recognizes that if he is ever to be a respected leader he must develop an attitude of trust among his employees.
- g. He recognizes the need to discuss mutual plant problems, policies and procedures with all other supervisors so all are acting consistently . . . for he knows it is the beginning of the black plague when another supervisor allows freedoms and exceptions that he doesn't permit.
- h. He understands that new employees are most impressionable and he works hard to shape their attitudes in healthy and productive ways their first several months of employment and quickly discharges those who don't come around.
- i. He gives his employees as much advance notice as possible on all matters that affect the status quo of the employee's work environment. He knows that even the relocation of a water cooler without advance discussion with employees can cause serious morale problems.
- j. He is clever enough to convince members of management that he needs too . . . such as:

- (1) That he needs to earn more money than those he supervises . . . at least 10% more than the highest paid worker he supervises . . . for he knows that he cannot be looked upon as a figure of authority and prestige if his employees know that with overtime they make more money than their boss does.
 - (2) That he needs to be informed about things as soon as possible so that he can give his employees the news before they get it from somewhere else first for he knows that if they get the news from another source first, they will believe management has little regard for their supervisors.
 - (3) That he needs training and instruction in benefit program, policies, procedures and orders from the "top" so he can explain them intelligently to his people when and as necessary. He knows that if he is a brand new foreman, he should be given sufficient training and indoctrination before he is thrown to the wolves for that is the easiest way to lose respect fast.
 - (4) That he needs his superiors to work through him with employees and not short circuit him as the source of the action and that he needs to be supported in his decisions and that when it is necessary to reverse one of his decisions that he, the supervisor, be given the opportunity to make the reversal known to his employees as if he had made the decision himself.
2. Management can encourage unionism and disregard an employee's dignity by . . .
 - a. Giving employees only a minimum of information about the status of the employers health, its financial position, its goals, sales, and production achievements.
 - b. Introducing changes in plant equipment, tooling or policy without advance notice or explanation to employees.
 - c. Making key decisions in a vacuum of ignorance about what their employees really wanted.
 - d. Using pressure tactics, not leadership, to secure high production and productivity.
 - e. Downplaying employee dissatisfaction.
 - f. Failing to carefully select, train and develop supervisors on the ground that all that matters is technical know-how . . . forgetting somehow that 90% of a supervisor's job is motivating people to produce good quality products in sufficient quantity. Then after selecting their man, wherever possible, putting him in "short pants," by their actions.
 - g. Disregarding the need to provide clean and adequate locker rooms, sanitary facilities, lighting, ventilation, and related working conditions, not to mention proper safety guards and equipment on the ground we can't afford such luxuries.
 - h. Failing to review "insiders" and their potential for advancement in the company on the grounds blue collar workers aren't really interested in advancement . . . besides it's easier to hire someone from the "outside" even though we do have a few people qualified on the "inside".

- i. Disregarding the importance of a well-planned indoctrination program and its influence on the new employee.
- j. De-emphasizing the importance of the employee's job to the employer's success, and how the employee contributes to the end result.

C. Wages and Benefits

- 1. Employees do not usually organize on the issues of wages and benefits even though they are not the best. However, once you fall behind the "going" wages and benefits in your community - even a little - you have created a powerful demotivator and alienator of affections. Therefore, we must make sure our employees know how we determine the "going rate" making our presentation as open and candid as possible.
- 2. Another sure way to get a lot of employees mad at you is to establish a wage range leaving adjustment within those ranges to merit. Blue collar workers, unlike salaried employees, are not used to the merit system. Consequently, no matter how your supervisor administers within it, he's going to be wrong in the eyes of his employees. Is one employee worth 5 cents more than another? . . . maybe so, but you'll never prove it to the employee who is getting 5 cents less.
- 3. Having good benefits is one thing. Making sure employees know what they have and how good they are is another. Employees who do not know of the benefits that have been established for them will be far more susceptible to union promises than those who do know. Poor communication of the details of fringes can also lead beneficiaries to believe they are entitled to benefits that do not exist . . . another morale killer.

D. Security

- 1. Blue collar workers fought hard in the 1930's and 1940's over the principle of seniority . . . because of insecurity they felt from being subject to frequent layoffs. There is no sound reason not to operate on the principle of seniority with the following qualifiers:
 - a. Layoff recalls — employees will be laid off and recalled on the basis of length of service provided they have the ability to perform the work available and their job performance (attendance, tardiness, quality, disciplinary record, etc.) has been satisfactory.
 - b. Promotions — qualified employees will be promoted on the basis of length of service unless there is evident a superiority clear and demonstrable to the employee group in a man of short tenure.
 - c. Vacation preference, shift preference and like matters should be based on strict seniority.
- 2. Contracts negotiated in the U.S. always contain some form of grievance procedure. In Canada, the Ontario Labour Relations Act required, by law, a grievance procedure terminable in compulsory arbitration. How come? The reason is simple, employees want some means to settle their grievances, and some means of appeal to a next step, especially in the matter of a disciplinary grievance. It is for their security. If you don't have an orderly system for getting this job done (and an open door policy is not a grievance procedure) you may have a union bargaining with you for one.

3. When work rules, safety rules and the policy of enforcement are explained in detail to employees they know what is expected of them and what will happen to them if they violate those rules. Although you may think such communications would have a negative effect . . . just the opposite is true . . . employees want and need rules!! It is a form of security to them. When they get worried is when they don't know what to expect . . . and when someone gets the ax . . . they're not sure why (in most cases).

III. STEPS YOU CAN TAKE TO PREVENT UNIONS

A. Location of Facilities

If you have the choice, consider carefully where you put your next facility. Granted you must consider the market you serve, your suppliers, transportation and a host of other things . . . do not overlook the location from a labor relations angle as the latter can almost always be accommodated without messing up the former. Look at the following factors before you invest in that plot of land:

1. The extend of unionization in the community . . . and the strength of unions in a community if there are unions. If the community has strong unions it would be wise to stay out.
2. The prevailing attitude of local leaders and the general public in the community towards unions. If the community is sympathetic to unions . . . stay out.
3. The available work force, skills and the probability of other firms competing for your employees moving in. Special concern should be taken if a high paying firm (auto industry firm) or heavily unionized firm (rubber industry firm) is moving in. A tight labor market and the potential of one of the aforementioned types of firms becoming your neighbor spell big trouble.
4. If you have a division with one or more facilities already unionized, make sure your new facility is at least 300 miles away. It would be wise to discuss how regional jurisdictions within major unions work with the Corporate Director of Labor Relations before you decide how far away is the "right" distance.
5. If possible, don't put all your eggs in one basket. Two or three facilities in different parts of the country, even if organized, will give you substantial bargaining strength. One big one, if organized, could be your death . . . especially because the bigger they are, the more the unions will invest to organize them.

B. Hiring

One cannot overstress the hiring and placement process. Doing a careful job in this area is one-half the battle. Depth reference checks before the employee starts are a must. A sloppy hiring process will inevitably lead to the organization of your facility.

C. Communications

Recognizing this as one of the major keys to union-free management, it is important you consider implementing the following:

1. Communication Committee

A communication committee serves as an extremely important two-way channel of

communication. It works like this . . . an employee is selected from each department on a random basis, both office and blue collar. The names of these employees are announced via bulletin boards. Employees may bring questions or problems through the employee representatives at the communication meeting for that month. Also attending the meeting would be the local line manager responsible for that particular operation and the personnel director or manager as the case may be.

New representatives from each department are selected each month (also on a random basis) so that everyone will eventually have a turn to make their suggestions and express their views personally as well as bring to the attention of management the views of other employees.

A typical meeting starts out with the line manager bringing employees up to date on the state of business, its products, new machinery or equipment and related business matters. The personnel director normally takes over next and may discuss a specific fringe benefit or a specific problem involving employees that he believes needs correcting (e.g., poor attendance, extended coffee breaks, etc.). After he has completed his message, he turns the meeting over to the employee representatives.

It might surprise you to learn that about 90% of the employee's end of the meeting deals with constructive things (e.g., better service, better methods, ways to get more productivity, etc.). Usually only 10% of the meeting relates to employee gripes. I think you'll agree it is far better to hear gripes from your employees than through a third party union.

After the meeting, the personnel director has the responsibility to record the highlights of the meeting and put them in written form for distribution among all employees. This is an important aspect of the program as the personnel director can work this communication in terms most favorable to the employer. For example, if a problem is reported, he can report that it was reported and the action taken or to be taken to resolve that problem. Employees know, when this happens, that they are being heard and are participating.

2. Grievance Procedure

A Grievance procedure is a form of upward communication. About as many non-union companies have grievance procedures as union companies. Why? Because employees want some means of appealing their problems to management. Interestingly enough, you will find that the important thing is having a grievance procedure, for experience has shown that the benefit is the employee knowing he has recourse . . . existing systems are rarely, if ever, used.

3. Clearly Stated Company Policies, Procedures and Rules

The employer should have clear communicated policies on promotions, seniority, how overtime will be balanced among employees, the factors the employer will consider if it has to lay off employees, rules for collecting holiday pay, etc., etc., etc. These rules and policies should not only be clearly stated in an employee handbook; the personnel director should be made responsible for making sure supervisors and employees understand them thoroughly.

4. Clearly Explained Fringe Benefit Booklets with Supportive Material

Time and time again management learns that employees (and that includes most

supervisors) do not really know what they have in the way of fringe benefits. At one of our divisions, employees who had a good hospitalization program demanded a hospital program in later bargaining, after they were organized, because they thought they did not have one. Again, it is the personnel director's responsibility to make sure supervisors and employees know what they have and how they stand in respect to the rest of the community.

5. Attitude Survey

This is a form of upward, communication. Carefully worded questions will give you an idea on what the employees think and is good as a periodic audit every year or so. If management is clever about the thing, it can also make the employees feel they are involved in some of the decisions made affecting them even though the employer had planned to do it all along.

6. Appraisal Reviews with Employees

Since employees have a tremendous need (security need) to know where they stand, an employer makes a serious mistake if it does not sit down with employees every six months and tell the employee how he stands. If he is not doing a good job, coach him to do a better job and if that doesn't work, discharge him. No matter what the result of the employee's rating, it can be positively presented whether good or bad. It is extremely important to let the employee know where he stands.

7. House Organ, Newsletter, Letter to the Home

The importance of this media is to make the employee feel like part of the firm. Unfortunately, it is often the case that the first letter to the employee's home is one by the president requesting that employees vote "no" in the forthcoming union election.

8. Indoctrination

We have stressed the importance of the new employee and that he is in an impressionable state. This is your best opportunity to thoroughly explain the company's benefits and policies and develop good work attitudes. A little more work during the indoctrination period will mean more production with less turnover.

9. Exit Interviews

An employee who leaves an employer will normally shoot straight in an exit interview with you. Carefully conducted interviews can sometimes disclose internal problems you never knew you had.

D. Supervisory Training

Good supervisory training is essential to the creation of a climate that makes unionism a forgotten word. This cannot be over-stressed. Supervisors should be thoroughly trained in at least the following areas:

1. Human relations
2. Company policies, procedures and benefits
3. Corrective discipline

4. Communications
5. Motivation
6. Leadership

E. Wages and Benefits

1. Make sure you are competitive in your community (but don't overlook what's going on in your region or nationally!).
2. Consider automatic progression or a flat scale for blue collar workers rather than merit reviews. Office employees should be continued on the merit system as long as administration is properly handled.
3. Review, at least every six months, community, regional and national wage and benefit changes to make sure we are keeping pace.
4. Develop a trusted means for convincing employees we are keeping pace with the community and the country.
5. Make sure supervisors are properly administrating wage and salary programs.
6. Make sure employees know their benefits and that benefit administrating is top-notch.

F. Maintain a Clean and Sanitary Physical Plant and Provide Good Working Conditions

Develop a system for periodic review of facilities and working conditions . . . often this responsibility is given to the maintenance supervisor.

G. Make Sure You Have a Competent Personnel Man

A competent personnel man must administer benefits and policies effectively, hire qualified employees, train supervisors, review wages and benefits and administer and follow up on communication programs. Most importantly, he can never let management forget its responsibility in the employee relations area.

GUIDELINES FOR THE EMPLOYMENT OF BLUE COLLAR WORKERS AND NON-EXEMPT CLERICALS

I. INTRODUCTION

These guidelines should help you in hiring bargaining unit type employees. They are intended to help you select employees who are least susceptible to unionization and the organizer's pitch.

As we all know, good hiring practices alone will not preclude unionization. Employees strive for job security, participation in their work environment, dignity, and good wages and benefits. These employee needs can best be satisfied by good communications, well-trained supervision, and periodic surveys of the going wages and benefits in your area. But be that as it may, good hiring practices are essential if you are to run the tide against unionization.

It is typical for a union trying to organize a facility to either make an attempt to infiltrate someone from the union payroll onto the plant payroll or in the alternative to find employees in your bargaining units who are both dissatisfied and leaders. In the latter case, the union promises them the benefits of stewardship, jobs with the union, and/or special privileges if they will help in the organization of your plant. It therefore becomes extremely important that you have a good screening process and further, that you hire employees who have the least propensity towards unionism. It goes without saying that you must do your job before a drive begins in convincing your people they already have security without a union, participation without a union, are treated with dignity without a union, and have good wages and benefits without a union. Your ability to accomplish this depends on communications. When in doubt, it is better to over-communicate. Occasionally you should write a letter to the employee's home so his family also knows what is going on.

II. FACTORS TO CONSIDER IN HIRING THE BARGAINING UNIT EMPLOYEE

1. Supply of Labor Available

Fundamental in your ability to hire good employees is an adequate supply of good applicants. When your supply of good applicants diminishes, it is time to start thinking about starting a new facility in a state, area, and community having comparable interests with our own.

If you attempt to operate in a super-tight labor market, you are likely to be confronted with extremely high turnover, rapidly rising labor costs (to compete effectively with neighboring firms) and increased propensity towards unionization of your facility. If your facility is already organized, it gives the union a sledge hammer during negotiations.

2. Attitudes and Behavior

Perhaps the essential ingredient in hiring bargaining unit type workers is character, interest and ability, in that order. Statistical studies show that less than 10% of employees are discharged for lack of ability. It seems obvious then that character and interest of applicants is extremely important. Below you will find a list of things you can look for when hiring blue collar applicants:

- a. The Union Infiltrator—he is typically the employee who will over-emphasize his disgust with unionism and will pitch his pro-management attitudes. When this happens, it's best to be skeptical. Run a thorough search of the employee's background as reported on the application blank. You will either find he falsified his work history or he has organized some other plant and has since left. Many plants are

organized by the successful infiltration of an organizer into that facility.

- b. Avoid hiring the over-qualified applicant. If you hire someone who is too bright or too skilled for the job, you are inviting trouble. It is fundamental that you match the applicant to the job. This can be determined by educational qualifications, testing, and work history.
- c. Never hire an applicant who would take a cut in pay. When an applicant has received a higher rate of pay, he is used to a higher standard of living. By taking a cut in pay, he, in essence, will have to tighten his belt. In that case, it is logical to assume he won't like it. An employee seeking a job at lower pay is also your red flag to do a super-thorough reference check to determine the reason why.
- d. Avoid applicants with unrealistic wage and promotion expectations. You can normally determine this by asking the question "Where do you expect to be five years from now, ten years from now, etc.?" If his response is unrealistic, you can bet he will be one of the first to fall for the "better days are around the corner" pitch of the union organizer.
- e. Avoid hiring "leader" types unless you are trying to fill supervisory positions. The typical leader frequently becomes your future shop steward after the union organizing campaign has resulted in a union victory. A "leader" in a bargaining unit situation will normally not be a happy employee.
- f. Avoid hiring applicants who are heavily in debt. They are almost always "yes" voters for the union because they think somehow they will get more money by being unionized. This person also exhibits tendencies of immaturity.
- g. Avoid the person with an alcoholic/drug problem. Normally you can see this in an interview but if you miss it, it will come up in a reference check or credit report.
- h. Avoid the person with a poor attendance record. The only way you can determine this is from a thorough reference check. Rest assured, if his attendance has been poor in previous places of employment, it will be poor with you. These types always jump on the union bandwagon because they feel it might give them additional protection.
- i. Avoid prestige seekers. Prestige seekers almost always become dissatisfied in a bargaining unit environment and usually become chairmen of organizing committees in the plant. If the employee holds office in several outside clubs, look at this as a potential red flag.
- j. Avoid hiring frustrated people. Employees who are frustrated with their lives are almost always ready to climb on some bandwagon promising Utopia.
- k. Avoid hiring employees having marital problems. This typically evidences instability in their emotional make-up and often results in on-the-job problems.
- l. Avoid hiring the high turnover employee . . . one who has had several jobs in the last couple of years. This almost always raises a red flag.
- m. Avoid applicants who have police records even though a probation officer may say it is the humanitarian thing to do. Your odds are 100 to 1 that it will work out.
- n. Be skeptical of hiring the young swinger. If upon asking what he does over the week-

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- n. Be skeptical of hiring the young swinger. If upon asking what he does over the week-

end he advises you he really swings, chances are he is too immature to work for you. The youngest member of a family of more than one child should be carefully questioned in this regard.

- o. Avoid the guy who has gaps in his work history of no work. Unless he can give you a satisfactory explanation for such periods, it is best not to waste further time with him. Either he is lazy and hasn't worked, or he has something in his background he doesn't want you to know about.

3. Behavioral Styles Preferred in a Bargaining Unit

- a. If you can find him, hire the amiable, loyal, easy going and relaxed person. One who is undemonstrative and controlled. One who has the tendency to build close relationships with his associates. Patience and deliberateness characterize his behavior. He likes the status quo. He develops strong attachments and strong family ties. He is not a trouble maker.

The aforementioned behavioral style does not correspond to what you would like to see in an executive level position. However, since you are hiring for a bargaining unit job with limited opportunity for advancement and more than the normal amount of routine, it is the type behavior best suited to blue collar work.

The type to avoid in the bargaining unit is that person loving a challenge and always ready for competition. He typically has respect for those who win out against odds and performs best when he has a great deal of latitude in authority and responsibility. His goals are high, he tends toward egoism, and he typically joins organizations for the furtherance of goals rather than social activity, is adventurous, has a wide range of interests, and is willing to try his hand at anything.

Such a style may make an outstanding executive, but is the perfect mold for a bargaining unit trouble maker. If you were to hire a high school graduate with this behavioral style for a typical blue collar job, it could be disastrous.

4. What Kind of Questions Bring Out the Most in an Interview Situation?

The following questions, if pursued, usually bring the desired result.

- a. Tell me about your last job. What did you like about it? (Look for maturity, ambition, happiness with work, loyalty, etc.) What did you dislike about it? (Were his dislikes justified, has he resented supervision, did he get along with others?) Why did you leave your last job? (Check the soundness of his decision to leave, his stability, loyalty, etc.)
- b. Tell me about the people you worked with. Who did you like best and why? Who did you like least and why?
- c. Tell me about your boss. What did you like best about him and why? What did you like least and why? Do you feel you were treated fairly?
- d. Tell me about yourself. What are your greatest assets? What are your weaknesses as you see them?
- e. What are your plans for the future? How much money do you expect to make over the next five years? What do you think you will have to do to accomplish your objective? (This will almost always tell you whether the employee is mature or unrealistic.)

4. The aforementioned questions should give you a fair idea of the applicant's behavioral characteristics.
5. Recommended Screening Procedure
 - a. The receptionist or personnel clerk can normally review the application blank to discover the obvious situations disqualifying an applicant. She may also test the applicant to see whether he falls within the test parameters for the job. It may be smart to establish a reverse cut off scale with anyone falling above a certain level being disqualified just as they are for falling below a certain level. An applicant who has too much horsepower may be a greater risk than a dummy.
 - b. Further screening should be done by a trained and qualified representative skilled in interview techniques.
 - ***c. If the applicant successfully makes it this far, it is essential that a telephone reference check be made on at least the last two work references. The contact should be the applicant's supervisor and not the personnel department. The following telephone inquiry normally gets good results:

"Mr. Jones says he worked for you from 1962 through 1969. Is this correct? Since you were his supervisor, I would appreciate obtaining some facts about him from you. What job did he hold with you? How much was he paid? How was his work? What problems did he have on his work? What are his greatest assets? What were his major problems? How was his attendance? How did he get along with you? With his fellow employees? Why did he leave? Did he have any outside trouble which interfered with his work? Would you rehire him? If not, why not?"

It is also a good idea to check the applicants high school record and this is obviously a must when the applicant is being interviewed without holding an intermediary job since graduation. It is particularly important to check his school attitudes and attendance.

- d. If his telephone references check out, the applicant can be conditionally hired subject to the results of a credit report and physical examination. I strongly recommend a credit report as an additional precaution that will develop further information on how the applicant meets his financial responsibilities, whether he has had garnishments, and whether he has had a previous police record. It may also detect something in the applicant's high school and business references that you were unable to uncover.

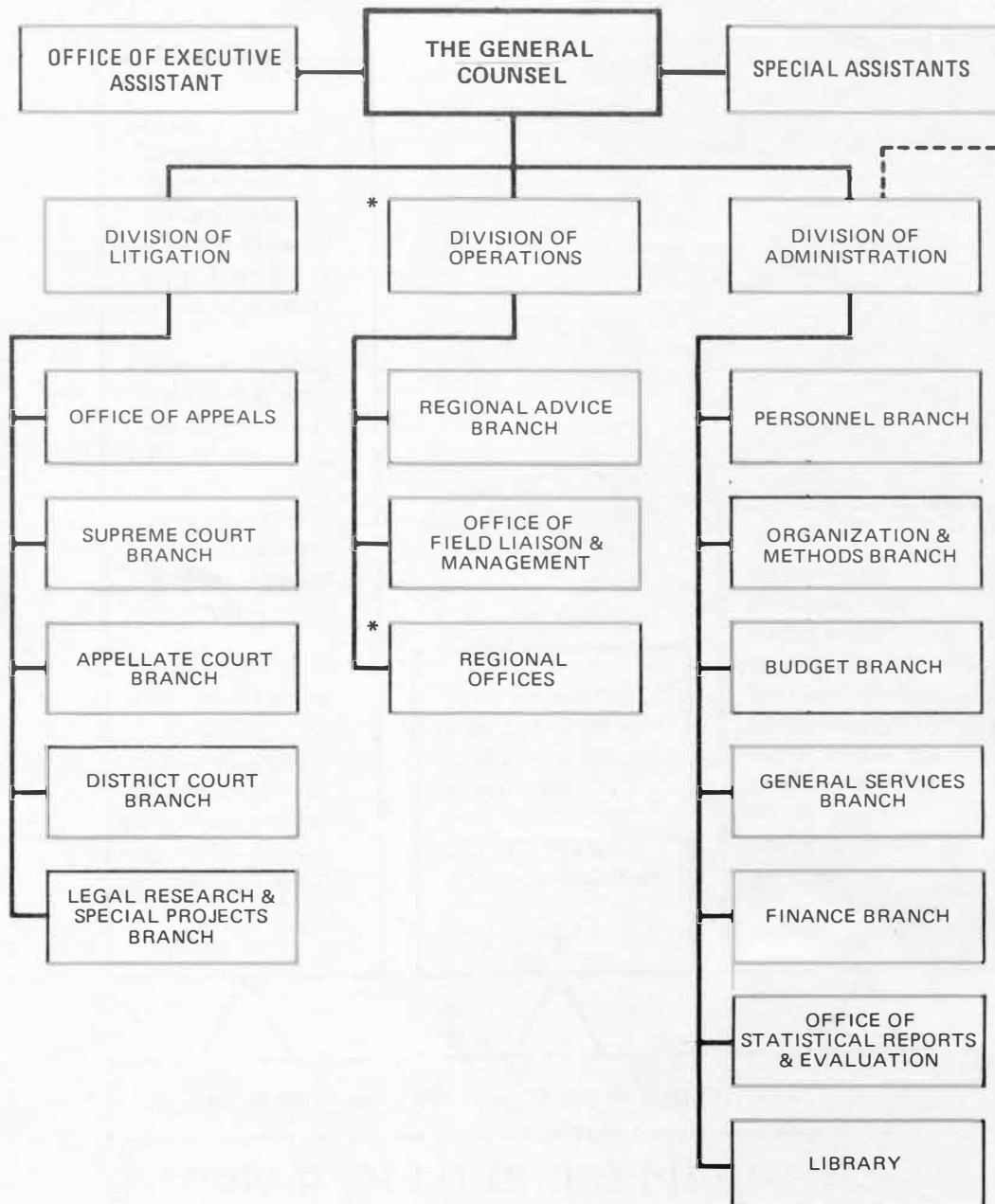
III. SUMMATION

The aforementioned may be used as a guide in hiring bargaining unit employees. (It does not apply to the hiring of other employees.)

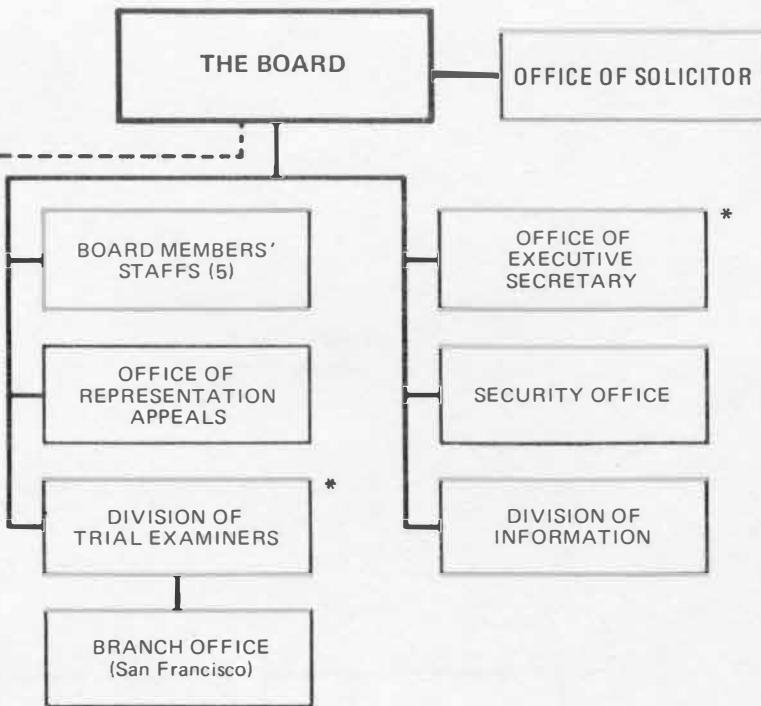
There will always be exceptions to everything and the purpose has been to clarify some of the things that you might consider doing to further protect yourself in keeping your facilities unorganized.

*** Very Important

NATIONAL LABOR RELATIONS



BOARD ORGANIZATION CHART



Sections 8 (a) (1) (2) (3) (4) (5)

"It shall be an unfair labor practice for an EMPLOYER . . ."

1

To interfere with, restrain, or coerce employees in the exercise of the following rights:

- to form, join, or assist a union
- to bargain through representatives of their own choosing
- to engage in concerted activities for mutual aid and protection [
- to refrain from such activity (except as required under a valid union security agreement.)

2

To dominate or interfere with the formation or administration of a union, or to contribute financial or other support to it.

3

To discriminate in hiring, or any term or condition of employment, to encourage or discourage membership in a union (except as required under a valid union-security agreement.)

4

To discriminate against an employee because he has filed charges or given testimony under the Act.

5

To refuse to bargain collectively with representatives of a majority of his employees in an appropriate unit.

Sections 8 (b) (1) (2) (3)

"It shall be an unfair labor practice for a LABOR ORGANIZATION OR ITS AGENTS . . ."

1 (A)

To interfere with,
restrain, or coerce
employees in the
exercise of the
following rights:

- to form, join, or assist a union
- to bargain through representatives of their own choosing
- to engage in concerted activities for mutual aid and protection
- to refrain from such activity (except as required under a valid union security agreement.)

1 (B)

To restrain or coerce an employer in the selection of his representatives for collective bargaining or handling grievances

2

To cause or attempt to cause an employer to discriminate against an employee in hiring, or any term or condition of employment, to encourage or discourage membership in a union (except as required under a valid union security agreement.)

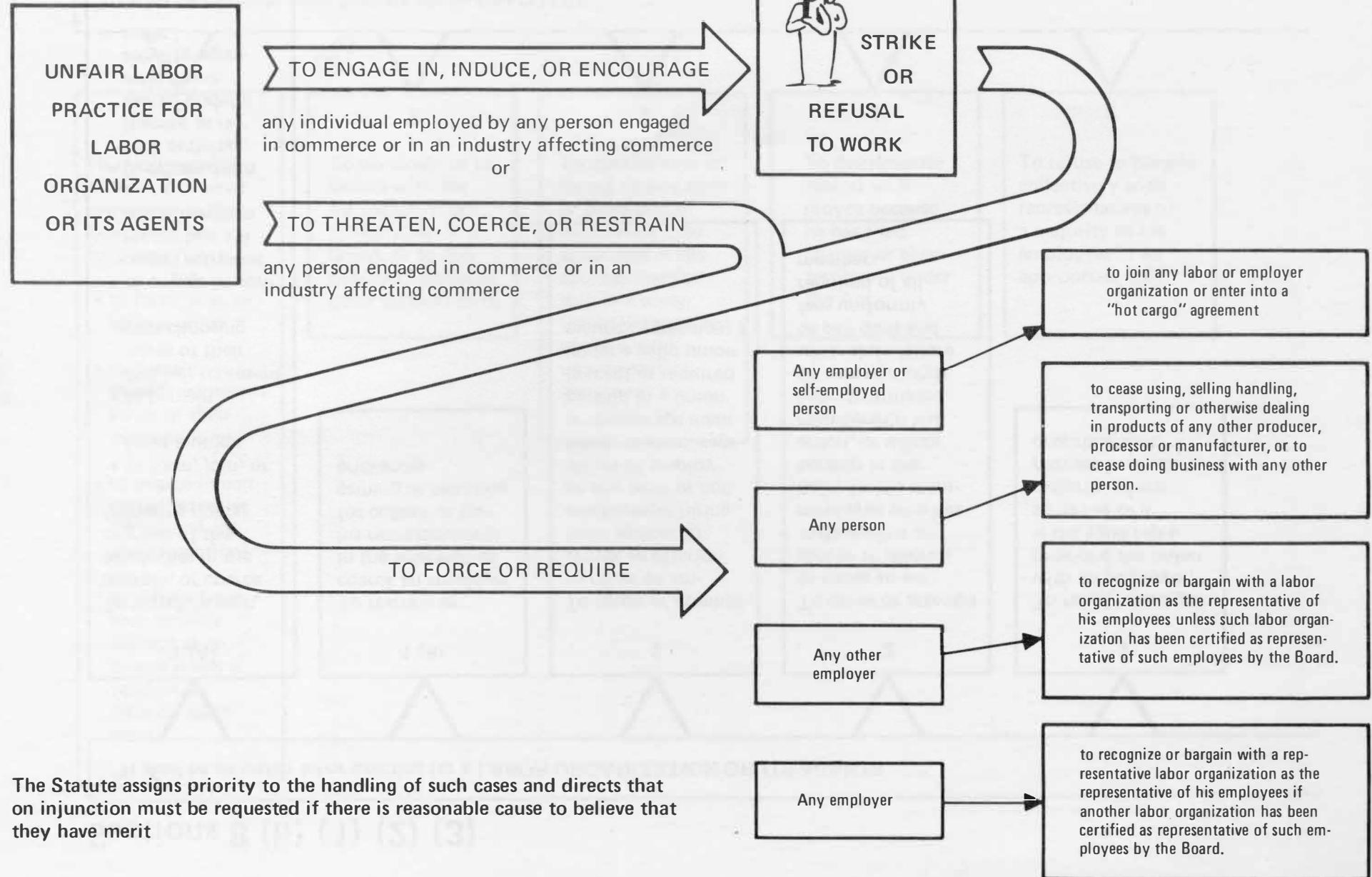
2

To cause or attempt to cause an employer to discriminate against an employee who has been denied membership in the union, or whose membership has been terminated on some grounds other than failure to pay dues and fees uniformly required of all members.

3

To refuse to bargain with an employer, provided the union is the valid representative of a majority of employees in an appropriate unit.

Sections 8 (b) (4) (i) and (ii) (A), (B) and (C)



AFFIRMATIVE MANAGEMENT ACTION

1. Be sure that **WORKING CONDITIONS** are good, that **WAGES** and such **FRINGE BENEFITS** as insurance, vacations, etc. are in line with others in your area and are as generous as can be reasonably afforded. Consider **UNION RATES** in establishing both your minimum and going rates. **REVIEW** the **WORK** of all employees **PERIODICALLY** and **CONSIDER WAGE ADJUSTMENTS** where clearly **MERITED BY JOB PERFORMANCE**.
2. Remember that each employee is **DIFFERENT** from any other, having his own **PERSONALITY** and **PROBLEMS**. Make every effort to be close to each employee by giving **PERSONAL ATTENTION** to his problems.
3. **AVOID FUTURE DIFFICULTIES** by carefully selecting and **PLACING NEW EMPLOYEES**, determining their **BACKGROUND** and **ATTITUDES** before hiring them. (Persons with family responsibilities and ties are usually the most desirable).
4. **EMPHASIZE** to each employee the **IMPORTANCE** of his **JOB** to the company's success, how he contributes to the **END RESULT**. Pride in his job.
5. **UNIONS** seek the natural **LEADERS** among employees so fully cultivate these people, giving them a grasp of the company's **VIEWS** and **PROBLEMS**.
6. Prove by practice that everyone has **EQUAL OPPORTUNITY** for **UP-GRADING**, that **PROMOTIONS** will be made from **WITHIN** whenever possible providing everyone the chance for **BETTER JOBS & MORE PAY**, based on **MERIT**. **PROMOTIONS FROM WITHIN**.
7. The company is more than just a place to work. See that employees understand matters concerning their **WORK** and the **COMPANY**, and that they get such news before it is published locally, publicized, or put into effect. If necessary, write thoughtfully-phrased letters to your employees and/or their families at their home addresses. Don't wait for union campaign.
8. He who works to fulfill his own ideas works harder and happier so **SOLICIT EMPLOYEES' IDEAS** for improvements and solutions to problems. Keep **COMMUNICATIONS** between management and employees open on a **TWO-WAY CIRCUIT**. Participation/contribution to the team.
9. Give **CREDIT** where credit is due. Be generous with **COMPLIMENTS** for work well done, appreciation for the individual contributions made. **CORRECT MISTAKES** but in terms of work being done rather than as a personal affront to an employee.
10. **ADOPT FAIR RULES** and **ENFORCE THEM FAIRLY** and **UNIFORMLY**. Favoritism destroys morale and breeds unions.
11. Try to fit employees into the jobs best suited for them. People must be interested in their work, like what they are doing to do it well. **MISFITS** cause trouble.
12. Promote athletic contests, picnics, parties for employees. This encourages a team spirit - a gap which unions sometimes step in to fill.
13. Show that neither opportunities nor training cease when the management level is reached. Continually train both management and supervisors in improved methods not only technical but also in dealing with people.

14. When lay-offs are necessary, determine who is to be kept and who is to be released on the basis of each employee's performance. When deciding between two employees of equal ability, consider whether length of service or the individual's personal characteristics or responsibilities should be the deciding factor. In any event, BE FAIR, BE CONSISTENT and let employees know the basis for such decisions.
15. If an employee's work attitude or conduct is not satisfactory, try to help him. Talk over his deficiencies with him, try to find out the reasons. Arrange for further training if needed. Consider a transfer to a job for which an employee may be better suited.
16. MISFITS and UNSATISFACTORY employees should be terminated. They are usually the first to seek unions and create dissension. Handle discharges in a straightforward manner without delay — attempt to part as friends.

LIST OF SOME DO'S AND DONT'S FOR SUPERVISORS

Under the Labor Management Relations Act of 1947 and the Labor Management Reporting and Disclosure Act of 1959.

August 22, 1973

WHAT YOU AS A SUPERVISOR CAN DO:

1. Tell employees that you and the Employer prefer to deal with them directly, rather than through an outside organization, regarding problems arising from day to day.
2. Tell employees that you as a member of management are always willing to discuss with them any subject of interest to them.
3. Tell employees about the benefits they presently enjoy. (Avoid veiled promises or threats.)
4. Tell employees how their wages, benefits and working conditions compare with other companies, whether unionized or not.
5. Tell employees of the disadvantages that may result from belonging to a union. Such as loss of income because of strikes, requirement to serve on a picket line, expense of dues, fines, and assessments.
6. Tell employees that the law permits the Employer to hire a permanent replacement for anyone who engages in an economic strike.
7. Tell employees that no union can make an Employer agree to anything it does not wish to, or pay any more than it is willing or able to do.
8. Tell employees about any experience you may have had with unions.
9. Tell employees anything you know about any union or its officers.
10. Tell employees that the international union probably will try to dominate the local union or at least try to influence the thinking of the local members.
11. Tell employees about any untrue or misleading statements made through an organizer, or by handbill, or through any medium of propaganda. You may always give employees the correct facts.
12. Tell employees about known racketeering, communist participation or other undesirable activities in the union. (Relate only established facts.)
13. Tell employees your opinion about union policies and union leaders even though in uncomplimentary terms.
14. Distribute reprints of articles containing information about unions or facts revealed through Congressional hearings, such as the McClellan Committee.
15. Tell employees that they are free to join or not to join any organization without prejudice to their status with the Employer.

16. Tell employees that merely signing a union authorization card or application for membership does not mean that they must vote for the union in an election.
17. Tell employees about the NLRB election procedures, the importance of voting, and the secrecy of the ballot.
18. Tell employees that the Employer opposes the principle of compulsory membership.
19. Tell employees about their legal rights. However, there should not be any encouragement or financing of any employee suit or proceeding.
20. Actually campaign against a union seeking representation of your employees.
21. Make or enforce any rules requiring that solicitation of membership or discussion of union affairs be conducted outside of working time. (Remember, however, an employee can solicit and discuss unionism on his own time, even on Employer's premises, when it does not interrupt work.)
22. Lay off, discipline and discharge for cause so long as such action follows customary practice and is done without regard to union membership or non-union membership.
23. Make assignments of preferred work, overtime, shift preference, so long as such is done without reference to the employees participation or non-participation in union activities.
24. Enforce plant rules impartially and in accordance with customary action, irrespective of the employee's membership or activity in a union.

THINGS THAT THE SUPERVISOR CANNOT DO:

1. Promise employees a pay increase, promotion, betterment, benefit, or special favor if they stay out of the union or vote against it.
2. Threaten loss of jobs, reduction of income, discontinuance of any privileges or benefits presently enjoyed, or use of any intimidating language which may be designed to influence an employee in the exercise of his right to belong, or refrain from belonging to a union.
3. Threaten or actually discharge, discipline, or lay off an employee because of his activities in behalf of the union.
4. Threaten, through a third party, any of the foregoing acts of interference.
5. Threaten to close or move the plant or to drastically reduce operations if a union is selected as a representative.
6. Spy on union meetings. Parking across the street from a union hall to watch employees entering the hall would be suspect.
7. Conduct yourself in a way which would indicate to the employees that you are watching them to determine whether or not they are participating in union activities.
8. Discriminate against employees actively supporting the union by intentionally assigning undesirable work to the union employee.
9. Transfer employees prejudicially because of union affiliation.

10. Engage in any partiality favoring non-union employees over employees active in behalf of the union.
11. Discipline or penalize employees actively supporting a union for an infraction which non-union employees are permitted to commit without being likewise disciplined.
12. Make any work assignment for the purpose of causing an employee who has been active on behalf of the union to quit his job.
13. Take any action that is intended to impair the status of, or adversely affect an employee's job or pay because of his activity on behalf of the union.
14. Intentionally assign or transfer men so that those active in behalf of the union are separated from those you believe are not interested in supporting a union.
15. Select employees to be layed off with the intention of curbing the union's strength, or to discourage affiliation with it.
16. Ask employees for an expression of their thoughts about a union or its officers.
17. Ask employees how they intend to vote.
18. Ask employees at time of hiring or thereafter whether they belong to a union or have signed a union application or authorization card.
19. Ask employees about the internal affairs of unions such as meetings, etc. (Some employees may, of their own accord, walk up and tell of such matters.) It is not an unfair labor practice to listen, but you must not ask questions to obtain additional information.
20. Make a statement that you will not deal with the union.
21. Make statements to the employees to the effect that they will be discharged or disciplined if they are active in behalf of the union.
22. Urge employees to try to persuade others to oppose the union or stay out of it.
23. Prevent employees from soliciting union memberships during their free time on Employer premises so long as such does not interfere with work being performed by others.
24. Give financial support or assistance to a union, its representative or members.
25. Visit the homes of members for the purpose of urging them to reject the union.

PRE-ELECTION REMINDERS FOR SUPERVISORS

The National Labor Relations Act guarantees to all employees according to their own choosing the right to assist and participate in union organizational activities and also guarantees the right to refrain from such activities. It is unfair labor practice for an Employer or union to interfere with an employee's rights guaranteed by that act.

A supervisor must not be provoked into arguments with union sympathizers so that he says things out of anger which can provide a background for or be evidence of ULP charges or valid objections to the election by the union (e.g., supervisor to employee: "If the union gets in, you won't be around long!").

In talks with employees, concentrate on those who are on the fence. If certain employees are obviously and irrevocably for the Union (e.g., are wearing union buttons and are the solicitors for the union in signing other employees to authorization cards), then, at least in the beginning of the campaign, most efforts should be directed away from these diehards. Jumping into a discussion with a clique of diehard union sympathizers may result in two versions of what happened — one backed by the supervisor (there is only one of him); the other version, which is or comes close to being a unfair labor practice, backed by several union oriented employees.

As a supervisor you do not have to change employee's attitudes overnight. Generally there will be several weeks in which to campaign. Moving a step at a time will produce the best results.

Analyze the employees (each employee separately, if possible) with whom you will be working to determine what points and arguments will most likely be telling. A long-term employee may be impressed with the organizing union's adverse strike record; a recent hire might give much thought to the cost of belonging to the union, still other employees might react favorably from the Employer's point of view to the fact that in upgrading and promotions, abilities likely will be by-passed under a union agreement. A supervisor likely can strike at least one responsive chord with every employee if he analyzes the situation carefully.

An organizing union will put out at least one electioneering bulletin the principal topic of which addresses itself to the proposition that unionism is good and necessary. When a supervisor argues that unionism per se is bad, he is fighting with much less than all of his potential weapons. The real issue would be, "is Big Union good for the employees at Small Company?"

In any campaign where the issue is "union or not?", the one thing which every supervisor should not be is "non-committal". Even at the risk of being over-zealous and even if innocently a supervisor should commit an unfair labor practice, in the long run it will work out better if the supervisor takes a stand. When employees are on the fence as far as how they will vote, the personal feelings of their supervisor for or against the issue is often determinative. When those representing the Employer appear to be in doubt and stand-offish, the employees likely will conclude that the Employer doesn't care how they vote. The employees may then vote for the side that appears most interested and of course most persuasive.

All management representatives must remember that anything that is said or done by them in connection with union organizational activities may be considered to have been said or done by the Employer itself. All representatives of management, therefore, must steer away from conduct which obviously interferes with the employees' right to a free choice in deciding whether they wish to participate in union organizational activities or to join a union.

UNION CONDUCT THE EMPLOYER SHOULD LOOK FOR DURING ELECTIONS

All management and supervisory personnel review the following list of activities considered unlawful by the NLRB and which will cause an election to be set aside. It is important to advise supervisors and other management personnel that, when they see acts which either are or could be violations of the law in their judgment, they should immediately reduce their observations to writing. The time, date, statement that was made or act observed, parties involved in the statement or act, and any additional relevant data should be noted in writing as soon after the act or statement occurs as is possible.

1. Violence or threats of violence aimed at non-supporters of a union is sufficient to set aside an election. If an employee contacts an Employer representative (supervisor) and tells you about violence or the threat of violence by a union aimed at non-supporters, try to get him to give you a written statement of what happened and ask him to sign it.
2. If you learn that the union has offered to waive initiation fees if it wins the election, make sure it applies to all employees and does not depend on how the individual employee votes. A waiver offer depending on how an employee votes is viewed as coercive by the Board.
3. It is not permissible for a union to induce employees to sign authorization cards by saying that those who sign will pay less dues or initiation fees than those who do not sign.
4. Material misrepresentations by the union that are difficult to respond to by the employer before the election date, or when employees could not determine the true facts before the election date, are also cause for an election to be upset.
5. Union sound trucks or similar devices, at or near the plant during the 24-hour period immediately preceding the election, also are grounds for upsetting an election.
6. Mass picketing or the blocking of entrances is forbidden.
7. Violence and/or threat of violence against supervisors are also cause for setting aside an election.
8. Organizers often tell employees "The union is stronger than you. You cannot fight a union and win" or "There may be trouble if an employee refuses to sign a card" or "A threat of loss of work to an employee if he fails to vote for the union" are all examples of unlawful coercion by the union. Note that it is not necessary to require proof that such coercive conduct has affected employees statutory rights — the Employer merely has to prove that it tends to restrain or coerce employees.
9. Electioneering by union advocates at or near the polling place or union officials at or near the polling place may be cause to upset an election.
10. Written union material (cartoons, pictures, leaflets, etc.) should be carefully reviewed for its potential impact to restrain or coerce employees in the exercise of their statutory right.
11. Appeals to racial prejudice by the union will normally upset an election.

CONDUCT THE UNION LOOKS FOR DURING ELECTIONS

1. Violation of the 24-hour rules. The Employer is precluded from making election speeches (large or small groups) on company time 24 hours before the scheduled time for conducting the election (Peerless Plywood Co Rule).
2. The presence of management personnel (including supervisors) at or near the polling place is sufficient to set aside an election (Belk's Department Store). It would be wise to make sure that all management personnel are advised to stay away from the polling place during the hours of election.
3. Campaign Propaganda — when one of the parties deliberately misstates material facts which are within its special knowledge, under such circumstances that the other party or parties cannot learn about them in time to point out the misstatements, and the employees themselves lack the independent knowledge to make possible a proper evaluation of the misstatements, the Board will find that the bounds of legitimate campaign propaganda have been exceeded and will set aside an election (U.S. Gypsum). This is a very tricky area and anything that is put in writing should be checked with counsel to determine whether or not it would be considered as a material misrepresentation by the Board.
4. Cartoons or pictures must also be carefully screened and reviewed by counsel before posting —for example, a picture of a closed down plant with its windows and doors boarded up and a "closed" sign nailed to the boarded door was enough to upset an election.
5. The Board is particularly sensitive about appeals to racial prejudice and almost without exception an election will be upset because of it.
6. Sudden actions which operate to the benefit or detriment of employees in the plant (unless announced well in advance or unless justified by prior Employer conduct) will upset an election. The key factor in determining a violation in this area is the presence or absence of "anti-union animus". If the change had been planned for some time notwithstanding it happens during the union election, it is unlikely the election will be set aside. The same is true for wage increases that are part of a continuing and well established company policy. (The employer, however, carries the burden of explaining away why the action was taken during the election campaign.)
7. The Employer should be very careful about interviewing individual employees or small groups of employees in private, non-work areas. A supervisor can talk to individual employees in their work area and the Employer may talk to groups of employees in non-work areas, but pulling an individual out of his normal environment into an area that could be considered "coercive" is a very dangerous practice.
8. Management personnel may not visit employees at their homes. However, supervisors who have personal friendships with employees may visit their homes provided the purpose is social vs. anti-union campaigning. If their visits are for social purposes, then it does not matter that the subject of unions comes up. Supervisors can also discuss union at bars, restaurants and like public places.
9. Marking an official NLRB sample ballot will almost always set aside an election. It is wise to run regular tours around the plant to make sure NLRB sample ballots have not been marked up. If you find some in that condition, take them down immediately and replace them.
10. A private polling of employees just prior to an election will upset an election.

11. Making a list of employees who actually vote will also upset an election.
12. The checkoff gimmick is permissible provided the employer does not misrepresent the amount of dues deducted or a legal rule (e.g., saying all employees will be forced to pay union dues if the union gets in – in a right to work state).
13. Employers may work to get out the vote and may offer transportation to voters but they cannot evidence in the eyes of the Board that they have concentrated on only anti-union workers.
14. An Employer may not prevent union solicitation during non-working time (e.g., coffee breaks, lunch periods, etc.) or in non-working areas (locker rooms, parking lots, etc.). However, if an employee spends more than a reasonable amount of time in the men's room, he may be disciplined on that ground.
15. The Employer cannot spy on employee's union activities (e.g., taking pictures of employees receiving or distributing literature, sending supervisors or other employees to see who attends union meetings, tapping telephones, etc.). Even creating the appearance of such surveillance may constitute a violation.
16. Asking a supervisor or an employee to furnish the employer with a list of union activities is unlawful.
17. Questioning employees as to their union activities is unlawful. However, supervisors should be advised that they can and should talk to employees about the advantages of not having a union (be careful not to promise benefits), the disadvantages of having a union (be careful not to threaten or coerce) and about personal matters related to the employee on any subject not associated with their union activities. Note that if the employee starts telling the supervisor about union activities, union activists, union strategy, etc., it is perfectly legal to listen. Obviously supervisors should be instructed, without making it look obvious, to get this information back to the Employer campaign leaders for evaluation.
18. In the event the Employer considers the union guilty of an unfair labor practice, the Employer may interrogate individual employees for the purpose of preparing the case before the NLRB provided the questions are relevant to the issues.
19. Opinions, views and arguments are proper and should be used at every opportunity provided they do not contain threats or promises either express or implied. Again, when in doubt, check with counsel.
20. Should you have a disloyal supervisor, it is perfectly lawful to fire him for joining or assisting a union. However, he cannot be fired for permitting workers, covered by the act, who (a) engage in union activity or (b) refuse to spy on employees.
21. If members of community, local associations, newspapers, radios and the like campaign on your behalf, it is wise to advise your employees that their activities are on their own and that although the Employer cannot prevent their activity, the Employer wants employees to know it is not associated with it.
22. The Employer has the right to discharge or discipline any employee (pro-union or anti-union) for just cause during a campaign. It is important to note, however, that just cause must be proven. Promotions, demotions and transfers must also be for bona fide reasons.

INSTRUCTIONS TO OBSERVERS

1. Your principal job is to guarantee only employees on the Employer's eligibility list should be allowed to vote without challenge.
 - a. As long as an election observer advances good faith doubt that a voter should not participate in the voting, the Board agent may not deny him the exercise of this privilege. Good faith reasons are:
 - (1) A claim that voter is not an employee or if no longer employed by the Employer (on permanent layoff, a quit, or a discharge).
 - (2) A claim that voter falls within an excluded group (office clerical, technical, professional, guard, confidential employee, etc.).
 - (3) A claim that voter was not on the payroll on the designated eligibility date.
 - b. If the Board agent does not allow the challenge, the observer should not sign a statement that the Board properly conducted the election (this amounts to grounds for election objections).
2. Record instances of campaigning by union observers or pro-union voters at the place of election. Write down name of observer or employee involved, try to state what was said and register the time it occurred.
3. Record instances wherein you feel Board agent conducting the election may be partial toward the union.