

SIGNS OF UNION ORGANIZING

Group Discussions Stop When a Supervisor Approaches:

Union organizing is usually kept quiet at the beginning of a union organizing drive. An increase in the number of employee group conversations and discussions that stop suddenly when a supervisor approaches may indicate a union organizing drive.

Employees Spend More Time on Their Breaks:

In the early stages of a union organizing drive, employees have a lot of discussion, questions, curiosity, and debate. Much of this discussion occurs during breaks and meal periods, which may delay employees returning to work.

Changes in Employee Work Patterns:

Any change in employees' normal work routines, such as taking lunch breaks at different times or places, or interacting with different groups of employees during the day, could indicate union activity. Employees never seen together may suddenly start associating with different employees.

A New Employee Leader:

When a new leader appears among the employees, he or she may be a primary union organizer for the company. The new leader may be the one who made the first union contact, or someone the union planted in the facility to organize the employees.

Employees Stop Talking to Their Supervisors:

The union may instruct employees to avoid non-work-related conversations with supervisors. Employees may also feel awkward about their union involvement.

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Employees Suddenly Ask About Improving Their Wages, Benefits or Working Conditions:

A union will promise employees substantial improvements in wages, benefits and working conditions. Employees may raise questions about their pay rates. If several employees start asking these types of questions at the same time, it may be a warning sign of union activity.

Employee Complaints Increase:

For the union drive to be successful, the union must stir up dissatisfaction among employees about their wages, benefits, working conditions and supervision. The union tries to make employees feel deprived and exploited by the employer. A sudden increase in complaints may signal union activity.

A Noticeable Division Develops Among Employees:

Tension and hostility may result between employees who are supportive of the union and those who are not. Union organizing may explain new tensions between groups of employees.

The Language of the Facility Changes:

Be sensitive to employees' sudden use of union terms like "seniority," "grievance," "bumping" and "job bidding." Similarly, be sensitive to changes in employee discussions on topics like a sudden focus on minimum wage, health insurance, pension plans and job security.

Union Authorization Cards Are Solicited or Other Union Materials Are Distributed:

The solicitation of union authorization cards or the distribution of union flyers is the clearest indication of a union drive.

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Pre-Campaign Letter

DRAFT LETTER TO EMPLOYEES

Dear Employee:

We understand that the [name of union] has been trying to talk our employees into signing union cards. Some employees have expressed anger over the fact that they signed a card without being provided with all of the facts about the potential obligations and costs. We are writing this letter to make sure everyone understands the significance of signing a union card.

Union organizers often claim that signing a union card is just for: a) more information, b) more money; or c) better benefits or more lenient work rules. None of these statements are true. Please be aware that:

- Union cards are legal documents—signing one obligates you personally.
- By signing a union card, you could ultimately be authorizing the union to represent you in **all** of your dealings with the Company. You could ultimately be giving up your right to speak and act for yourself.
- By signing a union card, you may be assuming the obligations of union membership. This means the Union could fine or discipline you for violating its rules even if you don't know what those rules are.
- By signing a union card, you may have to pay hundreds of dollars to the Union in monthly membership dues, special assessments or fees and go on strike or honor a picket line whenever the Union tells you to do so.
- By signing a union card, you may be authorizing a “union shop,” which means that if you don't pay dues to the Union, which can cost you hundreds of dollars a year, the Union can have you fired.

Unions often make promises to get employees to sign union cards, but the fact is the union cannot guarantee you anything. In fact, with a union, even your current wages, benefits and conditions are subject to collective bargaining. Make sure you know the facts, costs and risks before you think of signing.

Let's continue to work together to solve issues without the possible interference of an outside third-party.

Pre-Campaign Posting

CANCELLATION DEADLINE!

Some employees have been asking if they can cancel their union authorization cards once they have been signed. They are complaining that the union organizers told them to sign just to get more information.

Whether you cancel or revoke a union card is a personal decision and we will not encourage or discourage you from doing so. However, since a number of people have asked for information about this process, we feel obligated to inform you that once the Union files your signed card with the Labor Board, it will be recorded and could be used to help bring in the Union. In effect, it could end up being a permanent “yes” vote for the Union.

If you have made a decision to cancel your card, you must communicate your decision to the Union before they file it with the NLRB. Here’s what you do:

1. Write to the Union- something like “I work at **[INSERT COMPANY NAME]**. I wish to revoke the authorization card that I signed. Please tear it up and send it back to me.”
2. Sign and date the letter and give your return mailing address.
3. Keep a copy of the letter for your records.
4. Mail the letter to this address:

[NOTE: The Company can provide the address of the organizing union- this information is available by checking LM-2 forms which must be filed by every union every year]

Again, whether you cancel or revoke a union card is a personal decision. We would not encourage or discourage you from doing so. Our intention is only to provide you with facts about your legal rights.

Provided for Your information by [Company]

Pre-Campaign Speech

First Response to Union Activity at Card Signing Level

- Some employees have volunteered to us that they have been asked to sign a union authorization card.
- Because of the importance of union cards, we want to talk to you for a few minutes about them and unions generally.
- A union authorization card is a signed statement from an employee that he or she wants the union to be his or her collective bargaining agent. The union authorization card is legally binding on the person who signs it.
- Organizers often claim that signing a union card is just for: a) more information, b) more money; or c) better benefits--- none of these statements are true.
- Unions get money by charging members dues and fees, which can cost you and your family hundreds of dollars a year.
- Signing a union card is like signing a blank check and giving it to a stranger. You lose individual rights and control over your job and you do not know how much it will cost you when everything is said and done.
- With a union, all of your current wages, hours, schedules and benefits are up for negotiation and nothing is guaranteed. While you can get more in good faith negotiations, you can also lose benefits you have now.
- For instance, the Labor Board has said: “as a result of such negotiations, employees might possibly “wind up with less benefits after unionization than before.”
- Because everything has to be negotiated, the union’s promises are meaningless.
- Union members have to pay dues every month. Hundreds of dollars a year. For what? Nothing is guaranteed with a union.
- We recognize and respect the right of employees to join or not to join a union. We respect all federal labor laws. But, we do not think a union would be in the best interests of the Company, our clients or our employees.
- We do not need a third party coming between us with our employees.

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- If a Union came in, it could bring strikes, boycotts, and other disruptions to normal activities that could have an adverse effect on the Company's ability to provide the best possible services to our clients.
- While no company is perfect, we strive to make sure that our Company is a good place to work, has a pleasant atmosphere and provides great benefits and perks to our employees. We expect great things from our employees and we hope that we provide great things for you.
- We are committed to providing a work environment that inspires, supports and rewards our extraordinary employees.
- The Union hires people to be organizers who are able to make you feel that your concerns are their concerns.
- And they are very good at what they do, but make no mistake; their biggest concern is getting a signed commitment from you.
- Why do they want a signed commitment?
- Because without it they can't get more money, which is how unions survive.
- That's why unions want you to sign a card.
- They want your money.
- They want to make you believe that you need them for protection.
- But the fact is the union is the one that needs you, not the other way around.
- Signing a card is a **BIG DEAL** and is an important decision that should not be made lightly.

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Who is A Supervisor Under the National Labor Relations Act?

Under the National Labor Relations Act (NLRA), "employees" have the right to unionize. The NLRA excludes "supervisors" from the NLRA's definition of "employees" to protect management's legitimate business interests. During a union campaign, the question of whether an individual qualifies as a "supervisor" is critical to the employer's ability to effectively respond to a union organizing campaign. The new "quickie" election rules, effective April 14, 2015, make the issue of supervisory status even more important. Under prior National Labor Relations Board procedures, the issue of who was a supervisor was determined at a pre-election hearing. Under the new rules, the issue of whether an individual is a supervisor will not be resolved until after the election.

Supervisory status is critical during an election because it will determine whether that individual has a right to vote in the union election and has Section 7 protected rights under the Act. More importantly, if the individual is a supervisor, then he or she may campaign for the employer. Not knowing if particular front line individuals, who often have the most influence on the voting unit, are supervisors makes it more likely that employer's will inadvertently commit an unfair labor practice or keep the individual out of management's communication and response team. This new NLRB rule seems geared to set up employers for election unfair labor practice charges and election objections.

Therefore, it is important that the employer determine who is really a supervisor under the NLRA. Supervisory status is determined by job duties, not by job classification. The burden of proving supervisory status rests on the party asserting the status, usually the employer. The employer must provide detailed, specific evidence to show the existence of supervisory authority. A paper record of job descriptions and job titles will not be enough. In each case, the Board looks to differentiate between the "exercise of independent judgment and the routine following of instructions, between effective recommendation and

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forceful suggestion, and between the appearance of supervision and supervision in fact.”
The NLRB applies several tests to determine if the individual exercises supervisory duties.

Under Section 2(11) of the Act, a supervisor is any person that has the authority, in the interest of the employer, to:

- Hire
- Transfer
- Suspend
- Lay Off
- Recall
- Promote
- Discharge
- Assign
- Reward
- Adjust grievances
- Discipline employees, or
- To effectively recommend such action.

The authority must require the use of independent judgment and not be merely routine or clerical in nature. The independent exercise of any one of the factors is enough to establish supervisory status. The individual must perform a regular and substantial portion of their time performing those supervisory duties.

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Although the focus is on the Section 2(11) factors, in difficult cases, the Board will also consider “secondary indicia” to support a finding that individuals are supervisors. By themselves, these secondary indicia will not establish supervisory status. These factors will not be considered unless at least one Section 2(11) factor is present. These secondary factors include whether the individual:

- Is considered a supervisor by fellow workers;
- Attends management meetings;
- Receives a higher wage rate than fellow workers;
- Receives substantially higher benefits than other employees; and
- The ratio of alleged supervisors to employees.

Under the NLRB’s new “quickie” election rule, the employer should consult with its labor counsel to determine if specific individuals qualify as supervisors under the Act before conducting any supervisory training or having supervisors communicate with employees regarding the union.

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UNION ORGANIZING 101

NAM believes employers and their employees have the right to choose to remain union free. This outline is intended to help manufacturing employers with the most common questions relating to union organizing and communicating the employer's position on the union.

What are union authorization cards?

Authorization cards say that an employee authorizes a union to represent him or her in collective bargaining with the employer. A union that gets enough signed cards may demand recognition from the employer or petition for a secret ballot election by the National Labor Relations Board (NLRB).

What can an Employer do if employees are signing union authorization cards?

The National Labor Relations Act gives employers the right of free speech. Management may talk to workers about union organizing activity and take the position that a union is not necessary at its company. Employers have the right to tell employees not to sign union authorization cards.

In response to a card signing campaign, it is vital for all levels of management, from the owner to the front-line supervisor, to communicate with employees and to explain why it is a mistake for employees to sign union authorization cards.

Senior management, with advice of counsel, should meet with all supervisory personnel (be sure to know exactly who is or is not a "supervisor" under the law) to review the legal rules and coordinate management's response. Management should instruct supervisors on the best way to communicate with employees regarding card signing. The basic message is: "Don't Sign the Cards."

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What Can an Employer Say to Employees During a Union Organizing Campaign?

An easy way to remember what employers can say to employees during union organizing is the acronym “FOE.” Employers may lawfully tell employees Facts, Opinions and Examples. For example, an employer may:

- State that it prefers to deal with employees directly rather than through a third party, like a union.
- Share experiences the employer or other employers have had with unions.
- Emphasize the employees’ financial obligations to the union in the form of dues, initiation fees, fines, and assessments.
- Tell employees that while the Company will negotiate in good faith, the Union cannot make the Company agree to anything or pay more than it is willing or able. Wages and benefits are subject to the give-and-take of bargaining, and the result of bargaining may be a reduction, or an increase, in wages and benefits.
- Point out the risks of strikes and the loss of earnings caused by strikes. In most states striking employees are not entitled to unemployment compensation. Most unions may also fine non-striking employees for crossing picket lines.
- Tell employees that the Union will likely insist on a “union-shop” clause in its collective bargaining agreement. That clause would require employees to pay dues and initiation fees to maintain their employment or be discharged at the request of the Union.

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What Can't an Employer Say During a Union Organizing Campaign?

An easy way to remember what an employer cannot say during a union organizing campaign is the acronym "TIPS:"

"T" MEANS THREATEN. You cannot threaten individuals participating in union activities with reprisals, such as reducing employee benefits, firing the employee or retaliation of any kind and you cannot take such reprisals.

"I" MEANS INTERROGATE. You cannot interrogate employees about whether they signed a union card, whether they support the organizing activity, how they intend to vote or what they think about union representation.

"P" MEANS PROMISE. You cannot promise wage or benefit increases, promotions or any other future benefit to employees for opposing the union or grant any of those benefits.

"S" MEANS SPY. You cannot spy on union activities to determine who is attending union meetings or who is signing union cards or supporting the union. This applies to both work time and non-work time, on and off the firm's premises.

What Should an Employer Do If The Union Gives Them Authorization Cards?

Under current NLRB law, supervisors reviewing authorization card signatures and expressing their belief that the signatures are genuine may constitute union recognition without the necessity of an election. Management should not look at the authorization cards or make any statement about them. The employer should tell the union representative to contact the National Labor Relations Board for a secret ballot election.

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NEW NLRB REPRESENTATION ELECTION PROCEDURES

On April 14, 2015, the National Labor Relations Board (NLRB) implemented its new election rule, known as the “ambush election” rule, drastically reducing the time for representation elections from 42 days to as little as 11 days. It will be easier for unions to organize unrepresented employees because employers face difficulties in effectively responding and communicating its position regarding union representation during this shortened period.

Employers are encouraged to speak with their labor counsel to put a response plan in action before any organizing. A prepared response plan ensures that management can react quickly and effectively to an election petition in the shortened time provided under the new NLRB rules.

TIMELINE OF ELECTION PROCEDURES UNDER THE NEW RULE¹

Day 1 - Election Petition Filed

- The Union may file the Petition for Election electronically. The Union must also serve the Election Petition and Notice of Hearing on the employer.
- The employer must post the Notice of Petition for Election within two business days.

¹ The summary of dates is an estimate based on the NLRB General Counsel’s Guidance Memorandum, (NLRB Office of the General Counsel, Memorandum 15-06 (April 6, 2015)).

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- The employer must post the Notice of Petition for Election in a conspicuous place, including all places where employee notices are customarily posted. All pages of the Notice of Petition for Election must be simultaneously visible.
- If the employer customarily communicates with all the employees in the unit through email, then the employer must also send the Notice of Petition for Election by email to the entire petitioned-for unit. If the employer customarily communicates with only some of the employees in the petitioned-for unit by email, then the employer must email the Notice of Petition for Election to those employees.
- The employer must maintain the posting of the Notice of Petition for Election until the petition is dismissed or withdrawn or the Notice of Election is posted.

7 Days After Service of the Notice of Hearing – Employer Statement of Position Due

- The Regional Director requires a detailed Statement of Position identifying the issues the employer wants to litigate at hearing. If the employer does not raise an issue in its position statement, it cannot present evidence on that issue at the hearing.
- As part of its Statement of Position, the employer must provide an alphabetized list of the full names, work locations, shifts and job classifications of all workers in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all workers the employer wants added to the proposed unit and must indicate those workers it believes must be excluded from the proposed unit to make it an appropriate unit.
- If the employer fails to timely furnish the employee list, the employer is precluded from contesting the appropriateness of the proposed unit and the eligibility or inclusion of any workers at the pre-election hearing.

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8 Days After Service of the Notice of Hearing – Pre-Election Hearing

- The purpose of the pre-election hearing is to determine if a question of representation exists. Disputes concerning an individual's eligibility to vote or unit inclusion issues affecting a small percentage of employees (usually 20 percent or less) will not be resolved until after the election.
- The Regional Director has the discretion to require a detailed evidentiary "offer of proof," or an outline of the specific evidence the party intends to present at the hearing, to limit issues at the hearing or determine whether a hearing is necessary.
- The hearing will continue from day-to-day until completed, unless a party can demonstrate "extraordinary circumstances" that warrant a continuance beyond the next day.
- The following issues must be litigated in a pre-election hearing, or they will be considered waived: (1) jurisdiction; (2) labor organization status; (3) bars to election; (4) appropriate unit; (5) multi-facility and multi-employer issues; (6) expanding and contracting unit issues; (7) employee status of a significant portion of the unit; (8) seasonal employees; (9) inclusion of professional employees or guards with other employees in a unit; (10) eligibility formulas; and (11) craft and health-care employees.
- At the close of the hearing, the hearing officer will solicit the parties' positions on the type, date(s), time(s), duration and location(s) of the election. The employer must provide the name of an on-site representative who the Regional Director will send the Notice of Election.

Within a Few Days of the Hearing, the Regional Director Will Issue a Decision and Direction of Election

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Two Days After the Decision and Direction of Election, the Employer Must Provide the Voter Eligibility List to the Union and the NLRB

- The employer must provide the full names, work location(s), shift(s) and job classification(s) of all employees in the petitioned- for unit. In addition, the employer must provide employee home and cell phone numbers, home addresses and personal email addresses.
- In a separate section of the list, the employer must provide the same information for any employees directed to vote subject to challenge.
- The NLRB will not schedule an election earlier than 10 days after the employer serves the Voter List on the Union. The Union may waive any or all of the 10-day waiting period.

At Least 3 Working Days Before the Election, the Employer Must Post the Notice of Election

- The employer must post the Notice of Election in conspicuous places in the workplace, including all places where notices to employees are customarily posted. The Notice must remain posted until the conclusion of the election.

Post-Election Objections

- A party must file any objections to the election within 7 days of the tally of ballots and submit evidence in support of the objections at the same time.
- If a hearing is required on the objections, the hearing will be 21 days from the tally of ballots.

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What Can Employers Do Now to Prepare for an Ambush Election Campaign?

The NLRB could schedule the election within 13 to 20 days following receipt of the official NLRB Notice of the Petition. Ideally, with the assistance of counsel, an employer should implement a response plan before they receive a petition. That response plan should include:

- An assessment of the scope of potential bargaining units. If the company wants to prepare for the inclusion/exclusion of certain job classifications, it may redesign its operations and/or job classifications now to bolster its position in the future.
- A proposed response team. An employer's success in countering an organizing effort depends on who communicates to employees. The Response Team should include representatives from various areas within the company, including senior management, legal, human resources, and front line supervisors.
- Preparation of a detailed Statement of Position.
- Determine the supervisory status under the National Labor Relations Act of proposed response team members and other front line supervisors.
- Prepare a detailed offer of proof to overcome any evidentiary presumptions applied by the NLRB and establish the necessity of a pre-election hearing.
- Review of employee handbooks for compliance with NLRB rules. Certain unlawful employee rules may result in an election being overturned by the NLRB.
- Preparation of a campaign calendar with draft communications to expedite decision making if a petition is filed. During that campaign, the employer should hold small group meetings with employees, contact them by mail, payroll stuffers or other communications (such as email, social media, videos, posters, flyers, buttons, etc.) to discuss the organizing campaign and why the employees do not need a union.

Taking these steps now will help Employers prepare for an “ambush” election campaign.

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Sample Campaign Calendar – With Statement of Position and Hearing

Sunday	Monday	Tue	Wednesday	Thursday	Friday	Saturday
1 <u>WEEK 1</u>	2 <u>Pre-Campaign Period¹</u> 1. Pre-Campaign Period: See Sample Letter to Employees 2. Pre-Campaign Period: Don't Sign the Card Speech. See Sample Pre-Campaign Speech 3. Bargaining unit analysis based on possible units: unit scope and placement issues as well as supervisory status 4. Review handbook rules for conformance with NLRB guidelines 5. Prepare position statement for possible NLRB hearing 6. Prepare detailed evidentiary offer of proof	3 1. Pre-Campaign Period: Warning About Cards. See Sample Pre-Campaign Handout	4 <u>Petition Received</u> 1. Complete bargaining unit analysis based on petitioned for unit 2. Revise Statement of Position identifying issues for hearing based on petitioned for unit 3. Collect evidence for hearing and for offer of proof 4. Prepare alphabetized employee list including names, job classifications, location and shifts for all employees in petitioned for unit and any employees the employer believes should be added to unit. List must also identify employees employer believes should be excluded from proposed unit.	5 DAY #1 1. Meet with Supervisors Regarding their role in the campaign 2. Management Training on Campaign 3. Handouts for Supervisors – TIPS and FOE 4. Continue Statement of Position and preparation for pre-election hearing.	6 DAY #2 1. Meet with Supervisors Regarding their role in the campaign 2. Management Training on Campaign 3. Initial facility-wide speech to Employees: focus on union irrelevancy; why Company is great place to work; and Impact of negotiations 4. Continue Statement of Position and preparation for pre-election hearing. <u>Post Notice of Petition</u>	7 DAY #3 1. If facility operates 7 days a week, continue Initial facility-wide speech to Employees: focus on union irrelevancy; why Company is great place to work; and Impact of negotiations 2. Continue Statement of Position and preparation for pre-election hearing.

¹ The Pre-Campaign Period would not necessarily be immediately before the election. The letter and speech to Employees regarding card signing as well as the postings and handout might take place weeks before the petition for election is filed. We placed it immediately before the election on this calendar for purposes of space.

<p>8 DAY #4</p> <p><u>WEEK 2</u></p> <p>Continue Statement of Position and preparation for pre-election hearing.</p>	<p>9 DAY #5</p> <p>1. Review status of campaign after first weekend</p> <p>1. Meeting with supervisors to encourage informal one-on-one discussions with employees about positive aspects of Company:</p> <p style="padding-left: 40px;">Flexible scheduling Flexible hours Non-restrictive time-off requests Culture of Teamwork Family Atmosphere</p> <p>2. Continue Statement of Position and preparation for pre-election hearing.</p>	<p>10 DAY #6</p> <p>1. Continue Statement of Position and preparation for pre-election hearing.</p>	<p>11 DAY #7</p> <p>1. Handout regarding employee list and why Company must provide their shifts, job classifications, and work locations to the NLRB and union.</p> <p>2. Continue preparation for pre-election hearing.</p> <p>3. File Statement of Position by 12:00 noon</p>	<p>12 DAY #8</p> <p>Representation Hearing Begins (continues consecutive days)</p>	<p>13 DAY #9</p> <p>Representation Hearing Continues</p>	<p>14 DAY #10</p>
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<p>15 DAY #11</p> <p><u>WEEK 3</u></p> <p>Prepare Week #3 materials</p>	<p>16 DAY #12</p> <p>1. Create Campaign Bulletin Board with information regarding union</p> <p>2. Meeting/training with supervisor team; review union financial information, such as LM-2s, fines, etc.</p> <p>3. Review status of campaign after second weekend</p>	<p>17 DAY #13</p> <p>1. Small group meetings with Employees about union security/dues/closed shop/financial information- union is more interested in dues than their members</p> <p>2. Update Bulletin Board with Dues/Fines Information</p>	<p>18 DAY #14</p> <p>1. Small group meeting with Employees about unions security/dues/ closed shop/financial information- union is more interested in dues than their members</p> <p>2. Handout regarding Union Dues and Rules</p> <p>3. Handout regarding Excelsior List and why Company must provide their names , addresses, and available home and cell phone numbers and email addresses²</p> <p>4. Revise voter list based on appropriate unit</p> <p>5. Regional Director Decision and Direction of Election</p>	<p>19 DAY #15</p> <p>1. Meeting with supervisor team; regarding negotiations and collective bargaining.</p> <p>2. Small group meetings with Employees about what Employees stand to lose at negotiations – nothing is guaranteed in negotiations.</p> <p>3. Post information about date/location/time of election</p>	<p>20 DAY #16</p> <p>1. Small group meetings to Employees about what they stand to lose at negotiations – nothing is guaranteed in negotiations.</p> <p>2. Handout to Employees regarding negotiations</p> <p>3. Update bulletin board with information for weekend Employees</p> <p>4. Employer Must provide electronic Excelsior list to union and NLRB</p>	<p>21 DAY #17</p> <p>1. If facility operates 7 days a week, continue small group meeting summarizing union financial information and negotiations</p> <p>2. Distribute memo to Employees regarding negotiations</p>
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² The “Excelsior” list is an alphabetized list of the names, work locations, shifts, job classifications, and contact information, including home addresses and available phone, cell phone and email addresses of eligible voters. The Excelsior list must be given to the NLRB for distribution to the union within 2 days of the stipulated election agreement or decision and direction of election. The NLRB will not schedule an election within 10 days of the acceptance of the Excelsior list. However, under the new NLRB Rules, the union may waive part or all of this 10 day period. For purposes of this campaign, we assume the union would request an abbreviated post-Excelsior period of 7 days. If the union waived the entire period, the election could be held as quickly as four days after the Decision and Direction of Election to allow the employer to comply with the posting requirements for the Notice of Election.

<p>22</p> <p>DAY #18</p> <p><u>WEEK 4</u> Prepare Week #4 materials</p>	<p>23 DAY #19</p> <ol style="list-style-type: none"> 1. Meeting with supervisors Re: strikes and strike history. 2. Post strike examples and media stories on bulletin board. 3. Small Group Meetings Regarding Strikes 4. Determine Observers and confirm Employees will act as observers 	<p>24 DAY #20</p> <p><u>Post Notice of Election</u>³</p> <ol style="list-style-type: none"> 1. Small Group Meetings Regarding Strikes 2. Distribute Strike Cost Calculator to Employees 3. Meeting with Supervisors to thank them for hard work and encourage “final push” toward election. 	<p>25 DAY #21</p> <ol style="list-style-type: none"> 1. Distribute handout regarding Employee’s ability to vote NO even if they signed a card 2. 25th Hour Speech 3. Supervisors to engage in informal one-on-one discussions with employees about positive aspects of Company. 4. Review Election Week Rules checklist with Supervisors 	<p>26 DAY #22</p> <ol style="list-style-type: none"> 1. 25th Hour Speech (Depending on time of Election) 2. Supervisors to engage in informal one-on-one discussions with employee 	<p>27 DAY #23</p> <p><u>ELECTION DAY</u></p> <ol style="list-style-type: none"> 1. Update bulletin board with strike materials. 1. Review (again) the election day checklist 2. Meet with observers and review list of names to be challenged 3. Pre- election conference with NLRB. 	
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³ Election notices must be posted at least three full working days prior to 12:01 a.m. on Election Day. If Employees do not work on the weekends, then the weekends do not count as a day

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Sample Campaign
(11 Days)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<p><u>Pre-Campaign Period¹</u></p> <p>1. Pre-Campaign Period: See Sample Letter to Employees.</p> <p>2. Pre-Campaign Period: Don't Sign the Card Speech. See Sample Pre-Campaign Speech.</p>	<p>1. Pre-Campaign Period: Warning About Cards. See Sample Pre-Campaign Handout</p>	<p>1. Bargaining unit analysis based on possible units: unit scope and placement issues as well as supervisory status</p> <p>2. Review handbook rules for conformance with NLRB guidelines</p> <p>3. Prepare position statement for possible NLRB hearing</p> <p>4. Prepare detailed evidentiary offer of proof</p>			

¹ The Pre-Campaign Period would not necessarily be immediately before the election. The letter and speech to Employees regarding card signing as well as the postings and handout might take place weeks before the petition for election is filed. We placed it immediately before the election on this calendar for purposes of space.

<p>1</p> <p><u>WEEK 1</u></p>	<p>2</p> <p><u>Petition Received</u></p>	<p>3 DAY #1</p> <p>1. Meet with Supervisors Regarding their role in the campaign</p> <p>2. Management Training on Campaign</p> <p>3. Handouts for Supervisors – TIPS and FOE</p>	<p>4 DAY #2</p> <p>1. Initial facility-wide speech to Employees: focus on union irrelevancy; why Company is great place to work; and Impact of negotiations</p> <p>2. Post information about date/location/time of election</p> <p><u>Post Notice of Petition</u></p> <p><u>4. Regional Director approves Stipulated Election Agreement (Union Waives 10 day period to Excelsior List)</u></p>	<p>5 DAY #3</p> <p>1. Create Campaign Bulletin Board with information regarding union and update with Dues/Fines Information</p> <p>2. Meeting/training with supervisor team; review union financial information, such as LM-2s, fines, etc.</p> <p>3. Small group meetings with Employees about union security/dues/closed shop/financial information</p> <p>4. Handout regarding Union Dues and Rules</p>	<p>6 DAY #4</p> <p>1. Meeting with supervisor team; regarding negotiations and collective bargaining.</p> <p>2. Small group meetings with Employees about what Employees stand to lose at negotiations – nothing is guaranteed in negotiations</p> <p>3. Handout to Employees regarding negotiations</p> <p>4. Handout regarding Excelsior List and why Company must provide their names, addresses, and available home and cell phone numbers and email addresses²</p> <p><u>5. Employer Must provide electronic Excelsior list to Union and NLRB</u></p>	<p>7 DAY #5</p> <p>1. If facility operates 7 days a week, continue Small group meeting summarizing union financial information and negotiations</p>
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² The “Excelsior” list is an alphabetized list of the names, work locations, shifts, job classifications, and contact information, including home addresses and available phone, cell phone and email addresses of eligible voters. The Excelsior list must be given to the NLRB and union within 2 days of the stipulated election agreement or decision and direction of election. The NLRB will not schedule an election within 10 days of the acceptance of the Excelsior list. However, under the new NLRB Rules, the union may waive part or all of this 10 day period. For purposes of this campaign, we assume the union waived the entire period.

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<p>8</p> <p>DAY #6</p> <p><u>WEEK 2</u> Prepare Week #2 materials and employee voter list</p>	<p>9 DAY #7</p> <ol style="list-style-type: none"> 1. Meeting with supervisors to encourage informal one-on-one discussions with employees about positive aspects of Company and strikes and strike history. 2. Review Election Week Rules checklist with Supervisors 3. Determine Observers and confirm Employees will act as observers 4. Review final Excelsior list 5. <u>Post Notice of Election</u>⁴ 	<p>10 DAY #8</p> <ol style="list-style-type: none"> 1. Small Group Meetings Regarding Strikes 2. Post-strike examples and media stories on bulletin board 3. Distribute Strike Cost Calculator to Employees 	<p>11 DAY #9</p> <ol style="list-style-type: none"> 1. Distribute handout regarding Employee's ability to vote <u>NO</u> even if they signed a card 2. 25th Hour Speech 3. Supervisors to engage in informal one-on-one discussions with employees about positive aspects of Company. 	<p>12 DAY #10</p> <ol style="list-style-type: none"> 1. 25th Hour Speech (Depending on time of election.) 2. Supervisors to engage in informal one-on-one discussions with employee 	<p>13 DAY #11</p> <p><u>ELECTION DAY</u></p> <ol style="list-style-type: none"> 1. Review (again) the election day checklist 2. Meet with observers and review list of names to be challenged 3. Pre-election conference with NLRB. 	<p>14</p>
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⁴ Election notices must be posted at least three full working days prior to 12:01 a.m. on Election Day. If Employees do not work on the weekends, then the weekends do not count as a day.