The audio portion of the conference may be accessed via the telephone or by using your computer's speakers. Please refer to the instructions emailed to registrants for additional information. If you have any questions, please contact Customer Service at 1-800-926-7926 ext. 10.

**NLRB's New "Quickie" Election Rules:**
**Preparing for Rapid Response to "Ambush" Elections Under Complex Rules**

Establishing an Action Plan, Drafting Critical Communications and Minimizing the Risk of Organizing Under Union-Friendly Rules

**WEDNESDAY, JUNE 17, 2015**

1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

Today’s faculty features:

Jonathan T. Hyman, Partner, Meyers Roman Friedberg & Lewis, Cleveland

Timothy M. McConville, Shareholder, Odin Feldman Pittleman, Reston, Va.

Terence P. McCourt, Managing Shareholder, Greenberg Traurig, Boston

David P. Phippen, Of Counsel, Constangy Brooks Smith & Prophete, Fairfax, Va.
**Tips for Optimal Quality**

**Sound Quality**
If you are listening via your computer speakers, please note that the quality of your sound will vary depending on the speed and quality of your internet connection.

If the sound quality is not satisfactory, you may listen via the phone: dial 1-866-370-2805 and enter your PIN when prompted. Otherwise, please send us a chat or e-mail sound@straffordpub.com immediately so we can address the problem.

If you dialed in and have any difficulties during the call, press *0 for assistance.

**Viewing Quality**
To maximize your screen, press the F11 key on your keyboard. To exit full screen, press the F11 key again.
Continuing Education Credits

In order for us to process your continuing education credit, you must confirm your participation in this webinar by completing and submitting the Attendance Affirmation/Evaluation after the webinar.

A link to the Attendance Affirmation/Evaluation will be in the thank you email that you will receive immediately following the program.

For additional information about CLE credit processing call us at 1-800-926-7926 ext. 35.

Presentation Overview by
Timothy M. McConville, Esq.
June 17, 2015
Union Membership/Coverage by CBA (1977-2014)

Union Membership, Coverage Among All Workers 1977-2014

Source: unionstats.com; © 2015 by Barry T. Hirsch and David A. Macpherson.
### Representation Petition and Election Results (FY04-FY13)

<table>
<thead>
<tr>
<th>Year</th>
<th>Petitions Filed</th>
<th>Elections Held</th>
<th>Won by Union</th>
<th>% Won by Union</th>
<th>Lost by Union</th>
<th>% Lost by Union</th>
<th>Petitions Dismissed</th>
<th>Petitions Withdrawn</th>
<th>% Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>3618</td>
<td>2263</td>
<td>1295</td>
<td>57.2%</td>
<td>968</td>
<td>42.8%</td>
<td>83</td>
<td>1314</td>
<td>36.3%</td>
</tr>
<tr>
<td>2005</td>
<td>4022</td>
<td>2227</td>
<td>1367</td>
<td>61.4%</td>
<td>860</td>
<td>38.6%</td>
<td>104</td>
<td>1637</td>
<td>40.7%</td>
</tr>
<tr>
<td>2006</td>
<td>2492</td>
<td>1757</td>
<td>1064</td>
<td>60.6%</td>
<td>693</td>
<td>39.4%</td>
<td>56</td>
<td>909</td>
<td>36.5%</td>
</tr>
<tr>
<td>2007</td>
<td>2310</td>
<td>1530</td>
<td>916</td>
<td>59.9%</td>
<td>614</td>
<td>40.1%</td>
<td>43</td>
<td>998</td>
<td>43.2%</td>
</tr>
<tr>
<td>2008</td>
<td>2418</td>
<td>1614</td>
<td>1028</td>
<td>63.7%</td>
<td>586</td>
<td>36.3%</td>
<td>48</td>
<td>784</td>
<td>32.4%</td>
</tr>
<tr>
<td>2009</td>
<td>2082</td>
<td>1335</td>
<td>915</td>
<td>68.5%</td>
<td>420</td>
<td>31.5%</td>
<td>46</td>
<td>657</td>
<td>31.6%</td>
</tr>
<tr>
<td>2010</td>
<td>2380</td>
<td>1571</td>
<td>1036</td>
<td>65.9%</td>
<td>535</td>
<td>34.1%</td>
<td>37</td>
<td>725</td>
<td>30.5%</td>
</tr>
<tr>
<td>2011</td>
<td>2108</td>
<td>1398</td>
<td>935</td>
<td>66.9%</td>
<td>463</td>
<td>33.1%</td>
<td>43</td>
<td>667</td>
<td>31.6%</td>
</tr>
<tr>
<td>2012</td>
<td>1974</td>
<td>1348</td>
<td>868</td>
<td>64.4%</td>
<td>480</td>
<td>35.6%</td>
<td>38</td>
<td>597</td>
<td>30.2%</td>
</tr>
<tr>
<td>2013</td>
<td>1986</td>
<td>1330</td>
<td>852</td>
<td>64.1%</td>
<td>478</td>
<td>35.9%</td>
<td>27</td>
<td>607</td>
<td>30.6%</td>
</tr>
</tbody>
</table>

Source: National Labor Relations Board
Representation Petition and Election Results (FY04-FY13)

Source: National Labor Relations Board
Union Organizing Trifecta

1. DOL proposed persuader rule
2. NLRB micro-unit standard
3. NLRB ambush-election rules
DOL Persuader Proposal

- Would apply LMRDA rules to attys and consultants advising employers
- Targets advisors in counter-union campaigns
NLRB Micro-Unit Standard

When 1) the proposed unit describes a readily identifiable group, and 2) the proposed unit employees share a community of interest, an employer opposing the unit because it excludes certain employees has to prove that the included employees and excluded employees share an overwhelming community of interest.

Specialty Healthcare, 357 NLRB No. 83 (2011).
NLRB Micro-Unit Standard

NLRB’s micro-unit rule:

- Makes virtually impossible proving excluded EEs should be included
- Encourages union organizing in units as small as possible
- Permits the extent of organizing in the unit to be the controlling factor
- With ambush election rule, makes winning election more difficult
NLRB Ambush Election Rule Overview

- “Election now, hearing later.”
- Changes pre-election process
- Limits evidentiary hearings
- Defers unit decisions
- Pleading rules
- No automatic post-hearing review
- New Excelsior list requirements
# Median Number of Days
## RC Petition to Election

<table>
<thead>
<tr>
<th></th>
<th>Median No. of days</th>
<th>w/ Election Agreement</th>
<th>w/ Contested Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY04</td>
<td>39</td>
<td>39</td>
<td>67</td>
</tr>
<tr>
<td>FY05</td>
<td>38</td>
<td>38</td>
<td>67</td>
</tr>
<tr>
<td>FY06</td>
<td>38</td>
<td>38</td>
<td>67</td>
</tr>
<tr>
<td>FY07</td>
<td>39</td>
<td>39</td>
<td>70</td>
</tr>
<tr>
<td>FY08</td>
<td>38</td>
<td>36</td>
<td>64</td>
</tr>
<tr>
<td>FY09</td>
<td>37</td>
<td>37</td>
<td>67</td>
</tr>
<tr>
<td>FY10</td>
<td>38</td>
<td>38</td>
<td>66</td>
</tr>
<tr>
<td>FY11</td>
<td>38</td>
<td>37</td>
<td>64.5</td>
</tr>
<tr>
<td>FY12</td>
<td>38</td>
<td>37</td>
<td>66</td>
</tr>
<tr>
<td>FY13</td>
<td>38</td>
<td>37</td>
<td>59</td>
</tr>
</tbody>
</table>

*Source: National Labor Relations Board*
Median Number of Days
RC Petition to Election

Median Days from Petition to Election

Source: National Labor Relations Board
Same-Period Data: 35% Reduction in Median Time

Median Number of Days, Petition to Election
Same-Period Comparison
(Mail-Ballot Elections Excluded)

Source: Timothy M. McConville, Esq., Odin, Feldman & Pittleman, P.C.
Average Duration for Polling Place Voting: 24.8 Days

Average Number of Days, Petition to Election
April 14, 2015 - June 5, 2015
by Voting Method

Source: Timothy M. McConville, Esq., Odin, Feldman & Pittleman, P.C.
Same-Period Data: 35% Reduction in Average Time

Average Number of Days, Petition to Election Polling Places + Mail Ballots

Source: Timothy M. McConville, Esq., Odin, Feldman & Pittleman, P.C.
Average Duration, Petition to Election, by NLRB Region, April 14-June 5, 2015

Source: Timothy M. McConville, Esq., Odin, Feldman & Pittleman, P.C.
Preliminary Results Data: Union Win Rates Still Above 60%

Union Win Percentage in RC Cases
April 14-June 5, 2014 and
April 14-June 5, 2015

Source: Timothy M. McConville, Esq., Odin, Feldman & Pittleman, P.C.
NLRB Ambush Election Rule Overview

- Effectively shortens time between petition and election.
- Employees will “vote now, understand later.”
- Will likely increase Unions’ win rate.
- An ounce of prevention is better than a pound of cure.
- Higher-risk employers should communicate pre-petition regarding staying union-free.
Timothy M. McConville

www.ofplaw.com
www.laborandemploymentlawcocktail.com
@worklawguy
https://www.linkedin.com/pub/timothy-mcconville/7/410/4b3

Email:
Timothy.McConville@ofplaw.com

Phone:
703-218-2119

Practice area:
Labor & Employment
The NLRB’s New “Quickie” Election Rules

June 17, 2015

Terence P. McCourt | mccourtt@gtlaw.com | 617.310.6246
Greenberg Traurig
New NLRB Election Rules

> New NLRB rules governing union representation elections went into effect on April 14, 2015
  
  – Substantially the same as the rules that were scheduled to take effect on April 30, 2012
  
  – The previous rules were invalidated by the U.S. District Court for the District of Columbia and ultimately withdrawn by the NLRB

> NLRB General Counsel is charged with implementing procedures for carrying out the new rules
  
  – See Guidance Memorandum on Representation Case Procedure Changes Effective April 14, 2015, GC 15-06, issued April 6, 2015
Two Key Ways Elections Procedures Are Changing Under the New Rules

> New Requirements

> Modification/Elimination of Certain Important Procedural Rights
Filing and Service Expedited

> Filing and Service of Petition for Election

- Election petitions, election notices, and voter lists can be transmitted electronically.
- Union not NLRB makes service on Employer.
- **Prior Regulations**: All service by regular mail.
Additional Disclosures Required by New Election Rules

> Posting of Notice of Petition for Election

- Must be posted within 2 business days of service of the Petition
- Electronic posting/distribution may be required as well
  - If employer customarily communicates with all employees in the petitioned-for unit, electronic distribution (e.g. intranet, email, etc.) is required
  - If employer customarily communicates electronically with some, but not all, of the employees in the petitioned-for unit, electronic distribution is required for those employees only
  - **Prior Regulations**: No such mandatory posting requirement
Additional Disclosures Required by New Election Rules

> Pre-Hearing Statement of Position

- Employers will be required to submit a detailed position statement setting forth the issues to be litigated at the hearing.

- Must be submitted by noon the day before the hearing and served on the other parties.

- If the Employer takes the position that the petitioned-for unit is under inclusive, it must include the classifications, locations, or groups of employees that it contends must be included in the unit.

- Must include an alphabetical electronic list of names, work locations, shifts, and job classifications of all employees in the proposed unit, as well as the same information for employees the Employer seeks to add to the unit.

- Failure to include an issue in the position statement will result in the issue being waived and the Employer will be precluded from introducing evidence at the hearing.
The *Excelsior* list requirements have also been expanded

- List of eligible voters must now be filed within 2 business days of the election agreement or Regional Director Decision and Direction of Election (“DDE”)
  - 7 days under the prior rule
- List must now include personal phone numbers and personal email addresses, if the employer has them
  - Open question: what does “available personal email addresses” mean?
  - Prior rule only required addresses
- List must be filed in searchable, electronic format
- Employer required to serve *Excelsior* list on Union
  - Prior rule only required filing with the Region, which in turn provided a copy of the list to the labor organization
Changes to Employers’ Procedural Rights

Three Key Areas of Change:

> 1. Absolute right to litigate issues at a hearing is eliminated

> 2. Post-hearing briefs / oral argument

> 3. 25 day period for ruling on Request for Review is eliminated
Changes to Employers’ Procedural Rights – Right to Litigate Issues

> Employer’s position and arguments limited to Statement of Position

> No automatic right to litigate issues at a hearing (**prior rule**)

> Important issues — including supervisory status — may no longer be subject to pre-election litigation

  – Instead, disputed supervisors may be permitted to vote subject to challenge and their supervisory status litigated *after* the election

  – GC Guidance makes it clear that this policy applies to litigation of both a particular individual, as well as disputed classifications
Changes to Employers’ Procedural Rights – Right to Litigate Issues

> This potentially forces employers to choose between two difficult options:

– Treat the supervisors like employees and lose the ability to use them in the election campaign; or

– Treat the supervisors as supervisors and run the risk that the NLRB will later determine they are employees and overturn the election.
Changes to Employers’ Procedural Rights – Post-Hearing Briefs

> Post-hearing briefs are only permitted if the Regional Director allows them
  - Regional Director may also limit the subjects that may be addressed in post-hearing briefs, when they are allowed

> Employers must be prepared to make their legal arguments regarding any issues that were litigated during the hearing during oral argument

> **Prior Regulations**: Right to file brief 7 days post-hearing, subject to extension
Change to Employers’ Procedural Rights – Request for Review

> Requests for Review by Board of DDE may now be filed at any time after issuance of the DDE and until 14 days after the election

> **Prior Rule**: Parties waived right to challenge the DDE if Request for Review not filed before election

> A Request for Review will not operate to stay an election

> **Prior Rule**: Elections were delayed 25 to 30 days after the issuance of the DDE to allow Board time to consider Request for Review

> Election will now be scheduled for the “earliest date practicable” after the DDE
Terence P. McCourt | mccourtt@gtlaw.com | 617.310.6246

Please visit our Labor & Employment blog
http://www.gtlaw-laborandemployment.com
Minimizing the Risk of a Union Organizing Petition

Jonathan T. Hyman
The TEAM Approach
Train supervisors
Educate employees
Affirm the open door
Modernize policies
Step 1: Train Supervisors
Why Employees Organize?

Lack of Respect
Poor Communication
Unequal Treatment

-vs-

Wages and Benefits
Traits of Targeted Companies

- Poorly trained supervisors
- Perception of favoritism
- Un-responsive HR
- Disconnection
- Outsourcing
- Restructuring
Early Signs of Union Organizing

• Small groups gather in unusual places.
• Restrooms become very popular.
• Bustling about during breaks, lunches, and other nonwork time at the job.
• Increase in employee questions about wages, benefit, and policies.
• New groups of employees form and new leaders emerge.
• Individuals act out of character.
• Anti-company graffiti appears.
• Strangers or former employees appear on the premises or are in contact with employees.
• Employees or outsiders ask for names and addresses of employees or are seen copying names from lockers, time clocks, etc.
• Employees or outsiders copy the license numbers
Early Signs of Union Organizing

- Employees form new social groups.
- Rumors started to deliberately cause confusion within the workforce.
- Employees stop talking to managers or supervisors.
- Groups of employees stop talking when a manager approaches.
- Employees grapevines dry up.
- Groups of employees begin coming to work abnormally early or late.
- Discharged employee begins hanging around the workplace with a stranger.
- Abnormal degree of absenteeism occurs.
- Uncharacteristic insubordination.
- Employees begin to talk about “rights,” “seniority,” “security” or other union buzzwords.
- Unusual customer or vendor behavior.
Step 2: Educate Employees
Reasons NOT to Support Unions

• Loss of ability to communicate
• Seniority vs. Performance
• Union dues (no matter what)
• Lack of control
• Whose interest?
Have a Formal Position on Unions

A union organizer, or someone working for him, may someday ask you to sign a union authorization card. You do not have to sign and no one can force you to sign. If you do sign, you may lose your right to vote in a secret ballot election.

Why should you sign or not sign a card? The decision is yours, but know the facts before you make that decision.

Regardless of what the union may tell you, the employees of your Company do not need to pay union initiation fees, dues, and special assessments to keep a job here. You do not have to sign a union card to continue to enjoy the benefits given you by the Company.

A union cannot possibly get you those things that your Company, in keeping with good business practices, is unable to give, but they can make promises. They may strike in an effort to enforce their promises.

There are cases where employees signed union cards, even though they never intended to vote for a union, just to get the organizer off their backs. Too late, they found they were not going to have an opportunity to vote NO in a secret ballot election because the cards were not used to support a petition for a secret ballot election but were used instead to pressure the employer to recognize and bargain with the union without an election.

The management of your Company is certainly not going to question you about your feelings for or against unions. We do invite you to ask us any questions you may have on unions or any other subject related to your job.

Your confidence in and loyalty to your Company are appreciated.
Step 3: Affirm the Open Door
Model Open Door Policy

The Company promotes an atmosphere whereby employees can talk freely with management. Employees are encouraged to openly discuss with any supervisor, or any member of management, any problems so appropriate action may be taken, free from retaliation or retribution. If the supervisor or manager cannot be of assistance, Human Resources is available for consultation and guidance, as is the Company’s officers. The Company is interested in all of our employees' success and happiness with us. We, therefore, welcome the opportunity to help employees whenever feasible.
Step 4: Modernize Policies
Form No-Solicitation Policy

Employees shall not be allowed to canvass or solicit other employees for any purpose on company premises during working hours. Employees may canvass or solicit employees during non-working hours, providing that such solicitation does not interfere with company business or operations. Non-employees will not be permitted to canvass or solicit employees at any time.
Email and E-Communications
For More Information...

www.ohioemployerlawblog.com
Twitter: @jonhyman
linkedin.com/in/jonathanhyman
Facebook: ohio.employer.law.blog

Email:
jhyman@meyersroman.com

Phone:
216.831.0042 ext. 140

Practice Areas:
Labor & Employment
Human Resources
Civil & Commercial Litigation
Communicating With Eligible Voters Under The New NLRB “Quickie” Election Rules (Post-Petition)

David P. Phippen

June 17, 2015
ELIGIBLE VOTERS POST-PETITION

- Decided “Yes” Votes
- Decided “No” Votes
- Undecided

Assume petitioned-for unit (until unit is clear).

How is time and effort best spent?
Employees’ Key Reasons For Not Wanting A Union

• Union Control Of Benefits
• Job Security
• MONEY (Cost Of Membership And Union Finances)
• Worthless Promises
• Union Rules, Fines, And Discipline
• Conflict And Strikes
• Loss Of Individuality
• Blind Adherence To Seniority
• Exclusive Representation
• No Easy Way To Get Rid Of Union
Essential Campaign Communication

• Restore credibility and trust; lawfully identify and address issues.
• Provide factual information to employees so they can make an informed decision.
• Respond, when appropriate, to union allegations, promises, and propaganda.
• Assess and count the voter-audience sentiment regularly through meetings with supervisors.
“Supervisors R US”

Employees often vote for or against their immediate supervisors!

Supervisors are the employer’s eyes, ears, and, most importantly, voice!
Educate Supervisors Immediately

• Employers who have already conducted union training have a major advantage.

• Hold a supervisor meeting immediately to educate them and instill a personal, vested interest in the campaign.

• Do not be distracted by the NLRB hearing and related compliance issues.
Supervisor Training – Typical Subjects

• Facts about the particular union

• The impact unionization could have

• Rules regarding what supervisors can and cannot lawfully say.

• Sample answers to common questions
  • Example: Q: Do I have to vote “yes” if I signed an authorization card? A: NO.
  • Many Q and A lists are widely available.
Train to Listen!
Repeat: Train to Listen!
Supervisors must not freeze up!
Repeat: Supervisors Must Not “Freeze Up!”
WHY DO THEY FREEZE UP?
The Impact of Unionization on Employees

• Communicating the “Impact” information requires knowing it.

• AND how to say it lawfully.

ARM SUPERVISORS WITH KNOWLEDGE
Why Not the Union?

KNOWLEDGE
Why Not the Union? – Reason No. 1

Dues, Fees, Fines and Assessments
Why Not the Union? – Reason No. 2

Exclusive Representation
Why Not the Union? – Reason No. 3

Union Constitution and By-Laws
Why Not the Union? – Reason No. 4

Collective Bargaining
"If the union tells you that what you have now is guaranteed, it is not telling the truth . . . as the court said, the truth is that you can lose wages and benefits in collective bargaining!"

Ludwig Motor Corp.  
91 LRRM 1199
Why Not the Union? – Reason No. 5

Strikes
New NLRB Timeline

• Shortened time to:
  • Calm employees
  • Train supervisors
  • Craft company message
  • Communicate company message

AND THE BOARD SIMULTANEOUSLY HAS THE EMPLOYER TIED UP IN THE R CASE PROCEEDINGS
A Campaign Roadmap

All hands on deck!
Manager Vacations?
“Fugetaboutit!”

MISSION CRITICAL
Day 1 (Assuming 14 days to election)

Providing a brief overview of unionization and collective bargaining, as well as some facts about the union in question. A first letter to employees’ homes (which states the Company’s overview position) generally should be mailed. Later communications can build on Day 1.
These days generally are dedicated to explaining the collective bargaining process and the concept of exclusive representation. If paychecks go out during these days, including a payroll stuffer that addresses union dues can be effective to demonstrate union expense.
Starting the move into real union negatives “horror stories” – examples of ULPs filed against the union, information regarding corruption, their financial statements, and other problems
Days 9 - 12

The final days generally will focus on the topics which are most damaging to the union – strikes, plant closures, and lockouts. A final letter to employees’ homes should be mailed to ensure that it arrives and can be read before voting time. (Note: Unions may visit homes; employers may not).
“25th Hour Speech” and final GRAVITAS! (Note: Employers’ group speeches and presentations about union issues must **END** not less than 24 hours before polling starts. This is called the “captive audience speech” rule).
Day 14 (or other election day)

• Continue communicating the message one-on-one (Note: Avoid locations identified with management authority such as supervisor offices; the NLRB majority views discussions in those places as coercive).

• Maximize employee opportunity and ease to vote (turn out is good)

• Communicate with the employer’s election observers so they know their service is appreciated (their service is voluntary).
Lessons To Date On Quickie Elections
Develop Templates Before the Campaign

- Be prepared with lawful handouts, PowerPoint and other presentations, speeches, posters, and letters that you can modify and use.
  - You will not want to be creating materials from scratch!
  - Have legal review done and be ready for more.
Communication Is Critical

• Have constant communication between supervisors and the campaign team, including daily meetings.
• Supervisors should come to each meeting knowing the “shop talk,” as well as the inclinations of subordinates.
• Supervisors should also be prepared to go between the team and employees in order to ensure that messages are properly delivered and all questions are lawfully answered.
Be Flexible

• Be prepared to modify each presentation or handout depending on what the supervisors report.
• If a subject isn’t resonating, skip it and move on to something that may have impact.
• With the new NLRB election timeline, there is no time to waste with something that isn’t changing hearts and minds.
Stick To The Facts

• Have and provide sources to show that assertions of fact are true.

• There is little time for later proof.
A wider lens on workplace law

Legalities
What “You” Can Say -- FOE

• **Facts**
  - The costs of a Union - initiation fees and monthly dues... Strikes are real.

• **Opinions**
  - “I believe that everyone has a right to join or not join a Union. I just hope that people get all the facts before they make up their minds.”

• **Experience**
  - Being factual – telling past experience as it happened.
Why You Cannot Say/Do -- TIPS

• **Threaten**
  • You cannot threaten employees with the loss of jobs, lower wages, or lesser benefits.

• **Interrogate**
  • Don’t ask employees if they’ve signed a Union card or attended a meeting.

• **Promise**
  • You can not promise employees higher wages, promotions, or benefits if they reject the union.

• **Spy**
  • Be factual – tell your experience as it happened.
APPLYING THE RULES
Things “You” Can State to Employees - Examples

- Many lists are widely available for ideas.
- The negative aspects of what you get with a union can be stated.
Negative Aspects

• 1. Dues
• 2. Assessments
• 3. Possibility of strikes
• 4. Possibility of picketing
• 5. Superseniority for Stewards
• 6. Union may come between you and your supervisor and does not know our business
• 7. All the union rules
• 8. Dealing with outside people you don't know
• 9. Fees
• 10. Fines
Lawfully Starting A Conversation
Examples: When Giving Out Handouts

a) "I hope you will consider the facts in the letters and handouts when you make your decision. This can cost you too much to just ignore them."

b) "If you have any questions about this, or want to see the Union's Constitution or By-Laws, just ask."

c) "I think you will find this interesting. I will talk to you later if you have any questions."
Contrast: Examples of Unlawful statements

ILLEGAL
Threats

• If the Union gets in here, the Company is going to move.
• The Employer will never sign a contract with the union.
• The Employer will get those employees that are for the union.
• I'll see to it that you will never get another promotion or wage increase here.
Interrogation

• Who is going to the union meeting tonight?
• How do you feel about the union?
• Tell me, who sign authorization cards?
• Why do the employees want the union?
• What have other employees been saying about the union?
Promises

• If you vote against the union, I will see to it that:
  • You get a raise.
  • You get that extra week's vacation.
  • You are promoted.

• The Company will take care of its friends after the election.
Surveillance

• You cannot attend a union meeting.
• You cannot park your car outside the union meeting hall.
• You cannot follow union organizers.

• Giving the impression of:
  • The company knows who is for the union.
  • I heard you had a lot to say at the union meeting last night
“They’re Off...”-- Employers Should Be Ready

• Assess vulnerability now.
• Train supervisors.
• Address issues.
• Have rules in place.
• Have a ready response team.
• Have a plan.