Pre-Program Quiz

Program Goals

- Labor Relations Legal Update
- Our Opponents & Issues
- Our Responsibilities & Assignments
2010 Flashback

- Legal Playing Field
  - EFCA card check very possible
  - Two-Member NLRB with No Power
- Healthcare Union Activity
  - CNA - Two-state (California/Nevada) with 90,000 RN members
  - SEIU – Only minor activity in Missouri/primarily in skilled nursing

The Present - Legal

- EFCA Dead
- Full Labor Board in Place and Busy

The NLRB Today

New NLRB General Counsel: Lafe Solomon
What are They Doing?

The goal of new Board is to ease the path to unionization and give unions more bargaining strength!

- NLRB has the authority through rules or decisions to:
  - require “advertising” for unions
  - decide access rules (physical and electronic)
  - determine violations and ULP penalties
  - determine (i.e. shorten) election procedures and time periods (70 - 42 – 14 - Canada?)
  - determine method of voting (mail/electronic)

What this means for Us - Elections Today…

"INFORMED" Voters

1ST Campaign 2ND Campaign
PETITION 42 DAYS ELECTION

/ Present Facts to EEs
R HEARING REASONED VOTE

Elections Tomorrow…

"EMOTIONAL" Voters

1ST Campaign 2ND Campaign
PETITION 14-21 DAYS ELECTION

/ R HEARING EMOTION/UNINFORMED VOTE
NLRB Election Process

Step One: Unhappy employees reach out to a union because of issues at work or in response to union e-blasts, home mailings, newsletters or publicity

Step Two: Union organizers evaluate targets

Step Three: Organizers develop organizing plan based on hospital issues

Step Four: Organizers solicit signatures on cards

Step Five: If sufficient cards signed – file NLRB petition for appropriate unit

Step Six: Campaign Period (14-42 days)

Step Seven: Secret Ballot Election

What does this mean?

Truth: The most important word in labor relations is trust.

Myth: Most organizing is initiated by unions.

Fact: Elections in the future will be fast and furious and closely watched for ULPs.

Reality: The best campaign is the one you never have but management must be prepared to recognize, report, and legally respond to discontent/activity.

Our Opponents & Issues

• CNA now NNU
  – Membership in 23 states with merger with Massachusetts Nurses Association and United American Nurses and organizing “wins” in Texas/Missouri/Florida
  – RN Membership at 150,000 – up 60k in one year

• SEIU
  – SEIU Membership 2.2 million members with more than 1.1 million in healthcare (acute care and skilled nursing)
  – More RN members than NNU
The NNU Organizing Message

We are a growing national organization
(the raindrop story)

It's all about the ratios - Study "proves" it and bargaining strength will get it
- We will also get you more money – it will cost you nothing
- We will also get you better benefits
- We will also get you a pension
- We will get you a seat at the table
- But really it's about patient care

Organizing Issues

Prestigious New Study Affirms; RN-to-Patient Ratio Law Saves Lives!

Ratios
The SEIU Organizing Message

We are the largest union in healthcare and know how to take care of all employees at all levels
- We will get you more money - it will cost you nothing
- We will also get you better benefits
- We will also get you a seat at the table
- We will get you respect and fair treatment from management
- But really its about patient care

Wages

So...What Do We Do?
Don't Panic – Prepare!

- Recognize your biggest challenges
  - Causes of union activity: (e.g. untrained or poorly trained supervisors or managers, failure to benchmark, inadequate communications)
  - Know your issues (everyone is unique) and prepare to respond
  - Failure to Train your team (causes and responses)
  - Failure to recognize signs and respond quickly (win first campaign)
  - Failure to have your initial response ready

The Truth and The Myth

The Truth: It all about building trust. An employer that has appropriate policies, ensures that employees are treated fairly, benchmarks wage/benefits programs and frequently and effectively engages in bilateral communications with employees is much less likely to have discontent that can lead to unionization. In addition, this kind of culture is much more likely to lead to early reports of union activity that can be responded to in a quick and effective manner.

The Myth: Most Campaigns begin with union organizers reaching out to employees. In reality unhappy, unengaged and disgruntled employees initiate most organizing efforts.

Step One: Policy Review

- Peer Review
- Work Rules
- Electronic Communications/Data Security Policy
- Complaint Hotline
- Off-Duty Employee Access Policy
- Harassment/Discrimination Policy
- Moonlighting Policy
**Step One: Practices/Procedures**

- **Interviewing/Hiring Practices**
  - Applications
  - Interview Process and Questions

- **Employee Orientation/Onboarding**
  - Position on Unions
  - Open Door
  - Complaint Procedure
  - Union Education/Union Cards/Legal Process Discussion
  - Employee Orientation Materials re Labor (Video Consideration)
  - Employee Ambassador Program
  - Economic identification programs (video consideration)

- **Employer Communication Programs/Methods/Templates/Guidelines**
  - Newsletters
  - Daily Supervisor Meetings (Including Guides and How-To Training)
  - Birthday/Monthly Meetings
  - Human Resources Small Group Sessions
  - Regular Town hall/State of the Business Meetings

- **Employee Involvement Initiatives/Committees**
  - Safety Committee
  - Holiday/Event Planning Committee
  - Peer Review
  - Shared Governance (Healthcare)
  - Communications Task Force

- **Employee Opinion Surveys**

- **Benchmarking Programs**
  - Wage/Benefit Surveys (Area/Industry)
  - Internal and External Union Contract Comparisons
  - Key “Industry Standards” Comparisons
Step Two: Education/Training

• Goals
  – Ensure that the management team understands the importance of good management practices and the impact their day-to-day interactions with employees have on employee satisfaction or discontent that can lead to unionization
  – Ensure management recognizes and immediately reports/responds to the signs of discontent that often leads to union activity

Step Two: Education/Training

• Goals
  – Make sure management understands the unionization process, recognizes the signs of actual union activity, reports and monitors, and legally responds to this activity so that additional resources can be brought to bear
  – Final goal applies to those employers who are comfortable talking to directly to employees about unions.

Step Two: Education/Training

• Labor Relations Training (Supervisors)
  – Modern Unions Defined
  – Causes of Union Activity
  – Signs of Union Activity
  – Unionization Process
  – Responding to Union Activity
Step Two: Education/Training

- Materials for Training
  - PowerPoint Presentation
  - Video
  - Supervisor Workbook
    - Supervisor Role In Remaining Union Free
    - Union Activity Checklist
    - TIPS/FOE Reference Guide
    - Supervisor Card Signing Q&A
    - Problem Solving/Role Play Materials

- Other Considerations
  - Performance Management Training for Supervisors
  - §2(11) Supervisor Evaluation
  - Employee Perception Surveys (Supervisors)
  - Employee Ambassador Programs
  - Employment Audit-Past Practices
  - Mock Campaign

Step Two: Education/Training

- Labor Relations Training (Employees)
  - Modern Unions Defined
  - Unionization Process
  - Meaning of Union Cards
  - Reasons to Remain Union Free
  - Key Policies/Practices Discussion
    - Open Door
    - Dispute Resolution
    - Wage/Benefits Programs
    - Communication Programs
Step Three: Response Team/Material Preparation

- Internal SWAT Team Assignments
- Internal Communication Tree
- Advance Discussion/Preparation On Issues Likely to be Campaign Flashpoints (benchmarking; industry issues; corporate campaign issues)
- Identify Campaign Leaders/Primary Spokesperson
- Supervisor Guide Sheets (see Training above)

Step Three: Response Team/Material Preparation

- Model Card Signing Q&A Posters
- Model Card-Signing Letter to Employees
- Model Card-Signing Speech
- Model Card-Revocation Handout
- Model Card-Revocation Notice
- Video Utilization
- Web-Site Utilization
- E-blast Utilization

Step Four: Union Activity Response

- Unit Evaluation Consultation
- Unit Hearing Representation
- Unfair Labor Practices Defense
- Management Refresher Training
Step Four: Union Activity Response

- Campaign Database Resources
  - Organizing Issue Assessments
  - Management Meeting Presentations
  - Employee Letters
  - Posters
  - Videos
  - Supervisor Fact Sheets/Communication Guidelines
  - E-blasts
  - Web-site Templates
  - Videos

Risk/Response Chart

- **Code Red**: Significant issues and some union talk/activity
- **Code Orange**: Significant issues but no union activity
- **Code Yellow**: No issues or activity
- **Code Green**: Active Organizing

Color Codes

- **Code Red**: Take Immediate Action and Implement Card Plan to buy time while assessing issues (win first campaign)
- **Code Orange**: Take aggressive action to raise awareness of management team while addressing issues and publicizing recognition and plan to employees.
- **Code Yellow**: Take action to address issues appropriate for level of challenge.
- **Code Green**: Take precautionary measures to harden the target by building good management awareness, assessing and improving employee relations and ensuring effective communication.
One thing we can agree with the unions about!

Wrapping Up…

Questions?