

After Nearly a Decade, Local 540 Albertsons Meat Cutters Ratify New Contract



Albertsons meat cutters worker committee celebrates after reaching a tentative agreement.

After nine and a half years, Albertson's meat cutters and members of UFCW Local 540 ratified a new contract on January 30th. Most workers will see an immediate \$1.50 - \$3.00 increase in wages. The contract also improved vacation and holidays and secured affordable health care. Workers made improvements to the grievance procedure, and secured the right to have union staff visit and speak to members at work. "The tenacity of these workers in the face of such anti-union venom is remarkable," said Local 540 President Johnny Rodriguez. "They remained united for a voice in their workplace despite numerous company-led decertification attempts, years of litigation, and ULP charges."

Despite No Strike Clauses, it's OK to Talk to Workers or Customers about Disputes

In a case Local 400 brought, an arbitrator put a 27 year member back to work after the company wrongfully terminated him for supposed insubordination. The company issued the member a last chance agreement when he punched in at his regular start time but 3 1/2 hours before he was scheduled to work that day. When told to stop working and punch out, the member refused. After terminating him for insubordination, the company reinstated the member after he – but not the union – signed a last chance agreement.

Several months later, the member mistakenly reported to

another store. The member returned to his own store after his manager called. When he arrived, the manager asked, "where were you," and said, "I need to talk to you." The member continued to walk to the time clock. The manager considered this insubordination and the company terminated the member for violating his last chance agreement.

The arbitrator first ruled that the last chance agreement was not valid because the union never signed nor received a copy of it. The arbitrator also ruled that the company did not prove just cause to terminate the member. The arbitrator ruled that insubordination means that the company proves that:

- 1) the refusal to comply with a direct order was knowing, willful and deliberate,
- 2) the order was explicit and clear to the worker,
- 3) the order was reasonable and work-related,
- 4) the manager who issued the order possessed the authority to do so and the worker knew it,
- 5) the manager made the worker aware of the consequences of refusing to follow the order, and
- 6) the manager gave the worker the opportunity to comply with the order.

In this case, the company failed to prove that the member's failure to report to his own store was "knowing, willful and deliberate" because he was assigned to a cleaning crew who worked a rotating schedule at different stores each week. The member did not know that his manager had arranged to keep him at his own store on the day of the confrontation. Equally important, while she asked the member to stop while he was walking to the timeclock, the manager never gave the member a direct order to stop or told him that his refusal to stop would be in defiance of her authority.

Giant Food, LLC and UFCW Local 400 FMCS No. 070626-57440A (R. Simmelkjaer, Arb.) (Oct. 12, 2008)

For more about how this case can help you, go to www.ufcwlegal.org. **OP**

New: Researched & Tested Talking Points on State Level Anti-Worker Initiatives.

Anti-worker forces like the National Right to Work Committee who are driving state-level initiatives like right to work and paycheck deception laws have simple messages: No one should be forced to pay money to a union as a condition of employment. No one should be forced to give money to political causes or candidates they don't support. And, big labor is out of touch with the people they represent, and with the public. These are simple, concise messages that resonate with people

The Unified Labor Table, a joint effort by the NEA and AFL-CIO and CTW unions, has conducted focus group and other research to identify what messages work—and don't work—that local unions can use to get people on our side. All of the major labor unions have agreed to work these messages into their public communications—that means local union newsletters, letters to the editor, website materials, worksite flyers, TV appearances—anything that might be read or seen by the public.

Findings:

There is a wrong way to push back: When we fight back against the points our opponents make, we appear defensive. In addition, using facts to defend labor unions does not, unfortunately, bring people to our side. Both of these tactics keep us talking within our opposition's framework. We need to pivot to a message debate that frames the discussion in a way that is most favorable to us.

When tested, three favorable message frames brought people to our side: 1) Unions restore balance to our economy. 2) We need solutions to our jobs crisis, not the same old politics. 3) Corporate CEOs spent billions to put politicians in office. In return, they want laws that let them lower working standards.

These messages allow us to reframe the debate about working people (not unions) vs. politicians and their corporate backers. They allow us to redefine anti-worker initiatives as nothing more than partisanship; undermine the opposition's credibility by identifying their true motives; and remind people about unions being good for the middle class and check on corporate power—something

they already understand and agree with.

The communications department will be circulating these findings to local leadership and local communicators in the coming week. **OP**

Making Change at Walmart Supports Local Voices: National Day of Action

On January 27, 2011, coalitions in cities targeted for new or expanded Walmart stores held events and made announcements calling for sustainable, quality job creation in their communities. Across the country, community members, elected officials, religious leaders, chambers of commerce, small business owners and UFCW members joined together and spoke out to ensure the jobs offered by Walmart meet strong standards for healthy, growing communities.

Events and announcements happened in Boston, Chicago, Los Angeles, San Francisco, and Oakland. Planned events in New York City; Philadelphia and Washington, D.C. were rescheduled due to snow. The following Locals are active in these cities' coalitions: 5, 8GS, 338*, 400, 770, 881, 888, 1102*, 1167, 1428, 1445, 1500, and 1776. Regions 1 and 8 and the RWDSU District Council of the UFCW are playing major coordinating roles in this effort. Photos and video from yesterday can be viewed at <http://www.ufcw.org/makingchange/action.cfm>. **OP**



Members and staff of Local 881 in Logan Square, Chicago for the National Day of Action.