

## OUR Walmart Wins Huge Victories on Scheduling and for Pregnant Workers

After years of relentless campaigning and advocacy by members of OUR Walmart along with their allies in the UFCW and labor, faith, and progressive communities, Walmart has announced two major policy shifts. One will allow workers to get more hours when they want them, another will ensure that pregnant women are given some basic accommodations that will help them keep their jobs and provide for their families.



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*Recent OUR Walmart victories include new scheduling policies and protections for pregnant workers.*

Since the group's inception, OUR Walmart members have spoken out about the need for access to full-time work, and the struggles of being scheduled for fewer hours than they need to get by. At the same time, as a result of chronic understaffing in stores, there have been reports of empty shelves and lower customer satisfaction. Most recently, OUR Walmart sent delegations to dozens of store managers across the country, and members launched a national petition calling for access to full time work. In Laurel, Md., OUR Walmart members stood together and got their manager to post open shifts in order to give more access to hours to part-time employees.

Walmart workers from across the country kept the pressure on for more shift access in stores. They went on strike to protest Walmart's attempts to silence them when they spoke up against about inconsistent scheduling, insufficient hours, and low wages. Shortly after their Black Friday actions, Walmart announced it would increase transparency in scheduling, but few stores saw these promised changes take effect.

With the support and the signatures of thousands of Walmart workers and community members, Walmart workers held delegations at stores around the country last month. Walmart responded by posting important changes to its scheduling policy that will allow workers to get more access to the hours they need to support their families.

Walmart also recently altered its policy to accommodate pregnant employees. Under pressure from mothers working in their stores and women's groups with the "Respect the Bump" campaign, the retail giant reworked its policy so that women with pregnancy-related complications could be considered temporarily disabled and be eligible for reasonable accommodation. While this policy does not go far enough to provide reasonable accommodations regarding physical demands for all pregnant women, it is a step forward in protecting the jobs and health of the most vulnerable pregnant women and their babies.

For decades, Walmart has been lowering the standards for retail workers. These two victories are an important step toward improving jobs at Walmart and ending the erosion of retail jobs across the industry. The victory shows that by standing together, workers can make change even at the largest private employer in the world.

To read stories about the workers' victory, please visit the Making Change at Walmart Facebook Page:  
<https://www.facebook.com/MakingChangeWMT> **OP**

## UFCW JBS Workers Lobby to Protect Workers in the Beef and Pork Industries

Last week, UFCW JBS beef and pork workers traveled to Washington, D.C. for a series of lobby days to advocate for workers who are facing hardships in the meatpacking industry. Members from UFCW Locals 7R, 227, 293, 435, 540, 951, 1149, 1161, 1473, and 1776 visited with White House staff, numerous members of Congress, the DOL, and also the USDA.

During their sessions with members of congress and federal officials, workers shared their stories of how they are negatively impacted by cattle shortages due to the severe drought, and hog shortages because of the PED virus.

"We're used to working 50-60 hours a week. Now because of the drought we're seeing a lot less work because there just aren't enough cattle to slaughter," said Tim Gavaldon, a JBS beef plant worker from Greeley, Colo., and member of UFCW Local 7R. "It's really taking a toll on workers and our communities are hurting financially."

Workers lobbied for members of Congress to support a new drought relief bill. The California Emergency Drought Relief Act of 2014 (S. 2016) was introduced by Senator Dianne Feinstein and includes a section covering emergency supplemental agriculture disaster appropriations for agricultural and



*UFCW JBS workers met with USDA/GIPSA Administrator Larry Mitchell along with numerous members of Congress to lobby for meatpacking workers.*

migrant farm workers. The bill would provide funds for food, rental assistance, and utilities. UFCW members advocated for similar legislation to be introduced so it includes not just farm workers, but meatpackers and food processors as well.

Workers also expressed their concern about a new healthcare plan that JBS is proposing. At a time when workers are already struggling because of reduced hours, JBS is proposing a sub-standard health plan that will double, or even triple the health costs for workers. If the new plan goes into effect, the costs are so high that a family could become bankrupt if they decide to have a baby or if there is a medical emergency.

“We came to Washington, D.C., to stand together and tell people on Capitol Hill that the new plan is unacceptable. This new health plan could mean financial ruin for workers and their families. We work hard to help make JBS a profitable company and now they are trying to push this on us for extra profits,” said Ramon Sanchez, a JBS beef plant worker from Cactus, Texas, and member of UFCW Local 540.

UFCW JBS workers from across the country will continue to stand together and support each other until they are back to operating at full-time and also fight for a fair health plan that protects workers. **OP**

## Region 1 Retail Locals Reach Out to Non-Union Retail Workers

In an on-going effort, UFCW Locals 328, 371, 919, 1445, and 1458, Region 1 and the Rhode Island chapter of Jobs with Justice are cooperating in an multi-state outreach effort to non-



*Shane Allen of UFCW Local 919 hands out flyers at Hannaford Bros. in Brookfield, Mass.*

union retail workers in their area. For two weeks now, stewards, board members, local staff, and community allies have been talking to workers about the difference being a part of a union makes in their lives. As a starting point, the group is handing out flyers addressing the recent pay raises thousands of UFCW members at Stop & Shop received as part of their new contract.

Activists had hundreds of conversations with workers at more than 50 stores across New England, including well-known non-union chains like PriceRite and Hannaford Brothers. **OP**

## UFCW Members in Ohio Lobby Against Right to Work

More than 100 members from UFCW Locals 17A, 75, 1059, and RWDSU traveled to Columbus last Wednesday to lobby their state legislators against possible right to work legislation.

“I’m here because I’m afraid that they’re going to pass right to work and take so much away from working people,” said Anne Bauer, a seven-year UFCW member from Local 75 who works at the Anderson Township Kroger. “The lower wages, the lack of safety, having no voice on the job – it’s horrible. I have to be here to fight for my coworkers, my friends, and my family.”

Many members spoke about the importance of ensuring the people they elected followed through on campaign promises.

“We have to be here to hold politicians accountable,” said Terry Payne, a Local 1059 member who has been at Kroger for 10 years. “We elect them and by being here we’re able to ensure that they’re supporting us. The legislators I’ve talked with have been very receptive. I was encouraged.”



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One of the most important reasons for members to lobby is to share their personal stories with legislators which always make a more lasting impact. Roberta Greaver, a UFCW Local 75 member who has worked at Kroger for 35 years, told the legislators she spoke with about her experience visiting one of the company's stores in the right to work state of Tennessee.

"These legislators don't fully understand right to work and I'm happy to be here explaining it to them. I've seen what this law has done in Tennessee – there is a tremendous difference between their stores and ours here in Ohio. Their benefits are about half and their pay scale is less. After visiting Tennessee, I was so happy to be in Ohio. The Ohio legislature has to understand how much right to work will hurt workers."

David Becker, a UFCW Local 1059 member who has worked at Meijer in Toledo for five years, said the lobby day motivated him to become more involved in his union and politics.

"When it comes to right to work, everyone should be here. We're squeezed enough trying to buy food and pay our rent – legislators have to understand that right to work will only make that more difficult. I plan on coming to lobby days as often as I can." **OP**

## "Give America a Raise" Bus Tour Stops in Illinois to Advocate for Raising the Minimum Wage

Last week, UFCW members joined local elected officials, labor and faith leaders, U.S. Senator Dick Durbin, OUR Walmart, and other low-wage workers in Chicago as part of the "Give America a Raise" bus tour. The bus tour, launched by Americans United for Change, is an 11-state tour to urge Republicans



*The "Give America a Raise" bus tour continued in Illinois where UFCW members and community allies advocated to raise the minimum wage.*

in Congress to raise the minimum wage to \$10.10. Rose Campbell, a Walmart employee and OUR Walmart leader, spoke at a rally in Chicago about Walmart worker's struggle to make ends meet while earning a Walmart poverty wage.

"Americans agree that no one who works should live in poverty, yet the reality is that workers around the country earning minimum wage are living below the poverty line," Campbell said. "It's long past time for Congress to give America a raise."

Since 2009, the federal minimum wage has remained the same but the price of food, gas, utilities, and basic necessities have dramatically increase due to economic inflation, making it nearly impossible to get by anywhere in America on \$7.25 an hour or \$15,000 a year.

A recent Public Policy Polling survey found that 63 percent of Illinois voters support raising the minimum wage to \$10 - while only 33 percent are opposed – and by 11 point spread that they're less likely to vote for Senator Mark Kirk again if he opposes it.

A new report out from Center for American Progress Action Fund finds that raising the minimum wage would increase wages for 1,127,000 workers in Illinois by more than \$1.3 billion if the minimum wage is raised to \$10.10, and it would generate more than \$860 million of economic activity in the state.

The bus tour's Illinois stops included Chicago, Belvidere, and Springfield. **OP**

## Supreme Court Supports Payment for Donning and Doffing Equipment

The U.S. Supreme Court recently decided the meaning of the phrase “changing clothes” in 29 U.S.C. §203(o) of the Fair Labor Standards Act (FLSA). Section 203(o) excludes from hours worked time spent “changing clothes” if that time is excluded under the terms of or custom or practice under a collective bargaining agreement.

The take away is that unions and their members must be vigilant in continuing to push for pay for time spent donning and doffing equipment and other non-clothes items based on the Court’s ruling that excludes these items from “changing clothes.”

The Court held in *Sandifer v. U.S. Steel Corporation* that the time spent “changing clothes” at the beginning or end of each workday covers items that are both: (1) designed and used to cover the body and (2) commonly regarded as articles of clothing. Based on this ruling, a unionized worker’s time spent donning and doffing items integral and indispensable to the job can be excluded from work time if those items are designed and used to cover the body and commonly regarded as articles of clothing when the governing bargaining agreement expressly excludes the time from hours of work or does so by custom or practice.

In *Sandifer*, the Court decided that steelworkers’ flame-retardant jackets, pants, hoods, hardhats, work gloves leggings, and steel-toed boots constitute clothes and therefore, the time spent donning and doffing them was excludable under the terms of their bargaining agreement. On the other hand, the Court held that glasses, earplugs, and respirators did not satisfy both elements of what constitutes clothes and therefore could not be excluded from compensation by the collective bargaining agreement.

The *Sandifer* Court recognized that the *de minimis* doctrine does not effectively limit payment for small amounts of time spent donning and doffing equipment and other non-clothes items. It therefore attempted to limit compensable donning and doffing time by arguing that it should be paid only when the time is on the whole spent in putting on equipment and other non-clothes items which cannot be excluded from work time by a bargaining agreement. The Court argued that if the vast majority of the worker’s time is devoted to donning and doffing “clothes” the entire period would constitute “changing clothes” and thus be excludable from work even if the worker also dons and doffs some equipment and non-clothes items.

The proposed is contrary to longstanding precedent governing compensation for principal activities under the FLSA, and unions should challenge employers who assert such standard. **OP**

## OUR Walmart Members Present at National Conference of Labor Educators



*OUR Walmart leaders Jovani Gomez and Martha Sellers presented a workshop on how OUR Walmart members are making change at their stores at the annual UALE conference.*

In late March, Southern California OUR Walmart leaders Jovani Gomez and Martha Sellers presented a workshop on how OUR Walmart members are making change at their stores, winning national policy improvements at Walmart, and shifting the national conversation about inequality in America. They reflected on their own experiences and engaged with university-based labor educators on the role of students and faculty in the movement.

Attended by labor educators from around the world, the annual United Association for Labor Education (UALE) conference is an opportunity for educators at unions, worker centers, and colleges to share tools and strategies.

UALE includes university-based labor centers that provide training and other assistance to local unions. They also host annual women’s summer schools and a variety of programs open to UFCW members and staff. Visit <http://uale.org/> for more information on UALE and to learn if there’s a UALE affiliated organization in your area. **OP**