



# NEGOTIATIONS SURVIVAL HANDBOOK

**District 837**  
**Local Lodge 387**

*October 2015*

**COLLECTIVE BARGAINING**  
**BETWEEN**  
**INTERNATIONAL ASSOCIATION OF MACHINISTS**  
**AND AEROSPACE WORKERS, AFL-CIO**  
**AND**  
**GKN Aerospace**  
**AT**  
**Saint Louis, MO**

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## INTRODUCTION

Let's face it, contract time and the negotiations for a new contract is a time filled with questions, uncertainty, high anxiety and a roller coaster of emotions guaranteed to rival that of any amusement park ride.

It's a process that will be repeated about every 3 years and one that cannot be avoided. You and your families need a contract that ensures good wages, good benefits, and good working conditions. You deserve no less.

In this Handbook we will explain how the negotiations process works. We will also talk about your role in the negotiations process, what you – as a member – can do to help. There is also a section in this Handbook to help you cope with the pressures and anxiety that we all experience during contract time. We will do this by exposing some of the tactics the company will try to use on you to put doubt in your mind and to create turmoil amongst our ranks. We have also provided an overview of members' rights under the National Labor Relations Act. There is a special section on frequently asked questions and answers that always surface during negotiations.

While using this Handbook please remember one thing: Together, standing strong as one Union and speaking as one loud voice, we can improve our standard of living.

Your Negotiating Committee hopes that this Handbook will help to answer some of your questions, help you to remain strong, and help you support each other in the weeks ahead.

In Solidarity, Your Negotiating Committee

Steve McDerman – Chairman DBR

Joe Blanke – L387 President

Michael Lindsay – L387 Negotiator

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## HOW THE NEGOTIATIONS PROCESS WORKS

It starts when the membership elects a Negotiating Committee and this new committee is seated. The Committee reviews what took place over the last few years and what was learned during the Organizing Campaign. The Negotiating Committee carefully looks at what has worked and what has not worked, and what has had a positive or a negative effect on the hourly workforce.

Any committee member will be able to tell you that there is a lot of discussion between the committee members as to what can be done to improve the next contract's outcome. They will also tell you that they rely on what they hear from you, the members.

Some of the things that help the Committee focus on the areas for negotiations, include, but not limited to:

- Feedback from surveys that are designed to learn what is most important to the membership. These surveys provide important information that might otherwise not be known.
- Discussions with members at the work site and at scheduled Meetings.
- A complete review of sample bargaining agreements in our industry.
- Feedback from shop stewards and plantchairmen , who will be on the front lines with this company on a daily basis during Bargaining. This is why it is so important for you, as a member, to keep your stewards and plantchairmen informed about what is going on. Your representative can't be everywhere, so he or she must rely on you to know what everyone in management is up to.
- Information requests are carefully prepared and submitted to the company. The company has a legal obligation to respond to the Union's request for all information that is necessary and relevant for bargaining.
- Industry standards are carefully reviewed by the committee, as well as nationwide trends in our field, in order to craft the best proposals

- Local, State and national cost of living indexes also are a key part of the Committee's preparation.

These are just some of the resources the Committee relies on to begin putting together a contract proposal.

How does the Committee actually do its work? Initially the Committee usually meets sporadically. Occasionally these meetings go into the late evening hours. As the date for contract talks gets closer, the Committee starts to meet more frequently, the Committee leaves the plant site to do its work. The Committee members then may need to meet full time every day to continue putting together a contract proposal prior to the start of face-to-face negotiations with the company.

Both the Union and the company Negotiation Committee meet off site for full time sessions at mutually agreed upon times, frequency and location. It is always the Committee's desire to have an agreement completed as soon as possible without leaving any subject of concern go without being addressed.

This is a brief summary of the negotiations process, which we hope sheds some light into all the steps that go into creating a contract. More importantly, we hope you never forget that the wages and benefits you receive are the result of the collective bargaining process and not a gift from the company. Without the legal protections of a collective bargaining agreement, the company can change or even eliminate the health insurance, Paid Time Off, holidays, pensions, and many other benefits we now or will enjoy. Without the support of all employees, the Union's ability to protect and improve wages and benefits in the future will suffer. Employees who don't pay their fair share strengthen the company's hand in any negotiations. For the pennies saved, they give up their right to attend Union meetings, to vote on contracts and strikes, and to forge their own futures.

There is one more very important piece in this process and that is you, the Union member! You are the true power behind this Union. You can let the company know how you really feel. You have the final say as to whether or not you will accept or reject the company's "Last, Best and Final Offer". You are the real force that makes this Union!

## THE MEMBERS' ROLE IN THE NEGOTIATIONS PROCESS



Negotiating a contract for our members is one of the most important reasons for having a Union. The contract sets the stage for a given period of time (normally 3 years) and dictates all wages, benefits and working conditions. The contract has a major impact on each of us. Our new contract will determine how much money we will have to support our families, our ability to keep up with the ever rising cost of living (the cost of gasoline, the cost of groceries, your utility bills), what medical options we have, life insurance, the out of pocket costs for those benefits, how we will be able to plan for retirement, and how the company deals with us here on the work site.

Having a good Negotiating Committee is an important step in this process but the single most important factor in the negotiations process is you -- the membership. This cannot be stressed enough. Our strength as workers is in our unity. The greater the number of bargaining unit employees in the Union, the greater our ability to negotiate the best possible contract. The more workers who are active and involved in the Union and the negotiating process, the better our chances for the contract every one of you deserves

We shouldn't kid ourselves. Long before negotiations begin, the company has a good idea of our strengths and our weaknesses. They know our membership strength and because they listen to what we are saying on the floor, they have a pretty good idea of what we are thinking. They know this not necessarily because we tell them (some members do tell their supervisors) but because we air our dirty laundry (our likes and dislikes) in front of them. ***As an hourly employee we all need to understand that everything we do and say out on the floor is communicated right up the chain of command. The company knows our business.***

Have you ever noticed that management never airs its dirty laundry in front of us? That's not because they don't have complaints and gripes about their own leadership. They are just better about airing their complaints behind closed doors, where we can't hear them. We as Union members need to take notice of this and be as professional if not more so than them and keep them guessing. When we do this it keeps them off balance, and they have no idea what we are thinking or planning. It makes the Company approach us more cautiously because they are not sure how we will react to an unfair contract offer. This sets the mood of the negotiations at the table.

*What can you do to help?*



As a member, there are many things you can do to help increase our chances for successful negotiations.

- Explain to management that you do expect the company to give you a fair contract.
- If your supervisor asks if the Union is going on strike tell him or her that it depends on the Company's willingness to negotiate in good faith and give us a fair contract.
- Support each other. Talk to your fellow members and share information with them.
- Participate in the Union surveys.
- Participate in all union meetings.
- Wear your Union gear (T-shirts, stickers, etc.) to give the Union visibility and to show our solidarity.
- Make sure your committee reps are forwarding you information and updates during negotiations.
- Encourage non-members to join the Union. There is strength in numbers. Tell them they need to have a voice in the process and their participation can help insure a better contract for us all.
- Volunteer for one or more of the sub-committees that will be formed in the event we vote to have a work stoppage. Volunteer any talents or skills you may have to help other members in times of need. We have many trades and skills in our ranks and we can provide vital services to one another should they be needed.

We hope you can see how critical you are to the outcome of negotiations. *If you are interested in participating in any of the above or need help, contact your committee reps.*

## COPING WITH THE PRESSURES OF NEGOTIATIONS

As stated at the beginning of this Handbook, contract time is a rollercoaster of emotions for all of us. Understanding some of the events that are about to take place will help you know what to expect and put things into perspective.

The company will try all kinds of tactics to scare you and to put doubt in your mind. Unfortunately the games management play will never stop. Tactics may include sending mail to your home explaining which benefits you will no longer have and when they will end. They will send you letters saying how great the contract offer is, or letters stating “maybe you didn’t understand the offer” or something like maybe the “Union didn’t really explain the contract proposal to you” or “how much you will be missed”.

The company may also hold meetings with all hourly workers to try a put their spin on how great the contract really is. One thing the company doesn’t realize is that this bargaining unit is smart enough to know when they are being lied to.

If this company really cares about us, then they should be willing to treat us with the respect that we deserve by agreeing to a decent contract with employee rights, general wage increases, better retirement benefits, and improved health care. As we head into contract negotiations remember these things. And when you start to get caught up in that roller coaster of emotions, STOP and take a deep breath and listen closely to just what it is that the company is saying and doing. Are you getting those letters in the mail? Is management telling you that you are making more than you deserve? Is your supervisor and others getting a pay increase? Is he getting profit sharing checks?

We are the people who helped to make this company Its annual profit. We are the folks that fix the broken equipment to keep production up and running. We are the ones who keep the facility presentable to our customers and our guests. We produce the products that will keep our country moving in the future. We deserve a good contract!



## YOUR RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT

- Management cannot attend any Union meeting, park across the street from the hall, or engage in any undercover activity which would indicate that the employees are being kept under surveillance to determine who is and who is not participating in any Union program.
- Management cannot tell the employees that the company will fire or punish them if they engage in Union activity (during the employees' own time).
- Management cannot lay-off, discharge, or discipline any employ for union activity (during the employees' own time).
- Management cannot grant employee wage increases, special concessions, or benefits in order to keep the union out.
- Management cannot bar employee union representatives from soliciting employee membership on or off company property during non-working hours.
- Management cannot ask employees about union matters, meetings; etc. (some employees may, of their own accord, walk up and tell of such matters. It is not an unfair labor practice to listen, but to ask questions to obtain additional information is illegal).
- Management cannot ask employees what they think about the union or the union representative
- Management cannot ask the employees how they intend to vote.
- Management cannot threaten employees with reprisals for participating in union activities. For example, threaten to move the plant or close the business, curtail operations or reduce employee benefits.
- Management cannot give financial support or other assistance to a union (theoretically this prevents bribes and payoffs).
- Management cannot announce the company will not deal with the union.



- Management cannot threaten to close, in fact close or move the business in order to avoid dealing with a union.
- Management cannot ask employees whether or not they belong to the union or have signed up for union representation.
- Management cannot ask an employee, during a hiring interview, about his or her affiliation with a labor organization or how he or she feels about unions.
- Management cannot make anti-union statements, or act in any way that might show preference for a non-union person.
- Management cannot make distinctions between the union and non-union employees when assigning overtime or other desirable work.
- Management cannot purposely team up non-union workers and keep them apart from those supporting membership in the union.
- Management cannot transfer workers on the basis of union supporting activities.
- Management cannot choose employees to be laid off in order to weaken the union's strength or discourage membership in the union.
- Management cannot discriminate against union workers when disciplining employees.
- Management cannot by the nature of the work assignments, create conditions intended to get rid of an employee because of their union activity.
- Management cannot fail to grant a scheduled benefit or wage increase because of union activity.
- Management cannot take action that adversely affects an employee's job or pay rate because of union activity.
- Management cannot threaten workers or coerce them in an attempt to influence their vote.



Violation of any of these items is a violation of the National Labor Relations Act and could be grounds for unfair labor practice charges against the company.

Make it a point to know your rights. If you don't know your rights, you have none.

## YOUR RIGHTS TO UNION REPRESENTATION

- The right of employees to have union representation at investigatory interviews was announced by the U.S. Supreme Court in a 1975 case (**NLRB vs. Weingarten, Inc. 420 U.S. 251, 88 LRRM 2689**). These rights have become known as the *Weingarten* rights.
- Employees have *Weingarten* rights during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct.
- If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. Management is not required to inform the employee of his/her *Weingarten* rights; it is the employee's responsibility to know and request.
- When an employee makes the request for a union representative to be present management has three options:
  - (1) it can stop questioning until the representative arrives.
  - (2) it can call off the interview or,
  - (3) it can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to a union representative (**an option the employee should always refuse.**)
- Employers will often assert that the only role of a union representative in an investigatory interview is to observe the discussion. The Supreme Court, however, clearly acknowledges a representative's right to assist and counsel workers during the interview.
- The Supreme Court has also ruled that during an investigatory interview management must inform the union representative of the subject of the interrogation. The representative must also be allowed to speak privately with the employee before the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

## FREQUENTLY ASKED QUESTIONS & ANSWERS

“Leading the fight to make it right.” We believe the right thing to do is to work to maintain and improve the quality of life for every member.



We have put together a communications plan that will increase participation from all levels of our membership and your help is vital to the success of these negotiations. As we progress closer to the final contract vote, communication with each other is the key. We will be calling on you to step up and help us lead our membership to a successful contract victory.

This questions and answers section was developed to provide you with answers to many common questions you may have throughout negotiations.

*Your support throughout this process will determine our strength at the bargaining table.*

*Q: How can I help during the negotiations process?*

A: Participate in the discussions, rallies, surveys and other events showing solidarity. Wear the appropriate union insignia at the designated times in unity with your brothers and sisters. Talk strong about the issues on the shop floor because solidarity works. Encourage everyone you know to become a member.

*Q: Why might we have rallies during negotiations?*

A: It is very important that our membership demonstrate their support for the Union and the issues the members have said are critical to them. Large numbers at rallies sends a powerful message to the company that we are unified and strong. Family and friends are highly encouraged to attend. The more people the company sees at a rally, the more we show how much support the negotiators have from the membership.

*Q: How will the Union keep me updated on the negotiations?*

A: We will provide regular updates using our web site, information hand bills and through our shop stewards and plantchairmen. We cannot send updates to your Company e-mail, but the Company can and will. It is important that our membership recognize the Company e-mails do not reflect the Union's position.

*Q: What should I say to support the Union's efforts in negotiations when I am asked by management to give them my opinion?*

A: Supervisors and other managers will be out in force trying to gauge our members' support for various issues. They in turn send this information right up to the company negotiators. The best way to win a good contract is to be strong and together on the shop floor. The Union negotiators are looking out for your best interest; the company is looking out for its own best interest. You can help support your co-workers (your Union) throughout negotiations by sending a strong unified message to company management about better pensions, lower health care costs, job security and issues important to all of us. Tell the company to do the right thing on these issues.



*Q: How much influence does the IAM Grand Lodge have on the outcome of our contract?*

A: Your Negotiating Committee gets advice and any help they need from the top leaders of the IAM during negotiations. We get help from Headquarters' Departments such as; Strategic Resources, Legal, Communications, and Community Services. Our local leadership relays to them our membership's needs and concerns. Only your elected negotiating team votes on whether or not to recommend the company's offer and/or to recommend a strike, and only the membership votes at the ratification meeting.

*Q: When will we be able to get details on the Company's last best and final offer?*

A: When negotiations have been completed the Union will have available for members a copy of the contract changes and a summary of the contents highlighting important issues.

*Q: When the Company delivers their Last, Best and Final offer to the Bargaining Committee, what happens next?*

A: The Union negotiating team has to review the proposal, make a synopsis of key issues, and then get copies printed so that the membership can start to review the contract as soon as possible. The negotiating team will also inform you about its recommendation on whether or not to accept the company's proposals and if it recommends a vote to strike for a better agreement.

At the same time, the Company will launch their own campaign to sell the contract immediately following its delivery to the Union negotiators. They will include their reasoning and rationale of why it is a fair offer from their perspective.

*Q: How and where do I vote on the contract offer?*

A: A ratification meeting will be held, at which the proposed contract will be presented and discussed and voted upon. There will be an announcement for when and where the meeting will take place.

*Q: How long will we get to look at the offer?*

A: The information will be passed out to the members at the beginning of the contract ratification meeting and we will go over the information line by line and then have a question and answer session immediately after. Then we will vote on the offer.

*Q: How does the contract vote work?*

A: There are two separate ballots. The first one is to accept or reject the contract offer. The second ballot is a yes or no to authorize a strike. If a majority votes to accept the contract, negotiations end and the contract goes into effect after signing between the two parties. If more than 50% vote to reject the proposed contract, but less than two-

thirds of the votes cast are in favor of a strike, the contract offer is accepted by default. The only way there can be a strike is to have a majority reject the proposal AND have two-thirds vote for strike action.

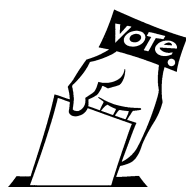
*Q: Who is eligible to vote?*

A: Members in good standing are eligible to vote.

*Q: How are the ballots counted?*

A: The Ballots will be counted immediately after the vote in the presence of the membership and the results will be announced as soon as the count is completed. We will also post the results on our website, and the media is likely to publicize the results as well.

*Q: Why does it take two-thirds vote to call a strike?*



A: Any time you go into a possible strike situation, you want to be sure that a 2/3 majority of your membership support calling a strike. Going on strike with less than 2/3 results in a possible weak picket line. This is why the IAM Constitution requires 2/3 majority to call a strike. If the majority of the membership - 50% + 1 - was all that was required to call a strike, our chances of winning a good contract through a strike would decrease dramatically.

The bottom line is: Calling a strike is serious business. The leadership needs to be sure that 2/3 of the membership is willing to walk the line before taking that type of action.

*Q: Can the Company fire me if I go on strike?*

A: No! The National Labor Relations Act protects you.

*Q: Can the Company hire replacement workers if I'm on strike?*

A: Yes. And they may threaten to do so.



*Q: Can a non-member stay out and support the Union?*

A: Yes, if you are a bargaining unit worker covered by the collective bargaining agreement you can stay out and support the strike, and your action will be protected by law to the same extent as union members.

*Q: How much money a week will I get for strike benefits?*

A: As of January 1, 2011 the IAM's strike benefits are \$150.00 per week. Benefit payments are paid commencing with the 3<sup>rd</sup> week. Strike benefits shall continue to be paid through the last day of the week in which the strike terminates.

*Q: How much time is required of me each week to qualify for strike benefits?*

A: At least 4 hours of time to a committee i.e., picket, kitchen etc.

*Q: Will I still have medical coverage if I go on strike?*

A: You will be able to continue your medical coverage through COBRA.

*Q: What are strike committees?*

A: Strike committees are used to help organize and lead an effective strike and to help our members.

*Q: What are the different strike committees?*

A: The first and foremost is the Strike Committee itself. This committee serves as your overall coordinating center and works directly and closely with the Business Representative and the Grand Lodge Representative/Aerospace Coordinator (GLR) to provide leadership and direction to the other committees and to the members on the picket line. Other committees that have responsibility for particular areas are:

*Picket Committee* - responsible for overall administration of the picket line, including organizing and scheduling picket teams, arranging for

the equipment and supplies that will be needed and maintaining order on the lines.

*Strike Finance Committee* - makes up an overall budget, solicits donations from whatever sources possible, audits expenditures and helps keep financial records during the course of the strike.

*Community Services Committee* - works to make sure that members get the full benefit of all of services they are eligible for from the public and private agencies in the community during the strike.

*Kitchen Committee* - helps to strengthen morale by preparing or arranging for hot coffee and other refreshments to be available to pickets and others carrying out strike duties.

*Public Relations Committee* - gets information about the Union's message and its goals to the media, the public and above all the members and their families. This committee contributes to morale by keeping members informed and presenting the union and the issues in the best possible light. This committee plays an important role in counteracting company propaganda.

*Q: How can I participate on one of these committees?*

A: Your shop committee representative will have forms for you to fill out to volunteer for the different committees.

*Q: What if I physically can't do picket duty if we go out on strike?*

A: There are many jobs that don't require much physical strength which need to be done (i.e. clerical, phone, kitchen duties, etc.) The Union will work with our members with special needs.

*Q: What happens with my 401K loans if I go on strike?*

A: The Employee Retirement Income Security Act ("ERISA") will protect what is in the 401k plan. What you should first try to get is a copy of the "Summary Plan Description" (SPD) to the 401k. You should be able to get

that from either the Company or the Provider. You are entitled to a copy of the SPD, and refusing to give it to you may, by itself, be a violation of law. In any effort to get your money, the SPD will contain vital information.

*Q: If I have Vacation or Paid Personal Time (PPT) on the books can I use it while on strike?*

A: No.

*Q: Will the Union continue to negotiate if we're on strike?*

A: Yes. Since the ultimate goal is to get a good contract, the Negotiating Committee will continue to meet with the company to try and reach agreement. However there is never a guarantee the company will be willing to meet.



## MEMBER RESOURCES

### **Cobra**

COBRA is a federal law. One aspect of this law affords striking workers the opportunity to continue their health plan coverage when they are on strike. COBRA National Service Center will send a letter of notification to each and every striker giving him/her a 60-day notice. Although the following information is related to a strike situation COBRA is also available to anyone leaving a company to pursue better interests.

### ***Provisions of COBRA***

1. It allows the worker to continue their current health care coverage by paying the equivalent premium.
2. This letter will inform you of your rights and responsibilities and costs of continued coverage. It will give you an address to which you may send your response. Please consider the following when making your decision regarding COBRA:
  - a. If you are currently under a doctor's care for a medical condition that cannot be delayed, it is recommended that you send the notification back to the COBRA Administrator as soon as you can.
  - b. All others can wait until the 59<sup>th</sup> day to advise the COBRA Administrator of their decision.
  - c. We recommend that this response be sent via certified mail.
  - d. Payment for continued coverage is not due until the 45<sup>th</sup> day after you have responded to the notification.
  - e. People who are planning or have scheduled elective surgery or medical treatment that can be delayed, should delay treatment until after the strike is over.
  - f. COBRA will not pay a bill until the premium is paid.