

Organizing Victories Start the New Year for Locals 5 and 368A

UFCW locals across the country are kicking off the new year with a redoubled focus on growing a stronger, more powerful union through organizing. Some UFCW locals are, in fact, already celebrating their first organizing wins of the new year.

Local 5 is celebrating two wins at Zales jewelry stores in Northern California. Jewelry consultants, along with office and administrative staff, at the Zales stores at the Oakridge Mall in San Jose and the store in Vacaville, California have unanimously chosen to stand together and form a union with Local 5 in elections held November 23, 2010 in San Jose and January 4, 2011 in Vacaville.

Nancy Miranda, a five-year jewelry consultant in the San Jose Zales store, offered a simple explanation, "We stuck together to have a voice."

Local 368A also started the new year with an organizing win. The Service Deli Department at the Albertson's in Mountain Home, Idaho voted unanimously for a voice at work January 10, 2011. The win brings a voice to the last non-union department in that store.

Local 368A President Jacki Faerber attributed the victory to members in the store reaching out to their coworkers. "Our members knew that standing together would make them stronger and they worked one at a time to bring their coworkers on board and grow their union." **OP**

UFCW Members in Indiana Take to the Statehouse to Stop Right-to-Work

UFCW members in Indiana know the importance of unions in their lives and their communities. They know that unions help grow America's middle class, help communities thrive and build America's heartland. They also know that attacking Indiana's unions hurts the working people of Indiana and only benefits the bottom lines of corporations and Wall Street.

That's why on Thursday, January 6, 75 UFCW members from

Locals 700, 881, 1546, 227 and 75 came together at the state capitol in Indianapolis to tell legislators to stand up for working people in this upcoming legislative session. Below are a few photographic highlights from that trip. **OP**





Local 99 Members Rush to Aid the Injured in Tucson Tragedy

The tragic shooting of U.S. Congresswoman Gabrielle Giffords, Judge John M. Roll and 18 others at a Safeway in Casas Adobes has produced shock and horror across the country. Members of Local 99 work at this Safeway in a suburb north of Tucson.

No UFCW members were injured in this national tragedy, but Local 99 members were among the first to rush to provide aid to the victims. Local 99 President Jim McLaughlin said in a statement, "Our union deplores the senseless violence in Tucson that struck our friend, Congresswoman Gabrielle Giffords, and several others at a Safeway supermarket. Our thoughts and prayers go out to all of the victims, their families, their co-workers and their friends." **OP**

Tips from the Legal Department: Does "No Interference" Mean "No Handbilling"?

In a recent case, an arbitrator ruled that Local 1776 did not violate a no-strike clause that prohibits "interference" with company operations when the union talked to on-duty workers and handbilled customers. In connection with a scheduling dispute, the union spoke with members while they worked on the sales floor and informed customers of the dispute through handbilling outside the store's doors.

In an expedited arbitration, Acme contended that the union's actions violated the no-strike clause that prohibited "strikes, stoppages of work, slowdowns or any other interferences of whatever nature." The arbitrator rejected the company's contention, even though he recognized that "the company has an interest in maintaining consistent, efficient and prompt service to its customers and consistent work from its employees while on duty."

The arbitrator first explained, that the company's broad interpretation of the term "interference of whatever nature" rendered the clause unwieldy and could have possibly led to absurd results. Second, the company's interpretation was contrary to the past practice of the union talking to members

during work time and handbilling customers about labor and political issues.

The arbitrator concluded that the union retained the right to talk to members while on work time and handbill customers about workplace disputes, despite the broad no-strike clause.

Acme Markets, Inc. Case No. 14 300 E 02214 09 EGV (Dec. 7, 2009) is available at www.ufcwlegal.org.

How This Award Can Help You:

- The award makes clear that a no-strike clause that prohibits interference with the company's operations does not restrict the right of unions and members during work time to communicate with each other and with the general public about workplace disputes, as long as members continue to work. This is similar to other arbitration awards ruling that the same type of no-strike clause does not waive the right of members to wear buttons or stickers while working, including those intended to trigger dialogue with consumers.
- The award shows that no-strike clauses that prohibit interference with the company's operations are intended to apply to actions like strikes, slowdowns and workplace sabotage, not free speech rights like handbilling, wearing stickers and buttons, and talking to customers.
- This award is particularly useful for those Kroger contracts whose no-strike clauses prohibit strikes and "any other interference with or interruption of the normal conditions of the company's business." **OP**

How Is Your Union Involved in Your Community?

Does your union give back? Does your community benefit from the presence of your local? Have you worked with community groups to raise money, save jobs or draw attention to a critical issue?

The UFCW Communications Department is profiling stories of union locals who have been successfully involved in their communities. Please share your stories by emailing Marc Gombri at mgombri@ufcw.org. **OP**