

## Richmond Martin's Workers Demand Respect from Ahold

Workers at Martin's grocery stores in Richmond, Va., last week commemorated the one-year anniversary of Royal Ahold's buying out the beloved Ukrop's grocery chain and turning it into the non-union Martin's.



*Martin's workers, community members, faith leaders, and Giant of Landover associates call for good jobs with respect at Martin's.*

"When I was a cashier at Ukrop's, I used to go to work with a smile on my face because I felt more involved and appreciated. It was like a family and I was proud to work there," said Shaquana Battle, a former Ukrop's employee and current Martin's associate. "Since Martin's took over, I don't smile anymore. Now it's just a job."

Martin's workers joined with community members, faith leaders, and Giant of Landover associates - who, like 70 percent of Ahold workers, have a union and a voice on the job - to call on Ahold to treat workers with respect and be a good corporate citizen in Richmond.

"It amazes me that Ahold is fighting hard to keep us from forming a union at Martin's here in Richmond, when we have brothers and sisters just a little bit up the road in Northern Virginia and Maryland that are unionized," said Donald Gathers, Sr., a Martin's employee.

Visit <http://www.ufcw400.org/> to see workers telling their stories about working at Ukrop's, Martin's, and other unionized Ahold stores. **OP**

## Wisconsin, Kentucky Workers Fight Attacks on Working Families

Working families are under attack in states across America, as politicians like Governor Scott Walker of Wisconsin push more of the same old partisan politics instead of focusing on fixing the problems hurting middle class families. Governor Walker's radical proposal to strip state and local employees of their rights to organize and collectively bargain is scheduled to be voted on by this Thursday. Last week, Walker announced he had alerted the National Guard to be ready in case public employees strike or rise in protest.

Working families are fighting back against these attacks that would undermine middle-class jobs by lowering wages, shrinking benefits, weakening unions and destroying collective bargaining. UFCW Locals 538 and 1473 are participating in emergency lobby days at the Wisconsin state capitol today and tomorrow. And today, current and former members of the 2011 Super Bowl champion Green Bay Packers stood in support of public employees, saying, "Public workers are Wisconsin's champions every single day and we urge the governor and the state legislature to not take away their rights."



*Wisconsin workers and allies rally to protect the middle class.*

In addition, 100 members from Locals 227 and 75 visited 25 senators and 65 representatives during a lobby day at the Kentucky statehouse last Thursday, to address HB 225, a key piece of education legislation. Their efforts were recognized that day on the house floor. **OP**



## Tips From the Legal Department: Insubordination Isn't Always What it Seems

"Insubordination" means a worker failed to comply with some manager's order, right? Not quite. And, workers are doomed if they violate last chance agreements that they've signed, correct? Again, maybe not.

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 particular 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.

Putting the member back to work, 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 time clock, 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.

### How This Award Can Help You

- "Insubordination" means a knowing, willful and deliberate refusal to comply with a direct, explicit, clear, reasonable, work-related order of a manager, whose authority the worker is aware of, and who tells the worker the consequences of refusing to follow the order and gives the worker the opportunity to do so.
- If the parties' practice is for the union to sign and receive copies of last chance agreements, every agreement the union does not sign or receive a copy of is invalid.

*Giant Food, LLC and UFCW Local 400 FMCS No. 070626-57440A (R. Simmelkjaer, Arb.) (Oct. 12, 2008), available at [www.ufcwlegal.org](http://www.ufcwlegal.org). **OP***

**Monday is President's Day!  
Due to the holiday, next week's  
edition of OnPoint will reach  
your mailbox on Wednesday.**



## UFCW Commemorates Black History Month: Celebrating Our Own

### Charlie Hayes: Labor Visionary, Civil Rights Champion, Public Servant, and a UFCW Legend

When Charlie Hayes left the UFCW in 1983 to take his seat in the U.S. House of Representatives, he left the union, and the entire labor movement, exponentially richer and far more just than the day he began organizing at his hardwood flooring plant in Cairo, Ill., some 50 years before.

By the time he was in his twenties, Charlie Hayes was organizing his brothers and sisters and leading them as president of Local 1424 of the Brotherhood of Carpenters and Joiners. Luckily for the UFCW, Hayes took his organizing savvy to Chicago's South Side in the 1940s, where he organized meatpacking workers as part of the United Packinghouse Workers Association, and was a key figure in desegregating the plants and securing equal pay for black workers.

Hayes played a leading role in the historic Packinghouse Workers strike of 1949, and by 1954 had been elected to the executive board of the UPWA. But his work in Chicago extended beyond his local union hall. In the 1960s, he organized and served as the chairman of the Black Labor Leaders of Chicago, a group that worked to provide union training programs for black workers.

Hayes was an early mentor of the Rev. Jesse L. Jackson, and a long-time ally of Dr. Martin Luther King, Jr. He rallied support for Dr. King in the 1965 Montgomery, Ala., bus boycott, the 1963 March on Washington, and the 1966 campaign for open housing in Chicago.

Hayes's comprehensive approach to social justice was one of his hallmarks: "I have tried to be concerned with the total welfare of our members – not only in the shops and plants – but from the standpoint of their social,



*Charles Hayes*

political and cultural lives as well. This means, wherever they live – or would like to live."

Hayes was one of the founders of the Coalition of Black Trade Unionists, formed in 1972, and key a figure in the establishment of the Leadership Conference on Civil Rights, now called the Leadership Conference on Civil and Human Rights, which coordinates collective activities of civil rights, labor, and religious groups.

In 1968, when the UPWA merged with the Amalgamated Meat Cutters and Butcher Workmen of North America, Hayes became an International Vice President and the director of Region 12, which included Michigan, Indiana, downstate Illinois, and parts of Chicago. He served an IVP until 1983, when he took his seat in the U.S. House of Representatives, where he represented Illinois's first district for nearly a decade. He was the first labor leader to represent the district and he felt strongly that it was "important for trade unionists to have an opportunity to go into the halls of Congress."

As the then-mayor of Chicago, Harold Washington, put it, Charlie Hayes showed "unparalleled leadership and ability to unite blacks, whites, and Hispanics into organized coalitions fighting for economic, political, and social justice." The UFCW is proud to call this legend one of our own. **OP**