

April 4: Revive the Dream



UFCW members in Indiana fighting for good jobs and the American dream.

On April 4, 1968, Dr. Martin Luther King, Jr. was assassinated while standing up with the 1,300 Memphis sanitation workers' who went strike for a voice at work and the respect and dignity that comes with a union contract. Dr. King's call was that the fight for civil rights and union rights was "moral struggle for an economic outcome."

In Dr. King's words, "The Labor Movement was the principle force that transformed misery and despair into hope and progress. Out of its bold struggles, economic and social reform gave birth to unemployment insurance, old-age pensions, government relief for the destitute and, above all, new wage levels that meant not mere survival but a tolerable life. The captains of industry did not lead this transformation; they resisted it until they were overcome."

Today, over 40 years later, politicians across the country are attempting to roll back the steps forward workers have made in their fight for economic justice and the American Dream. Regardless of whether those politicians are motivated by favors to super-rich corporate donors or are out to exact political revenge, UFCW brothers and sisters have to stick together to stop the attack on the middle class.

On April 4, 2011, the UFCW will join the rest of the labor movement and our allies in a mass mobilization to show support for union rights for all workers. Visit <http://www.ufcwaction.org/ReviveTheDream> to vote on what actions you'd like to see UFCW promote, and to see a new video on the coast-to-coast fight for workers' rights. Stay tuned for more information on action you can take online, at work, and in your community on April 4. **OP**

Select Food Workers Win a Voice on the Job with UFCW Local 6

More than 450 workers at the Select Foods pork processing plant in Albert Lea, Minn., won a voice on the job with UFCW Local 6 last week. Select Food, a subsidiary of Hormel, has an incredibly diverse workforce, including Karen workers from Burma, Latinos, African Americans, and Africans. Workers showed solidarity across ethnic backgrounds to achieve their victory. It was only by getting votes from every single ethnic group - including more than 90% of Burmese workers voting yes - that workers were able to win their union representation. **OP**

Locals 655 and 88 Fight Harmful Right to Work Law in Missouri



UFCW members in Missouri stand strong against Right to Work

UFCW SCHOLARSHIP PROGRAM

Your union is about more than your paycheck and benefits.

That's why each year the UFCW awards several SCHOLARSHIPS of up to \$8,000 each to UFCW members or their unmarried dependents.

The eligibility rules and application will be available online from April 1 - June 3, 2011.

www.ufcw.org/scholarship

If you are unable to apply online, you may request an application by writing to: UFCW International Union, Attn: Scholarship Program, 1775 K Street NW, Washington, D.C. 20006. If you need the scholarship rules or application in another language, please contact us 1-800-551-4010 and we will obtain assistance for you.





Tips from the Legal Department: Tools to Drive New Member Sign Up

Workers at SuperFresh received good news recently, when an arbitrator ruled that the recognition clause of Local 100R's contract with Pathmark required SuperFresh to recognize the union as the representative of pharmacists who worked in stores converted from SuperFresh to Pathmark after an acquisition. Before the acquisition, the union did not represent the pharmacists working in the old SuperFresh stores. The arbitrator's award covers all Pennsylvania, Delaware and New Jersey stores operating under the Pathmark banner.

The arbitrator further ruled that the past practice with Pathmark required SuperFresh to remain neutral, and allow union representatives to meet with and sign up employees while they worked on the sales floor, as long as they were not helping customers at the time. The arbitrator rejected the argument that the Pathmark contract should not bind SuperFresh because the only thing that changed at the old SuperFresh stores was the name change to Pathmark.

Because SuperFresh violated the contract and past practice by refusing to remain neutral and denying access to the union, the arbitrator also ordered Pathmark to personally introduce each worker to union representatives.

This case is one more in a long line showing that locals can and should be aggressive in asserting their rights to newly opened or acquired stores under contracts and past practices.

Lessons of This Award

- Don't let corporate structure deter us from exercising rights to new stores. Instead, focus on whether in the end, the company under contract has new stores or whether new stores are being operated under the contract company's banner;
- Recognition, after-acquired stores clauses, and any past-practice of neutrality at new stores are powerful tools for organizing new members; and
- Think big when considering what remedy to insist on for grievances. Brainstorm what is needed in order to sign up a majority of workers and how the contract or past practice demonstrates why the arbitrator should order it.

Pathmark Stores, Inc., AAA Case No. 18 300 02109 08 (Oct. 29, 2009). This arbitration along with thousands of other UFCW awards are available at www.ufcwlegal.org. OP

Regency House Workers and Local 560C Members Score Major Victory

After a 10-year long battle, employees at the Wallingford, Conn., Regency House nursing home have their union back. The National Labor Relations Board (NLRB) recently agreed with three administrative law judges, finding that the nursing home unlawfully withdrew recognition of ICWUC/UFCW Local 560C in February, 2002. While it took the NLRB more than nine frustrating years to issue a decision due to some unique circumstances, Local 560C did not give up its fight.

The NLRB issued a broad remedial order, including a requirement that Regency House again recognize and bargain with the union. The Board also found that the nursing home acted unlawfully in other ways, including purposefully delaying its compliance with an earlier NLRB order; denigrating the union by suggesting that union representation was futile; and "going around" the union to directly solicit grievances, while implicitly promising to remedy them, rather than dealing or bargaining with the union.

Additionally, Regency House unlawfully weakened healthcare insurance protections; unlawfully conditioned bargaining over a successor agreement on the union dropping remedies for its earlier violations of federal labor law; and unlawfully refused to furnish relevant information about the employees' wages and other benefits. The union will be investigating other possible unlawful actions now that it can obtain more information from the employer.

Despite Regency House's drawn-out efforts to divide the employees through discriminatory changes in their wages and working conditions, Local 560C stood by them throughout this fight. "I helped to organize this nursing home back in 1997 when I was a relatively new ICWU international representative," said Frank Cyphers, "and now, as the ICWUC President, I can assure the employees – and management – at the Regency House, that the union will continue to fight for these employees until we obtain a fair contract for them." Showing their resolve to outlast their employer's intransigence, the employees began putting together a new bargaining team as soon as they received word of the Board's decision. **OP**