

Members of Local 5 and 8GS Ratify New Contract with Rite Aid



Northern California Rite Aid workers, like Local 5 members Sang Kester, Candy Ahrens, Casey Edwards and Jennifer Oliveros at the store in McKinleyville, Calif., ratified a new contract with their company.

This past week, around 3,500 members of Locals 5 and 8GS ratified a new contract with their employer, Rite Aid by an overwhelming vote.

The new contract includes across-the-board wage increases and a ratification bonus, as well as preserving the members' pension and health care benefits.

This three year contract was ratified by a mail-in ballot and is the result of the hard work by negotiating committees with members from both locals. **OP**

Starting this Labor Day, Let's Make Job Creation a Priority

UFCW International President Joe Hansen marked Labor Day 2011 with a message for politicians that it's time to end the political fights and get down to work creating good jobs that Americans can rely on.

"It is time to make job creation—good jobs with benefits that can support a family—a priority over a politically manufactured debt crisis," said Hansen. "If the national conversation continues to be manipulated by those who put their own interests

ahead of the poor and middle class, our country will never fully recover from this downward economic spiral. It is time to think big."

To read all of President Hansen's Labor Day message, visit the UFCW blog at www.UFCWblog.com. **OP**

Local 23 Kroger Members Stand Together for a Fair Contract



Local 23 Kroger members thanked their customers for support during their on-going contract negotiations.

Thousands of UFCW members across the country marked Labor Day 2011 with parades and celebrations, but members of Local 23 in Ohio and West Virginia took action in the true spirit of the holiday. More than 100 Kroger workers visited their stores in Wierton, W. Va. and Steubenville, Ohio to stand together for a good contract and to thank their customers for support in contract negotiations.

More than 1,000 affected Local 23 members rejected Kroger's contract offer in August and have been standing together since for a good contract that lets them support their families. **OP**

UFCW Reaches Agreement to Ensure Cargill Workers Get Paid What They've Earned



UFCW packing and processing locals across the country are working together to ensure that our members get paid what they're owed for their time at work.

Cargill has settled a multi-plant lawsuit and grievances covering all production workers at represented facilities across the country.

The settlement resolves years of efforts by the UFCW and Locals 2, 230, 293, 431 and 540 to ensure that UFCW members who work at Cargill are fully and fairly compensated for their work.

In the food processing and packing industry, workers are required to wear protective equipment and gear to ensure their safety and the safety of the food we eat. Many large employers, like Cargill, tried to avoid paying workers for the time it takes for them to put on and take off that gear. That time, called "donning and doffing," has been the focus of UFCW efforts to ensure that meatpacking and poultry workers are paid for all their work.

UFCW locals have worked together to make sure that all workers in the industry get paid for donning and doffing, and now Cargill workers will see their long-overdue wages. All the locals involved will be working to ensure these Cargill workers receive the compensation they are owed.

Additionally, a similar suit, covering tens of thousands of poultry workers who work for Tyson Foods, is also nearing

a settlement. Keep reading *OnPoint* for more details on the multimillion dollar settlement as they become available. **OP**

NLRB Overturns Dana Decision, Stands with Workers Seeking Voluntary Recognition

The National Labor Relations Board has overruled the Board's 2007 *Dana Corp.* decision, which was designed to undercut the use of voluntary recognition and makes it easier to decertify unions.

In the new decision, (*Lamons Gasket Co.*, 357 NLRB No. 72), a 3-1 NLRB majority held that an employer's voluntary recognition of a union, based on a showing of the union's majority status, bars an election petition for a reasonable period of time.

This "recognition bar" rule was the law for over 40 years until a Bush Board majority issued its controversial *Dana Corp.* ruling. *Dana* established a 45-day window period after voluntary recognition during which a decertification (or rival union) petition could be filed if supported by a 30 percent showing of interest. The 45-day period did not begin until the employer posted an official Board notice advising workers of their right to seek an election to reject the lawfully recognized union. Any collective bargaining agreement negotiated without the *Dana* notice being posted did not receive "contract bar" protection.

The NLRB majority in *Lamons Gasket* found "the approach taken in *Dana* . . . flawed, factually, legally, and as a matter of policy." Concluding that "voluntary recognition has been woven into the very fabric of the [National Labor Relations] Act since its inception," the majority rejected *Dana's* "suspicion of voluntary recognition" as "unwarranted."

The Board defined "reasonable period of time" to mean no less than six months and no more than one year after collective bargaining starts.

The UFCW International Union and its Locals 135, 324, 770, 1167, 1428 and 1442 filed a brief in support of the Board's ruling, which applies retroactively to pending cases. At least one other UFCW case presenting the same issue, involving workers at a Tyson meat plant in Pasco, Washington, is currently pending before the NLRB. For more information on this ruling, contact the UFCW Legal Department. **OP**