

BUSMHR 3200 Notes Part 9

Dessler: Chapter 9

- 5 Steps in Forming a Union:
 - o *Step 1: Initial Contact*
 - During the initial contact stage, the union determines the employees' interest in organizing and establishes an organizing committee
 - The Union Rep:
 - The representative visits the firm to determine whether enough employees are interested to make a campaign worthwhile. He also identifies employees who would make good leaders in the organizing campaign and calls them together to create an organizing committee
 - Objective is to educate the committee about the benefits of forming a union, the law and procedures involved in forming a local union, and the issues management is likely to raise during a campaign
 - Contact Guidelines:
 - Union must follow certain guidelines when it starts contacting employees.
 - Union organizers can solicit employees for membership as long as it doesn't endanger the performance or safety of the employees.
 - Most of the contact takes place off the job, usually at home or at places near work
 - Labor Relations Consultants:
 - Increasingly influencing the unionization process, with both management and unions using outside advisors
 - An employer's main goal shouldn't be to win representation elections but to avoid them altogether
 - Union Salting
 - A union-organizing tactic by which under-cover union organizers who are employed full time by a union are hired by unwitting employers
 - Placing of union members on nonunion job sites for the purpose of organizing
 - The Web
 - A potent union contact tool
 - Unions can mass e0mail announcements to collective bargaining unit members, and use mass e-mail to reach supporters and government officials for their corporate campaigns
 - o *Step 2: Authorization Cards*
 - The next step in the process to petition the NLRB for the right to hold an election is to show that a sizable number of employees may be interested in being organized.
 - Employees promote their positions and the union claims it can improve working conditions, raise wages, increase benefits, and generally get the workers better deals
 - o *Step 3: The Hearing*
 - The employer may choose not to contest union recognition, in which case no hearing is needed and a consent election is held immediately
 - The employer may choose not to contest the union's right to an election, in which case no hearing is need and the parties can stipulate an election

- The employer may contest the union's right to an election, in which case it can insist on a hearing to determine those issues
 - The bargaining unit is one decision to come out of the hearing; it is the group of employees that the union will be authorized to represent and bargain collectively
 - o *Step 4: The Campaign*
 - The union and employer appeal to employees for their votes
 - The union emphasizes that it will prevent unfairness, set up a grievance/seniority system, and will improve unsatisfactory wages
 - Union strength will give employees a voice in determining wages and working conditions
 - o *Step 5: The Election*
 - The election can be held 30-60 days after the NLRB issues its Decision and Direction of Election.
 - Election is by secret ballot
 - The union becomes the employees' representative if it wins the election, and winning means getting a majority of the votes cast, not a majority of the workers in the bargaining unit
- Good Faith Bargaining
 - o Proposals are matched with counterproposals and that both parties make every reasonable effort to arrive at an arrangement. Neither party is compelled to agree to a proposal.
 - o **When is bargaining not in good faith?**
 - 1. *Proposals and demands*: the NLRB considers the advancement of proposals as a positive factor in determining overall good faith
 - 2. *Withholding information*: The NLRB and courts expect management to furnish usable information on matters such as wages, hours, and other terms of employment that union negotiators request and legitimately require. Failing to do so may reflect bad-faith bargaining.
 - 3. *Dilatory tactics*: the law requires that the parties meet and "confer at reasonable times and intervals." It does not require management to meet at the time and place dictated just by the union. It may be that employers try to delay the meeting to "disrupt a union's bargaining momentum." However, inordinately delaying the meeting or refusing to meet with the other party may reflect bad-faith bargaining.
 - 4. *Unilateral changes in conditions*. This is viewed as strong indication that the employer is not bargaining with the required intent of reaching an agreement.
- Types of Third Party Involvement
 - o *Mediation*:
 - A neutral third party tries to assist the principals in reaching agreement.
 - Usually holds meeting with each party to determine where each stands regarding its position.
 - He or she then uses this information to find common ground
 - Always a go-between and communicates assessments of the likelihood of a strike, the settlement packages available, and the like
 - Does not have the authority to insist on a position or make a concession
 - o *Fact-Finder*

- Studies the issues and makes a public recommendation of what a reasonable settlement ought to be
- o *Arbitration*
 - The most definitive type of third-party intervention because the arbitrator may have the power to decide and dictate settlement terms
 - Can guarantee a solution to impasse
 - *Binding Arbitration*
 - Both parties commit to accepting the arbitrator's award
 - *Nonbinding Arbitration*
 - Both parties do not commit to accepting the arbitrator's award
 - *Interest Arbitration*
 - When labor agreements do not yet exist or when one or both parties are seeking to change the agreement
 - *Rights Arbitration*
 - Really means "contract interpretation arbitration"
 - It usually involves interpreting existing contract terms, for instance, when an employee files a grievance
- Types of Strikes
 - o *Economic Strike*:
 - Results from a failure to agree on the terms of a contract
 - o *Unfair labor practice strikes*:
 - Protest illegal conduct by the employer
 - o *Wildcat Strike*
 - An unauthorized strike occurring during the term of a contract
 - o *Sympathy strike*
 - Occurs when one union strikes in support of the strike of another

RJ Chapter 14:

- What is organizational structure?
 - o Defines how job tasks are formally divided, grouped, and coordinated
 - o Managers need to address six key elements:
 - 1. Work specialization:
 - Describes the degree to which activities in the organization are subdivided into separate jobs
 - Essence is to divide a job into a number of steps, each completed by a separate individual
 - Individuals specialize in doing part of an activity rather than the entirety
 - 2. Departmentalization
 - The grouping of jobs so that common tasks can be coordinated
 - Popular to group activities by functions performed
 - Also grouped by the type of product or service the organization produces
 - 3.Chain of Command
 - An unbroken line of authority that extends from the top of the organization to the lowest echelon and clarifies who reports to whom
 - Authority refers to the rights inherent in a managerial position to give orders and expect them to be obeyed