

IAM Hands On Guide to...

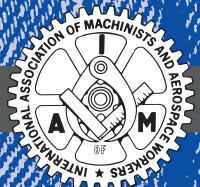
LEADING A SUCCESSFUL STRIKE



IAM

Machinists

A Manual for IAM Representatives and Strike Committees





CONTENTS

Why We've Prepared This Manual **1**

Part I—Pre-Strike Planning **3**

- Expiration Dates
- Building Awareness
- Getting Ready
- Meeting Grand Lodge Requirements
(Constitutional Provisions)
- Getting Your Strike Sanctions
- Role of the Central Labor Body
- Role of Mediation and Conciliation
- Briefing The Members
 - Rules Governing Eligibility and
Payment of Strike Benefits/Penalty
for Crossing Picket Line

Part II—Leadership and Teamwork **9**

**Part III—Committees—Their Purpose,
Membership and Responsibilities** . . . **11**

- The Strike Committee
- The Picket Committee
- The Strike Finance Committee
- The Community Services Committee
- The Kitchen Committee
- The Public Relations Committee

**Part IV—Keeping in Contact With Your
Members and the Public** **21**

- Unions and the Media
- Working with the Press
- Preparing News Releases
- Radio and Television
- Websites and Email Lists
- Telephone Hot Line
- Letters-to-the-Editor
- Handbills
- Strike Meetings
- Overall Coordination and Direction
- Resources

Part V—Getting and Protecting Benefits **25**

- Employer-Insured Benefits
- COBRA
- IAM Employment Services Department
- Unemployment Insurance
- Public Assistance Programs
- Aid to Families with Dependent Children of
Unemployed Parents
- Medical Assistance (Medicaid)

**Part VI—Strike Settlement
Contract Language** **27**

Part VII—Strikes and the Law **29**

- Unfair Labor Practice Strikes and Economic Strikes
- Protected and Unprotected Strikes
- The Law of Picketing
- Improper Conduct of a Member
- Penalties for Unlawful Picketing
- In-Plant Strategies

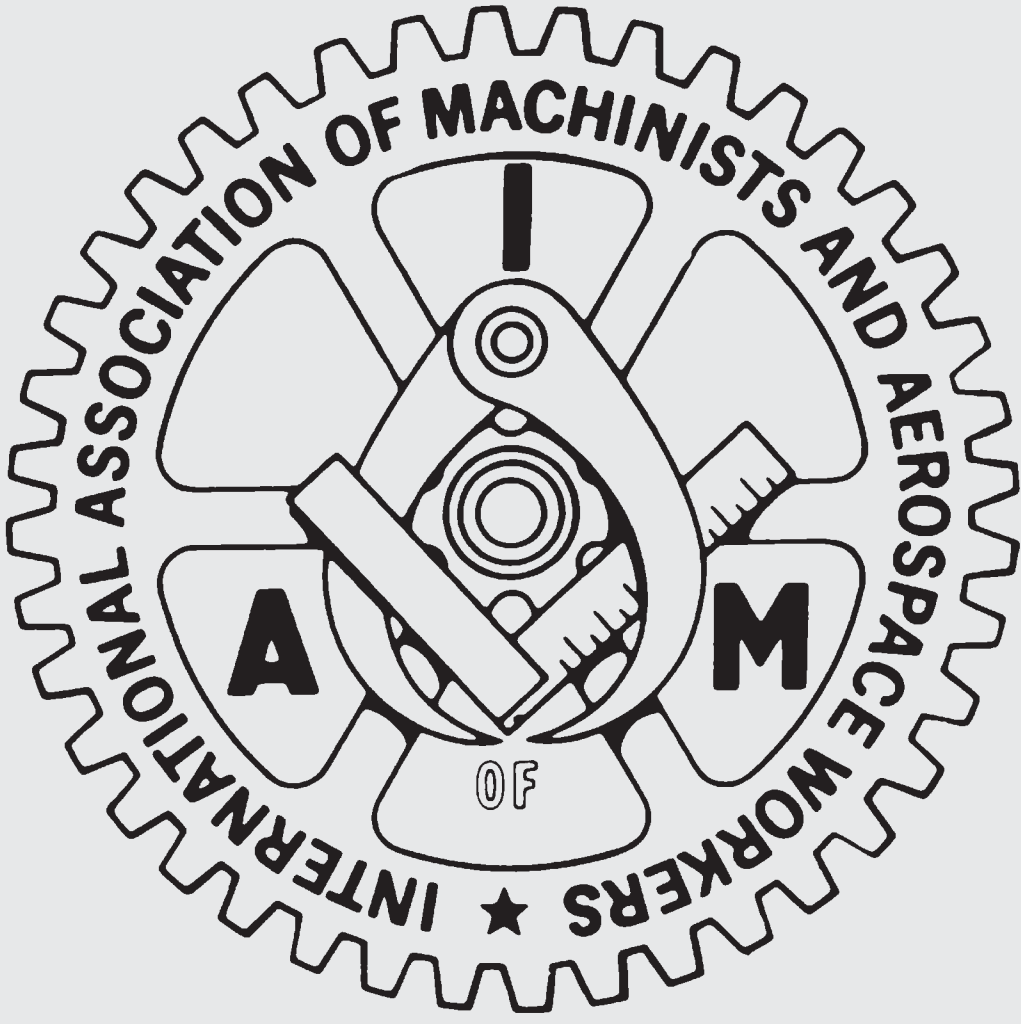
**Part VIII—Strikes Under the
Railway Labor Act** **33**

**Part IX—Legal Principles Governing Strikes in
Canada** **35**

- Picketing
- Employment Insurance Benefits

Appendices

- A. Web Resources** **37**
- B. Sample Bargaining Timeline** **39**
- C. Sample Bargaining Unit Survey** **40**
- D. Sample “Power Analysis”** **41**
- E. Sample “Termination of
Agreement” Letter** **42**
- F. Official Circular 813 U.S.—
Policy Regarding Strike Sanction** **43**
- G. Official Circular 813 Canada—
Policy Regarding Strike Sanction** **46**
- H. IAM Form MF0024—
Investigation of Grievance Blank** **49**
- I. IAM Form MF0103—
Report of Strike or Lockout** **50**
- J. Official Circular 812 U.S.** **51**
- K. Official Circular 828** **53**
- L. Sample Strike List** **64**
- M. FMCS Form F-7—
Notice to Mediation Agencies** **65**
- N. Regional Offices of the Federal
Mediation and Conciliation Service** **66**
- O. Picket Line Songs** **67**
- P. Definition of a Scab** **69**
- Q. AFL-CIO Community
Service Representatives** **70**





WHY WE'VE PREPARED THIS MANUAL



Going on strike is one of the most difficult challenges IAM members and their lodge leaders will ever face. About 97% of IAM contracts are negotiated without going on strike. Because they are so infrequent, many lodge leaders are not familiar with the necessary preparations for leading a successful strike.

A key to a successful strike is good leadership. Officers and representatives must know how to (1) plan well in advance of the possible strike date (2) meet governmental and Grand Lodge requirements, (3) organize and maintain orderly yet effective picket lines, (4) administer strike benefits and other forms of aid to members in need, (5) communicate both to the members and the public through good public relations, (6) mobilize support from the rest of the labor movement, (7) deal with emergencies and (8) keep overall control throughout.

This manual will help IAM representatives, local and district lodge officers do these and all of the other things necessary to a successful strike. It is designed to help you comply with government laws and Grand Lodge regulations, use

your strike vote most effectively, get the approval and support of your central labor body, coordinate your public relations, set up your committees and maintain morale from beginning to end.

In providing this manual the Grand Lodge is neither encouraging nor discouraging strikes. The advisability of any particular strike must be decided by the members themselves. IAM local and district lodge leaders must consider the overall economic and political climate in the community, the employer's specific situation and the union's own strengths and weaknesses, including members' resolve to enforce their contract proposals.

Since no two strikes are ever exactly alike, no specific rules can be laid down which will ensure success in every case. However, certain principles, if followed, can increase the chance for success. It is these principles we will explore in these pages.

The methods and procedures you use will be influenced by such factors as your own lodge's size, location, industry and past practice. The situation in a lodge of 50 or 100 members differs from that

in a lodge of 500 or 1000. There are no hard and fast rules to be followed in every instance. Rather, this manual contains practical suggestions and ideas to be used in ways best suited to your own particular situation.

A well run and well administered strike will raise the average member's morale just as surely as a poorly run and badly administered strike will destroy it.

Some Words of Warning

1. Don't rush into a strike without laying a foundation of careful preparation.
2. Don't launch a strike you can't win (a lost strike can erase all the years of hard work that went into the building of the union).
3. Don't strike unless the overwhelming majority of the members understand the issues, are united behind the leadership and are prepared to make whatever sacrifices are necessary to win.





PART I

PRE-STRIKE PLANNING

The leadership should begin preparing for the possibility of a strike at least one year in advance of the contract expiration date. There are many resources available from your Territory, IAM Headquarters and the William W. Winpisinger Education and Technology Center. The key to using them effectively is to plan ahead.

Your Territorial Communications Representative can help you set up a newsletter or web page and help train local officers to deal with the media. Your Territorial Education Representative can help set up a member education program to raise awareness of the union and the issues that may come up in negotiations.

IAM Departments at Headquarters can provide research, bargaining, and other help through

Vlodge.net. For example, a “Bargaining Time Line” is available on the Strategic Resources section of www.vlodge.net (access to [vlodge.net](http://www.vlodge.net) is open to certain local and district lodge officers). Use the timeline to mark key dates and set up a program to both negotiate a contract and prepare for a strike. Many Departments, however, cannot provide services if your lodge requests them at the last minute. Work with your Business Representative to request services from headquarters well in advance of your negotiation expiration date.

The William W. Winpisinger Center is a tremendous resource. The Center offers classes such as Leadership courses for beginning officers and activists, advanced collective bargaining courses, and several classes for setting up newsletters and websites. Your lodge should plan on sending class par-

The leadership should begin preparing for the possibility of a strike at least one year in advance of the contract expiration date.

ticipants at least one year before negotiations begin (course schedules and descriptions are available at <http://winpisinger.iamaw.org>).

Expiration Dates

A good start in strike preparation is in the previous contract negotiation. Whenever possible, negotiating committees should try to establish expiration dates that are most strategically advantageous in terms of (1) the availability of temporary jobs in the area, (2) the employer's own need to meet seasonal upswings and/or (3) coordinating bargaining with that of other IAM locals and other unions (In most Canadian provinces the laws governing labor-management relations require unions to go through a conciliation procedure before a strike is legal. This makes it difficult to target a specific strike date.)

Building Awareness

Don't wait until the last minute to communicate with your members and the public. At least one year out from the contract expiration date, start a membership awareness program to prepare your members and your community for





upcoming negotiations. You should plan an education program about key contract issues, urge members to start setting aside extra savings and make sure your steward network and communication programs are effective. The IAM Strategic Resources Department can assist you with membership surveys to help you evaluate what contract issues are most important to your members.

Community support is crucial to any strike. As you build your communication and education program for your local, include activities such as rallies, visits to elected officials and letters-to-the-editor campaigns that will educate the public about your upcoming negotiations. Your job is to educate the community about how important good union jobs are to their economic health. This will build support for your members during negotiations and during a strike if that occurs. You should establish early relations with your local press, community activists and other labor organizations.

Keeping Important Records

Information is power, so start early to collect what you may need later. Be aware of deadlines for key document requests from the company and follow up on those requests. The document requests you make well before negotiations begin could play a big role in avoiding a strike later. Keep records of bargaining proposals and discussions at or away from the table. Be on the lookout for unfair labor practices before, during and after negotiations, and get witness statements as unfair labor practices happen. Keep a file of all company postings and other employee communications. See Appendix B for a time line of important document requests and the types of records to keep. Sample information requests are available on www.vlodge.net.

Getting Ready

An old saying about strikes is that anyone can take members out

on strike, the hard part is getting back to work with a good agreement. Months before you decide to ask for strike sanction you should do a thorough “power analysis” of your lodge’s strengths and weaknesses versus the company’s. That way, you will have a clear idea of your chances to win a strike and have time to improve your position if it looks like a strike won’t be successful. See Appendix D for a sample “power analysis.”

As the expiration date gets nearer, start lining up members who will serve on committees, launch your public relations campaign, make progress reports to the members and administer the strike vote required by the IAM Constitution.

If negotiations lead to a settlement you need go no further. But if they reach an impasse you will not be caught with too much to be done at the last minute. By planning carefully, you may persuade management to accept your proposals because your members will be better prepared should a strike become necessary.

Meeting Grand Lodge Requirements

The Grand Lodge has a stake in any strike called by a local lodge. If the strike is sanctioned, weekly benefits will be paid from the Grand Lodge strike fund as long as the fund is above constitutionally prescribed levels. In some cases the Grand Lodge will assign GLRs or other staff members to work with local or district lodge officers in the day-to-day administration of a strike.

To assure that all legal and IAM Constitutional requirements are met, the Grand Lodge requires that specific steps be taken before strike sanctions are granted. The rules governing the granting of strike





sanctions, how strike votes must be taken, handling of forms and reports, payment of Grand Lodge strike benefits, issuance of strike stamps and other related matters are set forth in detail in Article XVI Sections 1 through 10 of the IAM Constitution and in Official Circular 813.

Representatives and local and district lodge officers are advised to review these materials carefully whenever preparations for a strike are about to begin.

Pay particular attention to Section 2 of Article XVI which outlines the rules which must be followed in order to secure the sanction of the Grand Lodge. Remember that: (1) the strike vote must be by secret ballot, (2) the vote must carry by a two-thirds majority of those present and voting, and (3) at least 30% of the members involved must be in attendance when a strike vote is taken. (This latter requirement is not specified in the Constitution, but is an administrative policy designed to ensure proper representation at the meeting at which a strike is voted.)

Also note that, as set forth in Official Circular 813, when a strike vote fails to carry by the required 2/3 majority, the rejected collective bargaining agreement will be accepted. This is because without

To assure that your members will receive benefits without undue delay, take your first strike vote well in advance of the time you actually expect a strike.

the necessary membership support for a strike, our negotiators have no strength from which to insist on our bargaining demands.

Getting Your Strike Sanctions

Before a strike will be sanctioned copies of your current agreement

plus a Form SRF-5 must be on file both at Grand Lodge and in the office of the GVP in whose jurisdiction the dispute falls. The representative assigned to handle negotiations is responsible for completing and filing two notices that are required by law: (1) the 60-day notice to the employer to terminate the bargaining agreement and (2)

the 30-day notice to the Federal and/or State Mediation and Conciliation Service. If the employer is a health care institution, these two periods are extended to 90 days and 60 days. These notices are separate and apart from any notices required by your contract and copies must be filed with Grand Lodge and the appropriate GVP. Failure to give these notices could leave a strike without legal protection and open the union to an injunction or suit for damages. Be certain both of these notices are given in plenty of time. It is a good idea to send the 30-day notice by registered mail to FMCS and any relevant state agency when the 60-day notice is filed with the employer.

The termination procedure in your contract is also important. If your contract has a no-strike clause, you must terminate your contract according to its own provisions before you can strike.

To assure that your members will receive benefits without undue delay, take your first strike vote well in advance of the time you actually expect a strike.

Even when members of a local lodge vote by at least a two-thirds majority to strike an employer, Grand Lodge sanction will not be given (which means strike benefits will not be paid) until you file proper notice with Grand Lodge.

This is done with Form MF0024 (Investigation of





Grievance Blank). This form tells Grand Lodge the essential issues, how many members and what other unions are involved and who has been handling negotiations for both the company and the union. It also certifies that all federally required notices have been filed and that the strike vote was taken in accordance with the provisions of the IAM Constitution. Form MF0024 must be completely filled out, signed by the designated officers of the local and/or district lodge and forwarded to the IP with the seal of the local and/or district lodge affixed. Copies must also be furnished the appropriate GVP.

As provided by Official Circular 813 issued June 1, 2002 all strike sanctions approved by the Executive Council are released to the GVP who has jurisdiction over the lodge making application. Before the GVP releases strike sanctions, certain requirements must be met, such as (a) the directing business representative or Grand Lodge Representative has participated directly in the negotiations and made a full report to the GVP with a request to release sanction; (b) the last results of negotiations have been presented to the membership and have been rejected in a secret vote by a majority of those in attendance at a called meeting where due notice has been served on the membership; and (c) the original strike vote has been reaffirmed by a two-thirds majority with at least 30% of the collective bargaining unit participating.

Before strike benefits can be paid to individual members, the lodge must file Form MF0103 (Report of Strike or Lockout) and also Form MF0104 (Strike List) with the strike desk at Grand Lodge. These forms are furnished by the strike desk directly to the local lodge at the time the strike sanction is released to the appropriate GVP.

Role of the Central Labor Body

IAM lodges are required to affiliate with their state federation and city central body by our Constitution (Article E, Section 6). Such affiliations increase the strength of the labor movement both politically and in the conduct of collective bargaining. The central labor council connection becomes especially valuable during a strike.

Normally your delegates to the central labor body will give notice of an impending strike at the regular monthly meeting. Delegates



should be prepared to report in detail on conditions in the plant, the status of negotiations, why an impasse is likely and the date and time the expected strike will begin. In almost every legal strike, central labor body support will be automatic. Central labor body support has a number of practical advantages. It ensures that other unions will receive official notification and that the issues will be publicized in the central labor body's newspaper. Probably most important it lets the company know that other unions in the community will respect the

integrity of your picket line. In addition, some central labor councils own trailers, stoves, large coffee makers and other equipment which can be lent to affiliates for the duration of a strike. City centrals can also get volunteers from other unions to strengthen your picket lines if needed. They can help smaller lodges in the preparation and distribution of leaflets and picket signs. In some cases they may collect groceries, household commodities or even cash for members who are specially hard hit by the strike.

Role of Mediation and Conciliation

The Federal Mediation and Conciliation Service as well as your own state mediation agency, if any, must be notified within 30 days after you have served the 60-day notice, 90-day notice if it is a health care institution, on the employer if you have not reached an agreement in the interim. Notice to Mediation Agencies and other forms plus regional office contact information are available on the FMCS website at www.fmcs.gov.

Both federal and state mediation agencies seek to prevent strikes by offering their services when they receive notice of an impending dispute. You have the option of accepting either federal or state mediation, or neither. If a breakdown in negotiations threatens or occurs a mediator can sometimes make a significant contribution simply by keeping the parties in communication with one another.

Under no circumstances, however, should you let a mediator do your negotiating for you or pressure you into a settlement that does not reflect the needs of your members. Though the mediation process can help keep negotiations



moving, always keep in mind that the mediator's objective is not yours. The mediator's objective is to get a peaceful settlement. Yours is to get the best possible contract for your members.

Briefing the Members

Before a lodge makes the final decision to strike, the representative in charge of negotiations should thoroughly explain and discuss the final package at a general membership meeting. The members of the negotiating committee should be on hand at this meeting to help answer questions. If, after the proposed contract has been presented, a majority of the members vote to reject it, the next formal order of business is a final strike ballot. However, before this is taken, the leadership should emphasize the seriousness of a decision to strike. A strike is not a Sunday school picnic. If members rush into it recklessly and without adequate preparation, they may lose not only contract gains made in the past, but possibly the union itself.

Here are some of the points to be stressed in a prestrike briefing:

- No strike has ever been won without some degree of sacrifice, financial, physical or psychological.
- The employer will apply many kinds of subtle and overt pressure to undermine the strikers' morale and the union's strength, i.e. orchestrated back-to-work movements, personal letters to employees and their spouses, making movies or photographs of the picket line, setting discharge deadlines, hiring scabs and strike-breakers, or inciting violence.
- Every member will be expected to be available for strike duty of one kind or another, either as pickets or serving on the various committees that will be set up.
- No one can predict how long a strike will last. No member should cast a vote expecting that any strike will be short and sweet.
- Though the union will provide as much assistance as possible, its resources are limited. The

amount of aid given will depend on such factors as the level of reserves in the strike fund, the amount of strike activity in the international as a whole and the financial status of the particular local or district lodge.

Rules Governing Eligibility and Payment of Strike Benefits/Penalty for Crossing Picket Lines

The financial officer should be on hand at any strike vote meeting to explain the following points of law and policy clarifying eligibility and governing payment of strike benefits.

1. No benefits will be paid unless the strike lasts for more than two weeks. Thereafter, benefits start with the beginning of the third week.
2. Striking members who are not entitled to benefits because they lack three months' membership will become eligible as soon as they have been in good standing for three months. (The financial officer should submit the names of such members to the GST as they become eligible, with an explanation and request for strike benefits.)
3. Members on strike must sign the strike record semiweekly (i.e. twice each week).
4. No benefits will be paid members who refuse to provide assistance in connection with the strike.
5. Any arrearages owed by members claiming strike benefits will be deducted from such benefits.
6. Members participating in a sanctioned strike are entitled to receive free strike stamps while

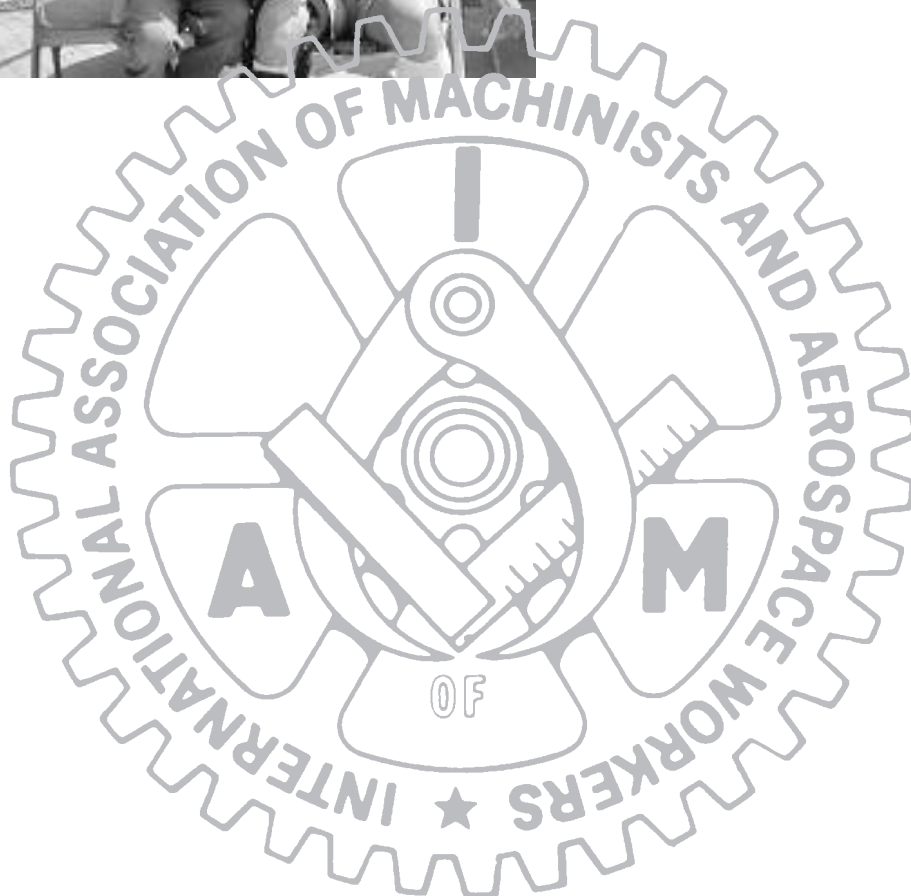




without employment provided they comply with provisions of the IAM Constitution relating to unemployment stamps.

Members who are not returned to work at the end of a strike will be issued strike stamps for not more than three weeks after the strike is settled, provided they are “without employment” and have not been offered the opportunity to return to work. After three weeks such members may be issued unemployment stamps.

7. Members who have paid unemployment dues for the month prior to the month in which the strike begins are not eligible for strike benefits unless it is certified that such members returned to work prior to the strike. Likewise, members on vacation or leave of absence for any reason are not eligible for strike benefits, but can become eligible at the end of such leave or vacation, plus the two-week waiting period, provided they carry out all duties assigned by the strike committee.
8. Article L, Section 3 of the IAM Constitution prohibits members from working in a struck establishment. Members who violate this provision may be subject to court-collectable fines.
9. In non-Right-to-Work states or on federal enclaves where union security agreements are permitted (requiring all bargaining unit employees to pay dues or fees to the union), non-members (including objectors) are eligible for strike benefits if they honor the strike and perform the same duties as members. Non-members may not take part in the strike vote or other votes.





PART II LEADERSHIP AND TEAMWORK



When a lodge goes on strike someone has to make final decisions, set up and oversee the various committees needed, make special assignments, and speak and act for the lodge in dealings with the employer, the press, the public and, if necessary, the police.

In most IAM strikes, leadership is provided by the business representative and the strike committee, which is normally made up of the same individuals who served on the negotiating committee. The business representative and members of the committee who did the negotiating are most familiar with the issues and most likely to have the trust and respect of the membership as a whole.

As leaders, a key responsibility is to plan well in advance to develop strategies and tactics that will be used if a strike is necessary. Leaders should have an overall plan that:

- Defines realistic goals of the strike and ensures the members know what the strike is about.
- Has specific plans and tactics to achieve the strike's goals.
- Ensures the local has the resources (time, money and

people) to implement the plans and tactics.

Our members are putting their jobs on the line, it is imperative that leaders make the necessary preparations to maximize the effectiveness of the strike.

Qualities of Leadership

A leader is an individual who is not afraid of responsibility, who has confidence in his or her own ability, who can direct others and who can follow through to see that assignments are carried out. A leader is usually popular but does not seek popularity as a primary goal.

How to be a Leader

First, realize that others accept you at your own evaluation of yourself. If you believe in yourself others will believe in you.

A leader in the labor movement knows that in *union there is strength*, that a lone individual, like a single twig, can be easily broken. But a group of individuals united by bonds of

union solidarity, like a bundle of twigs, cannot be broken.

Second, don't try to do everything yourself. Learn to delegate duties and get others to take care of details. Develop a spirit of teamwork by seeing that everyone has a job to do and some contribution to make. When you give someone a task be sure they understand its importance to the lodge and the other members.

Third, try to give credit as often as you can to as many members as possible. Avoid saying "I" whenever you can possibly say "we." When people want to brag they say "I." But when they want to give credit and thus strengthen a spirit of teamwork they say "we."

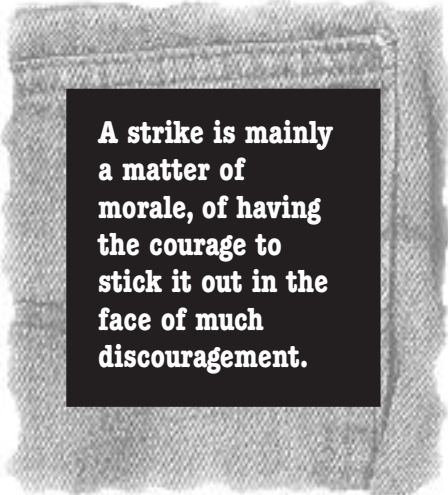
A leader is an individual who is not afraid of responsibility, who has confidence in his or her own ability, who can direct others and who can follow through to see that assignments are carried out.



Fourth, maintain high visibility. If the members entrust you with the responsibility of leading their strike, you should repay that trust by staying with it in every waking hour. If you are not on the picket line or at strike headquarters the members should know that you are engaged in some other strike-related activity. A strike is mainly a matter of morale, of having the courage to stick it out in the face of much discouragement. The more members see their leaders at their side, the more they will be reassured. Be certain that heads of the various committees know how

to get in contact with you at all times. But above all, remember, move around. Let yourself be seen by as many of the striking members as often as possible.

Fifth, show confidence at all times. Even if you're worried and concerned, don't reveal it. Emphasize the positive and the upbeat throughout the strike. An optimistic attitude will go a long way to convince the faltering or fainthearted that where there's a will there's a way. Your confidence will be contagious. And if the employer sees that there's no gloom on the picket line, the strike will probably be settled more quickly and more favorably than if reports come back that the strikers are discouraged and dispirited.



A strike is mainly a matter of morale, of having the courage to stick it out in the face of much discouragement.





PART III

COMMITTEES—THEIR PURPOSE, MEMBERSHIP AND RESPONSIBILITIES

The kind and numbers of committees needed will vary from one strike to another. In a small strike one committee would probably have to coordinate the picketing, financing, community assistance, public relations and other functions. But the larger the strike and the more people involved, the more these various functions will have to be divided up and delegated to special committees. Here are some committees that have proven effective in the past:

The Strike Committee

Purpose

A strike committee serves as your overall coordinating center. It must work directly and closely with the business representative or GLR to provide leadership and direction to other committees and to members on the picket line.



Membership

The strike committee is generally made up of those who served on the negotiating committee. It should be representative mixture of the members in the bargaining unit and include people from various departments and shifts. In real life, however, assignments such as these generally fall to members who have been most active, who have proven their interest and concern by regularly attending meetings, serving as officers or executive board members and faithfully performing all the other pick and shovel work of day-to-day trade unionism.

Responsibilities

While the details of picketing, public relations, community aid, financing and other activities are entrusted to special committees, the overall leadership and control, including the power to appoint and remove members of other committees, is entrusted to the strike committee.

For example, though the public relations committee will have responsibility for preparing news releases, informational bulletins and the like, the strike committee will retain the right to give final approval to copy and should han-

... the larger the strike and the more people involved, the more these various functions will have to be divided up and delegated to special committees.

dle all important contacts with the press and public.

One of its pre-strike functions will be to arrange for a strike headquarters preferably within sight of the picket line. This can be a tent, a trailer or a storeroom.

The strike headquarters will be the strike committee's command post. It should be connected to the outside world by telephone. The head of the strike committee or a designated deputy should be on the premises whenever the strike headquarters is open to talk to the press, deal with the police, oversee picketing, provide direction to other committees and do whatever else needs to be done. Strike headquarters should be open during any hours members are assigned to picket duty.



The strike committee will also be responsible for obtaining, numbering and assigning the strike activity cards discussed on page 13.

Responsibilities

The picket committee must be set up and operational at least a week, and preferably two, before any strike actually starts. One of its first duties should be to have picket signs, banners, placards and other visual aids ready for use the instant your picket line goes up. Such signs can be printed commercially by a union printer, but be sure to specify that all work must bear the union "bug." Many lodges prefer to get volunteers from their own membership to make up stenciled or hand-lettered picket signs. This kind of do-it-yourself project helps to

give members a sense of participation and accomplishment. The committee should get together all the materials needed at the union hall and then sign up volunteers to come in at a designated time to make up a supply of signs.

In form and wording picket signs can vary as much as the individuals who carry them. Encourage your members to use their own imagination or ingenuity, saying what's important to them.

The picket committee will also have to:

- Estimate the number of pickets that will be needed and the number of hours or days per week each will have to give to picket duty. Such an estimate can be made by dividing the number of gates and shifts to be covered by the number of members available for picket duty. The more members you have the less time any particular individual will have to spend on the picket line.
- Register and organize members into teams for picket duty. In making up such teams members should be paired on a shift or departmental basis so that those who car pool to work can car pool to the picket line.
- Prepare a list of all members containing names, addresses and phone numbers along with space to record time spent on the picket line, i.e. date and hours.
- Make up schedules ensuring that all gates will be covered at all times during working hours. If circumstances permit a choice, it is usually preferable to schedule an individual for six or eight hours picket duty one day a week rather than three or four hours twice a week.
- Beg, borrow or buy equipment or supplies needed on the picket line such as kerosene stoves (like those used on construction sites) if the strike runs into cold months and have at least enough IAM T-shirts and/or caps to outfit your picket captains. Contact the GST Department at Grand Lodge for availability and current prices of IAM-identifiable apparel.
- Prepare a sufficient supply of instruction sheets to advise each individual (1) when, where and how to report on and off picket



The Picket Committee

Purpose

A picket line has several purposes. It advises the public that a labor dispute exists, discourages scabs and strikebreakers, and gives every member a chance to contribute.

The picket committee is responsible for overall administration of the picket line. This includes organizing and scheduling picket teams, arranging for the equipment and supplies that will be needed and maintaining order on the lines.

Membership

Primarily look to your stewards, who logically belong on the picket committee. They are likely to be active, possess qualities of leadership and have firsthand knowledge of who will serve best together on picket teams and who will make the best picket captains.

The chief steward is a good candidate to chair this committee.

Encourage your members to use their own imagination or ingenuity





Strike Activity Card No. 23

This Card Has Been Issued To

AMOS R. EVANS CC-2345
 (Print Full Name) (Card No.)

For the Week Ending 3-15-20XX

Amos R. Evans
 (Signature of Card Holder)

FOLDS HERE

Date	Activity	Authorized by:
3/9	Picket	<i>Johnson</i>
3/10	Kitchen	<i>Smith</i>
3/11	Kitchen	<i>Smith</i>
3/12	Picket	<i>Johnson</i>
3/13	Radio	<i>Stevenson</i>
3/14	Radio	<i>Stevenson</i>

This card must be turned in each week in exchange for any benefits due.

duty (to ensure proper credit on the picket line); (2) the extent of (and limits on) the legal right to picket (see Page 30); and (3) the importance of maintaining orderly picket lines.

Records of Picket Duty

In all but the largest strikes, your strike headquarters will probably double as picket headquarters. Members should be instructed to report to picket headquarters when going on and off picket duty. The member who chairs the picket committee must be sure that accurate records are kept of such duty. The easiest way to do this is to issue every striking member a new strike activity card each week. This can be a simple inexpensive fold-over, wallet size card (see illustration) which can be printed up

ahead of time. It is a good idea to have such cards made up in a variety of colors with a different color for each week. They should be numbered and assigned by the strike committee.

By requiring this card to be turned in each week in exchange for any benefits due, the financial officer or others assigned to assist in distribution of strike benefit checks can verify that a member performed assigned strike duties. Such a system not only ensures that picketing and other duties are fairly and evenly divided but may also reduce the kind of

personal tensions that rise when some members think they are doing more than their share while others collecting the same benefits and not contributing as much effort.

Morale and Conduct on the Picket Line

In the first days of a strike a certain sense of excitement tends to lend spice to picket duty. But the longer a strike goes on the more monotonous it generally becomes. The picket committee can raise morale by such simple means as (1) arranging for friends to be

together on the picket lines; (2) getting someone who can carry a tune to lead the singing of union songs and (3) ensuring that the kitchen committee makes appropriate food and drink available to the picketers, i.e. hot drinks and soup in the winter, cold drinks in the summer.

While few strikers would disagree with Jack London's famous description of a scab (see Appendix O), you can't let your contempt for strikebreakers degenerate into violence. Newspapers and other media generally need little excuse to picture strikers in the worst possible light. And violence gives them all the excuse they need. Picket captains must be sure all members of their team know that acts or threats of violence will lay both the union and individuals open to legal reprisal. Also, under no circumstances should drugs, liquor or beer be permitted on an IAM picket line.

Some lodges have found that video taping helps to discourage scabs and strikebreakers from crossing our picket lines. A video creates a permanent record that cannot be denied or explained away. If word gets around town that the union is keeping a file of pictures of scabs and strikebreakers fewer tend to come out of the woodwork.





The Strike Finance Committee

Purpose

The strike finance committee makes up an overall budget, solicits donations from whatever sources possible, audits expenditures and helps keep financial records during the course of the strike.

Membership

The strike finance committee should be chaired by your secretary-treasurer. The other committee members should be people who have held positions of fiscal trust in the lodge in the past or who have an interest in working with numbers or an aptitude for keeping accurate records.

Responsibilities

Preparing a Budget. No one knows how much a strike will cost because no one knows how long it will last. However, before any strike starts, the strike finance committee should at least estimate expenses that will be incurred in the initial phases so the members have a basis for authorizing special strike expenditures at the meeting at which the strike vote is approved.

In preparing its overall budget the strike finance committee should

get estimates from each of the other committees on how much they will need to carry out their assigned responsibilities.

Here are examples of the kinds of expenditures the various committees should anticipate:

Strike Committee: rental for strike headquarters, phones, furnishings, printing.

Picket Committee: picket sign materials or printing, kerosene stoves, fuel.

Kitchen Committee: cooking items, paper plates and cups, coffee, soft drinks.

Public Relations Committee: computer, printer, paper, internet and email access.

By putting these separate estimates together, the strike finance committee will have a rough idea as to how much money the lodge will have to authorize to get picket lines set up and thereafter to finance the strike on a week-to-week basis.

Raising Money. The only way working people can meet the greater economic power of employers is by helping one another in times of need. When you go on strike you will normally have to look for financial aid to supplement the weekly strike benefits paid by Grand Lodge. The first place to look is within the IAM itself. Over the years we have developed a procedure for circulating strike assistance appeals. When you want to ask other IAM lodges for strike donations, you can prepare a solicitation letter. However, it must be approved by Grand

Lodge before being circulated generally throughout the organization. Briefly, such a letter should include the following information:

(1) Location, lodge number and name of company you are striking.

(2) How long the strike has been going on (Note: Usually an appeal is more effective after a strike has been in progress for at least five weeks).

(3) Issues, i.e. reasons for strike.

(4) Number of members involved.

(5) Progress of strike (morale).

(6) Reason why assistance is needed (kind of hardships being suffered).

(7) Request for donation.

(8) Appreciation of assistance.

Your proposed letter should end with this paragraph:

“This strike is sanctioned by the Executive Council and all contributions should be made by check or money order, payable to the General Secretary-Treasurer, Machinists Building, 9000 Machinists Place, Upper Marlboro, MD 20772-2687, who in conformity with the Grand Lodge Constitution will acknowledge receipt of same and forward the amount to our lodge.”

Grand Lodge approval of such letters will be given only after approval by your GVP. You can speed up the solicitation process by having the GST make up labels and mail your letters from Grand Lodge. The cost is limited to actual postage plus a nominal charge for the labels.

In addition to a national solicitation such as this, your finance committee can also seek cash and



other donations locally from other lodges in your district, as well as other unions through your city central body and the state labor federation.

The only way working people can meet the greater economic power of employers is by helping one another in times of need.

Payment of Grand Lodge Strike Benefits

Benefit checks from the Grand Lodge strike fund are prepared by the GST's Department and sent to the lodge financial officer for handling and distribution. Each check comes with receipt attached. This receipt as well as the check register must be signed personally by the member for whom the check is made out. Payment may not be made to any other person. The secretary-treasurer must keep careful records according to procedures prescribed by the GST.

All receipts and undelivered checks must be returned to the Grand Lodge along with the strike check dispensation form and certification signed by the president, recording secretary and secretary-treasurer.

For more specific instructions on the proper handling and payment of Grand Lodge strike checks the secretary-treasurer should study the *Financial Officers' Reference Manual*.

The Community Services Committee

Purpose

The purpose of a local lodge community services committee is to see that IAM members get the full benefit of all services they are eligible for from public and private agencies in the community. These services are especially needed when workers are on strike.

However, a community services committee, even more than the other committees set up for a strike, needs a lot of lead time and experience to be fully effective. The Community Services Department at IAM Headquarters (301-967-3433) has a full range of resources to help local lodges organize their community services

committees. Some of those resources, such as classes at the William W. Winpisinger Education and Technology Center, require plenty of lead time for registration and ensuring the class is available when your lodge needs the training. That is why advance planning for a strike is so important.

Membership

A local lodge that already has a standing community services committee when it goes into contract negotiations has a head start on the kind of human problems that come up during a strike. The community services committee members will continue to serve during the strike, but they will need volunteers to help cover phones, make inquiries and otherwise handle the inevitable increase in their work.

Responsibilities

The advantage of having a permanent and fully operational community services committee that has been functioning on a year-round basis is that the groundwork for much that has to be done during a strike is already done.

For example, your community service counselors should complete a training session at the William W. Winpisinger





Whether your community services committee has been operating for years or is set up at the last moment, it has to begin by planning a program of practical assistance for this specific strike.

Educational and Technology Center. The session is a week-long training program to learn about the major social services available in your locality. This training equips them to make referrals and to supply information about location, services, eligibility requirements and application procedures of specific agencies.

If you don't have a standing, year-round community services committee and a strike appears likely, contact the Community Services/Retirees Department at IAM headquarters or your local AFL-CIO community services representative through your central labor body and ask that a special crash-training program be set up. For this you will need volunteers who are not already involved with other strike activities, who are willing to take the course and who have an ability to work with people in a friendly, patient and frank manner. Such a crash course can be held in the union hall and can probably be completed within two or three days. Whether your community services committee has been operating for years or is set up at the last moment, it has to begin by planning a program of practical assistance for this specific strike.

Your committee should:

- Develop an up-to-date directory, including addresses, telephone numbers and names of persons to contact at all social and welfare agencies in the community and surrounding areas, noting the kinds of specialized aid available through each. The Community Services/Retirees Department or your local AFL-CIO community service representative can probably furnish or help compile such a directory.

- Determine beforehand individual and family eligibility requirements and the kinds of documents that will be needed to apply for welfare, food stamps, aid-to-dependent children, Medicaid, and other kinds of public or private assistance.

- Collect information on state job services, i.e. location of offices, hours, services offered. Such agencies are usually listed in the white pages of the telephone directory (see Employment Security or Employment Service under the

general heading for your state government). The 2,500 public employment offices located throughout the country offer a wide variety of services including referral to the kind of temporary, part-time or short-time jobs that may help your members get through a strike.

Helping the Hard Cases

Over the years the AFL-CIO's community service representatives have found that most working families do not have too much trouble getting through the first three or four weeks of a strike. However, in every lodge there will be some who will need help almost from the beginning because of special problems such as sickness, large family, lack of savings, or heavy debt load.

To be in a position to provide timely help to these hard cases your community services committee will need (1) work space in the local or district lodge office with some place for private and confidential interviewing; (2) separate

Union Counselor Referral Form

Date: _____

To: _____
(Name of Agency)

Address: _____

THIS WILL INTRODUCE:

_____ (Name of Person Being Referred)

_____ (Street and Number)

_____ (City, Town or Village)

REASON FOR REFERRAL:

_____ (Counselor)



telephone line if possible or an extension if not; (3) as much of a special assistance fund as can reasonably be provided out of the lodge's emergency fund or collected through the special solicitations and appeals discussed above. Such a fund must be used sparingly and strictly for truly exceptional hardship cases.

Working With Social Agencies

As early as possible the head of your community services committee should try to get in touch with representatives of the various community agencies to whom your members will be turning for help during the strike. It is best to do this at a single meeting. But it is probably more realistic to plan on having individual members of your committee meet with representatives of public and private agencies at various times and places. The purpose of this preliminary contract is to (1) explain the issues and reasons for the strike (2) find out the kinds of help available and (3) clarify such details as eligibility requirements, office hours, how to apply and who to contact. Your CSC chairperson can, for example, delegate one member to meet with officials of the welfare or public assistance department, another with the Family Service Society or Red Cross and still another with the Salvation Army or Catholic Charities.

In making referrals it will help your counselors to have standardized forms. The form shown at left, to be given members at the time of referral, is merely suggested. Your committee should design a form that best meets its needs.

If your community services committee is newly formed or hasn't been active and the members are uncertain who to contact or how to get in touch with these

agencies, advise them to make the necessary arrangements through the local AFL-CIO community services staff representative.

Some Practical Problems and Suggested Solutions

Overdue Bills. Advise members to get in touch with creditors before they are delinquent. In most cases creditors prefer not to go through the legal hassle involved in a repossession. This is especially true if the debtor has had a good credit record in the past and if assurances are made that payments will resume when the strike is over.

Automobile Payments. This is the exception to the above rule. A car can be repossessed off the street with little or no problem.

Mortgages. Under HUD-approved relief provisions for FHA mortgages, lenders can agree to a special forbearance which reduces or suspends payments for up to 18 months. Similar provisions apply to VA loans. Both HUD and VA regional offices accept complaints about lenders who refuse appropriate relief. Members with conventional mortgages should explain the situation to their bankers and try to work out some solution such as temporary suspension, reduction or stretching out payments. Members should be warned, however, to contact their mortgage holder before payment becomes due.

Renters. Urge members to work out some kind of accommodation with the landlord before they get in arrears. If this doesn't work, put members threatened with eviction in touch with the local public housing authority.

Utilities. Advise members that if they get notice of a service shut-off, they should go immediately to the utility company's credit office



and explain the situation. Don't wait for a second notice. Most utilities will take partial payment or allow the arrears to be spread over several months. Some states prohibit power cutoffs under certain conditions such as in the dead of winter or in homes inhabited by aged persons or infants. Check the law in your state.

Installments. Many members have revolving accounts at department stores under which it is possible to pay only a minimum amount each month. However, they should realize that this may be costing 18% or more in annual interest. Any time a strike appears likely, union members should be strongly advised not to take on any new debts or buy on the installment plan.



Union Plus Program: to help with overdue bills during a strike, you should publicize the AFL-CIO Union Plus program. Many of the programs, such as the home mortgage credit card services, offer an option to delay payments during a strike without incurring a penalty (www.unionplus.com).

The Kitchen Committee

Purpose

In strikes in which it is determined that a kitchen committee is needed, it can help to strengthen morale by preparing or arranging for hot coffee and other refreshments to be available to pickets and others carrying out strike duties.

Membership

In the planning stages you can put out a call for volunteers, stressing the need for anyone with special skill or experience in the preparation or distribution of food.

Responsibilities

At the very least this committee will be expected to see that pickets get hot coffee, soft drinks or other appropriate refreshments during each tour of duty. If the lodge or district doesn't have a large coffee urn, the committee

may be able to scrounge one from the central labor council or another union or even a fraternal order to which some of your members may belong. Prior to the beginning of the strike the members of the committee

should meet to estimate how much they will need weekly from the strike finance committee for paper cups, coffee, creamer and other supplies.

The Public Relations Committee

Purpose

The purpose of the public relations committee is to increase understanding of the union and its goals by the media, the public and above all the members and their families. This committee contributes to morale by keeping members informed and presenting the union and the issues in the best possible light.

Membership

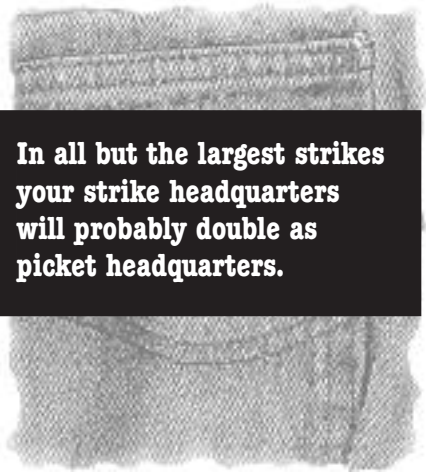
If you have a newspaper, newsletter or website in your lodge, the editor or web steward is the logical person to chair your public relations committee. Other members should include the lodge Communicator and those who are known to be articulate or have a talent for the written or spoken word or have had some experience or taken courses in public relations, public speaking or communications.

Responsibilities

The public relations committee's biggest responsibility is making sure the union's message gets heard by the local media and IAM members. In most cities and towns in which our members work and live, the media tends to be biased in favor of employers. That's because the owners of newspapers and radio and television stations are employers themselves. Many local officers have had a bad experience with the media in the past and have stopped dealing with them.

That is not a reason to give up and stop talking to them. Our job as union leaders is to learn from our bad experiences and keep trying to get our message out to the press (to learn what to do about being misquoted and other poor treatment from the media, order "What to Do When You Get Burned by the Press" from the IAM Communications Department (301-967-4520).

Although some media outlets are outright anti-union, most of them are simply unfamiliar with who unions are and what they do. If you spend time preparing fact sheets, providing background information about how negotiations work, your overall goals, who we are and what



In all but the largest strikes your strike headquarters will probably double as picket headquarters.



we do, you can minimize bad experiences with the media.

Media Preparations:

- Get in touch with local radio and TV stations and newspapers. Find out who you can call when you want to provide information. Give them the name of a specific person in the union to contact when they want a story or clarification. Also find out the deadline set for delivery of press releases. A comprehensive list of media outlets in your area is available on the IAM's website, www.goiam.org. Click on the "Action Alerts and Advocacy" tab and then the "Legislative Action Center." Click on the "Guide to Media," enter your zip code and you will get a list of radio and television stations and newspapers in your area.

- Prepare a pre-strike press release and fact sheet emphasizing that the members have voted by an overwhelming margin to strike in pursuit of stated objectives. Such a release should explain why the members feel so strongly about such objectives. For example, if job security is your top issue, include a quote by the business representative or the local lodge

president citing why this is a top issue for your members and the effects layoffs or plant closings are having on the community.

The business representative and/or lodge officers may also want a letter sent to the homes of all members involved in the strike. This is for the special benefit of those who may not have attended the strike-vote meeting as well as husbands or wives of those who will be walking the picket line. Such a letter should explain the issues, the employer's attitude, what will be expected of the members, the importance of solidarity, where to report or call for picket duty assignments, and, very briefly, the ways in which the lodge or district will try to help families that encounter special problems.

Some Principles of Good Public Relations

• Speak With One Voice.

Though members of the public relations committee will be responsible for preparing materials for distribution to the press and public, the business representative or strike committee should clearly specify beforehand who is authorized to speak officially on the union's behalf. This means that if a reporter calls strike headquarters and asks what progress is being made, he should be referred to the designated spokesperson. Under no circumstances should an individual who works in the union's office or even the editor of the lodge newspaper take it upon themselves to give the press a story. All public statements and contacts, whether in the printed or electronic media, should be made by the representative in charge or his or her

designee. All releases should be made in that person's name, i.e. "Cal Calipers, business representative of Machinists Lodge 5000, said today..."

- **Accentuate The Positive.** In all communications and releases stress that benefits gained through the strike will be shared with the community as a whole. For example better wages mean more purchasing power and thus more profits for stores, restaurants and other businesses. Better medical coverage means healthier citizens and fewer welfare cases as a result of medical bankruptcy. More leisure, whether in the form of fewer hours per week or earlier retirement, means a citizenry with more time to be better informed and to participate more fully in the cultural and educational life of the community.

- **Look For The Unusual.** The public relations committee must try to keep the morale of the membership as high as possible. One way to do this is to introduce some variety and spice on the picket line by coming up with attention-getting gimmicks. If you are striking a large plant, for example, where hundreds of cars normally pass through the gates, you'd be surprised at how much of a traffic jam you can create by parading around with a baby elephant or some equally exotic animal decked out in a picket sign. Think up some themes for picketing such as special costumes for special holidays. Maybe put some of your younger or more agile members on roller skates. Or pass out lots of large brightly-colored balloons with pro-union messages.

- **Follow Through.** Don't assume that a single press release at the beginning of a strike is sufficient to get your story across. Follow through at least once a





week with some kind of progress report to local newspapers and radio stations, as for example “With the strike at Acme Widget entering its third week IAM Business Representative Cal Calipers reports that morale is higher than ever as members of Machinists Lodge 5000 begin collecting weekly strike benefits from their international.”

Above all keep in touch with your own members by issuing periodic strike bulletins and updating your lodge website to let them and their spouses know what’s happening.

• **Counteract Company Propaganda.** At some point management will undoubtedly try to decimate and demoralize the union by initiating a “back to work” movement. This is usually signaled either by letters that are sent “personally” to each of the members at their home or by having their immediate supervisors call individually. Such letters or phone calls may start out in a very friendly way. They’ll remind the workers of how much the company has always loved them, but they usually end up threatening that those who do not report to work by a specified time will be permanently replaced. Or they may state their

intention to close or move the plant if the strike continues.

This will be a crucial time. The public relations committee, in concert with the business representative and strike committee, should be prepared with a previously decided strategy for combating such a back-to-work movement.

Try to reach all of the members as rapidly as possible through a variety of ways: Mass meetings, handbills, strike bulletins on the picket lines, mailings to each member’s home, a telephone hot line or a website.

Websites are an invaluable tool during strikes because information can be posted quickly and it is available to your members immediately. They can access the site from home and do not have to travel to the local hall or wait for a mailing. In all of your communications and contacts stress the following facts:

(1) That the company’s scare tactics are as old as the hills;

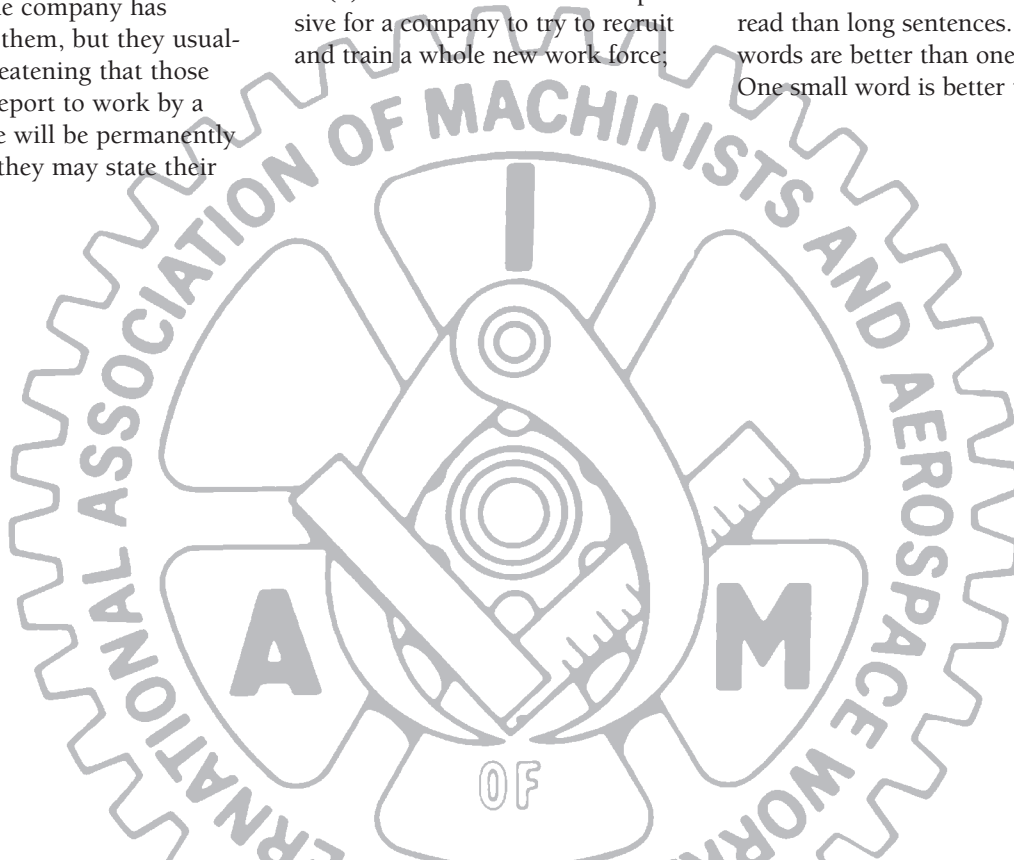
(2) That it is difficult and expensive for a company to try to recruit and train a whole new work force;

(3) That their real purpose is to break the union so that they can go back to open shop conditions; and

(4) That if these threats don’t work they may begin negotiating in good faith toward a settlement that is fair to both sides.

• **Keep It Simple.** In this age of electronic media, the skills needed for communicating in writing have been somewhat neglected. As a result, many people are shy about trying to put their thoughts on paper. However, you don’t have to be a pro to draft the kind of letters, releases, handbills, and other written materials needed during a strike. Your object is not to write great literature, but rather to convey information that will get your message across to the members, to the employer, to the press and the public. This means you need not concern yourself with a lot of fancy words or phrases.

When you sit down to write, keep in mind that small words are easier to understand than big words. Short sentences are easier to read than long sentences. Two small words are better than one big one. One small word is better than two.





PART IV

KEEPING IN CONTACT WITH YOUR MEMBERS AND THE PUBLIC

Unions and the Media

Too often in the past, the idea of contacting and dealing with the press or members of the news media raised a red flag before union representatives. This caution is understandable.

Newspapers, television and radio stations are big businesses owned and operated by corporations for a profit. Their owners work with, meet with and sell advertising to other corporate executives in your community.

So it is easy for unions to get bad press. But it is also possible to get good press by getting to know working newsmen and women. Although the news media is big business-dominated, the reporters

and TV and radio newscasters are workers just like us. In most large cities reporters and photographers belong to the AFL-CIO affiliated Newspaper Guild. TV and radio people belong to AFTRA, IATSE, AGVA or other radio and television unions. They are our union brothers and sisters. They send delegates to our state and local central body meetings. Make it a point to get to know the Guild and AFTRA delegates. They can tell you a lot of the tricks of getting around the management system to get stories you want in the papers and on the air.

Working with the Press

One of the basic rules of negotiations is that we avoid negotiating in the media. But there is a fundamental difference between not revealing specific proposals and counter-proposals, which we want to avoid,

and talking to the media to get our message out about our overall goals of job security, health care, a fair contract or unfair employer tactics. Speaking to the media on these general issues can

help achieve our goals in negotiations.

A well-prepared media spokesperson that has built relationships with local reporters before the crisis hits can be an effective part of your overall plan to avoid a strike and win one if it becomes necessary.

If you are in one of the major cities in which one or more reporters are assigned full time to the labor beat you should, of course, channel information to the press through them. In most areas, however, if a labor dispute becomes newsworthy, coverage is assigned by the city editor to whatever reporter happens to be on hand at the time. If you do not have your own contact on a newspaper always call the city editor first. Nobody will get mad if you try to interest a reporter in a story that the city editor may have kissed off because he was too busy to listen to your pitch. But you can sour carefully nurtured relationships with reporters if they turn you down and then you go over their heads to the city editor. Early in the strike, or even before, the business representative, local lodge president or head of the public relations committee should personally visit the labor or city editor to set up a personal relationship, answer questions and pave the way for future contacts.

Websites or telephone hot lines are the most effective and immediate ways to keep in touch with your members or other interested persons.



Preparing News Releases

When submitting material for publication remember that the media are not interested in your literary style. If you provide the facts they'll provide the writers.

Here are three good rules for preparing news releases:

- Get the facts straight.
- Spell the names right.
- Tell who, what, when, where and why in your lead sentence.
- Provide reliable contact numbers and be available.

Each of the facts in your lead sentence can be expanded, described and explained at length in the paragraphs that follow, but one of the basic rules of journalism is that the more important the information, the closer it must come to the top of a news story. In other words, put down the facts you want included in the first two or three paragraphs and follow up with less significant information that can be dropped, if necessary, because of space limitations.

Use the "Guide to Media" on www.goiam.org to find contact numbers for the media outlets in your area. Send out your release by fax or email and then follow up with a call to the assignment desk or editor to see if they will cover your story.

Radio and Television

Talk and listener call-in shows on radio are increasingly popular and prevalent throughout the country. You should try to make as much use as you can of these shows to explain the union's position and to

answer attacks by anti-union speakers. Radio and TV stations generally try to avoid offending organized groups in the community, because they have to get their license renewed periodically by the FCC. Any complaints against a station are put in a "public file" which is reviewed when licenses come up for renewal.

Should you want to get your business representative or president on a talk program or request time to respond to a previous attack, the person to contact at a radio or TV station is the program manager. If you are calling in news items ask for the assignment editor at TV stations and the newsroom on radio.

A comprehensive list of media outlets in your area is available on the IAM's website, www.goiam.org.

Example:

350 members of Machinists Union Local 5000 voted overwhelmingly last night to strike at Acme Widget for a job security clause.

Who—350 members of Machinists Local 5000.

What—Voted overwhelmingly to strike.

When—Last night.

Where—At Acme Widget.

Why—For a job security clause.

Click on the "Action Alerts and Advocacy" tab and then the "Legislative Action Center." Click on the "Guide to Media," enter your zip code and you will get a list of radio and television stations and newspapers in your area. Use the list for sending our press releases, getting on talk radio or sending letters to the editor.

Websites and Email Lists

Websites are an invaluable tool to keep members and the community informed about events surrounding a strike. They can be updated at any time and members are free to access the information

when they want. Websites can be used to report late-breaking developments in negotiations, dispel rumors, recruit volunteers for special assignments, announce when and where strike benefit checks will be distributed, scheduled ratification votes, rumor control and a host of other purposes. Keep information about community service resources, continuing medical benefits and other strike related topics posted on your website.





Email lists are a good way to distribute information rapidly. Gather email addresses of your members well before any strike deadline and use them to get union information out at a moment's notice.

Telephone Hot Line

A telephone hot line is another good way to keep members informed. If you decide to use one, advertise the number widely. A separate telephone line in your strike headquarters and an inexpensive answering machine with the ability to change the taped message is all you need. Tape a new message at least every 24 hours. Each message should be no more than 60 seconds long. Even if nothing much seems to be happening you can always find something new to say with just a little imagination. If you leave the same message on day after day, people will

The purpose of a strike meeting is not only to report progress in negotiations, but to reinforce a needed sense of solidarity among the members.

simply stop calling. Give one member of the public relations committee specific responsibility for drafting and recording a message each day. That member should consult with the business representative, the strike committee and the officers about the content of each message before posting it.

Letters-To-The-Editor

Don't neglect the opportunity to reach a large part of the public through letters-to-the-editor or op-ed (or guest editorial) columns. The letters-to-the-editors page is widely read by the public and elected officials and can have the same impact as an advertisement costing thousands of dollars. The most effective letters are from the spouses of strikers who tell why they are willing to sacrifice to support this strike in particular and the union in general. Op-eds should be submitted by an official of the lodge. Contact the IAM Communications Department for help writing Op-ed columns and getting them published (301-967-4520).

Handbills

Handbills passed out to the public by picketers help to explain why you are asking the public, other unions and potential strikebreakers not to violate your picket line.

Handbills can also be used to offset company propaganda or advertising in the press. Unlike radio and television stations, newspapers have no fairness or equal time requirements. They can sell advertising space to the employer and refuse it to the union. They can print long and frequent editorials that are pro-management and refuse to print a letter or ad that's pro-union. That's when handbills are useful. During a major IAM strike some years ago, for example, the local newspaper

dropped one of its regularly syndicated columns because it was sympathetic to the union. The district



had the column printed up in a handbill and teams of members passed it out to thousands of homes in every part of town.

Strike Meetings

In addition to regular monthly or semi-monthly meetings, most local lodges on strike find it boosts morale to get the members together at strike meetings periodically. Such meetings are usually well attended and you may have to arrange for a larger hall than you normally need.

The purpose of a strike meeting is not only to report progress in negotiations, but to reinforce a needed sense of solidarity among the members. In addition to reports by the business representative, the officers and/or the strike committee, you should try to get people from outside the local lodge, such as representatives of the local clergy, community, nearby universities, other organizations and other unions, to come in and express their support. It helps your members to feel they are not isolated and alone. And this is a good way



to find out who your friends are. If you've supported someone for the city council, for example, and he or she "doesn't want to get involved" you may want to reconsider your support in the next election.

Overall Coordination and Direction

Although the various committees set up for a strike will each have certain responsibilities, final authority must be clearly delegated to one person. Most generally this is the business representative who has handled the negotiations leading up to the strike. But as noted

earlier it can be a GLR or the head of the elected negotiating committee which, as also noted, generally becomes the strike committee when negotiations break down.

Members of the strike committee must, of course, work closely with each of the other committees, meeting with them both on a regular basis and in emergencies as needed. At least one mem-

ber of the strike committee should be available at strike headquarters to respond to requests for help or direction from other committees at all times that the picket lines are up. The individuals who chair each of these other committees should have a telephone number to call for emergency advice or assistance when no one is on duty at strike headquarters.

It is especially important that no press releases or statements go out from the public relations committee or anyone else purporting to speak for the lodge without prior approval from the business representative or such other person having authority for overall coordination and direction.

Resources for developing your Communications and Education network:

If your local does not have a website or newsletter, plan to start one at least a year in advance of contract negotiations. The IAM Communications Department holds courses each year on starting a newsletter or website. The Department also has a free Microsite service. This is an easy way of starting a website (contact the Communications Department at 301-967-4520).

Another valuable resource for negotiations and strike planning is your Territorial Communication and Education Representatives. They can help you start a newsletter or website in your local or district or set up an education program to help your members learn about the IAM and the issues being negotiated.



PART V GETTING AND PROTECTING BENEFITS

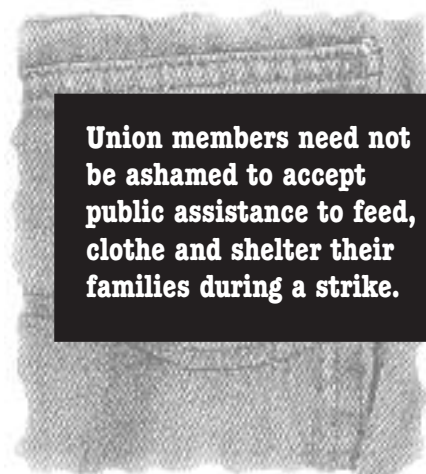
A strike puts tremendous pressure on your members' economic health. Protecting their benefits and finding ways to minimize their hardships is a fundamental responsibility of the union. Using strategies in negotiations to maximize company-provided benefits and setting up a well-trained community service committee is a must in strike planning.

Employer Insured Benefits

Losing health care and other benefit coverage is a major concern for members on strike. When a contract expires the employer has no further obligation to pay premiums on any life or health insurance, pension or other negotiated benefits. However, timing the start of a strike can sometimes increase the time that company-paid benefits stay in effect or delay the first payments to keep benefits intact.

Some employers continue benefit premiums as an investment in employee good will or as a way of signaling that their dispute is with the union, not the employees. However, many employers allow insurance coverages to lapse as one

more way of putting pressure on the work force. In fact, if a pre-strike arrangement for continuation of insurance premiums hasn't been worked out, your members will probably start getting lapse notices within a week or two after



Union members need not be ashamed to accept public assistance to feed, clothe and shelter their families during a strike.

the strike starts. At this point many members will come flocking to the union hall for some kind of reassurance or action on the union's part.

This situation can be handled in a number of ways. The union can seek full payment by the employer with the understanding that some or all of the amount paid in premi-

ums will be deducted from wages when the strike is over. Or it can arrange for individual payment at the group rate, directly to the employer or insurer by members who want to be certain their medical insurance is uninterrupted. Or the business representative or negotiating committee can tell the members to sit tight and assure them that as a condition of settlement, the union will insist on company payment of any claims that may arise during any period an employee's medical insurance was allowed to lapse.

COBRA

The 1986 Combined Omnibus Budget Reconciliation Act (COBRA) is a federal law that provides for the right of each worker, at companies with 20 or more employees, to continue his/her health insurance in the event of layoff, strike or other displacement from the job, at the same cost the employer was paying, plus two percent. Employees have 60 days to elect this option. The Community Services Committee should have available information from the company on how to continue health insurance during a strike under COBRA.

COBRA insurance protection lasts for eighteen months. It may be expensive, depending on family size, even at group rates. But it offers protection to those who otherwise could not get medical insurance, like heart patients, pregnant women and cancer patients.

In the event of the death of an employee who has taken the COBRA option, the spouse has the option to maintain group insurance under COBRA for a period of 36 months.



The IAM Employment Services Department

The IAM Employment Services Department offers several types of independent health insurance including temporary and/or permanent major medical insurance. In some cases this coverage is less



than what continuing coverage under COBRA may cost. For information on the medical insurance program, call 1 888-521-2900 or go to www.goiam.org/employmentservices_fortis/ for more information.

Unemployment Insurance

Most unemployment compensation laws specifically disqualify strikers for the duration of a labor dispute. However in some states and in the railroad industry, strikers can collect unemployment benefits.

Other states have rules that grant benefits if the dispute is termed a lockout. Overall, there is no single law regulating unemployment benefits in every state. Part of your strike planning must be researching how your state unemployment benefits apply to a strike or lockout in your area.

Public Assistance Programs

Some of your members may be reluctant to accept "welfare." But a strike is a fight for economic justice. We must draw on any resource that will help us to hold out against the superior financial

strength of the companies, corporations and conglomerates that employ us.

Union members need not be ashamed to accept public assistance to feed, clothe and shelter their families during a strike. As taxpayers they have paid for such assistance many times over. As citizens they have as much right to benefit from government programs as employers have to receive government subsidies. Moreover, as long as the government provides assistance upon proof of need to the children of convicted and imprisoned criminals, it cannot morally deny equal assistance upon proof of need to children of men and women exercising a constitutional right.

Aid to Families with Dependent Children of Unemployed Parents

This is a federally-authorized public assistance program which provides money payments and social services to certain categories of dependent children and their families found to be needy. States develop and administer their programs within federal guidelines. They set the income level used to define "need." They also determine levels of assistance. To be eligible a family must have at least one dependent child.

Medical Assistance (Medicaid)

If a family is eligible for aid to dependent children it is usually eligible for Medicaid. The Federal Government sets certain minimum standards but levels of eligibility and assistance vary widely from state to state. However, in most states strikers who qualify for Medicaid are eligible for elective surgery, out-patient services, diagnostic work, prescribed drugs, chiropractic services, treatment by optometrists, eyeglasses, contact lenses and other items whose use might be considered optional under normal circumstances. Strikers who might be eligible for even a limited period of time would be foolish not to use such extensive benefits which, like food stamps and benefits paid under the Aid to Families with Dependent Children Program, are tax free.

It is impractical to be more specific about the eligibility requirements and benefits of these various governmental programs. Congress and the state legislatures change them from year to year. So here again, your community services committee will have to look into the details and fine print of such programs in your own particular state.

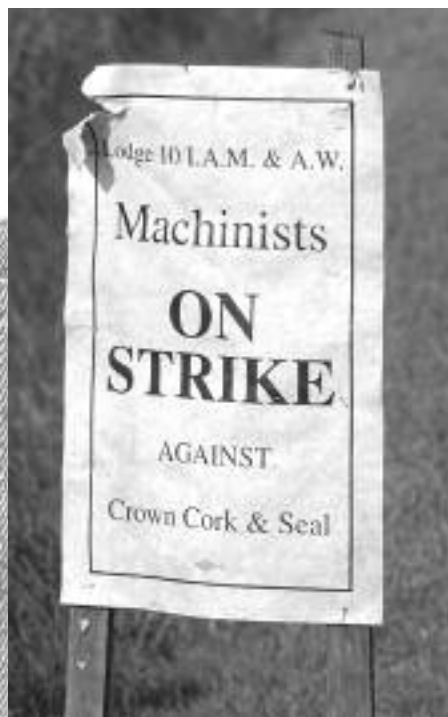


PART VI

STRIKE SETTLEMENT

CONTRACT LANGUAGE

Sooner or later every strike comes to an end and hopefully a good relationship between the employer and the employees is resumed. Although individual resentments may linger on both sides after the picket signs have come down and the employment gates have reopened, management and the union both have a stake in limiting and repairing any permanent damage in the long-term relationship between the company and its employees.



Experience has proven time and again that it is impossible to get the workplace back to normal if grievances growing out of the strike continue to fester once it is over. Thus the formal strike settlement should try to minimize the after effect of any unhappy incidents occurring on the picket line or elsewhere during the strike.

A company that wants to ensure smooth labor-management relations and maximum productivity in the future will, as a matter of good sense, agree to drop any pending or planned lawsuits against the union or individual union members. It will also agree to purge its personnel files of any references to alleged employee misconduct during the strike.

If possible, the settlement agreement should provide for simultaneous return by all striking workers. But if the nature of the operation requires a phasing in of the work force, the agreement should clearly specify that strict seniority will govern all recalls. The company should not be permitted to delay recalling strikers while scabs with less seniority remain on the job. If the plant has been operating during the strike with scabs and strikebreakers, the settlement

should specify that employees who have been working shall be laid off so that all employees can be recalled according to their seniority.

The agreement should also specify that the company will rescind promotions given scabs and strikebreakers during the strike and that future promotions will be made in accordance with governing contract provisions.

Strikers should retain the right to return to the jobs and work stations they had under the old contract. Since some may have had to go to other localities to look for work because of the strike, the settlement agreement must provide for a reasonable grace period in which to report for work after being recalled. The longer the strike lasts the more time employees must be given to report upon receiving notice.

Finally, the settlement agreement should clearly specify that those who missed vacations because of the strike will be given a choice of future vacation days in accord with their seniority rights under the contract.

Sample Clauses

NOTE: The clauses that follow are designed to be most advantageous to the employees. They are what we would ideally like to have in our strike settlement agreement, however, this agreement, like the collective bargaining contract, is subject to negotiation.

1. Employee Rights. All employees now on strike shall have the right to return to the same job, work station and/or department in which they were employed immediately prior to the strike with full seniority and all other rights, privileges and benefits in effect as though the strike had never occurred.



2. **Recalls.** All employees shall be recalled strictly on the basis of length of service, including those currently employed by the company. In order to administer recalls within the meaning of this clause, all such currently employed employees shall be laid off and recalled according to their relative position on the seniority rolls (i.e. length of service) of the total work force. Employees shall have... calendar days after notices of recall have been sent out to report for work or, if sick or otherwise incapacitated, to notify the company of their intention of returning to work.

3. **Personnel Actions.** All promotions, transfers or other changes in personnel assignments of individuals in the bargaining unit made during the strike shall be rescinded and all future promotions, transfers and personnel changes shall be made in accordance with the terms of the collective bargaining contract.

4. **Vacations.** Employees whose vacations would have occurred during the strike shall have the right to reschedule their choice of future paid vacation time in accord with their seniority rights under the contract.

5. **No Recrimination.** The company and the union agree not to take any reprisals or recriminatory actions with respect to any employee's tenure of employment because such employee worked or did not work for the company during the strike. However, the union reserves the right to exercise its own internal procedures, as provided in the IAM Constitution, with respect to such employee's relationship to the union. As used herein "tenure of employment" means the employee's relationship to the company, not the union. "Internal union procedures" means

actions authorized by the IAM Constitution which may affect an employee's right to IAM membership, but which does not affect tenure of employment.

6. **Company Personnel Disciplinary Actions.** The company agrees that it will drop all pending charges and will take no further disciplinary action against any employee because of actions arising out of or related to the strike which are alleged to have occurred on the picket line or elsewhere in the course of the strike. The company further agrees to expunge from individual personnel records any references to allegations of strike-related employee misconduct.

7. **Legal or Administrative Actions.** The company agrees to withdraw judicial or administrative proceedings arising out of any activity related to and occurring during the strike now pending before the courts, the National Labor Relations Board or any state or local agencies against the union, its officers, agents and members.

The company also agrees not to press or prosecute any such proceedings in the future. As used herein "union" shall mean the Grand Lodge of the International Association of Machinists and Aerospace Workers and any of its local or district lodges. (Note that many strike settlement agreements require both the company *and* the union to withdraw any legal or other proceedings arising out of the strike. Agreeing to such language *will* require the union to drop any internal strike-breaking charges.)

8. **Health and Welfare.** [Note: *This clause is applicable only when the employer has discontinued payment of health insurance premiums during the strike.*] The company agrees to refund all insurance premiums which have been paid to it and/or the insurance carrier and shall be responsible for all valid insurance claims which have arisen during any period of time the employee's health and welfare insurance plan was not in effect and which are not payable by the insurance carrier.





PART VII STRIKES AND THE LAW



The overall right to strike is well-established in both statutory and common law. The Clayton Act, passed in 1914, provides that federal courts may not prohibit any individual “whether singly or in concert” from ceasing to perform work. The Norris-LaGuardia Act of 1932 strengthens the right to strike by placing strict limitations on issuance of injunctions by federal courts in labor disputes. However, the most significant and positive protection for strikers is contained in the original Wagner Act. Section 2(3) provides that strikers shall retain their employee status even while on strike.

In brief, strikes are one of the “concerted activities” protected by law. Thus employees who go on strike cannot be fired for that reason alone. However, the level of protection that the law gives to strikers depends on the reasons for the strike, the nature of the strike, and the individual actions of strikers. Understanding these legal distinctions will help you plan your strike, conduct it, and maximize the chances for a successful outcome.

‘Unfair Labor Practice Strikes’ and ‘Economic Strikes’

The legal right for our members to return to their jobs when the strike is over may depend on

whether the strike is an unfair labor practice (ULP) strike or an economic strike. A ULP strike is any strike that is motivated in whole or in part by one or more employer unfair labor practices. When that is the case, strikers are entitled to reinstatement even where the employer has hired strikebreakers to take their place.

Thus, the strike committee should be vigilant in identifying any employer ULPs during the run-up to negotiations, during the negotiations themselves, and in the final days before the strike actually starts. Make sure that any ULPs are a subject of discussion among the members. Consider using notices, handouts, and raising ULPs at meetings. When the strike vote is taken, make sure the discussion covers ULPs in addition to the contract issues. If the employer tries to keep us out when the strike is over, we may need to prove to the National Labor Relations Board that it was a true ULP strike: *i.e.* motivated at least in part by one or more ULPs. Make sure you will be able to produce copies of notices, minutes from meetings and other evidence that the members struck at least in part for that reason.

If a strike does not qualify as a ULP strike (because it was not caused at least in part by an

employer ULP), the law calls it an “economic strike” regardless of whether negotiations broke down over economic or non-economic issues. If a ULP is not a motivating factor, then the employer will have the right to retain strikebreakers as permanent replacements even when the strike is over. Our members will only be entitled to preference in rehiring if jobs become open.

This is a relatively new and very unfair aspect of the law. It used to be that permanently replacing strikers, which we believe is tantamount to firing an employee for exercising his or her right to strike, was almost never utilized by employers. This changed, however, when Ronald Reagan fired the striking air traffic controllers in 1981. Reagan’s action gave many employers the green light they were waiting for, government sanction to break their unions. And, as a result, permanently replacing lawful economic strikers has become vastly more commonplace since that time.

This decreased level of protection for economic strikers does not rule out economic strikes. It does mean that the strike committee should have a reinstatement strategy as part of its strike plan (as it should in every strike). In some cases, the committee may have



good reasons to conclude that an employer will not try to deny reinstatement to our members. In other cases, our jobs may be protected by practical instead of legal reasons, as when an employer would have trouble hiring permanent replacements due to the skilled nature of the work, a tight job market, geography or the season. If the strike committee and the members deliver a strong economic strike, then we should insist on reinstatement rights as part of the strike settlement.

It is possible for an economic strike to be converted to an unfair labor practice strike. This can happen when an employer commits one or more unfair labor practices during a strike and the effect is to prolong the strike. Thus, the strike committee must be just as watchful for ULPs during the strike as before it, and the committee must make any such ULPs into an issue with our members and be prepared to show that they in fact prolonged the strike. If we are successful in converting an economic strike into an unfair labor practice strike, then our members will gain reinstatement rights as a matter of law.

It is also possible for an unfair labor practice strike to be converted to an economic strike. This can happen if the employer abates any and all unfair labor practices and removes any effects they had on employees. In such a case, our staying out on strike would no longer be justified by ULPs, so the strike would continue as an economic strike.

'Protected' and 'Unprotected' Strikes

The law makes an even more fundamental distinction between different types of strike activities. As we noted at the beginning of this section, it is a violation of the National Labor Relations Act for an

employer to terminate an employee for engaging in concerted activity such as a strike. In this sense, strike activity is referred to as "protected" activity, because employees cannot be deprived of their employee status as a result of it.

Over the years, however, various NLRB and court decisions have said that the National Labor Relations Act protects certain kinds of strikes but not others. The Act itself makes no such distinction, but these anti-union decisions have become firmly established in the law. The result is that if the union calls one of these "unprotected" types of strikes, the Act will not protect the employee status of the strikers. Those employees will be subject to termination. Furthermore, the employer may be able to sue the union to recover any lost profits or other economic damage caused by the unprotected strike.

Unprotected strikes include the following:

- "Wildcat" strikes, where employees stop work without warning, stay out for only a short time, and then return. Such strikes are common in Europe and very effective. They are unprotected in the United States.
- "Intermittent" strikes, where employees engage in a pattern of short strikes instead of one continuous strike. The NLRB and the courts have said that two such strikes are enough to constitute a pattern.
- "Partial" strikes, where employees do part of their job but not all of it. This can include a concerted refusal to work overtime unless our contract permits employees to refuse overtime.
- "Sit downs," "slow downs," or obstructing employer premises, which are other ways to conduct wildcat, intermittent or partial strikes.

There can also be risk in striking while a contractual no-strike clause is in effect. The effect of a no-strike clause is to waive the Act's protections for strike activity, so violating such a clause may leave strikers vulnerable to termination. This is not the case, however, if the strike is in response to *serious* ULPs. Such a strike may take place while a no-strike clause is otherwise in effect, and employee status will still be protected.

This leaves two types of strike activity that have the full protection of the National Labor Relations Act:

- Traditional strikes that involve going out and staying out for as long as the strike lasts. In most cases, this will mean that we have one strike. It is possible, however, to have successive protected strikes as long as each new strike is caused by new circumstances. Such new circumstances must be substantial enough to change the positions of the parties. As noted above, successive strikes over substantially the same circumstances will be viewed as an unprotected intermittent strike.
- Grievance/safety strikes that involve spontaneous activity by employees in direct response to a grievance or safety problem. Typically, strikers walk out of the facility and stay out only as long as it takes for the union to get involved. Such strikes must be spontaneous on the part of employees themselves. If a union orchestrates such strikes, they can be viewed as unprotected wildcat or intermittent strikes.

The Law of Picketing

The basic constitutional principle governing picketing was laid down by the Supreme Court in 1940 in what is known as the *Thornhill* case. In striking down an



Alabama law prohibiting all picketing, the Court held that this form of concerted worker action is an expression of free speech entitled to the protection of the Bill of Rights. In the years since, however, the Court has been slowly but surely narrowing this right. Not only may state legislatures outlaw, and courts enjoin, violence or mass picketing, but even peaceful picketing is subject to certain restrictions.

The Court has ruled, for example, that a state may ban picketing which (1) conflicts with public policy (such as stranger picketing); (2) is carried on in a general climate of violence (i.e. window smashing, arson, wrecking cars); or (3) seeks objectives contrary to valid state laws.

Illegal Acts

Just as the Wagner Act gave workers the right to engage in collective bargaining activities, the Taft-Hartley Act created the right to refrain from such activities. It also made it unlawful for unions to “coerce or restrain” employees in exercising such right to refrain. The National Labor Relations Board (NLRB) has interpreted this to mean a union may not engage in picketing which coerces or

restrains employees from working during a strike. This includes picketing that forcibly blocks entries and exits, mass picketing (such as placing 200 or 300 members in a parking lot driveway) or conduct that is violent, threatening or destructive.

Improper Conduct of a Member

Article L Section 3, Line 28 of the IAM Constitution defines improper conduct warranting reprimand, fine, suspension or expulsion as including “Accepting employment in any capacity in an establishment where a strike or lockout exists as recognized under this Constitution, without permission.”

The Supreme Court has upheld the right of a union to fine, suspend or otherwise penalize *members* who cross a picket line because it recognizes that unions have a right to preserve their integrity in times of crises. **Note, however, that before any such charges are pursued, the provisions of Official Circulars 812 and 828 must be carefully reviewed to determine whether they apply to your situation.**

Penalties for Unlawful Picketing

Individuals as well as the union are subject to legal sanctions for unlawful picketing. The NLRB and the courts have consistently refused to order reinstatement of employees who have engaged in acts of violence on picket lines even when the strike was provoked by employer unfair labor practices.

Under the Taft-Hartley Act a worker engaging in *any* unlawful picketing loses reinstatement rights. This penalty is not restricted merely to acts of violence.

Unions that condone or sponsor any of the various types of illegal picketing noted above can be enjoined and, if found in contempt of court, fined. Both the local lodge and the international can also be held liable for damages, including punitive damages, in civil suits brought by employers.

In-Plant Strategies

In addition to the traditional strike, the strike committee should consider certain types of activities that can put pressure on an employer while our members are still working. These activities are known as “in-plant” strategies, and they are useful for building solidarity and for setting the stage for a strike. They can also give us leverage in negotiations even if the decision to strike has not been made or has been rejected.

Successful in-plant strategies include:

- **Wearing union and other solidarity insignias.** Insignias can also be put on personal property, such as tool boxes. Be careful not to give the employer a safety-related objection: i.e. to an oversized or dangling insignia that could arguably get caught in machinery.





- **Doing informational picketing.** Such picketing is best done with leaflets and/or signs that are held, not on sticks. It should be clear that we are not encouraging customers or vendors to avoid the employer at this time, which would be a strike.

- **Holding rallies.** These should be done in non-work areas on non-work time, such as in the parking lot before or after a shift. A more spontaneous and short-term version of a rally might be marching out together after a shift. Another spontaneous demonstration is to make noise (such as blowing whistles or pounding on tool boxes) at a certain time or times. This works best in larger facilities, where singling out anyone for discipline would be obvious retaliation for engaging in concerted activity.

- **Being aggressive in filing and processing grievances.** This shows solidarity and confronts management.

- **Distributing leaflets and fliers.** Such materials are very important for keeping our members informed. They will also fall into the hands of the employer and may be written with that effect in mind.

- **Boycotting non-mandatory company events.** The strike committee might consider holding an event of our own at the same time.

- **Confronting management on non-contract issues.** We can increase our confrontation with management on health and safety problems and on ULPs like retaliation for concerted activity, questioning employees about union sympathies or activity, making unilateral changes in working conditions, or failing to bargain in good faith.

- **Enforcing legal rights.** In addition to confronting management on the issues just mentioned, the strike committee should consider filing complaints with appropriate governmental agencies, such as state or Federal OSHA offices, state or Federal EEO offices, or the NLRB. Remember that NLRB charges must be coordinated through the GLR assigned to NLRB work in the Territorial Office.

- **Enforcing Weingarten rights.** Management may well try to pressure us by handing out more discipline. We should re-educate our members on their Weingarten rights and make sure they invoke them.

- **Communicating with the media.** We will have an important story to tell even if we do not strike.

- **Using political and community connections.** We should always be thinking about how to put pressure on the employer and get the understanding and sympathy of religious groups and community organizations.

We should avoid the following:

- **Defaming the employer.** We should not hesitate to “tell it like it is,” even if the story is critical or even inflammatory. We should not say: (1) anything that we know is untrue, or (2) anything where we are reckless disregarding whether it is true or not. Always have a reasonable basis for what you say.

- **Disparaging the employer's products or services.** Our beef is with the employer, not the products or services that our members produce. Note, however, that we may have a legitimate reason for raising a concern about products or services done by replacement workers if we have a reasonable doubt about the skills, certifications, or experience of such workers.

- **Refusing a direct order.** We should not give the employer an excuse to discipline us. Remember the basic principle of “work now, grieve later.” The exception to this rule is when an employee has a reasonable fear about safety.

- **Threatening supervisors or other employees.** This is not what our union stands for.

- **Being abusive or extremely profane.** The NLRB and the courts understand that labor disputes often produce “heated” speech. We should still avoid the extremes.

At the time this pamphlet is being written, the status of “work to rule” as an in-plant strategy is unclear. “Work to rule” means doing everything strictly according to standards and procedures issued by the company, which has the general effect of slowing down production. One view of “work to rule” is that the employer should not be able to complain if employees do exactly what they are told to do. The other view is that the departure from normal production that “work to rule” is intended to cause is an unprotected slow-down or partial strike. The safest way to get a “work to rule” effect is to strictly follow health and safety requirements that come from governmental agencies, such as state or Federal OSHA. In that case, we are exercising legal rights and obeying legal restrictions.



PART VIII STRIKES AND THE RAILWAY LABOR ACT

Most workers in the railroad and airline industries are governed by the Railway Labor Act (RLA). This law, which is administered by the National Mediation Board (NMB) in Washington, DC, has a substantially different procedure for negotiating collective bargaining agreements.

Workers in each airline or railroad carrier are covered by the same national agreement for their particular craft or class of employment, regardless of the location of their local lodge. Therefore, negotiations and obtaining the legal release to strike are handled by the appropriate District Lodge that represents those workers.

There are no set time limits for negotiating a new agreement under

the RLA. While this makes pre-strike planning more difficult, there are some steps you can take to prepare.

When the district lodge first calls for contract proposals is a good time to start getting ready. That is the time to make sure the lodge has a local newsletter or regularly updated website, start an education campaign about how negotiations take place under the Railway Labor Act and have a functioning Community Services Committee to give members suggestions on starting to save money, how to prepare for a strike, etc.

Closer to end of the negotiating process, there are certain signals, such as asking for a release from mediation, that indicate the end of the negotiations is near. That's



when your local should start making more detailed preparations such as who will serve on the committees outlined in Part III and raise membership awareness about a possible strike.

The final milestone is the release into a 30-day cooling off period. The Mediation Board then sets a specific time and date that the union is legally able to strike. Once the 30-day cooling-off period begins, your local should set up picket schedules, obtain picketing permits from local government or airport authority and ensure your local complies with all requirements to obtain strike benefits in coordination with your district lodge. In most cases, the carrier and the union reach an agreement during the cooling-off period, but your local must be ready to strike at the end of the 30-day cooling off period.

Communications

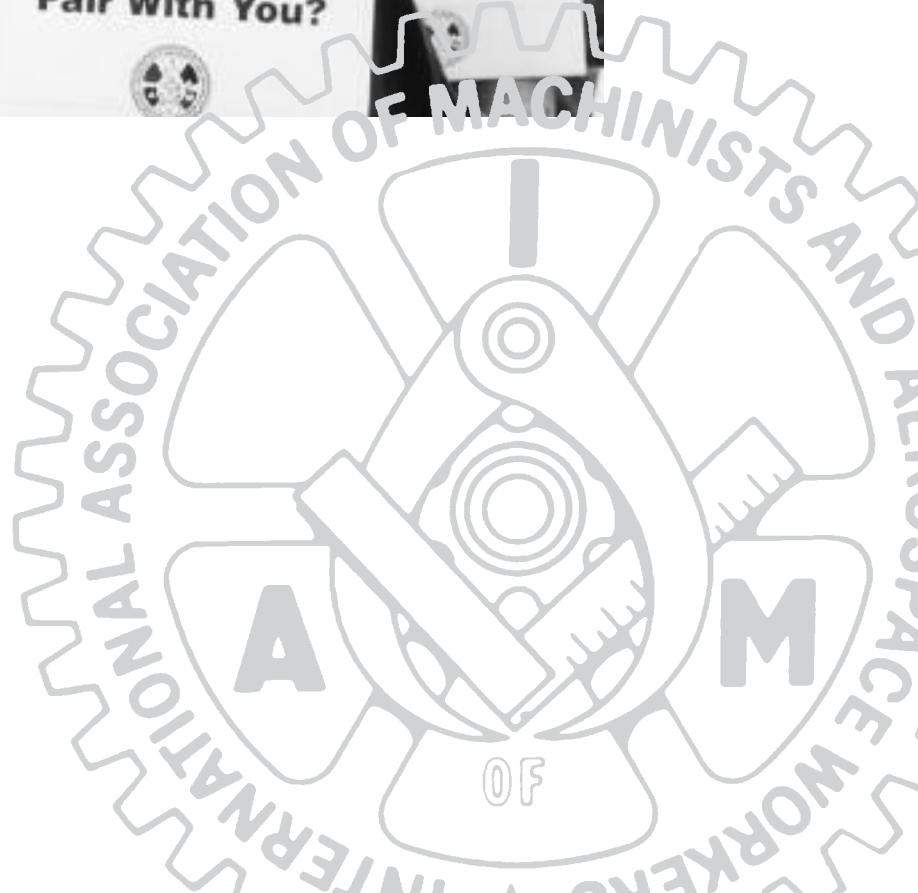
A good communications committee is essential for educating the public and your members about





the issues in negotiations. Your committee, however, must coordinate any handbills, internal communications and any contact with the outside media with your district lodge. Your district and the IAM are responsible for what you print or say. Airlines and railroads are increasingly turning to the

court system and asking for injunctions against the union during negotiations. A seemingly innocent handbill your local produces could subject the entire union to an injunction. It is imperative that you coordinate your communications committee activities with your district lodge.





PART IX

LEGAL PRINCIPLES GOVERNING STRIKES IN CANADA

Canadian labour law, generally speaking, is under the jurisdiction of the provincial legislatures.

Exceptions to this rule are under federal jurisdiction. The federal jurisdiction includes employees involved in any work, undertaking or business within the legislative authority of the Parliament of Canada, including: shipping, railways, canals and telegraphs operating inter-provincial or international services; inter-provincial or international ferries; air transportation; radio and television broadcasting stations; any works or undertakings exclusively within a province but declared by the Parliament of Canada as being “for the general advantage of Canada or for the advantage of two or more of the provinces”; and any works or undertakings outside the exclusive legislative authority of any province.

In all jurisdictions, the general conditions surrounding the taking of a strike vote and calling a legal strike include:

1. The striking union must be recognized or certified as the legal bargaining agency of the employees concerned.
2. The union and employer must make a sincere effort to “bargain in good faith” in an attempt to negotiate an agreement.



3. The union or employer, having failed in a sincere attempt to negotiate a settlement, must then apply to the Minister of Labour for assistance, generally conciliation.

4. If a conciliator or a conciliation board is appointed and no settlement is reached, a strike or lockout is normally legal for a specified time after the conciliator or board reports to the Minister.

5. If the Minister of Labour does not appoint a Conciliation Board, a strike or lockout is legal after a specified length of time.

6. Normally the current collective agreement remains in force, regardless of the nominal duration, until there is a legal right to strike or lockout.

There are substantial differences among jurisdictions in the require-

ments for legal strike, on matters like time limits, notice, and vote requirements (including timing and eligibility), as well as other issues like the (very limited) legal restrictions on scabs. It is essential to study and understand the legal requirements in the relevant jurisdiction, as part of pre-strike preparation.

Picketing

The principle of labour’s right to “peaceful picketing” is seldom disputed in Canada. In fact, sometimes explicitly, and other times indirectly, these rights are sanctioned by various laws. There has, however, been a wide range of



court decisions on what constitutes legal peaceful picketing.

In cases where the employers have sought injunctions against picketing, they have commonly lost their cases where it was shown that the picket line was established for the purpose of being informative only. Conversely, the employers have often obtained injunctions when it was shown that the picketing involved legal wrong-doing, such as nuisance, trespass, assault, intimidation or defamation. "Secondary picketing" of a location not directed involved in the dispute (e.g., at a customer's premises) has been allowed if there is no illegality in the picket activity.

Careful instruction, based on a study of the law, court decisions and local history, is important so that full advantage may be taken of the picket line without unduly jeopardizing the union.

In this, as in other labor matters, a cordial relationship with the municipal council and the local police force is always advantageous.

The mayor of the municipality may help protect the striking union from over-zealous interference by the police. Prior to the

strike, the mayor and chief of police should be visited for the purpose of pledging the cooperation of the union in maintaining peace and good order during the strike. This is particularly effective in smaller cities. In almost all communities, the local police appear more understanding or tolerant towards strikes and strikers than the provincial or federal police. Any strike, therefore, should be conducted in a manner calculated to minimize the chance of outside police interference.

Employment Insurance Benefits

Workers are disqualified from receiving employment insurance benefits if they have lost their employment by reason of a work stoppage due to a labor dispute at their place of work. Employers will try to use these provisions of the law to put pressure on striking workers, by attacking even those workers not directly involved in the strike. Every questionable disqualification should be appealed.

Workers are not disqualified from receiving unemployment benefits for a layoff brought about by a strike if they prove:

(a) That they are not participating in, or financing, or directly interested in the labor dispute that caused the stoppage of work.

(b) That they do not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage is taking place, any of whom are participating in financing or directly interested in the dispute. Unemployed workers are not automatically disqualified from receiving benefits just because they belong to the same union as the strikers and pay dues which go into a common strike fund.

Every questionable disqualification should be investigated. Members should be informed that they may be assisted and represented by their union representatives at any appeal before a board of referees of the Employment Insurance umpire.

Any lodge contemplating strike action should consult with an IAM representative about these matters and the office of the Canadian Vice President should be contacted if any question arises that requires further clarification.





APPENDIX A

Web Resources

The amount of information available to local lodges has grown rapidly with the internet. More information is available faster and easier from Grand Lodge and other sources. Here are several key websites to use when making strike preparations:



IAM Grand Lodge: www.VLodge.net

VLodge.net is a service provided by Grand Lodge that provides information to local and district lodges on a wide variety of subjects, such as a sample bargaining time line; model contract language; resources for your financial officer; Official Circulars and information on services available from the departments at Grand Lodge.

Because of the sensitive nature of information available on V Lodge.net, access is limited to only certain local and district lodge officers. Contact VLodge support at 301-967-3481 for information on eligibility and how to register. Only lodges that have filed their yearly report of officers to the IAM Roster Department will be granted access to V Lodge.net. As part of your pre-strike planning, make sure your local lodge Recording Secretary or appropriate district officer has filed the necessary report to ensure access to V Lodge.net.



IAM Grand Lodge: www.goiam.org

In addition to videos, the latest news, economic data and department information, the IAM's public website contains sections for finding and contacting your elected representatives from the federal, state and local government and a comprehensive list of media outlets in your area.

Each IAM Territory maintains its own section on www.goiam.org which you can access under the "Territories" tab on the home page. Have your business representative or general chairperson contact your Territorial Communications Representative to post information about your negotiations or strike if that happens.



William W. Winpisinger Education and Technology Center: <http://winpisinger.iamaw.org>

Use the IAM Education and Technology Center's class schedule list to plan ahead for training your lodge activists may need for upcoming negotiations and strike preparations. You can use the IAM member-only section to borrow cds, videos and books by mail from the Winpisinger library to use for education campaigns or build solidarity among your members. There is also a comprehensive list of websites and a collaborative learning center for doing research on the companies you are negotiating with.



AFL-CIO **www.aflcio.org**

Use the “Local Union Movements” section under the “All About Unions” tab on the AFL-CIO homepage to find a state-by-state list of local AFL-CIO federations in your area. The site contains a nationwide list of community service resources and trained counselors in your area.

The site also has lots of useful information that many local lodge committees can use for educating members on issues in bargaining and current political events.



The Canadian Labour Congress (CLC) **www.clc-ctc.ca**

The majority of national and international unions in Canada belong to the CLC. It includes 12 provincial and territorial federations and 125 district labour councils, representing 2.5 million unionized workers. The CLC website has Canadian news and information and a list of links and resources.



The Federal Mediation And Conciliation Service **www.fmcs.gov**

Use this official site of the Federal Mediation and Conciliation Service to download or file electronically your legally required notices, such 60-day notices (or 90-day if it is a healthcare institution). Lists of FMCS offices in your area and resources to find a mediator, if necessary, are available on the site.



The Labor Heritage Foundation **www.laborheritage.org**

An AFL-CIO sponsored group that offers art and music resources for building union solidarity among members.



APPENDIX B

Sample Bargaining Timeline

Go to the “Additional Tools” link in the “Negotiating Tools” section of the Strategic Resources Community on Vlodge.net for a “Bargaining Timeline” form. Just fill in the expiration date of your contract and a timeline based on that date will be created. There are other resources available such as a sample information requests to use in negotiations.

Sample Bargaining Timeline				
Company:				
Contract Due Date:		07/31/2006		
	Days Prior to Expiration	Target Due Date	Alternate Due Date	Actual Date
Membership Awareness	365	07/31/2005		
Research Company Financial Info	180	02/01/2006		
Information on Suppliers & Major Customers	120	04/02/2006		
Assess & Build Political & Community Support	120	04/02/2006		
Bargaining Survey & Proposal	120	04/02/2006		
Bargaining Unit Profile-Data Request	120	04/02/2006		
Contract Comparison, Wage Trends & Local Considerations	120	04/02/2006		
Contract Proposals	120	04/02/2006		
Evaluate Strengths & Weakness	90	05/02/2006		
Assess available resources, local considerations	90	05/02/2006		
In-Plant Work Teams, Communications Network & Strike Committee	90	05/02/2006		
Survey Members	75	05/17/2006		
Evaluate Grievances & Language Problems	70	05/22/2006		
Termination of Agreement Letter	60	06/01/2006		
Ratification Meeting & Alternatives	60	06/01/2006		
Proposal Meeting with Membership	45	06/16/2006		
Investigation of Grievance	30	07/01/2006		
Notice to Mediation Agencies	30	07/01/2006		
Issue & Solidarity Campaign	30	07/01/2006		
Contract Ratification & Strike Vote				
Assess Member Satisfaction with Contract			Post Agreement	
Comparison of Settlement with Industry Trends			Post Agreement	
Future Activities (Shareholder resolutions, Support of IAM programs, submit revised contract & ect)			Post Agreement	

Bargaining timeline available on www.vlodge.net in the Strategic Resources Dept. section. Click on the "Additional Tools" link in the Negotiating Tools Box.



APPENDIX C

Sample Bargaining Unit Survey

The IAM Strategic Resources Department can help your local find out what issues are most important to your members through their "Bargaining Unit Survey." Work with your Business Representative and Territorial Vice President to have the Strategic Resources Department prepare and tabulate a survey for your local or district. Request services well in advance.

200X Bargaining Survey for IAM Members Working at XXXXXX

1. How secure do you believe your job is today?
 Very secure Somewhat secure Not secure

2. What shift do you work? (Select only one)
 First Shift Second Shift Third Shift

3. What job category best describes your current work situation? (Select only one)
 Skilled Trades Assembly Tool & Die

We want to know your priorities for negotiations in 200X. While we will try to make improvements in every area, it is important to know which ones are most important to you.

How important is it to make significant improvements in each area listed below:

Scale Definition: NI – Not Important SI – Slightly Important IM – Important VI – Very Important ES - Essential

	NI	SI	IM	VI	ES
4. General wage increases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Reduce time it takes to reach maximum rate of pay.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Add/Improve Cost-of-Living Adjustment clause	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Add/Improve lump sum payments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Add/Improve pension plan	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Add/Improve savings plan.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Add/Improve medical coverage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Add/Improve dental coverage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Add/Improve vision coverage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Add/Improve accident and sickness coverage.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Add/Improve life insurance coverage.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Increase paid holidays	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. More vacation time.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17. Improve sick leave benefits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
18. Increase in paid bereavement, jury, and military time off.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
19. Improve seniority language (i.e. layoff, recall rights, transfers, promotions, & shift preference)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



APPENDIX D

Sample “Power Analysis”

Use this power analysis (only the first page is shown here) to start gathering information about your members, your employer and your strengths and weaknesses well before negotiations begin and a strike deadline nears. The entire analysis is available in the Vodge.net Resource Library under “printable forms.”

Sample Power Analysis

The goal of a power analysis is to determine both the strengths and weakness of the employer and the bargaining unit. This will help you to identify ways you can successfully put pressure on the employer and where the employer might exploit the union’s weaknesses. A power analysis also shows you issues that you need to do further research on, problems that you need to fix, and potential sources of strength that need to be tapped into.

A power analysis is a critical component of designing your strategy since it helps you to determine where, when and how you need to allocate your resources (time, money and people). A power analysis must also be updated as your campaign progresses since strengths and weakness can change as both the employer and the union implement their strategies.

When doing the power analysis, you need to be as realistic as possible so that you get an accurate evaluation. You must describe how things are or have been, not how you wish they were or are. Otherwise, you will be hiding and ignoring problems that need to be addressed.

The following are some of the areas you need to review and investigate as part of your power analysis. There will certainly be additional topics that are unique to your bargaining unit, lodge, community, occupations, industry, and employer that are not included in this list that you should also consider.

The Employer:

- What type of employer is it (government, non-profit, privately-owned, or one that publicly trades its stock)?
- Where does it have operations?
- What types of products and services does it provide?
- Who are its major customers or users?
- Can these customers or users switch to a competitor?
- Where is it unionized?
- Who are its top officers and directors?
- Who are its major stockholders or owners?
- Do our members own stock in the company? If so, how much?



APPENDIX E

Sample “Termination of Agreement” Letter

Available in the Resource Library, printable forms on V Lodge.net.

Sample “Termination of Agreement” Letter

Date _____

Name of Company
Address

Subject: 60-day notice
Termination of
Agreement

Attention: President of Company or proper representative.

Dear Persons:

Take notice in conformity with Section 8(d) of the Labor Management Relations Act, as amended, and Article _____ of the current collective bargaining agreement between [*Company Name*] and the International Association of Machinists and Aerospace Workers, AFL-CIO, Local Lodge _____ [or District Lodge, if appropriate], hereby officially notifies the [*Company Name*] of the Union’s desire to terminate the aforementioned collective bargaining agreement at its expiration date and of its desire to negotiate a new and revised agreement.

A copy of the changes desired is attached to this letter [*or will be provided at the first meeting between the parties*]. The Union reserves the right to submit counter-proposals if the Company submits any proposals in regard to the new agreement.

I suggest the following dates to commence negotiations, _____, _____, _____. Should any of these dates meet with your approval, please advise the undersigned. If not, I trust that we can make arrangements that are mutually convenient for all parties concerned.

Very truly yours,

Cc: GVP office
Negotiating Committee

Name
Title
Lodge or District Represented
Address
Telephone and fax numbers



APPENDIX F

Official Circular 813 U.S.— Policy Regarding Strike Sanctions

Official Circulars are periodically updated and reissued. Check the Resource Library on vlodge.net for the most current Circular on Strike Sanctions.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS



OFFICIAL CIRCULAR NO. 813
Strike Sanctions and Benefits
ISSUED: June 1, 2002

9000 Machinists Place, Upper Marlboro, MD 20772

TO THE MEMBERSHIP EVERYWHERE, GREETINGS:

☞ **PURPOSE** To update Official Circular 789 and previous circulars concerning the contract expiration notice requirements of the National Labor Relations Act (NLRA); to clarify IAM Constitutional procedures and policies concerning contract ratification and strike votes for all IAM lodges in the U.S. and Canada; to clarify entitlement to strike benefits; to reiterate the procedures to be followed when strikes are terminated.

☞ **INFORMATION/INSTRUCTIONS** In order for the IAM to sanction a strike and provide strike benefits to striking members, it is essential that all IAM Constitutional and legal requirements be strictly followed. This not only protects our Union from damage claims that might arise out of an unsanctioned strike, but it also assures that our striking members receive the maximum legal protection. Accordingly, the following procedures must be followed.

A. NLRA Notice Requirements

1. All lodges having contracts governed by the NLRA must comply with the Section 8(d) notice requirements of that law, and the Investigation of Grievance Blank submitted in connection with an NLRA-covered dispute must contain the following information and include copies of the notices indicated:
 - a. Proof that a notice of intention to terminate or modify an existing agreement was filed with the employer at least sixty (60) days before the expiration date of the agreement or evidence that a notice of intention to terminate or modify was first filed by the employer
 - b. In those cases where the union initiates the termination or modification of the agreement, proof that at least thirty (30) days prior to the contract expiration date, notice was filed with the Federal Mediation and Conciliation Service (FMCS). Similar notices must be sent to the appropriate state agencies



APPENDIX F (CONTINUED)

- 2 -

- c. Information regarding any oral or written stipulation to continue the present agreement beyond the expiration date

B. Contract Ratification and Strike Votes

1. It continues to be the policy of the IAM to explore every possible means for securing a fair and equitable contract for our membership, short of a strike. When, however, it becomes necessary to consider withholding services, IAM Constitutional policies and procedures must be strictly followed.
2. The IAM Constitution provides, in Article XVI, Section 2, that a secret ballot vote by the membership present and voting must carry by a two-thirds (2/3) majority in order to declare a strike. IAM policy further provides that thirty (30) percent of the eligible bargaining unit must participate in the strike vote.
3. In the event that a strike vote fails to carry by the required two-thirds (2/3) majority vote, the collective bargaining agreement at issue will be accepted. This is because without the necessary membership support for a strike, our negotiators have no strength from which to insist on our bargaining demands.
4. All strike sanctions approved by the Executive Council will be released to the General Vice President of the territory in which the lodge is located. Prior to releasing strike sanction to the lodge, the General Vice President will make an investigation and ascertain the following:
 - a. That the directing business representative or grand lodge representative, as the case may be, has participated directly in the negotiations and has made a full report to the General Vice President with a request to release strike sanctions
 - b. That the last results of negotiations have been presented to the membership involved and have been rejected by a secret ballot vote of a majority of those in attendance at a called meeting after due notice to the membership
 - c. That the original strike vote, taken at the outset of negotiations, has been reaffirmed by a two-thirds (2/3) majority vote. Again, lodges are reminded that if the strike vote fails to carry, no strike sanction will be granted, and the contract will be accepted



APPENDIX F (CONTINUED)

- 3 -

C. Receipt of Strike Benefits

1. The IAM Constitution provides, in Article XVI, Section 8, that benefits shall not be paid to members who fail to meet the requirements for the receipt of strike benefits.
2. As a general rule, only IAM members are entitled to receive strike benefits. However, as a result of unfavorable U.S. legal rulings, nonmembers and nonmember dues objectors, who meet the lodge's requirements for the receipt of strike benefits, **are** entitled to receive strike benefits.

D. Termination of Strikes

1. Members on strike are entitled to receive their strike benefit checks promptly, and it is our practice to expedite the handling of strike rolls and to issue benefit checks when due.
2. On occasion, lodges involved in strikes have failed to notify the International President's office immediately upon the termination of the strike and, as a result, strike benefit checks have continued to be mailed to our members. This has required the IAM to recall benefit checks, which may cause a hardship on everyone.
3. In order to avoid this situation, lodges are reminded that they must **immediately** notify the International President's office when a strike is terminated.

Fraternally yours,

Donald E. Wharton
GENERAL SECRETARY-TREASURER

R. Thomas Buffenbarger
INTERNATIONAL PRESIDENT



APPENDIX G

Official Circular 813 Canada— Policy Regarding Strike Sanctions

Official Circulars are periodically updated and reissued. Check the Resource Library on vldodge.net for the most current Circular on Strike Sanctions.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS



OFFICIAL CIRCULAR NO. 813
Canadian Strike Sanctions
and Benefits
ISSUED: June 1, 2002

9000 Machinists Place, Upper Marlboro, MD 20772

TO THE MEMBERSHIP EVERYWHERE, GREETINGS:

☞ **PURPOSE** To update Official Circular 789 and previous circulars concerning contract ratification and strike votes for all IAM lodges in the U.S. and Canada; to clarify entitlement to strike benefits; to reiterate the procedures to be followed when strikes are terminated

☞ **INFORMATION/INSTRUCTIONS** In order for the IAM to sanction a strike and provide strike benefits to striking members, it is essential that all IAM Constitutional and legal requirements be strictly followed. This not only protects our Union from damage claims that might arise out of an unsanctioned strike, but it also assures that our striking members receive the maximum legal protection. Accordingly, the following procedures must be followed.

A. Requirements for Legal Strike

1. The lodge must meet all of the requirements for a legal strike in the relevant jurisdiction.
2. The Investigation of Grievance Form must be fully completed and submitted to Grand Lodge.

B. Contract Ratification and Strike Votes

1. It continues to be the policy of the IAM to explore every possible means for securing a fair and equitable contract for our membership, short of a strike. When, however, it becomes necessary to consider withholding services, IAM Constitutional policies and procedures must be strictly followed.



APPENDIX G (CONTINUED)

- 2 -

2. The IAM Constitution provides, in Article XVI, Section 2, that a secret ballot vote by the membership present and voting must carry by a two-thirds (2/3) majority in order to declare a strike. IAM policy further provides that thirty (30) percent of the eligible bargaining unit must participate in the strike vote.
3. In the event that a strike vote fails to carry by the required two-thirds (2/3) majority vote, the collective bargaining agreement at issue will be accepted. This is because without the necessary membership support for a strike, our negotiators have no strength from which to insist on our bargaining demands. **Ratification and strike votes must comply with the requirements of the law in the relevant jurisdiction.**
4. All strike sanctions approved by the Executive Council will be released to the General Vice President of the territory in which the lodge is located. Prior to releasing strike sanction to the lodge, the General Vice President will make an investigation and ascertain the following:
 - a. That the directing business representative or grand lodge representative, as the case may be, has participated directly in the negotiations and has made a full report to the General Vice President with a request to release strike sanctions
 - b. That the last results of negotiations have been presented to the membership involved and have been rejected by a secret ballot vote of a majority of those in attendance at a called meeting after due notice to the membership
 - c. That the original strike vote, taken at the outset of negotiations, has been reaffirmed by a two-thirds (2/3) majority vote. Again, lodges are reminded that if the strike vote fails to carry, no strike sanction will be granted, and the contract will be accepted, subject to the requirements of the relevant legislation

C. Receipt of Strike Benefits

1. The IAM Constitution provides, in Article XVI, Section 8, that benefits shall not be paid to members who fail to meet the requirements for the receipt of strike benefits.
2. As a general rule, only IAM members are entitled to receive strike benefits.

D. Termination of Strikes

1. Members on strike are entitled to receive their strike benefit checks promptly, and it is our practice to expedite the handling of strike rolls and to issue benefit checks when due.



APPENDIX G (CONTINUED)

- 3 -

2. On occasion, lodges involved in strikes have failed to notify the International President's office immediately upon the termination of the strike and, as a result, strike benefit checks have continued to be mailed to our members. This has required the IAM to recall benefit checks, which may cause a hardship on everyone.
3. In order to avoid this situation, lodges are reminded that they must **immediately** notify the International President's office when a strike is terminated.

Fraternally yours,

Donald E. Wharton
GENERAL SECRETARY-TREASURER

R. Thomas Buffenbarger
INTERNATIONAL PRESIDENT



APPENDIX H

IAM Form MF0024—Investigation of Grievance Blank

Contact the IAM Purchasing Department for copies of this form (301-967-4710).



INTERNATIONAL ASSOCIATION of MACHINISTS and AEROSPACE WORKERS

INVESTIGATION OF GRIEVANCE BLANK

The approval of the Executive Council must be obtained before any strike may be declared. Read carefully the entire Article of the Constitution dealing with STRIKES before using this form, and comply with the following:

1. Execute this form, which should also be used in case of a lockout, and mail it to the International President.
2. Use a separate form to cover each employer.
3. Have monthly reports to Grand Lodge from the Secretary-Treasurer on a current basis.

ANY LOCAL LODGE OR MEMBERS THEREOF FAILING TO COMPLY WITH THE PROVISIONS OF THE CONSTITUTION APPLICABLE TO STRIKES, SHALL FORFEIT ALL RIGHTS TO FINANCIAL AID FROM THE GRAND LODGE DURING THE ENTIRE PERIOD OF THE CONTROVERSY.

Date: _____

Lodge No. _____ Affiliated with D.L. No. _____ Location _____

This blank will not be processed unless all questions are answered in their entirety.

1. Name of Employer _____

2. Address of Employer _____

3. Nature of Employer's business _____


4. Nature of grievance or demand _____



APPENDIX I

IAM Form MF0103—Report of Strike or Lockout

Contact the IAM Purchasing Department for copies of this form (301-967-4710).



**INTERNATIONAL ASSOCIATION OF MACHINISTS
and AEROSPACE WORKERS**

REPORT OF STRIKE OR LOCKOUT

The approval of the Executive Council must be obtained before any strike may be declared. Read carefully the entire Article of the Constitution dealing with STRIKES before using this form, and comply with the following:

1. Execute this form and mail to the International President.
2. Use a separate form to cover each employer.
3. Have monthly reports to Grand Lodge from the Secretary Treasurer on a current basis.

(This form will not be processed unless the Investigation of Grievance Blank is on file at Grand Lodge.)

ANY LOCAL LODGE OR MEMBERS THEREOF FAILING TO COMPLY WITH THE PROVISIONS OF THE CONSTITUTION APPLICABLE TO STRIKES SHALL FORFEIT ALL RIGHTS TO FINANCIAL AID FROM THE GRAND LODGE DURING THE ENTIRE PERIOD OF THE CONTROVERSERSY.

Date _____

Lodge No. _____ Affiliated with D.L. No. _____ Location _____
(City and State)

Date of Strike or Lockout _____ Time of Day _____ M

Employer _____
(Name)

(Address)

Total number of employees on strike or locked out _____	Total number remaining in shop _____	Number assigned to picket duty _____
		TOTAL
number on strike entitled to donation _____		
Number on strike NOT entitled to donations _____		
Number of employees under bargaining unit not IAM members _____		

OVER

Form MF0103 (Rev 2/02)



APPENDIX J

Official Circular 812 US

Official Circulars are periodically updated and reissued. Check the Resource Library on vldodge.net for the most current Circular on Strike Breaking and Fines. **This Circular does not apply to Canada.**

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS



OFFICIAL CIRCULAR NO. 812
Strike-Breaking and Fines
ISSUED: June 1, 2002

9000 Machinists Place, Upper Marlboro, MD 20772

TO THE MEMBERSHIP EVERYWHERE, GREETINGS:

☞ **PURPOSE** To update Official Circular 788 and previous circulars regarding the IAM's policy concerning the penalties that legally may be imposed on IAM members who cross sanctioned IAM picket lines. This circular applies only to the IAM's United States membership, not to those members who reside in Canada.

☞ **INFORMATION/INSTRUCTIONS** Years of adverse court rulings in the United States have resulted in the current rule permitting union members to resign their membership at **any time**, even during a strike or when a strike is imminent. This means that if a member tenders his/her resignation from the IAM **prior** to crossing a sanctioned IAM picket line, that member may not be fined or in any other way penalized for "conduct unbecoming a member" under the procedures of Article L, Section 3, of the IAM Constitution.

By contrast, a current IAM member who crosses an IAM picket line and works during an authorized strike may be charged and fined in accordance with the provisions of Article L, Section 3, and Official Circular 792. If the member tenders a resignation **subsequent** to the charges being filed, the lodge should proceed in accordance with the provisions of Article L, Section 3, and Official Circular 792. If the trial results in a guilty finding and no appeal is taken or the decision is sustained in accordance with IAM procedures, the local lodge may proceed to bring a state court lawsuit, if necessary, to collect the fine if the conditions set forth below are met.

1. Prior to any lawsuit being filed, the lodge must obtain the approval of the International President, which shall be granted after the IAM Legal Department, in consultation with the lodge's local counsel, determines that such collection action is permissible in that particular state.
2. In those states where the laws do not permit fine collection suits and the member fails or refuses to pay his indebtedness, his membership may be canceled.
3. Where such fines lawfully can be collected, the collection suit must be brought pursuant to Article F of the IAM Constitution, which states that such fines constitute a legal liability and debt to the local lodge.



APPENDIX J (CONTINUED)

4. Local counsel should be directed to forward copies of all pleadings to the IAM Legal Department for approval.
5. During any legal proceedings, the individual's membership rights shall not be affected until a final judgment is entered.

Finally, and prior to pursuing any charges for strikebreaking, the lodge must carefully review the language of any strike settlement agreement. Some agreements specifically require that all charges pending by either the Company or the Union, on account of the strike, be dismissed. Even language to the effect that "neither the Company nor the Union will discriminate against any employee with respect to any activity arising out of the strike" has been held by some courts to waive the union's right to bring internal union charges against strike-breakers. All questions about the legal implications of a particular strike settlement, therefore, should be reviewed by the IAM Legal Department.

Fraternally yours,

Donald E. Wharton
GENERAL SECRETARY-TREASURER

R. Thomas Buffenbarger
INTERNATIONAL PRESIDENT



APPENDIX K

Official Circular 828

Official Circulars are periodically updated and reissued. Check the Resource Library on vldodge.net for the most current Circular on Instructions for Filing Charges, Conducting Trials and Submitting Appeals.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS



OFFICIAL CIRCULAR NO. 828
Instructions for Filing Charges,
Conducting Trials & Submitting
Appeals under Article L, CODE of
the IAM Constitution
ISSUED: March 1, 2007

9000 Machinists Place, Upper Marlboro, MD 20772

TO THE MEMBERSHIP EVERYWHERE, GREETINGS:

→ **SUBJECT** Policy and procedures to be followed in connection with the filing of charges, conducting of trials, and the submission of appeals under Article L, CODE, of the Constitution

→ **PURPOSE** To *replace* Official Circular 792, to clarify the procedures for processing internal charges, and to highlight unique issues relating to strikebreaking charges.

→ **INFORMATION/INSTRUCTIONS** This Official Circular sets forth the procedures to be followed in connection with filing charges, conducting trials, and submitting appeals. Whenever charges are filed under Article L, CODE, of the IAM Constitution, there must be strict adherence to the specific provisions of the Constitution, as well as the procedures outlined below. Note, especially, the following instructions:

- 1. Strikebreaking Charges:** Anti-union U.S. laws limit our ability to penalize individuals who cross our picket lines. Prior to bringing strikebreaking charges against a member, you *must* first be sure that a proper membership application is on file at the Lodge. Also remember that US law allows IAM members to resign their membership *at any time* – even during a strike or in the weeks preceding it. This means that if a member resigns *before* crossing an IAM picket line, that member may *not* be charged under Article L and this Official Circular. Carefully review the directions set forth below, complete the Checklist attached to this Official Circular, and review Official Circular 812, prior to filing any strikebreaking charges.



APPENDIX K (CONTINUED)

2

2. **Lapsed Membership:** Anytime charges are preferred against a member and that member permits his/her membership to lapse during the course of the procedures, Article L, Code, of our Constitution should be followed to its conclusion as though the individual was, in fact, a member at the time of the local lodge decision, or the decision of the International President. Charges cannot be filed against an individual who holds a Withdrawal Card, and the procedures set forth in Article I, Section 17, should be adhered to in revoking a Withdrawal Card.

3. **Charges against Supervisory Members:** Finally, charges of conduct unbecoming a member, under Article L, Section 3, of the IAM Constitution may not be filed against a member who is holding a supervisory position and who is carrying out supervisory duties at the direction of his/her superiors. Any member who is aggrieved because of the manner in which one of our supervisory members is carrying out such duties, must take his/her concerns up with company/carrier management as a complaint or grievance.





APPENDIX K (CONTINUED)

3

PROCEDURES TO BE FOLLOWED WHEN FILING CHARGES, CONDUCTING TRIALS AND SUBMITTING APPEALS UNDER ARTICLE L, CODE, OF THE IAM CONSTITUTION

INFORMAL RESOLUTION OF CHARGES

In many instances, internal charges are the result of personal disagreements or conflicts. The processing of such charges can have a disruptive and detrimental impact on the local lodge. Accordingly, special efforts should be made by the local lodge officers, business representatives, special representatives, and/or grand lodge representatives, who may be aware that charges are being contemplated, to reason with the individuals involved and to attempt to resolve the problem in a manner that will avoid injury to the local organization and prevent disruption within its ranks. This preliminary intervention should include meetings with the members and/or officers involved and, where necessary, an informal hearing should be conducted by the Executive Board of the governing body. If all efforts at informal resolution of charges fail, then it is important that there be strict adherence to the provisions of Article L, CODE, of the IAM Constitution and the procedures set forth below.

FILING OF CHARGES

Article L provides for the filing of charges of improper conduct against officers and representatives in Section 2; and members in Section 3. Article L, Section 1 acknowledges that the IAM respects the rights of its members, guarantees due process, and safeguards its members, officers, and representatives from false accusations. Therefore, in any instance where the conduct or actions warrant filing charges, the charges must be specific as to the individual involved, the alleged misconduct and the time and location of the alleged offense. In appropriate circumstances, the charges should also set forth the section(s) of the Constitution allegedly violated.

A. Conduct Unbecoming a Member

1. Article L, Section 3, lists the following actions or omissions as the type of improper conduct warranting the filing and processing of charges against a member:
 - a. Refusal or failure to perform any duty or obligation imposed by the Constitution, policies, decisions, or directives of the IAM or its officers;
 - b. Attempting or encouraging secession from the IAM;
 - c. Dual unionism, or supporting movements or organizations inimical to the interests of the IAM;
 - d. Acquiring membership by false pretense or fraud;
 - e. Accepting employment at an establishment where a strike or lockout exists as recognized under our Constitution;
 - f. Actions constituting a violation of the Constitution or local lodge bylaws;



APPENDIX K (CONTINUED)

4

- g. Illegal voting or preventing an honest election; and
- h. Any other conduct unbecoming a member

2. As stated above, in the United States, charges may **not** be brought against an individual who first resigns his membership and then crosses a sanctioned picket line. Charges may be brought only against an individual who is a member at the time he/she crossed the picket line and at the time the charges are filed. **The checklist attached to this Official Circular must be completed and submitted to the Directing Business Representative PRIOR to proceeding with such charges.**

It also must be remembered that we are prohibited by law from filing charges against a member or officer for speech or other internal political activity viewed to be scandalous, false, or malicious. Other conduct, however, such as disrupting meetings or other official business of subordinate bodies of this association will be the subject of charges of improper conduct.

3. A charge of conduct unbecoming a member must be filed in writing **immediately** upon learning of any alleged improper conduct. A letter specifying the charges should be drafted to conform as nearly as possible to the following sample, adapting it to the specific charges being brought:

I, John Doe, Card No. _____, hereby charge Brother Joe Dokes, Card No. _____, with conduct unbecoming a member. Specifically, I charge this brother with violating Article L, Section 3, of the IAM Constitution by _____.

4. Any charge of conduct unbecoming a member must be filed with the president of the local lodge to which the accused member belongs. In the event the president, vice president, or other officers of the local lodge are involved in the charges filed, the next ranking officer shall preside. The order of ranking officers shall be president, vice president, recording secretary, secretary-treasurer, conductor-sentinel, then trustees. The order of trustees shall be made on the basis of years served.
5. It is the duty of the presiding officer to furnish a copy of such charges to all interested parties, including the accused, the General Vice President in charge of the territory, the International President, and the General Secretary-Treasurer. The defendant's copy of the charge should be sent by registered or certified mail, return receipt requested. If the charge is served personally upon the defendant, it should be done by the proper officer of the lodge in the presence of at least one witness. If a reasonable effort to locate the accused proves futile, a written statement to that effect should be filed with the Trial Committee, setting forth the time, date, and place of such attempted service, together with the name of the witness. This statement should then



APPENDIX K (CONTINUED)

5

be introduced into the official record during the trial hearing. Compliance with these instructions is particularly important so that defendants not be given the opportunity to argue that they did not know the nature of the charges being made against them and, therefore, could not prepare their defense.

B. Conduct Unbecoming an Officer or Representative of a Local Lodge, District Lodge, Council, or Conference

1. Article L, Section 2, lists the following actions or omissions as the types of improper conduct warranting the filing and processing of charges against an officer of a local lodge, district lodge, council, or conference, or by any business representative or representative of a local lodge or district lodge:
 - a. Incompetence;
 - b. Negligence, or insubordination in the performance of official duties; and
 - c. Failure or refusal to perform duties validly assigned

Any such charges filed must concern some act or omission **directly** related to the official duties of such officer or representative.

2. A charge of conduct unbecoming an officer or representative must be filed in writing. A letter specifying the charges should be drafted to conform as nearly as possible to the following sample, adapting it to the specific charges being brought:

I, John Doe, Card No. _____, hereby charge Brother Joe Dokes, Card No. _____, with conduct unbecoming an officer. Specifically, I charge this brother with violating his duties as (officer/rep.) of Local Lodge _____, defined in Article C, Section _____, of the IAM Constitution, by countersigning improperly drawn checks that permitted and contributed to the unauthorized withdrawal of local lodge funds. The check numbers, dates, and amounts are as follows: (specify) _____.

3. A member preferring a charge of misconduct against an officer or representative must file the charge in the appropriate local, district, council, or conference and directly with the International President. It is the duty of the highest-ranking officer of the local, district, council, or conference to furnish a copy of such charges to all other interested parties, unless such officer is the subject of the charges, in which case they are to be referred to the next ranking officer.
4. The defendant's copy of the charge should be sent by registered or certified mail, return receipt requested, or personally, as set forth in section A.5. of these



APPENDIX K (CONTINUED)

6

instructions.

5. It is the duty of the officer or presiding officer pro-tem receiving the charges to proceed promptly with the appointment of a Trial Committee, unless the International President decides that fairness to the accused and the best interests of the IAM require a trial before a special committee designated by the International President for that purpose or before the convention of the Grand Lodge. Otherwise, the charges will be heard by the local lodge, district lodge, council, or conference of which the accused is an officer or representative in accordance with the trial procedure described below.

APPOINTMENT OF TRIAL COMMITTEE

1. After a charge is filed, Article L, Section 6 requires the president of the local lodge to promptly appoint a Trial Committee of three or five members. Care must be taken not to appoint to the Trial Committee any member who is directly or indirectly involved in the case.
2. The Trial Committee shall conduct a thorough investigation of the charges, including hearing statements and checking facts and documents from both sides. The Trial Committee has discretion to determine the procedures it will use to conduct its investigation.
3. If the Trial Committee decides there is a lack of supporting evidence to warrant a trial on the merits, it is their duty to recommend dismissal of the case at the next regular meeting of the local lodge and the local lodge shall adopt or reject the Trial Committee's recommendation.
4. If the Trial Committee decides a trial hearing is warranted, the committee shall, within one week of its determination, notify the member of the charges, and the date, time, and location of the trial. The date selected for the trial must allow the defendant a reasonable length of time (not less than seven calendar days after notification) to prepare his/her defense. Any request to postpone or change the date of the trial should be considered by the Trial Committee with due regard for the reasonableness of the request, the complexity of the charges, and any delaying tactics that the committee believes are being employed.

TRIAL PROCEDURES

Article L, Section 9, sets forth the procedures to be followed when a Trial Committee decides that a trial hearing is warranted. It is recommended that the chairman of the Trial Committee read this section at the outset of the trial so that all parties are fully apprised of its contents and may conduct themselves in accordance with these procedures. In addition to the specific directives of



APPENDIX K (CONTINUED)

7

Article L, Section 9, the following guidelines should be noted:

A. Developing the Record

1. At the outset, the trial chairman should declare the hearing to be in order and have the record show the date and the time the trial occurred and that the trial is being conducted in accordance with the procedures set forth in Article L, Section 9. If a grand lodge representative is in attendance, the record should so indicate.
2. The original letter containing the charges should be submitted by the Trial Committee and entered into the record as an exhibit and be assigned a number.
3. The return receipts received in connection with all correspondence delivered by registered mail or the witness receipts should be submitted as exhibits, entered into the record, and assigned number(s).
4. The record should indicate if the defendant is present and whether or not he/she is represented by a member to act as his/her attorney. This representative must be a member of the IAM. Any individual, acting in a representative capacity to a charged member who is not an IAM member may neither observe the proceedings nor participate in any way on behalf of the defendant. The same rule holds true for a plaintiff (member preferring charges), who wishes to utilize a representative in bringing the charges.
5. Once the charges are entered into the record, the chairman of the Trial Committee shall inquire of the defendant how he/she wishes to plead ("guilty" or "not guilty"). If the defendant pleads guilty, this plea must be entered into the record and all affidavits or documents the prosecution may have prepared to enter as exhibits should be entered into the record at this time.
6. If the defendant fails or refuses to appear for trial despite proper notification, or if he/she refuses to plead guilty or not guilty, the trial shall proceed just as though the defendant appeared and pleaded "not guilty." In a case of nonappearance, it is especially important that evidence of the defendant's notification of the time and place of trial, such as the return receipt, be entered into the record.
7. In all cases, witnesses should first be required to affirm that their testimony shall be the truth. When witnesses are questioned, efforts should be made to develop all the facts pertaining to the actions that were alleged in the charges.
8. If a defendant has instituted a court action without having exhausted his/her remedies under the IAM Constitution, evidence concerning such court action should be secured and entered into the record as exhibits and numbered appropriately.



APPENDIX K (CONTINUED)

8

9. Whenever a member is charged with advocating dual unionism or supporting movements or organizations inimical to the interests of the IAM or its established laws and policies, every effort should be made to secure, for the record, documentary evidence to support such allegations.

B. Preserving the Record

1. When a stenographic record of a trial is authorized by a district or local lodge, the plaintiff and/or defendant may purchase a copy of the transcript, provided that purchase arrangements are made prior to the trial's conclusion. Local and district lodges are not permitted to pay the cost of any transcript, except for the transcript authorized by the lodge and which remains the property of the lodge.
2. If the lodge cannot afford the cost of a transcript, the secretary of the Trial Committee should take contemporaneous minutes and notes and certify that they are correct. Such minutes should contain the substance of the statements made by witnesses, the contentions of the prosecution and defense, and the substance of any rebuttal statements. When no stenographic record is made, all lodge records pertaining to the case shall be made available to the principals, upon request, in the presence of the lodge officer having custody of the records.
3. The following is official IAM policy regarding recording devices:
 - a. Recordings made on tape, disk, and/or other types of mechanical and/or electronic recording devices, will not be accepted as evidence in case of any appeal pertaining to charges preferred under the provisions of the IAM Constitution. However, a verbatim transcript may be made from a recording by a person competent to transcribe the recording and may be used in an appeal upon sworn attestation by the person transcribing the recording that the transcript is an accurate reproduction of the recording.
 - b. The use of such devices are not prohibited in trials and, in those cases in which a verbatim transcript is not kept by a court reporter or reputable stenographer or steno-typist, the recordings may be used, at the option of and by the Trial Committee for refreshing their recollection or for their assistance in drawing up the synopsis of the evidence and testimony presented. In such cases, however, the Trial Committee members or secretary will be responsible for the synopsis, and recordings made during the trial will neither prove nor disprove the accuracy of the synopsis. (This shall not in any way be construed as permitting, condoning, or suggesting that the synopsis can or may vary from the evidence and testimony presented at the trial.)



APPENDIX K (CONTINUED)

9

4. In the event a defendant fails to appear for trial and the charges are of such a serious nature that subsequent court action seems likely, it is advisable that a verbatim transcript of the trial be made if the lodge is able to bear this expense.

C. Costs

1. It is the policy of our union that, in situations involving charges and subsequent trial, no cost shall be borne by a local or district lodge other than the cost of one copy of the transcript and the rental of a place for the trial to be held, if one is needed. The Trial Committee should attempt to conduct the trial during a time when the least time will be lost by all parties concerned. In the event the Trial Committee must conduct the hearing during regular working hours, the local lodge will be responsible for only the lost time of the Trial Committee. The plaintiffs and defendants are responsible for their own lost time and that of their witnesses.

TRIAL COMMITTEE REPORT AND LOCAL LODGE ACTION

Article L, Section 10, sets forth the procedures the Trial Committee shall follow in submitting its report and those the lodge must follow in acting upon it. These procedures and the following guidelines must be followed:

1. The Trial Committee shall report its findings and conclusions at the next regular meeting of the local lodge.
2. When reporting on more than one case, the Trial Committee shall submit each report separately and the membership shall vote on each recommendation separately.
3. The Trial Committee, in accordance with Article L, Section 10, shall read the charges and provide the lodge with a complete synopsis of the testimony and evidence adduced at the trial. The lodge shall not act upon the Trial Committee's report until this summary is received, since without it, the local lodge will not be in a position to render a fair decision on the case.
4. All members present, including the plaintiff and defendant, shall have the right to vote on the Trial Committee's recommendation. The vote must be by secret ballot.
5. If the Trial Committee's verdict is "guilty," it is their duty to agree upon a recommended punishment. If the lodge concurs in the "guilty" verdict, but disagrees as to the recommended penalty, the lodge must propose a lesser or greater penalty.
6. The recording secretary shall promptly notify both plaintiff and defendant of the lodge's action in writing, *including a copy of the Trial Committee's report and recommendations*, by registered mail. This is critical because the period for filing an



APPENDIX K (CONTINUED)

10

appeal pursuant to Article L, Section 12, cannot begin until the plaintiffs and defendants have been officially notified.

APPEALS

1. Any appeal from the decision of a lodge must be signed by the member filing it and all provisions of Article L, Section 12, must be followed.
2. While any appeal is pending, Article L, Section 15, shall be strictly observed. ("While any member or L.L. is exercising the right of appeal, the financial standing of such member or L.L. shall not be impaired by refusal to accept dues or per capita tax until after the E.C. has passed upon the appeal.")
3. When an appeal is made, the lodge must submit the following to the International President as soon as possible:
 - a. A signed copy of the charges filed;
 - b. A transcript or minutes of the trial and all exhibits;
 - c. The report and recommendations of the Trial Committee;
 - d. Excerpts from the lodge's meeting minutes acting upon the report and recommendations of the Trial Committee (showing each motion concerning the report and recommendation and the exact vote tally on each such motion); and
 - e. A copy of the letters to plaintiff and defendant notifying them of the lodge's decision and including a copy of the report and recommendations.
4. Due to the possibility of further appeals and/or litigation, this material becomes the property of the International President's office.

Fraternally yours,

Warren L. Mart
GENERAL SECRETARY-TREASURER

R. Thomas Buffenbarger
INTERNATIONAL PRESIDENT

Attachment: Strikebreaking Charge Checklist



APPENDIX K (CONTINUED)

STRIKEBREAKING CHARGE CHECKLIST

Article L charges based on strikebreaking often have serious legal consequences. For this reason, a copy of this Checklist, along with supporting documents, must be completed and submitted to the Directing Business Representative *prior* to filing any charge or commencing with internal procedures.

Name: _____ Date: _____
 Dues Card No.: _____ Local Lodge No.: _____
 Date Membership Application Signed: _____
 Date Application Approved by Local: _____
 Date Dues Deduction Authorization Signed: _____
 Current Membership Status: _____

1. Was the Charged Party a member of the IAM when he/she allegedly crossed a sanctioned picket line? Yes No
2. Did the Charged Party resign his/her membership prior to Article L charges being filed? Yes No
3. Is a copy of a fully completed and properly signed Application for Membership (GL-provided 8½ x 11 form MR0001-XX (appropriate year)) attached to this checklist? Yes No
4. Have you attached a copy of a current membership report showing current dues payments for this individual at the time the alleged strikebreaking occurred? Yes No



APPENDIX L

Form MF0104—Sample Strike List

Contact the IAM Purchasing Department for copies of this form (301-967-4710).

CARD NO.	NAME	CARD NO.	NAME

(Over)



APPENDIX M

FMCS Form F-7—Notice to Mediation Agencies

This form is available for download or may be filed electronically at the Federal Mediation and Conciliation Service website: www.fmcs.gov.

FMCS FORM F-7 Revised August 96	NOTICE TO MEDIATION AGENCIES (See instructions on reverse)	Form Approved OMB NO.3076-0004 Expires 8/31/98
MAIL NOTICE PROCESSING UNIT THE STATE OR TERRITORIAL MEDIATION AGENCY TO: FEDERAL MEDIATION AND CONCILIATION SERVICE AND 2100 K STREET, N.W. WASHINGTON, D.C. 20427		
<p>You are hereby notified that written notice of proposed termination or modification of the existing collective bargaining contract was served upon the other party to this contract and that no agreement has been reached.</p>		
(1) IF THIS IS A HEALTH CARE INDUSTRY NOTICE PLEASE INDICATE (MARK "X")		
<input type="checkbox"/> INITIAL CONTRACT <input type="checkbox"/> EXISTING CONTRACT		
(2) (MARK "X") AND DATE(S):		
<input type="checkbox"/> CONTRACT REOPENER REOPEN DATE:		
<small>To be filled in only if existing contract provides for reopening for specific changes during its term or if voluntary reopening.</small>		
<input type="checkbox"/> CONTRACT EXPIRATION EXPIRATION DATE:		
(3) NAME OF EMPLOYER OR EMPLOYER ASSOCIATION/ORGANIZATION (IF MORE THAN ONE, SUBMIT NAMES AND ADDRESSES ON AN ATTACHED LIST)		
(4) ADDRESS OF EMPLOYER/ASSOCIATION NO. STREET CITY STATE ZIP		
(5) EMPLOYER OFFICIAL TO CONTACT (NAME AND TITLE) (6 A) (AREA CODE) PHONE NUMBER (6 B) (AREA CODE) FAX NUMBER		
(7) NAME OF INTERNATIONAL UNION OR PARENT BODY		
(8) NAME AND NO. OF LOCAL (IF NOT A LOCAL, GIVE NAME AND NUMBER, IF ANY, OF THE UNION ORGANIZATION INVOLVED IN THE NEGOTIATIONS)		
(9) ADDRESS OF LOCAL UNION NO. STREET CITY STATE ZIP		
(10) UNION OFFICIAL TO CONTACT (NAME AND TITLE) (11 A) (AREA CODE) PHONE NUMBER (11 B) (AREA CODE) FAX NUMBER		
(12 A) LOCATION OF AFFECTED ESTABLISHMENT CITY STATE ZIP		
(12 B) LOCATION OF NEGOTIATIONS CITY STATE ZIP		
(13) TOTAL NUMBER EMPLOYED AT AFFECTED LOCATION(S) (14) NUMBER OF EMPLOYEES COVERED BY THIS CONTRACT		
(15) INDUSTRY AND /OR TYPE OF BUSINESS		
(16) PRINCIPAL PRODUCT OR SERVICE (17) THIS NOTICE IS FILED ON BEHALF OF (MARK "X") <input type="checkbox"/> UNION <input type="checkbox"/> EMPLOYER		
(18) TYPE OF NEGOTIATIONS (MARK "X") (19) TYPE OF EMPLOYEES COVERED (MARK "X" IN ALL THAT APPLY)		
<input type="checkbox"/> SINGLE ESTABLISHMENT <input type="checkbox"/> MULTI - PLANT <input type="checkbox"/> AREA OR INDUSTRY WIDE <input type="checkbox"/> MULTI - EMPLOYER <input type="checkbox"/> OTHER (SPECIFY) _____		
<input type="checkbox"/> PROFESSIONAL/TECHNICAL <input type="checkbox"/> CLERICAL <input type="checkbox"/> PRODUCTION/MAINTENANCE <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> OTHER (SPECIFY) _____		
(20) NAME AND TITLE OF OFFICIAL FILING NOTICE (21) SIGNATURE AND DATE		



APPENDIX N

Regional Offices of the Federal Mediation and Conciliation Service

For up-to-date regional office information and to find a FMCS mediator in your area, go to the Federal Mediation and Conciliation Service website: www.fmcs.gov.

National Office

Federal Mediation and Conciliation Service
2100 K Street, NW
Washington, DC 20427
Phone: (202) 606-8100
Fax: (202) 606-4251

Northeastern Region

One Newark Center, 16th Floor
Newark, NJ 07102
Phone: (973) 645-2200
Fax: (973) 297-4860

Southern Region

401 West Peachtree Street, NW, Suite 472
Atlanta, GA 30308
Phone: (404) 331-3995
Fax: (404) 331-4017

Midwestern Region

6161 Oak Tree Boulevard, Suite 120
Independence, OH 44131
Phone: (216) 520-4800
Fax: (216) 520-4815

Upper Midwestern Region

Broadway Place West
1300 Godward Street, Suite 3950
Minneapolis, MN 55413
Phone: (612) 331-6670
Fax: (612) 331-5272

Western Region

Oakland Executive Center
7677 Oakport Street, Suite 500
Oakland, CA 94621
Phone: (510) 273-0100
Fax: (510) 273-0102



APPENDIX O

Picket Line Songs

Picket line songs, union-oriented videos, and other materials to build solidarity among your members are available through the William W. Winpisinger Education and Technology Center online lending library (<http://winpisinger.iamaw.org>) or the Labor Heritage Foundation www.laborheritage.org

We Shall Not Be Moved

Tune: I Shall Not Be Moved (old gospel hymn)

1. The union is behind us; we shall not be moved.
The union is behind us, we shall not be moved.
Just like a tree that's planted by the water,
We shall not be moved.

CHORUS

- We shall not be, we shall not be moved.
We shall not be, we shall not be moved.
Just like a tree that's planted by the water,
We shall not be moved.
2. We're fighting for our freedom; we shall not be moved.
We're fighting for our freedom; we shall not be moved.
Just like a tree that's planted by the water,
We shall not be moved.
 3. We're fighting for our children; we shall not be moved.
 4. We'll build a mighty union; we shall not be moved.
 5. _____ is our leader; we shall not be moved.

We Will Overcome

1. We will overcome, we will overcome,
We will overcome some day.
Oh, oh, down in my heart I do believe
We will overcome some day.
2. We will organize, we will organize,
We will organize some day.
Oh, oh, down in my heart I do believe
We will organize some day.
3. We will build a new world, we will build a new world.
We will build a new world some day.
Oh, oh, down in my heart I do believe
We will build a new world some day.
4. We will overcome, we will overcome,
We will overcome some day.
Oh, oh, down in my heart I do believe
We will overcome some day.

Roll The Union On

CHORUS

- We're gonna roll, we're gonna roll,
We're gonna roll the union on!
We're gonna roll, we're gonna roll,
We're gonna roll the union on!
1. If the boss is in the way we're gonna roll it over him,
We're gonna roll it over him, we're gonna roll it over him.
If the boss is in the way we're gonna roll it over him;
We're gonna roll the union on!
 2. If the scab is in the way we're gonna roll it over him,
We're gonna roll it over him, we're gonna roll it over him.
If the scab is in the way we're gonna roll it over him;
We're gonna roll the union on!
 3. If the sheriff's in the way we're gonna roll it over him,
We're gonna roll it over him, we're gonna roll it over him.
If the sheriff's in the way we're gonna roll it over him,
We're gonna roll the union on!
 4. Whoever's in the way we're gonna roll it over him,
We're gonna roll it over him, we're gonna roll it over him.
Whoever's in the way we're gonna roll it over him;
We're gonna roll the union on!

Union Maid

1. There once was a union maid;
She never was afraid
Of goons and ginks and company finks
And the deputy sheriffs that made the raid.
She went to the union hall
When a meeting it was called,
And when the company boys came 'round
She always stood her ground.

CHORUS

- Oh, you can't scare me, I'm sticking to the union.
I'm sticking to the union, I'm sticking to the union.
Oh, you can't scare me, I'm sticking to the union,
I'm sticking to the union til the day I die.

(continued)



APPENDIX O (CONTINUED)

Union Maid (continued)

2. *This union maid was wise
To the tricks of company spies;
She couldn't be fooled by company stools;
She'd always organize—the guys.
She'd always get her way
When she struck for higher pay;
She'd show her card to the National Guard
And this is what she'd say:*
3. *You women who want to be free.
Just take a little tip from me:
Break out of that mold; we've all been sold
We've got a fightin' history.
The fight for women's rights
With workers must unite
Like Mother Jones, bestir them bones
To the front of every fight.*

Solidarity Forever

Tune: Battle Hymn of the Republic

1. *When the union's inspiration through the workers'
blood shall run,
There can be no power greater anywhere beneath the
sun.
Yet what force on earth is weaker than the feeble
strength of one?*

CHORUS

- Solidarity forever!
Solidarity forever!
Solidarity forever!
For the union makes us strong.*
2. *They have taken untold millions that they never toiled
to earn,
But without our brain and muscle not a single wheel
could turn.
We can break their haughty power, gain our freedom
when we learn
That the union makes us strong*
 3. *In our hands is placed a power greater than their
hoarded gold,
Greater than the might of armies magnified a thousand
fold.
We can bring to birth a new world from the ashes of
the old,
For the union makes us strong.*

You've Got To Go Down And Join The Union

Tune: I've Got To Walk My Lonesome Valley

1. *You've got to go down and join the union—
You've got to join it for yourself.
There ain't nobody going to join it for you—
You've got to go down and join the union for yourself.*
2. *Sister's got to go down and join the union—
She's got to join it for herself.
There ain't nobody going to join it for her—
She's got to go down and join the union for herself.*
3. *Brother's got to go down and join the union—
He's got to join it for himself.
There ain't nobody going to join it for him—
He's got to go down and join the union for himself.*
4. *Everybody's going down to join the union—
They've got to join it for themselves.
There ain't nobody going to join it for them—
They've got to go down and join the union for them-
selves.*



APPENDIX P

Definition of a Scab

Scabs have been called many things by many people during the course of labor history but Jack London's description of the scab, "written with barbed wire on sandpaper," easily dwarfs all others.

"After God had finished the rattlesnake, the toad, the vampire, He had some awful substance left with which He made a scab.

A scab is a two-legged animal with a cork-screw soul, a water-logged brain, a combination backbone of jelly and glue. Where others have hearts, he carries a tumor of rotten principles.

When a scab comes down the street, men turn their backs and angels weep in heaven, and the Devil shuts the gates of Hell to keep him out.

No man has a right to scab so long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with. Judas Iscariot was a gentleman compared with a scab. For betraying his master, he had character enough to hang himself. A scab has not.

Esau sold his birthright for a mess of pottage. Judas Iscariot sold his Savior for thirty pieces of silver. Benedict Arnold sold his country for a promise of a commission in the British Army. The modern strikebreaker sells his birthright, his country, his wife, his children and his fellow men for an unfulfilled promise from his employer, trust or corporation.

Esau was a traitor to himself: Judas Iscariot was a traitor to his God; Benedict Arnold was a traitor to his country; a strikebreaker is a traitor to his God, his country, his wife, his family and his class."




APPENDIX Q

Cities with Full-Time AFL-CIO Community Service Representatives

Go to <http://www.aflcio.org/aboutus/allies/csn.cfm> for a nationwide list of AFL-CIO Community Services Representatives (the “People Who Help Handbook”). They can provide invaluable advice to help your local members find needed services during a strike.

THE PEOPLE WHO HELP DIRECTORY

**AFL-CIO
COMMUNITY
SERVICES
REPRESENTATIVES**



**International Association of Machinists
and Aerospace Workers
9000 Machinists Place
Upper Marlboro, MD 20772-2687**

March 2008
MR0020

