

Stinson Leonard Street LLP
UNION VULNERABILITY AUDIT SERVICES



Union Vulnerability Audit Services

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About the Firm

Stinson Leonard Street LLP provides sophisticated transactional and litigation services to clients ranging from individuals and privately held enterprises to national companies and international public corporations. We blend a collaborative environment with deep legal knowledge to deliver value on each matter and a rewarding experience to each client. Learn more about our attorneys, practice areas and 13 office locations at stinson.com.

Offices in 13 Cities

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Washington, DC

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Executive Summary: Positive Employee Relations Training and Union Vulnerability Audit Services

Proactive, educational, preventive – the right choice to keep your business union free.

Stinson's traditional labor attorneys are experienced, aggressive, service-oriented practitioners with a national reputation for helping employers remain union free. Our approach to union avoidance is based upon a foundation of positive employee relations customized to meet our clients' particular needs.

Our positive employee relations training and union vulnerability audit services allow employers to gain an awareness of the current workplace climate and its susceptibility to union organizing; educate supervisors and managers about unions and the early warning signs of union organizing efforts; and prevent the conditions that can lead to a union organizing effort. It is a proven, proactive approach that we have used nationally for over 20 years with excellent results.

Advantages of Training and Audit Services:

- Maximize Efficiency – preserve operational flexibility without union contract constraints.
- Cost Savings – combating a union organizing effort can cost tens of thousands of dollars. If the union wins, the cost of labor negotiations and contract administration would undoubtedly add significantly to an employer's ongoing cost of doing business.
- Added Value – managers and supervisors will gain greater understanding of the powerful impact of positive employee relations.
- Added Security – managers and supervisors will learn to recognize early warning signs of a union organizing effort, and be equipped to be the eyes, ears and voice of the company when it comes to maintaining union-free status.
- Improved Morale – leading to greater production efficiencies and lower attrition.
- Added Insight – confidential supervisor interviews provide employers with valuable insight into employee relations issues that are less obvious, and that may pose union vulnerability risks if left unchecked.

Positive Employee Relations Training/Union Vulnerability Audit

Stinson's Labor team offers stylized Positive Employee Relations Training and Union Vulnerability Audits, both customized to meet a company's particular needs. These tailored services are designed to enable employers to be proactive now, rather than reactive later when employees may look to outsiders for help – a time when it may be too late to make a difference. In light of the NLRB's new standards designed to promote union organizing, it is now critically important that employers develop a comprehensive union avoidance strategy.

The goals of the training and audit program are to: (1) help gain an awareness of the present work climate and its susceptibility to union organizing; (2) educate supervisors and managers about unions, the organization process and the early warning signs of a union organizing effort; and (3) prevent the conditions that can lead to a union organizing effort.

It is important for managers and supervisors to understand the powerful impact of positive employee relations and the "truths" about unions. Leadership teams must be aware of potential vulnerabilities and have a high-level strategy in place to address and overcome challenges. Supervisors and Managers are the first line of defense against third-party interference. Front-line leaders must have an effective, trusting relationship with their direct reports. Before the first rumor of a union organizing effort is received, leaders should be aware of the "hot button" issues and understand how and when to effectively advocate the shared goal of remaining union free. A periodic Union Vulnerability Audit conducted by an objective third party is the best way to survey, assess and address employees' views on an attorney-client privileged basis.

The following is an outline of the components of Stinson Leonard Street's Positive Employee Relations Training/Union Vulnerability Audit:

Positive Employee Relations/Union Avoidance Training

- How union organizing works now, and the dramatic changes the NLRB is promoting.
- Positive Employee Relations through Communication, Participation, Recognition (CPR)
- How to legally and effectively communicate the Truth About Unions

Fact Gathering – Tailored to Your Company

A. Personnel – company-wide and facility-specific

1. Reporting relationships – formal and informal leaders
2. Decision-making authority
3. Expectations – short- and long-term goals
4. Lines of communication – formal and informal

B. Policies and procedures

One on One Interviews with your Supervisors

A. Confidential, anonymous interviews that promote candid, unvarnished responses

B. Reinforce positive employee relations through CPR; refresher on FORE and TIPS

C. Identify union experiences

D. Rate the workplace

Identify the Issues at your Company

A. Geographic concerns

B. Organizational concerns

C. Policies and practices

D. Economics

Identify Potential Unit Composition Issues

A. Appropriate bargaining units

B. Supervisory status

C. Assessment of consolidation or bifurcation opportunities

Develop a Union Avoidance Strategy for Your Company

A. Confidential and privileged outline for dealing with identified issues

B. Roadmap for ongoing positive employee relations/union avoidance techniques

C. Obtain Supervisor buy-in

D. Monitor progress

Advantages of Individual Supervisor Interviews

A. Confidential Interviews.

A confidential, anonymous interview with an objective third party is the best way to promote candid, unvarnished responses from your managers and supervisors.

B. Uncover Less Obvious Issues.

You already know about obvious potential organizing triggers, such as; increased overtime, changes in production methods, changes in leadership. Interviews provide insight into issues that may be percolating just below the surface.

C. Gain An Understanding Of Supervisors' Relationships With Their People.

Individual interviews allow you to gain an understanding of how well front-line supervisors know their people. All of us who supervise tend to gravitate to the extremes, i.e., we enjoy spending time with good performers with good attitudes; and we are forced to spend time with problem employees. The employees in the middle – those who ultimately make or break a union avoidance campaign – often get lost in the shuffle. Interviews encourage broad based relationships between supervisors and hourly employees, while providing senior leadership with valuable insights into whether front line leaders have effective, trusting relationships with their direct reports.

D. CPR For Supervisors.

CPR is not just for hourly employees. The interviews provide supervisors with individualized attention and education. Supervisors appreciate the attention and the individual interviews confirm to supervisors that their opinions, ideas and concerns matter.

E. Uncover Trends.

Broad based interviews allow us to uncover potential trends relating to issues individual managers or supervisors may not think are of great concerns, i.e., only a couple of people have raised the issue. If, however, a couple of people in several different departments across several different shifts raise the same issues, it is obviously more widespread.

F. Identify Potential Unit Description Issues.

The “unit description” noted in a union’s organizing petition may be subject to challenge based upon facts uncovered during individual interviews. Being proactive regarding unit description factors may provide an additional defense to an organizing petition.

G. Identify Potential Supervisory Issues.

By law, a bargaining unit cannot include managers or supervisor as those terms are defined by the National Labor Relations Act. Facts uncovered during individual interviews will help determine who is and is not subject to union organizing and, if appropriate, allow for some tweaking of duties and responsibilities in an effort to strengthen a union avoidance strategy.

H. Pre-Campaign Response To Concerns.

Based upon information gathered through the interview process, we are able to develop a confidential and privileged outline for dealing with identified issues. You will then be able to use the outline as a roadmap to deal with issues before the first sign of an organizing effort.

Stinson Leonard Street Team

The Stinson legal team we propose to include on this engagement are listed below.

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