

Dairy Farmers of America Say Union Yes, Choose UFCW Local 876 for a Voice on the Job



Workers celebrate after a majority of their coworkers voted to join UFCW 876.

On February 3, workers at Dairy Farmers of America (DFA), a milk processing plant in Adrian, Michigan, voted for representation with UFCW Local 876 in an effort to gain job security and a voice on the job. The vote ended the workers' two-month union organizing campaign.

Workers said they became interested in forming a union when management began to use intimidation tactics to increase productivity. Workers cited wanting respect, equality and accountability as reasons to vote for union representation.

"The workers at DFA are very much a close community, and watching management mistreat coworkers was an incentive for workers to find their voices," said Noah Hefner, a DFA receiver. "I am really proud of my coworkers today." "We are ready to make progress by bargaining a fair contract with management." **OP**

California and Colorado Medical Cannabis Workers Join UFCW

Workers in medical marijuana dispensaries and centers took their first step to safeguard patient access when they voted to unite in UFCW Local 5 in San Jose, Calif. and in UFCW Local 7 in Denver, Colo. last week.

"By joining UFCW Local 5, I can have a good, middle-class, job with fair wages and good benefits," said Jennifer Bautista,

a medical cannabis technician at SVCares in San Jose, California. The workers voted unanimously to join hundreds of other medical cannabis workers in UFCW Local 5.

With a stronger voice, these workers and UFCW Local 5 have been working with patients, advocates, and doctors to spearhead a statewide ballot measure campaign for stronger and stricter regulations to make medical marijuana safer and more accessible for legitimate patients in need. Called the "California Medical Marijuana Regulation, Control, and Taxation Act," supporters are preparing to launch the statewide signature drive in the coming weeks to qualify for the November 2012 ballot. With pledges of support by outside supporters and advocates, voters in California could vote to establish a uniform statewide policy and oversight for the growing medical industry to ensure patient protection, create good jobs, and create a new steady revenue stream for the state.

After becoming the first in the state to form their union last week, workers in medical marijuana retail centers in Denver, Colo. are now looking to create cooperative labor-management partnerships that promote training and proper safeguards for workers while also implementing state guidelines to stabilize the industry.

In the coming weeks, employees in a dozen medical cannabis centers will have the opportunity to vote to join UFCW Local 7. The centers are located in Denver, Colorado Springs, and Boulder. **OP**



A new member of UFCW Local 5 who works in a medical marijuana dispensary.

“Candidate Walmart” Makes Debut at Conservative Conference

Making Change at Walmart recently launched “Candidate Walmart” - a spoof campaign designed to use the Supreme Court’s Citizens United decision to highlight what kind of corporate citizen Walmart is.

“Candidate Walmart” announced his decision to run for President at the Conservative Political Action Conference, in Washington, D.C. last week, saying, “Mitt Romney and the Supreme Court agree: corporations are people, too. The time has come for the world’s largest retailer to seek the highest office in the land.” Follow Candidate Walmart on twitter @WalmartforPres or visit <http://candidatewalmart.org/> for more info. **OP**



NLRB Issues New Rule to Modernize Election Procedure

The National Labor Relations Board (NLRB) recently issued a rule modernizing election procedures. The rule cuts the time until the NLRB holds the election by streamlining pre-election hearings, postponing legal issues until after the election and allowing NLRB regions to hold elections earlier than 25 days after they issue decisions and directions of elections. The rule is effective April 30, 2012. Under the rule:

- Pre-election hearings will be limited to evidence directly related to whether the bargaining unit is appropriate. Hearing officers should not permit companies to litigate whether certain individual workers should be included in the unit.
- Companies no longer have the right to file written briefs. Instead, hearing officers should direct management attorneys to orally argue the case.
- Companies may no longer appeal an election decision before the election.

- There is no longer a 25-day delay between the election decision and the election.

“Because many NLRB regions may continue to follow the old practices, it is important that UFCW Locals push their regions to hold elections sooner by pressing hearing officers to limit pre-election hearings and require the parties to orally argue the issues,” Executive Vice President and Director of Organizing Pat O’Neill said. “Locals must insist that regions hold elections within days after the regions issue their election decisions.”

The NLRB is reportedly continuing to consider another rule that would more broadly overhaul election procedures, including streamlining hearings more, postponing the resolution of more legal issues, and requiring companies to provide Excelsior lists earlier. **OP**

Local 21, OUR Walmart Support Seattle Port Truck Drivers

Yesterday, members of UFCW Local 21 stood in support of the Seattle Port Truck Drivers as they entered their third week of a strike pushing for safe working conditions for themselves, the community, and fairness on the job. UFCW 21 made a \$2,500 donation to support the drivers and their families. Joining UFCW Local 21 in this show of solidarity was a group of OUR Walmart members who also made a donation of \$1,000.

Mary Watkines, an OUR Walmart member and Walmart associate from Federal Way, Wash. said, “Walmart is a major business shipping through the Port of Seattle. We expect Walmart to use its influence to improve the lives of the workers and the safety of the truckers who work here every day. Unfortunately, Walmart tends to use its influence to drive down conditions, not improve them.” **OP**



Local 1428 Elects Pro-Worker Candidates, Ousts Walmart & Improves Union Market Share



Over the course of the last year, members of UFCW Local 1428 made a proposed Walmart in the El Monte community the most important issue in their local election, worked to elect pro-worker candidates to the city council and re-elect their Mayor, and ultimately overturned a deal which would have brought Walmart into their community.

Despite the pro-worker advocacy of Mayor Andre Quintero, the El Monte City Council voted 4-1 last year to approve a deal with Walmart in which taxpayers would have given the world's largest retailer \$7.7 million in subsidies.

In October 2011, just a month away from the local elections, members of UFCW Local 1428, in coalition with the LA County Federation of Labor, began a phone bank and GOTV operation that made the proposed taxpayer subsidies the main issue in the local elections. One member filed a lawsuit to delay the development of the proposed site, and others started a committee called Concerned Citizens of El Monte.

According to Secretary-Treasurer Mark Ramos, members were still enthusiastic from negotiating a good contract with Southern California grocery companies, and had seen firsthand how banding together could accomplish big things.

Although Walmart was able to outspend working people by 3-1, Mayor Quintero was re-elected and two pro-Walmart city councilwomen were unseated. On January 17, 2012, the city council voted to kill the Walmart project 5-0.

UFCW Local 1428 is now working to bring Stater Brothers, a union grocery store, to the El Monte community. **OP**

New Rules on H-2B Visas Strengthen Worker Protection

The U.S. Department of Labor's (DOL) Employment and Training Administration and its Wage and Hour Division has announced a final rule to improve the H-2B temporary nonagricultural worker program. The rule includes changes to several aspects of the program to ensure that U.S. workers receive greater access to jobs and strengthens worker protections.

In drafting the final rule, the department responded to comments received from worker advocates including the UFCW. The UFCW has long advocated for stronger protections for guest workers and more scrutiny of companies requesting employment based visas. The UFCW responded to the proposed rules and worked with Change to Win and AFL-CIO unions and the DOL to ensure the rule will make it more difficult for companies to convert full time jobs to temporary/guestworker positions.

The H-2B program allows the entry of foreign workers into the U.S. on a temporary basis when qualified U.S. workers are not available and when the employment of those foreign workers will not adversely affect the wages and working conditions of U.S. workers. The H-2B program is limited by law to a program cap of 66,000 visas per year.

The final rule creates a national job registry for all H-2B job postings and increases the amount of time during which U.S. workers must be recruited. The rule also requires the rehiring of former employees when available.

H-2B program benefits, such as transportation costs and wages, will be extended to U.S. workers performing substantially the same work as H-2B workers. Worker protections will also be strengthened by enhancing transparency throughout the employment process. The DOL has posted factsheets and other materials explaining the final rule at this link:

<http://1.usa.gov/vZGiNA>. **OP**

Due to the President's Day Holiday, the next issue of OnPoint will be on Wednesday, February 22.