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Freightliner employees file charge against union

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Angry over what they claim is an orchestrated effort to withhold a promised pay raise, two local Freightliner employees filed an unfair labor practice charge Friday with the National Labor Relations Board.

David Roach and Mike Ivey charge in the 2-page filing that the United Auto Workers, Freightliner and Daimler-Chrysler have withheld the pay raise to coerce employees into joining the union. A memo posted at the plant told employees that when a union is actively seeking to represent workers federal labor law prohibits unilateral wage hikes unless the union agrees. A union official told The Ledger last week the raise 'might not be as much as we could negotiate for them when we take over.'

The UAW began earlier this year to seek the right to represent the workers at the Gaffney Freightliner plant. The UAW already represents employees at Freightliner plants in Gaston and Cleveland counties in North Carolina.

The National Right to Work

"The employees simply don't want the union around - but Freightliner and the UAW are refusing to get the message."

— STEFAN GLEASON
National Right to Work Foundation



Legal Defense Foundation, a Springfield, Va.,-based organization that provides legal aid at the request of individual employees suffering violations of their rights resulting from compulsory unionism, helped the employees file the federal charges.

The employees decided to file charges after UAW officials vetoed a long-scheduled and promised pay increase and effectively required a freeze on pay raises until the employees agree to unionization, a National Right to Work Legal Defense Foundation news release said Friday.

"Implementing a so-called 'neutrality agreement' that

requires the company to actively assist the UAW in its organizing efforts, Freightliner has, in effect, made the UAW its 'company union,' even though the union enjoys negligible support from rank-and-file workers," the press release adds.

The neutrality agreement gives UAW access to Freightliner employees on company property during non-work times.

The news release said that approximately 70 percent of the plant's employees have already signed a petition stating they reject union affiliation and prefer to negotiate directly with com-

pany officials over wages and benefits.

The employees are seeking an injunction against the UAW and Freightliner. The injunction asks the NLRB to order the UAW and Freightliner/Daimler-Chrysler to cease enforcing their anti-employee neutrality agreement.

The injunction also would cease Freightliner/Daimler-Chrysler from threatening and coercing employees, and withholding their raises in order to force them to accept unionization by an unwanted 'company union.' Lastly, the injunction would stop the minority-union/'company union' from bargaining with Freightliner/Daimler-Chrysler over the wages and benefits.

"Under most neutrality agreements, union organizers are given full access to non-union employees' personal information and company facility," the news release said. "Also, workers are usually denied the ability to reject unionization through a secret ballot election, and union operatives are allowed to sign up workers under a 'card check' authorization scheme. If UAW

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officials sign up a majority* of the workers, Freightliner would likely agree to recognize the union as the exclusive representative of all workers, even those who did not sign a card. Under the 'card check' unionization process, workers are often misled, harassed or threatened into signing authorization cards."

"UAW operatives are holding the wage increase hostage to force workers into

union ranks," said Stefan Gleason, vice president of the National Right to Work Foundation. "The employees simply don't want the union around - but Freightliner and the UAW are refusing to get the message."

The parties involved

* THE NATIONAL LABOR RELATIONS BOARD is responsible for administering the National Labor Relations Act.

That Act oversees private sector labor relations, such as, the relationship between employers, unions and employees, and the rights of employees to form, join or assist a labor organization and to bargain collectively through representatives of their own choosing or to refrain from such activities.

The NLRB's primary mission is to prevent and remedy unfair labor practices by employers or unions and to hold elections at which

employees decide if they wish to be represented by unions.

* THE NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION is a charitable organization based in Springfield, Va. It operates solely through the generous support of concerned Americans dedicated to the protection of all employees from abuses of compulsory unionism, according to its website www.nrtw.org.

The Foundation provides legal aid only at the request of individual employees suffering violations of their rights resulting from compulsory

unionism.

The Foundation is totally independent. It accepts no contributions for the purpose of financing a case on behalf of a contributor or an employee of a contributor. The legal staff operates under guidelines set by the Board of Trustees.

In 1968, the time had come for an organization that could provide free legal aid to these victimized employees. Rather than working in the legislative arena, such an organization could fight through the court system, to protect employees from violations of their rights resulting from compulsory unionism.

Full text of employees' charge

1. Charging Party is employed by Freightliner Custom Chassis Corporation ("FCCC"), an indirect subsidiary of Daimler-Chrysler Corporation, Inc., within a proposed bargaining unit of approximately 540 employees. Freightliner/Daimler-Chrysler has signed a "neutrality and card check" agreement with the UAW union, covering FCCC and other facilities, which provides advantages to the UAW and makes it easier for the UAW to organize the employees at FCCC and other Freightliner LLC/Daimler-Chrysler subsidiaries.

2. In the face of the neutrality agreement which is designed to compel UAW unionization of the FCCC employees, approximately 375 FCCC employees (70 percent of the proposed unit) have signed a petition stating clearly that they reject, and do not want to be represented by, the UAW union.

3. Notwithstanding this overwhelming employee rejection of the UAW as their representative, the UAW and Daimler-Chrysler persist in enforcing their neutrality agreement at FCCC and in trying to foist this unwanted "company union" on the employees.

4. The FCCC workers have in the past received periodic wage increases, and were recently promised such a periodic wage increase by Freightliner officials. However, despite the employees' overwhelming rejection of the UAW as their

bargaining representative, the UAW and Freightliner/Daimler-Chrysler are now engaged in "bargaining" over the wages of the FCCC employees, and FCCC has announced that it cannot give employees the raises they are due because the minority-union UAW has veto power over the employees' terms and conditions of employment as a result of the neutrality agreement, and the UAW union is, in fact, vetoing the raise. This "bargaining" by and with a minority union is blatantly unlawful. In short, FCCC employees have been and are being threatened that they will get no raises unless and until they agree to unionization by the "company union" known as the UAW. (Can it be doubted that the NLRB would find a violation of the Act if an employer told employees that the only way they will get raises is if they defeat a particular union, or bring in a particularly favored "company union?" See, e.g., *Meyers Transport of New York*, 338 NLRB No. 144 (2003) and cases cited *infra*; *Aldworth Co.*, 338 NLRB No. 22 (2002).

5. The UAW is using its power under the neutrality agreement, and its seat on the Supervisory Board of Daimler-Chrysler, in an illegitimate and coercive way, to hold hostage the raises of the FCCC employees, so that it can leverage its way into the Gaffney, S.C., plant against the employees' will. Even assuming, *arguendo*, that the UAW-Daimler-Chrysler "neutrality

agreement" was valid when entered into, its use and enforcement now, in the face of clear opposition to the UAW by 70 percent of the effected employees, is blatantly unlawful and coercive.

6. These and related action restrain and coerce employees in the exercise of their rights, illegally assist a labor union, and illegally interfere with the formation - or rejection - of a labor union among FCCC employees. Injunction relief is sought to restrain this and similar conduct by the UAW and Freightliner/Daimler-Chrysler. Such injunction relief should: 1) order the UAW and Freightliner/Daimler-Chrysler to cease enforcing their anti-employee "neutrality" agreement; 2) cease threatening and coercing employees, and withholding their raises, in order to force them to accept unionization by an unwanted "company union"; and 3) stop this minority-union/"company union" from bargaining with Freightliner/Daimler-Chrysler over the wages and benefits to be paid to FCCC employees.