



STRIKE MANUAL

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2022 City of Santa Cruz



THE RIGHT TO STRIKE

Private Sector Use Only

Section 7 of the National Labor Relations Act states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows: It is clear from a reading of these two provisions that: the law not only guarantees the right of employees to strike, but also places limitations and qualifications on the exercise of that right. See for example, restrictions on strikes in health care institutions (set forth below).

Lawful and unlawful strikes. The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are matters that are not always easy to determine. Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay.

Strikes for a lawful object. Employees who strike for a lawful object fall into two classes “economic strikers” and “unfair labor practice strikers.” Both classes continue as employees, but unfair labor practice strikers have greater rights of reinstatement to their jobs.

Economic strikers defined. If the object of a strike is to obtain from the employer some economic concession such as higher wages, shorter hours, or better working conditions, the striking employees are called economic strikers. They retain their status as employees and cannot be discharged, **but they can be replaced by their employer.**

Unfair labor practice strikers defined. Employees who strike to protest an unfair labor practice committed by their employer are called unfair labor practice strikers. Such strikers can be neither discharged nor permanently replaced. When the strike ends, unfair labor practice strikers, absent serious misconduct on their part, are entitled to have their jobs back even if employees hired to do their work have to be discharged.

Strikes unlawful because of timing—Effect of no-strike contract. A strike that violates a no-strike provision of a contract is not protected by the Act, and the striking employees can be discharged or otherwise disciplined, unless the strike is called to protest certain kinds of unfair labor practices committed by the employer

Strikes unlawful because of misconduct of strikers. Strikers who engage in serious misconduct in the course of a strike may be refused reinstatement to their former jobs. This applies to both economic strikers and unfair labor practice strikers. Serious misconduct has been held to include, among other things, violence and threats of violence. The U.S. Supreme Court has ruled that a “sit-down” strike, when employees simply stay in the plant and refuse to work, thus depriving the owner of property, is not protected by the law. Examples of serious misconduct that could cause the employees involved to lose their right to reinstatement are:

- Strikers physically blocking persons from entering or leaving a struck plant.
- Strikers threatening violence against non-striking employees.
- Strikers attacking management representatives.

Section 8(g)—Striking or Picketing a Health Care Institution Without Notice. Section 8(g) prohibits a labor organization from engaging in a strike, picketing, or other concerted refusal to work at any health care institution without first giving at least 10 days’ notice in writing to the institution and the Federal Mediation and Conciliation Service.

Public Sector Use Only

PERB recently held that strikes and strike-related conduct constitute protected activities under the Meyers-Milias-Brown Act and other public sector labor-relations laws.

In 1985, the California Supreme Court stated that public employees have a basic right to strike, unless it is clearly shown that the strike poses a substantial, imminent threat to public health and safety. That case was called *County Sanitation District No. 2 of Los Angeles County v. Los Angeles County Employees’ Association*, or “*County Sanitation*” for short. *County Sanitation* clearly established that a strike in the public sector is not illegal, absent a clear threat to public health and safety. However, it was up to PERB to decide whether or not the public sector labor laws affirmatively protect strikes and strike-related conduct (such as preparations for strikes).

The determination that labor law protects strikes and related conduct also means that a union may support a strike without being charged with failing to bargain in good faith, assuming its conduct is otherwise lawful. In addition, it means that a public employer may not legally discipline employees for engaging in a lawful strike.

GENERAL INFORMATION

SEIU

Represented Units

There is NO need to give notice or call in your intent to strike. SEIU 521's issuance of a strike notice is notification to City of Santa Cruz that you will not be at work the days of the strike. On the day of the strike you should show up on the picket line. Report to the designated picket captain, sign in and pick up a picket sign.

Members Working Night Shift Before the Strike

It is the City's responsibility to provide someone to report off to. Members working the night shift at 24 hour facilities before the strike starts should report off to a supervisor at the end of their shift and come out to the picket line. Members whose day shift starts before 7:00am (for example, 5:00am or 6:00 am) should report to work, then report off to a supervisor at the strike time and leave.

Be prepared for pressures that will be placed upon you and the uncomfortable feelings you may experience.

If you are asked by your Manager whether you are going to strike, you may say: *"Yes," or "I'd rather not discuss it."*

QUESTIONS AND PROBLEMS SHOULD BE DIRECTED TO YOUR LOCAL STRIKE CAPTAIN.

Ways the Boss Attempts to Undermine Worker Unity & Power:

Falsely claiming the strike is illegal or you can't strike.

We have the right to strike. The boss will attempt to undermine that right because they see the strength and size of the potential strike. It is illegal for an employer to threaten, intimidate, discriminate, or terminate any employee for exercising their right to engage in a protected strike.

Telling members they are "lucky" to have a job in this economy.

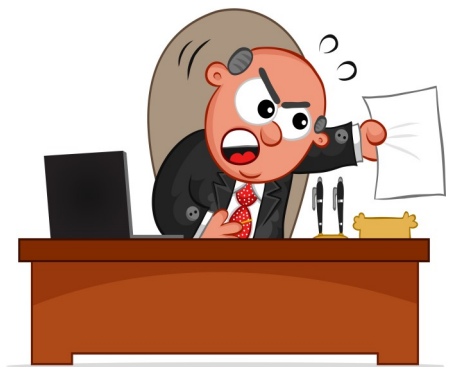
The City works because we work and care for our community and the valuable services we provide.

Attempting to try and make members feel guilty for standing up for their clients, community and co-workers.

The City is the sole party responsible for placing members in the position where they have to stand up for their retirees, community and co-workers. The City has decided to not recognize the critical role you play in providing services to our community.

Your Manager making a personal appeal to you to cross the picket line.

This strike is not personal in relation to your Manager.



GENERAL INFORMATION

Picketing

Plan to picket for minimum of 8 hours. The schedule for picketing will be determined once we set dates for the Strike. Look for a schedule of rallies and other events on our SEIU 521 City of Santa Cruz Chapter Memberlink website, Facebook or designated worksite Captain. There will be picket duty sign up sheets with your Contract Action Team Members (CAT's). All members MUST sign in to the picket line in the event Strike Funds is authorized.

The Strike

On the days of the strike, you do not work or take work-related calls for any reason. You honor and support the picket line. We will make it clear to the City that members are ready and available to work immediately following reaching a Tentative Agreement.

Our Right to Picket

The first Amendment of the U.S. Constitution and California State Law both protect your right to peacefully picket to publicize bargaining disputes. The U.S. Supreme Court has stated that peaceful picketing which is designed to inform and persuade the public is within the area of free speech guaranteed by the First Amendment of the Constitution.

Food, Children, and Pets

Well-behaved animals can add to the morale and spirit of a picket line, but be aware that it can be upsetting for animals. If you do bring an animal, make sure that you clean up appropriately. Children should be encouraged to picket with the parent to help them understand their parent's position. Other family and friends are also welcome.



Media

If the media arrives at the picket line, an assigned spokesperson is predetermined to speak to the media with our message. At the beginning of the strike, we ask all strikers that if the media asks to speak with someone, refer them to a Strike Captain or SEIU Local 521 staff person only to ensure that our message about the strike is consistent.

DO's & DON'Ts OF PICKETING

It is your constitutional right to picket your employer and pass out handbills during a strike. Your picketing is a form of free speech protected by the First Amendment. Your rights to strike, picket, and engage in other forms of concerted activities as workers are also guaranteed by Section 7 of the National Labor Relations Act or Meyers-Milias-Brown Act.

DO

- Ask workers who have not yet honored the picket lines to do so, even if they are not members of the union. The employer cannot discipline when an employer refuses to cross a picket line.
- Ask the public to not patronize the employer and ask persons making deliveries to the employer to honor your picket line. This does not apply if picketing is only "informational."
- Communicate with clients in a courteous manner and thank them for their support. Tell them why you are striking.
- Cooperate with police officers and obey their instructions. If there is a problem, obtain the officers name, department affiliation, and badge number. Report information about police actions to the Strike Captain and/or SEIU Local 521 staff.
- Picket only where assigned by your SEIU Local 521 staff and Strike Captain.
- Maintain peaceful and orderly picketing.
- Keep moving and maintain adequate space between pickets to allow for access through company entrances and gates.
- Picket only the City facilities and the workers performing the work of the employer being struck. Do not picket gates "reserved" for employees of "neutral" employers.
- Report any incidents involving threatening or dangerous behavior by strike breakers to a Strike Captain and/or staff. Make note as to what happened (date, time, place, description of individuals, witnesses)
- Listen to and follow the instructions of your Strike Captain.
- Direct any media to the designated media point person.
- Have fun and be creative on the strike picket line.
- Stay hydrated.

don't

- Do not use foul or abusive language to others in vicinity of picket lines. You have the right to call strike breakers "scabs" but do not use any derogatory language regarding a persons race, ethnic origin, religion, gender, age, or sexual preference.
- Do not threaten the public or others.
- Do not physically touch any persons approaching or crossing picket lines. You can walk alongside them to talk with them and ask them to join you but do not be abusive.
- Do not make any statements to police, reporters, tv/radio, managers or security agents. Refer all questions to the Strike Captain or SEIU Local 521 staff.
- Do not litter. Keep the area clean and help clean up.
- Do not drink alcoholic beverages or brings any non-prescription drugs with you to picket duty.
- Do not interfere with traffic beyond what pedestrians are normally allowed and do not block driveways when cars are entering
- Do not argue with other picketers. If you have a problem, talk to the strike captain.
- Do not all in "sick" to work because you are not sick
- Do not block people's ability to enter and exit buildings
- Do not use violence or other wise aggressive or threatening behavior
- Do not say things that are untrue regarding the employer.

If you have any questions regarding where you can picket or how you can conduct strike activities contact your Strike Captain or SEIU staff.



FREQUENTLY ASKED QUESTIONS

- Q: *Can I be fired or disciplined for striking?*** You have the right to strike under California & Federal Law, assuming the Union has followed the legal procedure. **It is illegal for an employer to threaten, intimidate, discriminate, or terminate any employee for exercising their right to engage in a protected strike.** SEIU Local 521 will fight to ensure all our members' right to strike is protected. The City cannot replace you.
- Q: *Will I get paid if I go on strike?*** No. Workers are generally not eligible to receive unemployment for a strike activity. While Local 521 has a strike fund, that fund is only used to feed picketers, run the strike headquarters, assist members with deferring/payment of utility bills, rent, lodging, or mortgage payments in accordance with the policy.
- Q: *Can I use sick leave or vacation time?*** No. If you're on strike, you're not sick or on vacation.
- Q: *What about health insurance?*** Once a contract expires, most terms of the contract remain in place until such time as the employer and Union agree to different terms or reach impasse and the employer imposes different terms.
- Q: *What if I am on probation or a Extra Help?*** All workers are protected from retaliation in the event of a protected strike, BUT we recommend that probationary employees do not participate in the strike. You can join picket line after work, on breaks and lunches. Promotional probation employees should participate in the strike, at your discretion. Should the County try to release you we shall defend you.
- Q: *Can bargaining unit employees who are not dues-paying members strike?*** Yes, but you are not eligible to vote or request strike hardship assistance.
- Q: *What if I am part of the "Essential Worker List"?*** The City may go to court to require certain employees who the employer claims are "essential" to public safety and health to come to work. If they do so and they are successful, they would have to serve you with a court order to come to work in the event of the strike. Until you receive such an order, you should participate in the strike. SEIU 521 would defend in court the right of "essential" workers to participate in a strike.
- Q: *How long would a strike last?*** Some strikes last only days, while some go on for months or even years. How long a strike lasts would depend entirely on how strong we are, how much the City is willing to budge and how long workers can hold out without pay or benefits.
- Q: *Who has to go on strike? What if I cross the picket line?*** Local 521 can't force anyone to strike, or take action against those who do not. However, we are unlikely to have a successful strike if many workers cross the picket line. Therefore, we would ask all Local 521 workers who are NOT ON PROBATION to join the strike.
- Q: *What am I expected to do during a strike?*** If you vote to strike, you should be prepared to picket, march, rally, etc., every day until we get an agreement.
- Q: *Can my boss tell me not to go on strike?*** No. **Employers are prohibited from interfering with or taking reprisals against employees for exercising protected right.** Interference, restraint or reprisals are considered unfair labor practices.
- Q: *Is there a strike fund to help workers on strike?*** Yes. The local can authorize some monetary assistance in the event a strike lasts more than 5 days. This is available only to active members "in good standing" for a minimum of six months or from date of hire if less than six months prior to the strike date (be current with dues, not on medical or any other kind of leave, and not retired).
- Q: *If a member is on vacation when a strike begins, or is scheduled for vacation during the strike, what happens to vacation time and pay?*** If the member is already on vacation, s/he is okay; if the member is scheduled to go on vacation during the strike, the City may attempt to cancel your vacation. They are not allowed to do this.
- Q: *What happens to leave status (personal, maternity) if on leave during a strike (does time accrue, seniority accrue)?*** Members on medical leaves will probably not be considered to be "on strike." Leave time and seniority will not accrue unless negotiated.
- Q: *What happens if the strike settles?*** You need to report for work if you are scheduled to work. Call your CAT or check our website to get the latest information.



HARDSHIP FUND GUIDELINES

SEIU Local 521 has established a Strike Hardship Fund to be used to support strike actions.

Objective: This fund is a tool to strengthen participation in approved strike actions by supporting a limited number of financially disadvantaged members in a strike action. This fund is not intended to be a substitute for wages.

1. Overview

The Local 521 Executive Board may approve "hardship" funds toward a strike action against a particular employer based on \$250 per member of the striking bargaining unit(s) to a maximum of \$50,000. Funds provided exclusively by the Local become available to eligible members only after the 5th day of the strike action. Striking chapters may apply to the Executive Board for additional strike hardship funds.

2. Distribution of Local Hardship Funds

Local hardship funds shall be distributed as follows:

- a. Starting on Day 6 of the strike, eligible members may apply for the funds.
- b. Approval or Denial will take place within two weeks of the receipt of all application documents.

3. Member Eligibility

Members are urged to apply only if they have a serious hardship. To be eligible to receive funds, a member must submit an application to the Local 521 Strike Hardship Committee based on the timeline established in number 2 above. Applicants must:

- a. Be an active member "in good standing" for a minimum of six months or from date of hire if less than six months prior to the strike date (be current with dues, not on medical or any other kind of leave, and not retired).
- b. Participate in the strike activities each day, for the whole day, and document this by signing the union's strike rosters daily.
- c. Acknowledge on the application that the member has read the "Strike Hardship Fund Policy" and understands the following statement: "This fund is not intended to be a substitute for wages but rather a tool to strengthen participation in approved strike actions by helping a limited number of financially disadvantaged members in a strike action."

4. Categories for Hardship Needs

A. Food Assistance Policy:

Necessary food assistance may be provided by the Local to eligible strikers. The Chapter Hardship Action Team shall establish the guidelines *for* such assistance in each strike situation in accordance with the *available resources in the City/region*.

B. Utility Policy:

The Chapter Hardship Action Team shall assist strikers in attempts to defer payment all utility bills such as water, fuel, and electricity. After the first fifteen (15) calendar days of a strike, Counselors may recommend, where necessary, payment of such bills which cannot be deferred, in order to prevent termination of service.

C. Rent, Lodging, and Mortgage Payment Policy:

The Chapter Hardship Action Team shall assist strikers in attempts to defer payment of rent and mortgage payments. After the first fifteen (15) calendar days of a strike, Counselors may recommend, where necessary, payment of such items. In those cases where all else has failed and foreclosure/eviction is about to be enforced.

D. If your particular hardship is not listed contact the Chapter Hardship Action Team /Counselor for information.

5. Committees

A. The Strike Hardship Committee:

- The policy of the Strike Hardship Committee for recommending assistance is within the framework of the established purpose of the Strike Hardship Fund. All questions regarding eligibility for assistance must be based on actual hardship needs of the individuals and that all other means for assistance have been exhausted. The Local shall empanel the Strike Hardship Committee at the swearing in of officers at the beginning of the Executive Board's three year term. (The Local President shall empanel the first committee upon adoption of this policy.)



HARDSHIP FUND GUIDELINES

The Hardship Committee shall be comprised of the following officers:

- 1st Vice President
- One of the two Trustees at Large (the other will be the backup as needed)
- One volunteer Executive Board member from each of the Local's Regions. (During the 3 year term if an Executive Board member is for any reason not able to continue to serve, the Regional Vice President of the affected region will appoint a replacement.)
- Additionally the Committee will be assigned a Staff Liaison for facilitation purposes. The Chief Elected Officer will make the assignment of the committee's Liaison within the first 60 days of the new three year term. The liaison assignment will be made sooner if a strike action is likely before the 60 days.

The responsibilities of the Strike Hardship Committee are:

- See to the maintenance of and adherence to the Local Strike Hardship Fund policy.
- The creation/maintenance of the Community Resource Guide for Hardship Action Team (by Region).
- Assist in the orientation of Hardship Action Team and oversee/monitor Hardship Action Team activities.
- Provide final approval of grant requests submitted by Hardship Action Team

B. Hardship Action Team:

Within 30 working days (sooner if a strike is imminent) after the Strike Hardship Committee is empaneled by the President and concurred by the Executive Board a pool of volunteers shall be found who are willing to serve on Chapter Hardship Action Teams during the term of the seated Executive Board. It is envisioned that each Region will have a separate Region specific pool of 9-12 qualified volunteers in their member pool. It is noted that eligibility type workers or equivalent type positions already possess many of the skills that will be necessary on the Chapter Hardship Action Teams.

When a Chapter takes and approves a strike vote: in order to qualify for Strike Hardship Funds a Chapter Hardship Action Team must be formed within seven (7) working days. To accomplish this, the Chapter negotiation leadership shall request the services of three qualified, available members of the Regional volunteer pool and contact the remaining Team members enumerated below. All selected Chapter Hardship Action Team members must not be attached or involved in any way with the chapter involved in the strike action.

One of the first duties of the Chapter Hardship Action Team is to distribute a copy of this policy to all effected chapter members in the most expeditious manner(s) possible. As area knowledge is critical the Chapter Hardship Action Team shall be comprised of the following members:

- The Regional Vice President of the striking chapter or his/her designate.
- Three members in good standing who reside in the County or region where the chapter is located, who are not attached or involved in any way with the chapter involved in the strike action. These members are selected from the Regional volunteer pool.
- The Trustee of the region wherein the striking chapter is located as long as the Trustee's chapter is not the chapter on strike.
- A Trustee at Large or a Trustee from another region will fill this position if there is not a Trustee for that region or the Trustee's chapter is the striking chapter.
- A Staff Liaison from the nearest regional office to the striking chapter for facilitation purposes. NOTE: it is envisioned that this will be an administration type support as the internal organizer will have their hands full.
- Additionally it is envisioned that the fact that a sister chapter is going out on strike and that regional support is needed builds solidarity among all members of that region. Regional Vice Presidents are encouraged to take an active role in martialing moral and actual support from the other chapters in the region.

The Chapter Hardship Action Teams will take an oath of office appropriate to this service and will do so at the first available meeting of the striking chapter's officers and/or members. The contact information and procedures for being awarded a hardship grant will be reviewed by the chair of the Strike Hardship Committee directly after the administration of the oath or at the same meeting if the agenda indicates a time sensitive matter must be handled first.

The responsibilities of the Chapter Hardship Action Team are:

- Fleshing out the Community Resource Guide in order to properly identify resources that strikers may qualify for, including but not limited to, contacting those organizations to confirm the processes needed to properly ask for and receive aid.
- Work with the claimants as counselors on how to best deal with their individual situations, and after exhausting all other options recommending to the Strike Hardship Committee that their claims be funded.

*****All financial records shall be maintained by the HAT Committee in highest confidentiality and in compliance with all laws.**

STRIKE MANUAL

Name: _____

Strike Captain Name: _____

Strike Captain #: _____

SEIU Staff Name: _____

SEIU Staff Cell #: _____

Look For A Schedule Of Rallies And Other Events On Our
SEIU 521 City of Santa Cruz Chapter MemberLink Website, Facebook or
via your designated worksite Captain.

For More Info

Memberlink @ <https://www.seiu521.org/cityofsantacruz22>

Facebook @ <https://facebook.com/SEIU521>

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