

LOCAL 521

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Stronger Together

STRIKE MANUAL



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CAMPAIGN WEBSITE HERE:**



www.seiu521.org/contract-campaigns/santaclaracounty/

2023

SANTA CLARA COUNTY

WHY WE WILL STRIKE



IT'S LONG PAST TIME FOR THE BOARD OF SUPERVISORS TO DO RIGHT BY FRONTLINE WORKERS AND THE PEOPLE WE SERVE.

THAT'S WHY WE ALL NEED TO VOTE TO AUTHORIZE AN UNFAIR LABOR PRACTICE STRIKE AND BE READY TO WALK OUT ON JUNE 26, 2023.

There's a staffing crisis in Santa Clara County and it's getting *worse*. The County refuses to agree to the improvements in pay and policies that are imperative if we are to address the critical level of vacancies, the high cost of living, the lack of training and promotability, and the need for mutual respect. County management continues to violate our legal rights – imposing unilateral changes and harassing us for standing up – when they *should* be working *with* us to fix the problems we face every day.

For years the situation has been getting worse. Going on strike is the only way to make the County management and the Board of Supervisors understand that we mean it when we say ***this County must do better – for its workers and for its people.*** It took a strike to get them to take us seriously the last time we bargained. We waited too long to strike last time. We won't do that again.

The County and Board of Supervisors need to see with their own eyes that thousands of County workers are willing to strike – that we aren't afraid to stand up for our families and the communities we serve.



THE RIGHT TO STRIKE

Public Sector

PERB 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.

The determination that labor law protects strikes and related conduct also means that a union may call 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.



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MAKE SAFE STAFFING A REALITY
PRIORITIZE CARE
RESPECT US
PROTECT US
PAY US

SEIU 521

GENERAL INFORMATION

When we go on Strike

There is NO need to give notice or call in your intent to strike to your manager or direct supervisor. SEIU 521's issuance of a strike notice is notification to Santa Clara County that you will not be at work on the days of the strike. On each day of the strike, you need to 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 County'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. Be prepared for pressures that will be placed upon you and the uncomfortable feelings you may experience.

Members working on Telework

On the first day of the strike, you should show up on the picket line one (1) hour before you normally start work. Report to the designated picket captain, sign in and pick up a picket sign. After that, there may be days when you will report to a virtual picket line. Times and links will be announced on our campaign website: www.seiu521.org/santaclaracounty

Management Asking Whether You're going to Strike

If you are asked by your manager whether you are going to strike, you may say:
"Yes," or "*I'd rather not discuss it.*" Report the manager to the Union, as the question may constitute unlawful polling.

GENERAL INFORMATION

Picketing

Plan to picket for minimum of 8 hours. There will be picket duty sign-up sheets at your worksite. All members **MUST** sign in to the picket line in order to be eligible in the event Strike Funds are authorized.

The Day(s) of the Strike

On the days of the strike, you do not work or take work calls for any reason. You honor and support the picket line. We will make it clear to the County that members are ready and available to work immediately after the strike ends.

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 parents to help them understand their parents' fight for what is right. 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.

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

GENERAL INFORMATION

Ways the Boss Attempts to Undermine Worker Unity & Power:

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

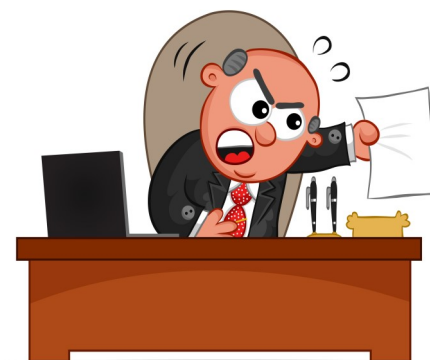
We have the right to strike. The boss will attempt to undermine that right because they see the strength and size of the potential strike. It is illegal for an employer to threaten, intimidate, discriminate, or terminate any employee for exercising their right to engage in a protected strike.

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

The County is the sole party responsible for placing members in a position where they must stand up for our co-workers and the services we provide to Santa Clara County communities. The County refuses to agree to the improvements in pay and policies that are imperative if we are to address the critical level of vacancies, the high cost of living, the lack of training and promotability, and the need for mutual respect.

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

This strike is not personal in relation to your manager. You're striking for your family, your community, and your future.



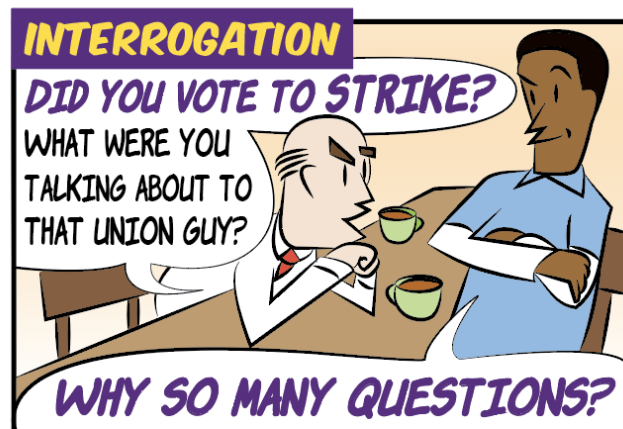
GENERAL INFORMATION

WATCH OUT FOR S.P.I.T. KNOW YOUR RIGHTS!



THOUSANDS OF SANTA CLARA COUNTY MEMBERS CONTINUE TO TAKE ACTION FOR A FAIR CONTRACT & ARE PREPARING TO STRIKE, THE COUNTY IS FEELING THE PRESSURE AND SUPERVISORS AND OTHER BOSSES MAY BEGIN **SPIT-ING AT YOU!**

WHAT'S THAT YOU SAY? **SPIT** STANDS FOR SURVEILLANCE, PROMISES, INTERROGATION, THREATS. THESE ARE WAYS THAT A BOSS MAY TRY TO DISCOURAGE YOU FROM PARTICIPATING IN UNION ACTIVITIES, INCLUDING STRIKING. IT'S AGAINST THE LAW. **HERE'S WHAT TO WATCH OUT FOR:**



REMEMBER: BOSSES CAN'T **RETALIATE** AGAINST YOU FOR PARTICIPATING IN ANY UNION ACTIVITY.

IF THIS IS HAPPENING TO YOU, REPORT IT IMMEDIATELY TO YOUR STEWARD OR UNION ORGANIZER.

IT'S WRONG AND IT VIOLATES THE MEYERS-MILIAS-BROWN-ACT.

CONTACT: THE SEIU 521 MEMBER RESOURCE CENTER: 1-833-734-8521 IF YOU HAVE ANY CONCERNS

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 the Meyers-Milias-Brown Act.

DO

- Ask workers who have not yet honored the picket lines to do so. It is unlawful for the employer to discipline an employee for honoring a lawful strike.
- Communicate with the public 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 officer's 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 entrances and gates.
- Picket only the County facilities and the union-represented workers performing the work of the employer being struck. Do not picket gates "reserved" for employees of "neutral" employers. Ask Strike Captains if you have questions about reserve gates.
- 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.
- Do not use any derogatory language regarding a person's 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 bring 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 block people's ability to enter and exit buildings.
- Do not argue with other picketers. If you have a problem, talk to the strike captain.
- Do not call in "sick" to work because you are not sick.
- Do not use violence or otherwise aggressive or threatening behavior.
- Do not say things that are untrue regarding the County.

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? What about workers who are on probation? Extra Help? Probationary employees? Provisional employees?*** ALL public employees in the SEIU Local 521 bargaining units, including Extra Help and probationary employees, have the right to strike under California law. **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. It is unlawful for the County to permanently replace protected strikers.
- Q: *Do members have to vote to go on strike?*** YES. Union members will be voting on whether to authorize a strike. The bargaining team would call a strike only after a vote.
- Q: *If we go on strike, will this an Unfair Labor Practice Strike?*** We will go on strike against the County for taking illegal actions in violation of the MMBA, including failure to bargain in good faith, failure to provide the Union with information relevant to their representative duties, interference with Union activity, unlawful unilateral changes to conditions of employment.
- Q: *What if management says our strike is illegal or improper?*** Employers often say this. Our strike is a lawful Unfair Labor Practice strike. See the question above about Unfair Labor Practice strikes for more details.
- Q: *Who has to go on strike? What if I cross the picket line?*** Local 521 can't force anyone to strike, but workers who cross the picket line put themselves and their co-workers at risk. The County is using unfair practices to try to **force us give up** and accept a situation where we fall further and further behind. **We can't afford NOT to strike!**
- 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 their protected right to strike. Interference, restraint, or reprisals are considered unfair labor practices. Please report any such conduct to the Union right away.
- 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?*** The County may attempt to cancel all pre-scheduled vacation. If the County does not cancel pre-scheduled vacation, you are welcome to join the picket line while you are on vacation and receiving vacation pay.
- Q: *Can non-members strike?*** Yes, but they are not eligible to vote or request strike hardship assistance.
- Q: *Can Extra Help/probationary workers strike?*** Extra Help and probationary workers all have the right to strike. It is illegal to terminate Extra Help or probationary workers because they exercised their legal right to strike.
- Q: *What happens to leave status (personal, maternity) if on leave during a strike?*** Members on medical leaves should not be considered to be "on strike." They are welcome to join the picket line if doing so is not inconsistent with their basis for being on leave from work.
- Q: *Will I get paid unemployment benefits if I go on strike?*** No. Workers are generally not eligible to receive unemployment for a strike activity.
- Q: *Can I use sick leave?*** Not unless you have proof that you are really sick. If you're on strike, you're not sick.
- Q: *What am I expected to do during a strike?*** You should be prepared to picket, march, rally, etc., until the strike is over.
- Q: *Is there a strike fund to help workers on strike?*** Yes. The Local can authorize some monetary assistance in the event workers have been on strike and signed in on the picket line for 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: *What if I am part of the "Essential Worker List"?*** A small number of workers may be designated to report to work to maintain minimal coverage for public safety as required by state law. The Union will inform you if you are on this list by email and/or text. **If you are told by management that you are on the list, it may not be correct. If you have not heard directly from the Union, please contact your Internal Organizer or picket captain.**
- If you are told by the Union that you have been designated to receive a line pass as an "essential worker" it is important that you do show up to work, to make sure the public is protected. Picket captains should have this information as well to avoid any confusion.
- Members receiving line passes are encouraged to support the strike by joining the picket line on breaks and during off hours and by keeping the Union informed about operations while you are at work.
- Q: *What happens if the contract dispute settles and the strike is no longer necessary?*** You need to report for work if you are scheduled to work. Call your Strike Captain or check our website to get the latest information.
- Q: *What about my health insurance?*** AB 237: Effective Jan. 1, 2022 Prohibits public employers from discontinuing employer contributions for health care or other medical coverage for employees who, during the duration of an authorized strike, fall below the minimum hours worked to qualify for employee health care coverage. Employer must maintain and pay for coverage and collect and remit employees' contributions to coverage.
- Q: *How long would a strike last?*** We will likely plan an initial strike of 5 days or less. If the County does not resolve all the outstanding issues or commits further unfair practices, it may be necessary to go on additional strike.

STRIKE LEADER'S PRE-STRIKE CHECKLIST

(Start on this today!)

Checklist to be 100% Strike Ready!

For (your worksite) _____

- Have a list of ALL the workers you will be responsible for and keep it up to date
- Your organizer should get you a list but YOU need to review it carefully
- Let your organizer know if there is anyone missing AND if there is someone on the list you do not know or who does not work there.
- Have a 1-on-1 conversation with every co-worker. Be sure to cover:
 - We ALL need to vote YES to authorize a strike during the week of June ____.
 - GET COMMITMENT COME VOTE. Non-members can sign up at the vote.
 - Why we need to be ready to strike – the only way to win the pay and respect needed to resolve the staffing crisis in Santa Clara County.
 - Why we can win – this will show that the situation for Santa Clara County workers and the people we serve is UNSUSTAINABLE -- The public will see the truth.
 - Confirm all contact info (mobile phone & personal email) on your list
 - On Strike Day 1 come 1 hour early – stay all day
 - Bring: umbrella, sunblock, etc. (food & water will be provided).
 - ASK: "Can we count on you to be with us?"
 - If they haven't signed a strike commitment card, do it today.
- Report back on who is 100% committed to strike
- Make a plan to keep talking to those who are shaky...who will they listen to? What do they want to fight for?
- Get a group photo with sign "WE ARE STRIKE READY!"
- Set up WhatsApp or GroupMe for building strike leaders. How many on it?
- Picket plan
 - A complete map of entrances we need to cover INCLUDE ALL places where workers come in AND ALL where delivery trucks come in.
 - Sign out picket signs for your site (big sites: 10-20 per entrance...small sites 10-20 signs)
 - List strike captains who will keep signs in their vehicle at all times and commit to bring to site by 1 hour BEFORE 1st workers show up on day of strike (could be 5:30AM)

Name: _____ Cell: _____

Name: _____ Cell: _____

- Who will keep picketers sign-in list?

Name: _____ Cell: _____

- Who will be contact for shirts/flyers/food/water?

Name: _____ Cell: _____

- Plan for clients, community supporters, other advocates
- Think through when clients/public show up. How many in a day? _____ What Time? _____
- Are there clients/advocates we should talk to now about how we are striking so that Santa Clara starts investing in community needs that have been neglected? List:

Name of client/advocate: _____

Leader who can talk to them: _____

Name of client/advocate: _____

Leader who can talk to them: _____

List of Strike leaders (use extra sheet if needed)

Name: _____ Cell: _____ Has list? _____

Name: _____ Cell: _____ Has list? _____

Name: _____ Cell: _____ Has list? _____

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:

Starting on Day 6 of the strike, eligible members may apply for the funds.

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:

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).

Participate in the strike activities each day, for the whole day, and document this by signing the union's strike rosters daily.

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 county/region.

B. Utility Policy:

The Chapter Hardship Action Team shall assist strikers in attempts to defer payment of 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, 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 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.)

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.

HARDSHIP FUND GUIDELINES

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: 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 administrative type of 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 (HAT) are:

- Fleshing out the Community Resource Guide 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.

Santa Clara County

CAN MAKE SAFE STAFFING A REALITY
PRIORITIZE CARE
RESPECT US
PROTECT US
PAY US



SEIU 521

STRIKE MANUAL

Name: _____

Strike Captain Name: _____

Strike Captain #: _____

SEIU Staff Name: _____

SEIU Staff #: _____

2023

SANTA CLARA COUNTY



Santa Clara County

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MAKE SAFESTAFFING A REALITY
PRIORITIZE CARE
RESPECT US
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STRIKE CAPTAIN SIGN UP FORM

I'M READY TO STRIKE & SIGN ME UP TO BE STRIKE CAPTAIN!

My Name: _____

Cell Phone: _____

Worksite: _____

Department: _____

Shift: _____

I NOMINATE MY CO-WORKER TO BE A STRIKE CAPTAIN

My Name: _____

Cell Phone: _____

Worksite: _____

Department: _____

Shift: _____

Return this form to your organizer or email it to:

SantaClaraCAT@SEIU521.org

Join our STRIKE ACADEMY for Strike Captains

SATURDAY, June 10, 2023

9:00 a.m.—2:00 p.m.

2302 Zanker Rd., San Jose, CA 95131



Santa Clara County

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**MAKE SAFE STAFFING A REALITY
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SEIU 521