



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

William Hamilton, President & Eastern PA Legislative Coordinator – Carl Bailey, Secretary-Treasurer & Western PA Legislative Coordinator -Tim O'Neill, Consultant – Dan Grace, Trustee & Legislative Advisor – Robert Baptiste, Esq. Legal Advisor – Thomas Felice, Staff

LEGISLATIVE ACTION ALERT



A SLOW DEATH

**DO YOU CARE ABOUT YOUR WAGES AND BENEFITS AS A
UNION MEMBER? OR DON'T YOU GIVE A RAT'S ASS?**

**YOU VOTE THIS NOVEMBER WILL DETERMINE OUR FUTURE AND YOUR
CHILDREN & GRANDCHILDREN'S FUTURE**

The Trump administration is slowly killing your rights as a union member. You can ignore it or do something about. Ignoring it, and believing the Teamsters have hitched their wagon to the wrong horse when endorsing a candidate, because you believe you know more than what your union knows, well then, you're in for a rude awakening down a very bumpy road.

**STILL DON'T BELIEVE IT? CHECK OUT THESE LATEST NLRB
RULINGS POSTED BY LABOR 411©**

Trump's NLRB GC Issues Five Memoranda Against Unions and Workers in Pandemic-Related Actions Continue reading

Peter B. Robb, previously a union-busting attorney, was appointed by President Donald Trump to the position of NLRB General Counsel. Since then, he has, unsurprisingly, taken the side of employers' numerous times. This month his office issued five memoranda as guidance to NLRB offices on how to

handle pandemic-related actions. In each one, his office dismissed the charges against the employers.

Per [JD Supra](#), the General Counsel issued the following memoranda:

“Advice related to protected concerted activity:

A drywall company did not violate the Act where it discharged an **employee for raising concerns about a lack of available hand sanitizer and handwashing resources for employees**. See 16-CA-258057. Though Advice conceded that the employee was engaged in protected concerted activity when he raised these concerns, it nevertheless directed dismissal of the charge because there was no *prima facie* case of discrimination; in particular, there was insufficient evidence that the employer had knowledge of, or animus toward, the protected activity.

A nursing home lawfully discharged a nurse who refused to work with shared isolation gowns. See 03-CA-258740 *et al.* Advice determined that the nurse’s refusal to work was not concerted; nor was it for the purpose of mutual aid and protection. Though there was evidence that nurses discussed the gown issue prior to one of them raising it with the employer, there was no evidence that they sought to initiate or prepare for group action as opposed to simply discussing the fact that the nurses had to share gowns. Further, the nurse’s letters were focused solely on that nurse’s personal disgust at the notion of sharing gowns and fear for her own safety and that of her family, which Advice determined was not concerted.

Advice related to collective bargaining:

In a charge against a concrete company, the General Counsel said that the **company lawfully refused to engage in midterm contract bargaining with a union over paid sick leave and hazard pay during the pandemic**. See 15-CA-259794. Advice concluded that the contract’s zipper clause demonstrated the union’s clear and unmistakable waiver of its right to demand midterm bargaining concerning matters not otherwise covered by the contract. However, Advice noted that the employer may be required to bargain about sick and hazard pay—mandatory subjects of bargaining—at the appropriate time under a reopener clause.

For the rest of the General Counsel’s memoranda, visit JD Supra at:

<https://www.jdsupra.com/legalnews/nlrb-general-counsel-releases-slew-of-96669/>

View Labor 411© Article: <http://labor411.org/411-blog/trumps-nlrb-gc-issues-memoranda-in-favor-of-employers-against-unions-in-pandemic-related-actions/>

