

C. Campaign and election

1. Campaign do's and don'ts

Between the time of the unit determination and the union election, the employer may campaign in favor of remaining union free (i.e., against the election of the union). However, there are several important restrictions on how the campaign can be conducted and what the city can say. The city's campaign can consist of both written materials and meetings with employees. Any written materials or information that the city is considering providing to employees should be reviewed by a labor attorney experienced in public sector labor issues. Also, the city should keep in mind that it could be challenged as to whether an expenditure of city funds to provide such materials has a "public purpose."

The city cannot:

- Make threats against employees for voting in favor of a union (e.g., "The city will have to lay off some jobs if a union is voted in.").
- Make promises (e.g., "The city will give larger-than-normal increases next year if the union is voted down.").
- Discharge or discipline an employee because of union activity (this could include a layoff unless a legitimate business purpose has been identified AND the plans were in progress before the union organizing began; the city should definitely consult with an experienced labor attorney before attempting a layoff during or immediately after a union-organizing campaign). Recognize that employees have significant protections to discuss terms and conditions of employment, and maybe able to communicate in what may appear to be a disrespectful or offensive demeanor regarding working conditions.
- Question an employee regarding his or her actions or opinions.
- Spy on union activities, nor ask about union matters, such as meetings
- Discriminate either in favor or against based on union activity (e.g., give a better shift to employees who have expressed a negative viewpoint about having a union).
- Ask employees when they are hired or after hiring whether they belong to a union, carry a union card, or have ever signed a union authorization card.

The city and its management employees can, however:

RELEVANT LINKS:

Minn. Stat. 179A.06 subd. 2.

- Listen to (but don't solicit) information from employees if it's voluntarily given, but discourage disclosure of names of union advocates.
- The City will want to enforce rules uniformly, without bias, and in accordance with past practice, regardless of an employee's activity in the union organizing campaign but be prepared to justify any action taken against a union supporter.
- State their opinions about unions provided such statements are not a promise or threat (e.g., "I believe the city has done a good job of compensating and rewarding its employees." Or, "The city's current pay and benefit structure compares very favorably to cities that have unions and you do not need to pay dues.").
- State any factual information (e.g., "The union you are seeking charges dues in the amount of \$ ____."). You can explain to employees they will be required to pay "fair share" dues even if they do not wish to join the union.
- Tell employees the city prefers to deal with them personally on a one to one bases, rather than settle grievances through a union or other outside agent (e.g., "The City of X prefers to work directly with its employees because we believe the voice of each individual employee is important.").
- Tell employees about the current benefits they enjoy without making promises or threats about future benefits (e.g., "Currently, City of X benefits are among the top 5 percent compared to cities of similar size.").
- Tell employees that no matter how they vote, the decision will not be held against them with respect to future wages or promotions.
- Tell employees that if an election takes place, the election is by secret ballot.
- Explain to employee that the mere election of a union does not guarantee any specific change. Instead, the city will negotiate with the union on all terms and conditions of employment.