

a newsletter ... from customers ... to customers

What's New

January 2007

Starting point of UFCW **DEMONSTRATIONS, PICKETS, and LEAFLETS** against Farmer Joe's

September 10, 2007

NLRB reported the UFCW executed informal settlement agreement to **CEASE ALL PICKETING** and **PUBLICLY ACKNOWLEDGE THEY MUST REFRAIN FROM ILLEGAL ACTIVITY**

September 19, 2007

UFCW Local 5 **RALLIED** at Farmer Joe's with **PICKET SIGNS** and **BULLHORNS** showing **BAD FAITH** toward agreement to settle charges against them

October 10, 2007

Federal hearing scheduled against UFCW Local 5 for **UNFAIR LABOR PRACTICE CHARGE**

October's issue of the *MacArthur Metro* carried a front page article entitled "Update on Union Activity at Farmer Joe's." Daniel Swafford elaborated: "Since January of this year the United Food and Commercial Workers Union Local 5 (UFCW) has held a number of rallies and has had members positioned at the store almost daily. The ongoing presence has prompted Farmer Joe's owners, the Tam family, to file a complaint with the National Labor Relations Board (NLRB) charging the UFCW with unlawful picketing. A hearing on the complaint had been scheduled for October 10, 2007.

In a letter dated September 10, the NLRB reported that the UFCW executed an informal settlement agreement. To avoid the public hearing and judicial decision, the UFCW would meet the terms of the complaint, to cease all picketing and publicly acknowledge that they must refrain from illegal activity.

Despite the end of the picketing, the union presence will likely

continue. Passing out flyers, especially by a third party, is still permissible. Customers have reported that since the NLRB finding more well-behaved union representatives have replaced a more aggressive group.

Misinformation on this dispute abounds and continues to be propagated. To be clear, the issue is not whether to unionize. It is also not about an unwillingness to sit down and work out the differences. The primary point of contention between Farmer Joe's and the Union, one that has persisted since the opening of the second store, is about how to formally survey the employees' views on representation.

According to the National Labor Relations Act (Section 8) the UFCW must file a petition with the NLRB within thirty days of first picketing the store, stating the UFCW be recognized as the organization representing employees. The UFCW has not officially declared their wish to formally represent Farmer Joe's employees; instead the UFCW's position was made known to Farmer

Joe's ownership and employees through a third party.

Farmer Joe's recently petitioned the NLRB to conduct a vote to determine if in fact the employees wanted union representation. The request was dismissed, citing 'there is no evidence that it (the UFCW) has ever demanded that the Employer (Farmer Joe's) recognize it (the UFCW) as the majority representative of its employees.' For the purposes of collective bargaining, an employee representative must be designated for an NLRB vote to be held.

The UFCW persists with their request for a card check to determine if Local 5 represents a majority of the employees. The Tams maintain the card check violates their employees' personal privacy rights and will not turn over the polling process to the UFCW.

Since past behavior has done irreparable damage, it is unlikely that common ground will ever be created between the Tams and the Union."

October 6, 2007

MEETING with local politicians

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Friends of Farmer Joe's

What's Next

A meeting will take place this weekend between the Tams, the owners of Farmer Joe's, and representatives from Oakland's political sector. The political representatives in attendance will include an aid from Mayor Dellums' office, an aid from Congress Member Barbara Lee's office, Assembly Member Sandre Swanson, and Councilmember Jean Quan. The Tams are eager to discuss with

these elected officials and aids their facts, views, and opinions concerning their experience with UFCW Local 5.

Mayor Dellums wrote in his letter to the Tams, "As Public Officials we all stand firmly in favor of small local business enterprise and are keenly aware that such enterprises contribute greatly to the development of Oakland's unique neighborhoods. At the same time, we are also

strongly in support of the rights of workers to freely organize." The Tams also believe strongly in the rights of their employees to organize or not, as they choose. The Tams hope the forum will provide an avenue for their voice to be heard in an unbiased and unprejudiced atmosphere, speaking with local politicians who support both local business and the rights of employees as the Mayor states in his letter of invitation.

What's Happened

What is the difference between a "Secret Ballot Election" and "Card Check Recognition?" Both are methods to poll employees whether they would prefer to join a union or not.

A Secret Ballot Election is like all the political elections we have held in this nation for more than 200 years. An employee casts a ballot in total confidentiality and anonymity without interference from others. It is the lawful and federally supervised method of voting.

During Card Check Recognition, the storeowners are obligated to give the union the employee's personal information, such as home address, personal phone numbers, and employment data, without the employee's prior consent. The union is free to contact the employee at the union's discretion and location of their choice.

The union representative remains present while the employee fills out an authorization card. If an employee initially declines to sign a card, the union can pressure him/her until that employee signs. Once a majority of employees sign, the union represents all employees, whether they have signed or not. During the Card Check process, employees cannot vote by secret ballot in an election. The entire process is controlled by the union and does not fall under federal regulatory guidelines.

On June 3, 2007 the Oakland Tribune reported in a story entitled "Farmer Joe's Squashed by Labor Strife?" that "One of the store's employees told Tam she had been contacted by union representatives more than 50 times and that they (Local 5) had come to her home without permission." The employee quit because of the union's harassment.

A level of coercion and interference can exist with a Card Check Recognition, which is lacking in a Secret Ballot Election. This union has demonstrated the willingness to violate the sanctity of people's home and put undue pressure on employees. In an effort to provide their employees with their right to vote whether they want a union, Farmer Joe's proactively petitioned the NLRB to have a Secret Ballot Election, as prescribed by federal law. The NLRB denied that petition on August 3, 2007 because "Although Local 5's actions appear to be part of its attempt to organize the Employer's employees, there is no evidence that it has ever demanded that the Employer recognize it as the majority representative of its employees." Why do you think UFCW Local 5 doesn't want to have a Secret Ballot Election?