

Nexteer Automotive, Saginaw MI.

Guidelines for Union Election on Company Premises

- From time to time, the Union may express an interest in holding Union elections on Company property. It can be anticipated that approaches in this regard will be made to additional local plant Management by the local Union. Any decision in this regard rests with local Management. However, decisions to refuse permission should first be discussed with Industrial Relations Manager.
- Certain preconditions must be complied with in order for the Union to hold an election on Company property. Following is a list of guideline conditions, which should be set forth in writing to the Union as a condition to holding elections on Company property.
1. The question of permitting Union elections on Company property is the exclusive prerogative of Management and is not a subject of collective bargaining. It is agreed that such election shall not be considered as establishing a precedent, and that on each occasion the Union must secure permission from the Plant.
2. Written request must be given by the President of the Local Union to the Industrial Relations Manager at least 10 days in advance of the election.
3. The number and location of the voting places in the plant and the type of the voting facility will be determined by the plant after discussion and review with the local Union. (The Industrial Relations Manager should meet with the Union President, Chairman of the Shop Committee, or members of the Union election committee, and try to make a mutually satisfactory arrangement.)
4. A list of the names of the individuals who will supervise the election and the area where they will function must be submitted to Management in advance. Each such individual must be given some form of identification from the Union
5. All employees or any other personnel connected with the election in any manner must comply with the plant rules while on Company property.
6. The elections are limited to elections of Union officers, Shop Committee members and District Committeepersons, Delegates to the National UAW Convention and ratification votes. Request for elections not specified should be communicated to the Industrial Relations Manager.
7. The election must be conducted so that employees can vote before and after their shift and during lunch period. Employees will not be allowed to vote during working hours of their shift.
8. There will be no electioneering, interfering with production, political activity such as distribution of literature, solicitation of votes by candidates or their supporters on the plant property during working hours. See Attachment "A".

9. The Union must police the voting areas and see that any trash, debris, etc., resulting from the voting activity is cleaned up and disposed of in an appropriate manner.

10. In cases in which voting is to take place in the plant parking lots the following conditions should be specified:

The Union must furnish sufficient election marshals to maintain order and keep traffic lanes open and to protect employee and plant property and landscaping.

Date
12-3-15

Union
Joseph D. Moore

Mgt.
[Signature]

ATTACHMENT "A"

During the campaign period as well as the election, Management is to observe neutrality toward the incumbents and challengers. Shop rules addressing distribution and posting of campaign materials are to be uniformly enforced. It is suggested that ground rules concerning off-shift access to the plant be established. Finally, any requests by "dissent" groups to monitor the polls or the vote count should be treated no differently than similar requests by "majority" group members. In previous years National Labor Relations Board charges have been filed on these and similar types of conduct.

The decision by the United States Court of Appeals for the Sixth Circuit on March 25 1975, in NLRB vs. General Motors Corporation permits employees to distribute literature in nonworking areas of the plant on COMPANY PROPERTY WHILE THEY ARE ON NONWORKING TIME. The court held that Paragraph (94) for UAW, (58a) (IUE) and (118) (USWA) may not be enforced or applied to purely internal Union political campaign activities.

Accordingly, Paragraph (94) for UAW, (58a) (IUE) and (118) (USWA) should not be enforced to prohibit distribution of literature for committeeman elections or other Union elections involving positions provided for under the representation section of the National Agreement.

In 1976 National Negotiations, the word "distribution" was deleted from Paragraph (94) for UAW, (58a) (IUE) and (118) (USWA) in light of this court decision. It was concluded that the best way to resolve the problem and meet the requirements of that court decision was to delete this word. That does not mean, however, that the shop rule is changed. The shop rule which prohibits distribution of literature of any kind in working areas is still valid. Distribution of literature can only be carried on in nonworking areas in the plant (i.e., parking lots, cafeterias) during nonworking times.

In addition, the shop rules which prohibit the making or publishing of malicious statements concerning any employee, the Company or its products still govern with respect to the content of material, which might be distributed.

The NLRB has also ruled that the phrase "...during working time" as used in plant rules prohibiting unauthorized solicitation and unauthorized distribution of literature is "ambiguous and susceptible to an interpretation by employees that they are prohibited from engaging in protected activities during periods of the work day when they are properly not engaged in performing their work tasks, i.e., meals or break periods."

The following shop rules contain the phrase "during working time":

"Unauthorized soliciting or collecting contributions for any purpose whatsoever during working time.

"Unauthorized distribution of literature, written or printed matter of any description in working areas on Company premises during working time."

These rules do not cover periods of time when employees are properly off their jobs such as lunch periods and personal relief. However, employees properly off their jobs are prohibited from such contacts with other employees who are performing their work tasks.

Following these guidelines will assure compliance with this NLRB decision.

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10/19
JMS

