



BE CONCERNED ABOUT A UNION VOTE

Many dairies think it will never happen to them. But it can.

BY MEGAN PIERCE

Editor's note: This is the first in a two-part series on unionization and the dairy industry.

JULY 7, 2007 IS A DAY THAT PATRICK JOHNSTON, OWNER of Rocking S Dairy in Modesto, Calif., won't soon forget. That was the day a 37-to-1 vote was taken by his employees to join a union — in this case, the United Food and Commercial Workers Union.

It happened with head-spinning speed. One day, Johnston was unaware of unionization efforts. The next, he learned that he had just a week to campaign against the union before the vote was held.

Rocking S Dairy is just one of the many dairies that have had to deal with a labor union over the past several years. And, it could happen to you. Here's why you need to be alert to the possibilities.

California dreaming

You may think unionization is only a California problem. Unfortunately, dairies in every state are susceptible to the union, says Anthony Raimondo, agriculture labor law attorney with McCormick Barstow in Fresno, Calif.

California is one of two states that have a legal framework to vote in a union. However, some of the biggest union-organizing states are those with no agricultural labor laws. In states with no legal framework for a union, the union has more leverage because there are no rules to follow.

Unions have full-time staffs dedicated to this effort. "They have strategies for doing this on a daily basis," points out a California dairy producer who is in labor negotiations



WEB EXCLUSIVE

To read more on how the union process works, log onto: www.dairyherd.com/management.

and wishes to remain anonymous.

And, the union seems to be able to make any kind of promise necessary without being held accountable, this dairyman says. When union representatives were courting his employees, the milkers told him afterwards that the union promised the milkers salaries of \$60,000 per year, with benefits. This was a ploy used by the union to gain support. But this dairyman never had to pay those salaries, because he succeeded in keeping the union out of his dairy.

Currently, with uncertain economic times, a union can be very enticing to employees who look to the union for job security, says Raimondo.

The union label

Once a union is voted in by dairy employees, you are obligated to negotiate wages, hours and conditions of employment with the union. In California, state law creates the obligation. In other states, a desire to avoid union pressure tactics creates the obligation, says Raimondo. The terms of the contract dictate what employees can and cannot do on a daily basis. In some cases, it can take up to a year to negotiate the specifics of the contract.

It's not easy to get rid of the union once it's voted in. The first time employees can vote the union out is one year from the date of the original election, or one year from the date the contract is signed, whichever comes first. A contract of more than one year can bar an election until the final year of the contract, according to California law. In states with no agricultural labor relations laws, there is no certainty that the employees will ever have a chance to get rid of the union.

Rocking S Dairy negotiated its contract to list every procedure employees had to follow, including the order in which cows had to be milked, which hand a milker could use to prep a cow and provisions that the employees would wear goggles in the parlor at all times. "This was absolutely necessary to do, because it became apparent the union had told the employees they could do whatever they wanted at work when the union was voted in," says Johnston. "We had to think of every possible scenario that could go wrong to cover ourselves. It is very difficult to change the rules once the contract is negotiated.

"The union never told our employees what was in the contract, so they didn't even know what the rules were," says

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Johnston. “As the owner, my job went from managing the dairy to enforcing the contract that the employees agreed to through their union.”

Before the union, Johnston says, if employees did a poor job, they were fired. After the union, if employees did a poor job, they were fired. “The difference was before the union they could come and talk to me. After the union, they had to talk to the union who wouldn’t talk to them.”

“Fighting the union takes a lot of work. You have to be rock solid on every issue, every single day.” And, you will lose good employees, he says. In the 15 months that followed the union vote, Rocking S Dairy went through more than 100 employees. Employees left Rocking S Dairy because they were miserable under the union-negotiated contract. At the expiration of the contract, the union was voted out of the dairy. “Now, we have 30 employees who would rather chop their hands off than have the union because they’ve seen what the union is all about,” says Johnston. “On no level did the union improve anyone’s situation, except the union’s.”



All’s fair in love and unionization

Looking out for the best interest of employees is not the goal of the union, say many employers. In the case of Rocking S Dairy, the union actually negotiated a pay decrease for the employees.

Johnston believes that unions are mainly after membership. “It has nothing to do with improving the situation for the workers; it has to do with improving the union situation financially,” he says. “The union we dealt with did not care that if in achieving its goal of better financial returns that employees ended up in a worse situation than they were.”

For example, dues are deducted from union employee paychecks each pay period. And, new employees have to pay a large initiation fee. In some cases, initiation fees have been reported to be as high as \$150. These dues go to the international union and the workers’ local union.

The financial impact of the union can be anywhere from zero to complete financial destruction. It can cost dairy tens of thousands of dollars per month to fight the union. “Even if you do win,” concludes Raimondo, “you will spend money on appeals. If you lose, you will spend money.”

“We were served with 11 unfair labor lawsuits the week of the union election,” says another California dairy producer currently in negotiations with a union who also wishes to remain anonymous. “Then, they claimed all the lawsuits would go away if we signed a contract with them. It’s almost like legalized extortion.” This particular operation lost 9-to-12 in favor of unionization. It is about one-third of the way through the negotiation process and has spent more than \$60,000 on attorney’s fees.

Unionization is bad for your employees and bad for your business. And, no dairy is immune to unionization. Next month, we discuss how to avoid labor unionization and the four things you can do to try and protect yourself from the union. 🐄