

Dual Gate Checklist

For an effective dual gate system, there are certain necessary things that must be done and other useful things that are often helpful. Both the necessary and the useful items are included in the step-by-step checklists of this manual for use by job supervisors and others.

- Set up clearly-marked separate gates, which are as far apart as feasible. (See Exhibit A) – Dual Gate Signage – contact AGC’s Labor Relations Manager.
- Notify the picketing union that the employees, suppliers, and representatives of the primary employer are using only the primary gate, and any picketing must be confined to that gate. You must be able to prove this.
- Be certain that in fact the employees, suppliers, and representatives of the primary employer use only the primary gate. You must be able to prove this.
- Communicate with the primary employer: (a) to learn the nature and extent of the dispute; (b) to make certain their employees, suppliers, and representatives use only the primary gate; and (c) to confirm their obligation under their subcontract to perform the work.
- Communicate with neutral contractors and subcontractors to inform them of the situation and confirm their obligations to perform.
- Communicate with unions representing employers of neutral contractors and subcontractors to inform them of the situation and their requirement to continue to provide an adequate workforce to the project.
- Make certain that employees of neutral employers know: (a) they have the legally-protected right to work, (b) it would be illegal for any union to even try to induce them not to work, and (c) if they do not work they are subject to permanent replacement.
- If additional manpower is needed and is not supplied through a contractual union hiring hall, make a clear record of unsuccessfully seeking help through the hall and follow the applicable labor contract’s provisions for hiring off the bank.
- The law permits paying temporary replacements lower (but not higher) wages and fringe benefits; however, there is presently at least some conflict in the law whether permanent replacements can be paid lower wages or fringe benefits. It is recommended that all terms of otherwise applicable labor contracts (including union security) be applied to all replacements, unless legal counsel reviews the particular circumstances.
- Our checklists focus on situations where you are not the primary (picketed) employer; if you are the primary employer, the same basic dual gate rules apply, but in addition you must meet the challenge of resolving or overcoming the union’s picket of the gate used by your employees and suppliers.
- All notices are to be by phone or email and sent by telegram or certified or registered mail.

For Dual Gate signage, or if you have any questions regarding your specific job, please contact AGC’s Labor Relations Manager, 503-685-8307.