

BACKGROUND INFORMATION ON DUAL GATES

1. THE BASIC RULE

The basic rule concerning dual gates is simple: A union with a lawful dispute with an employer (the “primary employer”) has the right to picket any gate used by the employees or suppliers or representatives of the primary employer; but its picketing of any other gate is an illegal secondary boycott.

2. THE CRITICAL ELEMENTS

Under this basic rule, the critical legal elements to establish dual gates are:

- a. The employees, suppliers, and representatives of the primary employer must use only the gate designated for them (the “primary gate”).
- b. The picketing union must be clearly informed that the primary employer’s employees, suppliers, and representatives are using only the primary gate.

3. THE REMEDIES

If those two things are done, then the union’s picketing at any gate other than the primary gate will be an illegal secondary boycott. An injunction issued by the federal district court against such picketing can be secured through the National Labor Relations Board (NLRB) and the union will be liable for any damages caused to any person by such picketing (including damages incurred by any neutral or primary employer or any owner).

4. THE REASON FOR THE RULE

The principle behind the dual gate rule is also simple: Although unions have the right to picket employers with whom they have a lawful dispute, they do not have the right to enmesh employees of other separate employers (“Neutrals”) in their dispute. Other contractors and other subcontractors are separate employers even though they are working on the same construction site (their “common situs”).

When more than one separate employer works on a common situs, the union must confine its picketing (and any other activity) to the primary employer. If it can be shown that one objective of the union’s picketing (or other activity) is to induce neutral employees to cease work, and then the union’s activity is illegal. The ultimate legal issue is whether or not one of the objectives or purposes of the union’s activity is to enmesh neutrals. If it is, it is an illegal secondary boycott, violating Section 8(b) (4)(B) of the Labor Management Relations Act, LMRA.

The NLRB and courts have developed practical rules-of-thumb to determine whether one of the union’s objectives is to enmesh neutrals. One of them is: If a union pickets a gate which it knows is not being used by the primary employer but only by neutrals, its objective must be to enmesh those neutrals. Thus, a violation of the LMRA.

5. THE PRACTICAL RULE

The basic rule permits employees and suppliers of neutral employers to enter any gate without contaminating an effective dual gate system; if the employees, suppliers, and representatives of the primary employer are confined to the primary gate, the system is effective and the union can lawfully picket only the primary gate.

However, long experience in the use of dual gates has taught us that the best practical rule is to confine neutral persons to the neutral gate. We, therefore, recommend that the following separate gates be established:

Gate A Neutral: For the use of employees, suppliers, representatives, and visitors of all contractors that are not being picketed (the “neutral employer(s)”).

Gate B Primary: For the use of employers, suppliers, representatives, and visitors of the employer(s) that are being picketed (“primary employer(s)”).

6. CONTAMINATED GATE

If any employee or supplier or representative of the primary (picketed) contractor uses the neutral gate, the gate is “contaminated”. It is no longer neutral. The union can picket there.

However, the neutral gate can be re-established by again notifying the union and effectively enforcing the dual gate system (i.e., henceforth, keeping employees, suppliers, and representatives of the primary employer(s) confined to the primary gate). (Since you may not want to concede that the gate has been contaminated, it may be wisest to say that you “reconfirm” rather than “re-establish” the dual gates.) This takes time; you could lose a full day of work.

Since neutrals can, under the law, use the primary gate, this would not contaminate the system.

7. OTHER POINTS

- a. It is noted that neutral subcontractors at any tier of a primary employer (such as sub-subcontractors) are separate employers and can use the neutral gate if they are neutral.
- b. Since suppliers of the primary employer must use the picketed gate, it is sometimes useful to review agreements to permit their use of the neutral gate. (For example, if a concrete-placing subcontractor is picketed and his original subcontract included supplying concrete, the general contractor might take back the supply of concrete and thus concrete trucks could use the neutral gate without contaminating it.)
- c. Any action by any union representative or other person acting on behalf of the union, which attempts to induce neutral employees not to work, is also an illegal secondary boycott and subject to the same remedies. For example, any of the following is illegal:

fining or threatening fines of neutral employees if they work, telling them not to work, telling them “the whole job is picketed”, telling them “good union members don’t work on jobs that have any pickets on them”, telling them the picket is sanctioned by the Building Trades Council, pointing out to them a “picket line” clause in a labor contract that may give them the right to decline to work; picketing at any primary gate without the picket sign clearly identifying the primary employer; passing out pamphlets that try to induce neutral employees not to work.

- d. A union unlawfully pickets at a neutral gate if its agents place themselves at the gate even though they carry no picket signs.
- e. In addition, a union’s picket at a project must be confined to only those times when employees or representatives of the primary employer are present on the project. For example, if a subcontractor with whom the union has a dispute is on the job only during a night shift or only on Mondays or only on weekends, and if it can be shown that the union knows this, then the union’s picketing of the job at any other time would be an illegal secondary boycott. The same remedies of an injunction and damages would be available.

8. WHAT MUST AND SHOULD BE DONE

For an effective dual gate system there are certain necessary things that must be done and other useful things that are usually 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. In general terms these items are summarized as follows:

a. What must be done:

- (1) Set up clearly marked separate gates, which are as far apart, as feasible.
- (2) 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, and be able to prove this notification.
- (3) Be certain that in fact the employees, suppliers, and representatives of the primary employer use only the primary gate, and be able to prove this.

b. Additional things that usually should be done:

- (1) Communicate with the primary employer: (a) to learn the nature and extent of his dispute, (b) to make certain his employees, suppliers, and representatives use only the primary gate, and (c) to confirm his obligation under his subcontract to perform his work.
- (2) Communicate with neutral contractors and subcontractors to inform them of the situation and confirm their obligations to perform.
- (3) Communicate with unions representing employers of neutral contractors and

subcontractors to inform them of the situation and inform them that they are required to supply workers to the project.

- (4) Make certain that employees of neutral employers know: (a) that they have the legally-protected right to work, (b) that it would be illegal for any union to even try to induce them not to work, and (c) that if they do not work they are subject to permanent replacement.
- (5) 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.
- (6) The law permits paying temporary replacements lower (but not higher) wages and fringe benefits; but 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 check-lists 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.

FIELD PERSONNEL PROCEDURES TO FOLLOW WHEN ESTABLISHING A DUAL GATE SYSTEM

1. PROCEDURES TO BE FOLLOWED BY A NEUTRAL GENERAL CONTRACTOR WHEN A SUBCONTRACTOR IS PICKETED.

When picketing occurs on the jobsite, the following steps should be taken by field personnel to assure that the **Contractors not directly involved** in the dispute can continue working:

A. FIRST DAY OF DISPUTE WHEN PICKETS ARRIVE BEFORE STARTING TIME

1. Check with the picketed Subcontractor as to what the dispute is.
2. Select locations for dual gate entrances, which are as far apart as feasible. (See **Exhibit A**)
3. Contact by phone, the Unions who are responsible for supplying workers to the project. **Indicate that a neutral gate will be established prior to starting time the following morning.** State the location of the neutral gate. Further, request that the business agent appear at the job at starting time the following morning. State to the business agent that, **“Your Union has a duty to supply workers to the job.”**
4. Deliver notification to Unions of General Contractor. (**See Exhibit B.**)
5. Deliver notification to Union picketing Subcontractor. (**See Exhibit C.**)
6. Deliver notification to picketed Subcontractor. (**See Exhibit D.**)
7. Deliver notification to other Subcontractors. (**See Exhibit E.**)
8. Prepare signs for neutral gate (*Gate “A”*) and primary (picketed) gate (*Gate “B”*). (**See Exhibits F and G.**)
9. Prior to starting time on the second day, the gates (entrances) should be established.
10. Prior to starting time on the second day, pictures should be taken of the gates and the signs. A diagram of all project gates should be prepared.
11. The gates should be monitored to ensure that the employees, suppliers and representatives of the primary (picketed) employer use only the primary gate (*Gate “B”*).
12. NOTIFY THE LOCAL LAW ENFORCEMENT AUTHORITIES of the problem and request extra patrols, especially during the night hours, to avoid vandalism.

B. FIRST DAY OF DISPUTE WHEN PICKETS ARRIVE AFTER STARTING TIME

1. Question the picket as to **“Why are you picketing?”**
2. Write down exact wording of picket sign.
3. Inform your company main office and/or AGC of the picketing.
4. Document in the job log and note time of:
 - a. Exact location of all picketing.
 - b. All conversations and events with the union representative and others with respect to the picketing.
 - c. Specifically record what is written on the picket sign and who is picketing.
 - d. Take pictures of the picket sign, of the pickets and those acting with them.
5. If the crew requests to call the union, one of them should be permitted to call the Union.
6. In the event some or all of the crew refuse to continue to work, the superintendent should:
 - a. State to employees: **“_____ Company has no dispute with the (picketing Union). You have every right to work on this project. It would be illegal for any union to ask you not to work. Work is available and you are ordered to continue working. If you walk off this job, you have adopted the (picketing Union’s) strike as your own and the _____ Company has the right to replace you.”** Present a copy of this statement to the employees **(See Exhibit H)**.
 - b. Fill out a form noting those employees who heard and received the statement and refused to go to work. **(See Exhibit I)**.
 - c. If more employees are needed, call the hiring hall and request that employees be dispatched from the hiring hall as replacements. **(See hiring provision in Collective Bargaining Agreement)**.
 - d. Contact AGC for the possible filing of a grievance or unfair labor practice charges against the Union for an illegal work stoppage. AGC will contact the union on the company’s behalf.
 - e. Mail checks for all time worked, within 48 hours to those employees who have refused to go to work.
 - f. Employees from other jobs within the geographical jurisdiction of the Local union may be transferred to this job.
 - g. Should the Union fail to supply workers to the project within the time set in your

labor contract, the employer is free to hire off the bank. **(Refer to Collective Bargaining Agreement – this time is currently 24 hours for Carpenters, Cement Masons, Laborers and Teamsters; 48 hours for Operating Engineers).** Notify Union of name and Employee Identification Number of employees hired. (NOTE: See Paragraph 8b(6) on Page 4 concerning wages and other terms applicable to replacement employees.)

NOTE: All actions and conversations pertaining to the work stoppage should be carefully documented.

C. SECOND DAY OF DISPUTE – IF PICKETING IS LAWFULLY RESTRICTED TO PRIMARY GATE – WITH NO PICKETS AT NEUTRAL GATE

If the General Contractor's employees are reluctant to go to work through the neutral gate even though there are no pickets at the gate, the superintendent should:

1. Gather the employees in front of the neutral gate.
2. State to the employees: “_____ Company has no dispute with (picketing Union). This is a neutral gate without pickets. Work is available. You have every legal right to work on this project. It is illegal for any union to try to have you not work. You are ordered to go to work. If you refuse to go to work, you are adopting the (picketing Union's) strike as your own and _____ Company has the right to replace you.”
3. State to the business agent, “Your Union has a duty to supply workers to the job.”
4. Log the business agent's statements to the employees noting the time.

In the event the employees refuse to go to work, the superintendent should:

1. Present a copy of their statement to the employees. **(See Exhibit J).**
2. Fill out a form noting those employees who heard and received the statement and refused to go to work. **(See Exhibit K).**
3. Call the hiring hall and request that employees be dispatched from the hiring hall as replacements. **(See hiring provision in Collective Bargaining Agreement).**
4. Contact AGC for the possible filing of a grievance or unfair labor practice charges against the Union for an illegal work stoppage. AGC will contact the Union on the company's behalf.
5. Mail checks, for all time worked, within 48 hours to those employees who have refused to go to work.

6. Employees from other jobs within the geographical jurisdiction of the Local Union may be transferred to this job.
7. Should the Union fail to supply workers to the project within the time set in your labor contract, the employer is free to hire off the bank. **(Refer to Collective Bargaining Agreement – this time is currently 24 hours for Carpenters, Cement Masons, Laborers and Teamsters; 48 hours for Operating Engineers)**. Notify Union of name and Social Security number of employees hired. (NOTE: See paragraph 8b(6) concerning wages and other terms applicable to replacement employees.)

NOTE: All actions and conversations pertaining to the work stoppage should be carefully documented.

D. SECOND DAY OF DISPUTE – IF THERE IS PICKETING AT THE NEUTRAL GATE

If the neutral gate is being picketed on the second day, the following steps should be taken:

1. Make it clear to the Union and to the pickets that the primary employer (with whom they have a dispute) is not using the neutral gate, that his employees, suppliers and representatives are using only the primary gate (*Gate “B”*) and that the picketing of the neutral gate is illegal. Do this by:
 - a. So informing the pickets.
 - b. Contacting the picketing Union by phone and follow with a telegram. **(See Exhibit L)**.
2. Determine why the Union is picketing the neutral gate.
3. Document conversations and take pictures of the pickets in front of the neutral gate.
4. Contact your main office and/or AGC.
5. Gather the employees in front of the neutral gate and state to the employees:
“ _____ **Company has no dispute with (picketing Union). This is a neutral gate. This is not a lawful picket. Work is available. You have every legal right to work on this project. It is illegal for any union to try to have you not work. You are ordered to go to work. If you refuse to go to work, you are adopting the strike as your own and the company has the right to replace you.**”
6. State to the business agent, **“Your Union has a duty to supply workers to the job.”**

In the event the employees refuse to go to work, the superintendent should:

1. Present a copy of his statement to the employees. **(See Exhibit M).**
2. Fill out a form noting those employees who heard and received the statement and refused to go to work. **(See Exhibit N).**
3. Call the hiring hall and request that employees be dispatched from the hiring hall as replacements. **(See hiring provision in collective Bargaining Agreement).**
4. Coordinate with AGC for possible filing of unfair labor practice charges with the NLRB (i.e., secondary boycott charges 8(b)(4)(B)).
5. Coordinate with AGC for possible filing of an illegal work stoppage grievance and possible damage action in federal court.
6. Mail checks, for all time worked, within 48 hours to those employees who have refused to go to work.
7. Employees from other jobs within the geographical jurisdiction of the Local Union may be transferred to this job.
8. Should the Union fail to supply workers to the project within the time set in your labor contract, the employer is free to hire off the bank. **(Refer to Collective Bargaining Agreement – this time is currently 24 hours for Carpenters, Cement Masons, Laborers and Teamsters; 48 hours for Operating Engineers).** Notify Union of name and Employee Identification Number of employees hired. (NOTE: See Paragraph 8b(6) on page 4 concerning wages and other terms applicable to replacement employees.)

NOTE: All actions and conversations pertaining to the work stoppage should be carefully documented.

E. CONTAMINATION OF GATE

1. The company should assign a monitor who is responsible for making certain that the employees, suppliers and representatives of the primary (picketed) employer use only the primary gate.
2. If the dual-gate system is “**contaminated**” by employees, suppliers or representatives of the primary (picketed) employer using the neutral gate (*Gate “A”*), then the general contractor must do the following:
 - a. Determine the specific facts of the “**contamination**” and make certain it does not recur.
 - b. **Re-establish the dual gate** system and send telegrams, certified or registered mail and email to respective parties. (See Exhibits O, P, Q, R).

PROCEDURE TO BE FOLLOWED BY A NEUTRAL UNION SUBCONTRACTOR WHEN THE LABOR DISPUTE IS WITH THE GENERAL CONTRACTOR

When the General Contractor is picketed, the following steps should be taken by the Union Subcontractor’s field personnel to assure that the Union Subcontractor not directly involved in the dispute can continue working.

1. Question the picket as to “**Why are you picketing?**”
2. Inform your company main office and/or AGC of the picketing.
3. Document in the job log and note time of all conversations and events with the union representative with respect to the picketing. Specifically record what is written on the picket sign.
4. Take pictures of the picket sign and the pickets.
5. Check with the General Contractor as to what the dispute is.
6. Coordinate with General Contractor in selection of locations for dual gate entrances that are as far apart as feasible. (See Exhibit A).
7. Contact the Unions by phone that are responsible for supplying workers to the project. **Indicate that a neutral gate will be established prior to starting time the following morning.** State the location of the neutral gate. Further, request that the business agent appear at the job a starting time the following morning. State to the business agent that: “**Your Union has a duty to supply workers to the job.**”
8. Advise the General Contractor that they must send notification to the picketing union. (See Exhibit S).

9. Each Subcontractor should send notification to the Unions. **(See Exhibit T).**
10. General Contractor should prepare signs for neutral gate (Gate "A") and primary (picketed) gate (Gate "B"). **(See Exhibits F and G).**
11. Prior to starting time on the second day, the gates (entrances) should be established with clearly marked signs.
12. Prior to starting time on the second day, pictures should be taken of the gates and the signs. A diagram of the project gates should be prepared.
13. The gates should be monitored to ensure that the employees, suppliers and representatives of the primary (picketed) employer use only the primary gate (Gate "B").

All of the above steps taken by the Union Subcontractor should be coordinated with the General Contractor.

CAUTION: REPLACE, BUT DO NOT DISCHARGE

Do not discharge any employee for not working during the picketing. Do not tell any employee they are "discharged" or "fired" or "terminated". Although you have the right to permanently or temporarily replace employees who refuse to work, it may violate federal law to discharge them. If employees are still needed, they must be allowed to return to work if they have not yet been permanently replaced.

ASBESTOS

Asbestos Workers #36
11145 NE Sandy Boulevard
Portland, OR 97220
503-255-2692
Fax: 503-252-1935

BOILERMAKERS

Boilermakers #500
2515 NE Columbia Blvd.
Portland, OR 97211
503-288-5295

BRICKLAYERS

Bricklayers #1
12812 NE Marx Street
Portland, OR 97230
503-232-0358
Fax: 503-238-6644

CARPENTERS

Pacific NW Regional Council of Carpenters
1636 East Burnside Street
Portland, OR 97214
503-261-1862
Fax: 503-261-0893

Carpenters #271
2101 West 10th Ave., Suite B
Eugene, OR 97402
541-687-6755/541-687-4667

Carpenters #1388
276 Warner-Milne Road
Oregon City, OR 97045
503-656-7716/888-819-5473
Fax: 503-650-8051

Carpenters #2154 (Lathers, Acoustical, Drywall)
1125 SE Madison #207
Portland, OR 97207
503-232-1970
Fax: 503-232-9474
Local2154@local2154.com

Carpenters – Piledrivers, Bridge, Dock & Wharf Builders #196
4695 Pacific Hwy E
Fife, WA 98424
253-896-2549

Carpenters – Millwrights #96
515 N. Neel St.
Kennewick, WA 99336
509-737-9339/855-333-9339

CEMENT MASONS

Cement Masons #555
12812 NE Marx Street
Portland, OR 97230
503-232-9341
Fax: 503-255-5699

ELECTRICAL WORKERS

IBEW #48
15937 NE Airport Way
Portland, OR 97230
503-256-4848
Fax: 503-251-9952

ELEVATOR CONSTRUCTORS

Elevator Constructors #23
12067 NE Glenn Widing Dr., Suite 108
Portland, OR 97220
503-252-5852
Fax: 503-252-3571
lueclocal23@comcast.net

GLASSWORKERS

Glassworkers #740
11105 NE Sandy Blvd.
Portland, OR 97220
503-255-3920
Fax: 503-255-8194

IRONWORKERS

Ironworkers District Council
110 Main St., Suite 100
Edmonds, WA 98020
425-771-4766
Fax: 425-771-4769
iwdcpnw@ironworkersnw.org

Ironworkers #29
11620 NE Ainsworth Circle, #200
Portland, OR 97220
503-774-0777
Fax: 503-775-0947
joe@ironworkers29.org

Ironworkers #516
11620 NE Ainsworth Circle, Suite 300
Portland, OR 97220
503-257-4743
Fax 503-257-4920
iws516@iinet.com

LABORERS #737

Oregon & Southern Idaho
District Council of Laborers
17230 NE Sacramento St., Suite 202
Portland, OR 97230
503-760-2933
Fax: 503-760-1121
gheld@qwestoffice.net

Washington & Northern Idaho
District Council of Laborers
3909 164th St. SW
Lynnwood, WA 98087
425-741-3556
Fax: 425-741-2787
washdistco@nwlaborers.org

FLOOR COVERERS LOCAL #1236

11105 NE Sandy Blvd
Portland, OR 97220
503-255-8444
Fax: 503-255-8194
dwinkler@ibpatdc5.org

OPERATING ENGINEERS

Operating Engineers #701
555 E. First Street
Gladstone, OR 97027
503-650-7701
Fax: 503-650-7715
traci@iuoe701.com

OREGON BUILDING TRADES

3535 SE 86th Ave
Portland, OR 97266
503-788-7153

PAINTERS

Painters District Council #5
11105 NE Sandy Blvd.
Portland, OR 97220
503-257-6644
Fax: 503-256-5271

Painters #10
11105 NE Sandy Blvd.
Portland, OR 97220
503-257-0589
Fax: 503-262-5358
tjcarrier@ibdpatdc5.org

PLASTERERS

Plasterers #82
2812 NE Marx St.
Portland, OR 97230
503-255-7691
Fax: 503-238-6644
calvin@plastererslocal82.com

PLUMBERS & STEAMFITTERS

Plumbers & Steamfitters #290
20210 SW Teton Avenue
Tualatin, OR 97062
503-691-5700
Fax: 503-691-0626
johne@ua290.org

Plumbers #26
1140 11th Avenue
Longview, WA 98632
888-495-8099

ROAD SPRINKLER FITTERS

Road Sprinkler Fitters #669
2525 E. 29th Ave./PO Box 365
Spokane, WA 99223
509-340-9165
Fax 509-340-9166

ROOFERS

Roofers #49
5032 SE 26th Ave
Portland, OR 97202
503-232-4807
Fax 503-232-1769

Roofers #153
3049 S. 36th Street, Suite 223-B
Tacoma, WA 98409
253-474-0527
Fax: 253-474-6877
Roofersloal153.qwestoffice.net

SHEETMETAL

Sheetmetal #16
2379 NE 178th Avenue, Suite 16
Portland, OR 97230-5957
503-254-0123
Fax: 503-254-0157

Sheetmetal #66
11831 Beverly Park Rd. B-2
Everett, WA 98204
425-493-5900
Fax: 425-493-5901

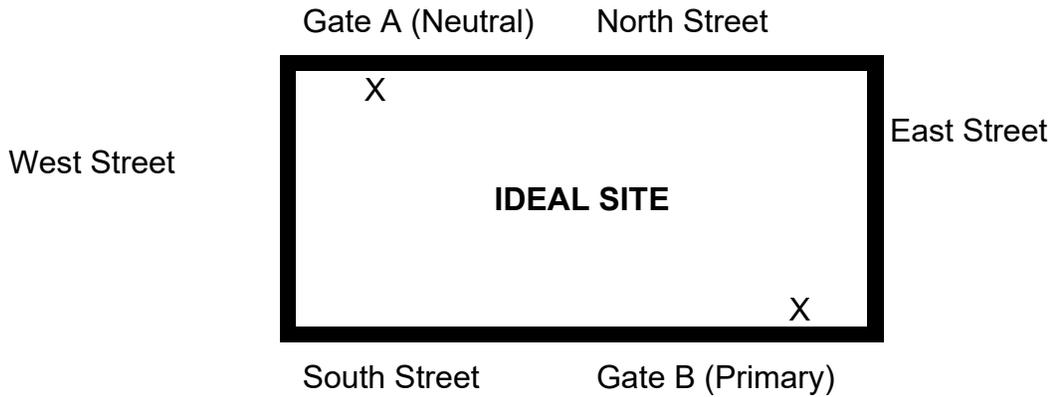
TEAMSTERS

Teamsters Joint Council #37
1866 NE 162nd Avenue
Portland, OR 97230
503-251-2337
Fax: 503-251-2303

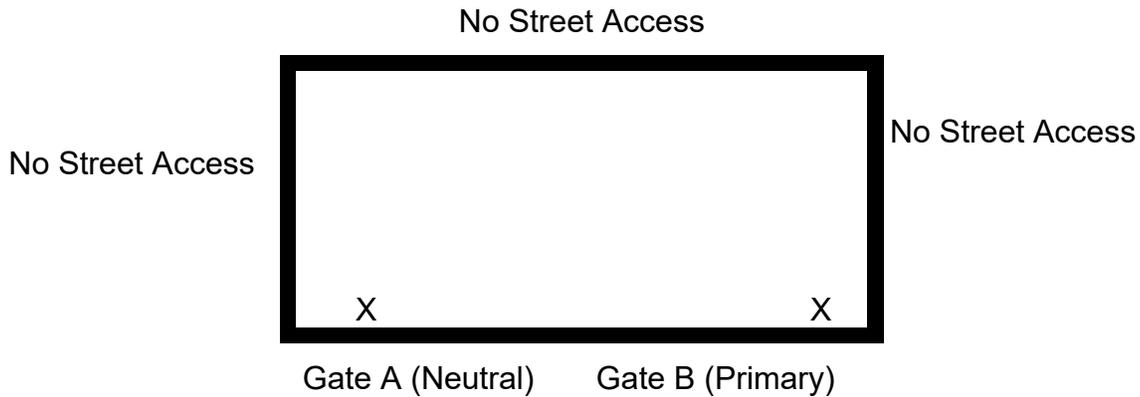
Teamsters #58
2212 NE Andresen Road
Vancouver, WA 98661
360-693-5841

EXHIBIT A
LOCATING SEPARATE GATES

Example #1: Ideal Site:



Example #2: Entrances on Same Street:



Employees and Suppliers of Materials Arrive at Job in This Direction:

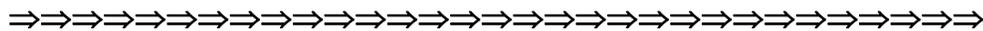


EXHIBIT "F"

SAMPLE SIGN AT NEUTRAL GATE

GATE "A"

ATTENTION

THIS ENTRANCE IS RESERVED FOR THE EXCLUSIVE USE OF THE EMPLOYEES, AGENTS, VISITORS, AND SUPPLIERS OF:

(List neutral contractors and neutral subcontractors)

THE EMPLOYEES, AGENTS, VISITORS AND SUPPLIERS OF THE FOLLOWING COMPANIES MUST NOT USE THIS ENTRANCE:

(Name(s) of the primary employer(s) being picketed)

THEY MUST USE ONLY GATE "B"

NOTE: ACTUAL DUAL GATE ENTRANCE SIGNS ARE AVAILABLE THROUGH THE AGC CHAPTER OFFICE

EXHIBIT "G"
SAMPLE SIGN AT PRIMARY GATE, WHERE THE UNION HAS THE RIGHT TO PICKET

GATE "B"

**THIS ENTRANCE IS RESERVED FOR THE USE OF THE
EMPLOYEES, AGENTS, VISITORS AND SUPPLIERS OF:**

(Name(s) of the primary employer(s) being picketed)

THEY MUST USE ONLY THIS ENTRANCE

(ALL OTHER PERSONS ARE TO USE GATE "A")

**NOTE: ACTUAL DUAL GATE ENTRANCE SIGNS ARE AVAILABLE THROUGH THE
AGC CHAPTER OFFICE**

EXHIBIT "H"

(Company Letterhead)

(Date)

TO: EMPLOYEES ON _____ PROJECT

_____ Company has no dispute with (picketing union).

You have every legal right to work on this project. It would be illegal for any union to ask you to not work. Work is available and you are ordered to continue working. If you walk off this job, you have adopted (picketing union's) strike as your own and the company has the right to replace you.

Company Representative

EXHIBIT "I"

(Company Letterhead)

(Date)

RE: Statement of _____(Superintendent)

Sir/Madam:

I am the superintendent for _____ (Company) on the _____ project located at (street address, City, State).

On the ____ day of _____, 20__ pickets from local Union _____ appeared at the above referenced job site. I stated to our company employees that:

“ _____ Company has no dispute with (picketing union). You have every legal right to work on this project. It would be illegal for any union to ask you not to work. Work is available and you are ordered to continue working. If you walk off this job, you have adopted (picketing union’s) strike as your own and the company has the right to replace you.”

A copy of this statement (attached Exhibit H) was given to the following employees:

NAME	EIN (Employee Identification Number)
_____	_____
_____	_____
_____	_____
_____	_____

Superintendent’s Signature

EXHIBIT "J"

(Company Letterhead)

(Date)

TO: EMPLOYEES ON _____ PROJECT

_____ Company has not dispute with (picketing Union). This a neutral gate without pickets. Work is available. You have every legal right to work on this project. It is illegal for any union to try to have you not work. If you refuse to go to work, you are adopting the (picketing Union's) strike as your own and _____ Company has the right to replace you.

Company Representative

EXHIBIT "K"

(Company Letterhead)

(Date)

RE: Statement of _____ (Superintendent)

Sir/Madam:

I am the superintendent for _____ (Company) on the _____ project located at (street address), (city), Oregon.

On the ____ day of _____ 20__ pickets from local Union _____ of the _____ Union appeared at the above referenced job site. I stated to our company employees that:

" _____ Company has no dispute with (picketing union). This is a neutral gate without pickets. Work is available. You have every legal right to work on this project. It is illegal for any union to try to have you not work. You are ordered to go to work. If you refuse to go to work, you are adopting the (picketing union's) strike as your own and _____ Company has the right to replace you."

A copy of this statement (attached Exhibit J) was given to the following employees:

NAME

COMPANY

Superintendent's Signature

EXHIBIT "L"

NOTIFICATION TO: UNION PICKETING SUBCONTRACTOR

(Date)

Mr. _____, Business Representative
Union Local # _____
Address
Any Town, Oregon XXXXX

RE: Project: _____
Location: _____

Gentlemen:

PLEASE NOTE: Different conditions or circumstances demand various types of correspondence. Urgent situations necessitate a telegram. Other preparatory events or less pressing incidents prescribe a certified letter or possible a fax. Be prudent – the burden of notification is on you to provide!

Within this sample notification correspondence certain elements (i.e. providing a map with a telegram) require a small adjustment.

A dual gate entrance system has been established at our project referenced above, which is located at (job address).

Gate "A", located (describe physical location), is for the exclusive use of only the employees, agents, visitors, and suppliers of contractors and subcontractors other than (picketed subcontractor).

Gate "B", located (describe physical location), is for the use of the employees, agents, visitors and suppliers of (picketed subcontractor), and they are using **only** this gate.

(NOTE: When sending a telegram use this sentence – map of the above gates will be forwarded under separate cover. **When sending an email, certified or registered letter, or fax use this sentence** – a map is enclosed showing the location of the gates so there will be **no** misunderstandings.

Your union is illegally picketing Gate "A" (neutral gate). Any picket activity against (picketed **subcontractor**) must be confined to their designated entrance at Gate "B". **We demand that the pickets at any location other than Gate "B" be removed immediately!**

Failure on your part to limit your picketing to Gate "B" (primary gate) will cause (neutral general contractor) to pursue its rights to the fullest extent permitted by law.

Respectfully,

(General Contractor)

cc: Associated General Contractors

EXHIBIT "M"

(Company Letterhead)

(Date)

TO: EMPLOYEES OF _____ PROJECT

Gentlemen:

_____ Company has no dispute with the (picketed union). This is a neutral gate.

THIS IS NOT A LAWFUL PICKET. Work is available. You have every legal right to work on this project. It is illegal for any union to try to have you not work. You are ordered to work. If you refuse to go to work, you are adopting the (picketing union's) strike as your own and _____ Company has the right to replace you.

Company Representative

EXHIBIT "N"

(Company Letterhead)

(Date)

RE: Statement of _____ (Superintendent)

Sir/Madam:

I am the superintendent for _____ (Company) on the _____ project located at (street address), (city), Oregon.

On the ____ day of _____, 20__ pickets from local Union _____ of the _____ Union appeared at the above referenced job site. I stated to our company employees that:

"_____ (Company) has no dispute with the (picketing union). This is a neutral gate. This is not a lawful picket. Work is available. You have every legal right to work on this project. It is illegal for any union to try to have you not work. You are ordered to go to work. If you refuse to go to work, you are adopting the (picketing union's) strike as your own and _____ Company has the right to replace you."

A copy of the statement (attached Exhibit M) was given to the following employees:

NAME

COMPANY

Superintendent's Signature

EXHIBIT "O"

NOTIFICATION TO: UNIONS OF NEUTRAL GENERAL CONTRACTOR

(Date)

Mr. _____, Business Representative
Union Local # _____
Address
Any Town, Oregon XXXXX

RE: Project: _____
Location: _____

PLEASE NOTE: Different conditions or circumstances demand various types of correspondence. Urgent situations necessitate a telegram. Other preparatory events or less pressing incidents prescribe a certified letter or possibly a fax. Be prudent – the burden of notification is on you to provide!

Within this sample notification correspondence certain elements (i.e. providing a map with a telegram) require a small adjustment.

Gentlemen:

Effective at the starting time on the _____ day of _____ 20__, a dual gate entrance system has **BEEN RECONFIRMED AT OUR PROJECT** referenced above, which is located at (job address).

Gate "A", located (describe physical location), is for the exclusive use of only the employees, agents, visitors, and suppliers of contractors and subcontractors other than (picketed subcontractor).

Gate "B", located (describe physical location), is for the use of the employees, agents, visitors, and suppliers of (picketed subcontractor) and they are using **only** this gate.

(NOTE: When sending a telegram use this sentence – A map of the above gates will be forwarded under separate cover. **When sending an email, certified or registered letter, or fax, use this sentence –** A map is enclosed showing the location of the gates so there will be **no** misunderstandings.

(Neutral General Contractor) expects your organization to supply workers to the project in accordance with the labor agreement. We expect a representative of your organization to be at the job site prior to starting time tomorrow morning to assist our company in supplying workers to the project. Failure to supply workers to the project will cause (neutral General Contractor) to pursue its rights to the fullest extent permitted by law.

Respectfully,

(General Contractor)

cc: Associated General Contractors

EXHIBIT "P"

NOTIFICATION TO: UNION DOING THE PICKETING

(Date)

Mr. _____, Business Representative
Union Local # _____
Address
Any Town, Oregon XXXXX

RE: Project: _____
Location: _____

Gentlemen:

PLEASE NOTE: Different conditions or circumstances demand various types of correspondence. Urgent situations necessitate a telegram. Other preparatory events or less pressing incidents prescribe a certified letter or possibly a fax. Be prudent – the burden of notification is on you to provide!

Within this sample notification correspondence certain elements (i.e. providing a map with a telegram) require a small adjustment.

Effective at the starting time on the _____ day of _____ 20 ____, a dual gate entrance system has **BEEN RECONFIRMED AT OUR PROJECT** referenced above, which is located at (job address).

Gate "A", located (describe physical address), is for the exclusive use of only the employees, agents, visitors, and suppliers of contractors and subcontractors other than (picketed subcontractor).

Gate "B", located (describe physical address), is for the use of the employees, agents, visitors and suppliers of (picketed subcontractor) and they are using **only** this gate.

(NOTE: When sending a telegram use this sentence – A map of the above gates will be forwarded under separate cover. **When sending an email, certified or registered letter, or fax, use this sentence** – A map is enclosed showing the location of the gates so there will be **no** misunderstandings.

Any picket activity against (picketed subcontractor) must be confined to their designated entrance at Gate "B". Picketing at any other gate is an illegal secondary boycott.

Failure on your part to limit your picketing to that entrance will cause (neutral general contractor) to pursue its rights to the fullest extent permitted by law.

Respectfully,

(General Contractor)

cc: Associated General Contractors

EXHIBIT "Q"

NOTIFICATION TO: NEUTRAL UNION SUBCONTRACTORS

(Date)

Mr. _____, President
Union Subcontractors
Address
Any Town, Oregon XXXXX

RE: Project: _____
Location: _____

PLEASE NOTE: Different conditions or circumstances demand various types of correspondence. Urgent situations necessitate a telegram. Other preparatory events or less pressing incidents prescribe a certified letter or possibly a fax. Be prudent – the burden of notification is on you to provide!

Within this sample notification correspondence certain elements (i.e. providing a map with a telegram require a small adjustment.

Sir/Madam:

Effective at the starting time on the _____ day of _____ 20 ____, a dual gate system has **BEEN RECONFIRMED AT OUR PROJECT** referenced above, which is located at (job address).

Gate "A", located (describe physical address), is for the exclusive use of only the employees, agents, visitors and suppliers of contractors and subcontractors other than (picketed subcontractor).

Gate "B", located (describe physical address), is for the use of the employees, agents, visitors and suppliers of (picketed subcontractor) and they are using **only** this gate.

(NOTE: When sending a telegram use this sentence – A map of the above gates will be forwarded under separate cover. **When sending an email, certified or registered letter, or fax, use this sentence**– A map is enclosed showing the location of the gates so there will be **no** misunderstandings.

We expect you to supply workers to the project in accordance with your subcontract agreement. You and your employees, agents, visitors, and suppliers are to use Gate "A" for your access to the subject project work area.

Respectfully,

(General Contractor)

cc: Associated General Contractors

EXHIBIT "R"

NOTIFICATION TO: PICKETED SUBCONTRACTOR

(Date)

Mr. _____, President
Picketed Subcontractor
Address
Any Town, Oregon XXXXX

RE: Project: _____
Location: _____

Sir/Madam:

Effective at the starting time on the _____ day of _____ 20__, a dual gate entrance system has **BEEN RECONFIRMED AT OUR PROJECT** referenced above, which is located at (job address).

Gate "A", located (describe physical location), is for the exclusive use of only the employees, agents, visitors and suppliers of contractors and subcontractors other than (picketed subcontractor).

Gate "B", located (describe physical location), is for the use of the employees, agents, visitors and suppliers of (picketed subcontractor) and they are using only this gate.

(NOTE: When sending a telegram use this sentence – A map of the above gates will be forwarded under separate cover. **When sending an email, certified or registered letter, or fax, use this sentence** – A map is enclosed showing the location of the gates so there will be **no** misunderstandings.

You and your employees, agents, visitors, and suppliers must confine your access to the subject project work area through Gate "B" exclusively. You must not use any other gate or location to enter or leave the project.

We expect you to supply workers to the project in accordance with your subcontract agreement.

Respectfully,

(General Contractor)

cc: Associated General Contractors

PLEASE NOTE: Different conditions or circumstances demand various types of correspondence. Urgent situations necessitate a telegram. Other preparatory events or less pressing incidents prescribe a certified letter or possibly a fax. Be prudent – the burden of notification is on you to provide.

Within the sample notification correspondence certain elements (i.e. providing a map with a telegram require a small adjustment.

EXHIBIT "S"

NOTIFICATION TO: UNION PICKETING GENERAL CONTRACTOR

(Date)

Mr. _____, Business Representative
Union Local # _____
Address
Any Town , Oregon XXXXX

RE: Project: _____
Location: _____

Gentlemen:

PLEASE NOTE: Different conditions or circumstances demand various types of correspondence. Urgent situations necessitate a telegram. Other preparatory events or less pressing incidents prescribe a certified letter or possibly a fax. Be prudent – the burden of notification is on you to provide!

Within the sample notification correspondence certain elements (i.e. providing a map with a telegram) require a small adjustment.

A dual gate entrance system has been established at our project referenced above, which is located at (job address).

Gate "A", located (describe physical location), is for the exclusive use of only the employees, agents, visitors, and suppliers of contractors and subcontractors other than (picketed general contractor). Those using "Gate "A" include:

(List Subcontractors) _____

Gate "B", located (describe physical location), is for the use of the employees, agents, visitors, and suppliers of (picketed general contractor) and they are using only this gate.

(NOTE: When sending a telegram use this sentence – A map of the above gates will be forwarded under separate cover. **When sending an email, certified or registered letter, or fax, use this sentence** – A map is enclosed showing the location of the gates so there will be **no** misunderstandings.

Any picket activity against (picketed general contractor) must be confined to (picketed general contractors) designated entrance at Gate "B". Picketing at any other gate would be an illegal secondary boycott.

Failure on your part to limit your picketing to that entrance will cause (general contractor) to pursue is rights to the fullest extent permitted by law through the National Labor Relations Board and the courts.

Respectfully,

(General Contractor)

cc: Associated General Contractors

EXHIBIT "T"

NOTIFICATION TO: UNIONS OF NEUTRAL SUBCONTRACTOR

(Date)

Mr. _____, Business Representative
Union Local # _____
Address
Any Town, Oregon XXXXX

RE: Project: _____
Location: _____

Gentlemen:

A dual gate entrance system has been established at our project referenced above, which is located at (job address).

Gate "A", located (describe physical location), is for the exclusive use of only the employees, agents, visitors, and suppliers of contractors and subcontractors other than (picketed general contractor). Those using Gate "A" include:

(List neutral Subcontractors)

Gate "B", located (describe physical location), is for the use of the employees, agents, visitors, and suppliers of (picketed general contractor) and they are using only this gate.

(NOTE: When sending a telegram use this sentence – A map of the above gates will be forwarded under separate cover. **When sending an email, certified or registered letter, or fax, use this sentence** – A map is enclosed showing the location of the gates so there will be **no** misunderstandings.

(Neutral Subcontractor) expects your organization to supply workers to the project in accordance with the labor agreement. We expect a representative of your organization to be at the jobsite prior to starting time tomorrow morning to assist our company in supplying workers to the project. Failure to supply workers to the project will cause (neutral subcontractor) to pursue its rights to the fullest extent permitted by law.

Respectfully
(General Contractor)

cc: Associated General Contractors

PLEASE NOTE: Different conditions or circumstances demand various types of correspondence. Urgent situations necessitate a telegram. Other preparatory events or less pressing incidents prescribe a certified letter or possibly a fax. Be prudent – the burden of notification is on you to provide!

Within this sample notification correspondence certain elements (i.e. providing a map with a telegram) require a small adjustment.