

# “EFCA”

The **Employee Free Choice Act** may become law within the first 100 days of the new 2009 Congress.

- President-elect Obama supports EFCA and has pledged to sign it.
- EFCA supported organizing will **explode**.
- Vacant NLRB seats will be filled giving pro-labor members a majority.
- A new NLRB General Counsel will aggressively enforce EFCA's provisions against management.



Cost: Only \$695  
per individual  
attendee

Can your organization remain  
**Union Free** under the *new* President,  
*new* NLRB and *new* EFCA law?

**2009 Spring**  
Series >>

**MEMPHIS**  
February 11-12

**CHICAGO**  
March 24-25

**PHILADELPHIA**  
April 22-23

**LAS VEGAS**  
May 19-20

Make your plans  
to attend:

## HOW TO STAY UNION FREE

An educational program presented by JACKSON LEWIS LLP

With President-elect Obama taking office in just a few weeks and both houses of Congress controlled by Democrats pledged to support unions, EFCA's chances for passage are excellent.

## If EFCA becomes law . . . Would you know what to do if:

- ▶ A union announces a majority of your employees have signed union authorization cards and insists you "abide by the new EFCA law" and grant recognition without an NLRB election?
- ▶ Dozens of Unfair Labor Practice Charges ("ULPs") are filed against your company with hundreds of thousands of dollars in potential damages as the remedy?
- ▶ Your biggest customer – as part of its own deal with the union – demands you sign a "neutrality" agreement that would prevent you from expressing your opposition to the union organizing your own employees?
- ▶ Busloads of picketers, from four different unions, hold a lunch time rally outside your facility – joined by many politicians and religious leaders – with full press coverage?
- ▶ Your employees start using blogs, podcasts and YouTube to broadcast messages in support of a union and its organizing efforts – using your organization's own computers?
- ▶ You are hit with simultaneous union-driven lawsuits, government investigations and consumer boycotts?
- ▶ You must prepare for an EFCA arbitration where an arbitrator is going to dictate what wages, benefits and conditions of employment you must give your employees?



Learn how to defend your organization from these attacks.

Make your plans today to attend:

**HOW TO STAY UNION FREE**

An educational program presented by JACKSON LEWIS LLP

**What *How to STAY UNION FREE* program participants have said:**

"I feel empowered as an Employer/Supervisor to meet the challenges of union organizing because I am better informed about the law."

"The breadth and depth of Jackson Lewis' knowledge made the entire seminar extremely valuable."

"I have attended a number of union avoidance seminars over the years and felt this was the best example of a clearly communicated program."

## Today's unions and the law have "Changed to Win." Have You?



In 2005, unions including the SEIU, UNITE HERE, UFCW, and the Teamsters left the AFL-CIO to form the new **CHANGE TO WIN** labor federation pledged to aggressive new organizing. Faced with this new competition, the **AFL-CIO** threw its support to the remaining unions further bolstering union organizing efforts nationwide. This radical reform has led to the union's winning an *extraordinary* 60% of NLRB elections and an even greater percentage of card checks.

President-elect Obama has pledged to make the **Employee Free Choice Act "EFCA"** the law of the land. It will be re-introduced in the 2009 Congress. If signed into law, it would reverse years of workplace democracy under the National Labor Relations Act mandating union recognition without an election. What are you doing *now* to avoid this result?

- ▶ ***The union organizing threat is greater than ever before***
- ▶ ***In these turbulent economic times the stakes are higher***
- ▶ ***No organization is free of the risk***

**It's a whole new battle and only those employers who know the *new* NLRB, the *new* EFCA law and the *new* Union Organizing Strategies will emerge from the fight *union free*.**

▶ See Program Registration Details on Back Cover

# Employers in All Industries

## DAY 1

REGISTRATION BEGINS: 8 A.M. PROGRAM BEGINS: 9 A.M.

### How Competing Unions Are a New and More Potent Threat to You and Your Organization

- The *new* CHANGE TO WIN (CTW) labor federation and its radical approach to organizing and support of EFCA.
- Andy Stern – how and why he has become the most important labor leader in the last decade – accused of engaging in “corporate unionism.”
- New organizing targets: healthcare, retail, laundry, building services and janitorial, shopping centers, telecommunications and call centers, finance and insurance, and more.
- New issues: healthcare benefits and costs, job security and outsourcing, corporate greed and irresponsibility, immigration status, and employee rights.
- The AFL-CIO’s response to CTW: massive political and publicity campaigns designed to pass union-friendly laws including EFCA, project labor agreements, state healthcare mandates, local living wage laws, expanded prevailing wage laws, and state card check statutes.

### How You Can Make Unions Irrelevant to Your Employees – Before EFCA Organizing Starts

- How to educate your employees about the significance of EFCA and union cards before organizing begins.
- How to establish an *issue-free* workplace and become an “employer of choice.”
- How to define the five major union-free stakeholders – and getting them on your side – now!
- How to ensure the most favorable configuration of employees for potential voting units or demands for certification under EFCA.

LUNCHEON: Midday

### How to Empower Your Supervisors to Exercise Their Existing Union-Free Rights Under the Law

- The “RESPECT ACT” – a possible add-on to EFCA that will mandate a change in how you define and treat your supervisors.
- Why defining who is a “supervisor” under the latest NLRB decision is critical to union avoidance.
- How to turn your supervisors into a powerful union-free communications team and educate them on their lawful free speech rights without incurring costly EFCA fines.
- How to effectively communicate your organization’s union-free philosophy while protecting your employees’ rights.
- How to minimize concern over unfair labor practice liability and encourage lawful management of the workplace.

### How to Protect Your Company’s Property Rights When Confronted with Organizing

- What you can do to control employee organizing activity on the job and at the workplace.
- Why you must define and consistently enforce lawful solicitation and distribution rules *now*.
- How you can prevent your own computers from becoming the union’s most effective organizing tool.
- The rules dealing with employee use of emails to organize.
- How to lawfully deal with union bulletin board postings, wearing of union insignia, use of copying and fax machines, and parking lot organizing by non-employees.

PROGRAM ENDS: 5 P.M.

# ries Are Being Targeted.

Cost: Only \$695  
per individual  
attendee

## DAY 2

PROGRAM BEGINS: 8 A.M.

### How to Fight New Organizing Techniques Including Neutrality Agreements, Voluntary Recognition, and “Top Down” Corporate Campaigns

- What you need to know about how EFCA ties into “ballot-free elections,” one-sided neutrality agreements, “paperless” organizing and digital union cards, and the creative use of the Internet including websites and blogs to reach your employees.
- How unions organize outside the traditional NLRB election process – and how these *new techniques* won them twice as many members last year than did elections.
- How and why unions are targeting entire companies for organizing and not just one worksite – and what you can do to prevent it.
- How and why to educate your employees *now* about the new and greater significance of signing a union card.

### How to Develop a Comprehensive Union Avoidance Plan That Starts Working Long Before Organizing Starts

- Cataloging your assets – the information and people who can help you render a corporate campaign ineffective.
- Ways you can build a grassroots base of support in your own community.
- Preparing your key communicators – they may not be who you think.
- Defining your target audience and understanding the wide variety of approaches required to reach them all.
- Understanding the available media, new and old, and how to use them most effectively.
- Finding the compelling key messages that will help you break through to your employees.
- The best and worst of managing press and PR in an organizing drive.
- A 20-point action checklist for maintenance of a union-free workplace.

PROGRAM ENDS: 12:30 P.M.



Is your organization fully prepared for the *new* NLRB, the *new* EFCA law and the *new* Union Organizing Tactics?

Plan to attend

# HOW TO STAY UNION FREE

► See Program  
Registration  
Details on  
Back Cover

An educational program presented by JACKSON LEWIS LLP

**THE JACKSON LEWIS FACULTY** Jackson Lewis is one of the largest firms in the country dedicated to representing management in labor, employment, benefits, immigration law, and related litigation. For over 50 years, Jackson Lewis has placed a high premium on developing preventive strategies and positive solutions for employers nationwide. We partner with employers to devise

policies and procedures promoting constructive employee relations and limiting disputes by promoting an issue-free workplace. ■ Our nationally recognized attorneys are at the forefront, anticipating and helping to counteract corporate campaigns and union organizing of all kinds. We conduct vulnerability assessments, educate senior management, and train first-line supervisors to help foster an issue-free environment, thereby helping to make unions irrelevant. ■ With offices in 39 major locations throughout the U.S., Jackson Lewis combines a national perspective with an awareness of the local business and labor environment. Our clients represent the full range of private businesses and non-profit and public institutions. ■ The Jackson Lewis program faculty draws upon decades of successful experience assisting employers striving to achieve their union-free objectives. ■ *Our prior results do not guarantee a similar outcome. Successful union avoidance requires an employer's continuing commitment to the daily practice of positive employee relations and the maintenance of an issue-free workplace.*

# HOW TO STAY UNION FREE

An educational program presented by JACKSON LEWIS LLP

The Fall Series  
was oversubscribed.  
Seating is limited!

## TO REGISTER

Visit us at [www.jacksonlewis.com](http://www.jacksonlewis.com) and fill out the online form, or complete and return the accompanying form to:

LAURA HEVEY • Jackson Lewis LLP  
75 Park Plaza  
Boston, MA 02116  
t: 617-305-1232 f: 617-367-2155  
e: [unionfree@jacksonlewis.com](mailto:unionfree@jacksonlewis.com)

## DATES & LOCATIONS

**MEMPHIS: February 11-12**

Peabody Hotel  
800-PEABODY\*

**CHICAGO: March 24-25**

Hilton Suites Chicago / Magnificent Mile  
312-664-1100\*

**PHILADELPHIA: April 22-23**

Four Seasons Hotel Philadelphia  
215-963-1500\*

**LAS VEGAS: May 19-20**

The Wynn  
866-770-7555\*  
Code 8JKL50a

Cost: \$695 per individual attendee  
\$595 for each additional attendee from the same organization

\* Room reservations are the responsibility of registrants. When making your hotel reservations, please make sure to mention the Jackson Lewis "How to Stay Union Free" program in order to receive the special discounted room rate.

- The discussions are frank. No recording devices are allowed.
- Individuals affiliated with union organizations are not eligible for registration.
- Jackson Lewis reserves the right to refuse participation in the program to anyone other than a bona fide management representative.
- This program has been approved for 10.75 recertification credit hours toward PHR, SPHR, and GPHR recertification through the Human Resource Certification Institute (HRCI).

For more information about certification or recertification, please visit the HRCI homepage at [www.hrci.org](http://www.hrci.org).



Program choice:

- MEMPHIS    CHICAGO    PHILADELPHIA    LAS VEGAS

Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

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City, State, Zip \_\_\_\_\_

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Make check payable to Jackson Lewis LLP. > To register additional individuals, please copy this form.

To pay with a credit card, please register online at

[www.jacksonlewis.com](http://www.jacksonlewis.com)