



# Why you should join a union

... and why your choice should be SMART TD

[www.smart-union.org](http://www.smart-union.org)

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# The law and you

“It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce...by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

“Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection...”

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**T**he language above is quoted from the National Labor Relations Act (NLRA), as amended. The United States Congress passed this law to protect you.

The purpose of this booklet is to acquaint you with your rights under the law as determined by the Supreme Court, the federal courts and the National

Labor Relations Board (NLRB). Read it carefully. You will find that you are protected in many ways when you join SMART Transportation Division.



This booklet will explain how your employer violates the law if the employer should fire you, discipline you or threaten you in any

way because you want to join a union. You enjoy these rights as a citizen. But, as a member of SMART, you have the strongest union in the United States to help you enforce these rights.

Congress has empowered the NLRB to conduct secret-ballot elections so workers may exercise a free choice. A leaflet entitled “Your Government Conducts an Election for You on the Job,” explaining the election process, is available at all NLRB offices.

Remember, the law protects your right to organize. It is an unfair labor practice for an employer to: (1) interfere with, restrain or coerce employees in the exercise of the rights guaranteed them, or (2) discriminate, in regards to hiring or firing, to encourage or discourage or interfere with membership in any labor organization.

## **Employees’ Rights**

### **You have the right:**

- to self-organization.
- to form, join or assist labor organizations.
- to bargain collectively through representatives of your own choosing.
- to act together for purposes of collective bargaining or other mutual aid or protection.
- to refrain from any or all such activities.

# Selection of representatives

**T**he law provides that you have a right to organize. In fact, it is the policy of the United States to offer you every protection if you are even considering organizing. Your employer cannot interfere with your choice of SMART TD.

The NLRA specifically provides that the employer cannot dominate a labor organization. This means the employer cannot sponsor a company or union rival. Employers cannot ask you to sign a petition for or against any union. If you refuse to sign such a petition, employers cannot take any action against you.

There are two main methods by which labor unions are chosen to represent employees. If a majority of the employees indicate (usually by signing authorization cards) that they want SMART TD to represent them, the employer can voluntarily recognize SMART TD.



The other method is to have the NLRB conduct an election. If a majority of the employees vote for SMART TD, then SMART TD is certified as the bargaining agent for all the employees. And the important thing is that every election conducted by the labor board is by secret ballot. No one, not your employer, your fellow employees or even the union, will know how you voted.

Your choice to have SMART TD represent you is entirely up to you. The law guarantees it.

# Collective strength

The United Transportation Union was the largest rail and bus union in North America and was formed Jan. 1, 1969, by the merger of four independent unions representing numerous crafts of employees in the transportation industry. In 2011, the UTU merged with the Sheet Metal Workers' International Association to become the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART). The SMART Transportation Division (SMART TD) serves members in the transportation industry.

Although a multi-craft union, SMART maintains complete craft autonomy with all craft rights protected. At the same time, the strength and power of united action by the entire organization ensures better protection and benefits for the members.

SMART TD represents drivers, mechanics, office workers, clerical workers, dispatchers and others employed in local mass transit, urban and interurban transit, over-the-road bus lines, school bus operations, charter-commuter bus service, airport services, ticket/baggage agents and truckers/tie-down personnel.

SMART **advantages** are:

- International membership
- Strike fund
- Powerful legislative department
- Legal and protective departments
- Insurance department



## SMART TD's strength

**S**MART TD is the largest railroad operating union in North America, with more than 500 Locals. SMART TD represents employees on every Class I railroad, as well as employees on many regional and shortline railroads. It also represents bus and mass transit employees on approximately 45 bus and transit systems and has grown to include airline pilots, dispatchers and other airport personnel.

Membership is drawn primarily from the operating crafts in the railroad industry and includes conductors, brakemen, switchmen, ground service personnel, locomotive engineers, hostlers and workers in associated crafts. More than 1,800 railroad yardmasters also are represented by SMART TD.

SMART TD's 8,000 bus and transit members include drivers, mechanics and employees in related occupations.

The Bus Department has shown steady growth and achievement since its beginnings nearly half a century ago. This has been possible because of the labor union spirit and dedication of Bus Department members and officers, many of whom have brought recognition and prestige to the union through their achievements in committee work, legislative activity and in public life.

Widely recognized as the leader among transportation labor unions, SMART TD sets the pace in national and state legislative activity, collective bargaining, and in efforts to improve safety and working conditions on the railroads and in the bus, transit and airline industries.

# Discipline and discharge

**T**he law protects you from discharge or discipline because of your interest in unionization. Section 8(a)(3) of the NLRA makes it unlawful for your employer to discriminate against you in regard to tenure or any other condition of employment in order to discourage your interest in SMART TD.

If your employer takes away your seniority, lays you off, reduces your wages or discriminates against you in any other way because of your union activities, the law will protect you. It will require the employer to restore your position and make them pay you for any damages, including lost wages, that you suffered. If an employee is fired because of his or her interest in or activities on behalf of SMART TD, the law will make the employer reinstate the employee with all rights and with full back pay. Every year the NLRB orders employers to pay millions of dollars in back pay.



Furthermore, your employer can't tell you that he or she won't abide by the order of the labor board. The federal courts enforce these orders of the board for you. The courts have held employers in contempt of court for refusing to comply with these orders. In one case, rather than just fining the employer for such refusal, the court put the president of the company in jail until he complied.



# Threats, promises, coercion

**S**ection 8(a)(1) of the NLRA provides that an employer cannot interfere with, restrain or coerce you in the exercise of your rights under the act.

Because of this provision, your employer cannot threaten to fire you, lay you off, suspend you or close down the business, or make any other threats because of your interest in SMART.

If your employer does threaten you, remember it is unlawful for an employer to do so and the law will protect you. You are not alone.

Your employer may promise you benefits such as an increase in wages in order to keep the union out. Do not believe it. Only a contract obtained through collective bargaining can obligate the employer to pay an increase.

Without a contract, the employer is not obligated to give an increase and can cancel any increase at any time.

There are many other things that this section of the act makes unlawful. The employer cannot call you into the office and question you about the union. He or she cannot spy on your meetings or ask you what went on or who was there.

This is not all that this section makes unlawful, but these things should give you an idea of the type of conduct that the law forbids.

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# Some suggestions

**T**hroughout this booklet we have outlined a few of the ways in which the law protects you because of your interest in and activities on behalf of SMART TD.

If you hide the light of your interest under a cover, the employer can claim that he or she wasn't even aware of your union activities. This makes it more difficult for the law to protect you. Then it is up to you to prove that any discrimination was because of your interest in the union.

But, if you are very open about your interest in SMART TD, if you talk about it on your work breaks, wear a button, attend the union meetings and help to get your fellow employees signed up, then your employer cannot say that he or she was not aware of your union activities.

Belonging to SMART TD is something of which you can be justly proud. Men and women doing all types of work in the bus, rail and airline transportation industries belong to SMART TD and enjoy the benefits that only a strong union can obtain. Openly sharing your interest in SMART TD benefits you and your fellow employees, and it makes it much easier for the law to protect you.

Remember, the United States government stands behind you when you want to join SMART TD.



# Membership benefits in brief

**L**isted below are but a few of the benefits contained in many SMART TD contracts which your union will negotiate for you.

1. Job security
2. Seniority
3. Increased wages
4. Do away with runarounds
5. Benefits negotiated for members and their families:
  - a. Vacation pay
  - b. Paid holidays
  - c. Sick-leave pay
  - d. Paid prescriptions
  - e. Hospital and medical plans
  - f. Dental and vision plans
  - g. Life insurance
  - h. Pensions
  - i. Bereavement pay
6. Grievance procedures with legal representation
7. Binding arbitration
8. A union-negotiated contract by professional negotiators

# **You be the judge... the decision is yours...**

**Y**ou can have a voice (with thousands of others) in making the conditions that govern your job security, wages, pension and the health and welfare of your family.

## **HERE'S HOW:**

Sign a SMART TD authorization card. This card is kept strictly confidential. In the event of an election, only the government official supervising the election will have access to it. Please fill it out and either mail or hand it to your representative.

## **REMEMBER:**

# **The law protects your right to organize!**



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