

The Washington-Baltimore Newspaper Guild

TNG-CWA, Local 32035

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Guild Education Corner

The Electronic Resource Center of the Washington-Baltimore Newspaper Guild

Know Your Rights...

Unilateral Changes and the Union's Demand to Bargain

The Union is the legal representative of the employees identified in the recognition/jurisdiction/coverage Article. As such, the Union is the legal, exclusive bargaining agent on all matters concerning wages, hours, and conditions of employment.

The employer may not at any time-- once there is a legal recognized bargaining agent--change a term or condition of employment that has a significant impact on employees, without 1) giving the union advance notice, and 2) bargaining, upon the request of the union.

This requirement that the employer may not unilaterally change wages, hours, and working conditions, derives from Section 8(a)(5) of the National Labor Relations Act (NLRA), a federal law enacted in 1935.

Who sees unilateral changes first?

Even though the employer is to notify the union before implementing a change, often the employer does not do this. Instead, often it is the steward who sees or hears of a change right at the front line level.

Whenever the steward believes there is a unilateral change, the steward should notify the unit officer and the local. In order to preserve the union's rights, a demand to bargain (often coupled with an information request) should be promptly sent to the employer **in writing (the letter is sent from the unit chair or from the local)**.

Here's a sample bargaining demand letter:

*To: Ura Boss
From: Sally Strength, unit chair
Cc: Local 32035
Subject: New Attendance Policy*

The union request bargaining on the proposed new attendance policy for the Ad Ops department. As you know, under the NLRA the changes cannot be implemented until the completion of bargaining. In preparation for bargaining, please provide the attendance records for each Ad Ops unit member for the last two years.

Please let me know when you are available to meet.

What issues are mandatory subjects of bargaining?

- Compensation
- Hours
- Disciplinary rules
- Evaluations
- Fringe benefits
- Job assignment policies
- Dress code
- Drug and alcohol testing
- On-call procedures
- Job qualifications
- Lunch breaks
- Sick leave policies
- Attendance policies
- Smoking rules
- Subcontracting
- Promotion policies
- Production standards
- New technology
- Safety rules
- Time off policies
- Transfer of bargaining unit work to nonbargaining unit employees
- Work schedules
- Surveillance cameras
- Bonuses
- Workload
- Union privileges
- Vacation policies
- Health benefits
- Retirement benefits
- Mileage rates
- Reimbursement policies
- Job classification as it affects pay
- Layoffs
- Work rules
- Access to personnel files

Matters that only indirect employees are called permissive subjects and don't have to be bargained (but the parties may if they mutually desire to bargain)

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