

FRANK B. HARTY

Direct Number: (515) 283-3170 | Facsimile: (515) 283-3108 | E-Mail: fharty@nyemaster.com
700 Walnut, Suite 1600 | Des Moines, IA 50309-3899 | (515) 283-3100

Attorneys at Law | Offices in Des Moines, Ames and Cedar Rapids

www.nyemaster.com

May 18, 2023

VIA EMAIL-ugsdw.org@gmail.com
UGSDW

Dear All:

We write on behalf of Grinnell College. We regret having to write this letter. In the interest of the integrity of the processes of the NLRB in which we have mutually agreed to engage through our 2022 Neutrality Agreement and current collective bargaining, we are compelled to inform you of unlawful and unacceptable conduct on the part of members of UGSDW in connection with the illegal work stoppage at the College. We understand you believe that the current strike is lawful. We obviously disagree. That is why the College filed an Unfair Labor Practice Charge on May 11, 2023.

We write to alert you to our concern that your members do not understand their rights and obligations under the applicable law. Putting aside the legality of the strike, UGSDW members have engaged in unlawful conduct including trespassing, interfering with members of the College staff attempting to work, using College resources to create union posters and flyers, interfering with deliveries in a manner that presented serious safety concerns, and intimidating campus community members.

In a more typical labor conflict, an employer would turn to the courts for assistance in dealing with unlawful behavior of this sort. However, because of your dual relationship with the College as both students and as employees and because of the College's sense of responsibility to you, its students, we write to explain the law and the expectations of the College.

During labor conflict, striking picketers cannot enter private property to interfere with employer operations. Members of UGSDW have not only picketed on the private property of Grinnell College such as parking lots and loading docks, they have also attempted to gain access into private college offices and distributed materials in workplaces. We know this is probably confusing for you because Grinnell College is not just your "workplace," it is your secondary home

and your place of study. However, the law is clear. If you intend to engage in protected concerted activity, you must do so consistent with the National Labor Relations Act and the applicable law.

Please ensure that any member of your union that is engaging in picketing does so only on city property (the sidewalks) or the property of a private landowner who gives you permission to engage in such activity.

Even when lawfully picketing on the public sidewalk, your members cannot block ingress and egress. It is unlawful and dangerous to attempt to interfere with vehicles attempting to travel onto campus property to make deliveries or for other purposes.

You need to understand that your conduct may have unintended consequences. Your members may believe they are simply trying to explain a position. But telling hourly support staff that they should forfeit pay or that they “must” listen to you is unnerving to those people whose livelihood depends upon your presence here as a student. Please refrain from any such behavior directed at staff.

In your actions as Union members, you must also cease utilizing College resources to print flyers, pamphlets and posters. You may not be aware that the College has an electronic monitoring system in place that automatically reports large volume usage of printers and copiers. While the College has not intentionally monitored your improper usage of college resources, the reporting systems automatically flags incidents such as the recent instance where you printed 850 pages of documents. Again, the College respects your right to engaged in concerted activity but it cannot allow you to use College resources for such activity. You may not know this, but using College resources in this manner is actually a violation of the National Labor Relations Act. See Section 8(a)(2). We suggest that you locate a personal printer.

You have also improperly distributed pamphlets and flyers throughout the campus. Again, we believe you may not understand the law. As a Union, you are not entitled to utilize campus (i.e. employer) venues to engage in union activity. Nor can you violate the College’s posting and distribution rules as outlined in the student handbook. We urge you to contact the National Labor Relations Board if you have any questions about your legal rights and their limits. The Board will obviously provide you with guidance concerning whether you can engage in a strike when the parties are not at impasse. That was the focus of our Unfair Labor Practice Charge. We prefer not to file additional charges. That is why we write in the spirit of education and cooperation.

We wish you well over the summer.

Very truly yours,



Frank Harty

FBH/nmg