Commonly Asked Questions about what to do when other unions go on strike in your workplace

Below are some answers to commonly asked questions we've received about what to do during, or leading up to a strike of another union. **Remember, this information applies only to strikes of other unions at the City of Portland.**

- **What do I do if my supervisor asks me to perform the work of a striking employee?** Politely but firmly object to performing the work. If enough people do this, management is pressured to cover the work themselves or hire employees to perform struck work from outside the City. This puts additional pressure on the City to quickly reach a fair contract and end the strike.

- **What do I do if my supervisor directs me to do the work of a striking worker (perform the work of a striking employee)?** If directly ordered to cover a striking worker's work:
    - If the work is **outside your normal job duties**, it should not be reassigned to you – ex: being reassigned to cover building security or clean floors. Politely but firmly object again to performing the work, noting that it falls outside of your normal job duties, and notify your supervisor that you are reporting this to your union. However, if your supervisor specifically directs you to perform the work, ask them if you will be subject to discipline if you do not perform the work. If the answer to that is yes, then request a union steward or representative under Weingarten (your right to representation when something could lead to discipline). If representation is denied and/or the order is repeated, document, perform the work under protest, and report this immediately to PROTEC17. Normal job duties are the general type of work you perform, e.g. making engineering decisions, not your specific project assignment.
        - If you refuse, City management must still follow all normal discipline processes in our CBA to discipline you and has the burden of proof to show your conduct merits discipline. You are entitled to union representation throughout the discipline process. However, refusing a direct order can result in insubordination discipline independent of any strike-related issue.
    - If the work is **within your normal job duties**, ask your supervisor if you will be subject to discipline if you do not perform the work. If the answer to that is yes, then request a union steward or representative under Weingarten (your right to representation when something could lead to discipline). If representation is denied and/or the order is repeated, document, perform the work under protest, and report this immediately to PROTEC17. Normal job duties are the general type of work you perform, e.g. making engineering decisions, not your specific project assignment.

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        - Perform the assigned work to your normal professional standard. Document in writing (to yourself and to your Union Representative) that the assignment was directed over your objection/under protest, the date, the directing supervisor, and the specific tasks assigned. Raise concerns about the reassignment through grievance channels.
    - Make sure to notify your PROTEC 17 steward or Union Rep of any directive to perform **additional work because of the strike** so the union can investigate whether a unilateral increase in your workload constitutes an unfair labor practice.

- **What do I do if my supervisor asks me to cross a physical picket line to do work?** Ask about/offer alternative ways of doing your work that don't require crossing a physical picket line. If your normal job duties don't require you to cross a physical picket line (e.g. you work remotely), you can object to any changes to your work assignment that would require you to begin crossing a picket line.
    - If you are directly ordered to cross a picket line, ask your supervisor if you will be subject to discipline if you do not cross the picket line. If the answer to that is yes, then request a union representative under Weingarten (your right to representation when something could lead to discipline). If representation is denied and/or the order is repeated, document, follow the directive under protest, and report this immediately to PROTEC17.
    - If you refuse, City management must still follow all normal discipline processes in our CBA to discipline you, and has the burden of proof to show your conduct merits discipline. You are entitled to union representation throughout the discipline process. However, refusing a direct order can result in insubordination discipline independent of any strike-related issue.

- **What do I do if a supervisor takes action against me for supporting a strike or says I'm violating Article 5?** Document all conversations and keep any written communications you receive. Contact your PROTEC17 steward or Union Rep immediately.

- **What do I do if my supervisor asks me to provide information about who is on strike?** Politely decline to answer. Forcing or trying to force you to give information on striking workers is a potential violation of state labor law.

- **What do I do if my supervisor asks me to tell them about my thoughts on the strike?** Say that you prefer not to answer. You are not required to volunteer your opinion to management. Forcing or trying to force you to give your opinion on a

labor action is a potential violation of state labor law. Document the conversation in writing as soon as possible afterward and contact PROTEC17 for case assessment.

- **What do I do if a supervisor or colleague asks (not directs) me to amplify, repeat, or believe City of Portland official statements about a strike?** You should be skeptical of official statements from the City of Portland about City unions striking. City communications reflect the employer's perspective in an active labor dispute and may omit context the striking union would provide. Verify the underlying facts through PROTEC17 or the striking union. You should not be compelled to disseminate or support the City's messaging about the strike. If you are, please notify your PROTEC 17 steward or Union Rep.

- **What do I do if a supervisor or colleague asks (not directs) me to amplify, repeat, or believe my director/manager/other supervisor's unofficial statements about a strike?** You should view all such statements skeptically. Even well-meaning, pro-labor supervisors will be operating under unreasonable constraints imposed by City Labor Relations. Even technically accurate information will be provided to them without context or in misdirecting rhetorical frames, just like the official statements you get. Instead, look for PROTEC17 and other union communications, and be prepared to correct misunderstandings and push back on misleading narratives.

- **What do I do if a worker's decision to go on strike is causing me problems, and I want them to come back to work?** Pressuring any worker engaged in a lawful strike to return to work (whether they're a union member or not) is a direct attack on the power of all unions at the City, including PROTEC17. If you hold a supervisory or lead role, pressuring a striking worker to return may violate state labor law, as employer interference with protected activity. Even if you are a peer, such conduct may violate City anti-harassment policies and the CBA. You should not engage in pressure or retaliation of any type in an attempt to pressure striking workers into returning to work.

  Instead, you should support the strikers as much as possible within the bounds of Article 5 and your own circumstances. The stronger and more effective their strike, the greater the pressure on City management to quickly and fairly settle a fair contract, and the sooner they'll be back to work.

- **What do I do if a worker's decision to go on strike has caused me problems, and I want them to experience consequences for that?** Retaliation by the City or its supervisors against any worker for engaging in a lawful strike violates state labor law. If you are a supervisor, lead, or anyone acting as an agent of the employer, retaliation, including collective retaliation against striking workers as a group, is unlawful. If you are a peer, such conduct may violate City anti-harassment policies, the CBA, and basic solidarity with fellow union workers. You should not engage in retaliation of any type.

- **What do I do if my supervisor asks me to retaliate against a worker for striking, either during or after a strike?** Retaliation by the City or its supervisors against any

worker for engaging in a lawful strike violates state labor law. If you are a supervisor, lead, or anyone acting as an agent of the employer, retaliation, including collective retaliation against striking workers as a group, is unlawful. If you are a peer, such conduct may violate City anti-harassment policies, the CBA, and basic solidarity with fellow union workers. You should not engage in retaliation of any type.

Say that you are concerned that retaliation is unlawful and express severe discomfort. Document the conversation. If pressed or directly ordered to retaliate, politely end the conversation as quickly as possible and contact PROTEC17.

- **What do I do if a customer/client/applicant asks me to do the work of a striking worker?** Unless you have been directly ordered by a supervisor (see above), you don't have to perform the work of a striking employee because a customer/client/applicant asks. This includes helping the customer/client/applicant with things that should normally be handled by a worker who's on strike. Instead, you may explain the problems with performing struck work to the customer/client/applicant and explain why you're unable to assist them. Wherever possible, direct the customer/client/applicant to supervisors/managers to get their problems resolved. This puts more pressure on City leadership to settle a fair contract.

- **What do I do if a customer/client/applicant asks me to cross a picket line (physical or otherwise)?** A customer/client/applicant does not direct your work. You may refer the person to a supervisor (see above).

- **What do I do if a customer/client/applicant asks me to tell them about my thoughts on the strike?** You should only share your personal thoughts if the discussion is taking place off work time.

- **What do I do if a striking worker asks me to share communications or "inside info" from management?** Report such requests and/or management communications that seem relevant to PROTEC17 so we can corroborate any information and make sure it reaches the leadership of the striking union(s) accurately.

  Unofficial statements by various individuals (colleagues, direct supervisors, etc.) may contain valuable information about City officials' approach to a strike. However, even technically accurate information, provided without context or in misdirecting rhetorical frames, can be damaging. Don't spread rumors, management claims, or uncorroborated information.

  If you have specific knowledge of something, share it with PROTEC17 leadership and/or the leadership of the affected union. Even if it's true, spreading it widely can undermine the strike effort.

- **What do I do if a striking worker asks me to donate to a strike fund?** You should make this decision on a case-by-case basis. A personal donation of personal funds, made on personal time, is generally protected associational activity under the First Amendment, and PROTEC17 believes the City would face significant obstacles in

disciplining a member for such a donation. However, the City may still attempt discipline, and you should assess your personal risk tolerance. If you donate, do so with personal funds on personal time and keep records that reflect this. City officials must still follow all normal discipline processes in our CBA to discipline you, and they have the burden of proof to show your conduct merits discipline. You are entitled to union representation throughout the discipline process.

- **What do I do if a striking City worker asks me to attend a picket, or support a picket line with services or other resources?** You can participate in a picket only on your own personal time, not on work time. If your lunch or breaks are flexible, you should make it abundantly clear that you are on your own personal time.

- **What do I do if a member of the press wants to ask me questions/interview me about a strike or other labor action?** Direct the press to contact the designated spokesperson for the union – the Director of Communications. Coordinated messaging through a single trained spokesperson is strategically important during a labor dispute. Talking to reporters feels empowering, but you should avoid it unless you have been specifically trained and designated by PROTEC17 to do so.

  Saying something that can be read as unsupportive of a strike undermines the power of all City unions, including PROTEC17. Reporters are often looking for comments that suggest "dissent in the ranks" – don't provide these quotes!

  Public employees retain substantial First Amendment protection for off-duty speech as citizens on matters of public concern, but the line between protected and unprotected speech is fact-specific and litigation is costly. The safest course is to redirect press inquiries to the PROTEC17 Director of Communications.

This FAQ provides general information about PROTEC17 members' individual rights during a strike by another union at the City of Portland. It is not legal advice. PROTEC17 does not authorize, endorse, or encourage any work stoppage, slowdown, refusal to cross a picket line, or refusal to perform assigned duties by its members during any City of Portland strike. Members remain obligated to perform their assigned work. For questions about your specific situation, contact your Union Representative before acting.