UNION MEMBERS CROSSING A PICKET LINE - THAT’S JUST FINE!

UNION FINES ITS MEMBERS FOR CROSSING PICKET LINE
When an employee joins a union, he or she becomes subject to the union’s bylaws and rules. When those rules provide for fines and penalties for crossing a picket line, the result can be very costly for the employee who has not resigned from the union. A recent case decided by the NLRB shows just how costly that can be.

CROSSING THE PICKET LINE RESULTS IN LARGE FINES
In 2012, IAM Local Lodge 851 and about 700 of its members went on strike against Caterpillar. Three of the union members decided to continue working and crossed the picket line. The strike eventually settled and all of the employees went back to work. However, for those three, the union informed them that they would be “brought up on charges” for crossing the picket line. The union then held a hearing and issued fines to the three union members of $15,564, $11,938 and $21,558, respectively, based on 60% of the wages earned after crossing the picket line. The employees filed a charge with the NLRB against their union for having imposed the fines. The employees argued that they had resigned from the union, but the Administrative Law Judge didn’t believe them and upheld the fines, and the NLRB adopted that decision.

UNION MEMBERS BEWARE
Although the fines were later reduced by the International Union, there is a lesson to be learned. If an employee is a union member, the union can legally impose fines if the member violates its rules. However, if the employee resigns from the union before crossing the picket line, the employee cannot be fined. This has been the law according to the U.S. Supreme Court since at least the 1960s. In the present case, the employees were not able to convince the NLRB that they had actually resigned before they crossed the picket line. They claimed that a letter had been sent to the union. Unfortunately, they couldn’t prove it.

RENSIZING FROM THE UNION ISN’T ALWAYS EASY
Besides bearing the burden of actually proving the delivery of the resignation letter, union members often confront other hurdles that make it difficult to resign once a strike begins. Some union bylaws require as much as thirty or sixty days advance notice before a resignation will be effective. Further, union rules might prevent resignation if the member’s dues are outstanding. Union rules also might require paying reinstatement fees if the employee wishes to rejoin after resignation. Finally, some union pension benefits can be adversely affected in the event a member resigns. All of these things make union membership more complicated than most employees might think.


If you have any questions please contact Steve Lyman at slyman@hallrender.com or your regular Hall Render attorney.