

**Communications
Workers of America**
AFL-CIO

350 Seventh Avenue, 18th Floor
New York, New York 10001
212-419-1550
212-419-1555 (facsimile)

Christopher M. Shelton
Vice President
District 1

Gabrielle Semel*
Amy S. Young[†]
M. Christina Norum*
Atul Talwar[‡]



DISTRICT 1
LEGAL DEPARTMENT

*Admitted NY & NJ Bar
†Admitted NY & WV Bar
‡Admitted NY Bar

August 7, 2011

TO: Chiefs of Police, Sheriffs,
District Attorneys,
Shopping Center Owners,
Neutral Employers, or
Others, as Appropriate

Re: Picketing of Neutral Sites by Members of
Communications Workers of America

To Whom It May Concern:

The undersigned represents the Communications Workers of America who are currently involved in a strike against Verizon. During the course of this strike CWA and its members may lawfully engage in peaceful picketing and handbilling wherever there is a Verizon worksite. CWA and its members may also follow the work and lawfully picket any temporary worksite involving Verizon. CWA picketers may also picket Verizon work, "struck work," that is being done by another contractor. We are writing to solicit your cooperation in maintaining the peaceful and lawful nature of this labor dispute and to clarify the law regarding these activities.

Peaceful picketing in the course of a labor dispute is immunized from the application of state trespass or other restrictive local laws by the provisions of the National Labor Relations Act, 29 U.S.C. Section 7 et seq., and the First and Fourteenth Amendments to the Constitution of the United States. Police Department of Chicago v. Mosely, 408 U.S. 92 (1972); Thornhill v. Alabama, 310 U.S. 88 (1940); Scott Hudgens, 230 NLRB 414 (1977).

Federal law extends the privilege of such immunity to instances where picketers follow the struck work to an off-site location of the struck employer or to the site of a neutral business. See, Moore Dry Dock, 92 NLRB 547 (1950). Picketers, for

instance, are permitted to follow the trucks of their employer to any worksite and picket either on-site or at entrances to the site. Teamsters Local 126 & Ready Mixed Concrete, 200 NLRB 253 (1972); Moore Dry Dock, 92 NLRB 547 (1950).

When picketing work being done by Verizon, or one of its subsidiaries, or a contractor doing struck work, at the facility of another employer, picketers must (1) limit picketing to times when Verizon or its contractor are present at the worksite; (2) engaged in its normal business; (3) be reasonably close to the work being done by Verizon or its contractor; and (4) have picket signs that clearly state the dispute is with Verizon. Moore Dry Dock, 92 NLRB 547 (1950).

During a 1998 strike by CWA, Bell Atlantic (the predecessor Company to Verizon) unlawfully caused the arrest of three mobile picketers. After an investigation by the National Labor Relations Board, Bell Atlantic settled by posting a notice agreeing not to cause the arrest of employees engaging in mobile picketing or interfere with employees protected rights in any like manner. A copy of the notice, signed by a Bell Atlantic's Labor Relations General Manager is attached.

The legal protection afforded mobile picketing also extends to picketing on private property, such as shopping malls, industrial parks or office buildings, whether or not these locations are owned by the employer being picketed. Scott Hudgens, supra; Plymouth Park Shopping Center, 266 NLRB 481 (1983); Seattle First National Bank, 243 NLRB 899 (1979). Property owners who interfere with such peaceful picketing violate Section 8(a) (1) of the Act. *Id.*

We trust the foregoing will make clear the protection afforded striking workers under federal law and thus assist CWA members in the exercise of their rights. Should any problems develop with any aspect of the application of these principles to the current labor dispute, please do not hesitate to telephone me so that we may reach an amicable resolution of the matter.

Very truly yours,

Gabrielle Semel

GS/dad

Form NLRB-4722
(10-70)

NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

Section 7 of the National Labor Relations Act gives employees these rights:

- To organize;
- To form, join, or assist any union;
- To bargain collectively through representatives of their own choice;
- To act together for other mutual aid or protection;
- To choose not to engage in any of these protected concerted activities.

WE WILL NOT cause our employees to be arrested because they engaged in, or in retaliation for their having engaged in, lawful ambulatory, or "mobile," picketing, or any other protected union activity in support of the Communications Workers of America (the Union) or any other labor organization.

WE WILL NOT issue written warnings to our employees or take other disciplinary action against them in retaliation for their having engaged in lawful ambulatory, or "mobile," picketing, or any other protected union activity in support of the Union, or any other labor organization.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of the rights guaranteed them by Section 7 of the Act.

WE WILL make John Chan, Steven Lee, and Stephen Moore whole, in the manner they were customarily paid, for any loss of earnings suffered as a result of their arrests.

WE WILL remove from our files any reference to the written warnings issued to John Chan, Steven Lee, and Stephen Moore on November 18, 1998, and WE WILL notify them in writing of this action and that the warnings will not be used against them in any way.

WE WILL pay the Union costs and expenses incurred by it in connection with the legal representation of John Chan, Steven Lee, and Stephen Moore pertaining to their arrests.

BELL ATLANTIC
(EMPLOYER)

Dated: 12-1-99

By: Jeffrey M. Newman
(Representative) (Title)
General Manager - Labor Relations

28 Federal Plaza, Room 3614, New York, NY 10278

212-264-0348

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office.