Extending the Picket Line at Lumen Technologies

Legal Disclaimer

► We do not recommend engaging in labor actions without consulting CWA counsel and considering overall strategy.

Sympathy Strikes and Honoring Picket Lines of Sibling Unions

► Acting in solidarity with other workers is a powerful tool.
► Is refusal to cross a recognized picket line illegal? Protected?
► What rights do CWA members under the Legacy Qwest contract maintain?

"Does the no-strike clause constitute a clear and unmistakable waiver of the union's or employees' right to engage in a sympathy strike?"

► The Ninth Circuit Court of Appeals says that "no strike" language must be "clear and unmistakable" in the CBA to prohibit union members from engaging in a sympathy strike. [Children's Hospital Medical Center v. CNA, 283 F.3d 1188 (2002)]

Does your CBA allow for sympathy strikes?

1. CBA contains a "No Strike" clause that specifically prohibits sympathy strikes
2. CBA contains a broad "No Strike" clause
3. CBA is silent on strikes
4. CBA specifically allows members to respect picket lines

Members can not respect picket lines

Members can respect picket lines

The Problem: Fractured bargaining undermining our ability to make gains at Lumen

Expiration	Contract	Dist.	Mem	Rep
2/28/21	CENTURYLINK-KANSAS & MISSOURI (Embarg)	6	80	92
3/12/21	CENTURYLINK-ALABAMA	MULTI	87	88
3/31/21	CENTURYLINK-NEW JERSEY (Embarq)	1	20	21
6/1/21	CENTURYLINK - VIRGINIA (Central Telephone)	2 13	26	32
6/11/21	CENTURYLINK-TARBORO & FAYETVILLE, NC (Embaq)	3	346	475
8/15/21	CENTURYLINK-CENTRAL & NORTHWEST ARKANSAS	6	40	59
10/31/21	CENTURYLINK-GALLANTIN RIVER	4	6	6
3/31/22	CENTURYLINK-FLORIDA (Winter Park District) Embarq	3	33	33
3/31/22	CENTURYLINK-OHIO (CenturyTel)	4	15	19
9/30/22	CENTURYLINK-TEXAS (Embarq)	6	48	72
10/31/22	CENTURYLINK-OREGON (Emarq)	7	34	34
2/2/23	CENTURYTEL OF WISCONSIN	4	49	50
3/31/23	CENTURYLINK-FLORIDA(Ocala/Winter Gardens) Embarq	3	165	227
4/1/23	CENTURYLINK-QWEST	7	5663	6490
4/30/23	CENTURYLINK-EASTERN OREGON/WA (CenturyTel)	7	16	16
5/31/23	CENTURYLINK-HICKORY & MADISON (Embarq)	3	20	22
9/30/23	CENTURYLINK-TENNESSEE (Embarq)	3	86	108
9/30/23	CENTURYLINK-INDIANA (Embarq)	4	10	11
10/31/23	CENTURYLINK-PENNSYLVANIA (Butler District) (Embarq)	2 13	14	14
2/28/24	CENTURYLINK-OHIO (Embarq)	4	91	112

"Extending the Picket Line" & Sympathy Strikes

Shared Employer

Bargaining Unit #1

Bargaining Unit #2

Separate CBAs representing different work locations at the same employer

"Extending the Picket Line" & Sympathy Strikes

Shared Employer

Bargaining Unit #1

Bargaining Unit #2

The first bargaining unit is working under an expired contract, which means "no strike" clause is no longer in effect

"Extending the Picket Line" & Sympathy Strikes

Shared Employer
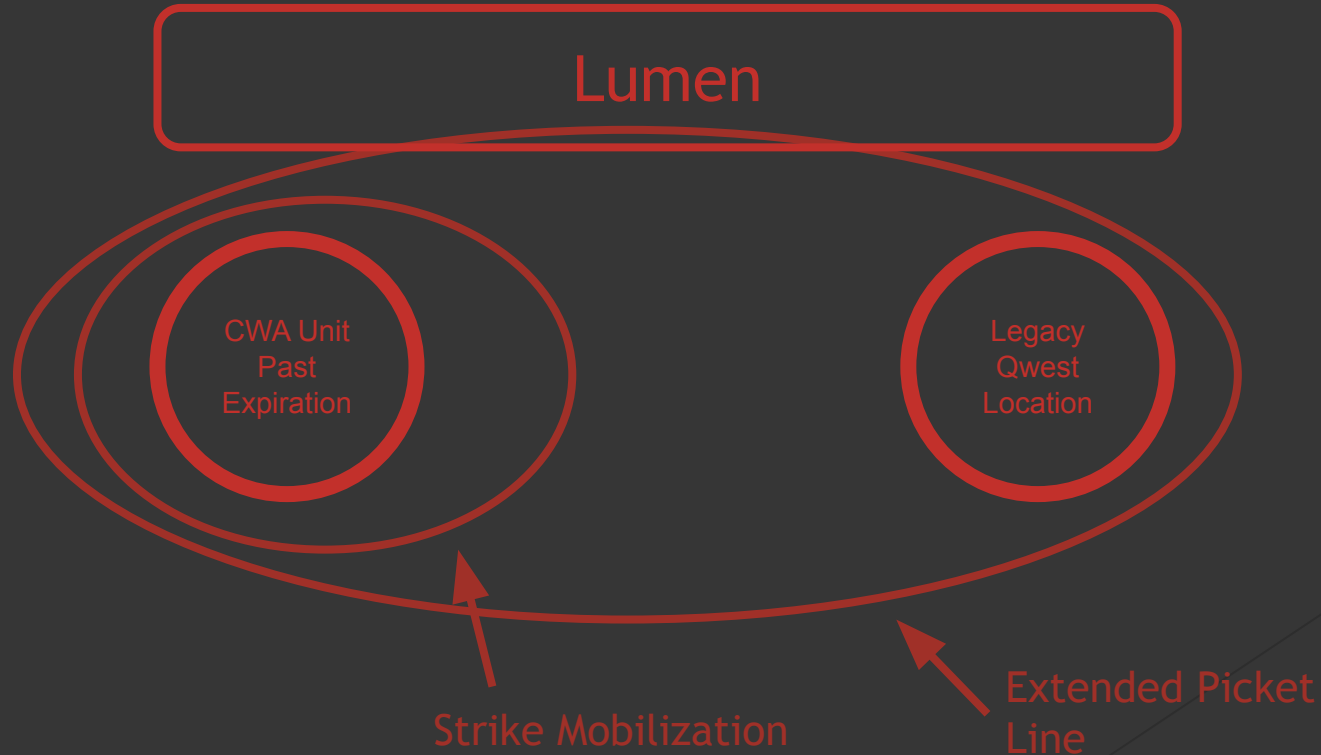
Bargaining Unit #1 → Bargaining Unit #2

Striking members at Bargaining Unit #1 can "extend their picket line" to locations represented by other units. The question is: can members in Bargaining Unit #2 refuse to cross the picket lines under their CBA?

Analysis of CWA Agreements at CenturyLink / Lumen

An analysis of CWA agreements at CTL/Lumen found:

► 18 agreements have no strike clauses that specifically prohibit participation in sympathy strikes
► Legacy Qwest / D7
  ► Has broad no strike language prohibiting work stoppages over "grievable issues"
  ► Has language on dues deduction allowing the company to stop dues after 48 hours in the event of a sympathy strike

Can Legacy Qwest Members Respect an Extended Picket Line under their CBA?

- ► Another bargaining unit at Lumen calls a strike. (Initiating Local)
- ► Members of the bargaining unit picket at worksites under the Legacy Qwest agreement.(Receiving Local)
- ► Under the Legacy Qwest CBA, CWA cannot mobilize over issues that could be grievable. CWA members in District 7 cannot grieve the issues that the sister union is striking over.
- ► The District 7 members can honor the picket line.
- ► The members remain under contract, but the company may stop dues deduction after 48 hours.
- ► If multiple strikes occur over the same issue, the strikers may lose protections under the NLRA.

Questions