

Examples of Comcast's Violation of Labor Rights

1. Comcast fires union organizers and supporters

- a. In South Hills, PA, Comcast fired Reggie Frezzell and Bill Gilchrist
 - i. They were reinstated after a year off of work after the NLRB made Comcast honor their agreement with CWA to arbitrate. The arbitrator awarded full back pay and reinstatement in both cases.
 - ii. Comcast terminated the employment of an inside organizer in Beaver Falls, Pa. Comcast made a settlement after the charge was filed by CWA but before the complaint was issued by the NLRB.
 - iii. Complaint was issued by the NLRB due to the illegal conduct of Comcast in the November 2003 election. CWA reached a settlement with Comcast to re-run the elections last June. CWA won both elections.
- b. In Detroit, MI, grievance committeeman Tyrone Smith was fired after being followed on the job
 - i. Reinstated after 1½ years of grievances
- c. In Montgomery County, MD, line technician Steven White was fired for his support of union in March 2004
 - i. Comcast paid a cash settlement in August 2004 and reinstated White to his job
- d. In Lanham, Md., two employees fired for union activities in 2002-2003
 - i. NLRB ordered employees reinstated in 2005
 - ii. Union (IBT) lost organizing drive in part because of illegal firings
- e. In Hialeah, FL, lead organizer was fired when he was called to active duty with the Navy in Guantanamo Bay
 - i. After NLRB involvement, Comcast paid cash settlement
- f. In Port Huron, MI, member of the bargaining team fired in midst of contract negotiations
- g. In Dallas, TX, customer service rep. Cloma Leach was fired for her union activity
 - i. NLRB sided with Cloma and issued a complaint against Comcast
 - ii. Comcast reached settlement

2. Comcast management prevents free dissemination of ideas about the union

- a. Instead, Comcast holds mandatory captive audience meetings
 - i. Mandatory meetings are not consistent with ability to “freely associate and choose”
- b. In some cases, Company chooses to actively deceive
 - i. In Sacramento, a Comcast lawyer from Atlanta, Mike Molinaro, dressed as a service tech to voice anti union argument in Sacramento, Calif.
 - ii. In Los Angeles Comcast management told workers that they would have to pay “retro-active” dues if they got a contract. In CWA

- workers don't begin to pay dues until after they ratify a contract. Management was informed but they continued to spread the lie.
- iii. Comcast produced and distributed a deceptive video which lies about workers past experience with CWA
 - iv. Comcast has distributed literature that claims CWA spent "0 dollars on behalf of individual members"
 - v. Comcast has distributed literature that exaggerates the cost of union dues to workers
- c. In Dallas a Comcast manager physically prevented workers from receiving information from union reps as they entered and left the workplace
- i. NLRB complaint was issued vs. Comcast

3. Comcast has a string of NLRB complaints against it

- a. See Dallas, Tex.; Montgomery County, Md.; Hialeah, Fl. above
- b. Lanham, Md.
 - i. On April 13, 2005, an administrative law judge for the NLRB castigated Comcast for interfering with employees seeking a union. The judge decided in favor of two Comcast employees who were found to have been fired improperly by Comcast for their union activities.
 - ii. Comcast was found to have violated Section 8(a)(1) of the [National Labor Relations] Act by:
 - 1. Creating the impression among the employees that their union activities were under surveillance.
 - 2. Making coercive statement, that management was angry that employees were trying to organize and that a supervisor was to take names and kick butt.
 - 3. Coercing employees and instructing them not to talk to union adherents.
 - 4. Coercively interrogating employees as to why they needed a union.
 - 5. Disclosing to employees that management knew of the union meetings, and creating the impression of unlawful surveillance.
 - 6. Making coercive statements to union supporters that they should look for jobs elsewhere.
 - 7. Threatening employees with more onerous working conditions and threatening them with loss of benefits if the employees selected the Union.
 - 8. Coercively interrogating employees about their union sentiments.
 - 9. Threatening employees with increased discipline if they selected the Union.

- 10. Threatening employees to be careful with Comcast or face unspecified reprisals and increased discipline.
- 11. Coercively telling employees that they were not selected for promotion because of their union support.”
- iii. Go to http://www.nlr.gov/nlr/shared_files/decisions/ALJ/JD-25-05.pdf

4. Other NLRB cases against Comcast

- a. In 1993, for Philadelphia, NLRB ordered Comcast to reinstate 7 workers found to have been fired illegally . In 1990 in Philadelphia in the election with the Teamsters violations were found to be so severe that a Gissel bargaining order was imposed. Comcast fought for 7 years until most workers had left then petitioned the NLRB to dismiss. The case was settled.
 - i. http://www.nlr.gov/nlr/shared_files/decisions/ALJ/JD-25-05.pdf
- b. In 1999, for Michigan, NLRB found that Comcast had refused to bargain and provide the union with information to which it was legally entitled
 - i. http://www.nlr.gov/nlr/shared_files/decisions/328/328-160.pdf

5. Decertifications are not a free choice for employees

- a. Ocean City, Md. – 2003
 - i. Form of intimidation: Comcast orchestrated a decertification campaign by refusing to provide the retiree health care benefits that are standard at non-union facilities to workers at Ocean City. Three technicians nearing retirement age were forced to choose between retirement security and union representation.
- b. Sacramento, Calif. – 2003
 - i. Form of intimidation: Comcast found an employee to press for decertification of the union. That employee was rewarded with a promotion into a non-union represented job.
- c. Los Angeles, Calif. – 2003
 - i. Form of intimidation: An employee who agreed to head up the decertification campaign was made a maintenance supervisor. The company permitted workers to distribute anti-union material on company time. A Comcast manager even told workers there that he had been ordered to "do whatever it takes to get rid of the union in Los Angeles."¹
- d. Hialeah, Fla. – 2003

¹ American Rights at Work, *No Bargain: Comcast and the Future of Workers' Rights in Telecommunications*, June 2004. See also Jobs with Justice, *This is Comcast: Silencing Our Voice at Work: A Report based on testimony by Comcast workers at the first Jobs with Justice National Workers Rights Board Hearing*, June 2, 2004.

- i. Form of intimidation: Dennis Hernandez, Discharged for Union activity - Board issued charge.
- e. Stone Mountain, GA – 2003
 - i. Form of intimidation: After technicians voted in 2001 for CWA, management refused bargain seriously over first contract. Meanwhile, managers harassed union supporters and denigrated the union. A decertification election 20 months later eliminated the union
- f. Location: Dallas, Tex. – 2002
 - i. Form of intimidation: Cloma Leach, customer service representative, was fired. She had been relocated from an organized Dallas to a non-union suburban site. She tried to organize the site, her activity was monitored, and the Company used the videotape to justify its termination. The NLRB issued a complaint against Comcast for violating Leach’s right to organize.
- g. Port Huron, MI – 2001-2004
 - i. Small cable system (Harron Cable) sold to Comcast in 2001
 - ii. Form of intimidation: The existing contract between Harron Cable and CWA was due to expire December 31, 2003. Instead of bargaining in good faith with the union, Comcast was behind a decertification election in 2003. The union won the election but Comcast contested the results. A second election was held in December 2003 and the union again prevailed. Comcast had tried to block a second election but the NLRB allowed it to take place. Later, the NLRB dismissed Comcast’s charges and the ballots could be counted. The union won the second election. The bargaining unit signed a contract in July 2004.
- h. Location: Beaverton, Ore. – 2003-2004
 - i. Form of intimidation: Manager admitted to local franchise authority in taped testimony 12/17/03: “I will tell you we are going to wage a war to decertify the CWA”
- i. Location: Pittsburgh, PA – 2003
 - i. Form of intimidation: Despite the fact that the Company must not legally intervene in a union election (for representation or decertification), workers were promised a raise if they voted against the union

6. Negotiations in good faith do not include endless refusals to bargain

- a. 16 of 22 Comcast worksites that decertified unions between July 1001 and May 2004 never reached a first contract
- b. Between 1990 and 2004, 150 ULP charges filed against Comcast
 - i. 2/3 alleged Company refused to bargain
- c. Minneapolis example
 - i. Previously owned by AT&T Broadband
 - 1. Organized May 2002

2. Company did not start bargaining until September 2002
3. October 2002 meeting cancelled by Company
4. AT&T unavailable for bargaining in November 2002
- ii. Comcast assumed control November 2002
- iii. Meetings December 18, 19, 2002
- iv. December 19, 2002, Company had no proposals
- v. January 2003, union tried to schedule; company refused, claiming it had no lead bargainer
- vi. Mid-February 2003, union threatened to file ULP
- vii. Comcast agrees to meet March 19, 2003
 1. Asked questions of union's proposals; offered 1 counterproposal and 2 initial proposals
 2. Company stated it would not recognize any tentative agreements on proposals reached with AT&T Broadband
- viii. March 27, union resubmitted all matters covered under earlier, tentative agreement with AT&T Broadband
- ix. In mid-April, Company agreed to meet May 5 and May 6
- x. May 5/6: company would not discuss financial issues
 1. stated it would not be able to meet again until June 16
- xi. Comcast cancelled June 16 meet; said it would not be available until after June 30
- xii. The workers expressed their frustration with the process and decertified the union
- d. Salt Lake City example
 - i. Date 2001-2004
 - ii. Spring 2001, cable workers in Utah were organizing and working towards a vote on forming a union.
 - iii. As the campaign picked up steam, the employer promised every worker a \$1 an hour increase.
 - iv. 17 Headend Technicians in the Salt Lake City area were not deterred and voted to join CWA
 - v. The company retaliated and denied the Headend techs the increase
 - vi. CWA filed an Unfair Labor Practice Charge, the NLRB issued a complaint, held a hearing and in November of 2002, found the employer guilty and ordered them to stop breaking the law and to increase the workers wages by a \$1 an hour.
 - vii. Comcast refused to honor the Administrative Law Judge's decision and appealed the conviction
 - viii. February of 2003, CWA agreed to a one-year contract in order to protect the workers who were facing layoffs.
 - ix. CWA was unable to organize other Comcast employees in Utah and management prompted a decertification election
 - x. The union was voted out in Jan. 2004

- xi. September 2004 Comcast settled with NLRB and accepted the decision that they had reject in 2002; each worker received roughly \$3,000
- xii. In November of 2002 when Comcast merged with AT&T, Comcast announced to almost 1000 workers organized in Pittsburgh that they would freeze their pension plan with bargaining with the CWA. CWA filed charges with the NLRB and reached a settlement with Comcast that they have now violated. CWA has filed an ERISA complaint in Western Pa. Federal court which is now pending.