SEPARATE GATE HANDBOOK

A Guide to Keep a Project Operating When a Picket is Present on a Jobsite

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For many years the construction industry has been wrestling with the problems of keeping a project moving when a picket is present on the same site.

There is need for field supervisors to know what can be done to keep the construction project on schedule and avoid mixing the owner operations with the construction operations.

The success (or failure) of the guidelines contained in this handbook depend to a large degree on the management and the labor relations policy of the company.

Many of the suggestions set forth hereafter must be executed by supervision who have unquestioning loyalty to your company. Some superintendents are reluctant to carry out these unpleasant tasks because of past or present union affiliations and may, in fact, refuse to go against their "brothers".

**PURPOSE**

The purpose of this handbook is to provide up-to-date information, reference material and guidelines covering the subject of "Separate Gates". The information is for educational purposes and is not intended as a substitute for legal advice as to specific factual situations.
Note: This handbook is intended to provide only a summary of this area of law so that the reader will have general knowledge of the basic area covered by the handbook. No comment in this handbook should be applied to the solution of a specific problem because the facts in each case will control the situation, different laws may apply in each case and laws may change from time to time. This handbook does not contain all of the law in the area of separate gates on construction jobsites and is not intended to replace professional advice given on the basis of a specific case.
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DEFINITIONS

- **Dual Gate, Reserve Gate, Two Gate System, Separate Gates:**
  These terms define a procedure under the NLRB (National Labor Relations Board) which isolates a disputing union and employer. Use of a neutral gate allows other neutral contractors or employers to continue working.

- **Contaminated Gate:**
  This occurs when a gate is used by employees or suppliers entering or exiting the wrong gate, i.e., the gate labeled for exclusive use by neutral employees. Such activity will cause the NLRB to determine that all entrances can be picketed by the complaining union.

- **Neutral Employer:**
  The name for an employer not having a dispute with the complaining union.

- **Neutral Gate:**
  The entrance used by employers (employees and suppliers) not having a dispute with the complaining union.

- **Neutral Gate Observer:**
  A designated person posted at or near neutral gates, whose function is to ensure that the gates do not become tainted by monitoring those entering and leaving the project site. The neutral gate observer is to record whether the neutral gate has been tainted by primary employer utilization.

- **Primary Employer:**
  The name for the employer with whom a union has a dispute and is the object of any picketing.
DEFINITIONS (continued)

➢ Primary Gate:
The entrance used by the primary employer (employees and suppliers) who has a dispute with the Union.

➢ Supplier:
A person or company that supplies material to the jobsite. A supplier does not have any jobsite employees. However, it is an ally of the company whose employees handle the material and must utilize that employer's gate. An example of a supplier is a ready-mix company.
SUMMARY OF THE LAW COVERING SEPARATE GATES

The law requires a picketing union to limit its picketing to the gate of the employer with whom the union has the dispute.

- It is possible under the prevailing law to establish separate gates or entrances for different contractors working on the same construction project and limit pickets to such gates. The construction separate gates must be separate but within reasonable proximity of each other. The picketed gate must be accessible, visible to the public and close to the work, which is the object of the picketing.

- Help from the NLRB can usually be obtained if the picketing by a union is improper. In addition, damage suits against a union engaged in illegal activity may be a most effective deterrent.

- Picketing by a union against a primary employer must be confined to the place or places designated and must be limited to the time the primary employer, its employees or suppliers are on the premises.

- A union must be provided actual knowledge of the establishment of separate gates, if they are established after picketing occurs. A union is entitled to actual knowledge of the re-establishment of separate gates, in the case of a contamination problem. In such a case, either a telegram, fax, certified or registered letter should be used to provide such information.

- Picketing must take place on public grounds and be confined to the proximity of the entrance used by the primary employer.

- Picketing cannot block progress to the project by employees, suppliers or others or a state law injunction can be obtained.
BASIS OF THE LAW COVERING SEPARATE GATES
- RESERVED GATE DOCTRINE -

Under the existing legal precedent, a union that has a labor dispute with one employer on a multi-
employer construction site must restrict its picketing to a gate reserved solely for the use of the
employees and suppliers of that specific employer. If the union fails to do so, it will be guilty of
engaging in an unlawful secondary boycott. Basically, there are four requirements for a separate
gate system to be covered by this rule.

First, care should be taken to designate who is to use the reserved gate. For instance, the sign might
read:

This gate reserved exclusively for the use of the employees and suppliers of (Company name). All other persons use
gate located at (insert location).

Second, the employer must be sure to notify the union of the existence of the gates especially when
the gates are established after picketing commences. Preferably, this should be done by certified
return receipt requested mail, fax or telegram. If this is done, the union will be prevented from later
arguing that it did not have knowledge of the separate gate. As an added precaution to insure that
other contractors and suppliers on the jobsite honor the separate gate system, similar notices should
be sent to all other contractors on the jobsite.

Third, the gate for non-union employees use must be located in an area accessible for picketing,
visible to the public and reasonably close to the sites of the picketed work.

Fourth, the employer must make sure that its employees and suppliers always use the separate gate.
If they do not, the separate gate will be contaminated. All company employees and suppliers should
be informed of the separate gate and employees should be made aware of the fact that discipline
(including discharge) will result if employees violate the separate gate principle. A list of
instructions to employees regarding the proper use of the separate gate system is attached.
If these requirements are met, the law requires the union to limit its picketing to the gate of the employer with whom the union has the dispute. As a result, the union will, at least theoretically, be prevented from shutting down an entire construction site simply because it has a dispute with one employer on the site. The separate gate principle allows the job to continue in the greatest majority of cases.

However, even in cases where the picketing at the separate gate still brings about a work stoppage or slowdown, the separate gate should be established for another reason. If the union does not confine its picketing to the separate gate, the contractor may file unfair labor practice charges with the NLRB and also proceed against the union to collect monetary damages in federal district court. In any such cases, properly establishing the separate gate as described above will be of critical importance.

- SEPARATE GATE SITUATIONS -

When a construction project is adjacent to or inside an owner occupied facility, it is imperative to have a separate construction entrance to avoid potential work stoppages caused either on the construction site or owner facility. It is also possible to establish multi-gates or entrances to accommodate primary and neutral employers on the construction project. Owner consent is needed for this type of gate set up.

A separate gate situation can be used for subcontractors of a general or prime contractor. The only caution is for contractors to understand and appreciate subcontractor clause responsibilities.

When an owner opts to have prime contractors on a project, separate gates can be established. This type of situation requires owner consent. If a multi-gate system is utilized, each entrance or gate must be identified by posting proper signs. Gates must be separated but within view of each other.
SAMPLES OF SEPARATE GATE SIGN

IMPORTANT! Each gate of a multi-gate system must be identified with a sign as shown below. Signs must be posted securely and be large enough (a minimum of 4 ft. x 4 ft.) to be clearly visible. They should read as follows:

A) Primary gate sign for contractor(s) being struck or picketed:

STOP - READ

GATE A

This gate is exclusively reserved for all Personnel, Visitors and Suppliers of the Contractors listed below:

ALL OTHERS MUST USE GATE B

B) Neutral gate sign for contractor(s) not involved with the labor dispute:

STOP - READ

GATE B

THIS GATE IS FOR THE EXCLUSIVE USE OF EMPLOYEES AND MATERIAL SUPPLIERS OF (NEUTRAL CONTRACTORS) ONLY:
ESTABLISHING SEPARATE GATE

The last thing you need on a project is a labor problem to add to your normal project delays. Avoid inflammatory statements and belligerent postures. When you have a labor problem, the last thing you need is an angry confrontation.

When to establish gates is a decision that should be made on a job-by-job basis.

An alternative to separate gates can arise when work can be scheduled so that the contractor or contractors anticipated to cause a picket situation are on the project only during designated times. As an example, a landscaping contractor who does not need to be on the project for six months should be kept off the project until then. No picketing of this contractor can take place until he is actually on the project.

If a problem is anticipated, you may wish to set up gates before the work begins or before the picket shows up. It is good practice to inform the unions employed by the contractors on the project by letter, fax or telegram that separate gates are being utilized.

You can also establish gates after the picket shows up, or re-establish gates if they become contaminated.
The following is an outline of steps to take in setting up gates under different situations:

1. **Setting gates up before projects begin or before picketing begins.**
   
   a. Prepare gate messages. The sign must have a positive statement (employees who may use the entrance) and negative statement (persons who cannot use the gate). Put a fence around construction project, if possible. In case of an open area that is used to enter and exit the construction project, a union can establish a picket across the whole area since it is, in fact, one entrance.
   
   b. Develop a policing system to assure proof that all employees and suppliers for the neutral employer must pass through the neutral gate and all employees and suppliers for the primary employers must pass through the primary gate. It is necessary that such activity should be policed to avoid mistaken usage and to provide a witness to refute any alleged contamination.
   
   c. Use "No Trespassing" signs on private premises.
   
   d. Contractors signatory to union agreements should notify their unions in writing of the neutral gate availability.

2. **Setting Gates up After Picketing Occurs:**
   
   a. In addition to the steps under item 1 above, the following steps must be taken:
      
      1. Notify in writing the union picketing the project. The notice should be by telegram, certified or registered mail, or by fax.
      
      2. Notify in writing all employers and neutral unions on the project.
SAMPLE NOTICE FOR

UNION PICKETING PRIMARY CONTRACTOR

(DATE)

Picketing Union
Address

RE: (Project Name)

Gentlemen:

A dual gate entrance system has been established at our project referenced above, which is located at ________________ (job location).

Gate "A", located at ________________ (describe physical location), is for the exclusive use of employees and material suppliers of ________________ (Primary Contractor) only.

Gate "B", located (describe physical location), is for the exclusive use of employees and material suppliers of ________________ (Neutral Contractor) only.

Failure on your part to limit your picketing to Gate "A" will cause us to pursue rights to the fullest extent permitted by law through the National Labor Relations Board.

Very truly yours,

(General Contractor)

cc: AGC

(A telegram, or fax is suggested, (follow up with hard copy) as the quickest means of notification. The telegram can be followed up with a certified or registered letter. A telephone call or regular mail delivery is inadequate as there is no receipt to prove such activity took place.)
SAMPLE NOTICE

UNIONS OF NEUTRAL EMPLOYERS

(DATE)

Union
Address

RE: (Project Name)

Gentlemen:

A dual gate entrance system has been established at the project referenced above, which is located at _______________________(job location).

Gate "A", located (describe physical location), is for the exclusive use of the employees and material suppliers of ___________________(primary contractor) only.

Gate "B", located ____________(describe physical location), is for the exclusive use of the employees and material suppliers of _________________(neutral contractor) only.

We expect your organization to provide workers to the project in accordance with the labor agreement. We expect a representative of your organization to be at the jobsite prior to starting time tomorrow morning to assist in manning the project.

Very truly yours,

(Signed by Specific Contractor with Union Agreement)

cc: AGC

(A telegram or fax is suggested, (follow up with hard copy) as the quickest means of notification. The telegram can be followed up with a certified or registered letter. A telephone call or regular mail delivery is inadequate as there is no receipt to prove such activity took place.)
SAMPLE NOTICE

TO ALL CONTRACTORS

(DATE)

Address

RE: (Project Name)

Gentlemen:

Effective at starting time on the _____ day of ________, 20____, a dual gate entrance system has been established at our project referenced above, which is located at (job location).

Gate "A", located _________________________ (describe physical location), is for the exclusive use of the employees, subcontractors and material suppliers of ____________ (Primary Contractor) only.

Gate "B", located __________________________ (describe physical location), is for the exclusive use of the employees and material suppliers of ________________ (Neutral Contractor) only.

We expect you to provide workers for the job and perform the work in accordance with your agreement.

You and your material suppliers are to confine your access to the subject project work area through the proper gate.

Very truly yours,

cc: AGC

(A telegram or fax is suggested, (follow up with hard copy) as the quickest means of notification. The telegram can be followed up with a certified or registered letter. A telephone call or regular mail delivery is inadequate as there is no receipt to prove such activity took place.)
SAMPLE LETTER

SUBCONTRACTOR'S LETTER TO UNION

(DATE)

Address

RE: (Project Name)

Dear _____________(Union President/B.A.):

We have been advised by _________________________ that a two-gate system has been established at its project located at ___________________________(address of location). A separate (or "neutral") gate has been established at _____________(location address), for the use of our employees, visitors and suppliers. YOUR MEMBERS EMPLOYED BY THIS COMPANY MUST ENTER THE SITE THROUGH THAT ENTRANCE AND REPORT TO WORK AS SCHEDULED. Any attempt by other trades to disrupt our work by preventing our employees and suppliers from reporting to the site through that neutral entrance will be deemed an unlawful secondary boycott and appropriate legal action will be taken against those trades.

Please advise your members employed by us that they are required to report to the site as scheduled through the neutral gate located at ________________(repeat the location address). Refusal of your members to report to work will subject those members to possible disciplinary action, and would constitute a breach of your no-strike commitment, subjecting your union to possible legal action including suits for damages.

Very truly yours,

cc: AGC

(A telegram or fax is suggested, (follow up with hard copy) as the quickest means of notification. The telegram can be followed up with a certified or registered letter. A telephone call or regular mail delivery is inadequate as there is no receipt to prove such activity took place.)
DO'S AND DON'TS REGARDING SEPARATE GATES

The following rules must be thoroughly understood by all office and field employees of the company!

DO'S

1. Do always use the separate gate assigned to your company.
2. Do use the separate gate assigned to your company every time you enter or leave the jobsite even if you enter or leave the job several times a day.
3. Do instruct all suppliers to use the separate gate when delivering materials for your company.
4. Do make sure that all suppliers use the separate gate for your company both when entering and leaving the jobsite.
5. Do make sure that all equipment for your company passes through ONLY the gate assigned to your company when both entering and leaving the jobsite.
6. Do make sure that all visitors for your company use just the gate assigned to your company when entering and leaving the jobsite.
7. Do make sure that employees park company and personal vehicles on the jobsite in such a way that separate gates for other companies are not blocked.
8. Do monitor activities of picketing:
   a. Take photographs of picket and picket sign, especially if picketing is taking place at wrong gate.
   b. Keep a diary of all activities related to picketing.
   c. Take photographs of each gate and sign.
9. Do place "No Trespassing" signs on your premises.
10. Do keep a job diary which reflects the fact that you have checked the gates on a frequent basis or had an employee do the same and no contamination has occurred.
DO'S AND DON'TS REGARDING SEPARATE GATES (Continued)

DON'TS
1. Don't ever use a gate assigned to another company when entering or leaving jobsite.
2. Don't use an unassigned gate when entering or leaving the jobsite.
3. Don't use any other entrance to or exit from the jobsite other than the gate assigned to your company.
4. Don't let other employees from your company use the other gates in entering or leaving the jobsite.
5. Don't let equipment or materials for your company enter or leave the jobsite except through the gate assigned to your company.
6. Don't store materials or park vehicles (company or private) in a way that will block the gates assigned to other companies.
7. Don't "mix and match" gates. Use only the gate assigned to your company and stay away from gates assigned to other companies.
8. Don't treat separate gates as a joke. Your company might lose its contract and you might lose your job if you do not follow these instructions on separate gates.
WHAT TO DO WHEN PICKETING OCCURS UNDER SEPARATE GATES AND THERE IS A WORK STOPPAGE

NOTE: Many of the suggestions set forth hereafter must be executed by supervision who have unquestioning loyalty to your company. Especially during strikes and picket line situations, the loyalty of the superintendent to the company must be paramount to all other considerations, and his/her own interests cannot conflict with those of the company. Supervision must understand that it is his/her duty as a company agent to obey all reasonable and lawful instructions of the company even though he/she does not agree with or approve of the methods chosen.

Once gates are properly established as previously detailed, a project should be able to move forward. Any picketing by a union must be confined to the primary gate. Neutral employers have the right to expect employees to go to work through the neutral gate.

➢ If picketing occurs at the Neutral Gate and there is a work stoppage, do the following:

1. Ask the picketers which union they represent.

2. Ask the picketer why he/she is picketing and determine why the union is picketing the neutral gate.

3. Document conversations and take pictures of the pickets in front of the neutral gate.

4. Contact your main office.

5. Inform the picketer in charge that there is illegal picketing in front of the neutral gate and that picketing should be restricted to the primary gate. Ask them to move to the proper gate and if they refuse, document their refusal properly.

6. After main office approval, contact the picketing union by phone to remove pickets and follow with facsimile or telegram.

7. Gather neutral employees and union representative, if present, outside the neutral gate.

8. State to the employees, "___________ Company has no dispute with the (picketing union). This is a neutral gate. This is not a lawful picket. Work is available. You are ordered to go to work. If you refuse to go to work, you are adopting the strike as your own, and the company has a right to replace you".
9. State to the business agent that his union has a duty to staff the job and observe the no strike clause (if there is one) and not to engage in an illegal secondary strike.
10. Log the business agent's statements to the employees and note the time.

➢ **In the event the workers refuse to go to work, the company representative should:**

1. Present a copy of his statement to the employee.
2. Fill out a form noting those employees who heard and received the statement and refuse to go to work.
3. Call the union and request that employees be dispatched from the union as replacements.
4. Coordinate with AGC in terms of filing unfair labor practice charges with the NLRB (i.e. 8 (b)4(b) secondary boycott charges).
5. Coordinate with AGC in terms of filing an illegal work stoppage grievance, if applicable.
6. Consider hiring replacements if the union refuses to staff the project.
7. Protest unemployment claims of any employee who refuses to work.

**NOTE:** All actions and conversations pertaining to the work stoppage should be carefully documented.
If picketing occurs only at the Primary Gate but neutral employees still refuse to work:

If the neutral contractors' employees are reluctant to go to work through the neutral gate, even though there are no pickets at the gate, the company supervisory people should:

1. Gather the employees and the union representative, if present, in front of the neutral gate.

2. State to the employees, "__________ Company has no dispute with the (picketing union). This is a neutral gate without pickets. Work is available. You are ordered to go to work. If you refuse to go to work, you are adopting the (picketing union) strike as your own and this is a violation of the no strike provision of the union contract (if one is in the contract) and can subject you to being replaced".

3. State to the business agent, "Your union has a duty to staff the job and point out the no strike provision of the union contract (if applicable)".

4. Log the business agent's statements to the employees, noting the time.

➢ **In the event the employees refuse to go to work, the company should:**

1. Present a copy of their statement to the employees.

2. Fill out a form noting those employees who heard and received the statement and refused to go to work.

3. Call the union and request that employees can be dispatched as replacements.

4. Contact AGC or the company's labor counsel for help in filing a protest with the union.

5. Contact AGC or the company's labor counsel for help in filing charge(s) with the NLRB.

6. Consider hiring replacements if the union refuses to staff the project.

7. Protest unemployment claims of any employees who refuse to work. Consider a damage action against the union if a no strike provision is being violated.
If the picketing union posts neutral gate observers at neutral gates:

Frequently a picketing union will exert additional pressure on the primary employer to accede to union objectives by appealing to the "union solidarity ethic" of the other crafts. In many cases the picketing union will post at or near the neutral gate a "Neutral Gate Observer". *

1. The "Observer" will wear a jacket, apron or placard bearing the inscription "Neutral Gate Observer".

2. The union may also attempt to get would-be picketers to loiter around the neutral gates so as to give the impression that they are workers who are refusing to go to work.

3. An "Observer" is not allowed to block the entrance of the neutral gate or engage workers in conversation.

4. When questioned, the "Observer" may reply, "My job is to observe and record whether the neutral gate has been tainted by primary employer utilization".

* The presence of "Neutral Gate Observers" will often result in neutral workers refusing to pass through the neutral gate and not reporting to work. However, the NLRB has ruled that an "observer" is not a picket so long as the "observer" is engaged in the legitimate activity of watching the operation of the neutral gate system and does not block the entrance of or engage conversation with the neutral workers seeking to induce them not to work. Contractors must make every effort to restrict the effectiveness of neutral gate observers.
SAMPLE STATEMENT
EXPLANATION TO EMPLOYEE USAGE OF NEUTRAL GATE

Company has no dispute with (picketing union). You have every legal right to work on this project, despite what your union might have told you. Work is available and you are ordered to continue working. If you walk off this job, you have adopted the (picketing union) strike as your own and the company has the right to replace you under the terms of the National Labor Relations Act.

* * * *

SAMPLE STATEMENT OF CONFIRMATION
GIVE TO EMPLOYEES WHEN CONFUSION EXISTS OVER USAGE OF THE NEUTRAL GATE

(DATE)

RE: Statement of ________________ (Superintendent)

I am the superintendent for ________________ (company) on the ________________ (name of project) project located at ________________ (street address), (city), (state).

On the ____________ day of _______________, 20____, pickets from local union ________________ appeared at the above referenced jobsite. I stated to our company employees that, "______________ (company) has no dispute with the ________________ (picketing union). You have every legal right to work on this project. Work is available and you are ordered to continue working. If you walk off this job, you have adopted the ________________ (picketing union) strike as your own and the company has the right to replace you".

A copy of this statement was given to the following employees:

<table>
<thead>
<tr>
<th>Name</th>
<th>Social Security Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>____________________</td>
<td>______________________</td>
</tr>
<tr>
<td>____________________</td>
<td>______________________</td>
</tr>
<tr>
<td>____________________</td>
<td>______________________</td>
</tr>
</tbody>
</table>
CONTAMINATION AND RE-ESTABLISHMENT OF SEPARATE GATES

The NLRB will not allow the separate gate process to work if contractor employees or suppliers use the wrong gate. Even one (1) inadvertent usage may trigger forfeiture of the right to use the gates.

In case the gates are contaminated, a contractor can re-establish the gates by taking the following steps:

1. Assign a monitor who is responsible for maintaining the integrity of the gates.

2. Find out what caused the "contamination".

3. Correct "contamination" problems.

4. Re-establish dual gate system by sending notice to respective parties, including the unions.

5. Properly discipline the employee who caused the problem.

Sample notices are on the following pages.
NOTICES TO RE-ESTABLISH PROPER GATES AFTER CONTAMINATION NOTICE TO UNION PICKETING

(DATE)

Union
Address

RE: (Project)

Gentlemen:

Effective at starting time on the __________ day of __________, 20___, a dual gate entrance system has been re-established at our project referenced above, which is located at ___________(job location). Steps are being taken to assure the proper use of each gate.

Gate "A", located at ________________(describe physical location), is for the exclusive use of the employees, subcontractors and material suppliers of ______________(primary contractor) only.

Gate "B", located at ________________(describe physical location), is for the exclusive use of the employees and material suppliers of ________________(neutral subcontractor) only.

Failure on your part to limit your picketing to Gate "A" (primary gate) will cause us to pursue rights to the full extent permitted by law through the National Labor Relations Board and the courts.

Yours very truly,

(General Contractor or Owner)

(A telegram or fax is suggested (follow up with hard copy) as the quickest means of notification. The telegram can be followed up with a certified or registered letter. A telephone call or regular mail delivery is inadequate as there is no receipt to prove such activity took place.)
NOTICE TO CONTRACTOR, SUBCONTRACTORS AND OTHER PRIME CONTRACTORS ON THE PROJECT WHEN RE-ESTABLISHING PROPER GATES

(DATE)

Name of Company
Address
RE: (Project Name)

Gentlemen:

Effective at starting time on the ____________ day of __________, 20____, a dual gate entrance system has been re-established at our project referenced above, which is located at _____________(job location).

Gate "A" located ________________(describe physical location), is for the exclusive use of the employees, subcontractors and material suppliers of _____________(primary contractor) only.

Gate "B", located _________________(describe physical location), is for the exclusive use of the employees and material suppliers of _________________(neutral contractor) only.

We expect you to be on the job and perform the work in accordance with your subcontract agreement.

You and your material suppliers are to confine your access to the subject project work area through Gate "A".

Yours very truly,

(General Contractor or Owner)

cc: AGC

(A telegram or fax is suggested (follow up with hard copy) as the quickest means of notification. The telegram can be followed up with a certified or registered letter. A telephone call or regular mail message is inadequate as there is no receipt to prove such activity took place.)
WORKING STAGGERED HOURS

Summary of Present Law

The complaining union can picket a gate reserved for an employer with whom it has a dispute only during hours it is working on the project.

The picketing must be limited to the time when the employer with whom the union has a dispute is actually working on the common premises (i.e. construction site).

Separate gates are not required when contractors are on the project at separate or staggered hours.

The use of this section can work to keep a project partially working even when there is an (economic) strike, (Collective Bargaining Agreement expires and parties fail to reach an agreement) against another contractor.

Unions may seek to utilize gate observers in situations such as this.

Suggested Action

You may wish to have a contractor work staggered hours so a picket will not affect the construction operation. In the event you wish to schedule work in accordance with this suggestion, you should:

1. Notify the interested parties and the union picketing the project.
2. Indicate hours the contractor will be on the project and hours he will not be on the project.
3. When a contractor is not on the project, his gate, if there are separate gates, should be closed and barricaded.
4. NOTE: Suppliers of the contractor working designated hours must make deliveries during these hours.

You may wish to schedule contractors to be on the project only during designated periods, i.e. landscaping contractor (last month of project). You can keep the picket off the project until the contractor is actually on the project. You must provide union with notice of the times contractor will be on the job.
SAMPLE NOTICE FOR RESERVED TIME
NOTICE TO UNION PICKETING

(DATE)

Picketing Union
Address

RE: (Project Name)

Gentlemen:

A "reserved" time has been established at our project referenced above, which is located at ______________(job location).

The following hours have been "reserved" for the exclusive use of _________________(picketed contractor), its employees and material suppliers.

This "reserve" time will be _________________(Saturday, Sunday, 6:00 p.m. or whatever is appropriate). No other contractor's employees or material suppliers will be permitted access to the job during these hours.

Any picket activity against _________________(picketed contractor) is expected to be confined to the hours designated above.

Failure on your part to limit your picketing to these hours will cause us to pursue rights to the fullest extent permitted by law through the National Labor Relations Board.

Yours very truly,

(General Contractor or Owner)

cc: AGC

(A telegram or fax is suggested, (follow up with hard copy) as the quickest means of notification. The telegram can be followed up with a certified or registered letter. A telephone call or regularmail delivery is inadequate as there is no receipt to prove such activity took place.)
SAMPLE NOTICES

NOTICE TO ALL CONTRACTORS

(DATE)

Contractor
Address

RE: (Project Name)

Gentlemen:

A "reserved" time has been established at our project for the exclusive use of ____________(picketed contractor), its employees and suppliers.

This "reserved" time will be _________________(Saturday, Sunday, 6:00 p.m. or whatever is appropriate). You are directed to confine your work on the project to hours other than those "reserved" to _________________(picketed contractor).

Further, you are directed to inform your employees and material suppliers of the "reserved" time for _________________(picketed contractor).

All other persons are expected to work during normal working hours.

Yours very truly,

(General Contractor or Owner)

cc: AGC

(A telegram or fax is suggested (follow up with hard copy) as the quickest means of notification. The telegram can be followed up with a certified or registered letter. A telephone call or regular mail message is inadequate as there is no receipt to prove such activity took place.)
The law allows an employer to recover expenses for damages sustained by him, such as overtime necessary to make up lost man-hours, salaries and utility expenses and other expenses incurred as a result of the illegal secondary activity or the breach of a no strike provision. An injunction under the no strike provision may also be available.

Detailed and accurate records and construction documents must be maintained. A contractor filing a damage suit must be able to show the status of a construction project at the time the work stoppage or illegal activity took place, how much work would have been done if there had been no interruption, and the cause-effect relationship between the number of work days lost and other damages.

A contractor who has been victimized by illegal activities should carefully consider filing a damage suit in order to recover some of the losses.

In addition, such action will probably increase the labor stability and respect for the successful contractor.