

# Questions & answers about our plan going forward:



## ***What's the status of our contract?***

Our old contract expired on November 4<sup>th</sup> because Rio Tinto/U.S. Borax refused to negotiate a new agreement that was fair. However, Federal Labor Law requires U.S. Borax to maintain all our wages, hours, and other terms of our contract until an “impasse” has been reached, and that hasn’t happened. Impasse can only happen after both parties have negotiated in good faith, without committing any unfair labor practices, and have discussed each and every issue so thoroughly that it is clear further talks would not change anyone’s position. If impasse *is* reached at some point in the future, only then could the company change any policies in the 2004-2009 contract, and any changes would still have to be consistent with their current proposal.

## ***Do we gain or lose any contract protections after November 4<sup>th</sup>?***

We gain the right to take immediate action if the company treats anyone unfairly, or if the company commits any unfair labor practices, including our right to be active and express support for our union. The arbitration part of our contract will no longer be in effect, but we’ll be in a stronger position to take direct action and solve problems together if the company violates our rights or is disrespectful. Each of us will also need to pay our union dues directly, because the company will no longer collect them for us from our paychecks.

## ***Can Borax lock us out, and what would happen if they try?***

Borax could try to prevent us from going to work, which is called a “lock-out,” but they’ll have to pay us unemployment insurance if they do, which we can’t collect if we go out on strike. The company may try to hire temporary replacement workers, but only temporarily until we reach terms on a fair contract.

## ***Do we have to go on strike after November 4<sup>th</sup>?***

No, but we do have more flexibility to take action since the contract expired and because we voted by 97% to give our Negotiating Committee authority to call a strike if necessary. However, a strike would only happen if we think it’s the best way to win and our union could conduct another membership vote. There are many ways to keep pressure on a company to win a fair contract besides striking; we’re putting some of them in place now.

## ***What about the incentives (the bonus, small wage increases, and early retirement offers) that the company put in their proposal to try and bribe us?***

The company put those things in their proposal to try and bribe us into voting for a larger package of “take-aways” that would have ruined our jobs and our union. When we didn’t take their bait, the company took those incentives off the table, but they may or may not put them back in the future.

## ***What happens to our health insurance if we’re locked-out or decide to strike?***

We have rights under the federal law (called “COBRA”) to keep getting health, dental and drug coverage, but we’ll have to pay the full cost of that insurance, including Borax’s share.

## ***Can I use my vacation and sick leave after November 4<sup>th</sup>?***

Yes, our union attorneys believe that you are entitled to use any accrued vacation and sick leave because federal law prohibits the company from changing those terms of the 2004-09 contract unless impasse is reached.

Please get us any other questions you have so we can get you an answer and share it with others. Thank you.

**We’re staying strong and united to win a good contract at Borax**