

# THAT'S SO MAM

*Official newsletter of the IAMMAM Union.*



## Union Updates:

On Monday, **September 14th**, MAM submitted their Statement of Position to the NLRB. Upon receiving our copy of this document, many of our expectations were confirmed. Attached to our copy were two lists of names: one consisting of the people MAM would like included in the proposed bargaining unit, and the other, the people MAM would like to exclude from the voting process. As we expected, MAM made a number of choices that can only be explained as deliberate attempts to slow down and obfuscate the process.

For example, MAM listed part-time, seasonal, and special events security guards on their exclusion list. This was surprising to us since we did not petition for any security guards in the Petition for Election that we submitted to the NLRB on **August 31st**, because it is a violation of the National Labor Relations Act to represent security guards under the same labor contract as non-security guards. From the very beginning, we have made it clear that we intend to form a wall-to-wall Union following the law as it is outlined in the NLRA.

Besides the absence of any guards on our petition, our lack of intent to organize in the same bargaining unit was evidenced by the fact that we waited until after the guards' new contract was ratified to go public with our campaign.

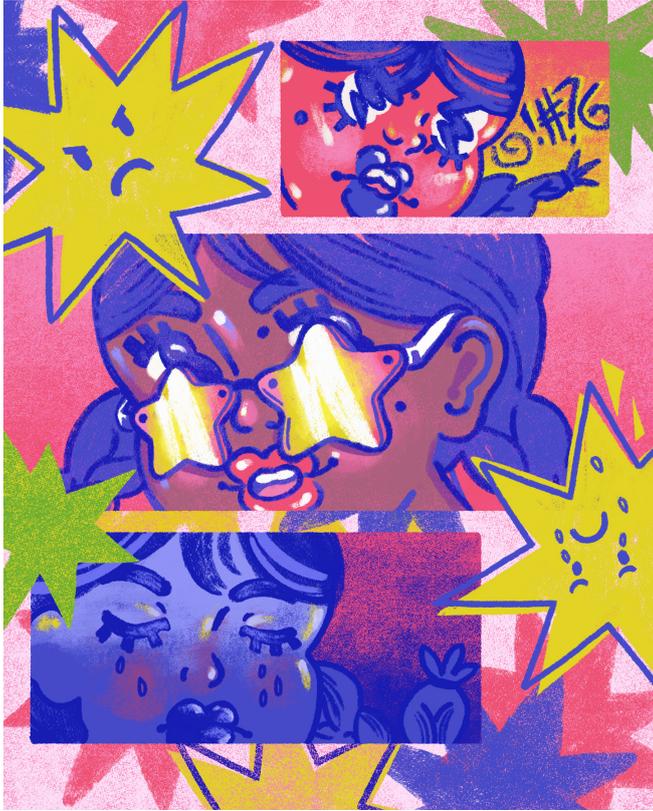
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*"For workers striving to gain from their employers decent terms and conditions of employment, there is strength in numbers."*

*- Jus. Ruth Bader Ginsburg*

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We responded to these concerns in our Response to the Statement of Position (RSOP), which we submitted to the NLRB on Wednesday, **September 16th**. We did not dispute the exclusion of office/clerical and confidential employees because, again, we were already well aware that these workers are ineligible to be represented under the same contract as the rest of the MAM employees. However, we do intend to contest MAM's designation of several employees as office/clerical at the election. →



Cecilia Palacios, *La Estrella*, 2020, Digital Illustration  
📷 @cecilia.illustration

## Next Steps:

- The NLRB's final determination will come some time after each party has a chance to submit supporting briefs, which are due Tuesday, **September 29th**.
- Join us this Thursday, **September 24**, and Saturday, **September 26**, for our weekly IAMMAM All Staff Meetings! We would love to have an open and honest dialog with you -- all questions, concerns, and creative solutions are welcome! Email [annewiberg@gmail.com](mailto:annewiberg@gmail.com) for the meeting link that best fits with your schedule.
- Have you checked out our FAQ? Visit [iammam.org](http://iammam.org) to learn about the IAM, collective bargaining, and how unions can positively impact issues like social justice within the Museum!

## Union Updates Cont.:

Today at the hearing we also discovered that MAM will attempt to divide our bargaining unit into “professional” and “non-professional” employees, in a move mirroring the anti-union tactics exhibited recently by other museums facing unionization campaigns. In cases where the union petitions for a wall-to-wall union, the NLRB may hold what is known as a “**Sonotone**” self-determination election. This means that in addition to voting for the union during the election, “professional” workers will also have the opportunity to vote for whether or not they want the “professional” and “non-professional” workers represented in the same bargaining unit. We will be providing more information about this process once the NLRB issues their direction of election.

This is a classic example of the “divide and conquer” tactic, that employers routinely use. Judging by the diversity in the support we have amassed, we believe that our power to negotiate a just and fair contract will be maximized with both professional and non-professional staff working together. Though this is disappointing, we know that regardless of whether we meet the Museum at the negotiating table with one bargaining unit or two we will make sure that the voice of each MAM staff member is heard.

We were also heartbroken to discover that MAM is pushing for an in-person election on their Statement of Position, rather than the vote by mail election, which we had requested to ensure the health and safety of all of our coworkers. Contrary to its previous claims regarding the risks associated with having a large number of staff on-site during the ongoing pandemic, MAM seems to be capitalizing on such risks to discourage us from voting -- especially those of us who are furloughed, working from home, or high-risk. We fought this proposal at a hearing that was scheduled Today, **September 22nd**, and the NLRB will issue a ruling on the subject.

## Did You Know?

According to the NLRB, the restrictions placed on employers during an organizing campaign are as follows:

"Employers cannot threaten employees with any adverse action (discipline, termination, reducing pay) because they support a union or engage in protected activity. Companies cannot interrogate employees on whether they support a union. Employers cannot promise employees benefits or better pay to encourage employees to stop supporting a union. Finally, employers cannot spy on employees that are engaging in union or protected activity (like having a meeting offsite about whether employees should join a union)."

Marcelle has repeatedly said that she has to be careful of what she says due to the union campaign and legal concerns, but she has neglected to state clearly what exactly she is prohibited from saying. Engaging in a transparent dialog regarding the unionization efforts is not restricted, so why is MAM so resistant to opening up a discussion with its employees?



*"I AM MAM because when we put our heads together, we can come up with better solutions than just one or two people could think of alone!"*

## "So...what is the definition of an office or clerical worker according to the NLRB?"

Under the NLRA certain types of non-management workers are typically excluded from larger bargaining units – office/clerical workers are one of those groups. These workers still have the right to organize, but usually they form a separate bargaining unit and negotiate their own contract.

The NLRB has established guidance in determining whether an employee is considered office/clerical. The employer's provided job titles and written job descriptions are not afforded any weight in determining whether someone is in an office/clerical position; rather, the Board looks at the actual day-to-day job duties of individual workers. Just because someone works in an office the majority of the time does not automatically classify them as an office/clerical worker. Workers whose positions are integrated into the development of a product or service are considered professional employees, not office/clerical. Typically office/clerical employees perform the type of secretarial or clerical duties of an administrative assistant. The exact definition is hard to pin down because specific job duties of a given position vary from employer to employer. This is why, if there is a disagreement over who is considered office/clerical and who is not, there is a procedure for challenging those voters at the election. Ultimately, when there is a disagreement between the union and the employer on this issue, the NLRB will have the final say.



Supreme Court Justice Ruth Bader Ginsburg

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*"I would like to be remembered as someone who used whatever talent she had to do her work to the very best of her ability. And to help repair tears in her society, to make things a little better through the use of whatever ability she has."*

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## History of the Movement

Only the second woman to be appointed to the bench, Supreme Court Justice Ruth Bader Ginsburg was a pioneer for gender equality and human rights throughout her distinguished career. She began as one of only nine women in her class of 500 at Harvard Law (before transferring to Columbia Law and becoming the first woman to be on two major law reviews), all while balancing the pressures of motherhood, her husband's cancer diagnosis, and the daily discrimination from her educators and peers. After graduation, she became the first tenured female professor at Columbia University and the co-founder of the ACLU's Women's Rights Project. With Ginsburg's guidance, the ACLU participated in more than 300 gender discrimination cases between 1972 - 1974, five of which Ginsburg won herself.

After more than a decade of work as an advocate, educator, and litigator, Ginsburg was nominated to the U.S. Court of Appeals in 1980 by President Jimmy Carter, who called her "a beacon of justice". This ended up being a stepping stone to her role as Supreme Court Justice in 1993, the role in which she weighed on cases such as *United States v. Virginia* -- wherein it was ruled that the Virginia Military Institute could not turn away applicants based on gender -- and *Ledbetter v. Goodyear*, a case in which her dissent inspired the 2009 "Lilly Ledbetter Fair Pay Act". This law was created to assist employees in suing their employers in cases of wage discrimination. Through many of these Supreme Court cases Justice Ginsburg fought her own decades-long battle with cancer, eventually becoming an advocate and symbol of strength for other survivors.

Ginsburg's approach to the law has proven to be compelling and versatile. It not only paved the way for formal gender equality, it also brought us closer to substantive gender equality. In addition, it has played a key part in successful challenges to discrimination based on sexual orientation, gender identity, race, age and disability. We are deeply grateful for her impact on women's rights, human rights, and workers rights. May her memory be a blessing.

**Questions? Concerns?  
Want to have your art featured?**

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