

**COMMON QUESTIONS FOR GBCA MEMBERS
IN THE EVENT OF A STRIKE BY THE
LABORERS DISTRICT COUNCIL**

Question: Given that the contract agreement expired on midnight April 30, 2026 and there is no extension, does Laborers District Council have to strike?

Answer: No, the Laborers District Council may elect to work without a contract on some or all projects and the Laborers District Council may picket some employers, but not others. In a whipsaw strike, the union typically strikes some employers on a given day and other employers on other days. By doing so, the employer has no idea whether his job will, or will not, be on strike on any given day. In a selective strike, the union simply selects which employers or which jobsites it will strike. At this time, the GBCA has not called for a "lock-out" which would prohibit GBCA members from employing Laborers District Council members. However, because whipsaw and selective strikes are severely damaging to our members by imposing the most harm on our contractors while minimizing the effect on the members of the Laborers District Council, the Board may call a lock-out if the union engages in such strikes. If the GBCA calls for a lock-out, a the Laborers District Council employer who has assigned his bargaining rights with respect to the Laborers District Council to the GBCA and who refuses to follow the Board's directive is subject to an injunction and damages ranging from \$25,000 to \$150,000. Nonetheless, even if the GBCA does not call for a lock-out, you may refuse to employ Laborers District Council members, but beware, these employees will most likely qualify for unemployment benefits. Please keep the GBCA informed as to whether Laborers District Council members are working or striking on each of your projects.

Question: If the Laborers District Council elects to work, how should the members of the Laborers District Council be paid?

Answer: You should pay Laborers District Council members who work in accordance with the terms of the expired contract. Remember, if the GBCA has your bargaining rights, you are prohibited from entering into your own agreement with a union which negotiates with the GBCA or with the individual members of a union with an expired contract.

Question: If there is strike, will the Laborers District Council picket my project site?

Answer: Maybe. The Laborers District Council may elect to picket some projects and not others, but it is only allowed to picket a contractor/subcontractor that employs members of the Laborers District Council and who does not have a labor agreement with the Laborers District Council. Thus, the target contractor/subcontractor must be present on the project in order for the picketing to be legal.

Question: If there is a strike, do I have to close my project(s)?

Answer: No, while you may close a project site, you are not required to do so. If there is a strike by the Laborers District Council, the GBCA is encouraging all projects that can safely open, to do so. We are further recommending separate gates for those trades that are not on strike. Under a Reserve Gate System, the picketing union (Laborers District Council) is required to limit picketing to the Primary Gate. Once a Reserve Gate System is in place, the contractors/subcontractors who directly employ members of the Laborers District Council (and their employees and suppliers) must use the Primary Gate to enter and exit the project and the Laborers District Council is limited to picketing the Primary Gate. All other contractors/subcontractors and their respective employees and suppliers can use the Neutral Gate to enter and exit the Project. In a properly setup Reserve Gate System, Laborers District Council is prohibited from picketing the Neutral Gate. Without a Reserve Gate System in place, Laborers District Council may picket all entrances to the project and the non-striking trades may, but are not required to, honor the picket line and refuse to enter the project. Draft language for Reserve Gates is attached. If you need assistance setting-up Reserve Gates, please call the GBCA.

Question: What should I do if picketers are preventing people from entering or exiting the project?

Answer: Record the number of picketers, the union picketing, exactly what they are doing when people attempt to enter or exit the site, and the wording on the pickets. If you have a camera or video-cameras, take pictures. Please promptly provide this information along with project site information to the GBCA. You may also want to contact your own attorney about obtaining an injunction or taking other legal action(s). If the picketers are engaging in violence, destruction of property or other illegal activities, you may also want to notify the police.

Question: What should I do if picketers are at the Neutral Gate?

Answer: Record the number of picketers, the union picketing, exactly what they are doing, and the wording on the pickets. If you have a camera or video-cameras, take pictures. You may want to remind the picketers about the Reserve Gate signs and inquire as to why they are picketing the Neutral Gate. Please promptly provide this information along with project site information to the GBCA. You may also want to contact your own attorney about filing an Unfair Labor Practice Charge with the National Labor Relations Board or taking other legal action(s).

Question: If a strike delays the project, will I be penalized by the owner or the CM?

Answer: The answer depends on the wording in your contract. You should consult your own attorney about how a labor strike affects your contract with the Owner, the CM or another contractor.

Question: If a strike delays the project, can I penalize a subcontractor who is unable to supply manpower because of the strike or because its employees refuse to cross the picket line?

Answer: The answer depends on the wording in your subcontract. You should consult your own attorney about how a labor strike affects your contract with the subcontractor.

Question: Will a subcontractor (non-member/independent) who signs retroactive be able to work on my project?

Answer: At this time, provided the striking union is willing to provide the independent subcontractor with manpower, the independent subcontractor may work on your project site. However, unless you are sure that the independent subcontractor has an agreement with Laborers District Council or has signed a retro-agreement, you should require the independent subcontractor to enter and exit the project site through the Primary Gate. Please keep in mind that contractors/subcontractors who sign retro-agreements are undermining the bargaining position of the GBCA and ultimately hurt you and the industry. Please remind those subcontractors, who have signed retroactive, that our bargaining teams are working to protect their interest also.

Question: Can superintendents work during a strike?

Answer: Yes, the bargaining unit(s) consists of foremen, journeypersons, and apprentices -- not superintendents. Unless you have entered into a separate agreement with the Laborers District Council which governs superintendents, superintendents may work and may cross the picket line. However, a superintendent may refuse to cross the picket line.

Question: Can subcontractors who have an international agreement use members of a striking trade to continue to work?

Answer: Yes, provided the local union is willing to supply the manpower or provided the manpower is coming from a non-striking union.

Question: May I hire non-union subcontractors, non-union tradesmen or other union trades to perform work on the project during the strike which is normally performed by the Laborers District Council?

Answer: You may hire non-union tradesmen to perform work on the project and if such is permitted by your contract, you may hire non-union subcontractors to perform work of a striking trade. Likewise, given the blurring of jurisdictional lines, you may also hire a subcontractor who employs members of another union to perform your work. However,

if performing struck work, the non-union tradesmen and your non-union or union subcontractor must enter and exit through the Primary Gate if the Laborers District Council is picketing your project.

Question: If my work is on a project with a PLA, how will a strike affect PLA work?

Answer: Most (if not all) project labor agreements (“PLA”) prohibit a signatory union from picketing the PLA project. Likewise, most (if not all) PLA’s prohibit a signatory union from striking PLA work and prohibit a signatory employer from engaging in a lockout with respect to PLA work. Thus, while the exact terms of the PLA should be analyzed, most PLA projects should not be affected by a strike.

Question: Will striking employees receive unemployment benefits?

Answer: Provided work is available from the GBCA contractor under the exact same terms and conditions set forth in the expiring collective bargaining agreement, under Pennsylvania Law, the striking employees will not collect unemployment benefits. Under New Jersey Law, the GBCA contractor’s work must decrease by 20% due to the striking employees in order to deny unemployment benefits. Generally, if you engage in a lockout or otherwise deny non-striking employees work, in both NJ and PA, the non-striking employees will be entitled to unemployment benefits provided they are willing to work for a reasonable time under the terms of the expired agreement. Likewise, non-striking employees may collect unemployment if you do not have work available due to the strike provided they are not participants in the strike or otherwise are not refusing to work. Nonetheless, when the employers in a multiemployer unit engage in a defensive lock-out in response to a whipsaw strike, there is a good argument that locked out members of Laborers District Council should not receive unemployment compensation because the union first disturbed the status quo by engaging in the whipsaw strike which affected all Laborers District Council employers by the unpredictable nature of the whipsaw strike. The union’s object was to force the employers to concede while the object of the lockout was defensive and in response to the union’s change in the status quo.

LANGUAGE FOR PRIMARY AND NEUTRAL GATE SIGNS

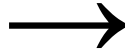
Gate #1 (Primary) = Laborers District Council Employers and their Suppliers

Gate#2 (Neutral) = All Other Contractors/Subcontractors and their Suppliers

Gate #1

This entrance is for the use of the employees and suppliers of **[names of contractors and subcontractors who employ members of Laborers District Council]**.

All other persons or entities should enter and exit the project site by using the entrance located at _____.



Gate #2

This entrance is reserved for the exclusive use of all persons, contractors, subcontractors, suppliers and other entities **EXCEPT** **[names of contractors and subcontractors who employ members of Laborers District Council]**.

All employees and suppliers of **[names of contractors and subcontractors who employ members of Laborers District Council]** are prohibited from using this entrance and **MUST** use the entrance located at _____ to enter and exit the project site.

