

Biography



Douglas R. Hart
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As one of the leading class action litigators in the United States, Douglas R. Hart handles nationwide class action litigation and serves as national class action counsel for several Fortune 100 companies. Doug regularly counsels on all types of employment-related class action lawsuits on behalf of employers, including matters related to pay practice and wage and hour, disparate impact and intentional discrimination, and pension plans. He serves clients in diverse industries, including retail, financial services, insurance, healthcare, and construction.

Doug has a successful track record defending some of the largest class action lawsuits filed against employers both in California and nationally, with several of the cases being dismissed outright.

Doug is at the forefront of labor and employment issues, frequently assisting employers with strategies concerning labor-management relations and actively negotiating complex collective bargaining agreements. He has negotiated several groundbreaking contracts that serve as models for their respective industries.

Before joining Morgan Lewis, Doug was a partner in the labor, employment, and immigration practice of another global law firm, resident in Los Angeles.

Biography



John Henderson
Consultant



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John is a labor and employment lawyer who focuses on positive employee relations and helps employers comply with laws and regulations in an increasingly complicated landscape.

In his 27-year career, John has handled more than 250 union organization campaigns, in excess of 100 National Labor Relations Board (NLRB) proceedings; and more than 100 employment law administrative hearings. He also has negotiated more than 100 labor contracts and conducted union vulnerability audits; strike management; effective employee communications; HR/safety audits and compliance programs; employment law and union-related supervisory training; HR business practices advice; and acquisition due diligence.

A graduate of the University of Colorado School of Law, John spent more than nine years advising and representing employers as associate in-house counsel for Mountain States Employers Council Inc., an association of 2,400-plus employers in the Rocky Mountain region. John then spent more than five years as in-house human resources leader for a medium-sized Denver-based company and vice president of human resources for American Medical Response, the world's largest private ambulance service with more than 20,000 employees and operations in 38 states.

Within this Presentation

Doug – Impact of new laws,
Bargaining trends

John, Symptoms of vulnerability,
Millennials and Gen Z

Panel Discussion

Doug Hart

Impact of new laws, Bargaining Trends

1. 1974 Healthcare Amendments to the NLRA
2. 1989 Healthcare Bargaining Unit Regulations adopted by NLRB
3. The 1990's – Contraction of Managers
4. 2000's
 - Legislative Successes in California – Nurse/Patient ratios, wage hour legislation (PAGA)
 - Union success at the bargaining table
 - Neutrality Agreements
 - Rapid Unionization of Acute Care Hospitals
 - Collective Bargaining Agreements setting the labor market

Current Situation (Predicament?)

1. Most Labor friendly NLRB in the history of the NLRA
2. High support for unions among the public
3. Historically high support for unions among younger generation of workers.
4. Unions' success at negotiating wages and benefits in the health care industry
5. Current economic climate for the health care industry

John Henderson

Why Do Employees Consider Unionization?

- Longstanding, unresolved issues that unions promise to fix
 - Staffing and ratios
 - Mandatory overtime/extra shifts
 - Lack of work/life balance
 - Under market wages*
 - Lack of transparency regarding market comparators
 - Wage compression

* Don't forget to analyze supervisor pay as well

Why Do Employees Consider Unionization?

- Specific triggering event(s)
 - Any takeaways or perceived takeaways
 - Benefits, working conditions, policies/practices
 - Acts of violence
 - Job security
 - Layoffs, position reductions
 - Closing facilities/departments

Why Do Employees Consider Unionization?

- Concerns regarding employee safety
 - Avoidable accidents/unsafe working conditions
 - Violence in the workplace
 - Co-workers, family members, aggressive patients
- Concerns regarding patient care
 - Unions relate this to staffing and ratios
 - Unions promise input

Why Do Employees Consider Unionization?

- Increasingly – concerns about how and where care is delivered to the community
- Desire to be “part of a movement”
 - Tied in with social justice concerns

Why Do Employees Consider Unionization?

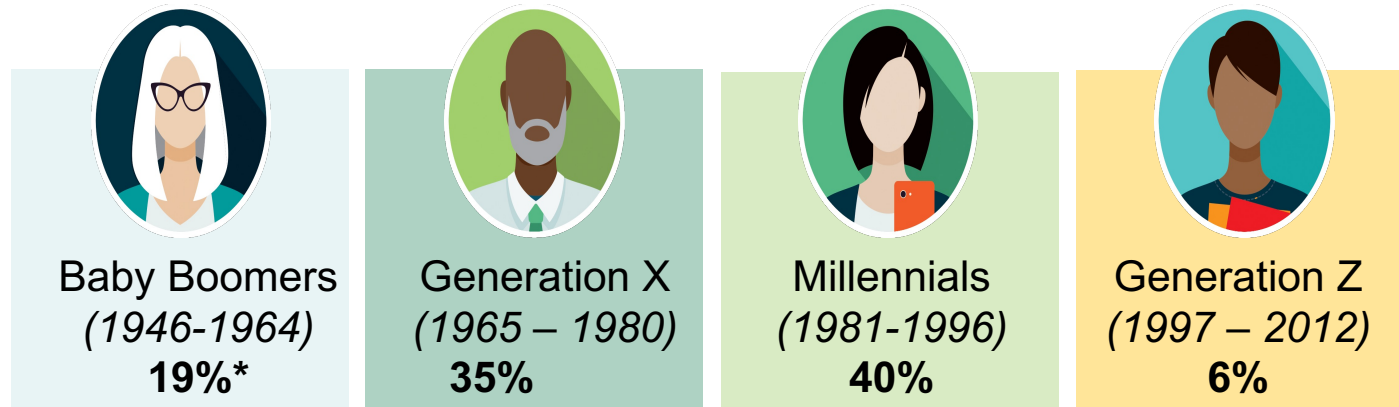
- Lack of respect
- Unfair or inconsistent treatment
- Broken promises
- Giving
- Lack of
- Lack of
- Perceived

**The # 1 reason employees turn to a union:
Perceived Lack Of Voice**

Generational Differences in the Workplace





There are now **4** generations in the workplace, each different in how they:

- Prioritize personal and professional needs
- Communicate and want to be communicated to
- Receive feedback



Generational Differences in the Workplace

Employers must take generational differences into account when managing and working with employees.

	Prioritize Needs	Communicate	Receive Feedback
 Baby Boomers	Moderate work-life balance	Phone calls and face to face	Feedback once a year with documentation and data
 Generation X	Moderate-to-strong work-life balance	Phone calls and face to face	Feedback as needed with open and honest communication
 Millennials	Strong work-life balance	Text and email	Direct feedback regularly that offers guidance and support
 Generation Z	Very strong work-life balance	Text and social media	Individualized feedback that is direct and actionable

Generational Differences in the Workplace

Labor and Union organizing

- The Center for American Progress issue finds that:
 - Gen Z is the most pro-union generation when compared with Millennials, Gen Xers, and even Baby Boomers, despite their all-time high support for unions in 1972.
 - Gen Z supports unions more today than Baby Boomers and Gen Xers did at their age.
 - The greater racial and ethnic diversity of younger generations has contributed to high support for unions, as those identifying as Black or African American; Hispanic or Latino; and other or multiple nonwhite races and ethnicities tend to be more supportive of unions.
 - Gen Z women and men alike have the highest mean union approval of any generation.

Gen Z is the most pro union generation alive. Will they organize to reflect that?

April 11, 2023 · 5:09 PM ET

 Manuela López Restrepo



Rutgers students and faculty participate in a strike at the university's main campus on Monday.
Spencer Platt/Getty Images

REPORT OCT 5, 2022

The Closing Gender, Education, and Ideological Divides Behind Gen Z's Union Movement

Unions have narrowed class and ideological divides to make Generation Z America's most pro-union generation.

Generational Differences in the Workplace

Organizing themes

- Social justice, DE&I, mental health, pandemic burnout, and layoffs

Amazon, Tesla among firms whose employees don't feel **mental health support**

Students at USF rallied outside a Board of Trustees meeting Tuesday to protest House Bill 999, effectively **ending all diversity, equity, and inclusion initiatives on state college campuses.**

Students Lock Themselves Inside Building to Protest College's Diversity Scandal

| UNREST |

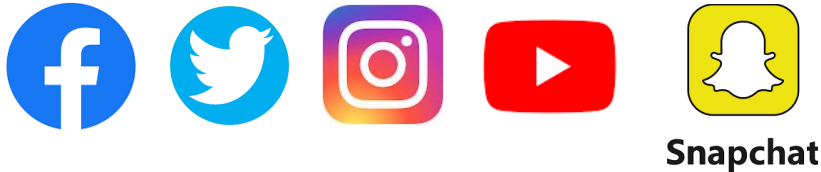
Protests have embroiled Connecticut College since the school organized a fundraiser at a Florida social club that's been accused of discrimination.

Generational Differences in the Workplace

Organizing methods

- Gen Z (and millennials) are placing more focus on social media than ever before and are using existing and emerging platforms to build momentum.

EXISTING

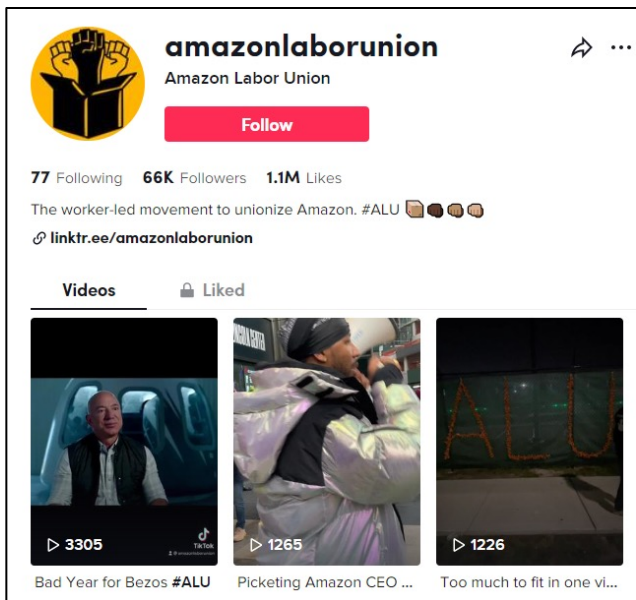


EMERGING



Generational Differences in the Workplace

Organizing methods



Employees at Apple also used Discord as a platform for airing their grievances with the company. The AppleDisconnect Discord started as a place for Apple technicians to share repair advice, but quickly morphed into a place for employees to discuss work issues, among other topics.

“The Discord server brought together workers who wouldn’t necessarily talk to one another, eventually serving in part as the inspiration for the collective movement of workers trying to organize at Apple under the moniker #AppleToo,” Protocol reporters [Lizzy Lawrence](#) and [Anna Kramer](#) write.

Panel Discussion

Sandy Wier, RN, BSN

Vice President & Chief Human Resources Officer-San Antonio
Regional Hospital

Rosanne Dickerson

Vice President, Human Resources- California Region Prospect
Medical Holdings