



What Could Happen on September 1?

Important Information on Contract Expiration, Benefits and the Strike and Defense Fund

The current labor agreement between ArcelorMittal and the USW expires on September 1, 2018. The union is committed to reaching a fair agreement without a labor dispute, if possible.

We are going through a challenging period, and unfortunately, ArcelorMittal has responded to these challenges by demanding its employees accept a sweeping series of concessions. Under these circumstances, a strike or lockout is a very real possibility, so we must be prepared. Your bargaining committee will not do anything to jeopardize members' jobs, and we will do everything we can to avoid a work stoppage. We know that the best way to prevent a labor dispute is to prepare for one.

Strikes, Lockouts and Working without a Contract

What can happen on September 1st if we have not agreed to a new contract?

There are a number of possible outcomes:

- 1) We could agree to extend the contract while we continue to bargain (the company must also agree to this);
- 2) We could continue to work without a contract;
- 3) We could vote to go on strike; or
- 4) The company could choose to lock us out.

Can I be fired during a strike or lockout?

The right to strike is protected by law, so it would be illegal for ArcelorMittal to fire you simply for participating in a strike. You can, however, be disciplined or discharged for misconduct that occurs on a picket line such as violence, property destruction, threats of violence or threats of property damage. Misconduct on the picket line can also lead to an injunction against the union, limiting our right to picket.

There are two types of strikes under the law. If one reason why the members are on strike is to protest the company's serious unfair labor practice, it is an "unfair labor practice strike". In an "unfair labor practice strike" the company can only hire temporary replacements who must be discharged at the end of the strike in order to bring back the striking employees. The same is true for a lockout.

If one of the causes of the strike is not to protest a serious unfair labor practice, it is an “economic strike”, and the company can hire permanent replacements who do not have to be discharged at the end of the strike. A company and union can legally agree to the discharge of permanent replacements as part of a strike settlement.

Can the company fire probationary employees for honoring the picket line?

No. The law does not recognize any difference between employees – you are either an employee or you are not. Probationary employees are only probationary under the contract, and have the same legal rights as every other employee. The union will not do anything to jeopardize anyone’s job.

If the company locks us out of our jobs, can employees who do not support the union’s bargaining position cross the picket line and go to work?

In the event of a lockout, it would be illegal for the employer to allow any bargaining unit member to continue to work.

If we work without a contract, can the company change our pay, benefits, or rights on the job?

When a contract ends the company cannot make any unilateral changes to the terms and conditions of employment without negotiating those changes with the union. The “terms and conditions of employment” are the terms of the expired contract and the parties’ past practices. The exceptions to this rule are the no-strike/no-lockout, arbitration, union security (but union dues checkoff continues), and the management rights provisions of the contract, which only apply where there is an agreement.

The company can only make a change if the union agrees or if the negotiations have reached an impasse. An impasse occurs when, after exhaustive good faith negotiations by both sides, neither party is willing to change its negotiating position.

Where the company and the union do not agree on whether an impasse exists, the National Labor Relations Board (NLRB) often resolves the question. If the NLRB does not uphold the company’s claim of impasse, the company will be required to return to the expired terms and conditions of employment and pay back pay for any losses suffered because of the illegally implemented unilateral changes.

If we work without a contract and do not have arbitration, what can we do if the company violates the terms of the old contract?

The grievance procedure continues in effect, but without arbitration. If a grievance could not be settled, the company and the union may agree to arbitrate. The company’s violations of the old contract may also be illegal unilateral changes that are unfair labor practices under the law to which charges can be filed with the NLRB.

Benefits During a Labor Dispute

Will my health care coverage continue during a strike or lockout?

The Insurance Agreement with ArcelorMittal provides that “[i]n the event of a strike or lockout resulting from failure of the parties to reach an agreement following proper notice given by either party under the provisions of any collective bargaining agreement, the Program with the exception of

S&A coverage will be continued for 150 days, which premium will be paid by the Company.” This means that all provisions of the Insurance Agreement, except S&A, will be continued for 150 days from the date the Parties fail to reach an agreement.

If the Program of Insurance Benefits coverage is terminated, there are several options for employees to obtain insurance such as COBRA continuation coverage, purchasing coverage through the Affordable Care Act marketplace, or the USW Emergency Medical Program. There is no reason any member would go without some health insurance coverage.

Will my health care coverage continue if I am in a course of medical treatment?

If you are an active employee (not receiving S&A, workers' compensation or on a leave of absence) health care coverage ends for you and your dependents following 150 days from the beginning of a strike or lockout, even if you or your dependents are in the midst of a course of medical treatment. However, you and/or your dependents will be eligible to elect COBRA continuation coverage as outlined in the PIB.

Will my health care coverage continue if I am receiving S&A or Workers' Compensation benefits?

Yes. By law, employees receiving S&A, workers' compensation or on FMLA leave should be unaffected. Employees who are on S&A benefits prior to the strike would continue to receive weekly S&A benefits and their health care benefits would continue until they recover or exhaust their benefits. Health care coverage will continue for employees on FMLA leave for the duration of their leave. Report any problems receiving your S&A or workers' compensation to your Local Union as soon as possible.

If there is a strike or lockout, can I still retire?

Yes. If you retire after September 1, 2018, you will be entitled to the pension benefit that you have earned up to your retirement date. The company cannot reduce the pension benefits that employees have already earned.

However, if you retire before the effective date of a new labor agreement, you may not be eligible for pension improvements in the new agreement (if any). Your retirement decision is a personal one that should be made based on what is best for you and your family. Your decision should be made after careful consideration – not unfounded anxiety.

If I retire now, can I avoid any increase in retiree contributions or changes to retiree health care?

No. Any changes in retiree health care benefits (such as changes to benefits or premiums) will likely apply to all current and future retirees. However, such changes can only be made if agreed to by both the union and company.

An employee who submits their retirement application for retirement effective August 31, 2018, will likely be subject to the same changes in retiree health care benefits as employees who retire at a later date.

In addition, the company may not allow an employee who submits their application for a pension with a specific retirement date to withdraw his/her pension application and remain at work, so an employee should not submit an application for retirement unless they fully intend to do so.

The USW Strike and Defense Fund

For more than 40 years, the Steelworkers International Strike and Defense Fund has provided support for USW members during strikes and lockouts. The money is distributed on the basis of each member's individual need. If necessary, each local would establish a committee to assess members' needs and distribute money. The key to winning a strike or lockout is maintaining the solidarity of everyone, and all members working together to support each other.

How does our union's Strike and Defense Fund work?

The Steelworkers International Strike and Defense Fund provides money to help union members during strikes and lockouts. The Fund pays to your local union \$225 per week per member, beginning with the fourth week of a strike or lockout.

How is money from the Strike and Defense Fund distributed?

The money is distributed on the basis of individual need. Each Local Union establishes a committee to assess needs and distribute the money. The committees receive training from the International, and the assistance of International Auditors to account for the funds.

Why is it distributed based on need?

The key to winning a strike or lockout is maintaining the solidarity of everyone. Different people have different economic circumstances, and the idea is that we all work together to support each other. For more than 40 years Steelworkers have maintained our Strike and Defense Fund on this basis, and have successfully brought everyone through major fights – some lasting for long periods of time.

Can I go to work for another company during a strike or lockout?

Absolutely! Finding temporary work is a great way to minimize the financial hardship of a work stoppage. If you're working somewhere else and not requesting strike assistance that means there is more money available for union members who have not found other work. Finding other work also sends a strong message to the company letting them know that we're determined to continue the fight as long as it takes to in a fair contract.

Stay Strong, We Can Win!

This is a challenging time for us and our families. The uncertainty of the bargaining process, especially in the face of concessionary proposals from ArcelorMittal, can be incredibly stressful. But our union has faced serious fights throughout our history, and we've always fought back. We have won by standing together, supporting each other and remaining disciplined. Stay strong, stay safe and keep up the fight for a fair contract!