

### **Observer Expectation Review**

CVS and the UFCW share a commitment to ensure that employees have the right to choose whether to be represented by a union without pressure or undue influence.

CVS and UFCW agree that the decision to designate the Union as the employees' exclusive bargaining representative must be made by each employee himself/herself, and that this decision must reflect the free will and genuine decision of that employee. The parties recognize that each employee has a right to make an informed decision in a non-coercive environment, whether or not to be represented by the Union.

With these principles in mind, CVS and UFCW have agreed to the following processes that include a role for a neutral observer.

### **Guidelines for Observers**

1. The observer is at the meeting to observe, not participate. It is expected that (s)he will not speak, either by making prepared remarks or otherwise. The meetings will be a whole-group activity - there will be no side sessions, breakout groups or one-on-one discussions. It is expected that the observer will be able to see and hear everything that happens at the meeting.
2. The observer will not hand out materials, sign any documents or otherwise participate in the non-verbal aspects of the meeting. The observer will not receive a copy of any materials handed out at the meeting.
3. The observer will not referee disputes among or between employees, or between employees and either the management or Union participants.
4. At all times the observer will act as a neutral party who neither approves nor disapproves of the positions taken or statements made by management, the Union or any employee.
5. During the meeting, the observer will not take notes, or otherwise record or transcribe what is being said or what is happening. After the meeting and outside the store, the observer is permitted to take notes if in his/her judgment it is advisable to do so based upon what transpired during the meeting.
6. It is expected that the observer will not file a report and will not otherwise disclose to the Union or management what transpired during the meeting. If in his/her judgment the observer determines that disclosure is advisable because of some irregularity or other concern, (s)he shall jointly inform the Union and management representatives immediately after the meeting and outside the presence of employees. It is expected that the observer will report (in the manner described in the preceding sentence) any misrepresentations, disparagement, coercive behavior, or any other conduct that is inconsistent with the Recognition Process and Conduct Rules set forth in Sections III and IV of the Agreement, which will be provided to the observer. The observer will also make himself/herself available to meet with the parties upon the request of either management or the Union.
7. In the event a dispute develops concerning the meeting, the observer will make himself/herself available to testify at arbitration upon the request of either management or the Union.

### **Meeting overview**

After CVS's management representatives leave each scheduled meeting, the UFCW have the opportunity to make a presentation to the employees in the presence of the neutral observer, during which the Union may distribute informational material and seek home or other personal contact information from employees who choose to provide it. The Union may also distribute ballots to employees and collect signed ballots from employees. All discussions and any distribution of informational materials or ballots shall be conducted in an entire-group setting enabling you, the neutral observer to see and hear everything.

During the presentation by the UFCW, they will not disparage the Company or its representatives, will not make untruthful statements or misrepresentations, and will not exert pressure on employees to sign a ballot. The Union may explain the benefits of union membership; provide factual information about the Company, including truthfully explaining to employees how their wages, benefits and working conditions compare to those of workers at other companies.

As the neutral observer, you will not be permitted to make a presentation to employees, answer employee questions or otherwise participate in the meeting; rather you will be expected to raise concerns regarding any behavior inconsistent with this agreement to the UFCW and CVS representatives after the meeting.

### **Specific Content of the meeting**

As you know, the union should not pressure employees in any way. To illustrate the parties' intent, let's look at the voting procedures:

- The parties each play a role during the joint portion of the meeting in explaining how the process works including that the ballots will be provided at the end of the meeting
- Workers have 21 days to vote which begins on the day of the joint meeting at the store
- Workers can vote at the end of the meeting if they choose, or they can take up to 21 days to vote, or they can choose not to cast a ballot
- Each participant should make their own decision on how or whether they vote with no pressure from the union or the company to act in any particular way
- The presentation on the process should be consistent in every meeting for the employees participating

In terms of disparagement there are several important specifics to keep in mind:

Workers may voice any number of criticisms of both CVS and the UFCW. In fact if you have been in many of these meetings you have likely heard participants with strong opinions one way or the other lay them out. CVS and the UFCW recognize employees' right to express these opinions and will be respectful of what people have to say while working to maintain an environment that lets everyone participate in the process. It is important, however that the union not appear to be in agreement with negative statements made by employees. For example, if an employee makes negative comments about the company, the union should not make statements or take actions which indicate the union is endorsing the comment.

UFCW and CVS will not speak negatively about each other. When management leaves the room the tone that is set during the joint presentation will continue. The union has the right to advocate for the benefits of membership but will not do that by criticizing the company or management or attacking CVS.

Activities that are specifically prohibited include:

- Speaking negatively about CVS in any way
- Playing recordings or quoting others speaking negatively about CVS
- Showing videos of any kind
- Criticizing CVS management or what it is like to work for CVS in any way
- Stating or implying that without a union you can get fired for no reason
- Stating or implying that CVS doesn't give pay increases to non-union employees

- Stating or implying that the union is responsible for the process to join the union being fair, rather than a joint agreement between the company and the union
- Referencing the campaign against CVS that led to the agreement
- Stating or implying that without a union, if an employee doesn't like something about their job their only option is to quit
- Stating or implying that employees need the union to protect them from the company

In addition, the union should not pressure employees in any way. This includes:

- Any pressure to vote at the time of the meeting
- Stating or implying that employees are required to vote at all
- Stating or implying that not voting for the union is somehow taking benefits away from fellow employees

Employees should also not be misled in any way. This includes:

- Stating or implying that there will be any change or impact to medical benefits
  - Even in later contracts
- Stating or implying that all full-time employees will get 40 hours
- Stating or implying that employees will still be able to pick up hours at non-union stores
- Stating or implying that employees can get out of the union if the store votes to join and then they change their mind

The presentation should be about the positive aspects and benefits of joining a union rather than anything negative about the current working environment. The expectation in the meeting is have a conversation with participants about what joining the UFCW could mean for them, to explain to employees how the union contract would work if they should choose to become members and answer questions workers have about the union.

The UFCW should use the following talking points when explaining hour guarantees to employees:

- There is a minimum hour guarantee with the union
- It is a 24-hour per week minimum guarantee, so long as employees have the availability
- You have to make yourself available to work (and fill out availability form) in order to exercise your right to the minimum hours language
- Based on seniority and availability, the contract also guarantees **some** 40-hour per week positions
- If you are not already working 40 hours per week, a 40-hour position may not be available to you. Ultimately, the company will determine hours based on business needs.
- The company's budget for store labor hours does not change if employees vote to join the union, so if the hours of some employees increase, the hours of other employees will be reduced
- We strongly encourage you to take time to look at the contract to be sure you understand how this language works