

AGC



PROCEDURES TO FOLLOW WHEN ESTABLISHING A DUAL GATE SYSTEM

DEFINITIONS

Dual Gate, Reserve Gate, or Two Gate System is a procedure allowed under the National Labor Relations Act which isolates a disputing union and employer, thereby allowing neutral contractors to continue working.

Primary Gate is the entrance used by the primary employer (the employer being picketed), his or her employees and material suppliers, who is involved in a dispute with the union.

Neutral Gate is the entrance used by employers, their employees and material suppliers, who do not have a dispute with the union.

Gate Contamination is a gate “contaminated” by employees or suppliers of primary employer (the employer being picketed) entering or exiting the Neutral gate.

FIELD PERSONNEL PROCEDURES TO FOLLOW WHEN ESTABLISHING DUAL GATE SYSTEM IN ANTICIPATION OF OR AFTER PICKETING OCCURS

When picketing occurs on the job site, the following steps should be taken by field personnel to assure that the Union Contractor(s) not directly involved in the dispute can continue working. These procedures are written from the point of view of a General Contractor that has a subcontractor that is being picketed.

A. FIRST DAY OF DISPUTE – PICKETS ARRIVE BEFORE STARTING TIME

1. Question the picket as to “Why are you picketing?” and “What do you want?”
2. Inform your company main office and/or AGC of the picketing.
3. Document in the job log and note time of all conversations and events with the Union representatives and/or pickets with respect to the picketing. Specifically record what is written on the picket sign.
4. Take pictures of the picket sign, if possible.
5. If the picketing involves a subcontractor, check with the Subcontractor to determine what the dispute is about.
6. Select locations for dual gate entrances that are reasonably separated from one another. Prepare a site map which clearly indicates the identity and location of the Primary Gate and the Neutral Gate.

7. Contact, by phone, the Unions representing the employees of the neutral employers, telling them that they are responsible for manning the project. Indicate that a Neutral Gate will be established prior to starting time the following morning. State the location of the Neutral Gate. Further, request that the business agent appear at the job site at the starting time the following morning. State to the business agent that, "Your Union has a duty to man the job."
8. Send certified letter and fax to each Union of General Contractor. (See Exhibit A)
9. Send certified letter and fax to Union of **picketed** Subcontractor. (See Exhibit B)
10. Send certified letter and fax to Subcontractors **not being picketed**. (See Exhibit C)
11. Union representatives, at the job site, may deny or question that their Union has been given notice of the establishment of dual gates. Maintain, at the job site, extra copies of the letters sent to the Unions that may be handed out to verify proper notice was given.
12. Send certified letter and fax to **picketed** subcontractor. (See Exhibit D)
13. Prepare signs for Neutral gate and Primary (picketed) Gate
14. Prior to starting time on the second day, pictures should be taken of the gates and signs. A diagram of the project gates should be prepared.
15. A General Contractor representative or security guard should be selected to monitor the Neutral Gate to insure that the gate does not become "contaminated," especially at shift starting times and during deliveries.

EXHIBIT A

CERTIFIED LETTER AND FAX TO: EACH UNION OF GENERAL CONTRACTOR

Date:

Union Address:

RE: (Project)

Union Representative:

A dual gate entrance system has been established at our project referenced above, which is located at (job location).

The Neutral Gate located (describe physical location), is for the exclusive use of the employees, subcontractors and material suppliers of all contractors, except for (picketed subcontractor).

The Primary Gate, located (describe physical location), is for the exclusive use of the employees and material suppliers of (picketed subcontractor) only.

(General Contractor) expects your union to man the project in accordance with the labor agreement. We expect a representative of your union to be at the job site prior to starting time tomorrow morning to assist our company in manning the project. Failure to man the project will cause (General Contractor) to pursue its rights to the fullest extent permitted by law.

Very truly yours,

(General Contractor)

c: Associated General Contractors of Washington

EXHIBIT B

CERTIFIED LETTER AND FAX TO: UNION OF PICKETED SUBCONTRACTOR

Date:

Picketing Union Address:

RE: (Project)

Union Representative:

A dual gate entrance system has been established at our project referenced above, which is located at (job location).

The Neutral Gate, located (describe physical location), is for the exclusive use of the employees, subcontractors and material suppliers of all contractors, except for (picketed subcontractor).

The Primary Gate, located (describe physical location), is for the exclusive use of the employees and material suppliers of (picketed subcontractor) only.

Please confine any and all picketing activity against (picketed subcontractor) to their designated entrance at the Primary Gate.

Failure on your part to limit your picketing to that entrance will cause (General Contractor) to pursue its rights to the fullest extent permitted by law.

Very truly yours,

(General Contractor)

c: Associated General Contractors of Washington

EXHIBIT C

Revised November 2010

LETTER AND FAX TO: SUBCONTRACTORS NOT BEING PICKETED

Date:

Subcontractor Address:

RE: (Project)

Neutral Employer:

A dual gate entrance system has been established at our project referenced above, which is located at (job location).

The Neutral Gate, located (describe physical location), is for the exclusive use of the employees, subcontractors and material suppliers of all contractors, except for (picketed subcontractor).

The Primary Gate, located (describe physical location), is for the exclusive use of the employees and material suppliers of (picketed subcontractor) only.

We expect you to man the job and perform the work in accordance with our subcontract agreement with you.

You and your material suppliers are to confine your access to the subject project through the Neutral Gate.

Very truly yours,

(General Contractor)

c: Associated General Contractors of Washington

EXHIBIT D

CERTIFIED LETTER AND FAX TO: PICKETED SUBCONTRACTOR

Date:

Picketed Subcontractor Address:

RE: (Project)

Picketed Employer:

A dual gate entrance system has been established at our project referenced above, which is located at (job location).

The Neutral Gate, located (describe physical location), is for the exclusive use of the employees, subcontractors and material suppliers of all contractors except for (picketed subcontractor).

The Primary Gate, located (describe physical location), is for the exclusive use of the employees and material suppliers of (picketed subcontractor) only.

We expect you to man the job and perform the work in accordance with our subcontract agreement with you.

You and your material suppliers are to confine your access to the subject project through the Primary Gate.

Very truly yours,

(General Contractor)

c: Associated General Contractors of Washington

(Sample sign at Neutral Gate)

GATE _____

STOP AND READ

This gate is reserved for the exclusive use of all employees, agents, visitors and suppliers of ALL contractors,

EXCEPT: _____ (picketed contractor)

Employees, agents, visitors or suppliers of: _____ (picketed contractor)
MAY NOT use this gate.

(NOTE: Pre-printed laminated signs containing this language and suitable for mounting on a plywood are available from the AGC of Washington)

(Sample sign at Primary or Picketed Gate)

GATE _____

STOP AND READ

This gate is reserved for the exclusive use of the employees, agents, visitors and suppliers of: _____ (picketed contractor)

ALL OTHER employees, agents, visitors, and suppliers MUST use gate located at:

(NOTE: Pre-printed laminated signs containing this language and suitable for mounting on a plywood panel are available from the AGC of Washington)