



## FAQ on Strikes and the USAW-RI Strike Fund

### **What is a strike?**

A strike happens when bargaining unit members collectively decide to withhold their labor, after good faith negotiation has failed to safeguard those workers' employment rights. The right to strike is defined by Section 7 of the National Labor Relations Act. The National Labor Relations Board provides access to resources on the right to strike at: <https://www.nlr.gov/strikes>. In USAW-RI, a decision to strike is that of the bargaining unit.

### **How is the USAW-RI Strike Fund funded?**

In accordance with USAW-RI Constitution and Bylaws, Article V, Section 12, "One dollar and seventy-five cents (\$1.75) per member per month shall be set aside as a strike fund as shall be determined by the Executive Board."

### **Who is eligible for strike assistance?**

All employees who are members of the bargaining unit who either picket for 20 hours a week or support the strike in other equivalent ways.

Eligible members include temporary employees.

### **How is the amount of strike assistance determined?**

If a bargaining unit votes to go on strike, the trustees will review the balance in the strike fund and the number of eligible members in the unit and recommend to the Executive Board the amount of strike assistance (also known as picket pay) per week starting in the second week for each member.

### **How do I apply for strike assistance?**

You may be asked to make an application for strike benefits, by a specific day and time assigned to you by your business agent.

### **If I get another job, can I still receive strike assistance?**

Members must continue to participate in the strike to receive strike assistance.

### **Can I collect unemployment insurance while on strike?**

According to Rhode Island General Laws, Labor and Labor Relations, Chapter 28-44, Employment Security – Benefits, Section 28-44-16:

(a) An individual shall not be entitled to benefits if he or she became unemployed because of a strike or other industrial controversy in the establishment in which he or she was employed. This section shall not apply if it is shown to the satisfaction of the director that the claimant is not a

member of the organization or group responsible for the labor dispute and is not participating in or financing or in any way directly interested in the labor dispute.

(b) Lockouts. Notwithstanding the provisions of subsection (a) of this section, an individual shall be entitled to benefits if his or her unemployment is the result of his or her employer's withholding of employment for the purpose of resisting collective bargaining demands or gaining collective bargaining concessions, unless:

(1) The claimant's employer is a member of a multi-employer collective bargaining group and the lockout is in response to a strike at another member of that multi-employer collective bargaining group; or

(2) The claimant's employer establishes to the satisfaction of the director that it has offered to the labor organization representing the claimant an extension of then existing wages, hours, and working conditions, including enforceable no strike and no lockout prohibitions, for up to three

(3) days and the lockout is in response to the labor organization's refusal to execute the extension.

(c) If the unemployment continues more than one week following the conclusion of a labor dispute, an individual who is otherwise eligible under the terms of this chapter shall be entitled to benefits.

**My wages are garnished (for child support or other reasons). Will that happen with strike assistance?**

If USAW-RI receives a court order, they are required to garnish your strike assistance.

**Is strike assistance taxable?**

Yes. After \$600 paid in strike assistance per worker in a given year, USAW-RI is required to issue an IRS Form 1099-MISC.

**What happens if I cross a picket line?**

All strike assistance ceases immediately and appropriate action may be taken under the USAW-RI Constitution.

**Do I owe union dues on strike benefits?**

No.