

# PART XVIII: STRIKE MANUAL

## 1. History and Purpose

The CWA Defense Fund was established by the 1952 CWA Convention. Its funding was maintained by a fifty-cent per capita per month allocation from member and agency fee payer dues. At the 2013 CWA Convention, delegates adopted the merging of the Defense Fund into the Members' Relief Fund. As a result, rules applicable for use of Defense Fund money were incorporated into the Members' Relief Fund Rules and Guidelines. The fifty-cents per capita per month also ceased to be required from those bargaining units paying into the Members' Relief Fund.

The CWA Members' Relief Fund was established by the 1990 CWA Convention. Its funding is maintained by an allocation of ¼ hour of basic wages (.15%) per month from members and agency fee payers who are eligible to strike.

CWA Members' Relief Fund money is used for maintaining picket lines, direct assistance to strikers and victims of collective bargaining strategies and other approved mobilization actions (as outlined in the Fund rules) .

The structure of our Members' Relief Fund is as follows:

- CWA Executive Board
- Defense Fund Oversight Committee
- CWA Fund Director
- Agents and Field Representatives (District Fund Directors)

Generally, the Local's primary contact for assistance from the Fund is the District Fund Director. Appeals to the decisions made by District Fund Directors shall be directed to the attention of:

Office of the Secretary-Treasurer  
Communications Workers of America  
501 Third Street, NW Washington, DC 20001-2797

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## 2. Getting Started

It's always a good idea to proceed as if every Contract negotiation will end up in a strike. Prior to the expiration of the Contract Local Unions should:

- Determine the number of members and agency fee payers in the bargaining unit and notify your District Fund Director, who will then forward this information to the Secretary-Treasurer's Office. This number is used to make the initial deposit into the Local's Members' Relief Fund account. Thereafter, it is the Local's responsibility to provide a weekly Striker/Victim count to the District Fund Director.
- Establish a checking account, segregated from all other funds (resources) of the Local. The separate checking account should be designated as the "CWA Local \_\_\_\_\_ Members' Relief Fund." You must set up this account as a commercial banking account so that you may obtain cancelled checks for the monthly bank statements. We recommend that Locals set up direct deposit accounts so that we can wire transfer the necessary funds as quickly as possible.
- Appoint and train the Local Union Fund Director. The District Fund Director has the responsibility of providing the training. The Secretary-Treasurer's Office is always available to assist in such training.
- In accordance with the CWA Constitution, a Local Community Services Committee (CSC) must be appointed. Among their other duties, the CSC has the responsibility of assisting the Local in the overall administration of our Fund and assisting strikers with their healthcare needs (in cases where an employer ceases to provide healthcare coverage during a strike).
- Identify members and/or their dependents who have no other source of health insurance, and whose healthcare needs have historically exceeded or are expected to exceed the monthly premiums.
- Have each member/agency fee payer complete and sign a "Striker Certification Form (DFR-1)." For this, and all other forms, visit the CWA website, [www.cwa-union.org](http://www.cwa-union.org) under "For Locals" and click on "Forms".

- Select a Members' Relief Fund Option as stated in the Rules. MRF Funds may be distributed to strikers as:
  1. Flat payout each week regardless of need;
  2. On an "as needed" basis;
  3. A combination of need basis and flat payout.
- Notify every member and agency fee payer of the strike benefits that will be provided by the Union. Members and agency fee payers must also be advised as to their obligation to perform strike duty in order to qualify for these benefits. (See sample letter to members following the frequently asked questions).

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## **3. Application and Fund Rules**

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### **A. STRIKE RELATED**

- Assistance from MRF does not begin prior to the strike; therefore, the Local Unions are responsible for all expenses related to strike preparation.
- The Fund can only reimburse the Local for "authorized expenditures" once a strike has started, provided such expenditures receive prior approval and are directly related to strike activity and picket line maintenance.
- The Fund will not reimburse for expenses related to the normal operation of the Local, including strike preparation expenses, as well as any costs incurred in connection with the administration of the Members' Relief Fund (i.e., cost of printing checks, postage, supplies, and banking fees).
- The Fund will not reimburse a striker for expenses related to traveling to their primary picket line assignment. When travel expenses are authorized and necessary for picket line maintenance or strike activity, the Fund will reimburse the Local for the actual cost of gas and/or public transportation. The Fund does not pay a mileage allowance.

- In addition to the items listed in the “CWA Members’ Relief Fund Rules and Ground Rules”, the Fund may also be used to:
  1. Support the Union’s bargaining strategies where a strike is not in progress (i.e., public relations campaigns). A request for such assistance requires the support of two-thirds of the CWA Executive Board and the Defense Fund Oversight Committee.
  2. Pay for necessary medical/hospital expenses. In some extreme cases the Fund Director may authorize payment of healthcare premiums (COBRA) on behalf of strikers/victims, or their dependents, where chronic medical conditions have been identified and documented by the Local’s Community Services Committee.
- Locals must obtain permission from the District Fund Director prior to spending any money that they will want reimbursed by the Members’ Relief Fund. It is always a good idea to provide the District with a projected budget of Fund expenditures. The District will then advise the Local as to which items on the projected budget qualify for reimbursement to the Local. Failure to obtain prior approval will likely result in the Local being liable for the expense.

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## B. MEMBERS’ RELIEF

- The CWA Members’ Relief Fund (MRF) provides direct assistance to members, agency fee payers, Local Union Officers who are on the Local’s payroll and lose wages, and victims of collective bargaining strategies during sanctioned strikes and other approved mobilization actions. Currently, the weekly benefit to strikers and victims is \$200 beginning with the fifteenth day of the strike, \$300 per week beginning with the twenty-ninth day of the strike and \$400 per week beginning with the fifty-seventh day of the strike. The fourteen-day waiting period does not apply to victims of collective bargaining strategies. MRF payments end on the seventh day following the conclusion of the strike. MRF benefits are subject to availability of funds.
- Strikers are required to perform strike duty. It is the Local’s responsibility to advise every member/agency fee payer that strike duty is required in order to receive MRF benefits. The Local determines the amount of strike duty. As a result, a striker’s obligation may vary from Local to Local. Keep in mind that the

rules require some level of involvement by each and every striker who applies for MRF benefits.

- A uniform method for payout to strikers must be selected prior to the commencement of a strike. The payout options and selection procedure is outlined in Section III (B) of the Members' Relief Fund Rules and Ground Rules. Locals are responsible for notifying all members/agency fee payers of the benefits available under the selected payout option.
- Locals shall be held accountable for any money disbursed in violation of Fund Rules.
- In "right to work" states, non-members are not eligible for assistance from the Fund.
- If a strike ends mid-week, MRF payments shall be one-fifth of the weekly payout for each day on strike. MRF payments cannot be made for Saturday and/or Sunday unless these days were part of the normal five-day workweek.
- "Victims of Collective Bargaining Strategies" are:
  1. Members/Agency Fee payers who lose wages as a result of honoring a sanctioned CWA picket line.
  2. Strikers who are disciplined as a result of strike related activities.
  3. Members/Agency Fee payers who are disciplined as a result of their mobilization activities during "approved mobilization actions."
  4. Members/Agency Fee payers who lose wages as a result of a lockout.

**NOTE: Personal loans cannot be made from the Fund!**

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## 4. Healthcare Benefits During Strikes

- In strike situations where an employer cuts off healthcare benefits, CWA will pay for necessary medical/hospital expenses. In some extreme cases the Fund Director may authorize payment of healthcare premiums (COBRA) on behalf of strikers and their dependents. The CWA Members' Relief Fund will only pay COBRA premiums for healthcare. CWA self insures for other medical needs such as "necessary" dental and vision care. The Members' Relief Fund does not pay life insurance premiums.
- The term "necessary" does not include any treatment not normally covered under the employer's health plan, nor does it include any care such as elective procedures or dental visits that can be postponed until the end of the strike.
- Whenever an employer stops healthcare coverage during a strike and the Local's Community Services Committee decides that it is prudent to pay COBRA on behalf of the striker, then the COBRA form and necessary justification (doctor's prognosis, medical bills etc...) must be attached to the disbursement voucher and available for inspection.
- Strikers must still pay healthcare premium contributions as well as any deductibles and co-pays that existed before the strike. The concept being that no one should have a better benefit during a strike than that which was in effect before the strike.
- It is the responsibility of the Local's Community Services Committee to attempt to get the healthcare provider (doctor, dentist, hospital, etc.) to accept as full payment an amount less than that which was billed. A notation of this attempt must be made in the striker's record.
- All bills submitted for payment must contain all the necessary information (name of patient, date of treatment and service rendered).
- Strikers who can obtain healthcare coverage through other sources, such as a spouse's health plan, should rely on those sources during the strike.
- Canadian Locals should refer to the letter below with the subject "CWA Defense Fund and Supplemental Health Benefits (Canada)".

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## 5. Record Keeping

- Locals are responsible for IRS Form 1099 in any year where a striker receives \$600 or more in payouts from the MRF. Some Local Unions have established their own strike funds. In such cases, the \$600 limit must include any payout a striker receives from their Local's strike fund.
- Locals shall provide to the District Fund Agent a weekly report on the number of members/agency fee payers on strike.
- A "Striker Certification Form" (DFR-1) must be kept in the Locals' files for each and every member/agency fee payer on strike. MRF payments cannot be made to any member/agency fee payer that the Local does not have a DFR-1 on file for.
- Locals shall maintain up-to-date MRF "Reimbursement and Reporting Form" (DFR-2) which outlines all MRF disbursements. Computerized check writing programs or spreadsheet documentation is acceptable provided such programs or spreadsheets contain all the information that is requested in forms DFR-2.
- Locals that have selected a MRF "Combination Option" or "Needs Basis Option," the Local must maintain records that reasonably attest to the members' hardship. Locals that select these options must also maintain DFR-4 "Striker's Assistance Record" and DFR-5 "Striker's Application for Assistance" for each striker requesting assistance. (Refer to Section III (B) of the "Members Relief Fund Ground Rules" for detailed information).
- In strike where the employer has cut off healthcare benefits, the Local must have receipts as well as justification for any medical assistance given to strikers.
- Locals must have receipts and/or vouchers covering any MRF expenditure.
- A complete financial accounting and a final report must be submitted to the District's Fund Agent within ninety (90) days after the termination of the Strike.

For these, and all other forms, visit the CWA website, [www.cwa-union.org](http://www.cwa-union.org) under "For Locals" and click on "Forms".

**NOTE: The Department of Labor (DOL) requires that financial records be kept for a minimum of five (5) years, while the Internal Revenue Service (IRS) requires that financial records be kept for a minimum of seven (7) years.**

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## 6. Frequently Asked Questions

- Q. Are CWA members who honor sanctioned CWA picket lines eligible for assistance from the MRF?**
- A. CWA members and agency fee payers who lose wages because they honor one of our picket lines are considered “victims of collective bargaining strategies.” As victims, they would be entitled to a prorated benefit from the MRF on the same basis as strikers for each day of wages lost.
- Q. Does the fourteen-day waiting period under MRF rules apply to “victims of Collective Bargaining Strategies” before they are eligible for MRF payments?**
- A. No - Victims become eligible on the first day they lose wages.
- Q. If a member or agency fee payer is disciplined upon returning to work after a strike and the discipline is related to his/her activity on the picket line, does the MRF help?**
- A. Yes - Such member/agency fee payer is considered a “victim” and MRF payments will resume and continue for the length of the discipline or in case of a dismissal until his/her case receives a final determination. In cases of dismissals for strike related activities, the Fund will pick up the cost of necessary medical care or, if appropriate, health insurance premiums (COBRA) as well as any legal costs associated with strike related legal proceedings.
- Q. Does a member or agency fee payer who is disciplined for strike related activities have to wait the 14 days before receiving MRF benefits?**
- A. No – He/she will resume MRF payments at the same level they were receiving at the conclusion of the strike. In addition, strike time is counted towards qualifying for the \$300 or \$400 MRF benefit (e.g. if the strike lasted twenty days, his first day of discipline would be the 21st day for purposes of meeting the 28 day period before benefits are increased to \$300).
- Q. During an “approved mobilization,” one of my members was disciplined for engaging in a sanctioned mobilization action. Is this member entitled to any help from the Defense Fund or Members’ Relief Fund?**
- A. Yes - These “victims” are treated the same as those victims disciplined for strike related activities.



- Q. Does the Local need to have victims of collective bargaining strategies fill out “Striker Certification Forms” (DFR-1)?**
- A. No - However, all Fund benefits given to victims must be documented in the other (DFR) forms that can be found by visiting the CWA website at [www.cwa-union.org](http://www.cwa-union.org) under “For Locals” and click on “Forms”.
- Q. Do strikers get prorated MRF payments if a strike ends mid-week?**
- A. Yes - The MRF will prorate the benefit amount that was being paid at the time the strike ended (\$200/\$300/\$400).
- Q. We returned to work from a lengthy strike on a Thursday; however, some of our strikers, due to their schedule, lost out on four days pay that week (Sunday–Wednesday). Are they entitled to prorated MRF benefits of three or four days?**
- A. These strikers should have received MRF benefits for four days. Remember, this only applies when a weekend day is part of the normal workweek (one of the five days scheduled).
- Q. Are Local Officers who lose their wages from the Local as a result of a strike, eligible for benefits at the same level as strikers?**
- A. Yes - The CWA 62nd Annual Convention authorized this benefit for Local Officers who are on a Local’s payroll and lose their wages during a strike.
- Q. Are strikers who are allowed by their employer to take vacation time with pay during any week of the strike entitled to MRF benefits?**
- A. No - Since a striker who receives vacation pay during any week of the strike is not suffering any loss of wages that week.
- Q. Will the CWA MRF Fund pay the cost of hiring clerical help to assist with the administration of the Members’ Relief Fund during a strike?**
- A. No - The costs of administration of the Fund is the responsibility of the Local.
- Q. Does the MRF Fund reimburse strikers for travel expenses in order for them to get to rallies or their picket line?**
- A. No - We do not reimburse for travel to the initial picket line assignments, strike rallies or ratification meetings. However, with prior approval from the District Fund Director, we do reimburse for actual gas expenses for picket captains, officers, stewards, and representatives where such travel is necessary for maintaining the picket lines. We also (with prior approval) reimburse actual gas costs incurred by members assigned to roving picket lines (“flying squadrons”).

- Q. Does the MRF Fund reimburse the Local for cell phones that are needed for communication and coordination with the picket lines?**
- A. Depending on the circumstances, we can reimburse for necessary communication costs such as cell phones; however, as with any other Members' Relief Fund request, prior approval from the District Fund Agent is a must.
- Q. Does a Local's MRF account remain open past the 90-day deadline if a Local still has "victims" entitled to benefits?**
- A. Yes – The Fund account can remain open only if the Local still has a victim(s) of collective bargaining. However, the account must be closed within the 90-day deadline once these benefits cease.

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## **7. Frequently Asked Questions - Healthcare**

- Q. I am on strike. What protections do I have that I will not go without needed healthcare?**
- A. A law called COBRA (USA Bargaining units only) requires group health plans to offer striking workers and their covered dependents the opportunity to continue health coverage for up to 18 months when they go on strike by paying for it out of their own pockets. This applies to medical, dental and vision benefits. Strikers do not have to continue any coverage, they can choose to pay for only the core medical benefits, or they can choose to pay for only themselves or only their dependents.

CWA has made a commitment to assist striking workers in paying for their healthcare needs out of the Members' Relief Fund during their participation in the strike. Working with Local Union's Community Services Committee, members can make decisions about the best way to cover their needs, and the Union will determine whether to pay for monthly premiums or to assist in paying for healthcare services on an "as needed" basis.

**Q. How much will I have to pay if I elect to continue coverage?**

A. Employers are allowed to charge striking workers up to 102% of the current health plan premium. For example, if the current premium is \$200, then the striking worker cannot be charged more than \$204.

Striking workers should check with the Local Union's Community Services Committee before electing to continue coverage. In those cases where there is an immediate, ongoing and serious health condition, CWA will provide immediate financial assistance toward paying the COBRA health plan premium. In other cases, CWA may ask strikers to delay the election and will assist in defraying any unforeseen or minor healthcare expenses as they arise. The goal is always to assure strikers' access to needed healthcare during the strike.

**Q. How much time do I have to make a decision?**

A. Strikers have 60 days to elect COBRA coverage. The 60-day period begins either on the day the strike begins or the date on the notice sent by the employer describing COBRA rights, whichever is later. However, coverage does not begin until the premium is paid. If necessary, your premium can be paid retroactively. Working with the Local Union's Community Services Committee, you can determine whether you should apply for continuation coverage immediately, or if you can delay electing coverage in order to delay making a premium payment.

**Q. When do I have to begin paying the premium if I elect to continue coverage?**

A. As mentioned above, COBRA allows you up to 60 days to decide whether you want to continue your coverage. If you make an election to continue, then you have another 45 days to pay the premium. However, before electing coverage or paying a premium, you should contact your Local Union's Community Services Committee. He or she will help you determine whether it might be a good idea to delay electing coverage in order to delay paying the premium, and to determine in what ways the CWA Members' Relief Fund can assist you in paying for your healthcare needs.

If you decide to apply for assistance from the Members' Relief Fund, the Local Union's Community Services Committee will ask you to complete a "Request for Members' Relief Fund Reimbursement" form. That form will be forwarded to the District Member's Relief Fund Coordinator who will determine whether to reimburse you for a premium payment or to reimburse your healthcare expenses on an "as needed" basis. If necessary, you can pay your premium retroactively and the Fund will reimburse the expense.

**Q. What happens if I haven't elected coverage, but a serious emergency arises?**

A. First of all, take care of your health needs. Here's an example: you are in a car accident and are taken to the hospital emergency room at 2:00 AM. If the hospital insists on proof of coverage or some form of payment, offer them a credit card. As soon as possible, contact your Local Union's Community Services Committee. The Committee will contact the necessary people to assure that your healthcare needs are met. The Members' Relief Fund Coordinator will authorize a check to assure coverage of any necessary medical expenses.

**Q. I belong to an HMO. What happens if I need medical attention during the 60-day election period?**

A. If you need medical attention before you have elected continuation coverage, but before the 60-day election period is over, the HMO may ask you to either elect continuation coverage at that time or to pay the reasonable and customary fee for the services required. If you can pay for the services at the time (by credit card if possible), do so. Then, immediately contact your Local Union's Community Services Committee to begin the process of applying for assistance from the Members' Relief Fund.

**Q. What if the Member's Relief Fund decides to pay for my care on an "as needed" basis, but I think my family would be better off with continuation coverage?**

A. You are always free to make your own decision about whether to continue coverage or not. The Members' Relief Fund Coordinator makes recommendations on the best way to use Fund monies so that CWA striking members' necessary healthcare needs are met. If you do not agree with his/her decision, you can still elect to continue coverage on your own.

**Q. What is the limit on how long a striking worker can continue coverage?**

A. COBRA limits continuation coverage during a strike situation to no longer than 18 months after the strike begins. Coverage is also discontinued if premiums are not paid during the time; if the employer discontinues the group health plan; if you qualify for Medicare benefits; or if you become covered under another plan. CWA has made a commitment to help striking workers with their healthcare needs as long as the strike continues.

- Q. We are Canadian members and COBRA does not apply to us, we have a national health plan but many basic benefits are covered under “supplemental” insurances. What is the Union’s policy about healthcare coverage for us during strike and lockouts?**
- A. CWA provides the same commitments to our Canadian members that are provided to those in the States. In considering the differences in national healthcare approaches of our two Nations, we have established some basic principles for healthcare benefits in strikes and lockouts that occur in Canada. These principles are highlighted in two letters on pages 15 and 16 of this Guide.

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## 8. Sample Letter Regarding Strike Duty

Dear Fellow Member,

Negotiations will soon begin between CWA Local 1234 and (employer's name). In order for us to achieve our reasonable bargaining goals it is imperative that each and every one of you get involved.

This round of negotiations will be extremely crucial to all of us as a Union. We have numerous issues that must be addressed. Your support and enthusiasm will play a major role in the Bargaining Committees' ability to achieve success at the bargaining table.

(Employer's name) is a profitable company thanks to your hard work. In return, all we want a fair and equitable contract that provides improvements in wages, benefits and other conditions of employment.

The National Union's Strike Fund requires every striker to perform strike duty in order to be eligible for strike benefits. You will be advised as to your strike assignment in the near future.

Picket Captains have been working on getting everyone scheduled for picket duty. If you haven't been contacted or signed up, see a job steward or call the Local. If you are unable to walk a picket line because of a medical problem we can assign you other duties and need you desperately.

The CWA Members' Relief Fund provides a striker benefit of \$200.00 per week beginning with the 15th day of a strike, \$300.00 per week beginning with the 29th day of a strike and \$400 beginning with the 57th day of a strike. These monies are not retroactive; however you will get one additional strike fund check seven days after the conclusion of the strike to cover the final days of lost wages.

The CWA Members' Relief Fund is extremely healthy, it currently has more than \$400 million dollars and contributions by over 400,000 members will continue during the time we are on strike, should a strike become necessary.

As a point of information, the IRS requires us to send you a 1099 Form in any year where a striker receives \$600.00 or more in strike benefits. Strike benefits are taxed similar to the way your interest on a savings account is taxed.

In addition to the weekly striker benefit provided by the Members' Relief Fund, the Fund also insures that necessary medical and dental care will be provided to you and your dependents in cases where the employer stops medical coverage during a strike.

In some extreme cases the Union will pay your medical premiums rather than reimburse you for "necessary" medical/dental care.

If you or one of your dependents has some ongoing or serious medical need, you must contact the Local's COBRA Coordinator, (name of person) as soon as possible.

Enclosed is a Striker Certification Form. Please fill this out, sign it and get it back to the Local Union office. The Local Union must have this form on file before any disbursements can be made from the Defense Fund or the Members' Relief Fund.

It is every member's responsibility to actively support the bargaining committee during this time. Remember, divided we beg united we bargain.

Don't forget to attend the Union Meeting on (DATE, TIME AND LOCATION) In Unity:

President, CWA Local 1234

## 9. (Canada) Sample Defense Fund and Supplemental Health Benefits Letter

[Date]

[Member Name]

[Member Address Line 1]

[Member Address Line 2]

Subject: CWA Defense Fund and Supplemental Health Benefits (Canada)

Dear Brother Arnold:

It was a pleasure meeting with you and your colleagues last month to discuss the Canadian Health Care System and the possibility of CWA's Defense Fund picking up the cost of supplemental health care benefits for our strikers in Canada.

We have decided that it would be beneficial to both our strikers in Canada and the CWA Defense Fund that we, in fact, commit to cover the cost of supplemental benefits. Also, as we discussed, this commitment does not include life insurance, vision and/or dental benefits. The CWA Defense Fund will pay for any "necessary dental or vision care for strikers and/or their dependents.

Please understand that this commitment on supplemental health care benefits may need to be revisited should either the conditions in Canada's health care system change or the amount of premiums charged for supplemental benefits become prohibitive.

Based on current conditions, we believe our decision to cover such benefits to be prudent. We also believe it is the right thing to do on behalf of our sisters and brothers in Canada.

In Solidarity,



**VIA FACSIMILE AND MAIL**

[Date]

[Member Name]

[Member Address Line 1]

[Member Address Line 2]

Re: CWA Defense Fund — Healthcare Benefits during Strikes (British Columbia and Alberta)

Dear [Member Name]:

In November 2001, the CWA Defense Fund agreed to cover the cost of supplemental healthcare benefits as outlined in the attached letter dated November 16, 2001. This agreement was in anticipation of a strike at the Canadian Broadcasting Corporation. It has now become evident that the understandings outlined in that correspondence needed to be modified as it applies to strikers in British Columbia and Alberta.

Unlike other Canadian Provinces, the residents of British Columbia and Alberta do not pay for national health insurance from the general tax levies. The responsibility for payment of such premiums in these two Provinces rests on the individual. I have been advised by our research staff that payment by the CWA Defense Fund for the necessary medical care of its strikers and their dependents would not relieve their obligation to pay their share of the national health care premiums to the Province.

As a result of these findings, and after discussions with Secretary-Treasurer Barbara J. Easterling, we have decided to modify our earlier position. This modification to the November 16, 2001 memo applies to those CWA Canadian members who are on strike and who reside in British Columbia and Alberta.

Therefore, in addition to the benefits outlined in that letter, the CWA Defense Fund will cover the cost of national healthcare premiums in the same manner that the employer covered such premiums prior to the strike.

The amount of premiums CWA pays will need to be reviewed after three (3) months, should a strike last that long. Since premiums are based on income; therefore, the Province may lower the amounts during the time the strike is taking place.

Again, it is important to understand that these commitments do not necessarily establish precedent and may need to be revised as conditions change.

If you have any questions, please do not hesitate to call me.

Sincerely,