



Thomas S. Fredericks  
Attorney, Educator, and Counselor at Law

Tom is dedicated to keeping employers out of legal trouble and out of court. Unlike law firms, that profit from litigation, Tom realizes that employers are farther ahead by avoiding courtroom battles. Rather, employers should be free to do what they do best: operate their own businesses at a profit. Tom's employee handbooks, seminars, and strategies are all about helping employers avoid union drives, employee lawsuits, discrimination claims, and associated red ink. He helps employers achieve and maintain union-free status. Tom assists employers with all governmental relations and administrative law issues. Please visit: [www.tomfrederickslaw.com](http://www.tomfrederickslaw.com) for more information.

### **[How to Maintain a Successful Union-Free Workplace](#)**

***Start working on positive employee relations programs now- before the union files for an election with the NLRB.***

Do you have an updated employee handbook? If your current union handbook is in direct violation of a State or Federal law, a union organizer will use any violation as proof that a union is truly needed at your business. For example, some employers enforce a work rule preventing their own employees from discussing wages, a direct violation of Section 7 of the National Labor Relations Act.

## *Legal Strategies and Solutions at a Sensible Price*

Management should be prepared to respond immediately after being confronted with a union organizational campaign. Although doing nothing is better than committing an unfair labor practice, that is not your best strategy. You should act now to formulate an effective union-free strategy: hold employee meetings, and provide management training, develop communications, and let your employees know where you stand on unions.

### **How does management first become aware of a union organizational drive?**

If you find out from a union organizer, you discover a union drive much too late. Management must be pro-active about listening to every employee. Take these initial steps to address a union organizational effort:

- 1) Train your first line supervisors. Under the Labor Law, a first line supervisor can commit an unfair labor practice that will cause you to recognize the union without an election.
- 2) Meet with your employees. They have the right to a secret ballot election and they need to hear your position regarding union representation.
- 3) Expose the union's history and record.

### **Do you have a union free action plan?**

Employers must know the legal requirements and prohibitions of the Labor Law- before the union organizer knocks on the door. Sending letters to your employees on a regular basis is better than sending your first letter to employees *after* the union organizer comes around. Further, improve communications by establishing a hotline to management, and suggestion/recognition programs. Implement a fair compensation plan. Have an effective employee handbook.

### **A Positive Approach to Remaining Union Free**

- **Leadership.** Supervisors must be good communicators who inspire your employees to do their best.
- **Communications.** Listen to your employees' suggestions, complaints, and requests for help on personal problems. Provide updates on business news.
- **Job Security.** Do not maintain an "employment at will" policy. Civil rights, veterans' rights, whistleblower, wage and hour, disability and many other employment laws can be used by plaintiff attorneys against employers with or without that policy. Therefore, the "employment at will" employment policy offers limited protection from lawsuits. However, the "employment at will" policy is very useful to the union organizer, who will offer your employees job security through an arbitration clause within a collective bargaining agreement.
- **Just Cause Employment.** Make a list of serious reasons for terminating employment. Have another list of relatively minor problems that can and should be corrected with disciplinary action less than termination. Strive for fairness and justice within your workplace.

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- **Employee Health and Safety.** Improve upon the company's safety record. Enhance housekeeping, and security. Establish a reward program for having a better, safer workplace.
- **Peer Review.** Employers with internal dispute resolution committees avoid wrongful discharge litigation and give employees an opportunity to make workplace decisions. Employees can be tougher graders of underachievers than bosses, arbitrators, and judges.
- **Employee Turnover.** Turnover statistics indicate how employers are doing. Have exit interviews to find out why employees leave your company. Find out what wages your competition is paying.
- **Compensation.** Conduct wage surveys. Be competitive. Have a written compensation plan.
- **Education and Training.** Train your supervisors in positive leadership techniques.
- **New Employee Selection and Hiring.** Offer tests to identify those Best qualified for your jobs. Implement an employee orientation program.
- **Recognition.** Offer bonus/incentive plans. Perfect attendance bonuses. Quality incentives. Safety awards.
- **Know the Labor Laws.**

Contact.....

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### **Professional Experience**

Attorney- since 1983.

Labor Attorney, 1999- 2009 *Office of the State Employer, State of Michigan..*

Chief spokesperson during labor negotiations with unions representing State employees.

Negotiated labor agreements with over \$ 200 Million in direct costs.

Labor contract administration scope: 44,000 employees.

Employment law attorney advising eighteen Michigan Departments.

Defended the State of Michigan in unfair labor practice litigation; resolved over 200 lawsuits. Successful in every case that went to trial.

Provided labor relations and management training.

## *Legal Strategies and Solutions at a Sensible Price*

Director of Labor Relations. 1997- 1999 *Cambridge Industries, Inc.* Madison Heights, MI.

Responsible for labor relations and legal issues for twenty facilities with over 2,000 employees. Corporate health and safety officer.

Labor negotiations with the UAW, Steelworkers, and the Canadian Auto Workers.

Seminar leader: union free management, supervision, health and safety.

Attorney, and Educator. 1990-1997.

Corporate Attorney and Human Resources Manager for NTH Consultants. Ltd, Eclipse Tool, Inc, and T & M Asphalt.

Seminar leader for the Michigan Chamber of Commerce, Michigan Association of CPA's, presenting seminars on employment law and human resources training: hiring, firing, employee evaluation, and compensation.

Adjunct professor, Thomas Cooley Law School- Sports Law and Alternative Dispute Resolution.

Director of Human Resources. 1984-1989 *Augat Automotive*, Mt. Clemens, MI..

Multi-facility human resources management and corporate legal responsibilities for a ten facility manufacturer with over 1,000 employees.

Compensation, benefits, training, employment, and recruiting.

### Teaching Experience

Business Law, 1988-1995 *Baker College*, Owosso, MI.

Seminar Leader, 1988-1998 *Michigan Chamber of Commerce*. Presented seminars on: Hiring, Firing, Independent Contractors, Labor and Employment Law, Compensation, Employee Performance Evaluations, and Fair Labor Standards Act.

Adjunct Professor, 1992-1998 *Thomas Cooley Law School*. Taught Alternative Dispute Resolution and Sports Law.

Professor, 1995- Present. *Central Michigan University*. Labor Law and Labor Relations, and Administrative Law .

### Education

Thomas Cooley Law School, Lansing, MI. Juris Doctor. January 16, 1982.

Michigan State University; BA, June 11, 1976.

### Memberships and Interests

Vice Chair, Ingham County Republican Party.

Member, Knights of Columbus Fr. F.B. McCormick Council # 7545.

Catholic Lawyers Guild, Diocese of Lansing.

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Director, Williamston Area Beautification Committee.

Chairman, St. Mary Catholic Church Stewardship Commission.

Past President, Corporate Counsel, and trumpet player- Lansing Concert Band.

Player/Coach, Legal Eagles Hockey Club.