



ULP OR GRIEVANCE?

what
IS THE
DIFFERENCE?

An **unfair labor practice** (ULP) is a violation of the National Labor Relations Act (NLRA), which is the federal law that protects the rights of employees to organize and bargain collectively.

A GRIEVANCE, ON THE OTHER HAND, IS A COMPLAINT ABOUT AN EMPLOYER'S VIOLATION OF A COLLECTIVE BARGAINING AGREEMENT (CBA).

THE MAIN DIFFERENCE BETWEEN A ULP AND A GRIEVANCE IS THAT A **ULP** IS A VIOLATION OF **FEDERAL LAW**, WHILE A **GRIEVANCE** IS A VIOLATION OF A **CONTRACT**.

A ULP is investigated by the National Labor Relations Board.

A grievance is resolved between the Union and the employer or in arbitration.

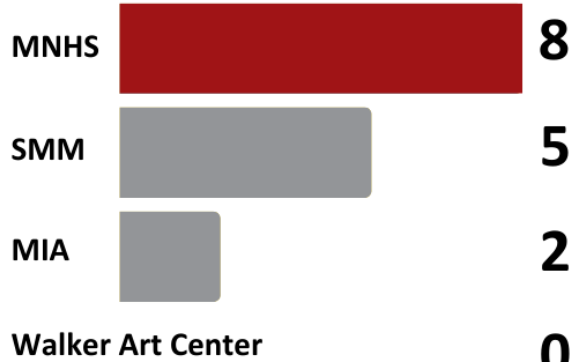
REMEDIES FOR BOTH A ULP AND A GRIEVANCE COULD BE REINSTATEMENT, BACK PAY, OR OTHER RELIEF.

MNHS UNION
AFSCME LOCAL 3173

Talk to a union steward or email mnhsunion@gmail.com if you feel your rights have been violated



Unfair Labor Practices Update



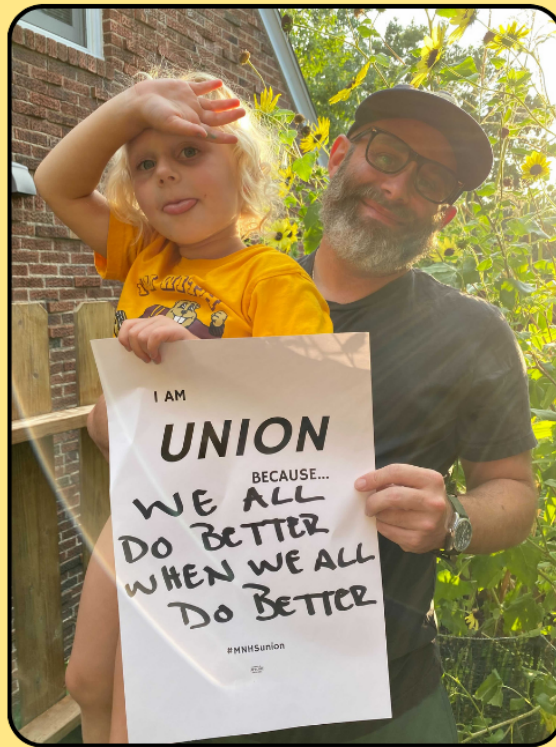
Our union had to file 8 ULPs against MNHS between 9/20/21 and 8/24/23. This is more than all the ULPS at our closest peer museums, **COMBINED.**

The majority (75%) of MNHS ULPs were filed on behalf of staff at Historic Fort Snelling.



Local 3173

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Former Minnesota Historical Society employee awarded lump sum payment in historic settlement

Minnesota Historical Society Workers Union, AFSCME Local 3173

In 2021, staff at the Minnesota Historical Society pushed hard to organize the first employee union here, and MNHS Oral Historian Ryan Barland was instrumental in that process.



In 2022 after the birth of his third child, Ryan started FMLA parental leave to help take care of his newborn son. **Only a few days after his son was born, with no warning, Ryan was notified that he was laid off, his position was eliminated, and that he had no job to return to.**

Organizers wondered if this was a sign of things to come for other active union members.

To add insult to injury, after eliminating Ryan's position **MNHS then turned around and created a Management-level Oral Historian position that covered the same duties very shortly after firing Ryan.**

Union leadership quickly filed an Unfair Labor Practice (ULP) against MNHS, alleging that Ryan's position being eliminated was retaliatory and counter to labor law protections for employees engaged in unionization activities.



On October 27th, 2022, the National Labor Relations Board found merit to those charges.

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For unfairly firing Ryan, the NLRB suggested MNHS pay him a monetary settlement. **Minnesota Historical Society Management refused to settle, choosing instead to contest the allegation in a hearing eventually set for July 2023.**

As the hearing date came closer, Management showed a change of heart and asked to settle. However, their original settlement offer demanded that Ryan waive all claims against MNHS and lose the right to work for the institution ever again.



Union representatives and their lawyer fought this offer and negotiated a settlement that won Ryan and his family a lump sum of money and allowed Ryan to apply for positions at MNHS in the future. He also kept the right to pursue further claims against MNHS.

This is a HUGE victory for Ryan and his family.

Minnesota Historical Society Management's unwillingness to settle wasted institutional funds on an expensive unionbusting law firm for a year, just to end up paying out the NLRB-recommended settlement in the end.



For Ryan, the resolution here hardly undoes the damage MNHS Management caused to his career. While he's been able to find a new job, being laid off during parental leave and having to scramble to find a new job was stressful and demoralizing.

Our union will remain vigilant and will continue to fight against retaliation and interference from MNHS Management!