

V. HOW TO SET UP A DUAL GATE SYSTEM

A. Plan ahead for location of gates.

Plan ahead for gate locations which are wide enough and accessible enough so that employees and suppliers can use the gates. Generally, gates should be widely separated with reserved gate (used by the primary or target employer and its suppliers) in non-prominent location, and neutral gate(s) (used by all other employers and their suppliers).

B. If job is big enough, have signs printed ahead of time.

The language used on the **reserved gate**--that is, the one to be used by the *picketed employer*--should read as follows:

RESERVED GATE

This gate reserved for the sole and exclusive use of (picketed company's name), their employees, agents and suppliers. All other companies' employees, agents and suppliers use other gate/gates located at (insert street or other identifying location).

The "reserved gate" heading should be in large letters which can be easily read from a distance. The remainder of the message should also be clearly legible.

Each time you have a reserved gate, you should designate and post another gate for all other employees to use. This should be referred to as the "**neutral gate**." The "neutral gate" should read as follows:

NEUTRAL GATE

This gate is to be used by (other companies' names), its agents and suppliers only. No other persons may use this entrance.

In the event the "primary" or target employer is non-union, it often makes sense to have all the non-union companies and their suppliers use the "**reserved gate**" even if they are not the target of picketing to avoid the spread of pickets by another craft to the "neutral gate" used by the non-union companies.

C. Install reserved gate and neutral gate. Set up directional information if necessary.

- D. Take pictures of both gates when set up and note time and date taken. Record this information in job diary.
- E. Immediately notify union in writing that reserved gate has been established with diagram of location of gates if necessary. The letter should be hand-delivered to the picketing union. Retain copies of the letter at the picketed jobsite to give to pickets if they are located at any gate other than the reserved gate. Use the language set forth in Attachment 1.
- F. Maintain the dual-gate system properly.
 - 1. Make sure neutral gate remains “untainted.”
 - 2. If union claims that neutral gate is “tainted,” contact the union to determine nature of “tainting.” Either deny gate violation or take steps to ensure that it will not happen again. Notify the union by certified letter that neutral gate is now “clean.” Use the language set forth in Attachment 2.
- G. Continue to record the exact wording of language on the picket signs, take pictures of the picket signs, and keep track of picketing activity and contacts with neutral employees. Keep records of work stoppage.
- H. Inform pickets and union business representative when you will be off job for any length of time.
- I. If there is an “Observer” at the neutral gate:
 - 1. Record and photograph all instances of “observer” behavior which is inconsistent with “observer” status (i.e., carrying picket, threatening neutral employees, handbilling, carrying camera, statements that “observer is a picket,” etc.).
 - 2. Talk to union subcontractors, business agents and “observer” himself.
 - 3. If there is work stoppage, notify neutral employers by letter that, by law, an “observer” is not a picket.
 - 4. Consider hiring a security guard to monitor the sanctity of the neutral gate and informing the union of this. Continued insistence on a union “observer” would appear specious.