



# Response to Email Sent to All ATK Employees on 5/25/2022

**On May 25, ATK employees received an email from CEO David Nussbaum regarding our filing with the National Labor Relations Board. Many of his comments are untrue or intentionally misleading. Below we have addressed several points from his email.**

**In solidarity,**

**Your friends at ATK United**

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“ On May 25, 2022, the Communication Workers of America (CWA) filed a Petition for Representation with the National Labor Relations Board (NLRB) seeking to represent all employees at America’s Test Kitchen. The CWA is asking the NLRB to conduct a secret ballot election to represent all ATK employees. We do not yet know when an election will occur, but we will update you once details are finalized.

ATK United is a union made of, by, and for America’s Test Kitchen employees. Any decisions and efforts made by ATK United are a result of democratically decided collective action in the best interest of ALL employees at ATK. Management would like you to think that the union is a third party that is coming into our office. But it’s not—it’s us. CWA may be our bargaining representative—with access to legal and other resources that will be valuable during negotiation—but this union is entirely made up of your coworkers. CWA did not file with the NLRB without our consent; ATK United asked them to. CWA isn’t asking for an election; ATK United is. For more detailed information on this process, visit [www.atk-united.com/faq](http://www.atk-united.com/faq).

“ In the coming weeks, we will be sharing more information about unions, the details of the election, and what it would mean for you and ATK to have a union. In the meantime, here is some initial information and answers to questions you may have.

In the coming weeks, the company will be sharing information carefully agreed upon by ATK leadership and the lawyers at Ogletree Deakins, an employment and labor law firm that ATK hired after finding out about our union effort in early April. This information may be biased, and we’d recommend checking out [unionbustingplaybook.com](http://unionbustingplaybook.com) for a sneak peek at what’s to come. In the meantime, visit our website, [www.atk-united.com](http://www.atk-united.com), for our mission statement, FAQ, resources on unionizing and union busting, and testimonials from current and past employees. If you want to understand more about union busting—the process by which employers seek to mislead and confuse workers about unions—you can read about it [here](#).



Contact us at [atkworkersunited@gmail.com](mailto:atkworkersunited@gmail.com) if you have any questions or concerns. We've thought a lot about what it would mean for you and ATK to have a union, and we are excited to speak with you about it.

“ Each individual employee at ATK will have to decide whether you want to turn over your rights to advocate for yourself to the union. This comes with significant risks to you and all of your co-workers.

**This is false.** You will not be turning over your rights to advocate for yourself. You will still be able to meet with your manager and discuss any of the same issues and concerns that you do now. If you need extra support, a trained coworker (called a union steward) can be in the meeting with you if you choose. Without a union, we currently have zero say in conditions at ATK. With a union, we would finally have a collective voice and a seat at the table with senior management. Unions are democratically run, so every union member can vote in the decision-making process.

“ The impact on individual employees could include the following:

**Forced payment of weekly or monthly dues and initiation fees to the union**

**This is intentionally misleading.** Members of our union won't pay dues until we negotiate and agree to a contract (and not before then). Dues will be about 1.3 percent of base pay (not including bonuses or overtime). We also anticipate that any raises we negotiate will more than outweigh the union dues, resulting in a net gain overall. On average, [unionized workers make 20 percent more than nonunionized workers.](#)

“ The inherent risks of union bargaining including the fact that, while employees could achieve better wages and benefits, bargaining is a give and take process that could result in the same wages and benefits or they could get less than they have now.

**This is intentionally misleading.** We would never agree to a contract that would give us less than we currently have, and recent actions by the company, such as giving seemingly random raises, make it apparent that they have more to give than they have suggested in the past. If we had a good chance of getting less than we have now, would management be fighting this? In addition, now that we have filed with the NLRB, it is illegal for ATK to take anything away (decrease pay, remove benefits, etc.). Finally, we are unionizing because we love our jobs and want our company to be successful in the long run, so we would never push for a contract that wouldn't be financially feasible.



“ Union-called work stoppages, including sudden loss of pay while out on strike.

Striking is a last resort and not a necessary part of unionizing or bargaining. We have asked for amicable negotiations with management, and we are optimistic that we can work together. We would only go on strike during negotiations if we held a vote for one and had a near unanimous agreement. ATK is quoted in the Boston Globe as saying, “If a majority elect a union, the company will bargain with that union with good faith,” so a strike should be unnecessary if they keep their word.

“ It is important that you have all the facts before you make a decision.

We encourage you to conduct your own research into the CWA – go online and read the CWA constitution and learn about the dues and initiation fees charged by CWA, understand the rules and regulations that members of the union must follow, and seek other information regarding the impact of unions in the workplace

**This is true!** You can and should learn all you can about this process and how unions work before making your decision. You are welcome to seek out information on the internet about the [CWA](#), [unionizing](#), and [union busting](#), but we strongly recommend you also speak to the growing number of your coworkers—the people you work with, see every day, and trust—who are behind this effort and have your best interests in mind. You’re more than welcome to reach out to us and ask questions by emailing [atkworkersunited@gmail.com](mailto:atkworkersunited@gmail.com). If you see someone on Slack or Instagram with our union logo in their profile or someone wearing a button or wristband in the office, they can help answer your questions as well.

“ Q: When will the election be?

A: We do not know yet. The NLRB will either set that date or we will come to an agreement with the CWA on a mutually acceptable date. We will update you when we learn the date of the election.

We have asked management to voluntarily recognize our union by Tuesday, May 31. In the event that they do not, we anticipate the election will be held roughly three to five weeks from then.

“ Q: Will the election be in-person or by mail?

A: We do not know this yet either. The NLRB has ordered more mail ballot elections since the start of the COVID pandemic.

We have requested the election to be by mail-in ballot. ATK employees live and work across the country, and we want everyone to have the opportunity to vote.



“ Q: I signed a union authorization card, can I still vote “No”?

A: Even if you signed a union card, you can still vote against having a union in the election. You are still free to vote your conscience in the secret ballot vote and decide for yourself whether you really want the union to represent you. Whether this election is conducted by mail or in person, it will be a secret ballot election, which means no one will know how you vote unless you tell them. The final choice is yours and yours alone.

**This is true.** If you signed an authorization card, you can vote no in the anonymous election. This also means the opposite is true! If you didn't sign a card, you can vote yes in the election. Nobody outside of the NLRB will ever know how you voted unless you tell them.

“ Q: Where can I get factual information about unions and the law?

A: [NLRB.gov](http://NLRB.gov) is the NLRB's website and has considerable information about employees' rights under the law. Additionally, [unionfacts.com](http://unionfacts.com) provides factual information about unions, including the CWA.

[Unionfacts.com](http://Unionfacts.com) is a very biased antiunion site founded by [Richard Berman](#) that masquerades as a neutral source of information on unions. At best, ATK did not realize this when recommending the source. At worst, they thought you wouldn't doubt its credibility. For factual information about CWA, go to [cwa-union.org](http://cwa-union.org). We also have trusted informational resources on our website: [www.atk-united.com/resources](http://www.atk-united.com/resources).

“ Q: Will the union be able to contact me at home or on my cell phone?

A: It's very possible. If the NLRB orders an election, the Company will be legally required to provide the CWA and the NLRB with a list of all employees eligible to vote in the election and the following information for each eligible voter: Your Home Address; Your Personal Phone Numbers and Personal Email Address; Your Work Schedule. We would not normally release your private information, but under the law, we have no choice.

**This is intentionally misleading.** The union (fellow ATK employees) may contact you in person or via Slack. The NLRB requests employee information from ATK to confirm eligibility for the unit and to send you a mail-in ballot for the election.

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*“The labor movement was the principal force that transformed misery and despair into hope and progress.”*

—MARTIN LUTHER KING, JR.