

# Judge Orders Kellogg to End Memphis-Plant Lockout

BCTGM International Union

KENSINGTON, Md. (PRNewswire-USNewswire) — Samuel H. Mays, Federal Judge for the Western District of Tennessee on July 30 issued an order directing Kellogg to cease its lockout of 226 workers at its cereal production facility in Memphis that began on October 22, 2014. Workers at the plant are represented by Bakery, Confectionery, Tobacco Workers and Grain Millers, International Union (BCTGM) Local 252G.

In the decision, the Federal Judge ordered Kellogg to end the lockout within five days; bargain with the union in good faith; offer reinstatement to every worker to their former or equivalent positions; re-establish the same terms and conditions of employment prior to the company's last/best offer; and, submit to the court details of its compliance with the order within 20 days.

David B. Durkee, International President of the Bakery, Confectionery, Tobacco Workers and Grain Millers, International Union (BCTGM) applauds the decision. "Yesterday, a Federal Judge agreed entirely and unequivocally with the Union and the National Labor Relations Board. Judge Mays rejected each and every argument Kellogg has made since this dispute began," said Durkee.

"This decision validates what the BCTGM has contended all along in this lockout. Our members and their families have been subjected to more than 280 days of unnecessary pain and suffering at the hands of Kellogg. We applaud Judge Mays for beginning the process of righting this senseless tactic that was brutally imposed on these workers and their families. We look forward to our members returning to do what they do best, producing a quality product," Durkee concluded.

In the decision, Judge Mays states that imposing a lockout over non-mandatory terms is unlawfully coercive and "discriminate[s] against the employees for their participation in protected collective bargaining activity."

The BCTGM has contended that Kellogg's proposals in local bargaining would have changed already agreed upon wage rates and benefits for regular employees, thus modifying the terms and conditions contained in the Master Contract that governs such terms and is in effect until October 2015. Judge Mays validated the Union's position in his ruling, stating, "In effect, Kellogg's proposals were not to change the Casual employee program, as it insists it had the right to demand. Rather, Kellogg effectively demanded changes to the wage rates of new or rehired Regular employees. Those rates are set in the Master Agreement. The good-faith bargaining required by the Act does not allow Kellogg to use creative semantics to force midterm changes in the wages of new or rehired Regular employees in violation of the Master Agreement."

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Judge Mays concludes that it was "just and proper" to end the lockout. "The lockout, which has deprived the employees of their pay and health insurance, has been ongoing for nine months. The administrative process may continue for many months and even years to come. To allow the lockout to continue through that period would place significant hardship on employees in furtherance of Kellogg's bargaining position, which [the NLRB] has reasonable cause to believe is unlawful. That would undermine the remedial powers of the Board."

The BCTGM represents more than 4,000 Kellogg employees throughout North America. The BCTGM also represents thousands more workers in the cereal industry at such companies as General Mills, Quaker Oats, and Ralcorp amongst others.

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