



**Response to Walkout/Work Stoppage – Salaried Management Talking Points**  
**October 8, 2012, Walmart Confidential**

**Note:** Managers should familiarize themselves with this information and discuss with salaried management associates only.

**Overview**

As you know, activists or union organizers have been trying for years to stop our Company's growth and to damage our relationship with our customers and members. One of the activists' or union organizers' tactics is to try to disrupt the business by urging our associates to participate in a walkout or other form of work stoppage.

**IMPORTANT INFORMATION**

- A walkout or work stoppage is a form of a strike and is generally considered protected concerted activity.
- Associates have a general legal right to engage in a walkout or other forms of work stoppage.
- Associates who participate in a walkout or work stoppage are not entitled to receive pay from the company while they are not working.
- **Do not** discipline associates for walking off the job or if they say they intend to walk out or participate in a work stoppage. Contact your HR Manager and Labor Relations before taking any disciplinary action resulting from the activity.

**Responding to a walkout or work stoppage**

- Create a list of associates who are not scheduled to work so that they may be called to replace associates who refuse to work. Make sure all salaried managers are available to work where needed. Partner with your Market office for assistance.
- If you have replaced an associate who engages in a work stoppage and the associate who left work attempts to return to work during the same shift, tell that associate that you have gotten coverage for that shift and that the individual should return to work for his or her next scheduled shift. If you were not able to or chose not to find replacement coverage during the affected shift, allow the associate to return to work.
- Do not question associates about whether they or others are planning to engage in a walkout or work stoppage.
- If an associate comments about an anticipated or ongoing work stoppage, remember TIPS, but feel free to share a relevant fact, opinion, or experience, such as: *"I don't think a walkout is good way to resolve problems or issues, especially because it interferes with customer service and other associates who want to work."*
- Tell associates that they cannot block the doors to the facility or physically impede customer traffic.

- If associates stop work and congregate or demonstrate or make demands in a high-traffic area of the sales floor, tell them they must leave the sales floor and suggest that they go outside. If associates congregate at the fringes of the sales floor, in non-sales-floor interior areas, or outside, contact labor relations immediately for instructions. Do not tell them they must leave Walmart property
- Consistent with the solicitation and distribution guidelines, do not interfere with associates who are attempting to persuade other associates to support a walkout or work stoppage as long as both individuals are on non-working time and are not on the sales floor (at any time) while the facility is open to the public. If an associate violates the solicitation policy, remind the associate that the Company does not allow solicitation during working time or at any time on the sales floor when the store is open to the public.
- Offer to research answers to any questions that you cannot answer. Tell the associate that if you cannot provide them with an answer to their question today, that you will get with them by the end of the day to set up a time to discuss the status of their question.
- If associates refuse to follow your instructions, take no action until directed by Labor Relations unless needed to protect company property or personnel from physical harm.
- Report all activity to the Labor Relations Hotline at [REDACTED]

#### **Responding to videotaping/photography/recording/non-associate demonstrations**

**The activity may be recorded in some manner. It is imperative that you demonstrate the highest level of professionalism at all times.**

- If non-associate individuals attempt to record the activity inside the facility, inform them that recording is not allowed and that you will have to ask them to leave the facility if they continue.
- Calmly tell them that the activity is disruptive to our associates/customers/members.
- If they (the non-associates) continue to record the activity, do not confront them about the refusal, as they may try to capture any confrontations on video to post on social media sites and distribute to the media.
- If associates engage in recording, take no action until directed by Labor Relations.
- **Do not** debate or discuss the activity at this time.
- Contact Labor Relations Hotline at [REDACTED] for assistance.

### Presentation of documents

If you are presented with **ANY** document, do not open it or look at the content. Politely say:

***"I am not authorized to respond to any document on behalf of the company; however I will get this to the appropriate area."***

- Contact the Labor Relations Hotline at [REDACTED] for direction on what to do with the document.

### Managing Media

Members of the media may attend the activity. If media is present:

- Direct media inquiries to our Media Relations Hotline at [REDACTED]. Respond by stating:  
***"I'm busy taking care of associates/customers/members, but you can contact Media Relations at [REDACTED] and they will be able to help you."***
- While we do not want to encourage associates to speak with the media, we cannot prevent it. Associate interviews need to occur while they are on non-working time and outside the facility.
- As noted above, the company does not allow non-associate media representatives to use cameras inside the facility for photos or video related to the activity. Refer to our Media Relations Policy (CA-10) for additional guidelines.

### Crucial action items for salaried management only

- Always continue to CBWA with your associates.
- Review the Associate Relations Policy and the Solicitation and Distribution Policy.
- Review the Potential Demonstration Checklist and the Asset Protection Checklist.
- Review the Labor Relations Managers' Toolbox on the WIRE. Remember the acronym **TIPS** and **FOE** when visiting with hourly associates.
- Contact Realty Management at [REDACTED] to confirm facility property lines and rights for purposes of solicitation, distribution of literature, picketing, etc.

### **Suggested comments to your associates**

#### **During the activity:**

- Today, just like any other day, we will remain focused on taking care of our customers and members — it will be business as usual.
- We are making every effort to ensure that your ability to work and our customers' and members' ability to shop with us will not be affected.
- Our company offers many different ways for you to voice your concerns or get questions answered, including the Open Door and day-to-day conversations.
- Activists or union organizers are trying to convince our associates that they can somehow make our company better by participating in a walkout or other form of work stoppage.
- As always, please feel free to ask me or any member of management any questions you may have regarding this activity.

#### **After the activity:**

- Thank you for your hard work and the professional way you handled yourself during this activity and every day.
- As always, we are here to answer your questions. If I don't know the answer now, I will provide it for you as soon as I get them.

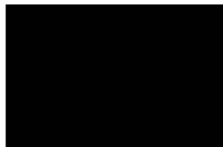
### **Suggested comments to your customers/members**

#### **During the activity:**

- Today, just like any other day, we will remain focused on taking care of our associates/customers/members.
- Service to our customers/members is one of our core beliefs. We are making every effort to ensure that your ability to shop with us will not be affected.
- We are here to provide you the best possible shopping experience and savings.

### **Contact List**

Labor Relations Hotline:  
Media Relations Hotline:  
Realty Management:  
Customer Service:





## **Salaried Manager Message Points – Potential Sick-Outs**

**Note:** Managers should familiarize themselves with this information and discuss with salaried management associates only.

### **IMPORTANT INFORMATION – SICK-OUTS**

- **Do not** discipline associates for participating in or discussing a sick-out.
- Contact your HR Manager and Labor Relations before taking any disciplinary action resulting from the activity.
- Always remind associates who participate in or discuss a sick-out about the availability of the Open Door.
- Associates who call off work to participate in a sick-out will **NOT** receive an absence occurrence as this activity may be protected under the NLRA.
- To receive this protection, the associate must let management know that a sick-out is the reason for the absence during the first opportunity to discuss the absence, which generally will be:
  - When the associate calls the IVR and speaks to a member of management,
  - OR**
  - If the associate does not speak to a manager on the IVR call, the first time the absence is discussed with a manager.
- Managers should **NOT**, under **these** circumstances, ask if the sick-out is the reason for the absence.
- **Do not** tell any associates that they will not be paid for the absence or code their occurrences in the system without specific legal or Labor Relations guidance. These matters do not have to be resolved at the time of the activity.
- Associates who initially offer management a reason for the absence other than the sick-out (or who never indicate that the absence is for the sick-out) will not receive protection, and should be coded per the Attendance/Punctuality Policy.
- Partner with your HR Manager and Labor Relations before addressing any holiday pay related situations.

### **SICK-OUT PRIOR NOTICE GENERAL INSTRUCTIONS**

- Contact your HR Manager and Labor Relations if you are made aware of a potential sick-out.
- Create a list of associates who are not scheduled to work so that they may be called to fill shifts created by associates who call in sick. Make sure all salaried managers are available to work where needed. Partner with your Market office for assistance.
- For an announced (or suspected) sick-out, if an associate calls in sick for a portion of their shift and then attempts to return to work the rest of their shift, inform them their shift was filled and they should return to work at their next scheduled shift if in fact their shift was covered.

### **SICK-OUT NO PRIOR NOTICE GENERAL INSTRUCTIONS**

- Follow company guidelines when responding to associate call ins.
- Record associate call ins per the Attendance/Punctuality Policy.
- If you identify a trend in associate call ins, contact the Labor Relations Hotline **immediately** for assistance.

### **CRUCIAL ACTION ITEMS FOR SALARIED MANAGEMENT ONLY**

- Always continue to CBWA with your associates.
- Review the Associate Relations Policy, the Workplace Standards Policy, the Attendance/Punctuality Policy, and the Potential Demonstration Checklist.
- Review the Labor Relations Managers' Toolbox on the WIRE. Remember the acronym **TIPS** and **FOE** when visiting with hourly associates.
- Contact Realty Management at [REDACTED] to confirm facility property lines and rights for purposes of solicitation, distribution of literature, picketing, etc.
- If we have prior notice of a sit-in that takes place outside the facility and we do not own or control (lease) the property, notify the landlord but do not attempt to tell the landlord what action we expect them to take unless the group is blocking the entrance/exit doors or pedestrian or vehicle traffic.



## **Salaried Manager Message Points for Potential Sit-Ins**

**Note:** Managers should familiarize themselves with this information and discuss with salaried management associates only.

### **OVERVIEW**

If associates participate in a sit-in, the NLRA likely protects their peaceful participation. If participating associates notify the Company in advance of a sick out, the NLRA likely offers some protection to the conduct as a form of work stoppage, similar to a strike in a unionized setting. Associates have certain rights protected under federal labor law. Non-associates, however, do not have the same legal protection and can be treated differently (see instructions below.)

### **IMPORTANT INFORMATION – SIT-INS**

- Notify law enforcement **immediately** if a sit-in involves threats or acts of violence, vandalism, or property destruction, regardless of whether associates are involved.
- **Do not** use physical force unless it is done in self-defense and only to the extent necessary to disengage and withdraw from the situation.
- **Do not** interfere with associates who are attempting to persuade other associates to support a sit-in if all associates involved are on non-working time.
- **Do not** discipline associates for participating in or discussing a sit-in.
- Contact your HR Manager and Labor Relations before taking any disciplinary action resulting from the activity.
- Always remind associates who participate in or discuss a sit-in about the availability of the Open Door.
- Report **all** activity to the Labor Relations Hotline at [REDACTED].

## **Coaching By Walking Around**

*Q. What is Coaching By Walking Around (CBWA)?*

*A. CBWA is when our managers walk through their facility or department everyday just to visit with associates and get a feel for how things are going. CBWA is the largest element of informal communication here at Wal-Mart.*

Our managers genuinely care about and are interested in our associates. When a manager creates the opportunity to have a relaxed, comfortable, and informal time for sharing information – that is what we call CBWA.

Sometimes your manager will act as a resource while walking around. Your manager may also just take advantage of the opportunity to let you know what a good job you are doing, or learn more about your family and interests. This coaching technique gives you an opportunity for face-to-face contact with your Servant Leaders. Your managers may not have an opportunity to talk to everyone everyday, but you can expect to see them often.