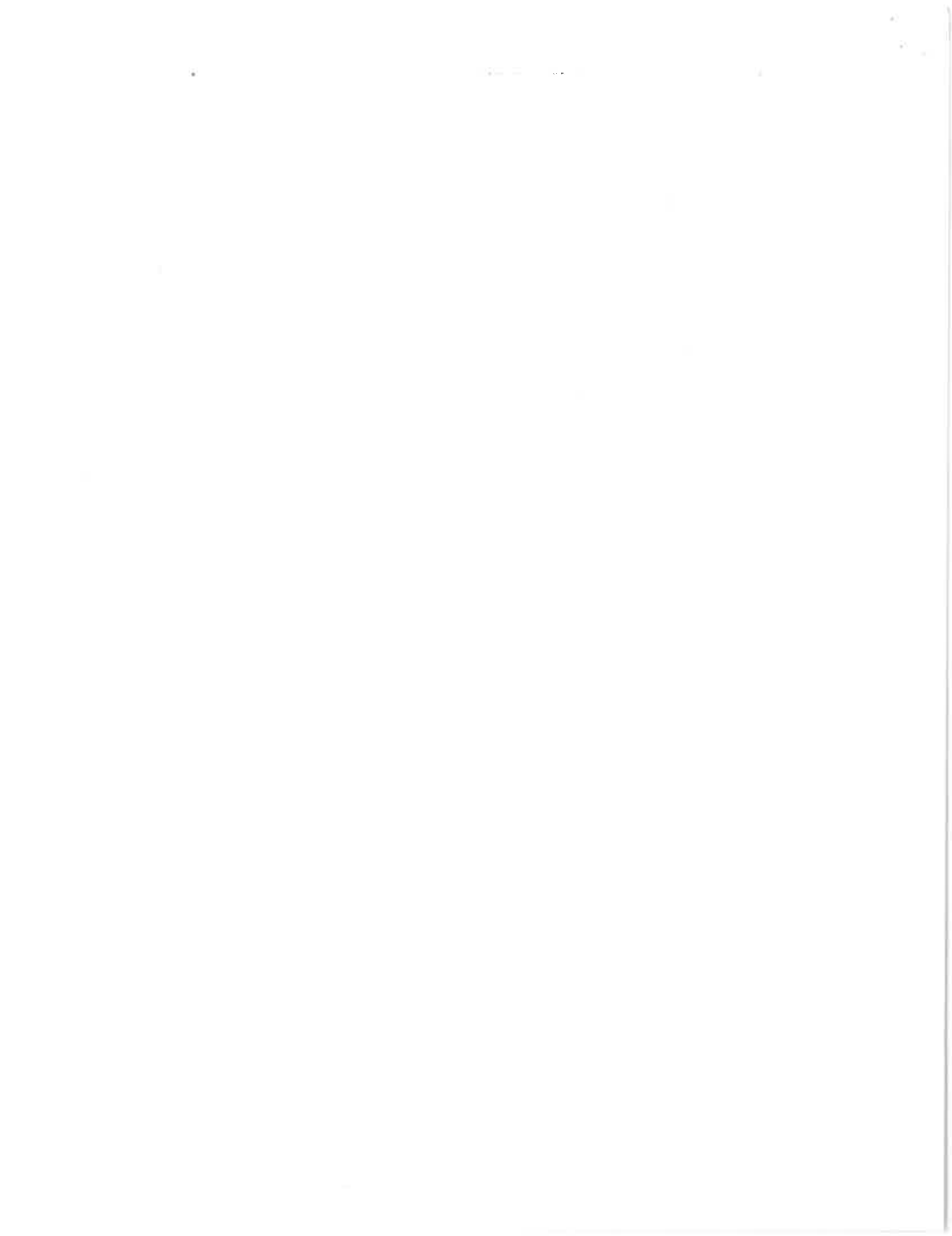




UNITED SERVICE WORKERS UNION

IUJAT

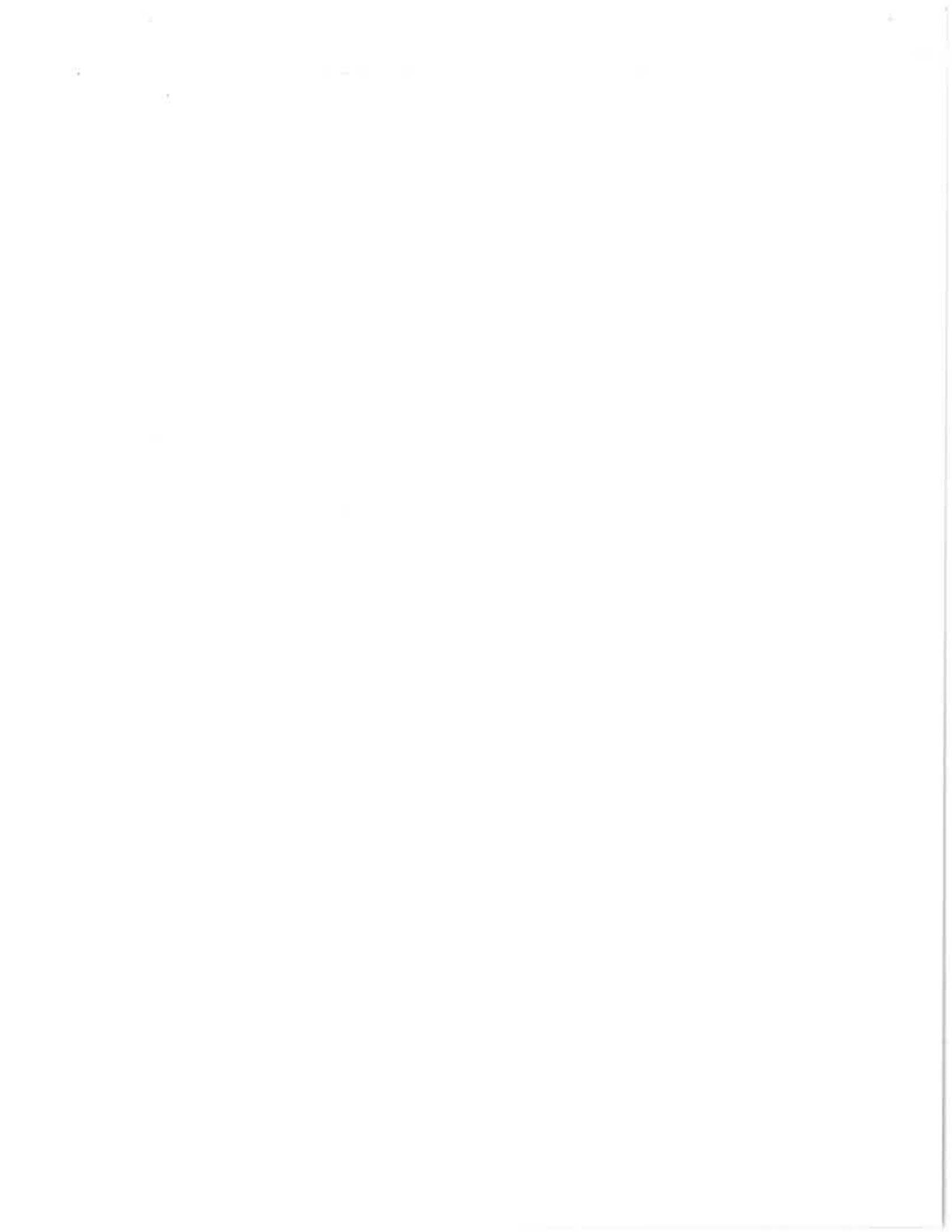
SHOP STEWARDS
HANDBOOK



Types of Grievances

Discipline

- Major V. Minor
 - Major (6 days or more)
 - Goes to Office of Administrative Law (OAL)
 - Grievant can pursue without the Union
 - Minor (5 or less)
 - Can go to Arbitration
 - Only Union can demand Arbitration
 - Based on Merit
 - Unlikely a written warning will go to PERC
- Burden of Proof is on THE EMPLOYER
- Employer must establish "JUST CAUSE"
 - Does not have to be "beyond a reasonable doubt"
 - See the "Daugherty's 7 Tests"



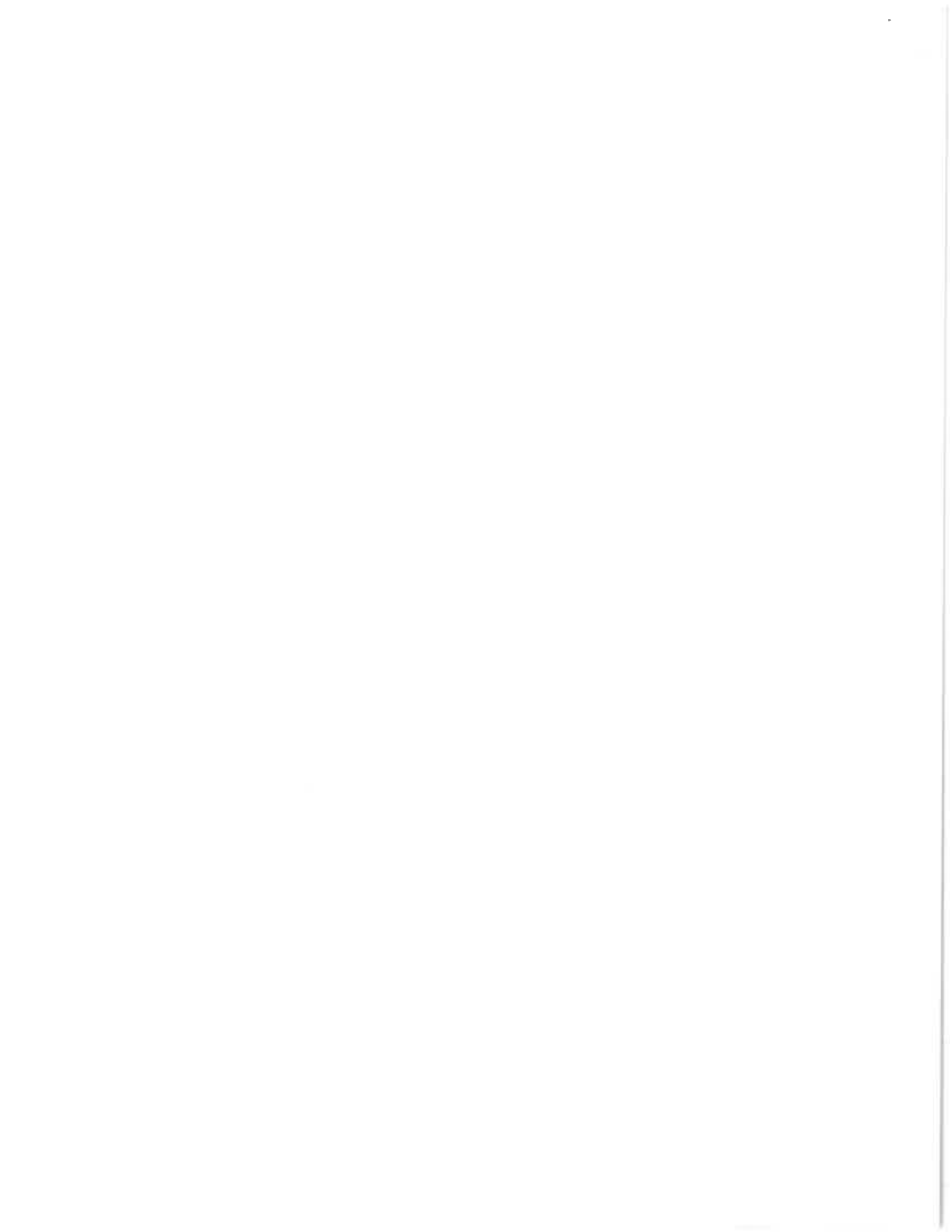
Daugherty's 7 Tests

- Was the employee forewarned of the consequences of his or her actions?
 - Is there a policy in place? Ignorance of the rules is not always an excuse.
- Are the employer's rules reasonably related to business efficiency and performance the employer might reasonably expect from the employee?
 - Was the employee asked to do something illegal or dangerous? If an employee has a REASONABLE belief that something is illegal or unsafe, they are protected from an *insubordination* charge. Otherwise, the rule is: **Do it now ... grieve it later.**
- Was an effort made before discipline or discharge to determine whether the employee was guilty as charged?
- Was the investigation conducted fairly and objectively?
- Did the employer obtain substantial evidence of the employee's guilt?
- Were the rules applied fairly and without discrimination?
 - Generally, What is good for one employee should be good for all. Be certain to compare apples to apples. Do not invoke the "But everybody speeds defense". You must show that the employer was aware of similar behavior and intentionally did not enforce the rules. Avoid throwing other members under the bus.
- Was the degree of discipline reasonably related to the seriousness of the employee's offense and the employee's past record?
 - NOTE: The County generally follows a policy of Progressive Discipline. The objective is to help the employee improve. If the offense is serious, the employer does not have to follow Progressive Discipline.

Types of Grievances

Violation of Contract, Policy, Practice or Law

- Contract Violations are main responsibility of the Union.
 - Consistency creates the sentinel effect. If the employer knows you are watching, they are less likely to attempt violating the contract.
 - Burden of proof is on THE GRIEVANT.
 - Independent Arbitration is final and binding.
 - Union may opt not to arbitrate. It is not the decision of the grievant.
- Past Practice must meet the criteria:
 - A course of conduct that is the understood and accepted by the Employer and the Union,
 - Must be consistent
 - over an extended period of time
- A Violation of Law may be better addressed in other forum.
 - Discrimination
 - County Policy addresses these concerns. They should file complaint and allow the employer to investigate.
 - EEOC – Equal Opportunity Employment Commission (Federal)
 - LAD – Law Against Discrimination Division (NJ)
 - Wage and Hour issues should be addressed in contract but can be reported to State/Federal Government Wage and Hour Division. (Usually has a 2 year limitation.)
 - Workers Compensation
 - Work place Injury is addressed in contract
 - Recommend speaking to a WC attorney for serious injury since it will protect the employee over a longer period of time.



Grievance V. Gripe

A Shop Steward may get more gripes than Grievances.

- **We are advocates.**
 - But we can't make all the people happy all the time
 - Listen to the member and brainstorm possible answers
 - See the big picture – Talk to other Stewards to see how they might handle things
 - Ask grievant to outline the details and what they see a resolution.
- **We try to be problem solvers**
 - Know your members
 - Remain unbiased
 - Develop a relationship with the employer and your members
 - Gain the employees and the employers respect



UNITED SERVICE WORKERS UNION

IUJAT

SHOP STEWARDS
HANDBOOK

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IMPORTANT CONTACTS

USWU Phone Number 718-658-4848

Department	Contact Name	Ext
President's Office:.....	Barbara Stevenson.....	x1252
Enrollment Questions:.....	Jimmy Mack Jr.	x1208
Security Questions:.....	Jimmy Mack Jr.	x1208
Medical Questions:.....	Jerri Dorsey.....	x1212
COBRA Questions:.....	Lizette Phillips	x1210
Controller:.....	Bill Sweeney.....	x1213
United Welfare Dental/ Fund Administration:.....	Kevin Coughlan	x1287

Business Agents:

Jonathan Scott Ames....	x1263	Edward Kahn	x1263
Troy Anderson.....	x1286	Joseph Pecora	x1263
Kevin Barry.....	x1286	Joseph M. Pecora	x1255
Ed Byrne.....	x1287	Mark Reader.....	x1261
Sean M. Cullinan.....	x1255	Alvin Salcedo.....	x1261
Peter J. Devito.....	x1261	Jim Scagnelli.....	x1264
Peter Devito Jr.....	x1261	Jean Claude Simeon.....	x1412
Vincent Dippolito.....	x1255	Charles E. Shimkus.....	x1263
Frank Gauck.....	x1255		

IUJAT Support Representatives:

Henry Cange	x1412
Mike Jones.....	x1412
Mike Picora	x1264
Charles Schleider.....	x1412

E-Mail Addresses:

Enrollment.....	enrollment@uswu-iujat.org
Dental.....	dental@uswu-iujat.org
Security.....	security@uswu-iujat.org
Presidents Office.....	president@uswu-iujat.org
Bookkeeping Dept.....	bookkeeping@uswu-iujat.org
Organizing Dept.....	organizing@uswu-iujat.org
Contract Administration.....	contractadmin@uswu-iujat.org
Medical Coverage.....	memberservices@uswu-iujat.org
Welfare Fund.....	welfarefund@uswu-iujat.org
Legislative.....	legislative@uswu-iujat.org
Newsletter.....	onthejob@uswu-iujat.org
IUJAT 401K.....	iujat401k@uswu-iujat.org

ENROLLMENT PROCEDURES

IMPORTANT:

The procedure in many shops is that the Shop Steward obtain completed union forms and remit them to the Union/Fund Office. It is imperative that the union form and the new member's monthly contributions (dues, medical contribution, Security Fund contribution, etc.) be received for the new member to obtain coverage. We recommend that the Steward immediately have all new hires complete the form and give the completed form to the bookkeeper to ensure receipt of forms and payment in a timely manner.

COMPLETION OF UNITED SERVICE WORKERS UNION ENROLLMENT FORM

Each member must complete a United Service Workers Union enrollment form.

The top portion (**Section 1 – Employee Information**) of the form must be completed by all members and must be completed in its entirety (please include date of hire). The names and birth dates of all dependants (**Section 2 – Dependent Information**) are required if the new member is to have medical coverage.

Section 4 – United Service Workers Union–Security Fund must also be completed if the collective bargaining agreement provides Security Fund contributions for the member. It is important that each member select a beneficiary.

Section 5 – Life Insurance must be completed if the collective bargaining agreement provides life insurance coverage for the member. Once again, it is important that the new member selects a beneficiary and includes the beneficiary's address.

Prior to your employer being able to deduct Union dues from your pay, all new members **MUST** complete **Section 3** (the dues authorization section) located on the right hand side of the enrollment form. It is important that each member signs the dues authorization card.

Please note that at any time, if a member wishes to change beneficiaries for either their Security Fund or Life Insurance coverage, he or she must do so in writing. Beneficiary changes should be mailed to:

**Edward L. Byrne
Fund Office
USWU-IUJAT
138-50 Queens Boulevard
Briarwood, New York 11435**

ADDING NEW MEMBERS

IMPORTANT:

A new member's medical coverage will not become effective until any waiting periods have been completed and the following items have been received by the Fund Office:

- The shop has reported the member to the Union and the Related Funds via the current month's payment sheet by writing in the member's name, social security number and date of hire and by placing the applicable contribution amounts in the Security, Union and Welfare columns.
- The shop has submitted the member's dues, and made the appropriate Security and Welfare contributions for the month in which the new member is to become effective.
- The shop has supplied the Union and its Related Funds with the member's completed United Service Workers Union enrollment form.

If all the necessary information required above, including payment, is not received in the current month, the new member will not become effective for medical coverage until the following month.

The employer may be responsible for all claims incurred by that member until the necessary information and payments are received by the Fund Administrator.

ADDING NEW MEMBERS

IMPORTANT:

All shops must adhere to their collective bargaining agreement's "waiting period" provisions for new hires.

In the event that your shop has already paid its Union contributions for a given month and a new employee is hired who would be eligible for coverage at the beginning of the next month, the shop must immediately remit to the Union and Related Funds the new member's USWU form and include contributions and dues on behalf of the new member.

THE JOB OF THE STEWARD

I. THE STEWARD'S STRATEGIC POSITION IN THE UNION ORGANIZATION

- *The "vital link" between the members and the officers.*
- *A continuous "on the spot" administrator of the collective bargaining agreement.*
- *A central position in the relationship between Union, workers and the employer.*

The Steward:

- Represents workers to the employer (handling grievances)
- Represents workers to Union organization
- Represents Union to the employer
- Represents Union to workers
- Interprets the employer to workers
- Interprets the employer to Union

II. METHOD OF SELECTING STEWARDS

- Election by members in unit/department

III. GENERAL DUTIES AND SPECIAL SKILLS OF THE STEWARD

Organizer

This function includes organizing the unorganized in his/her location, combating anti-Union activities, and developing membership interest and participation in Union affairs.

Educator

In this capacity the steward gives information about the history and achievements of the Union movement, and current Union activities and policies. He/she helps explain and interpret the contract.

Interviewer

The Steward listens to complaints and answers questions from fellow workers. He/she seeks to get the full, true facts about all grievances and other complaints by talking with aggrieved workers and other persons who may be involved or have pertinent information.

Continued...

THE JOB OF THE STEWARD

Negotiator

The Steward helps prepare and present grievances of workers, along with your Union representative, to the proper employer representative (supervisor, department head, or others, depending on the contract provision) in order to obtain fair and satisfactory adjustment.

Leader

He/she enlists the cooperation of his/her fellow workers and initiates action in their interests. He/she seeks to prevent grievances by his/her effort to remove the causes of grievances and by constantly looking out for contract violations.

Counselor

The Steward advises and assists the Union member on many matters, which are outside the scope of normal collective bargaining.

IV. WHAT THE STEWARD NEEDS TO KNOW

- The contract – clauses, procedures, past interpretations.
- The shop or department – rules, conditions, processes, operations.
- Job duties and rates.
- Methods of wage payment.
- Seniority standing of members.
- State and Federal laws, regulations.
- Union members in every department.
- Employer representatives with whom he/she must deal.
- Effective ways of dealing with people.

WRITING A GRIEVANCE

Be as Brief as Possible

In the written grievance that goes to the employer, you only inform the employer that a grievance exists. This should be done as briefly as possible.

Don't Argue Your Case in the Written Grievance

Because the written grievance only informs the employer of the complaint, it should have no arguments supporting the case. Save these arguments for actual negotiations of the grievance. Of course, you should have them written down for your information and for other union officers.

The Written Grievance Should Have a Complete Statement of the Facts

Although brief as possible, the written grievance must have enough information to enable the employer to fully understand the situation. This means that it should include all of the five (5) W's - who, what, when, where and why - plus the Union demand. You will be surprised at how few words you need to get all the five (5) W's into writing.

Write the Way You Talk

Don't be intimidated by the employer representative. Don't think that you have to use big words to impress them or anyone else. The most impressive kind of grievance is one that briefly but clearly states the situation. You can do that by writing the same way that you talk. It might help at first to say it out loud and then write down what you have said.

Continued...

GENERAL INFORMATION

Practice Makes Writing Easier

When you first start to write grievances, it requires a lot of hard work. If you stick to it and practice, writing becomes much easier and finally is no trouble at all. But you have to get practice. A good way to do so is to write up every complaint the workers bring to you, whether you write it for the employer or not. Write them up and throw them away – it is worth the effort to get the practice at writing.

Be Definite

Too many stewards say things like “I hope I have a grievance,” “I think I have a grievance,” or “I think the employer should do something about his/her situation.” When you put a grievance in writing, you do not “hope” or “think” that it is a grievance, you know it is, as far as the employer is concerned. State your grievance as if you were sure of yourself. This is done simply saying that the employer has violated the contract in the case you’ve described.

It may be shown that you are wrong in thinking a violation has taken place, but until you are proven wrong, you must be convinced that your case is a good one. If the employer thinks that you are convinced, you will be in a stronger position to negotiate a settlement.

COLLECTING FACTS FOR GRIEVANCES

Facts Can Be Used In Three Different Ways:

I. KEPT FOR THE INFORMATION OF UNION LEADERS

The Union representative (steward) in the first step of the grievance procedure must collect all information about a case. This complete set of facts usually becomes long and detailed, which means that no one can remember it all. This complete set of information must be written down for future reference by stewards or other Union leaders involved in the grievance procedure. Remember that this should be as complete as possible and should include whatever might apply even indirectly to the grievance.

You may never use all of this information, but often something that looks unimportant at the beginning of a case may become vital information later.

II. WRITTEN GRIEVANCE FILED WITH THE EMPLOYER

The written grievance that goes to the employer must have only a few essential facts. These essential facts must include the 5 W's answered as briefly as possible. There must be enough information for the employer to identify the problem.

You must have the grievant's name, who, where and when the grievance occurred, what happened in a few words, and why it is a grievance – that is, what violation you feel the employer committed. Do not forget to include the demand or what you want the employer to do to protect the worker's rights.

Almost always, the facts included in the grievance handed to the employer will be fewer than those you have written down for yourself and other Union representatives.

COLLECTING FACTS FOR GRIEVANCES

III. PRESENTING THE GRIEVANCE

Finally, in the actual discussion with your supervisor, you may use all the facts written down for your own information or you may only use some of them. You probably will use more information than is in the written grievance handed to the employer.

Of course, during discussions, you will develop arguments to support your case, which should then be written down for your own information. Also, during discussions, the employer representative may provide information that you did not have before. This should be written down.

So, during grievance discussions, you may use fewer facts than you have, but you may also pick up additional facts to support your case from the statements of the employer.

USE OF WITNESSES

Witnesses can greatly help a grievance, but there are several things to guard against when using them:

- Be certain that you fully understand the witness' story. Go over it with him/her until you do and make sure that he/she tells the same story each time. This is not a matter of a witness lying as much as people's memories acting in strange ways. Some people remember more clearly than others. Some people can tell a story more clearly than others.
- Be certain that your witness has a good memory and can repeat his/her story accurately.
- Be sure that the witness is willing to help you and the employee with the grievance all the way up the grievance procedure. A person might say that he/she saw what happened but refuse to tell it to the employer.
- Make clear to the witness that you are depending on him/her to support the case by telling what he/she knows. You must make him/her understand that he/she might be called before the employer or an arbitrator. It is better not to have a witness than to have one who you depend upon but who later backs down and refuses to testify.
- It helps to have the witness sign a written statement of his story, but this is not essential.

THE FIVE (5) W'S

THE FIVE (5) W'S ARE A SIMPLE GUIDE IN COLLECTING A COMPLETE SET OF FACTS.

1. Who

Who is the worker with the grievance? What is his/her department? What is his/her seniority? What jobs has he/she held in the past? What skills does he/she have? What education does he/she have? What has his/her attendance record been? His/her medical record might be important. These are the questions you want answered before you go very far in the grievance procedure.

The steward might be asking other questions about the employee which are harder to answer because they can only be rough estimates. No records can show the answers clearly. For example, what is the employee's ability? Does he/she work as well as his/her fellow workers? Can he/she do a certain job, which he/she has never done before? What are his/her character and personality like? The Union usually tries to avoid using these kinds of facts to support a grievance, preferring arguments based on written records such as seniority records, etc. However, since the employer may use this type of information, a Union representative should prepare himself/ herself by checking these same questions.

The object here is to avoid being caught by surprise with an employer argument. You should be prepared for any argument the employer might use, but in order to do this preparation, you must obtain all possible information even though you, as a Union representative, may not use some of it for your own case.

2. When

When did the grievance happen? This is usually a simple question to answer. But do not be satisfied with the date. Find out the time, right to the minute if possible, because minutes can sometimes change the entire picture.

3. Where

Where did the grievance happen? Here, again, the answer is often simple, just the department location. However, there are cases where several places or machines are involved. You may have to know the exact spot at which the grievance occurred.

4. What

What happened that resulted in the grievance? This question tells the story of the grievance. What happened to the aggrieved and what did the employer do? Often grievances are not simple and usually involve several things happening at once. In getting the facts, you have to constantly ask yourself, "Do I understand this case?" "Do I have the facts straightened out in my own mind?" Until you definitely have the story clearly in mind, you should continue to ask, "What happened?" until it is clear.

5. Why

Why is it a grievance? The answer to this question is that the employer violated section so and so of the contract or violated past practice.

In noting the employer's violations, don't be satisfied with a single section of the contract. If more than one section has been violated, be sure to list them all. The more violations involved, the stronger your case will be. This does not mean, of course, that you can throw in any violation at all. You must determine what clauses or practices have been violated and then list them in the grievance.

THE FIVE (5) W'S

FORMULATING THE DEMAND

Every grievance must include the demand you are making on the employer. You must want the employer to correct its action so that the worker has his/her rights protected.

In stating the demand, be sure that you ask for everything to which the aggrieved is entitled. For example, if an employee has not received out-of-title compensation, you, of course, will demand that the employee be given the proper pay. But this is not enough. If he/she has lost pay because of the employer's error, he/she has a right to that back pay.

EXAMPLES OF GRIEVANCES

EXAMPLE A

Not So Good:

Last Saturday the Supervisor, Ed Reynolds, picked Charlie Greene to work overtime. I don't think this is fair. Ten other workers are ahead of Green on the list for overtime and all the employees in that department are classified the same. Nobody else was ever asked if they wanted to work overtime. This is another example of Ed Reynolds playing favorites.

Much Better:

Statement of Problem: On or about June 1, the employer assigned the eleventh person on the overtime list to work overtime on Saturday, June 4. This violates Article XXV (overtime) and all other relevant sections of the contract.

Remedy: The employer should follow the contract in assigning overtime and any employees affected by the June 4 overtime assignment should be made whole.

EXAMPLE B

Not So Good:

Claudia Austin wanted to transfer from the night shift to the day shift because she wants to take night classes at the University. At least six other people who haven't worked here as long as Ms. Austin have already been transferred to the day shift. Ms. Austin isn't being given a chance to get a college degree.

Much Better:

Statement of Problem: On May 24, the employer denied Claudia Austin's request to transfer to the day shift. This violated Article VI (Transfers) and Article XIV (Seniority) and all other relevant sections of the contract.

Remedy: In accordance with the contract, Claudia Austin should immediately be transferred to the day shift and should be made whole.

SOURCES OF INFORMATION

1. PEOPLE WHO CAN SUPPLY INFORMATION

- **Grievant**
- **Fellow workers**
- **Other witnesses to grievance**
- **Fellow Union stewards and officers:**
They can supply ideas about similar grievances in the past.
- **Supervisors:**
It is usually best to speak to the employer about a grievance before you actually fight the case. Get the employer's views so that you will have a better idea of the employer's reasoning. You also can get a clearer idea of the facts after hearing them from both the worker and the supervisor.

2. EMPLOYER

- **Seniority Lists**
- **Safety Records**
- **Absentee Records**
- **Medical Records**
- **Employer Rules**

3. UNION RECORDS

- **Union Contract**
 - **Past Grievance File**
-

PRESENTING THE GRIEVANCE

1. DEALING EFFECTIVELY WITH PEOPLE

- No two people are approachable in the same manner; this applies to union members and employer officials alike.
- The Union representative seeks results that will benefit the worker and the group as a whole; he/she must submerge personal likes, dislikes, fears, and prejudices.
- Union representatives should not assume that their thinking processes operate in the same way as that of the members for whom they are speaking.
- Effective human communication with the members or the employer, particularly when discussing complex issues requires considerable patience and time.
- Treat the members or employer representatives as you would like to be treated.
- Let any break in good relations with employer representatives come from the other side.
- Remember that the representative to whom you are speaking is not always personally responsible for the complaint or grievance; therefore, you may get less cooperation from him/her by trying to place the blame on his/her shoulders.
- It is not wise to place the employer representative, or any person, in a position from which they cannot retreat on an issue without a great deal of embarrassment. If possible, leave a back door open to provide an easy way out.
- Continually evaluate the points the other person is making for substance. Look for underlying motives of their position. What is said and apparent on the surface may not be the real issue at stake.
- Take a positive position... not a defensive one. In trying to convince the other side to your point of view attempt first to get them in a "yes" frame of mind.

PRESENTING THE GRIEVANCE

2. SOME POINTS TO REMEMBER WHEN PRESENTING THE CASE

A. Prepare the Case Beforehand

- Have your facts down in writing
- Have notes organized to guide your presentation.
- Understand your notes and facts – be confident.
- Anticipate the employer's argument and have answers ready.
- Talk to the worker alone before you meet the supervisor.
- Talk the case over, if necessary, with other stewards or others who might help you.

B. Avoid Arguments Among Union People in the Presence of the Employer

If you have a difference of opinion during a meeting, take a recess and iron the problem out in private; present a united front to the employer.

C. Stick to the Point

- Avoid getting led off on side issues by the employer.
- Insist on discussing the issue raised by the grievance only – nothing else.

D. Get the Main Point of the Employer's Argument

- Try to narrow the area of difference between Union and employer.
- Listen intently for solutions to the problem that the employer may feel it can only reveal by subtle implications, hints, indirect suggestions, etc.

PRESENTING THE GRIEVANCE

E. Disagree with Dignity

- Avoid getting excited, angry, or hostile. The steward is cautioned to keep oneself under complete control.

F. Avoid Unnecessary Delays

- If the employer asks for more time, try to determine whether it is an attempt to stall or is based on a sincere desire for more facts needed to settle the case.
- Remember, the more time that passes, the "cooler" the grievance becomes, and the less support you will get from the worker or workers involved.
- The longer the complaint or grievance is tired up by the employer, the more difficult it will be for the Union to gather and remember the facts and merits of the case.
- The more grievances that are piled up in the procedure, the more likely that the employer will try to "horse-trade" settlement of a few grievances for dropping of others.
- If the grievances are made a part of contract negotiations, the employer may attempt to trade off other contract demands for settlement of grievances that should have been take care of long before.

G. Settle the Grievances

- Settle the grievances at the lowest possible step of the grievance machinery – but make sure they are properly settled.
- It helps build better relationships in the Department.
- The Union representative will feel like the vital part of the Union that he/she is.

Continued...

PRESENTING THE GRIEVANCE

- The Union representative also wins respect from the members of his/her department.
- Don't pass the buck – if you can settle the grievance in the first step, do so.

H. The Supervisors Role

- Let the supervisor try to justify and prove that the action he/she has taken is correct. Show him/her where he/she is wrong – let him/her first carry the burden in telling you how he/she was right.

I. Avoid Bluffing

- It is only a matter of time until your bluff is called; it is wiser in the long run to develop a reputation for honesty.

J. Maintain Your Position on a Grievance Until Proven Wrong

- Avoid hasty conclusions that you were wrong. Take time to give the matter considerable thought.

K. Be Prompt...Follow The Grievance Through

- Refer the grievance to the Chief Steward/Business Representative immediately. Give the Chief Steward/Business Representative all the facts; also the information from your discussion with the supervisor. Do not allow the grievance to lay around.

Delayed grievances mean delayed justice. Keep a constant check on the progress of the grievance and at what step it is. REPORT back to the aggrieved and the department – they are concerned too!

PRESENTING THE GRIEVANCE

L. Enforce The Contract!!!

- If the Union has not complained about similar violations of the contract or past practices before, why should the employer give in now?

The best contract in the world has no value if the workers and Union representatives do not require the employer to live up to its terms.

NOTES

Your Collective Bargaining Agreement is not just a legal document outlining your wages, hours, and working conditions. It is a dynamic mechanism by which you as stewards can enforce your rights, negotiate additional terms and conditions in a positive way or, if ignored, can erode those same rights.

Thus, the keeping of a diary of weekly events can empower the steward and, correspondingly, empower your members. A good diary has been known to strike mortal fear into the hearts of managers and supervisors who would attempt to bully, abuse, or violate employee rights.

Remember, after the contract is signed, management has the right to make reasonable work rules and to administer discipline under those rules. However, such work rules must be sent to the Union with a copy to the shop steward. The Union has the right to review a rule and can grieve an unreasonable rule. Furthermore, the rule must be explained to the workforce and the consequences for violating the rule must be communicated.

Thus, a steward's diary should have notes relating to:

- 1. Date the work rule policy is posted;**
- 2. Union's agreement or disagreement;**
- 3. The consequence of violating a rule.**

If there is any discipline of an employee under old or new policies the shop steward should keep a record of the case (example: dates, times, participants), if it was grieved, the outcome, and keep a copy of the grievance and management's answer.

Remember, management is required to enforce its rules in a uniform and consistent manner. However, if you do not monitor them, they will attempt to set new precedents. Once a precedent is set in discipline, it is next to impossible to reduce it, particularly in discharge cases.

Example: 1999 – Joe is a “B” Mechanic at a Ford Dealership. He had a “comeback” on some work he performed. Management is demanding a discharge and has suspended him. Union investigation showed it was not his work but a faulty part provided by his Service Manager. Union arbitrates, wins back pay, suspension is eliminated from his file.

Example: 2000 – Sam has a “comeback.” He admits it. Company fires Sam, says it’s policy. WRONG! The Union never conceded this is a discharge offense. The Union position is that each case must be reviewed on its merits. Did Sam have proper training? Did the punishment fit the crime? The Union grieves, wins suspension of Sam for three days. Comeback is not automatically a dischargeable offense.

Example: 2001 – Ivan has a “comeback.” Management asks for a three-day suspension. Union reviews whether punishment fits the crime. Thus the Union is establishing a case-by-case determination of discipline as opposed to management unilaterally establishing a policy that comebacks equal automatic discharge.

Stay vigilant and you will prevail. This is why Unions win the greatest number of grievances in discipline cases and often win, particularly in discharge cases. A Steward’s diary is essential to testimony in these cases.

Past practice does not mean anything, unless someone can testify to prior history accurately and definitively. If records are not kept by the Union, management can rewrite history through new policy and you can lose benefits that you have enjoyed for years.

Please use the following pages to start a diary that will assist you in the future.

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