



THE IMPORTANCE OF **REPORTING BACK**



**YOUR
GRIEVANCE
HAS BEEN
SETTLED
SUCCESSFULLY!**

SPECIAL GRIEVANCE UPDATE REPORT
USN - Union Steward News



KONO PACKI
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The Importance of Reporting Back

As kids in school, we learned about the 3 R's. As stewards, here are three more R's that are important:

1. **R**ead the union contract,
2. **R**ite everything down, and
3. **R**eport back.

While the first "R" seems obvious and the second "R" is practical — if not always practiced — the third "R" is often neglected. As a result, great opportunities for strengthening our unions are passed up.

Reporting back simply means keeping members informed about the progress of situations that affect them.

Here's an example.

The Mystery Check

A worker was sitting at her desk at a major national, unionized corporation recently when a clerk strolled by and dropped an envelope on her desk. The worker opened the envelope and out tumbled a check for one week's pay — no explanation, no notification.

With some investigation, the member discovered that a union rep and company officials had some sort of meeting somewhere over a grievance that she had filed several years ago. She had been hit with a five-day suspension for absenteeism, and then, after missing more time, with a 20-day suspension. But while she had in fact missed time, she was entitled to leave under the Family and Medical Leave Act (FMLA) because she was caring for her ailing mother. Generally speaking, the FMLA prohibits any attendance discipline in such a situation for up to 12 weeks of a worker's time missed over a 12-month period.

To be quite honest, she had lost track of the grievance, although she kept the faith that somehow "the union" would turn the situation around. She had not been notified that any kind of hearing

was scheduled, nor had any officer of the union contacted her to let her know how the case was progressing.

While she was delighted to receive this one-week's pay, now she started to wonder what happened to the other four weeks. Would she get paid for them? Did she lose them? Was this check for the suspension week or for something else?

What's wrong with this picture?
Plenty.

In this case, the union was very successful in retrieving lost wages for a worker whose rights under the FMLA were ignored by the boss. After considering a grievance, the union's national officers instead threatened a lawsuit for the FMLA protection, and company officials — apparently reading the FMLA for the first time — decided to settle the dispute. This worker soon received the other four week's pay, and her attendance record was cleansed. Eventually, the settlement involved hundreds of workers, in several locals, with a huge amount of back pay and a cleansing of disciplinary files.

But — who knew?

Eventually, the local union officers received formal notification from the company, and through the national union structure, and began to spread word of the victory among the members. A proactive campaign, however, could have brought important organizational gains to the local.

Communication is Vital

It is a cold hard fact of life that any failure of the union — a lost arbitration, a rejected grievance, internal squabbles — is instantly transmitted around the work site, usually with the eager assistance of management in a conscious — and continuous — effort to undermine and to discredit the union. The boss understands the value of reporting back very well, so why do we have such a hard time carrying out the same plan?

Reporting back at every level of the union is very important, and every union should have a structure in place to make sure it happens. A steward should keep careful track of every grievance, and make sure to regularly tell the members about the developments — good or bad — in every case. It is a lot more pleasant to be the bearer of glad tidings, for sure, but the need to report back also applies to union losses as well.

Get Organized

Of course, this obligation requires a steward to get organized — you can't organize anyone else if you're not organized yourself. A steward should chart every grievance, where it is in the process, and which members are directly affected. Periodically, the steward needs to check back and let people know what's happening.

One important element of reporting back is to notify all of the union members (and non-members as well, in an open shop) because it proves that the union is powerful, and working, every day. Many members believe "the union" is only around during contract negotiations and they overlook the day-to-day importance of the protection of the union contract and union organization. They also think that individual grievances only protect an individual, without realizing that the whole contract is being defended.

The evolving structures of local unions make reporting back even more essential. Once upon a time, union officers worked right alongside the members, in small local unions where everyone knew everyone else. Locals now are getting larger, and often include multi-site units and even different employers. Grievances can be handled by officers, or by district reps or even by national union staff people, so the lines of communication can be long and complicated. Official union notices or newsletters are often published long after an event, so the steward has to be sharp and prompt.

—Bill Barry. The writer is the retired director of labor studies at the Community College of Baltimore County.

Solidarity on the Picket Line

Unions picket for a variety of reasons—everything from informing the public about unsafe working conditions to striking. When a union that’s not your own puts up a picket line, you may wonder how to best lend support. Often, picketing unions look to the labor family, and the public, for financial, emotional and political support. They may contact allies directly, or requests may come through a central labor body, or both. Everything from a “honk to support” to tweets with the strike-specific hashtag can help.

Extending solidarity to picketing workers is important. Finding and circulating information about the locations and the hashtags may be all you can do—and just that much definitely matters. In addition, though, here are some approaches to supporting another union’s picket that can also build your own union.

1 Join the picket line as a group. If there’s a picket line near your workplace, you can schedule your co-workers in pairs or groups, wearing your union’s t-shirts, and give your members a shared experience. For example, AFT Local 2334 chapter chair Luke Elliott-Negri coordinated his members’ support of the CWA and IBEW strike against Verizon earlier this year. (AFT Local 2334 represents faculty and staff at the City University of New York, and “chapter chair” is the term they use for stewards.) Elliott-Negri’s chapter “adopted” a picket location near their offices—a decision they made as a group—and then picketed regularly two days a week; dozens of Local 2334 members participated.

2 Be creative and have fun! Highlighting your occupation while at a picket line is a great way to contribute and raise spirits. For example, union nurses in scrubs did health screenings for picketers. At one strike, the Air Line

Pilots Association turned up in their uniforms, and saluted the strikers before joining the line. Any occasion for a picket is serious, but picket lines can also be seriously fun. Union musicians might come to play and get people dancing. Many unions are known for their particular chants, and tweaking them for the audience can get a smile or a chuckle from strikers.

3 Amplify your support with coordinated social media. Tweet,



post on Facebook and send to your local’s newsletter or website pictures of yourself or your group supporting other unions’ actions. SEIU Healthcare Minnesota posted a picture of steward Dave Young, who worked the night shift and stopped home only to change his clothes and water his garden before heading to a picket line of Minnesota Nurses Association members, out for a one-week strike this summer.

“A lot of my friends ‘liked’ my Facebook posts and commented things like, ‘Way to go Dave, I’m proud of you,’” he said, which both made him feel good and gave him an opportunity to “deflect to the cause—I’m out here for a reason!” He added that, as a steward, he feels it was important to be visible, as an example to his coworkers.

4 If there’s a strike fund, collect and give in a way that builds conversation and relationships.

Collecting donations during a break or shift change can give you a chance to talk with your co-workers about their thoughts on the strike and how the issue(s) at stake may (or may not) relate to your own issues with management.

5 Get a new perspective—and think and talk about any lessons from the conflict that might apply to your own situation, despite the difference in circumstances. AFT’s Elliott-Negri

commented that, “As a public sector union we think a lot about the state and funding from the state, and how that relates to local University management. Getting out there and supporting folks in the private sector gave us a different perspective. In my network, commitment to [the workers] increased as the Verizon strike went on, and that’s a lesson to be drawn for us in our union and more broadly.” He noted the importance

of educating the public and the customers about what’s at stake for working people before and during a big action like a strike.

6 Be moved by the power of solidarity and of workers in struggle together. “I was so inspired!” Elliott-Negri said. “It was a successful strike that engaged tens of thousands of workers and a broader swath of average, everyday people. I bumped into friends who aren’t labor folks. I think it had a real impact on the Northeast in general and I hadn’t been a part of anything that big and broad-based before.”

“There’s an overwhelming sense of solidarity,” Young said. “A lot of people remember how great the unity on the picket line feels. You meet a lot of cool people there. It’s a powerful thing. And it builds.”

—Dania Rajendra. The writer is co-director of Union Communication Services.

A Five Step Method for Finding Solutions

Fellow labor educator Arthur T. Matthews never uses the word “problem” when he teaches. Instead he refers to “situations in need of a solution.” That’s his way of emphasizing that the job of a steward is to find ways to resolve the issues and “problems” encountered daily. Whether it’s an unpopular management action that isn’t quite covered by the contract, a threat to members’ jobs or conflict between members, the method described below can be used by stewards to handle “situations in need of a solution.”

Be sure to follow the steps in order—if you jump ahead or combine steps your results won’t be as positive as they could be.

Don’t try to do this all yourself.

Involve others who care about the issue or situation. In that way, situations can become powerful tools to build the strength and solidarity of the union and to hone the skills others need to become leaders themselves.

Step One: Get the Information Needed

Before you and your team try to address an issue or situation, make sure you have the information you need. Use the classic guide for investigation, the 5 W’s – what, who, where, when, why. Along with others who are involved, try to answer:

- What is a clear statement of the issue or situation?
- Have you talked to everyone who knows what happened?
- Do we have the documents we need?
- What will resolve the issue or situation—what do we want?
- Who has the power or authority to give us what we want or help us to get it?

It is tempting to start trying to resolve the issue or situation as soon as you hear about it or once you think you know what happened. Resist that temptation and don’t even talk about solutions yet. This will help you avoid mistakes and wasted time.

Step Two: Analyze Information and Identify Options

Once your team has the information you need, look it over and analyze what it tells you.

- What is this issue or situation really about? Dig deep, looking for root causes and how the issue fits into a larger picture.
- What patterns do you see in the information you gathered? For example: Does it only happen at certain times? Are only certain types of people affected?
- Identify at least three possible ways you might get what you want. Review each option before making a decision about how to proceed.

Step Three: Make a Plan of Action

Once your team has identified the options for action it’s time to make decisions on how to proceed and then make a plan. A plan is the step-by-step process you will carry out to try to resolve the issue or situation. Think ahead several steps, not just one step at a time.

Don’t only consider the obvious or easiest steps, like filing a grievance; think about combinations of things you can do to get the best resolution, including group action, raising the issue at the next contract negotiations or reaching out to allies for support. For example, you might start with a petition or a group meeting to present a grievance and then have other ways for members to show their support. Always think about how management is likely to respond to what you do and factor that into your plan. You should clearly identify the specific things to be done and who will do each of them. Spell out a time line that indicates when each step will be done.

Determine how you will hold everyone with assignments accountable. Decide how to evaluate the plan’s effectiveness and how to make necessary changes or deal with unforeseen situations.

Step Four: Carry Out the Plan of Action

Now it’s time to act on the plan, following the process you agreed to in Step Three. Be sure to keep one another apprised as the situation develops and be prepared to adapt to changing circumstances.

Executing your plan will tell you more about the situation, the people involved and what’s needed to keep your momentum. Regularly check with your team to be sure that they:

- Understand the plan and their role in it.
- Know who is coordinating and making decisions.
- Are kept up-to-date and motivated.
- Are completing their assignments.
- Know where to get help if they’re having trouble.
- Can adapt to change when unforeseen events occur.

Step Five: Evaluate and Learn for Next Time

While the plan is being carried out and especially afterwards, evaluate what happened.

- Was the goal achieved? Why, or why not? What other things were achieved?
- Did you have all the information needed?
- Would you make changes in how you gathered and analyzed information?
- Was the process used to make a plan a good one?
- Did everyone carry out their parts of the plan? Why or why not?
- If you had to do this over again what would you do differently?
- What lessons do you want to remember for the next time?

By using the steps in this method, stewards are likely to resolve more issues and improve their overall effectiveness at the same time.

—Ken Margolies. The writer recently retired from The Worker Institute at Cornell ILR.

Engaging with Younger Union Members

There are approximately as many union members under the age of 35 as over the age of 55, each accounting for about 25 percent of union members. Our ability to defend contracts, pensions and retiree health benefits, and to prepare the next generation of leaders and activists, depends on the union's ability to connect with and integrate younger members with older members. Failure to engage our younger members will guarantee our unions' decline.

Helping Members Learn About Unions

As a result of the decline in the percentage of workers who belong to unions, far fewer workers come from union households or communities. Much news coverage and casual conversation is pervasively anti-union, from how unions supposedly cause high taxes in the public sector to their so-called responsibility for the loss of private sector jobs to overseas competition. When millennials get a job in a union workplace, many know nothing about the union's history and may have seen only the results of concessionary bargaining. They may hear older, more experienced members expressing how "young workers don't appreciate what we fought for." This context often makes younger members feel put off or unwelcome by the union, and affects their view of the union and their contract.

Keep in mind that what is true for younger members is true for everyone else: they will care about their union if they believe the union is interested in their concerns. How do you find out? *Ask them.* As a worker once told me, "I don't care what you know until I know that you care."

Young members have individual wants, needs and experiences that often look a lot like those of other members. Some common concerns are: student debt;

childcare costs or flexible scheduling if they're responsible for young children or aging parents; affordable healthcare; improving their skills. They may be more attuned to how the union shows up in current debates about trade, discrimination and other issues that may affect the workplace and the world. Like most people, young members are looking for an economy that works for them and fair treatment in their workplaces. They *will* care about the union—if they see that the union is working on the things they care about.

If you're a senior steward engaging younger members, a good first step is to listen. Here are a few guidelines to assist with having more fruitful conversations:

■ **Don't make assumptions.** Take the time to get to know younger co-workers, their stories, experiences, goals and needs. Show the respect you want in return and extend solidarity first.

■ **Try not to be defensive.** When younger members challenge the contract or speak up about bargaining or leadership, they are struggling to figure out how to make their jobs work for them. Don't reflexively defend the past – or blame previous stewards. Acknowledge where their challenge is coming from. Work to come together on a vision of positive change going forward.

■ **Provide space and support.** Lend a hand, a word of encouragement. Seek their participation in actions and meetings. Support them by getting them the information they need to engage fully. Respect their experience.

■ **Ask for their help and their ideas.** Their skills and energy can help strengthen and build the union.

The most important space for communicating is not the internet—it's the workplace.

In-Person Is Better than Online

As the steward, you—not Facebook—are the face of the union. While unions often need more effective websites and a bigger presence on social media, the most important space for communicating is not the internet—it's the workplace. Real conversation happens one-on-one, face-to-face, and those relationships are the only way to build a strong union. As you can probably attest, this is true for workers young and old.

Connect Them to Others

The AFL-CIO, nationally and in most states and regions, has created groups to help young workers connect with each other

and the labor movement. The Canadian Labour Congress holds a young workers' summit. Find out if your local or international has a young worker group and help your members connect with it. If there is an existing group, ask them what support they need to function more effectively. If there isn't one, talk with your local leadership about ensuring that younger members have a space where they can talk and learn. Your union will be stronger for it.

Many in the labor movement are recognizing the need to better involve younger members. Stewards, the face of the union to many, if not most, members, are at the forefront of these generational changes. This article, the first in an occasional series on intergenerational cooperation, is aimed at stewards older than 35. The next will be aimed at stewards younger than 35. The author welcome readers – whatever your age – to contribute your best experiences of working across generational lines via email at david.unger@cuny.edu.

—David Unger. The writer teaches labor studies and organizing and is part of the New York City Central Labor Council's Young Worker Committee.

ARBITRATION REPORT

Do you have a local arbitration worth sharing? Send a full summary of the arbitration, or a copy of the decision, to UCS Steward Update, 36 W. Main St., Suite 440, Rochester, NY 14614. Include the name, address and phone number of a contact person.

A probationary period by any other name . . .

A clerical worker was employed 16 months, working 32 hours a week in one of three clerical positions in a village's water and sewer department before she was hired as a full-time worker in May 2015. Six weeks later, she was fired by an incoming mayor, despite her blemish-free record. The new mayor said he did not need to provide a "just cause" reason since the worker, he claimed, was still in her probationary period. Not so, said an arbitrator, ruling that the worker had more than completed her 90-day probationary period through successful performance of clerical duties as a temp. The contract said that any worker – full-time or part-time – who did bargaining unit work was covered under its terms. Thus, he ruled, the village was required to provide a "just cause" reason, which it failed to do. He ordered the worker returned to her job with full back pay and benefits. (*Operating Engineers Local 5201 and the Village of Cahokia, Illinois. George L. Fitzsimmons, arbitrator; April 1, 2016.*)

Mitigating circumstances absolve injured worker who lied

A worker with ten years of service was reinstated to his job after being fired for lying about the circumstances of his own on-the-job injury. A co-worker who also lied in the incident had his discharge upheld, largely because he had been disciplined earlier for dishonesty on the job. The first worker entered a large machine without first shutting it down, as required, and was partially crushed when the machine began moving. He suffered rib and spinal injuries. His co-worker rushed to the scene, shut down the machine and altered the machine so that it would appear the worker had properly shut it down. The arbitrator said the company could not prove that the injured worker—who had blacked out and was confused—was fully aware that the other worker had sought to alter the machine. Also, she noted that any lies the worker told shortly after the injury could be attributed to his mental state at the time. She ordered the injured worker reinstated, but with a three-week suspension. (*Teamsters Local 853 and Cargill, Inc. Katherine J. Thomson, arbitrator; January 3, 2016.*)

Contract nixes company's policy on overtime pay

A company that contracts out security services had followed a policy in which overtime pay was calculated on a so-called weighted average, but an arbitrator ruled the practice had violated the union contract covering its security guards. The guards were paid each day at two rates: their regular straight-time hourly pay of \$20.10 an hour and the minimum wage level for travel and "gear up" time. When overtime resulted after 40 hours in a week, each guard was paid at a weighted average based on the combination of his/her weekly experience between the two rates of pay. The arbitrator said the contract was clear and unambiguous in that overtime pay was to be based upon the "straight-time" rate of \$20.10 (\$30.15 at time and one-half). He ordered the company to pay overtime at the straight-time rate and to make all employees whole for any pay they may have been shorted, dating from the signing of the current labor contract. (*International Union of Security, Police and Fire Professionals Local 261 and Paragon Systems, Inc. Daniel F. Jennings, arbitrator; June 6, 2016.*)

Note: Keep in mind that decisions cited here flow from interpretations of language in specific contracts. Every grievance must be weighed on its own merits and in its own context. The Editor.

—Ken Germanson. The writer is a veteran labor journalist.



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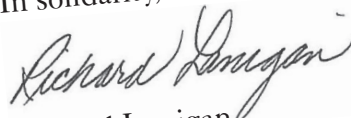
Keep Informed: Sign Up for OPEIU Text Alerts

OPEIU is always looking for new and innovative ways to keep in touch with you and your fellow union members, and is pleased to announce you can now receive text messages from OPEIU on your mobile phone. Members can sign up to receive information about their union and about issues that are important to them and their families. There are two easy ways to sign up:

**Receive text alerts from OPEIU by texting OPEIU to 97779*
or
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Encourage your members to sign up today.

In solidarity,



Richard Lanigan
President

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