

CWA

STEWARDS'

HAND

BOOK

CONGRATULATIONS ON BECOMING A
CWA STEWARD. As a union steward, you
have the opportunity to help make life on the
job better for yourself and your co-workers.

CWA provides training for new stewards.
Until you are able to attend the CWA Stewards
Training Program, this short handbook will
provide you with some basic advice, information
and practice questions.

If you have any questions in the meantime,
contact your Local Union officers for help.

STEWARDS NAME

LOCAL NUMBER

CELL PHONE NUMBER

WORK TELEPHONE

WORK ADDRESS

EMAIL ADDRESS

CWA Education Department

JULY 2014

Table of Contents

| | |
|---|----|
| 1. Who is CWA?..... | 3 |
| <i>What Difference Does A Union Make?</i> | 4 |
| <i>Union Dues</i> | 6 |
| 2. What Does a Steward Need to Know?..... | 8 |
| 3. What Does a Steward Do?..... | 9 |
| <i>Duty of Fair Representation</i> | 11 |
| 4. An Informed, Involved Membership— CWA's Key to Success..... | 12 |
| 5. Stewards' Rights | 15 |
| 6. New Worker Orientation | 16 |
| 7. The Contract..... | 20 |
| 8. Your Grievance Procedure | 22 |
| 9. Workers' Right to Union Representation | 24 |
| 10. Steps in Handling a Grievance..... | 26 |
| <i>Tips for Discussion with Management</i> | |
| 11. How to Approach a Grievance | 29 |
| <i>Checklists for Analyzing Grievances</i> | 31 |
| <i>What is Just Cause?</i> | 35 |
| <i>What is Past Practice?</i> | 35 |
| <i>What is Progressive Discipline?</i> | 36 |
| <i>What is Equal Treatment?</i> | 37 |
| <i>When is Discipline Too Harsh?</i> | 37 |
| <i>Practice Grievance Situations</i> | 38 |
| 12. Writing a Grievance..... | 49 |
| Work Group Directory | 51 |
| Directory | 55 |



Who is CWA?

Beginnings: The Communications Workers of America (CWA) is a young union—it was founded in New Orleans in 1938.

Size: CWA, the largest telecommunications union in the world, represents nearly 700,000 workers in public and private sector employment.

Composition: CWA members are employed in telecommunications, printing and news media, broadcasting public service, health care, cable television, general manufacturing, airline, and customer service.

Geographic Spread: There are more than 1,200 CWA chartered Local Unions. CWA members live and work in more than 10,000 different communities.

Collective Bargaining: CWA holds over 1,000 contracts. Among the largest employers are AT&T, Verizon, state governments, airline, broadcast and major newspapers.

Union Democracy: CWA holds biennial conventions. Elected rank-and-file delegates attending CWA conventions are the union's highest policy-making body.

What Difference Does A Union Make?

We sometimes take for granted the protections the union provides for us on the job and the difference a union can make in the way we are treated at work. Sometimes it is worth reminding ourselves and others how things would be like without CWA.

A UNION WORKPLACE

.....

1. Your wages, benefits, and working conditions are protected by a legal contract

.....

2. The contract spells out how much everyone earns.

3. The union negotiates raises for everyone. The members vote on the settlement. If they think that it is not a fair settlement, they can vote it down.

.....

A NON-UNION WORKPLACE

.....

1. Management can change wages, benefits, and working conditions whenever they want.

.....

2. No one knows how much anyone else earns. When management tells you your wages, you are told *not to tell* the other workers.

.....

3. If you want a raise you have to beg for it or kiss up to the boss.

A UNION WORKPLACE

4. If you are disciplined for something you didn't do, the union will defend you.

5. If you are the most senior qualified worker who bids on a promotion you will get it.

6. Vacations, shifts, and layoffs are based on seniority.

7. If you don't like something at work you can work though the Union and together with other workers to change it.

A NON-UNION WORKPLACE

4. If you are disciplined for something you didn't do, you are on your own.

5. Promotions can be handed out on any basis—friendship, loyalty, etc.

6. Vacations, shifts, and layoffs can be based on the bosses' desires.

7. If you don't like something at work you can quit.

Union Dues

What are our dues used for?

CWA convention delegates elected by their co-workers decide how the union's money will be spent. Here are just some of the benefits our dues help provide:

■ **Negotiation of contracts** to improve our wages, benefits, and other terms and conditions by which we work. Our 200 field staff, with expertise in collective bargaining, are assigned to 50 international union offices in the United States and Canada.

■ **Mobilization of our members and the public** to support our goals in bargaining, legislation, workplace problem solving, organizing, and community action.

■ **Enforcement of contracts and handling of grievances**, including legal fees and the cost of arbitration and, in the public sector, civil service proceedings.

■ **Educational programs and publications** for union officers, stewards, and members.

■ **Research on employers' benefit plans and finances**, to help us prepare for bargaining and to protect our interests during the life of our contracts.

■ **Lobbying for legislation** at the local, state, and national level to help working people

■ **Programs to provide safe and healthful workplaces** and to address the problems caused by job pressures and new technology.

■ **Programs for creating equal opportunity** for all workers regardless of race, age, sex, gender or national origin.

■ **Organizing** to help new members join CWA.

■ **Public relations** to improve public understanding of our jobs and our union.

CWA regularly publishes detailed financial statements and reports showing how much money was collected and how it was spent. CWA finances are open for inspection by any member.

Who decides how much dues we pay?

Local union dues are established by the members in each Local. To insure that our Locals remain strong and effective, convention delegates have mandated that local union dues cannot be less than 0.7 percent (7/10 of one percent) of monthly wages.

The CWA Members Relief Fund (MRF) is funded by an allocation of $\frac{1}{4}$ hour basic wages (.15%) per month from members and agency fee payers eligible strike.

The MRF is used to provide direct assistance to strikers and victims of collective bargaining strategies.

The 2006 convention delegates established a Strategic Industry Fund (SIF) using MRF contributions to finance large scale campaigns to increase our bargaining power.

What Does A Steward Need To Know?

- ☐ The Contract
- ☐ The Jobs
- ☐ The Workers
- ☐ The Local Union
- ☐ The Supervisors
- ☐ Employer Policies/Personnel Manual
- ☐ Civil Service Regulations (public sector only)

Your First Assignment: Know Your Co-Workers

As a steward, you should maintain frequent personal contact with each worker you are responsible for. If you have too many workers in your group to be able to do that, more stewards should be recruited.

You should make it a habit to talk with other workers one-on-one or in small groups about the job and the workplace. It's important for the steward to know what is going on in the work units and keep in touch with the issues.

Fill out the "Work Group Directory" on pages 51-54. The directory documents information you need as a steward (each worker's job title, seniority date, work and home phone number, email, membership status, and other information).

Keep this directory handy.

What Does A Steward Do?

1. Problem solve. Get all the facts. After listening to co-workers describe the problem, investigate and get all the facts. Remember the 5 W's: Who is involved? What exactly happened? When does the problem occur? Where does the problem occur? Why does the problem occur? Many workplace problems are solved through informal meetings between the steward and management. Lay out the problem clearly and offer a solution.

2. Communicate and educate. Make sure other workers know about the issues, the union's proposed solution and management's position. Ask for their ideas and concerns.

3. Welcome new employees. Orient them on the Union. (See Chapter 6.)

4. File a grievance. (See Chapters 8 and 10.)

5. Mobilize workers for workplace actions. Examples of possible actions include petitions one-minute moments of silence, etc. (See Chapter 4 for more on mobilization.)

6. File a complaint with a government agency such as the Occupational Safety and Health Administration or the Equal Employment Opportunity Commission. Your Local Union officers can help you decide whether you have grounds for such a complaint.

Get All The Facts—The Five W's

1. Who is involved
2. What exactly happened?
3. When does the problem occur? (Be specific: date, shift, week)
4. Where does the problem occur? (In the parking lot, in one work group, on one shift)
5. Why does the problem occur?



Duty of Fair Representation

The union has a legal obligation to represent all workers in the unit fairly regardless of their membership status, race, religion, nationality, age or sex.

A worker who believes that the union has not met its “duty of fair representation” may file “unfair labor practice” charges with the National Labor Relations Board.

Therefore, stewards must be sure to do their best to handle each problem fairly even if the worker is not a union member, is considered a troublemaker, has unpopular political beliefs, or has personality conflicts with the steward or other union leaders.

This doesn’t mean the union can be found guilty of unfair labor practices simply for making mistakes or losing a case. It does mean that each steward must....

- Conduct a full investigation before deciding whether to pursue a grievance.
- Pay attention to time limits for filing grievances.
- Keep the worker informed of the status of the case.
- Handle each case based on the facts and not on who the worker happens to be.

An Informed, Involved Membership: CWA's Key To Success

Stewards play an important role in CWA's efforts to involve and mobilize members to achieve common goals.

CWA's emphasis on membership mobilization is based on an understanding that our power to improve life on and off the job does not come primarily from having lawyers, lobbyists, or other professionals to represent us although they can make an important contribution.

Instead, ***our power comes from the involvement of our members.***

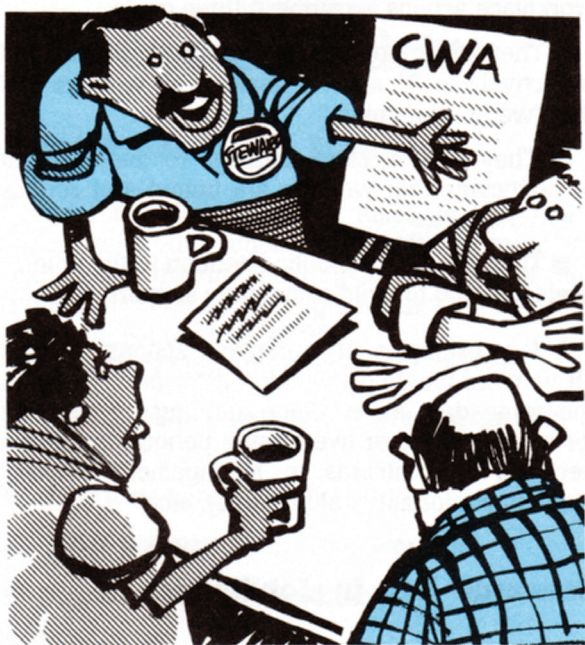
■ What we can win in contract negotiations or the legislative process depends largely on how organized and unified we appear to management or to public officials.

■ Whether we can solve on-the-job problems often depends more on the amount of unity the membership shows to management than on the arguments we can put forward.

Mobilizing Our Members involves Three Steps:

1. Organization.

We must have a communication network in every work group for two-way, face-to-face communication with every worker. Stewards play a key role in this network. (See Work Group Directory, pages 51-54.)



2. Education.

Through our workplace communication network, we must make sure every worker understands issues that confront us and what we as a union are doing about them, and identify and answer workers' questions, doubts, and concerns. This is done one-on-one and in worksite group meetings.

3. Workplace Actions.

Once members understand the issues and how they are affected, they must be asked at times to become involved in actions to win changes.

Workplace actions accomplish three goals:

- They allow members to participate directly and collectively in an activity, making all workers feel that “we are the union”

- They send a clear message to management or politicians that workers are united and serious about the issue

- They often draw public attention to the union’s goals, helping to build community support

A few examples of workplace actions include: all workers wearing the same clothing on the same day, all workers standing up together for a one-minute or five-minute period, presenting petitions or postcards to management officials, lunchtime informational picketing, etc.

Stewards’ Role in Mobilization

Stewards contribute to the mobilization process by:

- Maintaining a strong and effective communication network with the workers assigned to you.

- Identifying workplace issues.

- Sharing information on important workplace issues face to face with co-workers.

- Helping to carry out collective actions involving all CWA members at your workplace.

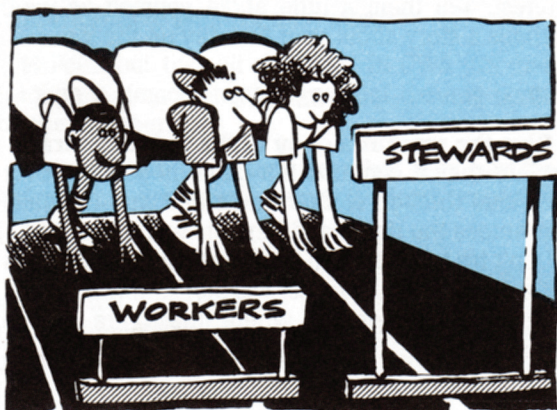
Stewards' Rights

Legal Protection for Stewards

Under the National Labor Relations act, union stewards (or other union representatives) cannot be punished or discriminated against because of their union activity, such as filing grievances or speaking out on behalf of other workers.

Among other things, an employer may not:

- Order a steward to perform extra or more difficult work.
- Deny a steward pay opportunities.
- Isolate a steward from other workers.
- Deprive a steward of overtime.
- Enforce rules more strictly against a steward.
- Overly supervise a steward.



New Worker Orientation

It is the steward's responsibility to provide every new employee with a union orientation—if at all possible on the worker's first day on the job.

Under some CWA contracts, you have the right to a block of time to provide that orientation. If not, you must find time during a break or before or after work. In any case, try to arrange to have lunch with the new worker so s/he feels welcomed.

We suggest the following approach, which can be done in as little as 20 minutes.

FIRST

Get to know each other. New employees want to know that they are accepted. Find out where they worked before, how they chose this job, what questions they have about the work, whether they have a family, and so on. Such questions show your interest. Tell them a little about yourself as well, perhaps a story about your first day on the job.

SECOND

Give the worker a copy of the union contract.

Explain that it contains the gains negotiated over the years through worker unity, and that it legally guarantees the rights and benefits workers enjoy.

Don't try to explain all its provisions. Instead pick out a few, such as wages, vacations, and holidays, and show the worker where these are in the contract.

The goal is not to teach new workers everything there is to know about the contract on their first day—especially since they already will be overloaded with new information.

Instead, your goals are to:

- Show that workers' rights and benefits are not gifts from the employer, but achievements of union members.

- Give the worker incentive to review the contract further at a later date.

- Emphasize that you, the steward, are knowledgeable about the contract and the person to come to with job-related problems.

LASTLY

Ask the worker to sign up as a union member.

Help new workers see union membership as a natural part of their new job.

- Emphasize the large number of other workers who belong.

- Explain that “the union” is not an outside institution, but an organization of workers who have joined forces to improve their jobs.

- Point out that all decisions in CWA are made through a democratic process that assures control by the membership.

Then explain the dues and what they pay for—before you are asked about it. Some suggested points:

- Remind them that you yourself pay dues, and explain why you feel it is worth it. You might add that the amount of dues is determined democratically by workers' elected representatives.

■ Give examples of what the dues pay for: contract negotiations by a workers' bargaining committee and a professional negotiator, solving of problems through the grievance procedure if necessary, union education and training programs, social media, communications (newsletters, websites, bulletins), legal representation, health



and safety experts, research on the employers future business plans and finances, and lobbying campaigns for legislation to benefit workers.

■ Point out that the improvements a strong union can win easily offset the cost of dues.

■ Explain that only by becoming a member do they have a voice in union decisions such as whether to accept a contract offer or who will be elected to union office.

See pages 6 and 7 for more information about dues.

The Contract

A new steward doesn't learn the contract from page 1 straight through page 200. Instead, s/he learns specific sections and pages of the contract as s/he handles workers' questions and problems on each of these sections.

After handling repeat questions or problems on a particular section, s/he understands that section very well. After numerous cases on various sections of the contract s/he begins to get a good understanding of the contract.

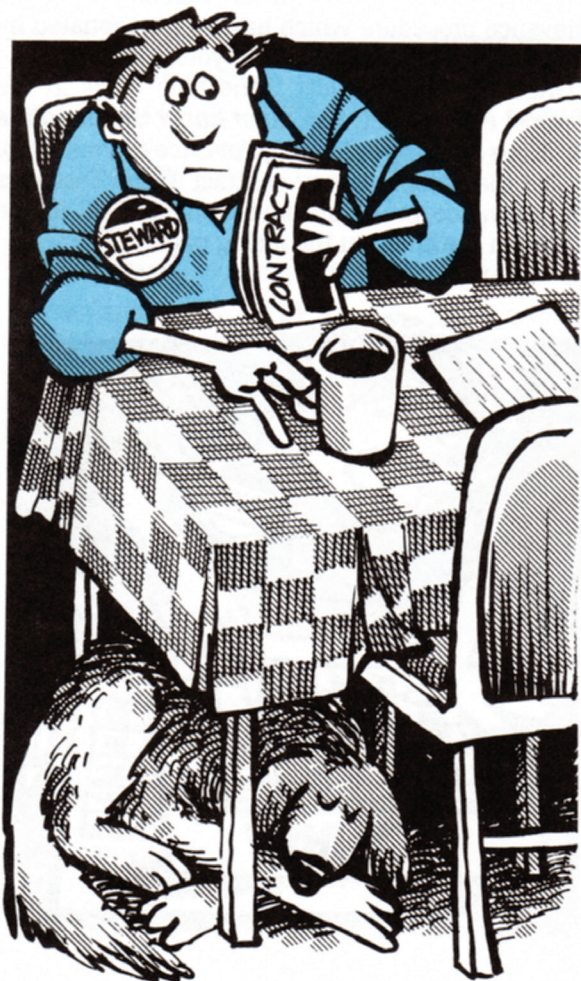
The contract is the law of the workplace. But the contract is only as good as the union members who enforce it.

The Union's contract is little more than paper and ink without the members' determination and stewards' leadership to make it work.

New stewards are often intimidated by the contract—they worry they don't know enough about it or what all the different parts mean. This is a natural feeling. No one expects you to be an

expert on the contract in the first few months. You will learn the contract over time as issues and questions arise.

In the meantime, ask other stewards and Local officers for assistance.



Your Grievance Procedure

It is important that you be familiar with the ice procedure which has been negotiated by CWA and which is explained in your contract.

Grievances can be lost if the time limits in the contract are not met. ***You must know the deadline for filing and appealing a grievance at your step.***

Find the section in your contract which describes grievance procedure and steps and fill in the blanks in the chart on the facing page.



Your Grievance Procedure

The grievance procedure is on page _____ of our contract.

A grievance could be lost if it is not filed _____ days from the day the problem occurred.

CWA

Management

Must file in
_____ days
from day
problem
occurred.

STEP 1

Must respond
in _____ days.

Must appeal
to 2nd step
_____ days
after manage-
ment response
to Step I.

STEP 2

Must respond
in _____ days.

Must appeal
to 3rd step
_____ days
after manage-
ment response
to Step II.

STEP 3

Must respond
in _____ days.

Must appeal
to arbitration
_____ days
after manage-
ment response
to Step III.

ARBITRATION

Workers' Right To Union Representation

One of your jobs as a steward is to keep management from intimidating employees. This is especially important in the case of closed-door meetings where supervisors try to force employees to admit they did something wrong.

The right to have a steward or other union representative present in such meetings was established by the Supreme Court in a case known as the Weingarten Case. (Similar rights for public workers vary from state to state). According to the Supreme Court decision, a worker is entitled to have a union representative present when a supervisor asks for information which could be used as a basis for discipline.

USE IT OR LOSE IT: The worker must ask for union representation before or during the interview. Management has no obligation to tell workers their rights. (Note: You may have specific language in your contract that requires management to call in a union rep.). Stewards should tell all workers:

"If you are ever called in by management and asked questions you think might lead to discipline, you have a legal right to ask that your steward or other available union representative be called."

The worker should state:

"I fear that this discussion could lead to disciplinary action, or affect my working conditions; therefore I respectfully request that my union steward be present before any further discussion of any sort."

Your Role As Steward In Those Meetings

- 1.** First, ask management what the meeting is about.
- 2.** Meet privately with member before going into the meeting to:
 - Caution member to watch what s/he says, that it will likely be used against her/him.
 - Remind member not to volunteer any information and keep answers short.
 - Remind member to stay calm.
 - Be reassuring—let the member know s/he is not alone, that the union is there.
- 3.** Take good notes, what is said and by whom.
- 4.** Stop supervisor from harassing or abusing member.



Steps In Handling A Grievance

STEP 1

Interview the Grievant

■ Your first job is to listen well and let the grievant express his or her feelings about what has happened. Get all the facts you can from the grievant. Ask the grievant questions to better understand the situation.

■ Recap situation back to grievant: Ask the grievant to listen as you repeat the story back. Ask the grievant to stop you if you've gotten something wrong.

STEP 2

Get All the Facts and Analyze The Grievance

■ Get all the facts (Remember the 5 W's on p. 10).

■ Determine which of the two basic kinds of grievance you're dealing with:

I. Disciplinary

II. All Other (explained on page 29)

■ Use the appropriate checklist on pages 31-34 to analyze the grievance.

■ Develop major arguments using your answers to the checklist.

■ Verify facts to support arguments.

STEP 3

Prepare for Discussion With Management

■ Prepare for discussion with management. Practice your arguments for the case. Be prepared to respond to management's arguments and present a solution or remedy. (See Tips for Discussion with Management on page 28.)

STEP 4

Writing the Grievance Form

■ Fill out the grievance form (if appropriate). Write a short, concise statement of the grievance and the remedy. Union grievance forms will vary in format, but the essential elements are always statement of grievance and remedy (relief desired).

Must the Union grieve every employee complaint? No. A grievance does not have to be filed if the Union believes it is unfounded, or without any basis in the contract. But even though the problem may not be grievable, the steward should try to solve worker complaints and build the Union through problem solving.

Tips For Discussion With Management

- 1.** Act as management's equal. While respecting their position, insist on respect for you and the grievant as well.
- 2.** Use a friendly, positive approach.
- 3.** Discuss issues, not personalities.
- 4.** Stick to discussing your grievance. Don't allow management to sidetrack you by talking about topics unrelated to the grievance. Politely but firmly keep the discussion on the facts of the grievance.
- 5.** Listen for the main point of management's argument. Try to narrow the area of your differences. Look for possible solutions.
- 6.** Avoid becoming excited, angry, or hostile. Management sometimes attempts to provoke you into losing your temper. Remain calm and cool. It's hard to think straight when you are angry.
- 7.** Avoid arguing with the grievant in front of management. If a disagreement occurs, ask for a caucus where you can leave the meeting room to iron out the problem.
- 8.** Don't make threats. This weakens your ability to resolve the grievance.
- 9.** When you disagree with management, do so with dignity. Remember that you and the supervisor will have to settle other issues in the future.
- 10.** Try to resolve the grievance satisfactorily at the first step.

How To Approach A Grievance

There are two basic types of grievances:

It is important for you to know which of the two basic types of grievances you are dealing with in order to know how to proceed.

I. Discipline Grievances

- Discipline imposed
- Must prove didn't have 'just cause.'
(See pages 31-33 and page 35.)

II. All Other Grievances

- No discipline imposed
- Must prove violation(s)
[five possible violations (see page 34)].

Read the following situations and determine which kind of grievance it is. Answers are on page 45.

1. A member tells you he just got suspended for three days and wants to file a grievance. You investigate, get all the facts, and file a grievance for the member. What type of grievance is it? Why?
 - ☐ Disciplinary Grievance
 - ☐ Other Grievance
2. Several members come up to you and complain that they never get offered overtime. They tell you the supervisor always gives all the overtime

to the same three workers. You investigate, get all the facts, and determine it is a contract violation. You file a grievance as the Union. What kind of grievance is it? Why?

☐ Disciplinary Grievance

☐ Other Grievance

3. A member says she was bypassed for a promotion. She says a worker with less seniority got the job and she wants to file a grievance. You investigate, get all the facts, and file a grievance for the worker. What type of grievance is it? Why?

☐ Disciplinary Grievance

☐ Other Grievance

4. A member just got a final warning from management for something that was not his fault. He wants to file a grievance. You investigate, get all the facts, and file a grievance. What type of grievance is it? Why?

☐ Disciplinary Grievance

☐ Other Grievance

5. A member was fired today and she wants to file a grievance. You investigate, get all the facts, and file the grievance for the member. What type of grievance is it? Why?

☐ Disciplinary Grievance

☐ Other Grievance

Checklists for Analyzing Grievances

Once you know which of the two types of grievance you have, use the appropriate checklist to analyze the grievance and develop the strongest arguments.

I. Discipline Grievance Checklist

The key question you must consider and investigate when handling a discipline case is: "Did management have 'just cause' for imposing the discipline?" (See page 35.) Use the test below to determine the answer.

Just Cause Test

1. Was the employee adequately warned of the consequences of his/her conduct? The warning may be given orally or in writing. An exception may be made for certain conduct—for example, stealing company property—which the employee is expected to know will be punishable.

☐ Yes. (How?) _____

☐ No. (Why?) _____

2. Was the employer's rule or order reasonably related to efficient and safe operations?

☐ Yes.

☐ No. (Why?) _____

3. Did management investigate before administering discipline?

☐ Yes. ☐ No.

4. Was the investigation fair and objective?

☐ Yes.

☐ No. (Why?) _____

5. Did the investigation produce substantial evidence or proof of guilt?

☐ Yes.

☐ No. (Why?) _____

6. Was there equal treatment? Were the rules, orders and penalties applied evenhandedly and without discrimination? (If enforcement has been lax in the past, management can't suddenly reverse its course and begin to crack down without first warning employees.)

☐ Yes.

☐ No. (Why?) _____

7. Was progressive discipline used? (See page 36.)

☐ Yes. (Describe.) _____

☐ No. (Why?) _____

8. Was the discipline imposed too harsh? (See page 37.) Was the discipline reasonably related to the seriousness of the offense?

☐ Yes.

☐ No. (Why?) _____

9. How many years' service does the employee have? _____

10. What does the employee's past record look like?

Work performance has been rated _____

Any past disciplinary action? if yes, when and for what? _____

II. Other Grievances Checklist

1. Is this a contract violation?

☐ No

☐ Yes. What is the provision(s) in the contract?
(Page number and exact language).

2. Is this a violation of past practice? (see p.35)

☐ No

☐ Yes. What has been past practice?

How long has this past practice existed?

3. Is this a violation of equal treatment (See p.37)

☐ No

☐ Yes. (Why?) _____

4. Is this a violation of federal, state, or municipal law?

☐ No

☐ Yes, what laws?

5. Is this a violation of employer rules?

☐ No

☐ Yes, which rules? What is exact language of rules?

What is Just Cause?

A key question which you must consider and investigate when handling discipline cases is: "Did management have 'just cause' for imposing the discipline?" The 'just cause' standard is written into most union contracts, or is read into them by arbitrators. Some contracts may use 'cause,' proper cause,' reasonable and sufficient cause,' etc. These would all likely be considered equivalent to 'just cause.'

What is Past Practice?

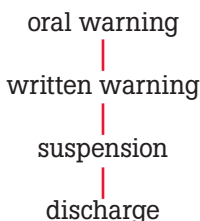
Past practice is a *consistent and frequent pattern of conduct which confers a benefit to the employee over several years*. An example of a past

practice is a wash-up period, not mentioned in the contract, where employees have been allowed for years to stop 10 minutes before quitting time to wash up.

What is Progressive Discipline?

It should be argued that the employer must use a system of progressive discipline, under which the employee is warned and given suspensions before being hit with the ultimate penalty of discharge.

A common pattern in progressive discipline is:



What is Equal Treatment?

All employees must be judged by the same standards and the rules must apply equally to all. Discipline must be exercised in a consistent manner; all employees who engage in the same type of misconduct must be treated essentially the same unless a reasonable basis exists for variation (such as degrees of fault, past record).

When is Discipline Too Harsh?

The following guidelines can help the steward analyze if an argument can be made that the discipline imposed was too severe. This argument can become particularly important in discharge cases.

- 1.** The nature of the offense. How serious is it?
- 2.** Progressive discipline. (See page 36.)
- 3.** Double jeopardy.

It is a well-recognized principle that discipline should be reasonably prompt and that a penalty, once announced, should not be increased lacking evidence that the offense was more serious than it looked at first. The principle of double jeopardy has been applied by arbitrators to prohibit the impositions of two successive penalties for the same offense, such as a recorded warning and a suspension.

- 4.** Employee's past work record.
- 5.** Employee's length of service.
- 6.** Employer's lax enforcement of rules.
- 7.** Unequal or discriminatory treatment of employee.

Grievance Situation #1

(Answers on pages 45-47)

A supervisor walked into a restaurant at lunch-time and saw one of his employees (a clerk) drinking a beer. The employer has a rule prohibiting employees from consuming alcoholic beverages of any kind during the work day. Management covered the rule and the penalty (termination) with all employees when hired.

Upon return from lunch the supervisor called the employee into his office, explained what he had seen and fired the worker.

The worker comes up to you, tells you she had only one light beer, and asks to file a grievance.

The employee has ten years of service and has no previous disciplinary action in her file.

I. What type of grievance is this?

- ☐ Discipline
- ☐ All Other Grievances

II. Analyze this grievance by using the 'Discipline Grievance' Checklist reprinted below.

- 1.** Was the employee adequately warned of the consequences of his/her conduct? The warning may be given orally or in writing. An exception may be made for certain conduct—for example, stealing company property—which the employee is expected to know will be punishable.

☐ Yes. (How?) _____

☐ No.

- 2.** Was the employer's rule or order reasonably related to efficient and safe operations?
- ☐ Yes
- ☐ No. (Why?) _____
- _____
- _____
- 3.** Did management investigate before administering discipline?
- ☐ Yes
- ☐ No. (Why?) _____
- _____
- _____
- 4.** Was the investigation fair and objective?
- ☐ Yes
- ☐ No. (Why?) _____
- _____
- _____
- 5.** Did the investigation produce substantial evidence or proof of guilt?
- ☐ Yes
- ☐ No. (Why?) _____
- _____
- _____
- 6.** Was there equal treatment? Were the rules, orders and penalties applied evenhandedly and without discrimination? (If enforcement has been lax in the past, management can't

suddenly reverse its course and begin to crack down with first warning employees).

☐ Yes

☐ No. (Why?) _____

7. Was progressive discipline used? (See page 36.)

☐ Yes. (Describe.)

☐ No.

8. Was the discipline imposed too harsh? (See page 37.) Was the discipline reasonably related to the seriousness of the offense?

☐ Yes

☐ No. (Why?) _____

9. How many years of service does the employee have? _____

10. What does the employee's past record look like?

Work performance has been rated _____

Any past disciplinary action? If yes, when and for what? _____

III. What would your major arguments be in representing this worker? Use your answers to the checklist above for arguments.

Grievance Situation #2

(Answers on pages 47-48)

The contract provides employees with a 30 minute lunch period as part of the normal work day. The exact language is as follows:

"Lunch or meal periods will be granted and scheduled in each tour for each employee. Such meal period will be one half hour."

No job titles are excluded from this provision in the contract. The Boiler Mechanics have always (for past six years) been relieved of duties during the lunch period, although they often bring their lunch and eat it in the boiler room. A new manager was assigned to the work group three months ago.

Last Tuesday the group was unusually short handed—a couple of mechanics were on scheduled vacations and two others called in sick. The only boiler mechanic at the site that day called the manager and asked to be relieved for lunch. The manager told him that mechanics were expected to watch over the boiler while they ate. The manager contended that the mechanics could easily eat and keep an eye on the boiler.

The Boiler Mechanics were outraged and asked the Union to do something. The Union filed a grievance.

I. What type of grievance is this?

- ☐ Discipline
- ☐ All Other Grievances

II. Analyze this grievance by using the following (All Other Grievances) checklist.

1. Is this a contract violation?

- ☐ Yes. What is the provision(s) in contract?
(Page number(s) and exact language).

2. Is this a violation of past practice? (See page 35.)

- ☐ No. (Why?)

- ☐ Yes. What has been the past practice?

How long has this past practice existed?

3. Is this a violation of equal treatment? (See page 37.)

- ☐ No. (Why?) _____

- ☐ Yes. (Why?) _____

4. Is this a violation of federal, state or municipal law?

☐ No.

☐ Yes, what laws?

5. Is this a violation of employer rules?

☐ No.

☐ Yes, which rules? What is exact language of rules?

III. What would your major arguments be in representing these workers? Use your answers to the checklist above for arguments.

Answers To Questions On Page 29-30

- 1. Disciplinary Grievance.**
Why: because the employer imposed discipline.
- 2. Other Grievance.**
Why: because there is no discipline.
- 3. Other Grievance.**
Why: because there is no discipline.
- 4. Disciplinary Grievance.**
Why: because the employer imposed discipline (final warning).
- 5. Disciplinary Grievance.**
Why: because the employer imposed discipline.

Answers To Questions On Page 38-41

Grievance Situation #1

- I. What type of grievance is this?**
It is a discipline grievance.
- II. Analyze the grievance by using the checklist below.**
 - 1. Was the employee adequately warned of the consequences of his/her conduct?** Yes.
The employee was covered on the employer rule prohibiting drinking and its consequences (termination).
 - 2. Was the employer's rule reasonably related to efficient and safe operations?** Yes. It is reasonable to think that workers are more efficient and safe if they have not consumed alcohol.
 - 3. Did management investigate before administering discipline?** No.

4. Was the investigation fair and objective?

There was no investigation.

5. Did the investigation produce substantial evidence or proof of guilt? Although there was no investigation there is substantial evidence of guilt the supervisor saw her drinking the beer) and the worker admits drinking the beer.

6. Was there equal treatment? It's not possible to answer this from the short situation given. The steward should pursue this possibility aggressively in his/her investigation. If the steward can find one or two cases where employees were known to have been drinking and were not fired, the unequal treatment argument would be a strong one.

7. Was progressive discipline used? No. The lack of progressive discipline in this case should be brought up as one of the Union's arguments, especially given the employee's 10 years of service. However, arbitrators have ruled that progressive discipline does not have to be used when an employee violates an employer rule on which he/she has been covered.

8. Was the discipline imposed too harsh? The steward in this situation should argue that the discipline imposed was too harsh for the offense because:

- The nature of this offense does not warrant the ultimate penalty of dismissal.
- Progressive discipline was not used.
- The employee's excellent past work record should be taken into account.

- If lax enforcement of drinking rule or unequal treatment is uncovered by steward in his/her investigation, it would be another major argument to support “too harsh treatment.”

9. How many years of service does the employee have? 10 years.

10. What does the employee’s past work record look like? No previous disciplinary action. This is important and should be stressed during the grievance meeting, along with the 10 years of service.

III. What would your major arguments be in representing this worker?

- Discipline imposed is too harsh for offense.
- Employee’s 10 years of excellent service with no previous disciplinary action should be taken into account.
- Progressive discipline should have been used.
- Lax enforcement of drinking rule in the past constitutes unequal treatment (ii the stew-ard can come up with the evidence during investigation.)

Answers to Questions Page 42-44

Grievance Situation #2

1. What type of grievance is this?

“Other grievance,” because no discipline was imposed.

II. Analyze this grievance by using “All Other Grievances” checklist.

1. Is it a contract violation?

Yes. The contract states that employees will be granted and scheduled 30 minutes for lunch. No job titles are excluded from this provision in the contract.

2. Is it a violation of past practice?

Yes. The Boiler Mechanics have always been relieved for a 30 minute lunch period in the past six years.

3. Is it a violation of equal treatment?

Yes. Boiler Mechanics should be treated the same as all other workers and job titles.

4. Is it a violation of federal, state, or municipal law?

Don't know—would have to investigate.

5. Is it a violation of employer rules?

Don't know—would have to investigate.

III. What would your major arguments be in representing the workers?

- Violation of contract language which clearly states that employees will be granted a 30 minute lunch period. No job titles are excluded from this provision.
- Violation of past practice. Management has relieved Boiler Mechanics for a 30 minute period for the last six years.
- Violation of equal treatment. Boiler Mechanics should not be treated any differently than other workers.

Writing a Grievance

Most Locals have a grievance form which must be used when filing a formal grievance. You should request copies of this form and be familiar with the information required.

Below are some general points on writing a formal grievance.

POINT 1

Limit Details to Basic Information

Provide only enough information to identify the grievance so that management understands

- a. What the basic problem is.
- b. What violations occurred.
- c. How the problem should be fixed (remedy).

POINT 2

Don't Limit Contract Violations

In stating why there is a grievance, use the phrase "violates the contract article(s), section(s), and all other relevant articles of the contract".

POINT 3

Avoid Personal Remarks

The grievance states the Union's position, not your (or the grievant's) opinion. Avoid the use of phrases like "I think" or opinions about managers.

POINT 4

Don't Limit the Remedy

In stating the remedy, use the phrase “made whole in every way including ...”

For example, “The Union requests Pat Gonzalez be made whole in every way, including recall to her job classification and full back pay for all wages and benefits lost.”

The phrase ‘made whole in every way’ means that the grievant should receive any and all losses due to management’s action.

POINT 5

Consult With the Grievant

Go over the written grievance. Explain the requested remedy and get the grievant’s full understanding and agreement.

Work Group Directory

Building Location _____

Shift/Floor/Unit _____

Date Completed _____

Name

Member
YES NO

.....

1. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

2. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

3. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

4. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

Name

Member
YES NO

5. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

6. _____ ☐ ☐

Job Title / Seniority Date
 W: () H: ()
 Email:

7. _____ ☐ ☐

Job Title / Seniority Date
 W: () H: ()
 Email:

8. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email:

9. _____ ☐ ☐

Job Title / Seniority Date
 W: () H: ()
 Email:

Name

Member
YES NO

.....

10. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

11. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

12. _____ ☐ ☐

Job Title / Seniority Date

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Email: _____

13. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

14. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

Name

Member
YES NO

15. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

16. _____ ☐ ☐

Job Title / Seniority Date

W: () H: ()

Email: _____

17. _____ ☐ ☐

Job Title / Seniority Date

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18. _____ ☐ ☐

Job Title / Seniority Date

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Email: _____

19. _____ ☐ ☐

Job Title / Seniority Date

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Email: _____

Directory

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The items below are available at
www.cwamaterials.org
along with other education, training,
Health and Safety and Organizing materials.
Please contact your local to place an order.



1 inch

YOU HAVE RIGHTS!

If a supervisor or other management/security representative requests an investigatory meeting with you and if you have reasonable cause to believe that such a meeting may result in disciplinary action, including a warning, you have the right to request Union representation.

You should take the following actions if a supervisor or other management/security representative desires to meet with you.

1. Request Union Representation.
2. Remain silent until the Union Representative is present.
3. Request the right to consult with the Union Representative prior to meeting with management.

These rights came from a U.S. Supreme Court decision in 1975 generally known as WEINGARTEN RIGHTS.

KEEP THIS HANDY WHILE AT WORK.

CWA
Communications Workers of America

The Family and Medical Leave Act

What You Need to Know...

CWA

A Report by the Communications Workers of America
April 2014

Americans with Disabilities Act

ADA:

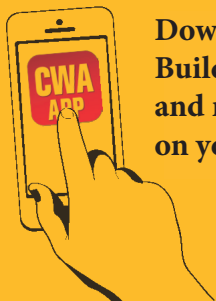
What You Need To Know

Revised Edition



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AND KNOW WHAT'S COMING NEXT.



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