

TAMI

E D U C A T O R

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Time Management for Stewards

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Too much to do? Too little time to do it? Stewards face that problem every day—and the smart ones do something about it. It's called time management.

The fact is, you *already* manage your time—everyone does. All it means is making decisions about what gets done and what doesn't get done within the time you have. Here are some tips on managing your time in a way that can make life a lot easier.

- Review how you use your time. Look for patterns. Are you constantly talking to the same people about the same thing? Are you always helping members do things they could easily do for themselves if you just gave them a little direction? Are you always trying to reach people on the phone and getting return calls when you are not in?

- Take a few minutes and write down your goals, such as getting more members active or teaching your supervisor to respect the contract. If you work on a project or task without setting goals you're setting out on a road trip without knowing your final destination.
- Make "to-do" lists of the tasks you face and handle the most important things first. Lists help you remember to do things. They reduce stress because you don't worry about trying to keep everything in your head.

- Share information so more people can help you and themselves. For example, instead of constantly giving out health forms, set up a place where members can pick them up. Post important phone numbers, e-mail addresses and names of people the members can contact for more information.

- Hold short informal meetings, and/or distribute written guides by e-mail that give members answers to their most common questions.

- Deal with problems at the source—don't repeatedly fight the same battle. Rather than filing grievance after grievance over the same issue, see if there is something you can do about the underlying problem.

- Handle big tasks in pieces. For example: request information, schedule a meeting, write



Share information so more people can help you and themselves.

- an outline, think about it for 10 minutes, ask for advice, and so on. Using this technique will help you get started and make a big task less overwhelming.

- When handling paperwork, sort things by importance. File things so you can find them later. Get off lists that send you too much e-mail and/or things you don't need. With paper and e-mail try not to just shuffle them around. If you pick up something or open an e-mail don't put it down without doing something with it—send a reply, file it, toss or delete it, forward it, write a note on it and send it to someone else, enter it on your calendar, whatever.

- Create and use forms and standard letters, rather than write the same thing repeatedly. Save re-usable paragraphs from letters or memos you write.

- Cut down on playing "phone tag." Use voicemail to leave as detailed a message as possible. Rather than calling, send an e-

mail or fax a short memo or a suggested time for a conference call. Talk to secretaries/assistants and see if you can do your business with them. When you leave a message include the best time to be called back.

- If you spend too much time on the phone, shorten your conversations. Before making a call have a written outline of what you want to accomplish. Keep small talk to a minimum so you get right to business. Develop some good closing lines to end the call, such as, "I know you are busy so I'll let you go."

- Keep commonly called phone numbers handy. Every time you use a number enter it into your system.

While working to improve your time management skills, don't set your expectations too high, too fast. Expect that some days you may still feel frustrated when other people take up all your time or when you just can't seem to get anything done. Just keep plugging away. It'll pay off in the end.

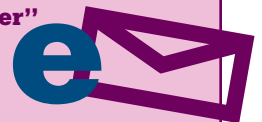
—Ken Margolies. The writer is on the labor extension faculty of Cornell University.

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Get Your Story Straight

Change can be good, like the seasons of the year, a new fall television lineup—even, sometimes, your teenager’s taste in music. But there are places where change can bring problems to all concerned, and one kind of change, in particular, can be a real headache for stewards: when a member’s story changes in the middle of a grievance battle.

You’ve probably been there: A worker is disciplined for, say, being late to the job. She insists she was on time, declaring that “Five people saw me walk through the door at 8 a.m. sharp!”

But when you ask for the names of the five so you can build your case, the grievant may not be able to come up with them. Or, the five say they don’t remember seeing the grievant that early. Or, maybe a couple do remember for sure seeing the grievant come in on time but when you file the grievance, and management asks the workers about the incident, they think they saw the grievant arrive on time but no, they can’t swear 100 percent.

Many a grievance, many an arbitration, has been lost because grievants or witnesses changed their stories. Here are a couple of cases where changing stories got people into hot water. They point out the need to do solid preparation of your people before they tell their tales.

The Cursing Inspector

Mike, a state plumbing inspector, was discharged after an argument with a contractor on a construction site. The discharge pleased the boss to no end: He’d wanted to get rid of Mike because he was a whistleblower.

When the contractor complained about the argument, the employer jumped at the opportunity to take revenge. He accused Mike of cursing at the contractor, belittling him, acting inap-

propriately, and then lying during the investigation.

In the days that followed the argument Mike had five occasions to describe what had happened on the site:

- during the initial investigation;
- at a due process hearing before he was discharged;
- at an unemployment hearing;
- in a deposition in a whistleblower case he filed in civil court, and
- to an arbitrator.

The problem was, every opportunity he had to describe what happened, his story changed a bit. The employer jumped on these inconsistencies to try to prove its charge that Mike had lied in the investigation.

Fortunately for Mike, the arbitrator found that the employer did not prove Mike engaged in unacceptable behavior on the construction site that day, nor had the employer proved he lied about the incident. Speaking to Mike’s changing stories, she stated that a charge of dishonesty is very serious but requires proof of a conscious desire to deceive. Matters that do not constitute dishonesty include differences of opinion, estimates, misunderstandings, and lapses of memory. She accepted the union’s argument that the witnesses may have differing accounts because they were not paying attention to details that seemed unimportant at the time. She was also convinced by the union’s argument that participants in heated arguments often have different recollections of what was said, with no intent to deceive. Mike did not change his story so much that he was no longer believed. She ordered him reinstated with full back pay.

The Lost Day

In another case, the grievant wasn’t so lucky. Chuck was an employee who worked in the field as a hearing officer. One day an all-day hearing was canceled

and he marked eight hours of work on his time sheet. When questioned by his supervisor, he refused to take sick leave and had trouble accounting for his hours. When asked why he didn’t work on writing up orders of past hearings, he said, he didn’t feel like it. He claimed that he drove, checked into his hotel and read paperwork for five hours.

In a written memo, he offered yet another excuse: He was at this point running a fever and had a sore throat. And then, at the arbitration hearing, Chuck came up with yet several more explanations.

The arbitrator’s decision? The grievant’s story has grown and changed over time. The changes in the Grievant’s story, all of which buttress his position, seem surreal. Chuck’s discharge was upheld.

Appearance Counts

The fact of the matter is that, more often than not, grievants are not lying. They are simply remembering new details, or trying to tell their story better than they told it the first time. But sometimes the truth isn’t good enough, if the end result is the appearance of lying and the loss of credibility.

Stewards can help grievants maintain their credibility by taking these important steps:

- Sit down with the grievant before the employer’s investigation and go over what happened. Try to get the grievant to remember as many details as possible from the beginning.
- Take complete notes in the Weingarten interview and in any other interviews where you are present.
- Stress to the grievant that when the story is repeated, there should be no contradictions with what the grievant has said on previous occasions.
- Immediately before each retelling of the story is called for, warn the grievant that embellishing or exaggerating can be damaging later.
- Go over all prior statements with the grievant before the grievant repeats the story.

—Joel Rosenblit. The writer, recently retired, was a staff attorney for Oregon Public Employees Union, SEIU Local 503.

Mid-contract Bargaining

Not every problem a steward encounters comes on fast and obvious, like a co-worker being unjustly fired, or an employer announcing a massive layoff. Sometimes, problems can sneak up on you so quietly and with such little fanfare that you don't even know they're problems—until it's too late.

More often than not these problems come because your employer has decided to make changes in workplace procedures or practices—but doesn't tell the union. The first you learn of a change is when you hear it through the grapevine that someone was told they could no longer wear certain kinds of clothing to work, for example, or vacation schedules are being set a whole new way.

Don't let your employer get away with it. Even if the change may appear minor and reasonable, that's not the point. The problem is that your employer is unilaterally making mid-contract bargaining changes—and if he gets away with it in this instance, he'll most likely try it on other, and more substantial, workplace protections.

On most issues that have a significant impact on workers the employer must negotiate with the union, prior to implementing a new or changed policy, if the union requests bargaining. While the union might not be able to strike during the middle of the contract, you're still in a position to rally the members and let the employer know the union won't be pushed around.

Request Bargaining, in Writing

When the employer comes up with a new policy, or changes to an old policy or past practice, the union should give the employer a written request to bargain. Just filing a grievance does not constitute a request to bargain. In the written request, tell the employer that no changes can be made that haven't been bargained.

Give the employer a written request for any information that will be helpful to the union during negotiations. If it's a

new policy on absenteeism, for example, ask for all records of employee absenteeism that management used in deciding it needed a new rule. Keep in mind that failure on the employer's part to provide the union with all reasonable information is an unfair labor practice.

Treat the situation just like a regular contract negotiation. Be sure your co-workers understand the issue and get them motivated to rally behind the union. And remember that, just as in a regular contract negotiation, management isn't the only one that can raise issues: The union can as well.

Make the employer bargain. He can't implement the new policies until they have been bargained in good faith with the union. If you walk away from the table, management can declare an impasse, then implement the changes they want.

Some Mandatory Subjects of Bargaining

These are terms and conditions that may not be adopted, changed or eliminated without prior notice to the union and bargaining on request.

- absence rules
- automation decisions
- bathroom procedures
- bonus programs
- business ethics policies
- clean-up rules
- disciplinary procedures or penalties
- dress codes
- drug/alcohol testing
- elimination of positions
- employee privileges (right to listen to radio, receive phone calls, smoke, etc.)
- employee purchase plan rules
- enforcement of employer rules
- evaluation systems
- food service hours
- free coffee
- grievance procedures
- grooming standards
- incentive plans
- insurance benefits
- job qualifications
- layoffs for economic reasons

- light duty policies
- meal or coffee break rules
- merit increases
- new hours or shifts
- number of employees in job classification or department
- outside conduct rules
- outside employment rules
- parking rules
- paycheck procedures
- pay raises
- physical examinations
- production quotas
- relocation of bargaining-unit work (generally)
- rest periods
- retirement benefits of current employees
- safety and health rules
- safety awards
- smoking rules
- subcontracting decisions (not including decisions based on a change in the scope or direction of the enterprise)
- tardiness rules
- time off prior to holidays
- transfer of bargaining-unit work to nonbargaining-unit employees
- union steward and officer privileges (paid leave, access to facilities, time off, etc.)
- vacation policies
- wages
- workloads
- work rules
- work schedules

Unilateral Employer Changes Possible

Be aware that employers have the right to make some changes without bargaining, too. Among them:

- decisions to close or eliminate departments, for reasons other than labor costs
- pension increases to already retired employees
- nondiscriminatory hiring practices
- pre-employment testing procedures; production methods
- selection of supervisors

—Adapted with thanks from the UE Steward Handbook, United Electrical, Radio & Machine Workers of America.

Driving the Boss's Vehicle: Rights and Responsibilities

Stewards representing workers who drive employer-owned vehicles, even if just occasionally, face a special set of problems and challenges. From issues of potentially taxable benefits to bad things happening on the road, from disputes over proper use to the union's right to bargain driving-related issues, you can be presented with concerns you'd never have imagined.

We're not looking just at employees of United Parcel Service and the Postal Service. Millions of workers drive employer-owned vehicles daily, or at least occasionally: city and interstate buses, utility vehicles (gas, electric, telephone, sanitation), construction, school buses, para-transit, taxis, city and county agency fleet cars, some trucking—even the boss's private car, in some cases.

When driving your employer's vehicle, you're using a tool that's also your workplace.

A Vehicle is a Tool

The fact is, when you are driving an employer-owned vehicle for work, you're using a tool—and your tool also happens to be your workplace. While this can have a liberating aspect, in that supervision can be looser—although sometimes really tight, through electronic monitoring—it can also be an imprisoning aspect in that you cannot put down your tool and take a break.

This tension is the backdrop behind many of the issues that arise from driving the boss's vehicle.

The key rule for survival here is the union contract: Employee use of employer vehicles is a mandatory subject of bargaining. This means that the employer can't unilaterally change the conditions of allowable use without bargaining over them and, if a worker is disciplined for improper use, stewards can use the grievance process.

Bargainable issues

Issues that can be bargained include personal use, taking the vehicle home, using the vehicle for commuting to work, definitions of non-authorized use, liability issues in case of an accident, the right of employers to install monitoring devices or require the use of GPS, cell phones, radios or a certain frequency of communication.

When an employee is granted the use of a vehicle for personal use as a non-monetary fringe benefit, the tax implications of this can also be bargained. Any unilateral change in any bargained provision is open to an unfair labor practice charge. If the change was not explicitly bargained, it is still a change in working conditions and may be the subject of a grievance, but it will be stronger or weaker depending on the exact character of your management rights, recognition, past practice or zipper clauses (that is, a clause in some contracts that precludes any discussion of employment conditions during the life of the agreement).

Because accidents can often be costly to the employer, as well as injurious to the driver or passengers, serious discipline grievances can arise from disagreements over employee use of employer vehicles. Additionally, personal use of employer vehicles is sometimes tacked on as an additional reason for discipline when the boss is out to get somebody for other purposes. Finally, this is also an area where favoritism can run rampant, with special deals for some individuals to take vehicles home or use them personally, while others are denied the privilege or policed more rigorously.

Court, IRS Roles

There are two bodies that have established patterns regarding employee use of

employer's vehicles. These are sources that a steward should keep in mind when looking for standards that will help in defending someone who is charged with misusing the employer's vehicle. One is the courts, which have set standards for liability purposes. The other is the Internal Revenue Service, for cost and taxation purposes. Laws established by the courts vary by state and province and tax law will be different in the United States and Canada. Some courts, for example, have held the employer liable for "distracted driver" accidents, when the employee is distracted by having to be on a radio or cell phone in frequent communication with the employer, especially if it is the employer's communication device. This will become a bigger issue now because of GPS placement in vehicles and remote dispatching.

The IRS also has standards because they have to decide what constitutes "in the course of employment." The IRS standard is that if someone takes a vehicle home occasionally (once a month or less), that is "in the course of employment" and not personal use. The IRS distinguishes between "detours" (stopping briefly for lunch in the course of work) and "frolics" (taking hours off or taking the family to lunch). This has implications in the event of an accident and for declaring income (nontax fringe benefit).

The flip side of the vehicle being your workplace is that the employer has a general duty to provide a safe workplace, which means that the maintenance and good condition of the vehicle is his responsibility. We only have space in this article to note that the condition of the vehicle is also a subject of bargaining, which can have serious implications not only for direct safety but also for liability in the case of tickets and accidents including damage and personal injury.

—Helena Worthen and Joe Berry. The writers are veteran labor educators.

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OFFICE OF THE INTERNATIONAL PRESIDENT

Dear IAM Shop Steward,

As we prepared this edition of the *IAM Educator*, the race for the Republican presidential nomination was still up in the air and President Obama had just laid out his blueprint for America in his State of the Union address.

The Republican candidates were true to form in their disdain for unions in all of North America. President Obama talked the talk about rebuilding manufacturing, ending subsidies for companies who ship jobs overseas, rebuilding our infrastructure and providing more job training. But with the gridlock in Congress, it will be hard for him to walk the walk and deliver on any of those ideas.

Noticeably absent from anybody's campaign is the need to help North America's unemployed. President Obama never mentioned the word "unemployed" in his State of the Union speech and GOP candidates are more concerned about lowering taxes for corporations and millionaires.

Meanwhile, millions of formerly middle-class families are slipping farther and farther into poverty. As their savings vanish and their homes get foreclosed, their plight goes unnoticed.

Why there is any question at all about extending unemployment benefits or ending this misery with an aggressive jobs program is beyond belief. And this isn't just a theoretical debate. By not being able to rise above party politics and agree on what is good for the economies and people in the United States and Canada, the prospect of an anemic recovery that limps along for years and doesn't create enough jobs becomes greater.

Curbing spending over the long term is necessary, but in the short term, governments in Canada and the United States need to focus on spurring economic growth to create jobs and raise household incomes. That's why the IAM has been calling for a Works Progress Administration (WPA) style program that rebuilds the nation's infrastructure and puts millions of people back to work immediately.

North American families can't wait years for jobs. And politicians aren't listening to families that are hurting and need action now. As shop stewards, you can help by getting your fellow members to remind their legislators that North American families need leaders who will provide jobs now, not later.

In Solidarity,

R. Thomas Buffenbarger

R. Thomas Buffenbarger
International President

