

TAMI

E D U C A T O R

Update for Stewards

Vol. 12, No. 4

Stewards
and
News
Reporters



Stewards and News Reporters

When you're at a union rally and see a news reporter approaching, do you run in the other direction? Many people are afraid to talk to the media, but a smart steward will see it as an opportunity, not a threat.

If a reporter wants to know "the union's position" on an event or incident, your job is to do the best you can to connect him or her with your local's elected officers.

But the odds are that someday, when you're on a picket line or attending a Labor Day event, perhaps, you may be approached by journalists looking for quotes from "an average worker," not union higher-ups. Refusing to speak to them under those circumstances will only make you seem grumpy and evasive and reflect poorly on the union. For those situations, here are some do's and don'ts:

■ **Always tell the reporter why your union's issues are important to the wider community,** and why the public should support the union's cause. Health care workers protesting short staffing, for example, should emphasize the well-being of their patients. If wages are the issue, explain how good-paying jobs are vital to the regional economy, and workers can't support themselves (or their families) on what they're being paid.

■ **Don't use union jargon.** Most news reporters and their audiences don't know what a ULP is, so say "unfair labor practice" instead. (That goes for most acronyms -- instead of NLRB, say "National Labor Relations Board.") Expressions you use every day, such as "dues checkoff" or "agency shop," probably won't be understood by most reporters, so don't toss them around without explanation. Even if the

reporter is well educated about unions, most of their audience is not.

■ **Use words with positive connotations** that everyone can relate to, such as "community," "families," and "fairness."

■ **Remember that reporters are workers too,** and

technology has changed their workplace in ways they're not happy about: their workloads and responsibilities are increasing but their pay most likely isn't. Try to be helpful. Don't talk so fast that they can't write down or understand what you're saying.



Journalists, like all other workers, appreciate anything that makes their job easier.

■ **Don't get led off into irrelevant issues,** or issues you aren't qualified to talk about. This means you may end up repeating yourself, or saying the same thing in different ways. When a reporter seems to be leading you off message, you can return to it with introductory phrases like, "The main issue here is..." "As I said before..." and "I can't answer that question, but I do know..."

■ **Be aware of the visual messages you may be sending,** especially those that evoke negative union stereotypes. Newspaper reporters these days are often expected to upload videos to go along with their stories, so be prepared to be videotaped even if the reporter works for a print publication. So don't smoke during the interview, don't let them interview you in a bar. If you're at a union picnic or other function where members are having maybe too good a time, position yourself so those potentially negative elements are not what people see in the background.

■ **Treat every reporter with respect,** even if you hate the way unions are portrayed in the media, and even if the reporter is "just a blogger"—someone who has some kind of Internet news presence but no real professional credential. Bloggers have been known to attract the attention of the corporate media, and anything you say to them will be searchable on the Internet.

■ **Assume that everything you say to a journalist is on the record.** Going "off the record" with a journalist is something your local leadership should decide, and then only in rare circumstances.

■ Whenever you can, **provide written materials to support your union's position.** This may include flyers you're handing out, graphs/charts that illustrate your point, links to websites, or copies of articles from magazines or newspapers. If your local has an active Twitter account or a #hashtag it wants to promote, make sure the reporter knows about it. If you've uploaded videos to YouTube, or if your local has a Facebook page or website, provide the reporter with links.

■ **Give reporters prompt feedback** (via email is best) after the story has run. Praise them if they did a fair and honest job of reporting. If there were factual errors, provide the correct information and ask if a correction will be run, and copy the news outlet's managing editor on the email. Don't come across as screaming mad, just clarify the record.

■ **When you have to decline** an interview because it involves subject matter that should be addressed by your local officers, ask reporters what their timeframe is, take their contact information, and get that to the appropriate officer immediately. If possible, let your leadership know immediately that a reporter will be getting in touch: it allows your people a little time to think about the comments they'll offer.

And remember that failure to respond, or responding too late, will only make the journalist wonder if the union is trying to hide something.

—Joan Collins Lambert. The writer is a labor activist and former newspaper reporter.

Dealing with Property Damage

If a piece of equipment breaks down, a washroom sink detaches from the wall or a computer somehow tumbles to the office floor, you can bet someone's going to be blamed—and that someone is likely to be a member of the bargaining unit. As the steward, then, you can be sure you've got your work cut out for you.

The Importance of Intent

Stewards confront property damage issues when a worker is disciplined for damaging something owned or provided by the employer. You might think that the first question would be, "How much did that thing cost?" When it comes to property damage, though, arbitrators look more at intent than at price tags.

Intent distinguishes vandalism and sabotage from negligence, carelessness, inexperience, lack of training or equipment failure. There are also situations where damaging property is the lesser of two evils—for example, better to hit a wall with a forklift than run into a pedestrian. So the steward must investigate what else, other than intent to cause damage, was going on. Arbitrators generally overrule discharge in the absence of malicious intent.

On the other hand, arbitrators look at sabotage very severely, even when it is done to dramatize an unsafe situation.

The Grievance Investigation

Because the issue of intent is complicated, you need to do an especially thorough investigation. If your member did not intentionally cause the damage, what was actually going on? Don't just talk with the grievant. What do the grievant's co-workers think happened? Is the right person being disciplined? The person who caused the damage may simply be the last in a long line of workers who used that equipment. Had someone previously modified

it? Was it "an accident waiting to happen?" Did anyone, including the grievant, get hurt and, if so, what injuries were treated?

Find out if any special training was required to operate the damaged property or the equipment that caused the damage. Did using the property that was damaged require special training, and did the grievant get that training? If the problem turns out to be lack of training, remember that training is a subject of bargaining. You may want to raise this during the grievance process and then take it back to the membership to become part of contract bargaining.

You may want to file an information request with the employer to find out more about the history of the equipment that was damaged, any training recommended by the manufacturer and any warnings that came with it. Find out if insurance covers the damage.

All the regular defenses apply to property damage grievances as well, including evidence of disparate treatment, past practices having to do with handling equipment, the worker's otherwise clean record, the general duty of employers to provide a safe workplace, and the "dignity and respect" language sometimes found in contract articles on civil rights.

It is easy to assume that people intend to do whatever they do, but of course that's not the case. For example: a woman driving a company car slid into a snowdrift. She tried to get it out by rocking it. A wheel was damaged. Was that her intent? An angry steward stormed out of a grievance hearing, throwing open a door, smashing the wall behind it. Did he intend to smash the wall? An employee who had been working mandatory overtime made a bad cut and wasted a precious

piece of material. Did he intend to do that? Not if you look at the big picture, the circumstances surrounding such incidents.

The Grievance Hearing

Prepare the grievant thoroughly for your meeting with management. Since the critical issue is intent, you and your member need to be very clear about what he was trying to do when the property damage took place. As the steward you will need to present the big picture and give the circumstances, based on what you discovered in the course of your investigation. Explain the logic behind what your member did, including what his choices were and why he made them. The discussion should not be only about property: it should also be about the human beings involved and normal human behavior.

Many of the issues raised by

property damage are negotiable. Within the grievance process, you may be able to negotiate an agreement that saves a worker's job. It might include an apology that reflects a sincere awareness of what went wrong. It is possible to express regret that something happened and

apologize without admitting intent. The resolution might include a period of training. Sometimes it includes the member offering to repair or replace what was damaged, especially if it belonged to another worker.

Property versus Human Beings

From an employer's point of view, "property" means more than tools, equipment or the site where the workplace is located. The employer's reputation, brand, client list, trade secrets and intellectual property are "property" as well. So is the worker's time. Against this expansive way of looking at property the steward must present the worker as a human being who is not property and who may make mistakes but is capable of good judgment and solid job performance.

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

Intent is the critical issue when property is damaged.

Alternative Approaches to Discipline

Sometimes a worker is guilty as charged and even the greatest steward in the world can't prove otherwise. But if the steward has good negotiating skills, the worker in question has an otherwise clean record, and the employer is reasonable, it still may be possible to help. There are two methods worth trying, called "limbo" and "conditional discharge."

Living in Limbo

Limbo is effective for first-time verbal or written warnings where there's been no previous history of the conduct or behavior and the employee has a good record. It can also be used in other situations.

To start, union and employer agree the purpose of the discipline was to "wake up" the worker to change his behavior, not permanently damage or punish him.

Next, an agreement is put into writing stating the discipline will be removed from the file and the member's record under the following conditions:

1 Paperwork supporting the discipline, and the discipline itself, will be held in a special employer file for a period not to exceed normal contract limits for active discipline, or some other agreed-upon date. At the same time, all references leading up to and including the discipline will be purged from all of the worker's files.

2 If, by the time the agreed-upon date is reached, there has been no repeat of the conduct or behavior, the discipline will "die a natural death" in the special file and the paperwork will be destroyed. It will never be considered as having been a part of the employee's record or having ever occurred.

3 If, before the expiration date, the behavior or conduct is repeated, then the original discipline and documentation comes back into the file but both sides agree it will not be grieved. The employer can impose the next step of discipline for the repeat behavior/conduct, with the understanding the union can grieve it.

The basic idea behind this limbo method is that it's not productive to argue about whether or not a verbal or written warning was appropriate or will change a member's behavior or conduct, because labor and management simply cannot predict the future—only the worker can determine what happens down the road. Using the limbo alternative can result in positively refocusing the traditional labor-management "blame and shame game" by empowering the member and allowing him to take control of his future by having an opportunity to correct the past. For management, especially, it's a way to motivate a potentially valuable long-term employee.

Conditional Discharge

The other method, used in termination situations, is conditional discharge. It doesn't change termination but it does provide a process for the member's possible return. Although it can be used in different circumstances, its primary use has been in cases involving substance abuse and off-duty criminal behavior.

First, let's consider the off-duty criminal charge.

In such situations, both sides can waste a lot of time in the grievance process playing criminal court and trying to predict the outcome of a civil trial. Under conditional discharge, however, the member,

although temporarily discharged, can be re-instated under the following conditions: The grievance process is suspended with the parties agreeing the outcome of original criminal charges will resolve the grievance as follows: (1) either the withdrawal or acquittal of the original arresting charges will result in the return of the member to full employment and make him 100 percent whole, or, (2), should the member be found guilty of the original criminal charges, or accept a plea bargain, the union will either not file the grievance or will withdraw it.

In substance abuse cases the conditions for reinstatement can be as follows:

- The member can be eligible for employment after demonstrating two things: successful completion and long-term maintenance of rehabilitation, and documentation about the member's success from counselors and others in his support system.
- After being determined eligible for employment the member is free to apply, and management agrees to consider the application without any prejudice.
- If the member is selected for a position he will be on probation for a period greater than the contract normally allows, to be agreed upon in advance by the parties, and so stated in the conditional discharge.
- At the successful end of the probationary period the employee is to be completely reinstated and made 100 percent whole as if he never left the company, and the discharge is purged from all records. Again, this is a way the employer can bring back, with confidence, a trained, veteran worker.

In summary, the next time it looks like the employer is holding all the cards you may want to see if he'll consider one of these approaches. They have the potential to help co-workers who find themselves in hot water, and to help employers motivate and keep skilled employees who made mistakes but proved they had mended their ways.

—Bob Oberstein. The writer has been a professor at Ottawa University, Phoenix, Arizona, where he taught arbitration and labor/employment law and related subjects. He has also served as an arbitrator, mediator and fact-finder.

Helping a member facing serious trouble.

Keeping Your Cool

Remember the TV show *Fantasy Island*, where visitors' dreams were made to come true? Try this one on for size:

Your workplace is the best in the world. As a steward, you never lose a grievance. The union leadership showers you with “attaboys” and backslaps on a daily basis and your co-workers surprise you with Steward Appreciation Fridays. When the rare workplace dispute does arise, your supervisor always asks you what you think he should do to make things right. He also confides that he wants his children to grow up to be just like you.

Oh, it's not like that? You have people getting mad at each other, and at you? You're such a fine human being that that seems impossible. But let's look at a few situations where it can happen -- and what you can do to keep from being the punching bag for others' anger, and end up feeling terrible yourself.

Example 1: John doesn't want to work on Saturday, but the employer has the right to set the schedule. There has been no violation of the union contract and there's nothing the union can do. John insists that you get him the day off. He yells at you and won't take no for an answer.

Example 2: Mary doesn't want to wear her brown uniform because “it's ugly.” She wants you to file a grievance. You tell Mary that “ugly” uniforms can't be grieved. She becomes enraged, insults you and calls you incompetent. She's so mad about your refusal that steam's coming out of her ears.

Example 3: You find yourself having to negotiate with an arrogant, unresponsive supervisor. The guy is a first-class jerk and it gets worse every time he opens his mouth. You have every good reason to be irate, but you know it won't help your

cause if you blow your stack. This time, steam is coming out *your* ears.

The common thread in all these situations is that you, as steward, have to find a way to manage your own emotional reactions to these provocations. The question of the day is a three-parter: How can you respond effectively to these challenging people? How can you protect yourself emotionally? How can you stay focused on your duties?

Here are some ideas, case by case.

In Example 1, where John is told to work Saturday, he's expressing frustration because he has unrealistic expectations about what a steward can do about the situation. Frustration arises when we employ a technique in work or life that simply isn't effective. John tried to ask for help, but when told no, he tried to force it. To deal with this you have to acknowledge his frustration without letting him intensify into rage. You can do this in several ways.

- Clear up misunderstandings. Find out what John knows about your role as steward and where he is confused.
- Tell him you hear him and mirror his feelings. “I know you're frustrated, John. I'm frustrated too because I want to help, but I'm limited in what I can do.” This validates him as a human being, and you are also sharing your common humanity.
- Give him a chance to wind down. Maybe Saturday is so important to him because of something going on in his family. He may just need to talk about it.
- If he seems really troubled, refer him to the Employee Assistance Program or some other counseling option. Remember that, ultimately, it's his problem, not yours.

In Example 2, Mary has also expressed frustration, but she has upped the ante by insulting you. She is actually being verbally abusive, and abusive people always elicit anger in return. How do you carry out your responsibility without

allowing the situation to escalate? Three things:

- Internally acknowledge your own anger. Anger is what we feel when our boundaries have been violated. This is the message of anger.
- Tactfully, but assertively, put your foot down. Tell her that insulting you will not get her what she wants, and explain that the union simply does not have the legal power to obtain the solution she demands.
- Give her a task to do. One idea would be to tell her that if she can get enough of her co-workers to sign a petition, you may be able to bring up the concern about uniforms in future contract negotiations.

In Example 3, with the condescending supervisor, remember that your goal is to have a say in how your co-workers are represented, so don't take the supervisor's arrogance personally.

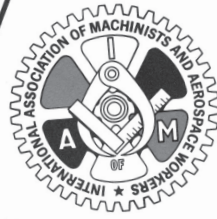
- Prepare ahead of time. Instead of attacking your supervisor, go the “it's in your best interest” route.
- Keep the supervisor informed. Most arrogant people are insecure, and they become controlling as a defense tactic. Information is appreciated.
- Because you can count on the supervisor to act like the jerk he always is, have some fun with it. As he plays out his jerk role, just think of him as an animal in a zoo, or imagine you are seeing him from the wrong end of a telescope, and he's very far away. It won't change his bad personality, but internally you'll take it a little easier and feel a lot less reactive.
- Keep the time spent with him as short as possible.

After any of these difficult encounters, take some deep, relaxing breaths. Make sure you get some exercise in the next few days to “detoxify.” Remember the good days, when things work out so well you may think you're the union steward on *Fantasy Island*.

—Margery Siverton, LCSW. The writer is a Maryland counselor specializing in personal and relationship problem-solving.

**Responding
to others'
provocations
while
maintaining
your sanity.**

**International
Association of
Machinists and
Aerospace Workers**



9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500



OFFICE OF THE INTERNATIONAL PRESIDENT

Dear IAM Shop Steward,

This will be the only edition of the IAM Educator that you will receive before the November mid-term elections in the United States. Therefore, I want to take one more opportunity to ask you to make every effort to register your members to vote, educate them about which candidates will do the best job for working families, and encourage everyone you can to get out and vote on November 4, 2014.

The most important battle is for control of the U.S. Senate. Republicans need just a net gain of six seats to win a majority. We can't let that happen. Voter turnout is crucial in off-year elections without a presidential candidate to draw most voters. With so many races decided by a handful of votes these days, your efforts to get members to the polls can make a big difference.

Corporations and related anti-labor groups are throwing everything they have at the races in November. Besides targeting the Senate, they want their allies in the GOP to hold on to their majority in the U.S. House of Representatives, increase the number of governors, and elect more majorities in state legislatures across the nation.

Stopping this power grab will be a big task, but I'm inspired by members like Joe Reilly. Joe, from Santee, California, is a 58-year member of our union and just turned 93 years old. He was part of the 101st Airborne Division on D-Day. Joe and I spoke recently when he was at IAM Headquarters after attending a retiree class at the Winpisinger Education Center and he was on his way to New York to appear on NBC News for the 70th Anniversary of D-Day tribute.

Joe fought some of the toughest battles in WWII. And after the war, he never stopped fighting for justice. He still volunteers for pro-worker candidates and issues. Before coming to the Winpisinger Center, he had been helping at a phone bank for a campaign to raise the minimum wage.

I think Joe sums up best why we are active in politics: "No matter how hard you work on negotiations and contracts, the politicians can destroy the whole thing. [It's] a sad commentary on our government, but that's just the way it is."

But Joe keeps on fighting, and he urges all of our Brothers and Sisters to get involved, too. And if the amount of corporate spending against us sometimes seems overwhelming, Joe has an answer for that: "Hey, we were outnumbered 5-to-1 at Bastogne, too, but we made it."

So let's join members like Joe Reilly and do the best job we can to protect our jobs and our families from politicians who want to take away all we've worked for. If members like Joe can do it, we all can. Let's get out and vote on November 4, 2014.

In Solidarity,

R. Thomas Buffenbarger

R. Thomas Buffenbarger
International President

