

**Do  
It Now**

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Back**

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**A Steward's  
New Year's  
Resolutions**

# A Steward's New Year's Resolutions

**N**ot all New Year's resolutions have to be about the size of your waist, the quality of your social life or the health of your savings account. For stewards, they can be about how to improve your game and get more enjoyment out of the job. If you don't already have your own list of resolutions in your locker or desk, here are a few ideas. Pick and choose those that work for you.

## Get Organized

If you've got paper coming out your ears, you can't find your notes from an important case and you get calls from co-workers at all hours of the day and night, it's time to do something about it. If you don't have some kind of filing system, put one together. It'll take you a few hours, maybe, but it will save you days and even weeks down the road. As for those calls, make sure your co-workers know that you're available to help at a moment's notice in emergencies, but if it's a question that doesn't demand fast action they should catch you on break or at a set time by phone.

## Talk to Those New Workers

Sometimes our best intentions fall by the wayside. If you're not personally welcoming each and every new worker assigned to your area—and doing it on his or her first day—you're dropping a huge ball. The average worker coming into a unionized environment these days knows next to nothing about the union and its work, and thinks that the wages and benefits they're receiving come because the boss is a nice guy. Spend some time with new workers and encourage them to learn about and get involved in the union's work.

## Be Nice

As much as it may hurt, remind yourself that you have the legal responsibility to represent every worker to the best of your abilities. The Duty of Fair Representation

requires it, and you can get yourself, and the union, in legal trouble if you refuse to help someone because he or she is a pain in the neck, anti-union, personally offensive. . . or all of that and more. If the person complaining doesn't have a legitimate reason to complain, say so and move on. But if the complaint is justified you have to help.

## Get Help

Resolve to involve your co-workers more in the work of the union. Remind yourself that the union is *everyone*, not just the stewards and the elected officers. When a worker asks you for help, think about what you can do to involve that worker in the process, so that he or she is helping you win justice—and maybe can resolve things without your help at all, with just a little guidance. In a union setting, the more the membership is involved the stronger the union is. Don't allow yourself to be “Mr. Fixit,” the person to whom everyone comes with the expectation that you'll make it all better. It's everyone's union, and everyone should participate.

## Report Back

Make sure your co-workers know what's going on in the union. If they don't all go to meetings, have meetings of your own, on break, and tell people what's going on. The more they know and understand, the stronger will be the union, and the easier it will be for you to be an effective steward. It doesn't have to be strictly internal news that you're sharing, either. Don't hesitate to be sure people know about what a lousy employer Walmart is. If your member of Congress consistently votes against



the interests of working people—or is a great representative and is really helpful—share that news. If workers down the street are having trouble with their employer and their union has asked *your* union to help, by supporting a boycott or picket line or in some other way, be sure your co-workers know.

## Be Cool

Resolve not to let it all get to you. You're no good to anyone if the stress of being a steward makes you crazy, to the point where you're mad at everyone, your family life is being affected by it and you've got killer headaches. If you find this happening, slow down. Seek help from the union officers, where appropriate. Get a little exercise to work off some of the tension. Take a few deep breaths. And don't get upset with yourself when it all doesn't work out perfectly. No one wins them all.

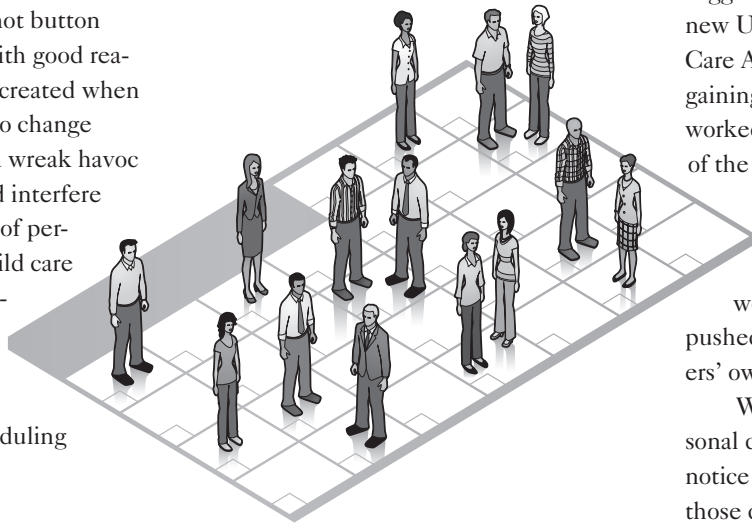
## Share Knowledge

Too many stewards get caught up in the confines of their own jobs and their own work areas and fail to communicate with other stewards and other unionists. There's a lot to learn by sharing, and a lot of support to be gained. Reach out to other activists and exchange information. The problems you're facing are more than likely problems they've faced over the years and dealt with. The odds are that you've worked out solutions to some of the problems they're facing, and your knowledge will be of help to them. If you don't have a support network, build one. We're all in this together.

—David Prosten. The writer is founding editor of Steward Update.

# Dealing with Scheduling Issues

**S**cheduling issues are hot button items for workers—with good reason. The uncertainty created when the employer has the power to change hours of work unilaterally can wreak havoc with a person's family life and interfere with their ability to take care of personal business, arrange for child care and be active in their community. Whether the change is adding or cutting hours of work, uncertainty itself causes harm. Therefore, scheduling is serious business.



## Schedules and Schedule Changes are Bargainable

Time at work, after all, is what workers sell to employers. Everything related to agreements about when work starts and ends is a scheduling issue. The steward's role is to stay informed about what is happening with individual workers, spotting instances that may threaten a good practice, keeping records and informing the bargaining team. Generally speaking, the more explicit and detailed the bargained schedule, the better for workers, so even small kinks that come up in the implementation of the contract matter.

## Sick Leave Versus Vacation

It may happen that an employer tells a worker to use vacation leave for sick leave. Many arbitrations have determined these to be entirely different benefits, so the steward should ask the employer to reschedule the vacation of an employee who is on sick leave when his scheduled vacation comes up. If it can't be rescheduled, the worker should get sick pay *and* vacation pay.

## Conflicts Between Workers

Not all conflicts that the steward has to deal with involve the employer. For example, a situation may arise where to

celebrate a religious holiday or for another personal reason, a worker asks the steward to help him trade shifts with someone else. The right to trade shifts is a past practice you want to protect. Again, past practice rules; arbitrators have found that unless an employer can prove that trading shifts causes an undue burden to her business, the trade can occur.

Traditional approaches to resolving conflicts like seniority, rotation, overtime or time off by department or job classification all have the advantage of being transparent and public. Stewards have to be able to explain that, although never perfectly fair, these approaches keep arbitrary or whimsical changes out of the hands of the employer.

## Casualization by Loss of Hours

Many workers, especially those in retail, face the transformation of good jobs into bad jobs through casualization. This can happen through what seem at first glance like simple changes in schedule. For example:

In the U.S. Post Office, cutbacks in hours mean that some clerks now have to take three-hour lunch breaks, unpaid.

Some healthcare workers have had their regular hours replaced by "on-call" hours, where they are paid less than

minimum wage to be reachable on their cell phones if needed.

Many part-time workers such as retail clerks and adjuncts in colleges are seeing their total work hours cut to below the 30-hour per week threshold that would trigger employer contributions under the new U.S. healthcare law, the Affordable Care Act (ACA). In some cases, if the bargaining unit is defined by number of hours worked, workers who were previously part of the bargaining unit may no longer be part of the unit or even in the union.

In some industries, prep time and cleanup time, which were done on the clock, have been pushed off the clock to be done on workers' own time.

Workers who have accumulated "personal days" that can be taken on short notice have found that the rules for how those days can be used have changed.

## Strategic Resistance

While the steward may be the first to see these changes happening, fighting back requires strategy. The union has a choice: Ignore it or do something about it. In order to reclaim what was once taken for granted, the steward is likely to be called upon to help organize some kind of strategic resistance. Teachers in Chicago struck in 2012 against, among other things, a scheduling change: having their hours stretched out without an increase in pay. Through the strike, they were able to cut back the extended school day and get more pay, although not full pay.

Defending the schedule and keeping an eye on how it is implemented is an important responsibility for a steward. Arbitrators tend to be deferential to management rights even when contracts have detailed work hours and scheduling clauses. This is the case right up to the point where it becomes a safety issue or directly conflicts with a bargained agreement. Balancing this, arbitrators look very seriously at past practice. It falls to the steward to educate workers to respect past practice even when an individual variance may appear to be a good deal for an individual worker.

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

# Member “Honesty” and Misconduct Accusations

**I** didn’t do anything wrong!” are words familiar to every union steward, often expressed by members accused of misconduct. While the focus of your follow-up will be on whether the accusations are true, false or somewhere in between, don’t ignore the importance of letting members know that they should be honest when questioned by management during an investigation.

All too often, employees get themselves in trouble by failing to be truthful during the investigation even when the original accusations are, in fact, unfounded. It is critical that a steward offer practical guidance to members who, in a stressed state of mind, may be inclined to blurt out denials about everything from what time they arrived at work to whether or not they ever used a company pen to sign their name.

You play a crucial role when representing a member who has been called in for questioning by management. Accompany the member in order to be most effective, and consider these measures.

Prior to management’s questioning, talk to the worker to get a general sense of what is being alleged. Counsel the member as to his legal and contractual rights and provide general guidance about how to respond during questioning. Suggestions might include asking for more specifics in response to open-ended questions; answering just what’s been asked (no more!); keeping answers short and to the point; saying “I don’t know” or “I don’t recall” rather than speculating; avoiding engaging in argument.

During questioning, the steward can ask for clarification when a question is confusing, take notes and call a time out if the member is rambling or becomes anxious or confused.

After the meeting, the steward should review with the member what was discussed and remind her to follow any directives given (for example, not to discuss the meeting with others). Stewards should contact the appropriate union leader and give him/her a summary of the meeting.

## What Laws Apply?

The steward should be familiar with federal and state laws governing the administration of tests designed to determine whether an employee is being honest in answering questions. These include a polygraph, voice stress analyzer, psychological stress evaluator or similar device.

Canadian law prohibits employers from using lie detectors to screen employees. *No one* can directly or indirectly require, request, enable or influence an employee to take a lie detector test.

Under the U.S. Employee Polygraph Protection Act of 1988 (EPPA), *private* sector employers generally may not require or request any employee or job applicant to take a lie detector test or discharge, discipline or discriminate against those who refuse to take a test.

One significant exception is where the employee is *reasonably* suspected of involvement in an incident that results in economic loss to the employer and had access to the property that is the subject of an investigation. If the employer attempts to rely upon this exception, it is important for the steward to monitor the employer’s compliance with the law. For example, the employer must use a licensed examiner and provide the worker with written notice explaining the basis for the test.

The steward should be aware of any state laws governing the use of such tests. For example, New York State labor law prohibits public and private sector employers from administering any type of voice stress analysis but *does* permit tests, such as a polygraph, that measure heart rate and respirations instead of voice fluctuations.

## Testing and Union Representation

There is some recent precedent on testing and union representation from the National Labor Relations Board as it relates to drug and alcohol testing in the private sector. The NLRB held that an employer violated the National Labor

Relations Act (NLRA) when it discharged an employee who refused to take a drug test without allowing that employee to consult with his union rep beforehand. The Board found that the employee’s suspension and subse-

quent discharge were “inextricably linked to his assertion of Weingarten rights,” and therefore the employer’s actions violated the Act. The NLRB refused to support an arbitrator’s decision upholding the worker’s firing. Reinstatement and back pay were ordered.

This case serves to further underscore the importance of a union member’s right to request and receive union representation. It is worth reminding others that employees who work in a non-union setting do not have similar rights.

The union steward is typically the first to be called upon to represent members whom employers seek to interrogate or test to determine misconduct. A working knowledge of employees’ legal and contractual rights along with an appreciation for the important role the steward plays during the early stages of these cases will give you the tools needed to effectively represent members and provide meaningful guidance on how the employee can best respond.

—Bill Grande. The writer is a labor relations specialist for the New York State United Teachers.

**The steward can ask for clarification if a question is confusing.**



# Putting Social Media to Work

**Y**ou may hate online social media sites or love them, but as a shop steward, you can't ignore them. It's important to know how forums like Facebook and Twitter can help-or hurt-in the performance of your duties as a shop steward and labor activist.

Social media are essential for connecting with members under the age of 40. According to the Pew Internet Project, 82 percent of Americans age 30 to 49 use at least one social media platform, and that number rises to nearly 90 percent for Americans age 18 to 29.

Social media have fundamentally changed the way unions communicate with their members. The one-way street of the traditional union newsletter or shop flyer is gone. On the Internet, everyone gets their say, and that's something you should welcome. If you use social media exclusively to make announcements or lecture members about important issues, you've missed the point.

When you get a response to one of your posts, that's a good thing, even if the responder doesn't agree with you, and you should reply with civility and respect.

Of course, that doesn't mean you have to put up with vicious personal attacks, which may pop up every now and then. Develop ground rules for your social media interactions and post that policy online, including the following rules:

- No attacks. Disagreement is fine, but stick to the issues without resorting to personal insults or abusive language.
- Don't post information that should not be made public, such as negotiating strategies or other information that would undermine the well-being of the union.
- Rants against organized labor in general, or your union in particular, don't belong on a site that's meant to build solidarity and better the lives of working people.
- When criticizing the employer, stick to the issues of working conditions and

wages to avoid a possible lawsuit. Under the National Labor Relations Act, workers are protected from libel suits only when their accusations fall under the category of "protected concerted activity." According to recent rulings by the NLRB, that means internet comments or videos are only



protected if they're posted as a means of "discussing terms and conditions of employment with fellow employees."

Let's look at the two most popular social media platforms.

## Facebook

There are two kinds of Facebook accounts: profiles and pages. Profiles are used by individuals, to share with family and friends. Facebook pages are designed for groups, and may be set up around such things as a cause, an organization, a product, or a political candidate. Facebook pages, like profiles, can either be open to the public or closed, but the page

administrator can delete any messages that violate the social media rules.

Public group (or "fan") pages build a following by encouraging people to "like" their page. Closed group pages are accessible only by invitation, or when the administrator adds you to the group. Remember that even if you've used every privacy option available, those safeguards don't apply when you like or comment on a public page. In other words, any action you take on a public page will show up in search engines like Google, and in your friends' notifications. If you're using a page to interact with your bargaining unit, you'll want to make it a closed group.

Establishing a closed Facebook page around a committee or task force can enable you to share information quickly, set up meeting dates, and exchange ideas. Even with a closed group, sensitive information should not be presented because nothing online is ever 100 percent secure.

## Twitter

Twitter isn't as popular as Facebook, but it has its place for communicating with co-workers. For one thing, it's better suited for smart phones, and it's a great way to get, or tweet, breaking news. You can even "live tweet" photos and comments from conferences or picket lines to keep your union members informed-without the filter of the mainstream media.

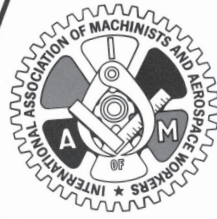
The best way to learn about using Twitter is to use it. First, try setting up a personal account until you get the hang of it-and don't be shy about asking someone under the age of 30 for help.

**N**o matter what your personal views are about social media, remember what's important—keeping the lines of communication open will ensure that members have facts rather than someone else's opinions. Ready access to information will help to keep the union strong.

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

**If you use social media just to make announcements, you've missed the point.**

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OFFICE OF THE INTERNATIONAL PRESIDENT

Dear IAM Shop Steward,

We have closed the books on another year and I hope you and your family had a good holiday season. The new year is an occasion for reflection on 2014 and a chance to plan for 2015.

In 2014, we continued the slow recovery from the economic disaster of 2008. We had important organizing wins and held our own at the bargaining table.

But the biggest story for 2014 was the U.S.'s midterm elections. The Republican sweep that gained control of the Senate, increased their majority in the House, won more governorships and control of state legislatures means your job as Shop Steward will be more important than ever.

Our Sisters and Brothers in Canada face similar challenges in elections in 2015. To prepare, they held a Political Action Symposium for more than 90 activists and IAM representatives at the William W. Winpisinger Education and Technology Center. Their goal is develop a winning strategy for working families in both provincial and federal elections.

The GOP's agenda in the U.S. is clear: further increase the power of corporations and weaken, if not eliminate, labor as a voice for working families. But there are some bright spots. The GOP may claim a mandate for their radical agenda, but voters also sent some clear signals that though they voted for Republican candidates, they also support issues that the GOP firmly opposes. For example, Republicans have repeatedly blocked action to raise the minimum wage, but voters in five states approved ballot initiatives to raise the minimum.

In a Wall Street Journal/NBC poll taken just after the election, voters listed their top three priorities for the new Congress: lower the cost of student loans, increase spending on infrastructure, and raise the minimum wage. Movement on all three issues has been blocked by the GOP.

The ballot initiatives and voter surveys show majority public support for issues that the IAM has been advocating for years: greater access to education and skills training, infrastructure investment and raising the minimum wage.

In 2015, we can use that support to organize and to stop the worst GOP attacks sure to come. And as always, you will play an important role in educating and mobilizing your fellow members.

Thank you for all you have done in 2014, and let's get started on a productive 2015.

In Solidarity,

*R. Thomas Buffenbarger*

R. Thomas Buffenbarger  
International President

