



AFSCME

STEWARD HANDBOOK



**A Guide for Building
a Strong Union &
Power in the Workplace**

Updated February 2003



Congratulations on Becoming an AFSCME Steward!

The job of a steward is the most challenging, most rewarding and most important job in our union. That's because you are on the front lines of our fight to develop a strong, active union in the workplace — one that can make a real difference in the lives of our members.

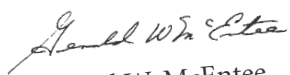
Stewards have an enormous impact on our members' faith and belief in the union. The steward is the one union person our members see every day when they go to work. In the eyes of most AFSCME members, you are the union. Because this is so, the AFSCME steward, more than any other union leader or activist, has the opportunity to energize and mobilize the source of our union's strength: the membership.

The steward takes on a number of roles in the union: You provide leadership in the workplace; you organize co-workers to take collective action; you communicate with workers, union leaders and management; and you represent members. By performing these steward tasks, you will earn the confidence and respect of your co-workers. This will allow you to carry out your primary responsibility: to reach out to our members and encourage them to become active, involved participants in their union.

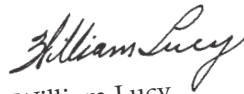
This is vitally important because of a fundamental truth about our union: Member involvement in union activities and union actions creates union power in the workplace. A strong union is better able to protect workers' rights and fight for improvements in wages, hours, working conditions and quality of life on the job.

Take great pride in being an AFSCME steward. We know you are up to the challenge.

In solidarity,



Gerald W. McEntee
International President



William Lucy
International Secretary-Treasurer

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I: INTRODUCTION

In 1992 a study was conducted by the Wilson Center for Public Research on the topic “Workers’ Views of the Value of Unions.” The study found that union members who have effective stewards are:

- Significantly more likely to feel the union is effective in helping obtain job-related improvements.
- Much more likely to feel their union representative cares about them.
- More likely to approve of grievance handling — and to file grievances.
- Much more likely to turn to the union — rather than to management — to solve contract-related problems.
- More optimistic about the negotiating ability of their local.
- More likely to see the importance of the union’s organizing efforts.
- More likely to volunteer to participate in union activities.

The study confirmed two long-held AFSCME beliefs: Stewards are the cornerstone of the union, and effective stewards build stronger unions.

AFSCME stewards carry out their responsibilities in a wide variety of workplaces. Most of you work in public-sector jobs, but many of you work in the private sector as well. You are state, county and municipal employees, but some of you work for the federal government. Some of you work for non-profit organizations. In some cases you have an agency shop, either by statute or by negotiating language in your contract. In other places, non-members are not required to pay any agency fees and you may still be required to represent them. You work in states and other jurisdictions where collective bargaining laws and negotiated contracts are in place. But many of you also carry on the struggle for dignity in those areas where public employees have not yet won that basic right to bargain collectively over wages, hours and conditions of employment.

The contents of this *AFSCME Steward Handbook* have been developed to help you become an effective steward — regardless of your particular work situation. A wealth of information is packed into these pages — everything from steward responsibilities to grievance-handling skills, from legal issues to the history of AFSCME. While every piece of information may not apply to your specific circumstances, apply those principles and guidelines that do.

Scattered throughout the handbook are a collection of “Bright Ideas,” intended to offer tips, provide guidelines or shed some light on various topics. So, the next time someone asks, “Who had that bright idea?,” you can say that you did; you’re the AFSCME steward.



II: THE ROLES OF THE STEWARD

AFSCME members bring different skills, abilities, strengths and experiences to the job of union steward. Some stewards are terrific organizers while others are great at motivating people. Some enjoy representing members in the grievance procedure and others eagerly tackle on-the-job issues by developing new tactics and strategies. With their energy, enthusiasm and commitment, AFSCME stewards play a key role in creating a vigorous local union.

The Steward as Leader

Leadership can be defined as **the ability to motivate a group of people to act in pursuit of its common interests and goals.**

AFSCME members look to the steward as a leader in the workplace. They turn to the steward when they are seeking information or when they need some help in solving a problem. To be a leader, the steward must understand the diversity of the union's membership — cultural, racial, gender, sexual orientation, age differences — and promote unity to put a stop to management attempts to divide workers.

As a steward, you must have **credibility** (defined simply as being “worthy of belief or trust”) with union members, co-workers, and the managers and supervisors with whom you attempt to resolve workplace issues and problems. Usually, credibility isn't easily granted — it must be earned over time.

You must be **able to listen** to the problems, concerns and issues of members and co-workers. By identifying workplace problems, stewards can engage members in developing solutions. Listening is a skill that must be developed and practiced.

Stewards must be **able to motivate** members to take action on workplace concerns and problems. Stewards who try to “do it all” become overburdened, overwhelmed and stressed out. Stewards who do it all are not involving other members in the union. High member participation is a sign of a strong union.



Bright Ideas

Doing What it Takes to be a Leader

Gain Credibility

- Be honest with members, co-workers and managers; a steward who bluffs, misleads or skirts the truth won't remain credible for very long.
- Be reliable. If you are asked a question and you don't know the answer, say "I don't know" — then get the information and get back to the person as soon as possible. When you say you are going to do something, follow through.
- Be knowledgeable about the contract, the work rules and policies, co-workers in your area, supervisors and managers, issues impacting the workers, etc.
- Be supportive. When co-workers approach you with their concerns and complaints, offer understanding, encouragement and help or guidance in addressing their problems.
- Be committed to the labor movement and the goals of AFSCME — gaining respect, dignity and fair treatment on the job, and providing a voice in determining working conditions.

Listen

- Pay attention to what the member, non-member or manager is saying.
- Show interest in the issue, problem or complaint that is being described; maintain eye contact.
- Concentrate and don't fake attention or allow yourself to be distracted.
- Don't interrupt. It's impossible to listen when you are also talking.
- Ask questions if you are unclear or confused or don't understand something the person is saying.

Motivate members

- Lead by example.
- Build relationships of trust and solidarity over time, so that you have a solid foundation when you ask people to do a specific task or take part in an activity.
- Talk to members one on one — it's more effective, for example, than asking for volunteers at a group meeting.
- Assign people specific, clearly defined tasks; it's easier to get volunteers to do a small part of a project than to take on the entire project.
- Establish when the task will begin and when the task will end.
- Remember that people become active because they are passionate or angry about problems on the job. Challenge them to do something about those problems by getting involved.

The Steward as Communicator

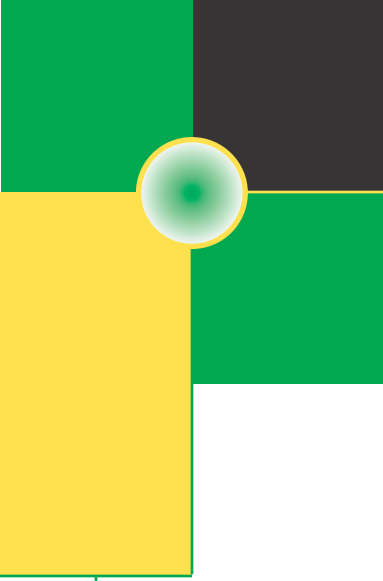
The steward is the hub of a communications wheel. Information is constantly transmitting back and forth along all the spokes of this wheel.

One-on-One

The most effective way to communicate with co-workers is face-to-face or one-on-one. This type of communication has several advantages over any other method. By communicating one-on-one, stewards can:

- “Put a face” on the union.
- Increase union visibility.
- Build relationships with union members.
- Gain immediate feedback on issues.
- Learn about a worker's concerns and problems.
- Directly ask the member to be involved in some specific way (examples: come to a meeting, be on a committee, sign a petition, wear a button, hand out leaflets, etc.).





A strong union depends on a constant information flow. Union officers, stewards and active members are always making decisions on how to address problems and on actions needed to create a better workplace. The greater the quantity and quality of information, the better those decisions will be.

First and foremost, stewards should know their contract or work rules. But just as important, stewards should know the issues and problems affecting members, and all about the union. A big part of communication is your ability to share knowledge and information in a way that helps workers understand how and why issues affect them. Informed and educated members become active members.

What the Steward Should Know and Teach

- **Workplace Issues and How They Affect Employees.** Stay informed on issues affecting AFSCME members by developing relationships with your co-workers, creating a MAT (Member Action Team) structure (see Page 37), and listening to employee concerns. You can also keep informed about issues affecting AFSCME membership across the country by reading union publications and by accessing the AFSCME Web site (www.afscme.org) on the Internet. Examples of such issues are privatization and contracting out, labor economics, and political and legislative issues. Share important information with co-workers through the MAT structure.
- **The Contract** (or other work rules in places where the union has not yet won collective bargaining rights and negotiated a contract). A contract contains the wages, hours and working conditions agreed to by the union and management. It is the primary source of employee rights on the job.
- **Work Rules.** These may be found in such documents as civil service rules, merit system rules, administrative codes or thick policy and procedure manuals devised by management. Get to know them so you can ensure that management is applying them fairly and equitably.
- **Union Structure.** Know the names of the local's officers, stewards and MAT leaders; any committees in the local and the names of committee chairs; the date, time and place of membership meetings; the phone number of the local union office (if there is one); member benefits; and services provided by the local, council and international union.
- **Union Direction and Goals.** Be familiar with the union's **objectives** (like stopping privatization, passing legislation that helps workers, organizing new members, etc.); the union's **values** (protecting a

worker's right to respect and fair treatment on the job); and the union's **mission** (gaining new members, increasing on-the-job rights and protections, and improving wages and working conditions).

The Steward as Representative

The steward represents employees in the formal grievance procedure (see Section III for comprehensive information on handling grievances).

In addition, the steward represents workers in several other ways, including:

- Informal problem-solving efforts and discussions with management.
- Interactions with local officers, giving voice to employee views and concerns.

On the flip side, the steward represents local leaders when passing union-related information on to the membership.

The Steward as Organizer

Stewards are the most visible union presence in the workplace. You come into contact with co-workers every day you are on the job. Because of this fact, the steward is in an ideal position to carry out the most important function of any union activist: being a union organizer.

Stewards can do this in two ways. First, you can activate and mobilize union members on workplace issues that affect them. And second, you can sign up and activate new members.

Mobilizing Members

Different problems arise on the job almost every day. The supervisor is treating workers unfairly. Management is ignoring or misinterpreting the contract. The administrator is not doing what he promised, or the administrator is doing exactly what he said he wouldn't do. To address most workplace problems, there are usually several approaches and options available.

- The **Grievance Procedure** is the formal problem-solving process found in the contract, or work rules if there is no contract (see Section III). But the grievance procedure has several drawbacks: Many problems are not covered by contract language. It takes time to process a grievance and "justice delayed is justice denied." A grievance often involves only one steward and one worker, and management has to deal with only those two people. And where do unions find their strength? In numbers! So, stewards should always think about how to involve members to address on-the-job problems.

- **Informal discussions** with management can sometimes resolve workplace problems. The worker's representative — the steward — could do this. Better yet, a group of workers — with their steward — could meet with the manager. Strength in numbers! This could be done before filing a grievance (when there may be a better chance to solve the problem). Or, it could be done instead of filing a grievance.
- **Mobilizing members** to solve workplace problems is the best way to build union strength and power in the workplace. This approach takes advantage of the source of the union's strength — the members! To carry out successful workplace actions, stewards should:
 - ◆ Plan tactics and strategies **together** with members; actions can be simple or elaborate — everything from petitions to button days to leaflets to delegations to meet with management.
 - ◆ **Involve** as many workers as possible in planning and carrying out actions.
 - ◆ **Build support** by talking with workers one on one.
 - ◆ Keep co-workers **informed** so the group can make decisions together.
 - ◆ **Publicize** your victories.

For help with organizing activities on job-related problems, see the following sections of this handbook:

Member Action Teams, Pages 37-38

Planning a Strategic Campaign, Appendix E, Pages 62-63

Rules of Tactics, Appendix F, Page 64



Bright Ideas ***Building Union Strength Around Workplace Issues***

To be a good workplace issue to mobilize and activate members, the issue should:

- Be widely felt — affects a large number of people.
- Be deeply felt — workers want to do something about the issue.
- Be winnable — the members should believe there is a good chance of winning, or that they have a good strategy to win.
- Be easy to understand.
- Be non-divisive — avoid issues that divide the membership and those that might divide us from the public we serve.

- Build leadership and ownership — there should be many ways for members to be involved.
- Give members a sense of their power — by developing and carrying out a successful strategy.
- Have a clear time frame — ideally, a short time frame for resolution.
- Be worthwhile and result in real improvement in members' lives.
- Be consistent with the union's values.
- Alter the power relationship — involving members changes the “balance of power” in the workplace.

An Example of Using a Problem to Build Strength

Scenario: During the summer months the central air-conditioning system in a city building ran continuously. Employees would come in from the summer heat to a building that was downright chilly. Workers were not comfortable. Many were having to use sick leave. The steward filed a grievance but nothing happened. The department head said it was beyond his control to fix.

Taking Action: Anger and frustration mounted so the steward gathered employees and together they came up with a plan. First, they circulated a petition demanding the air conditioning be fixed. The steward and three other union members presented the petition to the department head; a copy was sent to the city manager.

Next, the employees had a small sign made up that they photocopied and they all posted by their desks, so members of the public could see. The sign said: “We’re not giving you the cold shoulder, the building is.”

The employees talked about what else they could do. They considered an informational picket line but decided they wanted to do some other action first so everyone would participate. One member said she knew how to get a supply of green earmuffs. The earmuffs were obtained and for three consecutive days all the employees wore them while working. At the same time, the steward wrote a letter to the city manager, demanding a meeting to discuss the air conditioning. The steward had all employees in the department sign the letter. A representative committee delivered the letter in person to the city manager’s office.

The city manager did not meet with the employees. Instead, over the weekend, the air conditioning system was repaired.

The following weekend the employees had a party to celebrate and sing a chorus or two of *Solidarity Forever* (lyrics are found in Appendix G, Page 65).

Signing Up and Activating New Members

Reach Out to New Employees. In almost every instance, the first union activist a new employee sees is the steward. Right away you have a golden opportunity to “organize” the new worker — that is, ask the employee to sign a membership card, join the union and become involved. Place a high priority on signing up new members, whether the employee is new on the job, or the worker has been around for years but — for whatever reason — hasn’t yet joined the union.



Bright Ideas ***Ask Them to Join***

In surveys, the Number One reason workers give for not joining a union is “No one ever asked me.” That problem is easy to fix — go out and ask co-workers to join our union.

Don’t Forget Agency Fee (or “Fair Share”) Payers. In many places the union has negotiated a contract provision that workers who don’t join the union are still required to pay an agency fee (usually a percentage of or equivalent to union dues). Don’t forget these people or take the attitude of “well, we’re getting their money so it doesn’t matter if they become members.” Every worker in the bargaining unit is a potential member, a potential resource, a potential talent and a potential union activist.



Bright Ideas ***Organizing New Members***

- Be a visible union presence on the job. A good first step is to wear your steward button at work every day.
- Greet new employees the first day on the job.
- Provide a “welcome kit” of union materials (see Appendix B, Page 58).
- Talk about the importance of being a member of the union and answer any questions the employee has about the union or about the job.

- Offer a membership card and ask the employee to sign and join the union.
- After signing up new members, keep in touch and ask them to participate in union activities and join union committees.
- Know the work area you represent — who's in the union, who's not, where they work, what shift, etc.
- Talk regularly with members and non-members — get to know them.
- Provide union literature (e.g., newsletters) and materials about specific topics (e.g., health and safety, child care issues, privatization, etc.) so they can see union efforts on issues that affect them.
- On workplace issues that affect all employees, ask non-members to participate and become part of the solution.



III: GRIEVANCE HANDLING

The negotiated contract (or work rules) is the union steward's most important document. It contains the wages, hours, working conditions and rights of bargaining unit employees. But management sometimes forgets or misinterprets or ignores what they agreed to at the bargaining table. To help address these management violations of employee rights, the contract also contains a grievance procedure (or, in areas without collective bargaining, the work rules may contain a grievance procedure).

The Grievance Procedure

Grievance procedures contain a series of steps. While contracts and work rules differ in the number and specifics of these steps, here is a common approach:

Step 1: Typically, this is a meeting — with the immediate supervisor and the grievant participating — to discuss the problem. Sometimes this is an informal step that takes place before a written grievance is presented to management. In other instances, the formal written grievance is initiated at this step.

Steps 2 to 4: The written grievance, when it is not satisfactorily resolved, can be appealed to progressively higher stages of the management structure. (If not submitted at Step 1, the written grievance is initiated at Step 2.) Typically, these might include a department director, a division head and the agency administrator.

Arbitration: If the grievance is still not resolved, the final step is a hearing with a professional arbitrator whose decision is final and binding — if that is what is specified in the contract. (See Pages 25-26 for information on arbitration.)



Bright Ideas ***Using Grievances to Build Union Strength***

- **Enforce** the contract when a management action, or inaction, has violated the agreement.
- **Interpret** contract language when the union and management have differing views about the meaning of a particular section in the agreement.

- **Improve** the contract by revealing problem areas and deficiencies in the current agreement, which the union can address when it negotiates the next contract.
- **Protect** the rights of individual workers, groups of workers or the union itself.
- **Organize** workers who haven't yet joined the union by publicizing victories that are won through the grievance procedure.
- **Gain** respect from management by showing that the union will not allow abuses or violations of the collective bargaining agreement or work rules.

A Five-Step Approach To Grievance Handling

Almost every workday stewards hear complaints about something on the job. To help determine whether or not these are legitimate grievances, there is a five-step formula that you can follow when handling any workplace problem or complaint that may be grounds for a grievance:

- 1) Identification
- 2) Investigation
- 3) Documentation
- 4) Preparation
- 5) Presentation

Step 1: Identification

Know the definition of a grievance found in the contract or work rules. In addition to stating what a grievance **is** (as an example, "any dispute over the interpretation or application of the agreement"), there may also be some contract provisions that are **excluded** from the grievance procedure.

Armed with this basic information, you should next answer the following questions:

- Did management **violate** any of the following?
 1. the contract
 2. a work rule or regulation
 3. a policy or procedure
 4. any federal, state, county or municipal law
 5. any health and safety regulation
 6. past practice (see Pages 16-17 for more on this topic)

- Did management's action constitute unfair or disparate (unequal) treatment of an employee or group of employees?
- Did management engage in discrimination or harassment?
- Did management take disciplinary action against an employee or group of employees? (See Section IV on discipline cases.)

If the answer to any of these questions is "yes," there is a good chance that grounds for a grievance may exist.



Bright Ideas Past Practice

In general, a past practice is not covered in the contract but, over time, has come to be accepted as an employment condition. To cite "past practice," these four elements should be present:

1. ***A Clear and Consistent Course of Conduct:*** The practice has to be normal activity. A "past practice" is not a vague activity or an occasional lapse in the usual way of doing business.
2. ***Activity Over a Reasonable Duration:*** The phrase "reasonable duration" is subjective and indefinite. Arbitrators decide — on a case-by-case basis — whether a practice has gone on "long enough" to be considered a condition of employment. One or two occurrences a year won't be considered consistent over a reasonable duration. However, the same activity repeated once a week for five years might be.
3. ***Full Knowledge:*** Both parties, management and the union, must know the practice exists. This does not have to be officially stated or recognized, but it does have to be verified.
4. ***The Contract Is Silent or Ambiguous:*** When the contract is silent on the activity, the practice may be considered to be an implied term of the contract if all of the above elements are present. Where contract language is vague or ambiguous, it is implied the two parties intended the activity to be covered by the contract. Arbitrators look to the past practice to determine the intent of the contract.

In addition to these four principles, the union must demonstrate that harm has been done to affected employees by management's changing the practice.

An Example of Past Practice

Scenario: At a state hospital, the workday in the Grounds Department ends at 4:30 p.m. Every day at 4:15, the workers return to the building where the tools and equipment are kept. The supervisor's office is also located there. The workers clean up before they punch out for the day and go home. Though there is no language in the contract covering "wash-up time," this practice has been going on for as long as anyone can remember.

Conclusion: All four past practice elements are in place — consistent activity, lengthy duration, knowledge of the parties and a silent contract. Should management decide to change the practice, the union would have solid grounds for filing a grievance based on past practice.

Step 2: Investigation

Investigation of a problem or complaint begins with talking to people, often several people. They include:

- The affected employee (that is, the potential grievant).
- Any witnesses who might have seen or heard anything related to the event. Interview witnesses separately — this helps gather information and sort out inconsistencies. Don't settle for hearsay information. If someone says to you, "Harry told me ...," go talk to Harry.
- The supervisor involved in the event. By meeting informally with the supervisor, you can sometimes learn helpful information and you may find a way of resolving the problem without having to file a grievance. (Before talking to a supervisor, always let the employee know you are going to do that.)



Bright Ideas Asking the Right Questions

Start by asking the same basic questions — known as the "5 W's" — to each person you talk to.

- | | |
|-----------------------------------|-----------------------------------|
| ■ Who was involved? | Names of people involved in event |
| ■ What happened? | Description of the event |
| ■ Where did it happen? | Location of the event |
| ■ When did it happen? | Date and time the event occurred |
| ■ Why is this a grievance? | Contract sections being violated |

Use the “AFSCME Grievance Fact Sheet” (Appendix C, Pages 59-60) to make sure each of these questions is asked and answered.

Listen carefully to what each person has to say.

Take notes during or after each conversation. Review these notes to make sure the information is accurate and complete.

Follow up to verify information; fill in gaps and clear up discrepancies.

Step 3: Documentation

Documentation is the step of collecting the evidence — mostly on paper — that will support your grievance case. Collect as much information as you can; you can never be sure which piece of evidence will turn the case in your favor.

Documentation — the “physical evidence” you collect — will be used to verify the information you learned from each of the people you talked to in the investigation step.



Bright Ideas ***Collecting Evidence***

- Research the contract, work rules, policies, procedures, etc., to determine which of these — and what sections or rules — management has violated.
- Be sure and check the employee’s official personnel file, which contains a wealth of information — e.g., date of hire, evaluations, promotions, transfers, leave use, past disciplinary actions, letters of commendation, etc.
- Gather evidence from any and all sources and collect whatever you think may have a bearing on the case. Remember, that it is better to have something and not need it than to need something and not have it.
- Make copies of any needed documents.
- Evidence may be something other than paper. A faulty piece of safety equipment or a photograph of where the event took place could be part of your case.

Information Requests

The National Labor Relations Act (NLRA) and most state collective bargaining laws covering public-sector workers grant the union the right to information maintained by the employer that concerns a grievance or potential grievance.

Make your information requests in writing. The union can make additional information requests based on material gained from the first request. Failure by management to supply information that is relevant to a grievance may be grounds for unfair labor practice charges. Examples of information you can request are:

- attendance records
- Material Safety Data Sheets (MSDS)
- correspondence
- payroll records
- discipline records
- performance evaluations
- equipment specifications
- personnel files
- inspection records
- photographs
- job assignment records
- seniority lists
- job descriptions
- supervisor's notes
- management memos

Sample Information Request Letter

To: Howard Watson, Human Resources Manager
From: Pat Bell, Union Steward
Re: Grievance of Gail Webb regarding overtime

To prepare for Gail Webb's grievance, I request the following information:

1. Gail Webb's personnel file and job description.
2. A current seniority list for the bargaining unit and for Gail's department. I would like the job classification listed for each employee.
3. A list of all overtime assignments made in the past six months. For each assignment I would like the name of the employee and the amount of overtime worked.

Sincerely,

Pat Bell

Step 4: Preparation

Preparation is the key to success in most things we do. Grievance handling is no exception. The outcome of a grievance very often depends on how well the steward prepares ahead of time.



Bright Ideas Preparation

- Review all your evidence; fill in any gaps you discover.
- Determine the importance and relevance of each fact and piece of information.
- Distinguish between allegations and opinions on the one hand and facts on the other. (Example: Allegation — “Sarah gets most of the overtime.” Fact — “Sarah worked overtime on the 7th , 14th, 21st and 28th of last month for a total of 16 hours.”)
- Research the local’s grievance file for any past grievances on similar situations.
- Discuss the grievance with other stewards or officers to gain their insights on the case.
- Write the grievance (see below for pointers on writing a grievance).
- Prepare the grievant for the grievance meeting with management; remember, the grievant may have never filed a grievance before and will not know what to expect in a grievance meeting. Describe the setting, who will be there, and how the grievance will be presented. Review with the grievant what he/she will and will not say during the meeting. Some stewards role-play the hearing with the grievant.
- Anticipate management’s arguments, questions and point of view; know how you and the grievant will respond to each of these.

Writing the Grievance

Many AFSCME locals have an official grievance form that should be used when filing a written grievance. If your local does not have its own form or one provided by the employer, you can use the standard “AFSCME Grievance Form” — see Appendix C, Pages 59-60.

All grievance forms contain four main sections that ask for:

1. Basic information about the grievant: name, job title or classification, department, work location, etc.
2. Information about what happened (or failed to happen) that brought about the grievance.
3. A description of what contract provision, work rule, past practice, etc., that management has violated.
4. A requested remedy for the grievance.



Bright Ideas ***Writing a Grievance***

- State the grievance in a concise description of the basic facts and information.
- Don't include statements of personal opinion.
- Don't include your evidence or arguments in the case — save those for when you meet with management.
- List any and all management violations of the contract, work rules, etc., which apply; after you list specific contract articles, you may want to include a phrase such as “and all other applicable sections of the contract.” This allows the chance to expand your arguments should additional details become known at a later time.
- Clearly state the desired remedy (that is, exactly what the grievant and/or the union want as a solution to the problem); make sure you ask the grievant what he/she wants before writing the remedy.
- When appropriate, conclude the remedy by asking that the grievant be “made whole” (see Page 28).
- Complete the grievance form with the knowledge and assistance of the grievant. Have the grievant sign the grievance form.
- Make a copy of the grievance form before submitting it to management and add it to your file on the grievance.

Two Examples of How to Write a Grievance

Each sample shows a poorly written grievance followed by a much better version.

Example 1 — Change in Starting Time

Poorly Written

Statement of the Grievance

Without even talking to the union about it, management decided to change the starting time of the swing shift and the evening shift. Changing the start time for these shifts by 45 minutes would wreak havoc in the lives of employees. Management never listens to the union and they can't just go around doing whatever they want. This is unfair for all workers on these two shifts.

Remedy

That management stop pulling stunts like this and start following the contract.

Much Better

Statement of the Grievance

On October 30, management changed the start times of the swing shift and the evening shift. This action violates Article VII (Hours of Work), Article XIV (Definition of Shifts) and any other relevant articles of the contract.

Remedy

That management immediately return to the schedule described in the contract.

Example 2 — Personal Leave

Poorly Written

Statement of the Grievance

Last week Mary Roberts had to stay home and take care of her child who was sick. Mary's babysitter was sick that day and she couldn't find someone on such short notice. Her husband was out of town so he couldn't help. So she asked for personal leave because the contract says you can use personal leave for emergencies. But Mike Carr, her supervisor, told her she couldn't have personal leave. He gave her an unexcused absence. He said everyone should have back-ups in place in case this kind of thing happens.

Remedy

All the employees in the department from all the seven work locations should be gotten together for a meeting and Mike Carr should have to publicly apologize to Mary and promise to never do something like this again. Mary should get her day back.

Much Better

Statement of the Grievance

Mary Roberts was improperly denied personal leave for May 18. This action violates Article XIII (Personal Leave) and any other relevant contract provisions.

Remedy

That Mary Roberts be granted a personal leave day for May 18 and that she be made whole (Page 28).

Step 5: Presentation

Before meeting with management, prepare an outline for your case. This helps organize the presentation you will make to management. It can also help you define exactly what you want to accomplish in the meeting. Some stewards practice their verbal presentation in front of a mirror.

Remember: In a grievance meeting, you are on equal ground with management. It is no longer boss and employee. Carry yourself and present yourself as management's equal in the meeting. Treat the supervisor with respect, and expect and insist upon respect in return.



Bright Ideas Grievance Presentation

- | | |
|---------|--|
| ✓ DO | Use a positive, friendly down-to-business approach. |
| ✗ DON'T | <i>Make threats or try to bluff your way through a grievance.</i> |
| ✓ DO | Stick to the subject of the grievance. |
| ✗ DON'T | <i>Allow the discussion to be sidetracked on other issues, past problems or irrelevant subjects.</i> |
| ✓ DO | Discuss issues. |
| ✗ DON'T | <i>Discuss personalities.</i> |

✓ DO	Remain calm, cool and collected.
✗ DON'T	<i>Become angry, belligerent or hostile.</i>
✓ DO	Keep notes of what is said during the meeting.
✗ DON'T	<i>Lose focus of the objective: resolving the grievance.</i>
✓ DO	Listen for the main point of management's argument and for possible openings to resolve the grievance.
✗ DON'T	<i>Get into arguments with the grievant during the meeting; if need be, ask for a caucus and step outside the room to iron out differences and clear up any confusion.</i>
✓ DO	Attempt to resolve each grievance at the lowest possible step, but, if management is not willing to fairly resolve the case, be prepared to appeal to the next step.
✗ DON'T	<i>"Horse trade" or swap one grievance for another (where the union wins one, management wins one). Each case should be decided on its merits.</i>
✓ DO	Get every grievance settlement in writing.
✗ DON'T	<i>Accept management's verbal assurances that "it will be taken care of."</i>
✓ DO	Give your understanding of what (if any) resolution has been reached or what will happen next after the conclusion of the meeting. This helps avoid misunderstandings later.

Grievance Procedure Time Limits

Every grievance procedure contains specific **time limits** for each step of the process. There are **time limits** to file the grievance at the first step; **time limits** for management to hear the case and respond; and **time limits** for the union to appeal to the next step.

Know the time limits. If the union fails to file or appeal a grievance within the specified time limits, it is grounds for the grievance to be dismissed. In other words, the grievance is lost. (Appendix D, Page 61, contains a chart you can fill out to keep track of the time limits in your local's grievance procedure.)

Time limit extensions. Sometimes you may want to extend time limits for various reasons (e.g., gathering additional evidence, needing more preparation time). To extend the time limits, management must

agree to the request. Sometimes management wants to extend the time limits; the union would have to agree to that request as well. If you ever wish to extend time limits, get the agreement **in writing**, signed by the steward and the management representative.



Bright Idea *Keep the Grievant in the Loop*

Throughout the process, keep the grievant up to date on the status of the grievance, the date of the next meeting or when the appeal is due back from management, and any discussions that take place concerning the grievance. The employee should never be left in the dark about his/her grievance.

Arbitration

In many grievance procedures, the final step is arbitration. This step is negotiated in the contract and it is not automatic. The union must formally appeal a grievance to the arbitration step.

A professional arbitrator hears the grievance. It is the most “legalistic” and formal of all the steps. The arbitrator is selected jointly by the union and management following procedures contained in the contract. The arbitrator is selected from an outside group, such as the American Arbitration Association, the Federal Mediation and Conciliation Service or a similar panel created by the state. This, too, is specified in the contract.

Pros and Cons of Arbitration

- ✓ **PRO** Grievance is heard by a third party.
- ✗ **CON** *Usually a long period of time passes before the case is heard and decided. It is **not** a quick process.*
- ✓ **PRO** Decision is no longer made by someone in management.
- ✗ **CON** *Lower steps in the process tend to become a “going-through-the-motions” formality where little effort is made to resolve the problem.*
- ✓ **PRO** Decision is final and binding (if this is called for in the contract) and both parties have to adhere to the decision.
- ✗ **CON** *There are more compromise solutions, which may mean that justice is compromised.*

- ✓ **PRO** Decision can establish a precedent so the union doesn't have to file grievances again and again on the same issue.
- ✗ **CON** Arbitrators usually come from a professional background (e.g., college professor), which may create a bias in management's favor.
- ✓ **PRO** By appealing grievances to arbitration, the union can gain respect from management by showing it will fight hard to defend employees' rights.
- ✗ **CON** It costs money to take a case to arbitration. In addition to other costs, arbitrators charge a fee for their services. In most contracts, the union splits those costs with the employer.

Types of Grievances

There are four types of grievances that the union steward can file:

Individual: This is when a management violation of the contract affects only one employee. *Example: If Mary Adams was not allowed to take her afternoon 15-minute break, which was called for in the contract, she could file a grievance.*

Group: In some cases, a management violation of the contract affects more than one person. *Example: If Mary Adams, Nick Brown, Patty Carson and Roger Davis were not allowed to take their afternoon 15-minute breaks, they could file a group grievance.*

Union: Sometimes a contract violation may affect the union as an institution. *Example: If management failed to provide space for a union bulletin board required by the contract, a union grievance could be filed.* Union grievances protect the right of the union to function as the certified employee representative. In other instances, management violates the contract but employees may be unwilling or afraid to file a grievance. The steward has the option of filing a union grievance on behalf of the affected bargaining unit members.

Class Action: A class action grievance is one that is filed on behalf of a "class" of affected employees. The class may be as broad as the entire bargaining unit, or it may be more narrow — e.g., a particular job classification, job title or shift or, for example, "all women in the bargaining unit." *Example: If Office Assistant IIs were not given back pay after a reclassification of the position, a class action grievance could be filed for all employees with that job title.*

What if There is No Grievance?

Not every employee complaint is a legitimate grievance. After conducting a thorough investigation and consulting with other stewards and local officers, you may conclude that management has not violated the contract, work rules, policies, past practice, etc., or done anything that falls within the definition of a grievance. In these cases, what should the steward do?



Bright Ideas

What to Do if It's a Gripe, Not a Grievance

- Inform the worker of your conclusion.
- Provide the employee with the opportunity to explain why he/she thinks a grievance should be filed — based on the contract or work rules or other criteria for filing a grievance.
- Even in cases where it might not be appropriate or effective to file a grievance, it is likely that a problem still exists. Attempt to work with the employee and look at ways to resolve the problem or discuss the issue with other employees to see if a broader problem exists.
- Work with the employee — and other workers if the issue affects them — to develop an action plan to solve the problem.

Glossary of Grievance-Related Terms

Burden of Proof

When management takes disciplinary action against an employee, management must then prove it had cause to take the action. Management has the burden of proof — this incorporates the theory of “innocent until proven guilty.” In all other instances, when the union is claiming that management has violated the contract or work rules, the union has the burden of proof.

Discrimination

Discrimination is the unequal treatment of workers because of race, gender, age, religion, disability, marital status, sexual orientation, nationality, union membership or union activity, political affiliation or some other unfair basis. Discrimination may occur in hiring, types of jobs given, rates of pay, promotions and transfers, layoffs or other areas. Some employee classes are protected by law while protection for others is negotiated.

Equal Treatment

Management's rules, policies and procedures must be applied in the same way to all bargaining unit employees.

Grievance Arbitration

Grievance arbitration is often the last step of the grievance procedure. A third party makes a decision that is usually final and binding on both parties (see Pages 25-26).

Grievance Mediation

Grievance mediation is a voluntary and less formal method of dispute resolution in which a neutral party serves as a facilitator in efforts to resolve a grievance. The ultimate acceptance, rejection or modification of a settlement remains with the two parties.

“Made Whole”

Phrase that unions include in their remedies for grievances that involve loss of pay and/or other benefits (e.g., disciplinary actions or improper denial of overtime or promotions). The term means that the grievant is treated as though management never took the improper action. In discipline cases, it asks that the grievant be restored to the status he or she had before management took the action. In instances such as when a promotion or overtime has been denied, it asks that the grievant be treated as though management had taken the correct action. When “be made whole” is included in the remedy — and the grievance is upheld — it ensures the grievant will receive all back pay and any benefits that are due. It would cover such areas as seniority, vacation and sick leave, pension and medical coverage. Being made whole covers all the bases, so the steward doesn't have to remember each and every possible injury when writing the grievance.

Management Rights Clause

This section in the contract specifies that management retains certain functions and rights regarding the “method and means” of managing of the workplace. These often include such areas as hiring, promoting, transferring, laying off, establishing work standards and policies, scheduling, deciding qualifications for positions, deciding locations of facilities, and so on.

Precedent

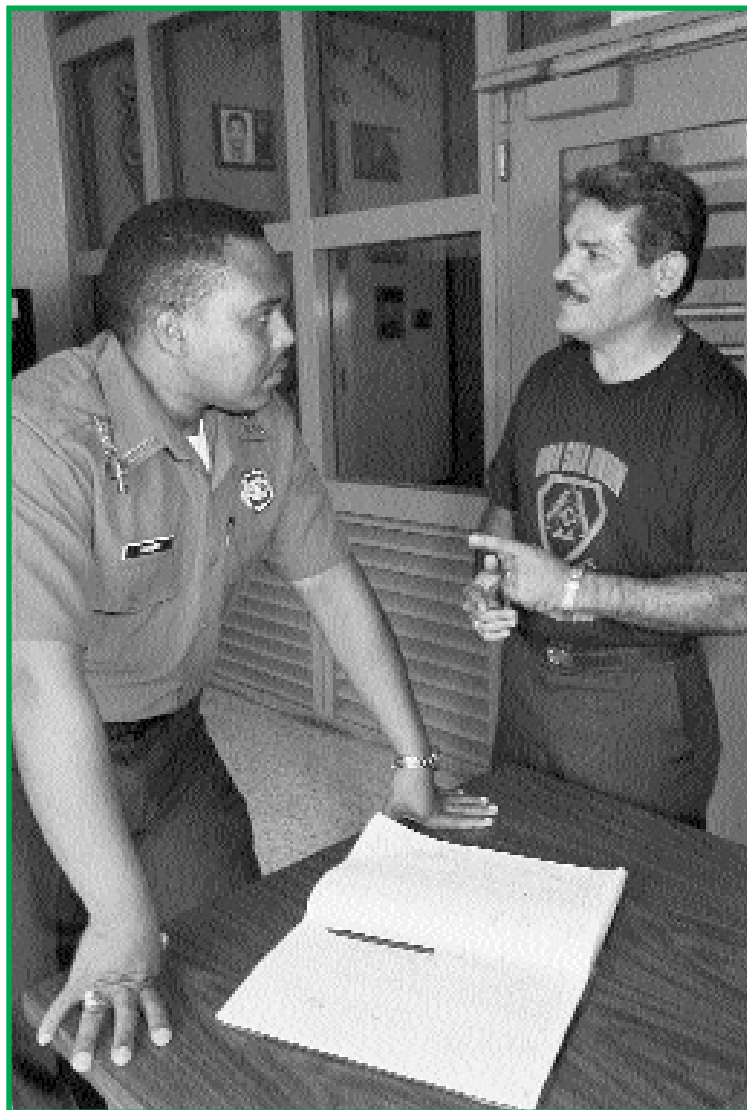
A precedent is a decision that is later used as a guideline for making a decision on a case that has similar circumstances. Precedents may be used to interpret and apply the collective bargaining agreement or work rules. Precedents can be established by grievance settlements, arbitration awards or even union withdrawal of a grievance (thereby letting management's interpretation stand).



Bright Ideas

Warnings About “Management Rights”

- Sometimes management will cite the “management rights” section of the contract to justify an action — when, in fact, management is violating another article of the contract.
- While management may have the right to establish policies, those policies cannot contradict the contract.
- Management must implement its policies, procedures and work rules in a fair and equal manner.



IV: DISCIPLINE CASES

Discipline is a formal penalty imposed by management. It can include verbal counseling, written reprimands, suspensions without pay, demotions, forced transfers and, finally, termination (although some contracts don't permit some of these actions to be taken as discipline).

Management usually cites one of two reasons for taking disciplinary action: 1) it believes the employee is guilty of misconduct — that is, not following legitimate management orders, rules or policies; or 2) it believes the employee is failing to perform job functions to the standards of the workplace.

The general theory of discipline is that it should not be punitive in nature but rather corrective — that is, designed to correct behavior with the goal of encouraging an employee to carry out his/her assigned job duties.

First and foremost, stewards must know the procedure for appealing a discipline case. This is found **in the contract** (or work rules) and very often the process differs from that used for other grievances (e.g., there may be a pre-disciplinary hearing called for in the contract, or you may file discipline grievances not at step 1 but at a higher step).

Management has the burden of proof in discipline cases.

Just Cause

The basic underlying principle in discipline cases is that management must have “just cause” for imposing the disciplinary action. Many contracts state that discipline will only be given “for just cause.”

A common test for determining whether just cause existed was developed by arbitrator Carroll Daugherty in a 1966 case. This standard has come to be known as the “Seven Tests of Just Cause.” To meet the standard, management must be able to answer “yes” to the following seven questions.

1. Was the employee adequately warned of the probable consequences of his/her conduct?
2. Was the employer's rule or order reasonably related to the efficient and safe operation of the job function?
3. Did management investigate before administering the discipline?
4. Was management's investigation fair and objective?
5. Did the investigation produce substantial evidence or proof that the employee was guilty of the offense?

6. Has the employer applied its rules, orders and penalties evenly and without discrimination?
7. Was the amount of discipline reasonably related to the seriousness of the offense and the employee's past service and record? (Did the "punishment fit the crime"?)

A "no" answer to one or more of the questions indicates management's action was arbitrary, capricious and/or discriminatory in one or more respects. The union can argue that management did not have just cause to take the disciplinary action.

Progressive Discipline

Discipline is normally viewed as a progressive process, especially where the issue is failure to perform the assigned job. This means that for the first offense in a given subject (attendance, for example), the discipline will be mild (e.g., verbal counseling or a written reprimand); for subsequent offenses *on the same subject* the discipline will become progressively more severe (e.g., a short suspension, a longer suspension, termination). The intent of progressive discipline is to provide the employee the opportunity to improve performance or correct unacceptable behavior. If management does not follow progressive discipline, the union may make this failure part of its grievance case.

The major exceptions to the concept of progressive discipline are those instances where an employee's conduct is so severe or unacceptable that management feels justified in immediately terminating the employee (examples would be theft, drug or alcohol use on the job, or threatening or using physical violence).

Obey Now, Grieve Later

A general rule that arbitrators apply is that workers are expected to follow management's instructions and directives. If the worker believes the instruction to be unfair or a violation of the contract, he/she can file a grievance at a later time. Arbitrators have customarily held that failure to follow management directions can lead to the employee being charged with — and disciplined for — insubordination.

There are two recognized exceptions to the "obey now, grieve later" principle. Employees may refuse a supervisor's order when they believe that following the order would either 1) result in them doing something illegal; or 2) put them in "imminent danger" of their health and safety. Of course, if management takes disciplinary action after such a refusal, the employee must prove that his/her belief about the unsafe condition was justified.

Insubordination

Insubordination is refusing or failing to carry out a direct order. To claim that a worker was insubordinate, management must (1) issue a direct order, and (2) make the worker aware of the consequence of not following the order.

Weingarten Rights

In the 1975 case *NLRB v. J. Weingarten Inc.*, the U.S. Supreme Court declared that unionized employees have the right to have a steward present during a meeting with management when the employee believes the meeting might lead to disciplinary action being taken against him/her. This case applies to workers in the private sector. Most public employees have similar rights, but the rules vary from state to state, so check your state's labor laws.

Weingarten rights apply during investigatory interviews when a supervisor is questioning an employee to obtain information that could be used as grounds for discipline. When an employee believes such a meeting may lead to discipline, he/she has the right to request union representation. These basic Weingarten rights stem from the Supreme Court's decision:

1. The employee must request representation before or during the meeting.
2. After an employee makes the request, the supervisor has these choices:
 - a. grant the request and wait for the union representative's arrival;
 - b. deny the request and end the meeting immediately; or
 - c. give the employee the choice of either ending the meeting or continuing without representation.
3. If the supervisor denies the request and continues to ask questions, the employee has a right to refuse to answer. In addition, the supervisor is committing an unfair labor practice.



Bright Idea ***Employee Rights in "Weingarten" Meetings***

Beware that management is not obligated to inform employees of their Weingarten rights — employees must ask for them. Unlike Miranda rights — where police are required to tell a suspect of his/her right to an attorney, etc. — employees must **ask** for their Weingarten rights.

Some locals provide members with a wallet-sized card they can keep with them. If they find themselves in a meeting they believe may lead to discipline, they can read or hand the card to the supervisor.



Bright Ideas **Steward Rights in “Weingarten” Meetings**

- Ask to be informed of the purpose of the meeting.
- Meet with the employee before the supervisor begins questioning the employee.
- If necessary, request clarification of a question before the employee responds.
- Offer advice to the employee on how to answer a question.
- Provide additional information to the supervisor after the meeting is over.

If called in to a “Weingarten” meeting, you should also: 1) take detailed notes on the questions asked and the answers given during the meeting; and 2) help the employee remain calm during the meeting, and remind the employee to keep answers short and truthful and not volunteer additional information.

Sample Weingarten Card

“If the discussion in this meeting could in any way lead to my being disciplined or terminated, or impact on my personal working conditions, I request that my steward, local officer or union representative be present. Without union representation, I choose not to answer any further questions at this time.”

This is my right under a Supreme Court decision called Weingarten (or cite a state law).

V: THE DUTY OF FAIR REPRESENTATION

When the union wins a representation election, it gains a special status — it is certified as the exclusive representative of all employees in the bargaining unit. The union has the authority to negotiate and administer the contract and address issues concerning the terms and conditions of employment. With this status comes a responsibility known as the duty of fair representation. This duty is not found in a particular law or statute; rather, it is the result of several court decisions that have been handed down through the years. Simply put, the union has the duty to fairly represent all employees in the bargaining unit, regardless of whether they are members, agency fee payers, or non-members. (Some state laws modify this basic principle, so check the labor laws in your state.)

To meet this responsibility, follow this principle: *Investigate, file and process your grievance cases based on the merits of the grievance, not the merits of the grievant.* There cannot be any discrimination, obvious negligence or an arbitrary decision to drop the case on the part of the union. On the other hand, the union has no obligation to take up frivolous grievances that have no merit.



Bright Ideas **Representation Responsibilities**

- Fully investigate possible grievances to determine if they have merit.
- Follow the time limits in your contract's grievance procedure.
- Keep accurate, written records of each grievance.
- Be a strong advocate for all members of the bargaining unit throughout the grievance procedure.
- Keep the employee informed about the status of the grievance at all steps of the process.
- Always allow the grievant to submit additional evidence or data.
- If the union decides to drop a grievance for lack of merit, or other reason, notify the grievant as soon as possible — in writing.
- Locals or councils (whichever is the certified representative) should have an internal appeals process. Notify the grievant — in writing — about this process and how to appeal the union's decision to drop the grievance.

VI: STEWARD COMMITTEES

Many AFSCME locals have a Steward Committee that meets regularly (once a month is ideal). Often, either the Vice President or the Chief Steward chairs the Steward Committee. By providing a place where stewards can work together on grievances, problems and workplace issues, this committee can help develop a strong team of stewards, build the confidence of new stewards, and sharpen the skills stewards need to represent members and build stronger local unions.

You can use your committee meetings to discuss current and potential grievances, learn what's happening at different worksites in the local, report on potential problems, and develop problem-solving strategies and action plans.

Eight Great Ideas for Steward Committee Meetings

1. The Steward's Job

Pose a question such as "What is the biggest problem a steward faces?" This can generate discussion of the various steward roles.

2. Review Current Grievances

Stewards can examine grievances, discuss different approaches, strategize on how to present a case, etc. In addition, stewards can discuss alternative problem-solving methods that a) may be more effective in solving the problem; and b) involve more members (the source of the union's strength) in addressing the problem.

3. Contract Interpretation

Spend some time at each meeting reviewing, interpreting and discussing a specific section of the contract.

4. Grievance Writing

Provide a sample grievance situation and discuss the contract violation and write up a grievance. Discuss various approaches.

5. Grievance Presentation

Provide a sample grievance situation and prepare your arguments. Role-play the presentation. Follow the role play with general discussion of what went well and what could have been done differently.

6. Signing Up New Members

Conduct a meeting on ways to sign up new members. Activities can include establishing an organizing goal for a specific time period (e.g., sign up 20 new members in the next 60 days), mapping a particular

workplace assigning specific stewards to talk to specific workers or role-playing a one-on-one meeting between a steward and a non-member.

7. Preparing for Contract Negotiations

Draw on your experience and discuss areas in the agreement that need changes or improvements. In addition to reviewing the contract, examine the grievance file and define particular problem areas. Pass the information on to the local's bargaining committee. (Stewards can also help the bargaining committee administer surveys on what the members would like to see in the next contract.)

8. After Contract Ratification

As soon as a new contract has been ratified, have the bargaining committee review any changes and provide stewards the opportunity to ask any questions you may have about new contract language.



Bright Ideas

The Role of the Steward Committee in Mobilizing Members

Steward committees can be used in a number of ways to carry out the steward's primary role — activating the source of the union's power, the membership, to solve workplace problems and build a stronger local.

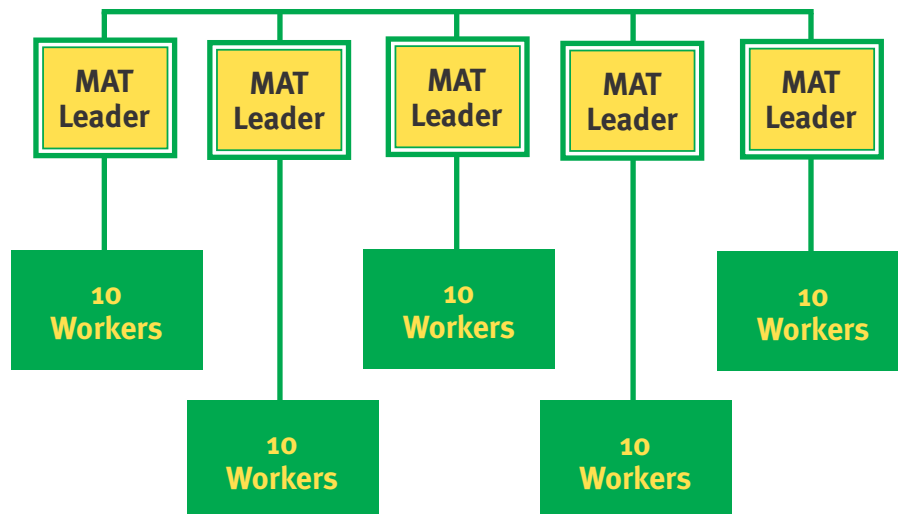
- Discuss and analyze current workplace issues and problems to determine if any would make a good “organizing issue” — one where the steward can involve members to take action (see Pages 10-11 for some guidelines on what makes a good issue).
- Develop strategies and an action plan that involve all affected employees (see Appendix E, Page 62).
- Develop Member Action Teams (see Pages 37-38) that can be used to communicate with employees and encourage their participation.

VII: MEMBER ACTION TEAMS, A STEWARD SYSTEM, AND THE CHIEF STEWARD

Member Action Teams

More and more AFSCME locals are developing Member Action Teams (MATs) in the workplaces they represent. Simply put, a MAT is a tool that locals can use to communicate with workers and mobilize workers into action around issues they care about. Each MAT consists of a MAT leader who is responsible for communicating and working with approximately 10 workers on a regular basis.

MAT Structure



In the diagram above, one or two of the MAT Leaders would also be stewards and be responsible for handling grievances. As locals develop their Member Action Teams, they can also develop MAT captains who coordinate the activities of MAT leaders and their teams.

Responsibilities of a MAT Leader

- Work with approximately 10 co-workers in his/her department (less or more depending on the size of the department or worksite).
- Sign up and involve members in union activities in their department, especially their immediate workplace.
- Work together with local officers and MAT captains on tasks that help build a stronger union.
- Have regular one-on-one conversations with co-workers and listen to their concerns and issues.
- Explain to co-workers why the union needs everyone involved and working together to solve problems.
- Help mobilize members when action is needed on an issue or workplace problem.
- Distribute union newsletters, flyers, surveys and other information.
- Support union goals, values and principles.

When locals implement this type of structure, one basic guideline to follow is this: MAT leaders don't necessarily have to be stewards. But all stewards should be MAT leaders.

Steward System

It is important to have a steward system in your local, one that ensures that all bargaining unit members are represented by a steward — and that all members know who their steward is.

While there is no one right way to set up a steward system, a general guideline is that stewards can represent anywhere from 25-50 workers and do an excellent job. Once the ratio becomes much higher than one steward for every 50 employees, the job becomes more difficult in your local.

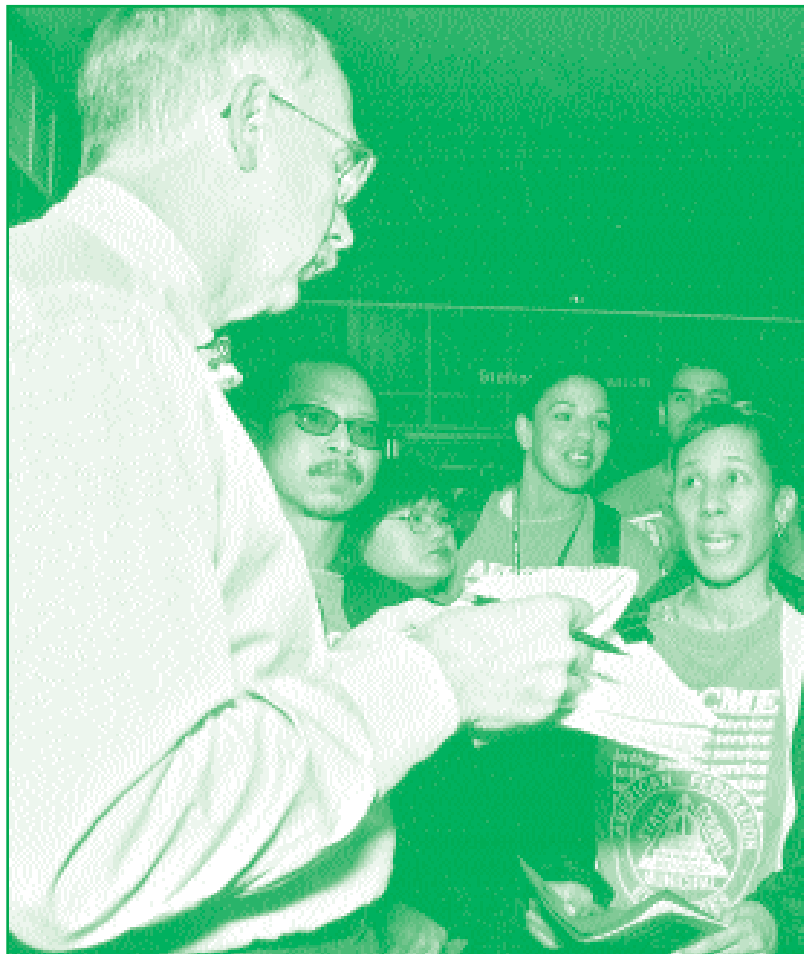
The structure will depend on several factors — the number of workers in the bargaining unit; geography (is the local concentrated in one building or spread out across a city or county?); working hours (does your workplace operate five days a week with regular eight-hour days, or do you work in an institution that operates 24 hours a day, seven days a week?), and so on.

A steward structure can be set up by floor, by department, by shift or by any reasonable combination of these.

Chief Steward

The chief steward is usually a member who has been active as a steward for a number of years. He or she has experience handling grievances and resolving workplace problems and issues. The chief steward is thoroughly familiar with the contract, work rules, and management policies and procedures. The chief steward also knows the players — the various managers and supervisors that stewards will be dealing with.

Some locals have the chief steward handle grievances once they reach a particular step in the grievance procedure. Some local union constitutions call for the vice president to be the chief steward as well. Larger locals may have more than one chief steward, each of whom is responsible for a number of stewards in a particular institution, agency or large department.





Bright Ideas ***Chief Steward Duties***

- Being a resource for other stewards, lending his/her experience, knowledge and expertise to resolving grievances and problems.
- Being an educator and mentor of new stewards in such areas as interpreting contract language or passing on grievance-handling skills — all the while helping them learn the ropes and gain confidence as stewards.
- Maintaining the grievance files for the local so that information is kept available in one central location.
- Chairing the regular meetings of the steward committee (see Section VI, Page 35).

VIII: IT'S THE LAW

Several federal laws and Supreme Court decisions have a direct impact on the work of the union steward. Here is an overview of the most important ones in four areas. In addition, Section XI Resources (Pages 54-56), contains information on publications about these four subjects.

The Americans with Disabilities Act (ADA)

Passed into law in 1990, the ADA prohibits employment discrimination against a *qualified individual* who, with or without a *reasonable accommodation*, can perform the essential functions of a job he or she holds or wants. An employer does not have to provide accommodation if doing so would impose an undue hardship on the employer's operation.

Reasonable accommodation means making modifications or adjustments to a job application process or work environment that makes it readily accessible and usable to people with disabilities. Examples would be modifying schedules, buying new equipment, altering a worksite, etc.

Undue hardship means a significant difficulty or expense that would be unduly disruptive to the employer. Considerations include the nature and cost of the accommodation, the size and financial resources of the employer, etc.

A person with a disability is anyone who:

- Has a physical or mental impairment that substantially limits at least one major life activity (e.g., walking, seeing, hearing, performing manual tasks, etc.);
- Has a history of or has recovered from such an impairment (such as cancer); and/or
- Is perceived as having an impairment (such as the mistaken belief that a person is HIV-positive or has AIDS).

Users of illegal drugs are not protected. However, individuals who are enrolled in or who have completed drug or alcohol rehabilitation programs are protected.

When AFSCME schedules any type of event, it qualifies as a public accommodation situation. Therefore, the ADA requires that all AFSCME services, programs and activities are accessible to members with disabilities.

What stewards can do:

1. Protect the rights of AFSCME members who have disabilities;
2. Provide representation for a member who is seeking a reasonable accommodation from management;
3. Educate bargaining unit members and management about the rights of workers with disabilities;
4. Assist members if they wish to file a discrimination complaint with the Equal Employment Opportunity Commission (EEOC) or similar state agency; and
5. Make sure all AFSCME events and meetings are accessible to members with disabilities.

For more information: Contact AFSCME's Department of Research and Collective Bargaining Services at (202) 429-1215.

The Family and Medical Leave Act (FMLA)

Enacted in 1993, the FMLA sets a minimum standard for providing job-protected leave for those employees who need time off to care for their families or themselves. (**Note:** State laws or negotiated contracts may provide additional or superior benefits.)

The FMLA provides eligible employees with up to 12 weeks of unpaid leave per year for any of the following:

- Caring for a spouse, parent or child with a serious health condition;
- Caring for a newborn, adopted or foster child; or
- The employee's own serious health condition.

Eligible employees are those who: 1) have worked for the employer for 12 months (not necessarily consecutive); 2) have worked at least 1,250 hours (an average of 25 hours per week) for the past 12 months; and 3) whose employer has at least 50 employees in a 75-mile radius (each state, county, city and school district is considered an employer under FMLA guidelines).

The FMLA also:

- Requires the employer to maintain health benefits during FMLA leave;
- Guarantees employees can return to the same or equivalent position following FMLA leave;
- Allows employers to require employees to use vacation or sick leave for all or part of the 12-week FMLA entitlement; and
- Is enforced by the U.S. Department of Labor, Wage and Hour Division.

What stewards can do:

1. Educate bargaining unit members about their rights under FMLA;
2. Discuss the issue at labor/management meetings to ensure that management knows its obligations under FMLA;
3. Represent members — in the formal grievance procedure or in informal efforts — to gain FMLA leave they are entitled to; and
4. Assist members in filing complaints with the Wage and Hour Division of the Department of Labor if they are denied a valid leave request.

For more information: Contact AFSCME's Women's Rights Department at (202) 429-5090 or the Department of Research and Collective Bargaining Services at (202) 429-1215; or access the Department of Labor's Web page on the Internet at www.dol.gov. This site has links to Wage and Hour Division offices and phone numbers around the country, and more information on the FMLA.

The Occupational Safety and Health Administration (OSHA)

In 1971, OSHA was created by the passage of the Occupational Safety and Health Act. OSHA provides workplace health and safety protections to private-sector workers. At present, AFSCME members in 23 states are covered by federally approved OSHA laws. Several states without OSHA coverage have state safety and health laws. In other instances, AFSCME has negotiated contract language requiring employers to comply with federal OSHA standards.

While protections may vary from state to state, federal OSHA regulations and state programs have several common elements:

- Standards for protection against safety hazards, noise, chemicals and radiation;
- Enforcement of those standards by state health and safety inspectors;
- Employees' right to request an inspection if they think health or safety hazards are present at the workplace;
- The right to have a union representative accompany the inspector and be informed of the results of an inspection;
- Protection against discrimination for exercising these rights under OSHA; and
- Access to information for unions and individual workers on injuries, chemicals in the workplace, and medical exam reports.

What stewards can do:

1. When a health or safety hazard is discovered or reported, immediately inform management and request that the problem be corrected;
2. Report any health or safety issues to the local's health and safety committee;
3. Educate workers about health or safety hazards; and
4. File any appropriate grievances or complaints to correct health and safety problems and hold management accountable to its commitments.

For more information: Contact AFSCME's Department of Research and Collective Bargaining Services at (202) 429-1215 or access the health and safety section of AFSCME's Web page on the Internet (www.afscme.org), which has a wide variety of publications and fact sheets that can be downloaded and printed.

Court Rulings on Sexual Harassment

The U.S. Supreme Court has ruled that sexual harassment is illegal sex discrimination covered by Title VII of the Civil Rights Act. Sexual harassment subjects an employee to adverse working conditions that have nothing to do with job performance. Management is legally responsible for the actions of its employees if it knew or should have known of the problem and did nothing to stop it. The victim, as well as the harasser, may be a man or woman; the victim and harasser do not have to be of the opposite sex.

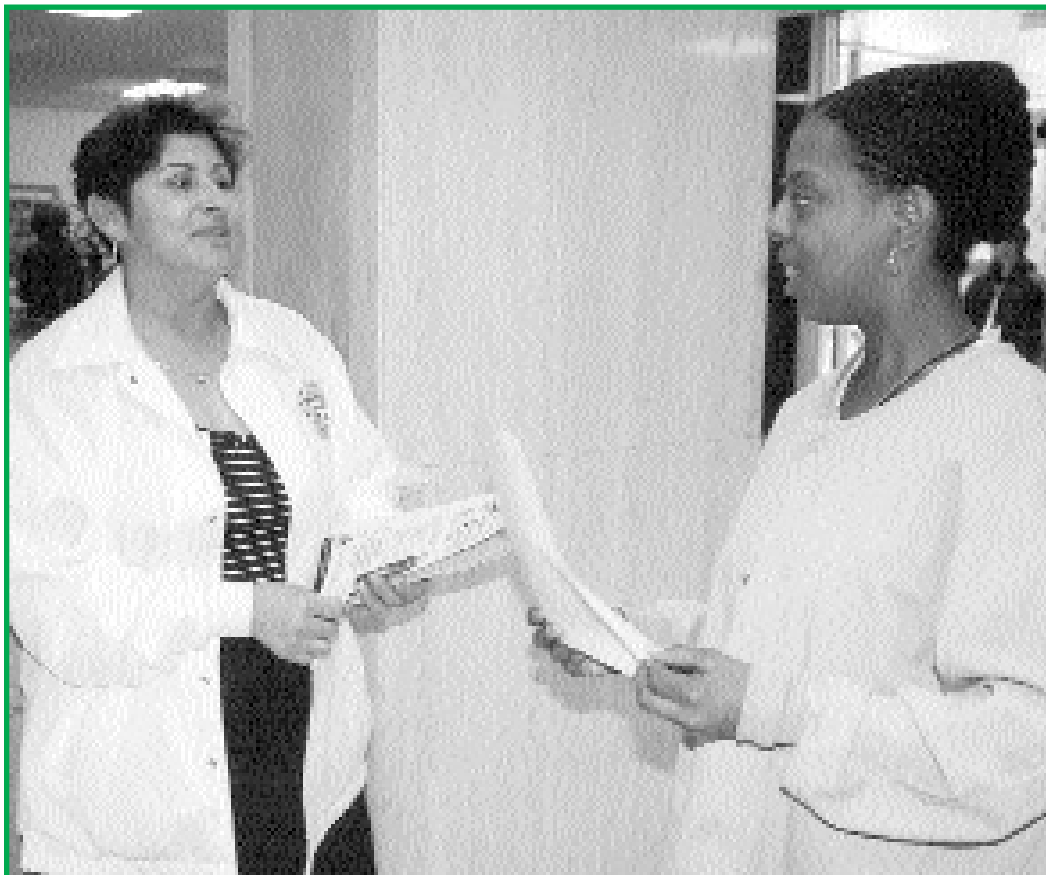
Sexual harassment is any unwelcome sexual advance, request for sexual favors or other conduct of a sexual nature when:

- Submission to the conduct is either an explicit or implicit term of employment;
- Submission to or rejection of the conduct becomes the basis for employment decisions; or
- The conduct interferes with an employee's work performance or creates a work environment that is intimidating, hostile or offensive.

What the steward can do:

1. Educate co-workers about sexual harassment;
2. Take necessary actions to ensure that sexual harassment will not be tolerated;
3. Discuss the issue at labor/management meetings;
4. When sexual harassment does occur, act to protect members by offering support and investigating and processing appropriate grievances; and
5. Assist members if they wish to file a complaint with the Equal Employment Opportunities Commission (EEOC).

For more information: Contact AFSCME's Women's Rights Department at (202) 429-5090.



IX: ALL ABOUT AFSCME

This section of the handbook contains some information about AFSCME International. You can use this information to answer some of the everyday questions that you are asked by people in your workplace.

How many members are in AFSCME?

There are more than 1.3 million AFSCME members. They live and work in almost every state from coast to coast, including Alaska and Hawaii, in the District of Columbia, and in Puerto Rico and Panama. AFSCME represents employees of state, county and municipal governments; public and private health care providers; school districts and universities; federal government agencies and non-profit agencies.

What are “councils”?

Most states have one or more councils or district councils. Some councils represent only state workers in that particular state; some councils represent only city and county workers in a state; and in some states, one council represents all AFSCME members in that state. It differs from state to state. There are more than 60 AFSCME councils.

What are “locals”?

Every council has a number of locals, each representing a particular jurisdiction (e.g., workers in a city or workers at a particular institution or agency). Some locals are statewide, covering all employees in a statewide bargaining unit, and may have more than 1,000 members. On the other hand, some locals cover employees in a department in a small town and may have only a handful of members. There are about 3,500 AFSCME locals.

And what are “affiliates”?

In some cases, independent employee unions or associations have affiliated with AFSCME — to the mutual benefit and strengthening of both. Affiliates often serve the same role as councils and have locals or chapters operating within their structure. More than 100 independent employee associations have voted to affiliate with AFSCME — part of the reason AFSCME is the largest and strongest union representing public employees.

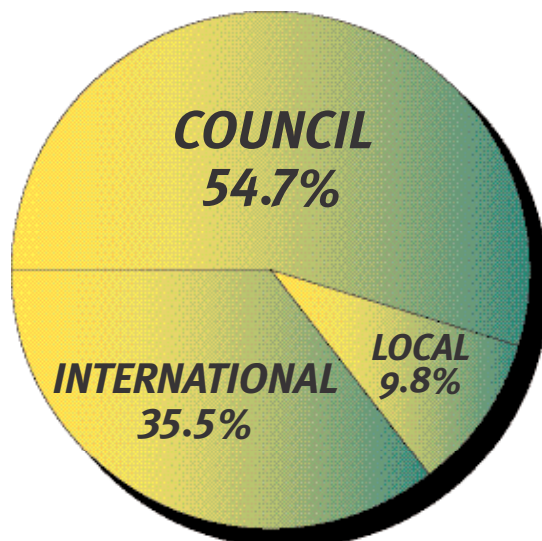
What services do councils and affiliates provide?

These bodies provide a number of services for AFSCME members, including representation in grievances in the higher steps of the process and at arbitration hearings; staff assistance with contract negotiations; lobbying of state and local political officials; research; education to members and leaders; and organization of new members and new bargaining units.

What about AFSCME International — what does it do?

The International union provides a number of valuable services to councils, affiliates and locals. A brief overview of various departments in the International offers a glimpse of the breadth of resources available to AFSCME members and affiliates. The Department of **Education and Leadership Training** offers training and skill-building programs on a wide variety of subjects, including organizing, representation and union building. The Department of **Organizing and Field Services** works on organizing new bargaining units and helps councils and locals increase strength and membership in existing units. The **Legislation** Department has full-time lobbyists who testify before committees of the U.S. Congress and lobby members of the Senate and House of Representatives on legislation affecting AFSCME members. The **PEOPLE** Department is the union's political fund-raising arm (PEOPLE stands for **P**ublic **E**mployees **O**rganized to **P**romote **L**egislative **E**quality). The **Political Action** Department is active at all levels of government — federal, state and local — lobbying public officials, conducting get-out-the-vote drives, and working on issues affecting AFSCME members. Using radio, television and the print media, the **Public Affairs** Department spreads the word on AFSCME's goals, achievements and positions on issues and produces publications, including our membership magazine. The Department of **Research and Collective Bargaining Services** offers assistance to affiliates, councils and locals in a variety of areas, including contract negotiations, safety and health issues, and contracting out/privatization. The **Women's Rights** Department coordinates services to members on issues of particular concern to women. And the **Retirees** Department works on issues (e.g., Social Security, Medicare, pension rights, etc.) affecting the growing number of retired AFSCME members.

Where does a union member's dues money go?



How are decisions made in AFSCME?

AFSCME is a democratically run union, from top to bottom. The International Union is governed by a constitution. The **International President** is the chief executive and administrative officer of AFSCME. The **International Secretary-Treasurer** is the chief financial and recording officer of AFSCME. When in session, AFSCME's biennial Convention is the highest decision-making body in the union. Convention delegates make decisions on adopting policies and setting the union's direction for the coming two years. In between conventions, the International Executive Board — consisting of the President, Secretary-Treasurer and Vice Presidents elected by region — is the highest policy-making body in the union.

Councils and affiliates are also governed by constitutions. Delegates to their conventions make decisions on issues affecting their members; in between conventions, the council's or affiliate's elected executive board has the responsibility to conduct council or affiliate business.

Finally, local unions are also governed by constitutions or bylaws. Locals are run by their members who meet on a regular basis — usually monthly — to pass motions and decide on issues facing the local. In between those meetings, the local's elected executive board is the governing body of the local union.

What do union officers do?

No matter what level of the union, each officer, and the executive board as a whole, have specific duties and responsibilities. These duties are spelled out in the constitution or bylaws governing that particular union body.

How did AFSCME come to be the powerful force for social justice and workers' rights that it is today?

In 1932, as the country suffered through a severe economic depression, a small group of white-collar professional state employees met in Madison, Wisconsin, and formed what would later become Wisconsin State Employees Union Council 24. The reason for the group's creation was simple: basic survival. State employees feared that politicians would implement a political patronage system and thousands of workers would lose their jobs. Meetings were held, marches and demonstrations were organized, and this first movement of public-sector workers saved their jobs and gave birth to a union. By 1935, similar state employee associations had emerged in 19 states, fighting for job security, decent pensions and health insurance for public workers. In 1936 the group — which changed its name to the American Federation of State, County and



Municipal Employees — was granted a charter by the American Federation of Labor (AFL). The union of 10,000 members chose Arnold Zander as its first International President.

Two years later, in 1938, 2,000 garbage collectors in Philadelphia went on strike to protest layoffs and pay cuts, and four days later they had won the union's first bargaining agreement with a major city. Workers in other urban areas began organizing, increasing AFSCME's membership among blue-collar workers with strong trade union roots and traditions. Twenty years after the creation of AFSCME, the union had 200,000 members and a battle on its hands with the entrenched power structure of America's major cities.

The movement to build power for public employees got a major boost in 1958 when a young organizer named Jerry Wurf led a series of strikes and demonstrations that forced the mayor of New York City to negotiate with the unions representing city employees. A turning point had been reached. Workers in other states saw New York's example and joined AFSCME in the fight for collective bargaining nationwide. At the 1964 AFSCME Convention, Wurf — running on a platform of more aggressive organizing, pursuit of collective bargaining rights for public employees and union reform/union democracy — was elected the new International President. A year later, a special convention rewrote AFSCME's constitution and included a Bill of Rights for members, a first in the American labor movement.

During the years that followed, AFSCME organized public employees, and state after state felt the heat and enacted collective bargaining laws. At the bargaining table, newly organized workers fought for and won major breakthroughs, moving millions of public-sector jobs from low pay to a decent standard of living. During this period, AFSCME's struggles became linked with those of the civil rights movement. Progressive unions like AFSCME joined students and civil rights activists as they took to the streets to protest economic and racial oppression. This alliance culminated in Memphis, Tennessee, in 1968 when sanitation workers struck for union recognition after two African-American workers were crushed to death in a garbage truck. Dr. Martin Luther King Jr., who was organizing the Poor People's March, came to Memphis to support the strike. Dr. King gave a historic speech to a group of AFSCME members and others the night before he was killed. Only after Dr. King's assassination did the city agree to recognize the workers' union, AFSCME Local 1733.

As AFSCME demonstrated its ability to fight for and win collective bargaining rights and to negotiate with tough politicians during recessions and boom economies, public employee associations across the country took notice. Almost 60 associations — representing 450,000

members — joined AFSCME by affiliation or merger. With the affiliation in 1978 of the Civil Service Employees Association of New York, AFSCME membership passed the 1 million member mark.

AFSCME's increased membership gave the union a more powerful voice when it came to fighting injustice for its members and in the world at large. In September of 1981, at the AFL-CIO's Solidarity Day, a massive demonstration in the nation's capital demanding fair treatment for American workers, AFSCME's 60,000-member delegation, the largest from any single union, led the march. That same year in San Jose, California, AFSCME staged the first strike in the nation's history over the issue of pay equity for women. The strikers demanded that female-dominated classifications be paid on the basis of "equal pay for work of equal value," attracting national media attention and sparking the pay equity movement.

In 1981, Gerald W. McEntee, leader of the successful drive to organize 70,000 Pennsylvania state employees (now Council 13), became the union's third International President. William Lucy — the union's top-ranking leader in Memphis and the founder of the Coalition of Black Trade Unionists — remained International Secretary-Treasurer. He was first elected to that post in 1972. Their vision of AFSCME as the leading voice for social justice in the country helped propel the union's political action and organizing agenda for the decades that followed. During the 1980s, AFSCME won collective bargaining rights for and organized workers in a dozen new states. The affiliation of the health care union 1199/National Union of Hospital and Health Care Employees in 1989 solidified AFSCME as a leading voice in the fight for the rights of health care workers.

With state legislatures increasingly turning against public employees, it became more difficult to expand collective bargaining rights in the 1990s. In addition, governments at every level sought to cut costs by contracting out public service jobs and attacking the hard-won benefits and wages of union members. AFSCME responded by stepping up its efforts to mobilize members to increase its visibility and political influence. AFSCME also led the change in the leadership and direction of the national AFL-CIO in 1995. At its national convention in 1998, AFSCME committed to an even bolder and more aggressive program of organizing and fighting on behalf of all public service workers — public or private.

In 2001, 60,000 public service workers in a dozen states and Puerto Rico organized with AFSCME — the largest single year of organizing in three decades. In 2002, AFSCME added another 55,000 workers. These new AFSCME activists — united with their union brothers and sisters in their desire for fairness and economic justice — represent the face of AFSCME today.

X: GLOSSARY OF LABOR TERMS

Agency Shop: A union security contract clause requiring those employees who are covered by the contract, but who decline to join the union, to pay a service fee to the union equal to, or a percentage of, the union dues. This fee (sometimes called “fair share”) is intended to compensate the union, which, by law, must give full and equal representation to all bargaining unit members, regardless of membership status.

AFL-CIO: The American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), the voluntary federation of America’s unions, representing more than 13 million working men and women nationwide. The AFL-CIO was formed in 1955 by the merger of the American Federation of Labor and the Congress of Industrial Organizations.

Bargaining Unit: A group of employees in a given workplace who have a sufficient similarity of interest to constitute a unit for the purpose of bargaining collectively with their employer. A bargaining unit is usually defined by the National Labor Relations Board or similar federal, state or local agency.

Card Check: A process in which an employer agrees to recognize the union based upon cards signed by a majority of employees, thereby gaining recognition without an election. A third party, such as a member of the clergy or an arbitrator, examines the cards to verify majority support. Once an employer agrees to card check — and a review of the cards indicates that there is majority support — the employer is required by law to bargain with the union.

Certification: Official recognition by a labor relations board that an employee organization is the exclusive representative for all the employees in an appropriate bargaining unit for the purpose of collective bargaining.

Contract or Collective Bargaining Agreement: A formal written agreement over wages, hours and conditions of employment entered into by an employer and the union representing the employees in the bargaining unit.

Employee Assistance Program: A confidential information, support and referral service designed to help employees cope with personal problems that have a negative impact on their lives and, subsequently, on their work productivity. Deteriorating job performance can lead to an employer taking disciplinary action. Such programs often provide assistance in such situations as emotional stress, marital and family problems, financial and legal difficulties, and drug or alcohol abuse.

Free Rider: An employee who chooses not to join the union that has negotiated the contract over his/her wages and working conditions and who reaps the benefits from that contract.

Fringe Benefits: Vacations, holidays, insurance, medical benefits, pensions and other economic benefits that are provided to employees under the union contract; these are in addition to direct wages.

Labor Relations Board: Quasi-judicial agency set up under national or state labor relations acts. Its duties are defining appropriate bargaining units; holding elections to determine if workers want union representation; certifying unions to represent employees; and applying legal provisions prohibiting certain employer or union unfair labor practices.

Pay Equity: A term referring to the concept that female-dominated jobs or professions have been traditionally undervalued, based on levels of responsibility and required education, and that pay for these jobs should be raised to levels of comparable jobs that are traditionally held by men.

Picketing: The carrying of signs or the passing out of literature protesting working conditions or actions taken by the employer. Picketing occurs during a strike or in the form of an informational picket. In this tactic, designed to put pressure on the employer, union members inform the public and other workers about the conditions they feel are unfair.

Representation Election: A vote conducted by an appropriate labor board or agency to determine whether a majority of the workers in a previously established bargaining unit want to be represented by a given union.

Scab: Someone who takes a striking worker's job or refuses to go on strike with co-workers. By filling the jobs of striking workers and keeping the employer operational, scabs may weaken or help break the strike.

Seniority: Length of service with an employer. Preference can be accorded to employees, based on their seniority, in such areas as promotion, transfer, shift assignment, scheduling, vacation accrual, layoff, recall, etc.

Service Fee: A monetary assessment of non-members in a bargaining unit to help defray the union's costs in negotiating and administering the contract (see Agency Shop).

Strike: A concerted act by a group of employees who withhold their labor for the purpose of bringing about a change in wages, hours or working conditions.

Unfair Labor Practice: An employer or union practice forbidden by the National Labor Relations Act, the Civil Service Reform Act (for federal workers) or state and local laws, subject to court appeal. It often involves the employer's efforts to avoid bargaining a contract in good faith. Other examples may include management's failure to provide information the union has requested and needs to process a grievance or management's repeated failure to implement grievance settlements or arbitration awards. (Note: Some state laws may use the term "prohibited practice.")



XI: RESOURCES

Here's a brief list of some resources that can help you do the most important job in the union — the job of union shop steward. All of these publications are downloadable from AFSCME's Web site: www.afscme.org (see below for more information on the Web site). If you do not have access to the Web, please contact AFSCME at (202) 429-1000 for information on how to obtain these publications.

AFSCME Leader (newsletter): This publication is produced periodically and has news for all AFSCME leaders. Each issue also provides helpful tips, guidelines and information specifically for stewards on a wide variety of subjects. If you're not already receiving this publication by mail, please contact your council to have your name and address permanently added to the mailing list.

AFSCME Officers' Manual: This handbook contains information for local union officers on such topics as leadership roles, the duties of officers, local union committees and conducting effective meetings.

AFSCME Organizing Model and Manual: This manual describes proven key elements of successful organizing campaigns, from first contact to first contract. This is AFSCME's model for external or new organizing campaigns.

Building Power in the Workplace: This manual contains information for how to run a successful internal organizing campaign. It is essential information for leaders who are working to rebuild or strengthen their locals.

Fighting for the Rights of Employees with Disabilities: This handbook provides information on the Americans with Disabilities Act and guidelines on how to protect the rights of AFSCME members with disabilities.

AFSCME Guide to the Family and Medical Leave Act: This question-and-answer brochure provides basic information on the Family and Medical Leave Act (FMLA), which stewards can use to educate members.

Safe Jobs Now: An AFSCME Guide to Health and Safety in the Workplace: This extensive handbook contains information that stewards, and health and safety committee members can use to learn about workplace hazards and how to correct them and create a safe work environment.

Stopping Sexual Harassment: This booklet provides information, guidance and strategies for stewards and members on dealing with the issue of sexual harassment.

When AIDS Comes to Work: An AFSCME Guide for Stewards: This handbook provides information on how the steward can help ensure fairness and equal treatment on the job for those workers living with HIV (Human Immune-deficiency Virus) and with AIDS (Acquired Immune Deficiency Syndrome).

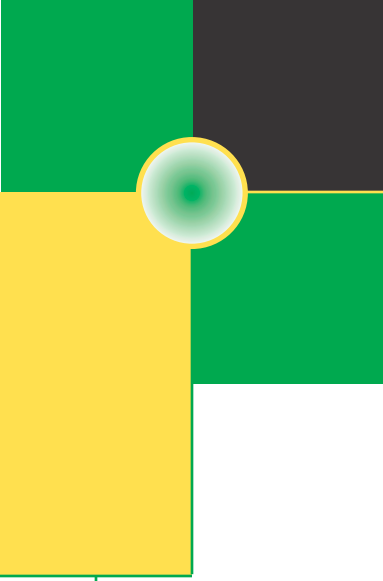
www.afscme.org: This is AFSCME's home page on the World Wide Web. The site contains such items as:

- News about AFSCME organizing victories around the country;
- Up-to-date information on political, legislative and policy issues that affect AFSCME members;
- Information on workplace issues;
- Bargaining topics and data;
- Summaries of AFSCME activities as reported in the *Public Employee* and the *AFSCME Leader* and press releases;
- A calendar of upcoming AFSCME events;
- Hundreds of manuals, brochures, handbooks, fact sheets, etc., that can be downloaded and printed; and
- Links to other Web sites useful to AFSCME activists, including:
 - ◆ AFSCME locals, councils and affiliates
 - ◆ Other labor unions and organizations
 - ◆ Government agencies
 - ◆ Resources organized by topic, such as bargaining, corporate research, diversity, health care, privatization, legal issues, etc.



Bright Idea
Check www.afscme.org

AFSCME continually produces new materials. News, facts and data are constantly being added to AFSCME's Web site. Periodically check the Web page for updated information, resources and helpful links as they are developed and added. Go to www.afscme.org.



Additional Resources

Following are a few other resources that may be helpful to the union steward:

The Legal Rights of Union Stewards, by Robert M. Schwartz. Work Rights Press, 678 Massachusetts Avenue, Box 391887, Cambridge, MA 02139. For copies, call (800) 576-4552.

How To Win Past Practice Grievances, by Robert M. Schwartz. Work Rights Press, 678 Massachusetts Avenue, Box 391887, Cambridge, MA 02139. For copies, call (800) 576-4552.

A Troublemaker's Handbook: How to Fight Back Where You Work — And Win!, by Dan La Botz. Labor Notes, 7435 Michigan Avenue, Detroit, MI 48210. For copies, call (313) 842-6262.

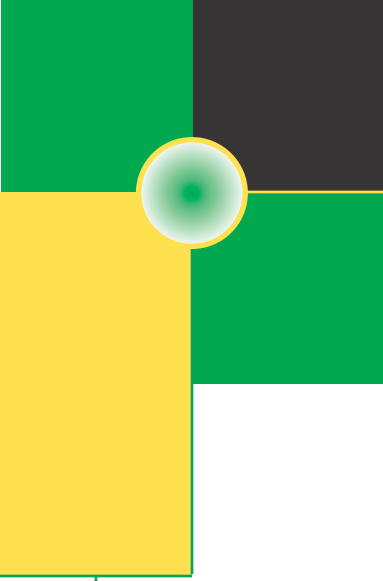
The Union Steward's Complete Guide, edited by David Prosten. Union Communication Services, 1633 Connecticut Avenue, N.W., Suite 300, Washington, DC, 20009. For copies, call (800) 321-2545 or visit www.unionist.com.

Appendix A

Steward Essentials

Here is a list of materials and information that all stewards should have.

- ☐ Contract and/or work rules
- ☐ International constitution
- ☐ Local constitution
- ☐ *Steward Handbook*
- ☐ *AFSCME Leader* (newsletter)
- ☐ Grievance forms
- ☐ Grievance fact sheet
- ☐ Notebook
- ☐ Steward button
- ☐ List of union members
- ☐ List of non-members
- ☐ Member sign-up cards
- ☐ Membership buttons
- ☐ Seniority list
- ☐ PEOPLE materials
- ☐ Benefits information
- ☐ EAP (Employee Assistance Program) information
- ☐ Local officers' names and phone numbers
- ☐ Council or affiliate staff representative's name and phone number
- ☐ AFSCME Advantage/Union Privilege benefit information



Appendix B

Kits for New Employees and New Members

Sample Welcome Kit for New Employees

- Information about AFSCME
- Local newsletter
- Council newsletter
- Letter from local president
- History of the local
- Information on negotiated benefits
- Membership card

Sample Kit for New Members

- Welcome letter from local president
- Contract or work rules
- International constitution
- Local constitution
- Local newsletter
- List of local officers and stewards
- PEOPLE information
- Information on “member only” benefits
- EAP (Employee Assistance Program) information
- AFSCME buttons and bumper stickers



OFFICIAL GRIEVANCE FORM

NAME OF EMPLOYEE _____ DEPARTMENT _____

CLASSIFICATION _____

WORK LOCATION _____ IMMEDIATE SUPERVISOR _____

TITLE _____

STATEMENT OF GRIEVANCE:

List applicable violation: _____

Adjustment required: _____

I authorize the A.F.S.C.M.E. Local _____ as my representative to act for me in the disposition of this grievance

Date _____ Signature of Employee _____

Signature of Union Representative _____ Title _____

Date Presented to Management Representative _____

Signature _____ Title _____

Disposition of Grievance: _____

THIS STATEMENT OF GRIEVANCE IS TO BE MADE OUT IN TRIPLICATE. ALL THREE ARE TO BE SIGNED BY THE EMPLOYEE AND/OR THE AFSCME REPRESENTATIVE HANDLING THE CASE.

ORIGINAL TO _____

COPY _____

COPY: LOCAL UNION GRIEVANCE FILE

NOTE: ONE COPY OF THIS GRIEVANCE AND ITS DISPOSITION TO BE KEPT IN GRIEVANCE FILE OF LOCAL UNION.



GRIEVANCE FACT SHEET

This form is to be used by the steward to aid in investigating a grievance. The FACT SHEET outlines the information that will be necessary to develop a strong case. Use additional pages to document all the details.

DO NOT TURN THIS FORM INTO MANAGEMENT. THIS INFORMATION IS FOR THE UNION'S USE ONLY.

GRIEVANT _____ DEPARTMENT _____

CLASSIFICATION _____ DATE OF HIRE _____

DATE OF CLASSIFICATION _____ WORK LOCATION _____

What Happened? Also describe incidents which gave rise to the grievance.

Who was involved? Give names and titles (include witnesses) _____

When did it occur? Give day, time, date(s) _____

Where did it occur? Specific locations _____

Why is this a grievance? What is management violating: contract, rules and regulations, unfair treatment, existing policy, past practice, local, state, federal laws, etc.

What adjustment is required? What must management do to correct the problem?

Additional comments. Use reverse side if needed _____

GRIEVANT'S SIGNATURE _____ DATE _____

STEWARD _____ DATE _____

GRIEVANT'S HOME ADDRESS _____

NOTE: A COPY OF THIS FORM TO BE COMPLETED BY STEWARD OR OFFICER FILING GRIEVANCE AND TO BE TURNED IN TO LOCAL GRIEVANCE FILE ALONG WITH COPY OF GRIEVANCE AND DISPOSITION.

Appendix D

Grievance Procedure Time Limits Chart

Every grievance procedure has specific time limits for filing a grievance, for management to hear the grievance, for management to respond in writing and for the union to appeal an unsatisfactory response to the next step. Below is a chart you can fill in to help you keep track of the time limits in your local's grievance procedure. Keep in mind that different grievance procedures have different numbers of steps so only fill in the steps appropriate for your grievance procedure.

Grievance Time Limits

If your local's grievance procedure includes the final step of arbitration, describe how you appeal a grievance to arbitration.

	UNION		MANAGEMENT	
Steps	Union, Number of Days to File	Person/ Appeal Filed With	Management, No. of Days to Hear the Case	Management, No. of Days to Respond
1.				
2.				
3.				
4.				

Appendix E

Planning a Strategic Campaign

When problems and concerns arise on the job, use the following checklist to help determine if and how an issue can be used to build a stronger union.

Part I Analyzing the Issue

What is the issue and who does it affect?

- | | | |
|---|---------|--------|
| Can people be mobilized around this issue (is it widely felt and deeply felt)? | Yes () | No () |
| Is the issue easily understood? | Yes () | No () |
| Is the issue non-divisive? | Yes () | No () |
| Is the issue winnable, ideally in a short period of time? | Yes () | No () |
| Can this issue increase the visibility of the union and result in real improvement in members' lives? | Yes () | No () |

How do you want the problem solved? (What is the remedy or goal you want to achieve?)

Who can solve the problem? (Who is the "target"?)

What do you have working *for* you? (Examples: good leaders, unity, past history, resources, contract language, community allies, etc.)

What do you have working *against* you? (Examples: facts, events, managers, opponents, contract language, work rules, policies, etc.)

Part II *Developing and Communicating an Action Plan*

What are some unifying group actions you and other members might take to exert pressure on decision-makers in management? (You should plan a series of actions so that if management is unwilling to move to resolve the problem you can “escalate” your pressure.)

What are some group actions you can take to exert pressure on outside decision-makers (e.g., government officials or agencies, community leaders, etc.)? Again, plan a series of actions (if appropriate for the problem).

Possible Actions	Who Will Do	Date to be Done
Grievance	_____	_____
Group meeting with decision-maker	_____	_____
Button day or T-shirt day	_____	_____
Newsletter article	_____	_____
Petition	_____	_____
Distribute leaflets	_____	_____
Rally or informational picket	_____	_____
Contact community allies	_____	_____
Other:	_____	_____
Other:	_____	_____
Other:	_____	_____

What is our message? (To co-workers? To clients? To the target?)

How will you communicate with the membership about the problem and the actions?

Possible Communication Methods	Who Will Do	Date to be Done
One-on-one	_____	_____
Newsletter/flyer	_____	_____
Meeting	_____	_____
Phone tree	_____	_____
Media contact	_____	_____
Other:	_____	_____
Other:	_____	_____

Appendix F

*Rules of Tactics**

“Tactics means doing what you can with what you have.”

1. Power is not only what you have but what the opposition thinks you have.
2. Never go outside the experience of your people.
3. Whenever possible, go outside the experience of the opposition.
4. Make the opposition live up to their own book of rules.
5. Poking fun at the opposition is often a potent weapon.
6. A good tactic is one that your people enjoy.
7. A tactic that drags on too long becomes a drag.
8. Keep the pressure on.
9. The threat is usually more terrifying than the action itself.
10. The major premise for tactics is the development of operations that will maintain a constant pressure on the opposition.

*These “rules of tactics” are adapted from *Rules For Radicals* by Saul Alinsky, Random House, 1971.

Appendix G

Solidarity Forever

Solidarity Forever has become the unofficial anthem of the American labor movement. It was written in 1915 by Ralph Chaplin, a poet, writer and organizer for the Industrial Workers of the World (IWW), a militant union known to all as the Wobblies. Chaplin said, “I wanted a song to be full of revolutionary fervor and to have a chorus that was singing and defiant.”

When the union’s inspiration through the workers’ blood shall run,
There can be no power greater anywhere beneath the sun.
Yet what force on earth is weaker than the feeble strength of one?
But the union makes us strong.

Chorus: Solidarity forever!
 Solidarity forever!
 Solidarity forever!
 For the union makes us strong.

Is there aught we hold in common with the greedy parasite
Who would lash us into serfdom and would crush us with his might?
Is there anything left to us but to organize and fight?
For the union makes us strong.

It is we who plowed the prairies, built the cities where they trade
Dug the mines and built the workshops, endless miles of railroad laid
Now we stand outcast and starving ’mid the wonders we have made
But the union makes us strong.

All the world that’s owned by idle drones is ours and ours alone
We have laid the wide foundations, built it skyward stone by stone
It is ours, not to slave in, but to master and to own
While the union makes us strong.

They have taken untold millions that they never toiled to earn,
But without our brain and muscle not a single wheel could turn.
We can break their haughty power, gain our freedom when we learn
That the union makes us strong.

In our hands is placed a power greater than their hoarded gold.
Greater than the might of armies magnified a thousand fold.
We can bring to birth a new world from the ashes of the old,
For the union makes us strong.

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