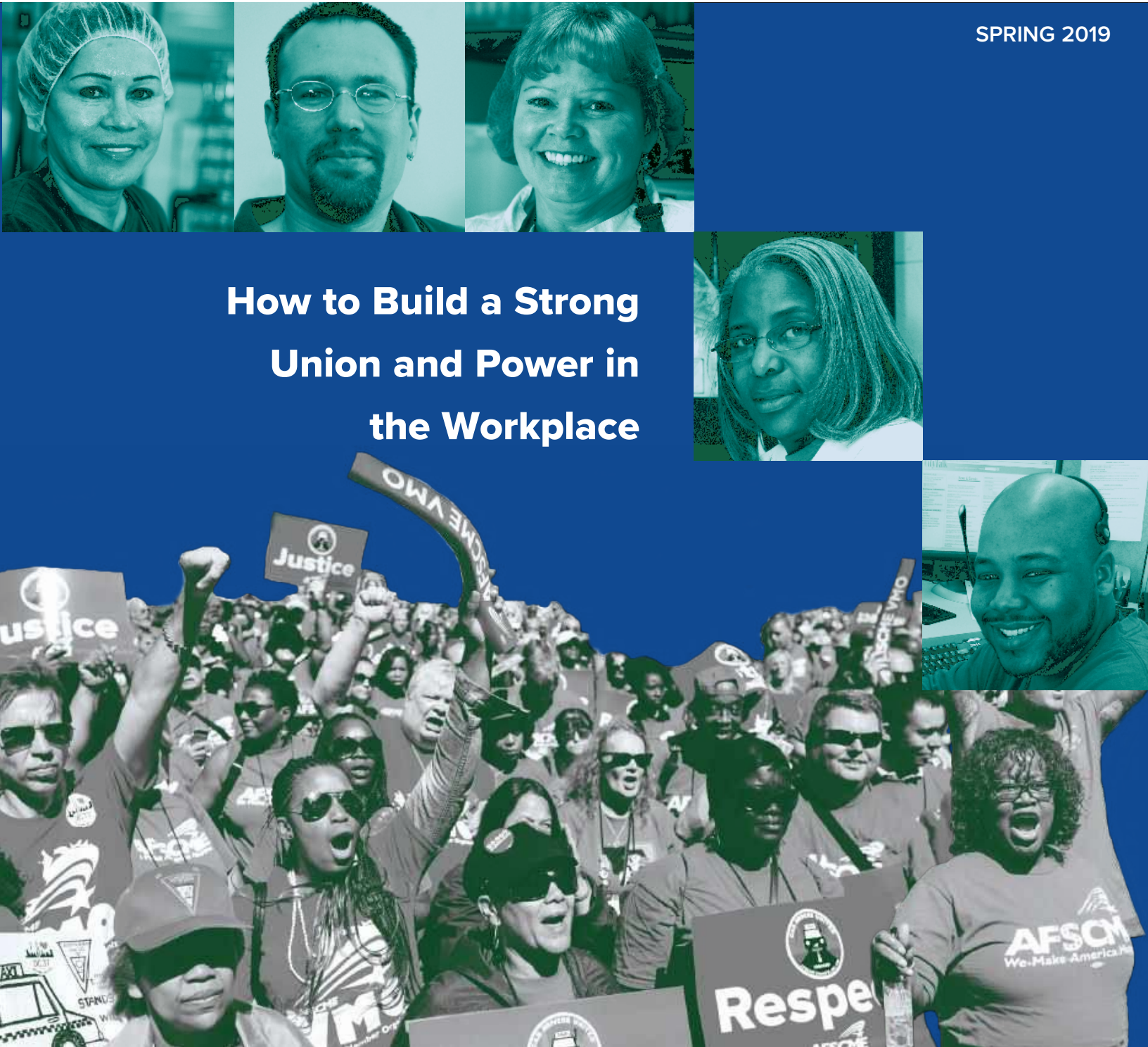


STEWARD HANDBOOK

SPRING 2019

**How to Build a Strong
Union and Power in
the Workplace**



Congratulations

on Becoming an AFSCME Steward!

A strong, active union in the workplace – where workers pull together to make a real difference – is the only way we can improve the lives of AFSCME members. Your job as steward is to make sure your union is strong, and that's why it's the most challenging, most rewarding and most important job in our union.

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. Every day, the steward is the one union person members see when they are at work. In the eyes of most AFSCME members, you are the union. So, if they have faith in you, members will have faith in the union.

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. You educate members about solidarity, justice and the importance of political and legislative action. And you represent members. In carrying out each of these tasks to the best of your abilities, you will earn the confidence and respect of your co-workers. Once you have their confidence, you will be able to reach out to our members and encourage them to become active, involved participants in our union.

Never has it been a more challenging or more crucial time to be an active, involved AFSCME member. Corporate-backed politicians are attacking our collective bargaining rights, forcing right-to-work (for-less) laws and hindering our organizing efforts wherever they can. Now more than ever, AFSCME members must stand up for workers' rights and public services. Joining together with progressive allies and community partners, we must demand our share of the American Dream.

The fundamental truth about our union is that member involvement in union activities and union actions creates union power in the workplace and in our communities. 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 – for AFSCME members and all working people.

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

In solidarity,

Lee Saunders
President

Elissa McBride
Secretary-Treasurer





TABLE OF CONTENTS

Introduction	3
Section 1	The Steward System	5
	Chief Steward	
	Steward Committees	
Section 2	The Steward as Leader	11
	Doing What It Takes to Be a Leader	
Section 3	The Steward as Communicator	13
	One-to-One Communication	
Section 4	The Steward as Organizer	15
	Member Action Teams (MAT)	
	Signing Up and Activating New Members	
Section 5	The Steward as Representative	21
	Grievance Handling	
	The Grievance Procedure	
	Five-Step Approach to Grievance Handling	
	Grievance Procedure Time Limits	
	Arbitration	
	Discipline Cases	
Section 6	It's the Law	40
	Weingarten Rights	
	The Duty of Fair Representation	
	The Americans with Disabilities Act (ADA)	
	The Family and Medical Leave Act (FMLA)	
	The Occupational Safety and Health Administration (OSHA)	
	Sexual Harassment	
Section 7	Building PEOPLE Power	49
	PEOPLE Sign-up is Easy	
	Who Can Give	
	Earn Rewards as an MVP	
Section 8	All About AFSCME	51
	AFSCME Councils	
	AFSCME Locals	
	AFSCME Affiliates	
	AFSCME National	
	AFSCME Retirees	
	AFSCME: Decades of Fighting for Worker Rights	



Section 9	Glossary of Labor Terms	59
Section 10	Resources	64
Appendix A	Steward Essentials	68
Appendix B	Kits for New Employees and New Members	69
Appendix C	Forms and Charts	70
	Official Grievance Form	
	Grievance Fact Sheet	
	Grievance Procedure Time Limits Chart	
Appendix D	Planning a Strategic Campaign	73
Appendix E	Rules of Tactics	75
Appendix F	PEOPLE Materials	75
Appendix G	Solidarity Forever	77



INTRODUCTION

AFSCME STEWARDS IN ACTION

AFSCME stewards work in a wide variety of places. Some work in public-sector jobs and some in the private sector. Some of you are state, county and municipal employees. Others work for the federal government or non-profit organizations. Still others work as independent providers of state services. Some of you have an agency shop, either by statute or language in your contract. You may have collective bargaining laws and negotiated contracts in place, or you might live in a place where public workers are still fighting for that basic right to bargain collectively over wages, hours and conditions of employment. **All of you are AFSCME Stewards in Action.**

Some of you are called stewards, some delegates, some member action team captains. In this handbook, the term “steward” will be used to refer to any AFSCME members who volunteer or are elected to represent and organize their co-workers.

Workers need and want protections at the worksite. A survey by the Wilson Center for the Public Interest explored how workers view 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.

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



HOW TO USE THIS HANDBOOK

The contents of this AFSCME Steward Handbook were developed to help you become an effective steward. 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.

The handbook is divided into two main parts: the various roles and functions of the steward as a leader, communicator, organizer and representative; and the tools and resources to perform the duties of an AFSCME steward in enforcing the contract and handling grievances.

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

AFSCME is committed to training and developing a topnotch cadre of stewards. AFSCME Stewards in Action is a two-day training program that will provide you with the knowledge and skills to be an effective and powerful AFSCME steward. By attending Stewards in Action, you can find new ways to engage members and bring fresh ideas to handling grievances. The program is taught by talented staff and members who successfully completed the AFSCME Educator Program. To request a Stewards in Action training, contact your AFSCME staff representative or the national union regional office nearest to you. A list of regional offices is in Section 8: All About AFSCME.

This handbook is another critical component of our commitment to steward training. The AFSCME Steward Handbook is your tool for learning through experience and the experience of others. Use it!



SECTION 1: THE STEWARD SYSTEM

A strong steward system is the backbone of the union. It makes the union visible to workers and to management. It enables communication, representation and mobilization within the workplace. For these reasons, it is important to have an effective steward system in your local, one that ensures all bargaining unit members are represented by a steward – and that all members know their steward.

The steward system will depend on several factors – the number of workers in the bargaining unit; geography (is the local concentrated in one building or spread across a city or county or state, or do you not have a central work location?); 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, by county or by any reasonable combination of these. Your steward structure should be based on the needs of your bargaining unit.

While there is no one right way to set up a steward system, a general guideline is that there should be one steward for every 20 workers. Some stewards can represent more workers and do an excellent job. Once the ratio becomes much higher than one steward for every 50 employees, the job becomes much more difficult.

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 deal with.

In some locals, the chief steward handles 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

- Serve as a resource for other stewards, lending experience, knowledge and expertise to resolve grievances and problems.
- Identify issues that matter to members across work areas or departments and plan for collective action.
- Educate and mentor 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.
- Maintain the grievance files for the local so that information is kept available in one central location.
- Chair the regular meetings of the steward committee.





Steward Committees

Many AFSCME locals have a steward committee that meets regularly. 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 needed to represent members and build stronger local unions.

You can use your steward 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 Topics for Steward Committee Meetings

1. The Steward's Job

Pose a question such as “What is the biggest challenge you face as a steward?” or “What have been some of your biggest success stories?” 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 in addressing the problem, and thereby strengthen the union.

3. Contract Interpretation

Review, interpret and discuss a specific section of the contract. When a new contract is negotiated, have the bargaining committee review any changes and provide stewards the opportunity to ask any questions you may have about new contract language.

4. Contract Negotiations

Draw on the experience of your stewards 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 to discover what the members would like to see in the next contract.)



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. Internal Organizing

Establish an organizing goal for a specific time period (e.g., sign up 20 new members in the next 60 days). Or map out a department or work area and assign stewards to talk to specific workers. Practice one-to-one meetings between a steward and a non-member. Review progress at the next meeting.

7. New Member Orientation

Focus on the role of the steward in one-to-one orientation of new bargaining unit members. Highlight the role of stewards as the face of the union and the importance of welcoming new workers and educating them about the importance of the union.

8. PEOPLE Recruitment

Discuss the role of the steward in educating members about the importance of political and legislative action and building PEOPLE power. Practice recruiting PEOPLE contributors through one-to-one conversations.





AFSCME members bring different skills, abilities, strengths and experiences to the job of union steward. Some stewards are terrific organizers, who can turn workplace issues into opportunities to mobilize members. Others are great at motivating people to become more active in their union. 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, every single AFSCME steward can play a key role in creating a vigorous local union.



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, which is to activate 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 17-18 for some guidelines on what makes a good issue).
- Develop strategies and an action plan that involve all affected employees (see Appendix D, Page 73).
- Develop Member Action Teams (see Pages 16-17) that can be used to communicate with employees and encourage their participation.

AFSCME's Online

LEADERSHIP

Academy

AFSCME's Online Leadership Academy

- offers FREE online classes 24/7 for officers, activists, members and staff
- features topics such as parliamentary procedure, AFSCME's financial standards, and more...
- provides downloadable fact sheets, publications and educational materials

- Register for classes at academy.afscme.org
- Contact Education@afscme.org for details





SECTION 2: 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 seek information or when they need some help in solving a problem. They want leaders who are honest, hard-working, and willing to stand up in the face of pressure. 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 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 help build the union and 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.

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 available. Being an effective steward often means talking with members after regular working hours.



- 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 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.
- Remember: Good communication skills require 70 percent listening and 30 percent talking.

Motivate

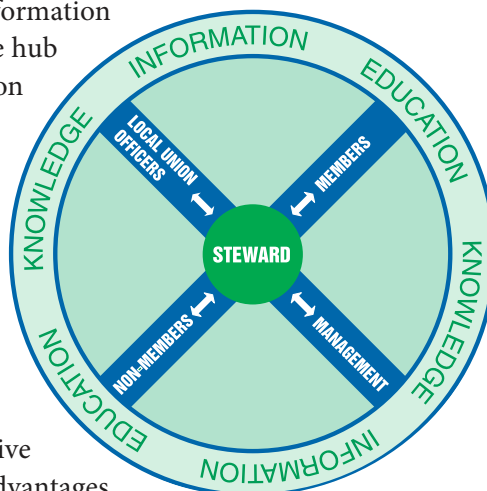
- Lead by example.
- Build relationships of trust and solidarity over time, so that you have a solid foundation when you ask people to do a specific task or take part in an activity.
- Talk to members one-to-one. It is more effective, for example, than asking for volunteers at a group meeting.
- Assign people specific, clearly defined tasks. It is 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.
- Be willing to do what you ask members to do. If you ask them to do a worksite leaflet at 6 a.m., then you should be prepared to do the same.



SECTION 3: THE STEWARD AS COMMUNICATOR

A steward must be willing and able to communicate with co-workers, union leadership and designated management representatives.

A steward should be able to present information clearly and factually. The steward is the hub of a communications wheel. Information is constantly transmitted back and forth along all the spokes of this wheel.



One-to-One Communication

A steward's main communication work is performed during one-to-one or face-to-face meetings with members and co-workers. This is the most effective way to communicate and has several advantages over any other method. By communicating one-to-one, stewards can:

- “Put a face” on the union.
- Increase union visibility.
- Build relationships with union members, co-workers and others.
- Gain immediate feedback on issues.
- Learn about a worker's concerns and problems.
- Directly ask people to be involved in some specific way. Examples include coming to a meeting, serving on a committee, signing a petition, wearing a button or handing out leaflets, etc.

A strong, active union depends on a constant information flow upward and downward. Stewards are responsible for making sure that all information about meetings, workplace and political actions is communicated to all of the members they are in contact with. Also, a steward must be sure to communicate the issues and concerns of the members to the leaders and officers of the local 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 a 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 16) and listening to employee concerns. You can also keep members informed about issues affecting AFSCME membership across the country by reading union publications and by accessing the AFSCME website: afscme.org. Examples of such issues are outsourcing and contracting out, labor economics, and political and legislative issues. Share important information with co-workers through the MAT structure or one-to-one communication.
- **The Contract.** A contract contains the terms and conditions of employment for bargaining unit members. Those terms and conditions include but are not limited to the wages, hours of work, leave time and ways to address health and safety issues at the workplace. The contract will contain a majority of the terms and conditions of employment, but always be sure to simultaneously check other applicable employer policies so that as a steward you are informed of all possible ways to resolve any issue.
- **Work Rules.** These may be found in such documents as civil service rules, merit system rules, administrative codes or the policy and procedure manuals devised by management. Get to know them so you can ensure that management applies 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; member benefits; and services provided by the local, council and international union.
- **Union Goals.** Be familiar with the union's objectives as explained in AFSCME's 21st Century Power to Win plan and the union's mission and values as represented by the Preamble to the AFSCME Constitution. Some of the major goals of the Power to Win plan can be found on Page 58 or on the AFSCME website at afscme.org.



SECTION 4: 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. Second, you can sign up and activate new members.

Different problems arise on the job nearly 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 several approaches and options available:

Informal discussions with management can sometimes resolve workplace problems. The worker's representative – the steward – can help do this. Better yet, a group of workers – with their steward – can meet with the manager. Strength in numbers! This can be done before filing a grievance (when there may be a better chance to solve the problem). Or, it can be done instead of filing a grievance.

The grievance procedure is the formal problem-solving process found in the contract or in the work rules if there is no contract. 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.

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:

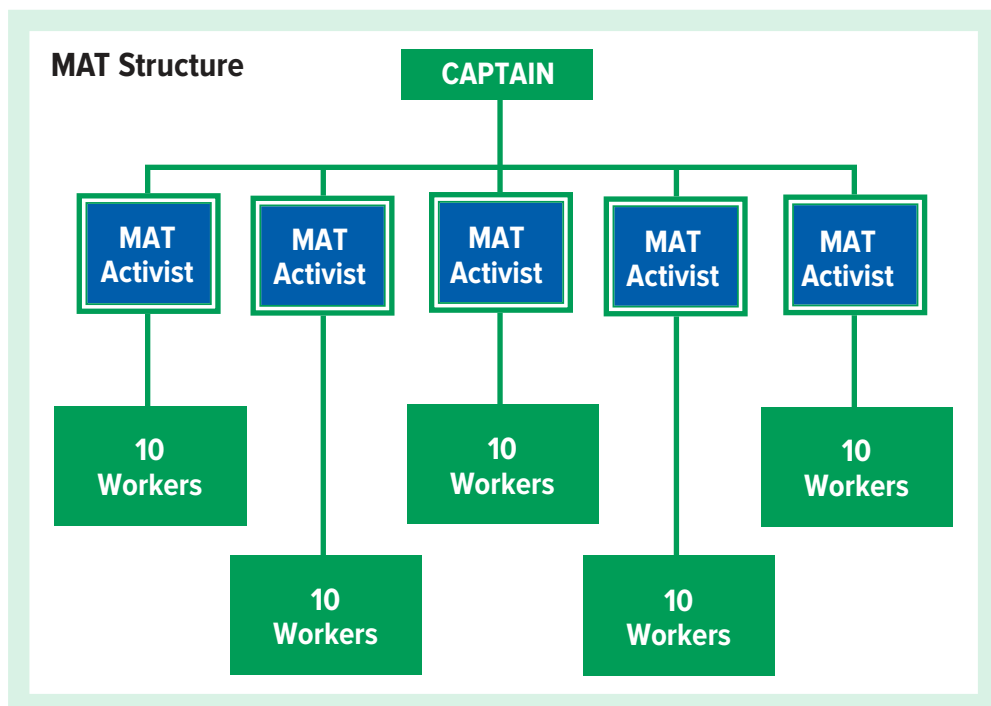
- Develop a strategy and a plan of action. Actions can be simple or elaborate – everything from petitions to button days, to leaflets to delegations, to meeting with management. See Appendix D for strategic campaign planning tools.
- Involve as many workers as possible in planning and carrying out actions.



- Build support by talking with workers one-to-one.
- Keep co-workers informed so the group can continue to plan and act together.
- Publicize victories.

Member Action Teams (MAT)

Many 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. MAT activists are responsible for communicating and working with approximately 10 co-workers on a regular basis.



In the diagram above, one or two of the MAT activists 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 activists and their teams.



BRIGHT IDEAS

Responsibilities of a MAT Activist

- Work with approximately 10 co-workers in his/her work area (less or more depending on the size of the department or worksite).
- Listen to members' concerns and problems, and seek out their motivations to do more to build the union.
- Sign up and involve members in union activities, especially in their immediate work area.
- Work together with local officers and MAT captains on tasks that help build a stronger union.
- Have regular one-to-one conversations with co-workers about important issues, collective actions and other union activities.
- 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 activists don't necessarily have to be stewards. But all stewards should be MAT captains or activists.

Checklist for Choosing Issues

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

- Be widely felt – the issue should affect a large number of people.
- Be deeply felt – workers want to do something about the issue.
- Be winnable – the members 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 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 – activating members and winning victories changes the “balance of power” in the workplace.

Case Study: Using a Workplace 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 had 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 it. 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 planned to do a flash mob in front of city hall to raise public awareness about the issue.

For more information and tools to use in creating a strategic action plan, see Appendix D.

Signing Up and Activating New Members

Reach Out to New Employees. In nearly 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 to ask the employee to sign a membership card, join the union, contribute to PEOPLE (see Page 49), and become involved in the union. 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 – has not yet joined the union.

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 workplaces 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 to reach out to these co-workers for recruitment! Every worker in the bargaining unit is a potential member, a potential resource, a potential talent and a potential union activist. And, if the percentage of agency or fair share fee payers is high, management will know this and will take it as a sign of the union’s lack of power.



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. The most effective new member orientation is one-to-one.
- Provide a “welcome kit” of union materials (see Appendix B, Page 69).
- 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. Sign the employee up for PEOPLE at the same time (see Section 7).
- 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.
- If you do not have a central work location, go where your co-workers congregate (for example pay centers or trainings).
- 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. Update your local union website so members can get current information online.
- On workplace issues that affect all employees, ask non-members to participate and become part of the solution.



SECTION 5: THE STEWARD AS REPRESENTATIVE

As an AFSCME steward you are always representing the union as a whole in your daily conversations and actions. In order to be an effective representative, stewards must know the grievance procedure, the rights of workers in the contract and under applicable laws, and the Seven Tests of Just Cause. In addition, the steward represents workers in informal problem-solving efforts and discussions with management.

As a result of the vicious attack on workers' rights in the public and private sector, many AFSCME members operate outside the legal framework of collective bargaining. In those cases, enforcing the applicable Memorandums of Understanding, agreements or civil service rules are crucial to effective representation.

Winning in “Open Shops”

Memorandum of Understanding (MOU)/ Memorandum of Agreement

(MOA) – An MOU or MOA is a formal signed agreement between AFSCME members and their employers that outlines each party's requirements and responsibility regarding wages, hours and other conditions of employment.

Civil Service Rules – An employee covered by civil service has certain job protections. Civil Service statutes set ground rules for determining if a covered employee is disciplined or discharged for “just cause.”

Grievance Handling

The negotiated contract is the steward's most important document. It contains the wages, hours, working conditions and rights of bargaining unit employees. But management sometimes forgets, misinterprets or ignores what they agreed to at the bargaining table. To help address these management violations of employee rights, the contract contains a grievance procedure for addressing those violations.



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, the union could file a grievance on her behalf.

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 or Memorandum of Understanding 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 some instances, management may violate 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.



The Grievance Procedure

Grievance procedures contain a series of steps negotiated to address workplace issues. While contracts differ in the number and specifics of these steps, below you will find explanations of common steps found in grievance procedures in AFSCME contracts.

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 attempts to solve the workplace issue before a written grievance is presented to management. In some contracts, the written grievance is initiated at this step. Always refer to the contract to ensure that you are performing the correct grievance action at this and any other step.

Steps 2 - 4: If not submitted at Step 1, the written grievance is initiated at Step 2. When a grievance cannot be resolved at Step 1, it is reduced to writing. The written grievance can be appealed to progressively higher levels of the management structure in Steps 2-4. Those in the higher levels of management may include a department director, a division head and/or the agency administrator.

Arbitration: If the grievance is not resolved, the final step is the request for a hearing with a professional, neutral arbitrator whose decision is final and binding – depending upon the language in your specific contract. (See Page 36 for more information on arbitration.)



BRIGHT IDEAS

Using Grievances to Build Union Strength

- Enforce the contract when a management action, or inaction, violates 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 have not 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.



Five-Step Approach to Grievance Handling

Nearly every workday, stewards hear complaints about something on the job. Part of your role is to determine whether the grievance procedure is the right course of action in response to complaints or issues, or whether another course of action makes more sense. To help determine whether or not these are legitimate grievances, there is a five-step formula that you can follow:

1. Identification
2. Investigation
3. Documentation
4. Preparation
5. Presentation

Step 1: Identification

Know the definition of a grievance in your own contract or work rules. In addition to stating what a grievance is (for example, “any dispute over the interpretation or application of the agreement”), your contract may also include provisions that are excluded from resolution through the grievance procedure.

Armed with the knowledge of the contract, applicable work rules and workers’ legal rights, you should be able to answer the following questions:

Did management violate any of the following?

- the contract
- a work rule or regulation
- a policy or procedure
- any federal, state, county or municipal law
- any health and safety regulation
- past practice (see Page 25 for more on this topic)

Did management’s action constitute unfair, disparate or unequal treatment of an employee or group of employees?

- Did management engage in discrimination or harassment?
- Did management take unjust disciplinary action against an employee or group of employees? (See Section 6 on discipline cases.)



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

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 must be present:

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.

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.

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.

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, the union must demonstrate that harm was 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 continued 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 begins with talking to people, often several people. The gathering of information about the potential grievance is what can either make or break the case for the grievant and union.

A thorough investigation should include:

- A clear conversation with the affected employee that includes questions beginning with the 5Ws (who, what, when, where, why).
- 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.)

Asking the Right Questions

Start by asking the same basic questions – known as the “5 Ws” – to each person you talk to.

- **WHO was involved?** Names of people involved in event, including witnesses.
- **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, Page 71) to make sure each of these questions is asked and answered.

Remember

- 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.



What If There Is No Grievance

Not every employee issue 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.



BRIGHT IDEAS

What to Do If It's Not a Grievance

- Inform the worker of your conclusion in a face-to-face conversation.
- 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. Talk with other stewards and employees to see if a broader problem exists.
- Hold an informal meeting with management and the affected employee(s) to see if a resolution is possible.
- Work with a group of members to develop an action plan to solve the problem outside of the grievance procedure (see Appendix D).

Step 3: Documentation

Documentation means 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 – can and will be used to verify the information you learned from each of the people you talked to during your investigation.



BRIGHT IDEAS

Collecting Evidence

- Research the contract, work rules, policies, procedures, etc., to determine which of these – and what sections or rules – management 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 recommendation, 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 occurred 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, and include a date by which you would like a response. 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 Sheet (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.

Please respond to this request by _____ (date).

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 depends on how well the steward prepares ahead of time. You do yourself and the grievant a disservice when you do not carefully, thoroughly prepare the case for presentation to management and/or an arbitrator in a professional, orderly and understandable manner.



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 “Official Grievance Form,” Appendix C, Page 70.



All grievance forms contain four main sections that ask for:

- Basic information about the grievant: name, job title or classification, department, work location, etc.
- Information about what happened, or failed to happen, that brought about the grievance.
- A description of what contract provision, work rule, past practice, etc., that management has violated.
- 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., that apply. Be careful to not reveal too much in detail about your case. After you list specific contract articles, you should 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 or if you failed to cite all relevant articles in the contract.
- Clearly state the desired remedy – 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 61).
- 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 example shows a poorly written grievance followed by a much better version.

Example 1 - Change in Starting Time Results in a Reprimand

Poorly Written

Statement of the Grievance

Without even talking to the union about it, management decided to change the starting time of the morning shift. Changing the start time for the morning shift by 45 minutes wreaked havoc on the lives of everyone, and John Wright received a written reprimand for having to leave early to pick up his school-age children, who he always picked up after his shift. 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 Oct. 30, management changed the start time of the morning shift without notice to the employees and the union. This change in the morning shift start time caused Mr. John Wright to receive a written reprimand due to inability to make needed arrangements as it related to those family members he acts as caregiver for. 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. That the reprimand Mr. Wright unjustly received be rescinded and removed from his personnel records. That Mr. Wright be made whole.



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 backups in place in case this kind of thing happens.

Remedy

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

Much Better

Statement of 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.



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. A grievance presentation is another opportunity to put a face on the union and build union power. It is always helpful to practice your verbal presentation before you make it.

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

- Be positive. Use a friendly down-to-business approach, without making threats. Avoid bluffing your way through a grievance.
- Stick to the subject of the grievance; don't allow the discussion to be sidetracked on other issues, past problems or irrelevant topics.
- Focus on the issues, not the person or personalities.
- Remain calm, cool and collected. Avoid being angry, belligerent or hostile.
- Keep notes of what is said during the meeting.
- Listen for the main point of management's argument and for possible openings to resolve the grievance. Don't argue 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.
- Resolve each grievance at the lowest possible step. Remember your objective: a fair settlement at the lowest possible level. If management is not willing to fairly resolve the case, be prepared to appeal to the next step. Avoid swapping one grievance for another, meaning where the union wins one, management wins one. Each case should be decided on its merits.
- Give your understanding of what, if any, resolution was reached or what will happen next after the conclusion of the meeting. This helps avoid misunderstandings later.
- Get every grievance settlement in writing. Make sure that management's verbal assurances are documented.



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 C, Page 72, 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; in that case, the union would need to agree to that request. If you ever wish to extend time limits, get the agreement in writing, signed by the steward and the management representative. But do not miss a deadline because you hope for an extension. Make sure the grievance is filed in a timely manner.

Keep the Grievant in the Loop

Throughout the process, keep the grievant updated 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 occur 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 must 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 Arbitration decisions can set a permanent, bad precedent for the union in “grey areas” of the contract.

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.



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. Note that not all contracts permit all 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. 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.

The Seven Tests of 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.

- Was the employee adequately warned of the probable consequences of his/her conduct?
- Was the employer’s rule or order reasonably related to the efficient and safe operation of the job function?
- Did management investigate before administering the discipline?



- Was management's investigation fair and objective?
- Did the investigation produce substantial evidence or proof that the employee was guilty of the offense?
- Has the employer applied its rules, orders and penalties evenly and without discrimination?
- 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 customarily hold 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.

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.



SECTION 6: IT'S THE LAW

Several federal laws and Supreme Court decisions have a direct impact on the work of the union steward. State laws and regulations are not covered in this section; make sure you are aware of any that may apply during investigatory meetings. Here is an overview of the most relevant federal laws and Supreme Court decisions that affect most members. In addition, Section 10: Resources (Pages 64-67), contains information on publications about these subjects.

Weingarten Rights

In the 1975 case *NLRB v. J. Weingarten Inc.*, the U.S. Supreme Court declared that unionized employees (in the private sector) have the right to have a steward present during an investigatory meeting with management when the employee believes the meeting might lead to disciplinary action being taken against him/her. According to the court, these rights arise as a result of the proper functioning of the National Labor Relations Act (NLRA). The rights flow from NLRA §7's guarantee of the right of employees to act "in concert for mutual aid and protection." Denial of this right violates NLRA §8(a)(1). While this case applies to workers in the private sector, some public employees have similar rights, and the rules vary from state to state, so check your state's labor laws.

Weingarten rights apply during investigatory interviews when a supervisor questions 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:

- The employee must request representation before or during the meeting.
- After an employee makes the request, the supervisor has these choices:
 - grant the request and wait for the union representative's arrival;
 - deny the request and end the meeting immediately; or
 - give the employee the choice of either ending the meeting or continuing without representation.
- 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.



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.

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).



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 into 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.

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 were 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.



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.



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.

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 (such as walking, talking, seeing, hearing, learning, breathing, working and performing manual tasks such as reaching, standing and lifting);
- Has a history of, or has recovered from, such an impairment (such as cancer or emotional illness); and/or
- Is perceived as having an impairment (such as a facial disfigurement or the mistaken belief that a person is HIV positive or is a person with 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.



The **ADA Amendments Act of 2008 (ADAAA)** was enacted Sept. 25, 2008, and became effective Jan. 1, 2009. New regulations implementing changes to the ADA took effect May 24, 2011. The U.S. Equal Employment Opportunity Commission (EEOC) revised Title I regulations “are designed to simplify the determination of who has a disability and make it easier for people to establish that they are protected by the ADA.”

While the definition of disability remains the same – a physical or mental impairment that substantially limits a major life activity – the EEOC added a non-exhaustive list of certain conditions. These conditions still require individual assessments, but will “virtually always” constitute disabilities. Individual assessments are still necessary, but should demand less analysis. “The term ‘substantially limits’ shall be interpreted and applied to require a degree of functional limitation that is lower than the standard for ‘substantially limits’ applied prior to the ADA.”

What stewards can do:

- Protect the rights of AFSCME members who have disabilities.
- Provide representation for a member who is seeking a reasonable accommodation from management.
- Educate bargaining unit members and management about the rights of workers with disabilities.
- Assist members if they wish to file a discrimination complaint with the Equal Employment Opportunity Commission (EEOC) or similar state agency.
- 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. Or online, go to: afscme.org/ada-employment for the AFSCME guide to all things ADA.

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;
- The employee's own serious health condition; or
- To help with "qualifying exigency" or need arising from the deployment of a service member in the family.

As of September 2012, the FMLA permits a spouse, child, parent or next of kin to take up to 26 weeks of leave to care for a service member recovering from a serious injury or illness suffered in the line of active military duty.

The FMLA only applies to employers that meet certain criteria.

A covered employer is a:

- Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer;
- Public agency, including a local, state or federal government agency, regardless of the number of employees it employs; or
- Public or private elementary or secondary school, regardless of the number of employees it employs.

An eligible employee is one who:

- Works for a covered employer;
- Has worked for the employer for at least 12 months (not necessarily consecutive);
- Has worked at least 1,250 hours (an average of 25 hours per week) for the past 12 months; and
- Works at a location where the 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:

- Educate bargaining unit members about their rights under FMLA;
- Discuss the issue at labor/management meetings to ensure that management knows its obligations under FMLA;
- Represent members – in the formal grievance procedure or in informal efforts – to gain FMLA leave for which they are entitled; and
- 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 Department of Research and Collective Bargaining Services at (202) 429-1215. Or online go to: afscme.org/health-safety for the AFSCME booklet on all things FMLA. For more information, access to the Department of Labor's web page at 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 25 states (AK, AZ, CA, HA, IN, IA, IL, KY, MD, MI, MN, NV, NM, NC, OR, SC, TN, UT, VT, VA, WA, WY, CT, NJ, NY), Puerto Rico and the Virgin Islands are covered by OSHA-approved state plans. Several states without OSHA coverage have state safety and health laws. In other instances, AFSCME 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:

- When a health or safety hazard is discovered or reported, immediately inform management and request that the problem be corrected.
- Report any health or safety issues to the local's health and safety committee.
- Educate workers about health or safety hazards.
- File any appropriate grievances or complaints to correct health and safety problems and hold management accountable to its commitments.
- Become familiar with your state's safety and health laws.
- Survey members to see if they have any health and safety concerns in their work area.
- Review any safety and health contract language in your collective bargaining agreement (you can only grieve what you have language for).

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 at afscme.org/health-safety, which has a wide variety of publications and fact sheets that can be downloaded and printed.

Sexual Harassment

The U.S. Supreme Court 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 stewards can do:

- Educate co-workers about sexual harassment;
- Take necessary actions to ensure that sexual harassment will not be tolerated;
- Discuss the issue at labor/management meetings;
- When sexual harassment does occur, act to protect members by offering support and investigating and processing appropriate grievances;
- Assist members if they wish to file a complaint with the Equal Employment Opportunities Commission (EEOC); and
- Reference the Online Leadership Academy (OLA) OnDemand class "Respect in the Workplace."

For more information: Visit afscme.org/academy for "Respect in the Workplace: A Sample Harassment Policy," an OLA OnDemand class. Contact AFSCME's Department of Education and Leadership Training at (202) 429-1250 for more information.



SECTION 7: BUILDING PEOPLE POWER

PEOPLE stands for Public Employees Organized to Promote Legislative Equality. It is our union's political action committee, funded entirely by members' voluntary contributions. Federal election law and some state laws prohibit using dues for campaign contributions.

With PEOPLE power, we make our voices heard on issues that affect workers at every level of government, from the school board to the city council to the state legislature and U.S. Congress. We elect candidates who support working families. We win victories on matters of concern to AFSCME members, such as legislation affecting working conditions for public service employees. Member contributions pay for everything a campaign needs to be successful, from phone banks to flyers, from rally signs to media campaigns.

No other group of workers is as directly affected by politics as AFSCME members. AFSCME PEOPLE enables our union to be strong politically and helps enact legislative programs that protect the vital services we provide to our communities. By joining AFSCME PEOPLE you have a direct impact on the political process and the people who represent you.

The worksite has proven to be the optimal place to recruit PEOPLE contributors. As the first point of contact at the worksite, stewards are the best ambassadors of the PEOPLE program, with the unique ability to relate to on-the-job issues. Recruiting for PEOPLE is an important part of your role as an AFSCME steward.

Below are a few things you need to know in order to recruit more PEOPLE contributors.

PEOPLE Sign-up Is Easy

- Payroll deduction – easiest and most reliable!
- Credit card, debit, bank account – monthly reoccurring contributions.
- Cash, check or money order.

Please check with your local union leadership to determine which method makes sense for your local, to get the appropriate forms and to find out where to submit your new sign-ups.



Who Can Give

AFSCME PEOPLE can only accept contributions from AFSCME members, AFSCME staff, retirees and their families.

Earn Rewards as an MVP

As a PEOPLE MVP, you earn a rewards point for every dollar you contribute. Use those points to select incentives from a variety of exclusive items in an online catalog full of union-made, made-in-the-USA merchandise. To register, visit peoplerewards.afscme.org.

How can stewards help grow the PEOPLE Program?

- Let members know about legislative and political victories, and explain that PEOPLE makes those victories possible.
- Ask new employees to join PEOPLE at the same time they join the union.
- Always keep PEOPLE sign-up cards on hand and be ready to answer questions about the program.
- Host lunch-and-learn programs and AFSCME days to promote and encourage new MVP sign-ups.

Contact AFSCME PEOPLE at (202) 429-1021 or send an email to: people@afscme.org for more information or assistance.

The image shows two overlapping screenshots of the AFSCME PEOPLE website. The top screenshot displays the homepage with the AFSCME logo and the slogan "We Make America Happen". It features a navigation menu with links for "Our Union", "News/Publications", "Blog", "Video", and "Issues/Legislation". A prominent banner reads "For Members > AFSCME PEOPLE". Below this, there is a section titled "Fighting for Candidates Who Will Fight for Us" with a sub-header "AFSCME PEOPLE". The text explains that for public employees, the quality of their lives and livelihood is determined by the officials they elect. It lists key priorities: Strong contracts, No contracting out, Affordable health care, Retirement security, and No cuts to vital public services. A note at the bottom states: "Politics is part of AFSCME's DNA. Federal election law and some state laws prohibit using dues for campaign contributions and other political activities. AFSCME PEOPLE enables our union to be strong politically and help enact legislative programs that protect our jobs." The bottom screenshot shows a sign-up form with the heading "ARE YOU A NEW USER? >>>". It includes a registration card image and a list of requirements: "1 Your Membership ID Number" and "2 A Valid Email Address". A small note at the bottom of the form says: "Don't know your number or can't locate your ID card? Contact: Member Services 202-429-6400."



SECTION 8: ALL ABOUT AFSCME

AFSCME members live and work in nearly every state from coast to coast, including Alaska and Hawaii, the District of Columbia, and Puerto Rico.

AFSCME's members provide the vital services that make America happen. We are librarians, nurses, corrections officers, child care providers, emergency medical technicians, sanitation workers and more. We work in the public and private sectors. With members in hundreds of different occupations, AFSCME advocates for fairness in the workplace, excellence in public services, and prosperity and opportunity for all working families.

AFSCME is a union composed of a diverse group of people who share a common commitment to public service. For us, serving the public is not just a job, it's a calling. An important part of our mission is to advocate for the vital services that keep our families safe and make our communities strong. We also advocate for prosperity and opportunity for all of America's working families. We not only stand for fairness at the bargaining table – we also fight for fairness in our communities and in the halls of government.

The national union, based in Washington, DC, coordinates the union's actions on major national issues such as privatization, fair taxes and health care. The national union also provides resources to councils and local unions for organizing, bargaining, political action and education, and administers members-only benefits. Every two years, delegates to AFSCME's International Convention decide on the union's basic policies. Every four years they elect the national union's president, secretary-treasurer and 35 regional vice presidents.

AFSCME 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 varies from state to state.

AFSCME 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 approximately 3,500 AFSCME locals.



AFSCME Affiliates

In some cases, independent employee unions or associations have affiliated with AFSCME – to the mutual benefit and strength 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.

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.

AFSCME National

The national union provides a number of valuable services to councils, affiliates and locals. A brief overview of various departments in the national offers a glimpse of the breadth of resources available to AFSCME members and affiliates.

The **Communications Department** helps members tell their stories of activism, struggle and solidarity, harnessing the power of new and traditional media, to support AFSCME's organizing, political and legislative priorities. The department oversees AFSCME publications, online properties, social media, video, speeches, graphics, media and field communications.

The **Data & Analytics Department** is a team of data, campaign, field, programming, and member services experts whose goal is to improve the reach and efficiency of communication with AFSCME members and the general public to advance our union's priorities. Its four pillars are improving data at the source; adding value to the data we currently have; developing and promoting best practices for campaigns; and giving anyone running a campaign in the union the tools to ensure accountability and effectiveness.

The Department of **Education and Leadership Training** offers skill-building and leadership development programs on a wide variety of topics, including those with a special emphasis for younger members. The department administers the **AFSCME Leadership Academy**, which provides online, classroom and field training for AFSCME members, staff and leaders. The department also offers leadership programs for AFSCME women.

The **Federal Government Affairs Department** serves as AFSCME's lobbying arm to advocate at the federal level on those issues related to AFSCME members' jobs, their families and their communities. The department represents AFSCME's interests on Capitol Hill and in the executive branch by



meeting with members of Congress, their staffs and administration officials to advance AFSCME’s federal agenda.

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 **Political Action Department** drives the unions’ electoral, grassroots and legislative campaigns by engaging members and the general public in key candidate, ballot initiative and issue campaigns. The department also promotes best practices in raising funds for **AFSCME PEOPLE**, our political action committee. Voter mobilization activities are supported by a data and targeting team, bilingual calling centers and political action training programs.

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, contracting out and privatization.

And the **Retiree Department** works on organizing new retiree chapters and subchapters, helps current chapters and subchapters increase their capacity and works with retiree leaders to foster their participation in AFSCME’s political and legislative advocacy campaigns. The department works on issues affecting retired AFSCME members like Social Security, Medicare, pensions and retiree health insurance.

The AFSCME national union has four **regional offices** to provide support and assistance to AFSCME members, locals and councils. They are:

Western Region

1515 West 190th St.
Suite 560

Gardena, CA 90248
(310) 243-1802 (office)
(310) 243-1140 (fax)

Pittsburgh, PA 15220
(412) 922-2550 (office)
(412) 922-2511 (fax)

Central Region

9075 North Meridian St.
Suite 200
Indianapolis, IN 46260
(317) 844-2631 (office)
(317) 844-4021 (fax)

Southern Region

1745 Phoenix Blvd.
Suite 440
Atlanta, GA 30349
(770) 907-2272 (office)
(770) 997-5855 (fax)

Eastern Region

Foster Plaza 10, 5th Floor
680 Andersen Dr.

AFSCME is a democratically run union. The national union is governed by a constitution. The **national president** is the chief



executive and administrative officer of AFSCME. The **national secretary-treasurer** is the chief financial and recording officer of AFSCME. When in session, AFSCME's International 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.

Local unions are also governed by constitutions or bylaws. Locals are run by their members, who meet on a regular basis 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. No matter what level of the union, each officer, and the executive board as a whole, has specific duties and responsibilities. These duties are spelled out in the constitution or bylaws governing that particular union body.

AFSCME's Retirees

Nearly 250,000 women and men belong to AFSCME Retirees, a nationwide program that enables them to fight effectively for common goals such as preserving Social Security and improved retirement benefits.





AFSCME: Decades of Fighting for Worker Rights

In 1932, as the country suffered through a severe economic depression, a small group of white-collar professional state employees met in Madison, Wis., 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 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 national 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 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 President Jerry Wurf of District Council 37 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 was reached.

Workers in other states saw New York's example and joined AFSCME in the fight for collective bargaining nationwide. At the 1964 AFSCME International 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 second national 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, Tenn., 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. Nearly 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.

In 1981, in San Jose, Calif., 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 national president. William Lucy – the founder of the Coalition of Black Trade Unionists – remained national 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 states.

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 International 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 2009, AFSCME was the top organizing union in the AFL-CIO and played a major role in winning health care reform and getting fiscal relief for states through the American Reinvestment and Recovery Act (ARRA). That same year, AFSCME convened the first-ever national Next Wave Conference, for new and young leaders of local unions and councils. Nearly 600 Next Wavers converged on Chicago, Ill.

In February 2011, nearly 200,000 Wisconsin public service employees, including more than 60,000 AFSCME members, lost the right to bargain collectively over health care, retirement and working conditions. In response, tens of thousands of protesters demonstrated at the capitol in Madison for months. A recall campaign was mounted that ultimately resulted in the unseating of two Republican state senators from office.

In Ohio, Senate Bill 5 (SB5) targeted collective bargaining for public workers. AFSCME members, working with other unions and coalition partners, gathered enough signatures to place a repeal referendum on Ohio's November 2011 ballot. Ohioans overwhelmingly voted to repeal SB5 and to protect collective bargaining for public employees.

In June 2012, delegates to the 40th International Convention of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), elected Lee Saunders president, and Laura Reyes as secretary-treasurer of the union. Saunders is the fourth president of AFSCME since the union's formation in Madison, Wis.

In early 2014, AFSCME leaders came together and launched the 50,000 Stronger campaign, with the goal of signing up at least 50,000 new members before the 41st International Convention. The union nearly doubled that goal. At the convention, President Saunders announced that 92,155 members were signed up.

The union launched AFSCME Strong in March 2015, a campaign focused on communicating and organizing, member to member. AFSCME



Strong leverages the strength of member activists, training them to connect with their co-workers through one-on-one conversations on issues critical to working families — wages, job security, safe staffing levels, retirement security, and asking them to recommit to our union. Through AFSCME Strong, we increase our power in the workplace, and at the bargaining table. Through AFSCME Strong, activists have signed up 287,000 new members.

In 2016, we developed a powerful new story of AFSCME and launched a communications campaign that echoed the final sentence of that story: “We never quit.” The campaign promotes AFSCME members’ remarkable dedication to public service and pride in their work. The campaign supports union-building efforts by demonstrating how AFSCME strengthens members’ individual and collective power, workplace opportunity, family well-being, and community support.

Also in 2016, more than 6,600 public service workers in Northern California voted to affiliate with AFSCME. They are members of Public Employees Union (PEU), Local 1.

In March 2017, Elissa McBride was elected secretary-treasurer of AFSCME by the International Executive Board. McBride joined the labor movement as a member of United Auto Workers District 65 in 1989. She later worked as an organizer, helping factory workers form unions and win first contracts. McBride joined AFSCME as the director of the Education and Leadership Training Department in 2001.

Since the year 2000, more than 350,000 public service workers in states across the country and in Puerto Rico organized with AFSCME. Many of these workers are independent providers of public services, like child care and home care providers. 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.



SECTION 9: 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 10 million working women and men nationwide. The AFL-CIO was formed in 1955 by the merger of the American Federation of Labor and the Congress of Industrial Organizations.

Attrition: Reduction in the labor force through conditions such as voluntary resignations or retirements, as opposed to layoffs.

Award: The binding decision of an arbitrator, which is binding on both parties.

Bargaining Rights: These rights are outlined by law, ordinance or in some circumstances by executive order for public employees because they are excluded from the National Labor Relations Act. Private sector employees have rights outlined in Section 7 of the National Labor Relations Act. These are rights of workers to negotiate the terms and conditions of employment through chosen representatives.

Bargaining Unit: A group of workers who bargain collectively with the employer. The unit may include all the workers in a single location or in a number of locations, or it may include only the workers in a single craft or department. The final unit is determined by the appropriate labor authority, or agreed to jointly by the union and the employer.

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, incorporating 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.

Certification: Official designation by a labor board of a labor organization entitled to bargain as an exclusive representative of employees in a certain unit.



Common Law: The law of a county or state based on custom, usage, and/or the decisions and opinions of a court.

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.

Decertification: Withdrawal – by an official labor authority – of the certification of a union if a majority of employees vote against union representation in a decertification election.

Discrimination: 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.

DOL: Department of Labor.

Equal Employment Opportunities Commission (EEOC): Federal government agency that administers most discrimination lawsuits.

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

Employee Assistance Program (EAP): 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.

Fair Labor Standards Act (FLSA): A 1938 federal law that established a minimum wage, maximum weekly hours and overtime pay requirements.

Fair Share: Negotiated in a union security clause of a union contract. Defines the amount a non-union member must contribute to a union to support collective bargaining activities. This arrangement is justified on the grounds that the union is obliged to represent all employees.

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 in addition to direct wages.



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 Page 36).

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.

Labor Relations Board: Quasi-judicial agency set up under national or state labor relations acts. Defines appropriate bargaining units, conducts elections to determine if workers want union representation, certifies unions to represent employees and applies legal provisions prohibiting certain employer or union unfair labor practices.

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 is denied, it asks that the grievant be treated as though management took 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.

Member Action Team (MAT): A communication and mobilization network within the workplace.

Membership Cards: A card authorizing the union as the collective bargaining agent and authorizing dues deduction.

Meet and Confer: A process of coming to an agreement that in most cases is not binding to either party. This process can be a path to bargaining rights over time.



National Labor Relations Act (NLRA): Federal law guaranteeing private sector workers the right to participate in unions without management reprisals.

Open Shop: Where employees do not have to belong to the union or pay dues to secure or retain benefits even though there may be a collective bargaining agreement.

Outsourcing (Contracting Out/Subcontracting): An employer's practice of having work performed by an outside contractor and not by regular employees in the unit.

Pay Equity: A term referring to the concept that female-dominated jobs or professions were 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.

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).

Rank and File: The members of our union.

Ratification: Formal approval of a newly negotiated agreement by vote of the union members affected.

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.

"Right-to-Work" States: States that passed laws prohibiting unions from negotiating union shop clauses in their contracts with employers.

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.

Taft-Hartley Act or Labor Management Relations Act (LMRA): An amendment of the NLRA that added provisions allowing unions to be prosecuted for a variety of activities, such as mass picketing and secondary boycotts.

Unfair Labor Practice: Those employer or union activities classified as "unfair" by federal or state labor relations acts.

Weingarten Rights: The rights of employees covered by the NLRA to request union representation during investigatory interviews if they reasonably believe that the interview could result in discipline. Weingarten rights also guarantee the rights of union representatives to assist and counsel employees during interviews that could lead to discipline.





SECTION 10: RESOURCES

Here is a list of some resources that can help you do the most important job in the union – be a steward. All of these publications are downloadable from AFSCME’s website: afscme.org. (See below for more information on the website). 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 Officers Handbook: 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.

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’s Comprehensive 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).



A wide variety of other publications, manuals, fact sheets and action kits is available on [afscme.org/news/publications](https://www.afscme.org/news/publications).

Here is what else you can find on AFSCME's website, [afscme.org](https://www.afscme.org):

Issues/Legislation – Background and resources on key issues such as privatization, health and safety, budget and taxes, and more.

AFSCME Directory – Contact information and links to AFSCME affiliates and national union offices across the country.



BRIGHT IDEAS

AFSCME Leadership Academy: AFSCME's Got Skills (AGS)

FREE webinars designed with your needs in mind. Each live webinar is recorded and made available on AFSCME VIDEO for viewing by AFSCME leaders, activists and staff. These webinars are intended to support activists and staff development. To explore the video archives, go to: www.afscme.org/webinar.

- **Building Power: Organizing Around Workplace Issues**
- **Connecting with PEOPLE to Make AFSCME Strong**
- **Discipline and Discharge: Best Practices for Representing Workers**
- **Duty of Fair Representation**
- **Five Steps of the Grievance Process**
- **The FMLA: How It Protects Our Families and Our Jobs**
- **How to be a Mentor**
- **List, Charts and Tracking Our Progress: The Way to Capture Our Unions Strength**
- **New Employee Orientation: Building Our Union on Day One**
- **Power of the POP: Planning Purposeful Meetings**
- **Seven Tests of Just Cause: What Are They and How Do I Use Them?**
- **Weingarten Rights: What Do You Know?**
- **You've Just Been Elected President – Now What?**
- **Your Ideal Mentor: What to Look for**



AFSCME Now – Stories and commentary on the latest AFSCME news and current events.

E-News Sign-up – You can sign up to receive the newsletters that are right for you.

Videos – An online library of AFSCME videos, including the new AFSCME TV series telling the stories of AFSCME members and our battles across the country – in our members’ own voices.

Member Benefits – An entire section dedicated to the AFSCME Advantage member benefits, discounts and savings program.

Press Releases and Commentary – Find out AFSCME’s position on key issues and current events, as well as statements and op-eds from President Saunders and Secretary-Treasurer McBride.

AFSCME Next Wave – AFSCME’s new and young members form the union’s Next Wave. Resources and organizing ideas are available on the website.





Additional Resources

Following are additional resources that may be helpful to the union steward:

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

Organizing for Social Change: A Manual for Activists, by Kim Bobo, Jackie Kendall and Steve Max. Seven Locks Press, P.O. Box 25689, Santa Ana, CA 92799. For copies call (714) 545-3114.

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

The Union Member's Complete Guide, by Michael Mauer. Union Communication Services. For copies, call (800) 321-2545 or visit laborbooks.com.

The Union Steward's Complete Guide, edited by David Prosten. Union Communication Services. For copies, call (800) 321-2545 or visit laborbooks.com.



Appendix A: Steward Essentials

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

- Contract and/or work rules
- National constitution
- Local constitution
- Steward handbook
- Grievance forms
- Grievance fact sheet
- Notebook
- Steward buttons
- 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
- National constitution
- Local constitution
- Local newsletter
- List of local officers and stewards
- PEOPLE information
- Information on AFSCME Advantage “member only” benefits
- EAP (Employee Assistance Program) information
- AFSCME buttons and bumper stickers



Appendix C: Forms and Charts

Note: These forms are also available on the AFSCME website at www.afscme.org/forms

AFSCME Grievance Form

Official Grievance Form



Name of Employee _____ Department _____
 Classification _____
 Work Location _____ Immediate Supervisor _____
 Title _____

Statement of Grievance:

List applicable violation: _____

Adjustment required: _____

Authorization:

I authorize AFSCME Local _____ as my representative to act for me in the disposition of this grievance.

Signature of Employee _____ Date _____

Signature of Union Representative _____ Title _____

Date Presented to Management Representative _____

Signature of Management Representative _____ Title _____

Disposition of Grievance:

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

Original (white) to _____

Copy (yellow) to _____

Copy (pink) to: Local Union Grievance File _____

NOTE: One copy of this grievance and its disposition to be kept in the Grievance File of the Local Union.

American Federation of State, County and Municipal Employees, AFL-CIO



AFSCME Grievance Fact Sheet

Grievance Fact Sheet



Stewards: Use this form to aid in investigating a grievance. This sheet outlines the information that will be necessary to develop a strong case. Document more details with additional pages, if needed.

This information is for the union's use only. Do not turn this form in to management.

Grievant _____ Department _____

Classification _____ Date of Classification _____

Date of Hire _____ Work Location _____

What happened? Describe incidents which gave rise to the grievance. _____

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

When did it occur? Give date and time _____

Where did it occur? Specify 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 _____

Grievant's Home Address _____

Steward's Signature _____ Date _____

NOTE: A copy of this form is to be completed by steward or officer filing grievance and be filed in local grievance file along with copy of grievance and disposition.



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 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	
	<i>Union, Number of Days to File</i>	<i>Person/Appeal Filed With</i>	<i>Management, No. of Days to Hear the Case</i>	<i>Management, No. of Days to Respond</i>
1.				
2.				
3.				
4.				



Appendix D: Planning a Strategic Campaign*

When problems and concerns arise on the job, and you want to organize your co-workers to demand change, you can use the following planning process to develop a strategic campaign plan. The questions listed under each step of the process are there to help you and your team think strategically about your campaign.

Step 1: Set Campaign Goals

- What is the issue and who does it affect?
- What is the remedy or goal you want to achieve?
- What is the specific demand you are making?
- What would a total victory look like?
- Are there short-term or partial victories you could win along the way?
- When you choose an issue to take action on, make sure to use the Checklist for Choosing Issues, which is on Pages 17-18 of this handbook.

Step 2: Name the Target

- The target is the person who has the power to give you what you want.
- Who is the target for this campaign?
- Who can solve this problem?
- Who can say yes to your demand?

Step 3: Identify Your Resources

What do you have going for you? List resources your local union brings to this campaign. Include people (activists and staff), communication vehicles such as member action teams and social media, relationships, reputation and money.

Step 4: Analyze Your Opponents

- Who will oppose you in this campaign and how?
- What will a victory for you cost them?
- How strong are they?
- What are their assets and resources?

*This planning process is adapted from the Midwest Academy Strategy Chart. For more information, please see *Organizing for Social Change* by Kim Bobo et al. To order a copy, visit midwestacademy.com/midwest-academy-manual or call (714) 545-3114.



Step 5: Brainstorm Possible Allies

- What outside groups care about this issue enough to join you or help you in this campaign?
- What can they do to help?
- How would it benefit them if you win?
- What risks are they taking by helping you?

Step 6: Agree on Tactics

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).

How will you communicate with the members about the problem and the actions (e.g. one-to-one, through worksite meetings, flyers, phone trees, etc.)?

See Appendix E – Rules of Tactics.

Step 7: Agree on Tasks, Assignments and Deadlines

Possible Actions	Assigned To	Deadline
Group grievance	_____	_____
Newsletter article	_____	_____
Contact community allies	_____	_____
Group meeting with decision-maker	_____	_____
Distribute leaflets	_____	_____
Petition	_____	_____
Button day or T-shirt day	_____	_____
Rally or informational picket	_____	_____
Other	_____	_____
	_____	_____
	_____	_____



Appendix E: Rules of Tactics*

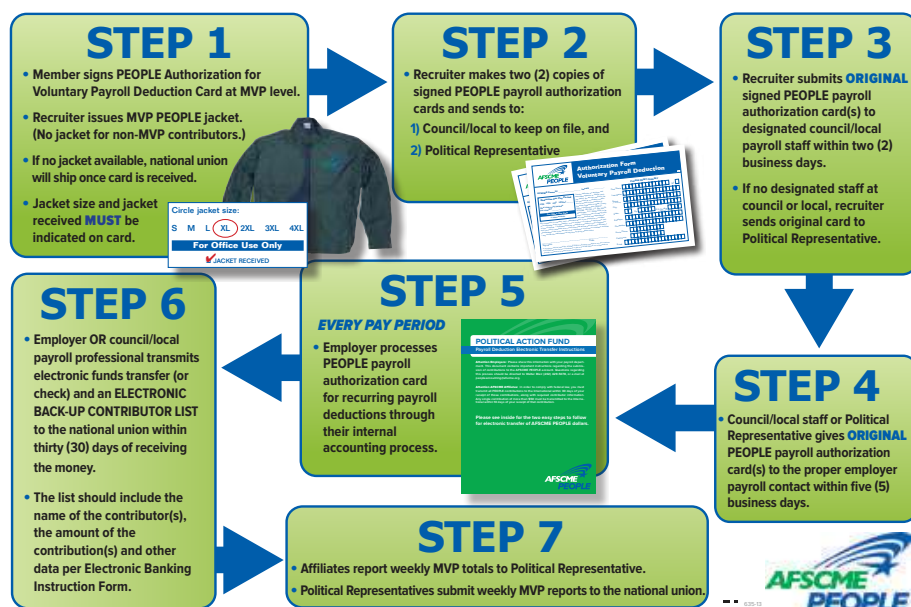
“Tactics means doing what you can with what you have.”

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 its 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 F: PEOPLE Materials

The Process for PEOPLE Payroll Deductions





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.”

SING to the tune of *Battle Hymn of the Republic*.

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.





American Federation of State, County
and Municipal Employees, AFL-CIO

1625 L Street, NW
Washington, DC 20036
AFSCME.org

Lee Saunders
President

Elissa McBride
Secretary-Treasurer

