



New Stewards: Laying A Foundation For Success

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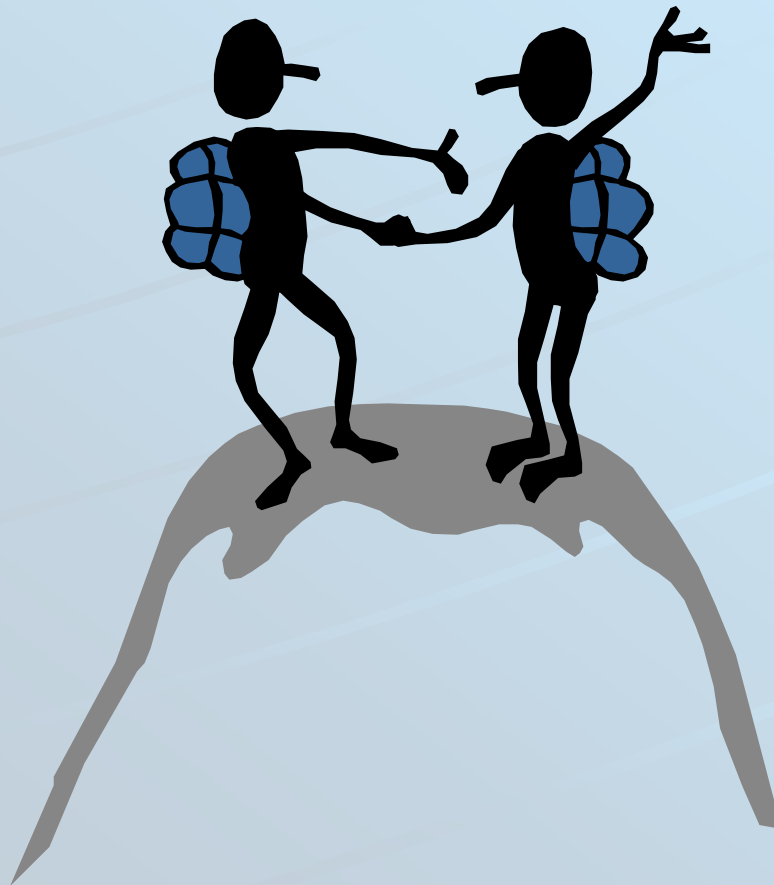
Teamsters Local No. 120 Stewards Seminar
November 20, 2004

Seminar Outline

1. Stewards "Survival Kit":
What You Need to
Succeed
2. Putting It All Together:
The Grievance &
Arbitration Procedure

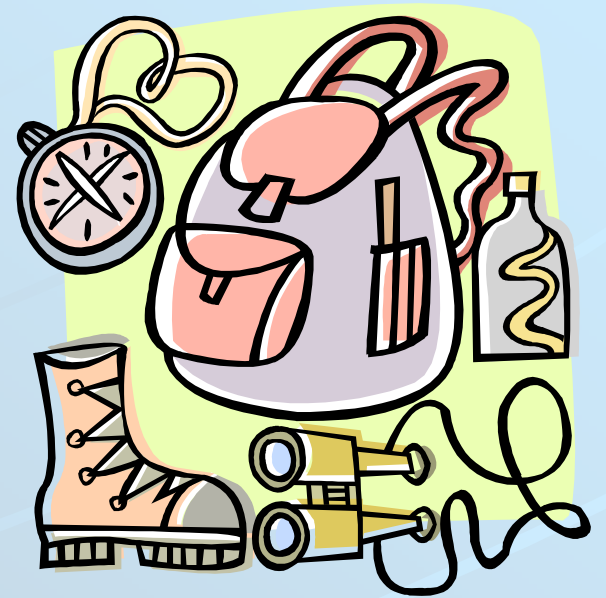


Union Steward's Survival Kit



Survival Kit Contents

1. CBAs
2. Company Rules & Policies
3. Seniority Lists
4. Company Communications
5. Grievances
6. Committee Notes
7. Negotiation Proposals & Notes
8. Spiral Notebook



1. CBAs



- What to Keep:
 - ❖ A copy of the current CBA
 - ❖ Copies of past CBAs
- Why:
 - ❖ Current CBA governs the case.
 - ❖ Past CBAs may be used to show how some clause changed (or didn't change) through negotiations.

2. Company Rules & Policies

- What to Keep:

- ❖ Work Rules
- ❖ Disciplinary Procedures
- ❖ Safety Rules
- ❖ Drug/Alcohol Policy
- ❖ Attendance Policy
- ❖ Harassment Policy
- ❖ Etc.



- Why?

- ❖ These rules and policies may form the basis for discipline, may themselves be the subject of a grievance, or may be a forum for the Employer to "tell-on themselves."

3. Seniority Lists



- What to Keep:
 - ❖ A copy of the current seniority list
 - ❖ Copies of past seniority lists
- Why?
 - ❖ In discipline/discharge cases, they are used to establish period of service to the Employer.
 - ❖ Can also be used to show things like the reduction of the bargaining unit.

4. Company Communications

- What to Keep:

- ❖ Memos/Postings
- ❖ Emails
- ❖ Voicemails (Transcribe)
- ❖ Handouts/Mailings
 - Company Newsletters
 - Etc.
- ❖ Announcements



- Why?

- ❖ These documents can help establish a past practice, the Employer's violation of the contract, etc.

5. Grievances

- What to Keep:
 - ❖ Copies of current grievances
 - ❖ Copies of past grievances and their settlements
 - ❖ Copies of minutes/notes from grievance adjustment/Step hearings

- Why?

- ❖ Grievance settlements can be used to establish a past practice, to show the Employer's acknowledgement of contract interpretation, and can be used to pin down the Employer's position at arbitration.

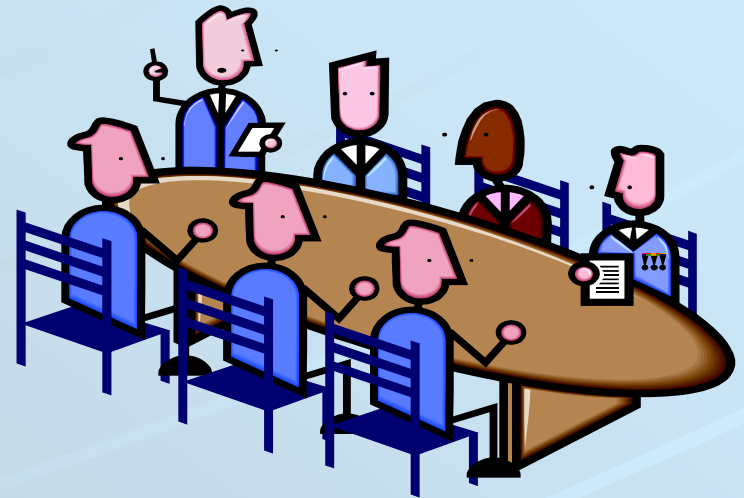


6. Committee Notes

- What to Keep:

- ❖ Notes from Union-Company Committees

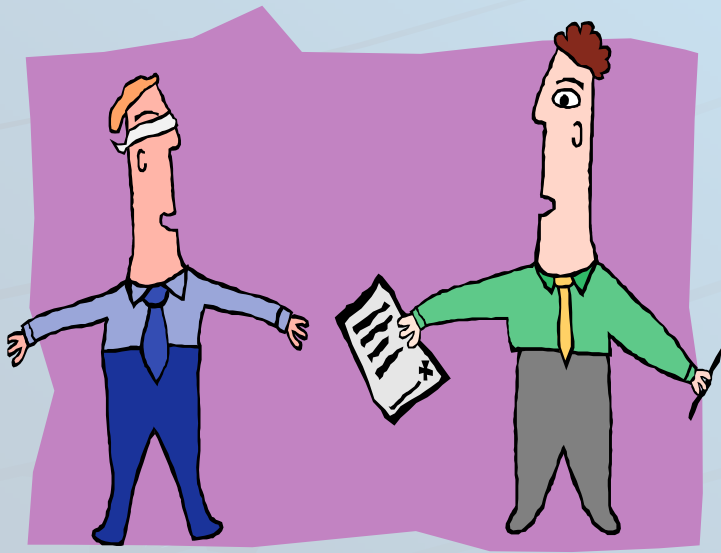
- Safety committee
 - Warehouse committee
 - Etc.



- Why?

- ❖ They can be used to show past practice, argue for contract interpretation favorable to the Union.

7. Negotiation Proposals & Notes



- What to Keep:
 - ❖ Copies of the proposals (number them) from both the Union and the Employer.
 - ❖ Copies of any notes from the negotiations.
- Why?
 - ❖ These notes can be used to argue for the Union's interpretation of the contract, and to undermine the Employer's interpretation.

8. Spiral Notebook

- Keep a daily log of all interaction with the Employer.
- For each entry, include:
 - ❖ Date
 - ❖ Time
 - ❖ Persons Involved
 - ❖ Subject
 - ❖ What Was Said



The Basics of the Grievance and Arbitration Process



Grievances: Investigation

- What type of violation is being claimed?
 - ❖ Contract (CBA)
 - ❖ Unfair labor practice (ULP)
 - ❖ Statutory (EEO, FMLA, ADA)
 - ❖ Private matters
 - Harassment
 - Assault
 - Discrimination



Grievances: Investigation

■ Witnesses

- ❖ Who heard, saw or knows?
- ❖ Documents (postings, memos, letters)
- ❖ Past practices, policies, or procedures
- ❖ Prior grievances and resolutions
- ❖ Photos or videos
- ❖ Diagrams of the area
- ❖ Physical evidence



Grievances: Investigation



- Any corrective or remedial action?
 - ❖ By the Employer
 - Policy changes
 - Procedure changes
 - Physical Changes
 - ❖ By the Union
 - Rehabilitation
 - Treatment
 - Apology

Grievances: Drafting

- Ask yourself, “Who is the Grievant?”
 - ❖ Union
 - ❖ Individual
 - ❖ Group, e.g., shift, drivers, or mechanics, etc.
 - ❖ Class, e.g., bargaining unit

- Affects the remedy
 - ❖ Payment vs. change



Grievances: Drafting

- State the Violation



1. Clear statement

- "The company is violating the contract (or statute, etc.) by..."
- List all violated provisions
- "... And any other applicable provisions"

2. Union recognition clause

3. Maintenance of standards clause

4. Non-discrimination clause

Grievances: Drafting

- Description of event
 - ❖ Who, what, when, where, why, & how it occurred
- Remedy
 - ❖ Reinstatement, seniority, back pay, benefits, and all other contract rights
 - ❖ Cease and desist and pay all affected members for all losses



Selecting an Arbitrator



1. Get Arbitrators' Biographies
2. Research Arbitrators' Histories and Cases
 - ❖ Who does the Arbitrator generally favor in discharge cases?
 - ❖ Has the Arbitrator ruled on similar issues or cases?
3. Decide How Arbitrators Will Be Struck
 - ❖ Who goes first?
 - ❖ Who or what decides?
 - ❖ Strategies

Developing A Strategy



- Develop a "Theory of the case"
- What is the rationale?
- What are the issues?
- What approach or version will you present?

Pre-Hearing Preparation

- Know the history of the case, the contract language, and its intent
- Review the scope of the Arbitrator's authority
- Gain different viewpoints
- Interview witnesses
- Compile a guide with records and documents



Pre-hearing Preparation



- Dress, demeanor, behavior
- REMEMBER: First impressions are lasting impressions
- "Don't say anything, don't do anything" —Assume the Arbitrator is watching everything you do
- Enhance the union's presentation in all ways

Arbitration Procedures

- In discharge cases, Employer presents first; Union second
- In other cases, Union presents first; Employer second
- Resolve procedural issues
- Statement of the issue
- Protecting the record



