



**STEWARDS TRAINING
TEAMSTERS 856**

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SHOP STEWARD'S TRAINING

- ◆ Rights & role of steward
- ◆ Weingarten Rights
 - ◆ Investigatory & disciplinary meetings
- ◆ Harassment and Discrimination
 - ◆ Bullying Boss
- ◆ Just Cause
- ◆ Grievance Investigation
 - ◆ Being a Good Witness after the fact

STEWARDS

Leadership in the workplace

Help the members with all kinds of job issues

Act as go-between between members and union leadership

Have responsibility

Organize in the workplace and out side the workplace

ROLE OF A STEWARD

Organizing

Education

Representation

Problem solving

Protecting members from the boss

Protecting members from themselves

Assistance to members

LEGAL RIGHTS OF STEWARDS

Right to Help the Members

Right to Help the Union

Right to Organize

Right to file a grievance

Right to investigate grievances

Right to information from the employer

Right to be present at investigatory interviews-Weingarten

Right to help with job issues

LEGAL RIGHTS OF STEWARDS

When you are acting in the capacity of shop steward you are the **equal** of management!

You must not be **insubordinate**. Obey and grieve or take other action.

Management must treat you with **respect**.

WHAT EVERY STEWARD NEEDS

Phone number of the union and your business agent

Weingarten card

A notebook

Contract

Steward's manual

Seniority list

Grievance forms

Knowledge

INVESTIGATORY & DISCIPLINARY MEETINGS

Right to Union representation

Weingarten Rights

Role of the steward

Access to information & witnesses

Right to ask questions

The right to consult with the grievant privately

Your contract may give you Weingarten rights

Take good notes

Use your cell phone

WEINGARTEN

The employee must be in a bargaining unit that has a recognized union

The meeting must be an investigatory meeting

The employee must have a reasonable belief that the investigation will lead to disciplinary action

The employee must request union representation

WEINGARTEN PROCEDURES 1

Although Weingarten is a private sector case, it is routinely recognized in the public sector.

The employee has a right to designate the individual from the union as long as it doesn't cause a delay.

The employee is entitled to know the subject of the meeting in advance.

WEINGARTEN PROCEDURES 2

The employee may consult with the representative in advance of the meeting.

The representative has a right to speak at the meeting. But an employer has a right to insist on answers from the employee directly, and can discipline for refusal to cooperate in an investigation.

If representation has been denied employee may refuse to attend.

WEINGARTEN PROCEDURES 3

If representative is also an employee, he/she may not be disciplined for attending, but may be disciplined for certain kinds of behavior at the meeting.

Weingarten is not available for a routine evaluation conference, even if the employee expects a negative evaluation. But there is an exception when there is a toxic relation between the employee and the evaluator. (Redwoods case)

THE BULLYING BOSS

Good Management

Bad Management

Illegal Harassment

True Bully

IDENTIFYING A BULLY

Is the problem only raised by one person who has all manner of other complaints?

Is the real problem that the complainer is allergic to work?

Is the problem a boss or group of bosses abusing a worker or group of workers to maintain power?

Is the offending behavior illegal class based harassment?

When a worker legitimately has a different view of some task or issue does the boss overreact in enforcing the employer's otherwise legitimate work rules?

MORE TRAITS OF A BULLY

Do they give the worker less desirable work?

Do they shun a particular worker?

It is easy to recognize that the boss who yells at everyone is a bully. Subtle bullying is difficult because it may not be bullying

MEAN BOSS

A bully boss yells, intimidates, demeans, instills distrust in co-workers (saying “someone” reported something bad), shows favoritism (overtime assignment, allows long lunch and breaks or flexible start/end times), retaliates if questioned (heavy or difficult work assignments, poor evaluation, dirty looks and snide remarks).

Workers are often afraid for their jobs if they take any action and no one wants to be identified as instigator of grievance or other resistance.

ADDRESSING THE PROBLEM

This is not Harassment or Discrimination *Unless*
it is based on a protected characteristic

Face it head on in a collective manner

Use “be nice” and “be courteous” CBA Language
and Employer Handbooks

Contemporaneous, truthful, unembellished
notes

Using the Bully’s own language back

USE THE GRIEVANCE PROCEDURE

When in doubt, file a grievance to protect timelines while completing an investigation

It is always easier to withdraw a grievance than to reinstate a grievance

HARASSMENT BY OTHERS

The Employer has an obligation to keep the workplace free of harassment from others, including bosses, co-workers and customers.

Remedies may include changing assignments, barring customers, complaints to employers and other actions to eliminate harm to employee

In extreme circumstances: workplace TRO

DO STEWARDS HAVE A ROLE IN HARASSMENT/DISCRIMINATION ISSUES?

- Yes!
- Treat it like any other investigation
- Organize around it
- Connect workers with similar experiences

WHAT HAPPENS WHEN STEWARDS DON'T DO THEIR JOB?

Members lose their jobs – either through progressive discipline or not enough information

Union can get dragged into litigation

Bad bosses continue their evil ways

PREVENTION

Know Your Rights

Share information with members

Ask questions and call your union rep