

Young + Old = Union Power

common
problems

solidarity

learning
from one
another



Young + Old = Union Power

If the members you represent are from more than one generation, the odds are good that you've heard these questions more than once:

"Why don't these young kids appreciate the struggles this union went through to win what we have in our contract?"

"How come you older folks always shoot down our ideas and insist on doing things the way you've always done them?"

As a steward, whatever your age, your job is to represent and unite members of all generations. This can be challenging, especially when there are barriers to communication and understanding between the "old-timers" and the "kids."

Telling the Union Story

It's legitimate for the long time members who helped build the union to want newer members to appreciate that history. The timing is critical, however. Probably most of you have an older relative who, when the discussion turns to how easy the younger set has it, brags about having "walked to school barefoot in the snow uphill both ways." If you're a younger person, chances are that such a declaration didn't exactly make you appreciate how good you have it. Well, when unions start off talking to newer members about the union's history it might sound like the walking-to-school story. A better strategy is to listen to what is important to younger members and discuss how the union can address their issues. Later, when they are involved in trying to improve their working conditions, they are more receptive to hearing about the lessons learned in past struggles.

Young members are also justified in feeling their ideas shouldn't be ruled out just because they don't have a lot of experience in the union. Your job as a steward is to convince your experienced members to be more open to new ideas and new activists. You should help newer

members learn the best times and ways to get their ideas heard, while at the same time convincing them to avoid assuming that everything that has been done before needs to be changed.

While it's important not to stereotype anyone because of their age, there are some generalities that can help the generations understand each other better.

Unlike many baby boomers (born after World War II) who tend to define themselves by what they do and how much they work, younger generations tend to see work as only a part of their lives. And while in the past it was not unusual for someone to stay at the same job for most of their working life, it's different today. Now, with outsourcing, layoffs, plant closings and other actions that make jobs less secure, newer workers enter the workforce without the expectation they will stay in any one job very long. As a result, the unions that are most successful at involving younger members focus on their immediate issues and find ways for them to contribute to union activities that don't infringe too much on their personal time.

Communication and Technology

One of the most obvious differences between generations is how they communicate, and particularly their comfort level with technology. Sometimes more senior members belittle their younger co-workers for always "tweeting and texting." Meanwhile, some younger members are impatient with their older co-workers who are slow to adapt to new technology. Many unions have found using e-mail, texting and other newer technologies is a good way to reach members, especially younger members. But, it's important to remember that electronic communications are not a substitute for personal relationship-building: they are just one part of it. And if you can convince younger members to help their senior brothers and sis-



ters with new technology rather than criticize them, it would help build the union.

Building Relationships Is Key

The key to uniting people is building relationships. If in your area members of one generation are less involved than others, you should reach out to the most receptive members from that generation and get to know them. Make connections between generations and help smooth out miscommunications. Consider mentoring programs where each newer member has a more experienced mentor to help them: not only to learn about and get involved in the union, but to guide them in learning "the ropes" at work.

Your job as a steward is to help members of all generations recognize that they need each other, especially in these challenging times, to strengthen the union. Encourage your members to listen and seek to understand each other. Find influential members from each generation to help bring people together around issues and activities that improve everyone's work life.

An entire generation of union leaders and activists is nearing retirement age. Unions need young leaders to step up to replace them and lead the labor movement into the future. If you are one of those with years of experience in union building, your job is to help find and prepare the next generation of leadership. If you are a young leader, you should learn from those who came before and prepare yourself and your peers for the challenges ahead.

— Ken Margolies. The writer is on the labor extension faculty of Cornell University.

Two Wrongs Don't Make A Right!

If your employer has an ethics policy it's probably been a while since you read it. While that's not unusual, if you and your members are not familiar with its requirements you are taking a risk. Why? Because, as a rule, everyone in the organization is obligated to follow it — including management. And chances are, they're not so familiar with it either.

Additionally, if you work in the public sector, such policies are often incorporated into the government entity's charter, or other legally binding vehicles, to give the policies "force of law." This means people who violate it could be subject to fines, imprisonment or both.

Generally, ethics policies use language like "... uphold, promote and demand the highest standards of ethics... maintain the utmost standards of personal integrity, truthfulness, honesty and fairness... avoid any improprieties." Even though such language is very generic and more than a little bit of "motherhood and apple pie," it's also crystal clear.

A Useful Union Tool

Lurking within the policy is an incredibly useful tool for the union. That's because it's in the discipline area where management most often violates its own ethics policy, usually during investigations. As a union steward you can use this to your advantage to better represent your members.

How so? Here are some scenarios.

During one investigation, the company security officer investigating an alleged theft deliberately lied or mislead the accused employee into believing he had more proof of guilt on the worker's part (such as photographs, recordings or witnesses) than he really did. While this is a tried and true law enforcement technique, the investigator ignored the fact that he was now an employee of the company and subject to the same policies and rules, including the ethics policy — a policy that prohibits dishonesty. Unless there's a specific exemption for such investigations, two

wrongs do not make a right. Management cannot break its own policy or rules just to prove an employee did likewise. If you point this out it might just result in mitigating or even reversing the discipline.

In another case an employee secretly recorded a conversation with a co-worker. Although legal to do so in that particular state, it was nevertheless a deceptive act. So, even in the absence of a particular policy prohibiting secretly recording someone, the employee's representative was able to argue that management had violated the ethics policy.

Watch Out for "Fairness"

In another case, the accuser had a copy of the evidence against a worker, but the worker was denied a copy. Again, this violated the "fairness" and "highest ethical standards" language of the ethics policy — to say nothing about it also being a violation of the "just cause" requirement for an employee to know what he or she is up against so an appropriate response can be prepared.

Also, keep in mind that when management commits an unethical act at the lower levels, and then signs off on the discipline up the chain of command, upper management has also violated the ethics policy by condoning the original unethical act.

In another example an employee spoke very critically of several members of upper management to whom he routinely reported. Yet, during the investigation, those very same managers not only conducted the investigation, but participated in the decision to determine the proper level of discipline. Conflict of interest? Definitely! Violation of the just cause test for a fair and objective investigation? Of course! Violation of their ethics policy? You bet!

Beware of False Reasoning

Sometimes management will argue that it doesn't matter how it received information, even if it *was* a violation of the ethics policy. This is sort of like citing Linda Tripp recording her telephone conversation with Monica Lewinsky during the Bill Clinton sex scandal. Nice try, but neither Tripp, the media nor even Congress is subject to the requirements of your employer's ethics policy. None of them work for your employer — but management does!

So next time you're confronted with a discipline case make it part of your routine to review the ethics policy to make sure management has been following their own rules. Even though it may not be part of the contract you can still include it as part of the grievance as to why the discipline was improper: after all, if they can cite policy violations, so should you!

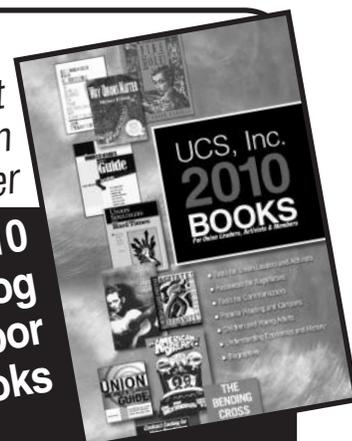
And above all else, remember, two wrongs do not make a right!

— Bob Oberstein. The writer is a consultant for both labor and management and also maintains an arbitration practice.

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Dealing With Scheduling Conflicts

It's no surprise that workers generally prefer a predictable schedule, while employers look at the needs of their operation and want to schedule people in whatever way serves the business best — no matter what the impact on workers' lives or family responsibilities. Because these vastly different needs generate friction between employee and employer, reality demands that some mutually acceptable system be worked out which respects the needs of both parties. That is where the labor agreement comes in, providing — in writing — an orderly means of working out the differences between the two parties.

What should a steward do when scheduling conflicts arise? Here are some general rules to follow, along with some examples of how conflicts have been dealt with in a variety of situations.

The contract

The first place to look if problems arise is at the contract, to see what arrangements have been agreed to between labor and management. There should be sections which deal with such things as starting times, normal tours of duty, shifts, how and when breaks shall be taken, when workers are on straight time and when they are eligible for overtime, and the means available to exercise seniority to change shifts or what leeway the employer has to meet “extraordinary needs of the business.”

Handling complaints

If a dispute arises over some change in schedule that isn't covered by the contract, there has to be a means of working out a solution between the parties. This is generally done through direct discussion with first-line supervision or higher management. If that doesn't produce desired results, then the employee and/or the steward may file a grievance alleging a contract violation or violation of some established past practice. The final step in the grievance procedure is appeal to an outside arbitrator selected by the parties to hear the dispute.

Sending someone home in the middle of a shift

Some contracts provide that employees can be sent home if there is no work for them to perform. In other cases, absent such contract language or agreed-upon past practice, if a worker is sent home in mid-shift there may be grounds for a grievance. It all depends upon the contract. If for some reason a worker is taken ill, or presents a safety or health hazard to others or is unable to perform their regular duties, it is generally accepted that he or she may be sent home.

Changes in shifts

There has to be an established method for allowing shift changes. The contract may provide that this be done at specific dates during the year on the basis of seniority. If someone junior is moved from the night shift to the day shift, someone senior on the night shift and desiring to move to days may have grounds for a grievance. As a general rule, if the senior person is not qualified to fill the opening, it may be assigned to a junior worker, but in such cases the employer must be able to prove that the senior person is not qualified. Be aware, however, that there may be an established past practice of allowing junior workers to be upgraded on a temporary or permanent basis.

Creation of new shift schedule

In a recent arbitration case, an employer was held to be in violation of the contract when management created a 12-hour, three day shift schedule for a selected group of employees. The arbitrator ruled that such a shift required negotiation between the union and management.

Scheduling days off

These days there are all sorts of concepts like flex-time, staggered work schedules, and production teams which affect when

people take their days off. While “needs of production” underlie any specific set of changes, there is still a need to negotiate an orderly, predictable method for assigning days off. Absent such a procedure, it may be necessary to file a grievance to get the issue resolved. It must be recognized that employees deserve knowing in advance when they will get their days off. It is up to the steward to check with Human Resources, (or the equivalent) at your place of work, and their union leadership, to document any procedures which affect days off.

Some general rules to follow when working out disagreements over who works which shift.

Reduction of hours

In these bad economic times it may be necessary to reduce tours of duty for the entire workforce, or at least some part of it. This action requires negotiation between the parties and some sort of mutually acceptable process for deciding who works short hours and who works the regular shifts. In general,

temporary or part-time workers are the first to face the cuts where both full-timers and part-timers are employed. If there is a contractual guarantee of 40 hours of work per week, anything less would be a contract violation. Usually the union should be notified in advance of any reduction of hours prior to it taking effect and must be given an opportunity to negotiate over the issue.

Needs of the employer

The steward should try as hard as possible to avoid making scheduling conflicts a clash between the needs of the employer and the needs of the worker, since many arbitrators tend to sympathize with management in this area. Try to write the grievance in terms of some issue involving the contract, past practice or refusal to bargain with the union.

— George Hagglund. The writer is professor emeritus with the School for Workers at the University of Wisconsin.

Defending the Indefensible

When the story came out late last year about the two Northwest Air pilots who “overflowed” their destination by 150 miles, it was clear that they were headed for severe disciplinary action. The average union steward reading about the incident must have thought: “Boy, I’d hate to have to defend those guys in a grievance.”

There was apparently no question that the two workers were doing what workers do on the job: worrying about their working conditions — in this case, flight schedules that were thrown into disarray as part of an airline merger. The obvious problem, however, is that they were so wrapped up that they apparently neglected their job responsibilities — to an extreme.

A Steward's Quandary

When I brought this up before a group of union activists, the crucial part of the discussion was the divided opinion about what the union should do in such a case. Some felt that the pilots’ actions were not only impossible to defend but indefensible — that is, they had gone so far beyond what could reasonably be considered good and safe practices that most of the activists thought that the pilots deserved to be fired. After all, this was not just a small slipup — it endangered the lives of hundreds of passengers, put at risk a very expensive piece of company equipment and generated enormous negative publicity obviously damaging to their employer.

The other group focused on the conventional methods for defending a co-worker: conceding there had been a serious screwup but hoping that the pilots’ work records could lead to a lesser penalty.

Before our discussion had finished, Gilbert Arenas, a Washington Wizards basketball star, was caught with four pistols in the team’s locker room. Arenas was suspended and also charged with a criminal complaint. Would you want to defend Arenas — to, in effect, argue that it’s acceptable for a worker to bring four guns into the workplace?

Shortly after the Arenas incident, the Associated Press reported that a Canadian woman who had been collecting long-term sick leave benefits showed up on Facebook partying at a resort featuring the Chippendales male dancers bar show. Her defense: she was diagnosed with “major depression” and that “on her doctor’s advice, she had been trying to have fun.”

More controversial cases arise when a worker violates a basic norm of workplace behavior, leaving a steward conflicted over the issue of representation. In one case, management discovered — and documented — that a sales rep was accessing child pornography on a company laptop, and started discharge proceedings. The union officer assigned to the grievance was so disgusted that she refused to represent him. She did not deny that someone from the union needed to represent this member — she just wouldn’t be the one.

In another case, one member was stalking another at work, but management refused to take any corrective action. After the stalker inquired from another member about buying a gun, management responded but the steward didn’t want to represent him. Management suggested transferring the stalker to another location but the union officers feared that he would still be a threat. Encourage the boss to fire a member? Maybe. Indefensible? Maybe.

The Fundamental Issue

A fundamental issue for union stewards was raised by each situation: are there some activities by our co-workers that are either *beyond* what we, as union stewards, believe can be defended, or even *should* be defended?

This whole tangle involves the obligation to represent all members, the authority of a steward or officer to file — or not to file — a grievance, and, importantly in some cases, the personal morality of a steward or officer. The integrity of the contract, of course, must be defended and there is an almost instinctive deter-

mination by a steward not to let the boss fire anyone. But, still...

What to Do?

So, what’s a steward to do?

1 In every case, no matter how extreme things seem, the steward has to make sure that procedures are properly followed, especially the investigation of the case. In all workplaces, rumors circulate that can lead to discipline, so a steward has to really assemble the facts. Don’t take anything for granted.

2 The basic rule in any disciplinary situation is: make the boss prove — *really prove* — his case. Providing documentation has become more crucial in this age of electronic surveillance because management — as in the case of the cavorting Canadian — often has solid proof of an infraction.

3 Make certain that the alleged violation really is a violation of a clearly understood work rule. In the case of the off-duty frolics, does what happened really affect what the worker does on the job?

4 Try to distinguish between infractions that seriously jeopardize the safety of co-workers, patients or customers and those which are simply a lapse in judgment by a worker.

5 Evaluate a worker’s overall record — years of service, promotions, positive evaluations, for example — so if there is a discipline, it will be a warning or, at worst, a suspension rather than a discharge.

The bottom line is that there is no bottom line — each case and each steward is different. Making sure the contract is enforced, that a thorough investigation is carried out and that the worker’s record is evaluated — these are steps for making the best out of a troubled, and often complicated, situation.

— Bill Barry. The writer is director of labor studies at the Community College of Baltimore County.

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OFFICE OF THE INTERNATIONAL PRESIDENT

Dear Stewards,

As we endure another year of this Grave Recession, IAM members and their families continue to struggle. The federal stimulus bill of 2009 helped stop the massive hemorrhaging of jobs, but it has not put the U.S. economy on track for robust job growth. Just to keep up with the new entrants to the labor market and restore the millions of jobs lost in the recession, the economy needs to produce more than 450,000 new jobs each month for the next five years!

Congress and the White House have talked the talk for JOBS Now! but have yet to pass legislation bold enough to get North America working. Congress passed health care reform, but the final bill has serious flaws, such as taxing health care benefits for many union households and no public option. For jobs, we need a massive public works program to rebuild our nation's infrastructure, improve our transportation system, invest in manufacturing and provide more educational opportunities. The House of Representatives passed a \$154 billion jobs package, but Senate opposition resulted in a final bill of just \$15 billion, a mere drop in the bucket.

Struggling families are tired of waiting and their rising anger is poised to erupt in U.S. elections in November. In a recent poll of IAM members, more than 63 percent felt that neither Republicans nor Democrats were pushing for a strong enough jobs bill to get people back to work. The approval rating for the U.S. House was just 11.3 percent and just 5.5 percent for the Senate.

IAM members, however, gave an overwhelming thumbs up for tax policies that discourage outsourcing of jobs (94.2%); scrapping bad trade deals like NAFTA (87.3%); a U.S. industrial policy (92.9%) and a Roosevelt-Kennedy style jobs program to get Americans who want to work back to work (80%).

As we near the midterm elections in the U.S., IAM members want action. As stewards, you can help by getting your co-workers to add their voices to the growing call for JOBS Now! Get you members to write, call and e-mail their legislators and demand bigger, bolder action to pull North America out of this Grave Recession. And, you can encourage your members to become jobs activists by joining the IAM's community service project, "Ur Union of Unemployed," or UCubed (www.unionofunemployed.com) which was featured in the Spring 2010 IAM Journal, as a way to coordinate action across the United States for JOBS Now!

In Solidarity,

R. Thomas Buffenbarger

R. Thomas Buffenbarger
International President

