

Teamsters Local 995

Shop Steward Newsletter

July 24, 2009

Mike Magnani Secretary-Treasurer
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Important Dates:

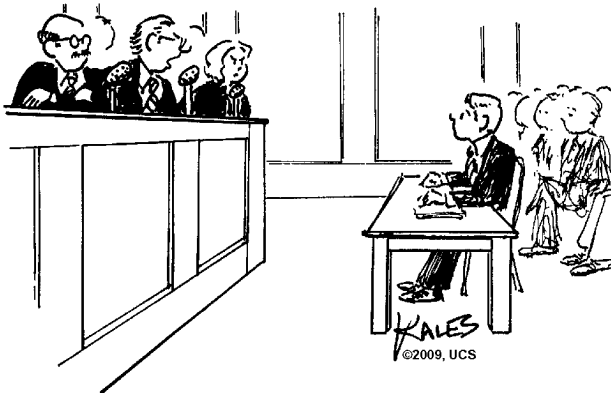
✓ **General Membership**

Tuesday, September 22, 2009
10:00 a.m. & 7:00 p.m.

✓ **Shop Steward Training**

Thursday, September 3, 2009
9:00 a.m. & 6:00 p.m.

ALL NON-UNION WORKERS ASK FOR AND CAN EXPECT IS A FAIR SHAKE.



"Your company outsourced everything else. Why not go to the Chinese government for your bailout?"

Inside This Issue:

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"TEAMSTERS DON'T HURT TEAMSTERS"

2009 James R. Hoffa Memorial Scholarship Fund

Applications for the 2009 James R. Hoffa Memorial Scholarship Fund Essay Contest, complete with eligibility and other requirements may be picked up at the Local Union offices. The 2009 James R. Hoffa Memorial Scholarship fund is offering fifty \$1,000.00 scholarships.

All applicants must comply with the following criteria.

1. Be the son, daughter or grandchild of an eligible Teamster member;
2. Be enrolled full-time in an undergraduate college, university or community college program, or a technical or vocational program;
3. Be 23 years old or younger by September 30, 2009;
4. Applicant must attach, on a separate sheet, a type-written essay of 500 words or less. (Essays will not be returned.)
5. Applicant must forward the completed application and essay to the James R. Hoffa Memorial Scholarship Fund office by **September 30, 2009. We cannot allow any extensions to this deadline.**

2009 Essay Topic: What was the worst job you or a family member every held, and how would a labor union, such as the Teamsters, have made the situation better?

"Life on the farm is a school of patience; you can't hurry the crops or make an ox in two days."

-- [Henri-Alban Fournier] Alain-Fournier (1866-1914) - Novelist --

Quiz

In last month's "All about Grievances - Part 5" article a lot of information was disseminated to our Shop Stewards and Alternate Shop Stewards. Review the following questions and attach your answers. To verify your answers, re-read your copy of our June 24, 2009 Shop Steward newsletter. Good Luck.

1. What is the role of the grievance procedure? Why have one?
2. What are some of the advantages of the process? What are some of its disadvantages?
3. In writing up a grievance, what information should you include?
4. How should the Steward conduct the first step meeting? What is the role of the member in this meeting?
5. What issues can a steward process through the grievance procedure?
6. Does a member have a right to press his or her grievance to arbitration? Why or why not?
7. What happens if you don't like the arbitrator's decision? Can you appeal? Under what conditions?

"Pay attention - the safest road to Hell is the gradual one - the gentle slope, soft underfoot, without sudden turnings, without milestones, without signposts."

-- C.S. Lewis - The Screwtape Letters --

AFLAC

Aflac's accident and insurance policies are available to members of Teamsters Local 995. For information go to www.teamsters995.com/benefits click on Aflac and follow the link to Aflac's website.

Secretary-Treasurer's Report, by Mike Mag-nani

There is no question that our national economy, as well as our local economy, is in the toilet and has been for quite some time. Economists everywhere are predicting an upturn in the economy beginning at the end of this year and early next year. But today, our unemployment rate in Nevada exceeds 12% and one in twenty-eight homes are in foreclosure. The fact that in the last year and a half more than 800 of our Local Union members have been placed in lay-off status should concern every one of us in the Local Union.

I must imagine with 800 of our members in lay-off status in the last year and a half that a lot of those folks have not yet found gainful full-time employment. There are probably several of those people whose homes are in foreclosure or whose homes may enter foreclosure in the near future. For that reason our Local Union has entered into discussion with a local law firm that specializes in stopping foreclosures. They are offering assistance with the new mandatory mediation requirements, advice on how to stop foreclosures and ways that our members might reduce the principal balances of their homes, all of this with free consultations.

There may also be those members who have set aside some cash that might be available for investments based on an assumption that the economy will, as predicted, by a number of economists turn around some time in the reasonably near future. In that event we have started discussions with United Union Mortgage to help our members that might want to purchase the home of their dreams or purchase a fixer-upper for themselves or for investment purposes. I am advised that there are homes in the Las Vegas valley that are for sale for as little as \$39,000. Although I have not seen these places, they might provide an opportunity for one of our members to find a home to live in or to fix up a home and make some money on it.

In that most of our membership is either in the hotel industry or whose business is reliant on the hotel industry for survival, it is always difficult when the hotel industry is struggling. My primary concern is that the Las Vegas hotel clientele, because of poor staffing levels in the hotel, may not be satisfied with the level of service they receive during bad times and may not come back to visit as frequently as they have in the past or ever again depending on how lasting their feelings of how Las Vegas and the hotel industry treated them in their last visit. Obviously, should the employer staff up to the pre-September 2001 staffing levels our membership would grow and, equally important, our Las Vegas entertainment guests would be inclined to stay longer and pay more for services as well as return more to the area.

A lot of economists are saying we are in a recession and, in my opinion, the word recession is being used very loosely when, in fact, at the tip of our tongues today is the word depression. I know we have all heard this saying before but it is surely how I feel, "whether we are in a recession or a depression depends on whether you have a house and are employed or you do not have a house and are unemployed" and for someone that has not been working for the last six months that can be a very difficult time.

I do see some of our employers recalling some of their Front Desk staffs to work, which, in my opinion, is the start to recovery for our Local Union and its members.

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

-- Rev. Dr. Martin Luther King, Jr. --

"I've only been intimidated by one thing in my life and it's not human. It's a scale."

-- Charlie Kerfield --

Continuing Economic Downturn and Record High Unemployment Has Negative Effect on Las Vegas Workers

By Helen Green, President / Business Representative, 385-0995 (ext. 210)

As you all know, we just had a major vote at Harrah's and MGM properties for a wage freeze for the remainder of the 2009 contractual year. And that was rough. But it was necessary for Local 995 to bring that to our members at the request of those employers. In addition to the other service employee Union's who have members employed in the hotel industry, the Culinary Union, whose entire Strip membership voted up a wage freeze for their 2009 contractual year, and the Operating Engineers whose members voted up a contract that called for no wage increase for 2009 nor 2010, in order to help stave off additional job cuts for their members. And for the benefit of all of Local 995's members, and like the other service employee unions had, Local 995 also believed it better to have as many members as possible employed at a slightly lower wage rate for a period while attempting to weather our country and states economic crisis then for our membership to face additional lay-offs, and go without pension and health care benefits. And as Shop Stewards, I applaud all of you for your efforts to listen, ask questions, and assist Local 995 in that unpopular, but necessary undertaking.

As you all know by reading the newspapers and watching the news, the nation's jobless rate continues to climb. When that happens, fewer people have less, if any, disposable income to spend in Las Vegas, or elsewhere on leisure activities. The biggest problem is, and as the crisis broadens, those who have disposable income to spend, won't, out of fear. Consequently, the economy continues to spiral downhill, and more jobs are at stake. In addition, on June 18, 2009, the Review Journal reported that experts see few signs of an end to the Silver State's surging unemployment.

The Las Vegas Review Journal reported in its Sunday, June 18, 2009, edition that the unemployment rate in Clark County alone hit a record high of 12.3 percent in June; up 6.4 percent from June of 2008. And in addition to the lay-offs in the hospitality sector, companies in the struggling construction sector continue to lay off workers. The construction sector in particular dropped 1,200 jobs statewide and 1,100 posts locally from April to May, possibly reflecting job cuts on major Strip projects including the Fontainebleau and the Cosmopolitan; as a result, 3,650 construction workers in Las Vegas lost their jobs in March, alone. More disheartening, the Sunday, June 18, 2009, Review Journal reported that currently, Clark County has the highest home foreclosure rate in the nation.

Trying to help curb Nevada's current economic and unemployment crisis, U.S. Senate Majority Leader, Harry Reid, On July 17, 2009, expressed his take on a letter from Rohm Emanuel, White House Chief of Staff, to Federal Government workers advising them that they shouldn't have to slink out in the dead of night to meet the boss to attend meetings in Las Vegas. That directive to Federal workers may ease the concern of a prior statement made by President Elect, Barack Obama, about how the bail out money to the failing auto makers and financial institutions shouldn't be spent on trips to Las Vegas. Immediately following that statement by the President, and most likely taken out of context, multiple companies cancelled their Las Vegas conventions. Further hurting your employer's business, our state's economy, and which resulted in more of our members being laid-off.

Please feel free to share this information with the members in your departments.

Thank you for ALL THAT YOU DO! Have a GREAT Summer! And stay COOL!!!

"The biggest threat to our well-being...is the absence of moral clarity and purpose."

-- Rick Shuman --

"Life gets better when you get better."

-- Sal Sorbera - Oahu, Hawaii --

Know Your Rights - Part 1

Introduction

Stewards have the right to engage in union activity. The contract sometimes restricts the number of stewards or the extent to which they can engage in union activity on the employer's time. Stewards enjoy certain protections afforded by labor law, like access to information, the right to engage management in a discussion of workplace issues and concerns, and the right to operate as a steward free from supervisory harassment.

Likewise, members have rights, too. They have the right to the protection of the contract. They have the right to a union steward in an investigatory meeting. They have the right to join the union and associate with union members or engage in union activity on employer time.

Let's review some of the rights and limitations provided by labor law. Most of the rights described below apply to the private sector. Similar rights may apply to public sector workers, those working in the airline industry, and workers in Canada. Check with your local union for further information on what you can and cannot do as a union member or steward, and other rights afforded you by law.

Right to Engage in Union Activity

When meeting with management to perform his or her union duties, the steward is afforded the full protections of the National Labor Relations Act. (Note: All stewards are advised to review their contracts and consult with local leaders to see if there are any limitations on their rights to engage in union activity. For example, some collective bargaining agreements limit the time during which a steward can perform union duties.)

For example, stewards and other union representatives cannot be punished or discriminated against because of their union activity, for filing grievances, conducting union business at the appropriate time described in the contract, or raising workplace issues with members of management. They cannot be punished for serving on a bargaining committee or distributing union literature at the appropriate time, if limited by contract.

Management cannot retaliate against union stewards because of their union activity. Supervisors may not:

- Supervise a steward more closely than other workers
- Assign the steward more difficult work or work in a remote location with the intention of punishing or isolating that steward
- Deny the steward pay increases or promotional opportunities
- Deny the steward overtime
- Enforce work rules more strictly against the Teamster steward.

If management is found to engage in any of the above activities, or in similar kinds of actions that intend to punish stewards for union activity, you should contact your Business Agent immediately. You may decide to file a grievance or, in recurring or serious situations, a charge with the labor board.

Access to Employer Information

Under the National Labor Relations Act (NLRA), unions have the right to request and receive information from the employer that is relevant to processing grievances and negotiating contracts. The employer, as part of its legal duty to bargain in good faith, is obligated to provide information to the union upon request. (Note: other collective bargaining laws extend similar rights to information.)

Undue Delays or Refusals. Sometimes the employer refuses to share information with the union or may unreasonably delay turning over the information to the steward. In any event, the steward may want to file a new grievance alleging failure by the employer to furnish information "necessary to effectuate the grievance procedure." In other words, the information the union seeks is "relevant and reasonably necessary to the Union's performance" as the exclusive collective bargaining representative of the employees.

A favorable arbitration ruling on such a grievance may establish a new shop rule under the collective bargaining agreement that can be enforced in the future. Or, an employer's refusal to furnish information for a grievance hearing may be used at an arbitration to establish a presumption of guilt against the employer. In the event that the local union wishes to file an unfair labor practice charge with the labor board, taking the above steps are useful in getting a favorable ruling against employers who engage in unreasonable or unscrupulous tactics.

Stewards need to know that there are some restrictions on this requirement to provide the information to the union. They are:

- The union must request the information.
- The information requested must be relevant to an actual or suspected grievance.
- No alternative means for obtaining the information is available.
- There are cases where an employer may not be required to provide information to the union, even though the information requested may be relevant. These situations arise when other interests override the union's need for information. They include: privacy issues (i.e. test scores, medical records) and business interests or confidentiality issues (i.e. trade secrets).
- The request for information need not be in written form. However, it is advisable to make the request in writing to document the date of the request.
- The employer must provide the requested information to the union in a "timely manner." What is considered "timely" depends on each situation. If the union believes that an employer is untimely, it may want to file another grievance on this particular issue.
- The employer will be required to comply with the union's request - so long as the information is in its possession and compliance with the request does not create an undue burden on the employer.
- The information must be provided in a useful form.
- The request for information must be specific and related to the grievance. The union cannot go on a "fishing expedition."

Information You Can Request From the Employer

- accident records
- job descriptions
- attendance records
- material records
- bargaining notes
- payroll records
- company memos
- performance reviews
- contracts
- personnel files
- correspondence
- photographs
- disciplinary records
- reports and studies
- equipment specifications
- salary and bonus records
- evaluations
- seniority lists
- inspection records
- supervisors' notes
- insurance policies
- time study records
- interview notes
- training manuals
- job assignment records
- videotapes

You may also be able to secure records on chemical hazards, employee training, production standards, subcontractors, among others. You may also consider requesting information related to custody of information or chain of command.

*"There is some place where your specialties can shine.
Somewhere that difference can be expressed. It's up to you to find it, and you can."
-- David Viscott (1938-1996) - Psychiatrist and Writer --*

Defining Disability

By Bill Burgos, Business Representative - 385-0995, ext. 209

A person with a disability is broadly defined under the ADA (American with Disabilities Act) as someone "who has a physical or mental impairment" such as blindness, epilepsy, diabetes or cerebral palsy "that substantially limits one or more of the major life activities." It also covers anyone with a physiological disorder, disfigurement

or condition; emotional or mental illness or learning disability; or a person who is HIV positive. A person with a documented record of impairment is protected as is someone who is generally regarded as having an impairment. Another protection is that employers may require a medical exam only after an offer of employment has been made and before the employee begins work, and only if all workers are subjected to the same exam regardless of disability.

"Old age isn't so bad when you consider the alternative."

-- Maurice Chevalier (1888-1972) - Entertainer --

Weingarten Rights Quiz

By Debra Miller, Business Representative - 385-0995, ext. 208

1. A steward sees a member being interviewed in the supervisor's office. Should he demand to attend?

Yes. Stewards have the protected right to be included in any interview that may result in an employee's discipline. However, if the employee refuses representation, the steward cannot attend.

2. Larry is being questioned about a workplace theft and is asked to provide information about his co-worker Roger, who is suspected. Should Larry have union representation?

Yes. Although Larry may not be guilty of the theft, his refusal to answer questions about it could result in discipline. Also, he may be disciplined should he have any knowledge about the theft. He has a right to have union representation.

3. Management asks an employee to submit to a urine test. Does Weingarten apply?

Yes and No. Since a urine test is not an investigatory interview, the employee does not have a right to union representation. However, management must allow the employee to consult with the union to decide whether or not to take the test.

4. Can management pressure an employee to drop a Weingarten request?

No. Management commits an Unfair Labor Practice when coercing employees to give up their right to representation.

5. An employee is called to his supervisor's office, but the steward is on vacation. Can that employee insist that an interview be delayed until the steward's return?

No. If a union representative is not available, another representative or employee can be substituted. However, if the employer is responsible for that representative not being available, then the supervisor must end the meeting until the representative is available.

6. I am a steward. If called in by my supervisor to discuss a problem with my work, can I bring my chief steward?

Yes. Stewards are covered under Weingarten just like any other employee. If you have a reasonable fear of discipline or other adverse consequences, you too are entitled to representation.

7. Can an employee ask for a lawyer during an investigatory interview?

No. Weingarten Rights only apply to union representation.

8. The manager telephones a member at home to ask about missing tools. Does the member have to answer?

No. Weingarten Rights also apply to telephone interviews. An employee fearing discipline can refuse to answer without union consultation.

9. A manager denies an employee his/her Weingarten Right, yet continues to ask questions. Can the employee just walk out?

In some cases. If the manager consistently denies the request, the employee may leave to get a steward, but not if the manager asks the employee to wait until a steward arrives.

10. Can Weingarten be invoked during a polygraph examination?

Yes. An employee may be represented during the pre-examination as well as the test itself.

11. Can management order an employee to open their locker without a steward present?

Yes. Locker (as well as car and handbag) searches are not interviews, so Weingarten does not apply.

12. If an employee is asked to sign an acknowledgment upon receiving a warning slip, must management allow union representation?

No. The employee is not being interviewed; in fact, the employee has already received discipline.

"Love and respect are the most important aspects of parenting, and of all relationships."

-- Jodie Foster - Actor --

The Organized Steward

By Beverly Williams, Business Representative - 385-0995, ext. 207

No one is an expert on everything. There's no shame in acknowledging that you need guidance on something you're not all that knowledgeable about. The economic collapse across the country presents a lot of stewards with challenging responsibilities helping union members protect themselves in turbulent times.

The best advice to a seasoned steward and/or a new steward is: just ask if you don't know. Find someone who knows about the issue that you're unfamiliar with. It is better to work as a team.

One of the most important things a shop steward can do is get organized. Set up a system to help you keep up with your workplace grievances; pending and resolved; whether it's a computerized calendar of things to do, or the old fashion folder system. Whatever works for you is the best way of keep track of union issues.

Asking lots of questions and getting organized is the key to being a good and effective shop steward. If you get organized, you are off to a good start, so organize!

"People are known as much by the quality of their failures as by the quality of their successes."

-- Mark McCormack (1930-2003) - Sports agent and manager --

Boss in Bargaining Unit

By Mark Ranger, Organizer - 385-0995, ext. 214

For most stewards, having a member come to you with a complaint about a supervisor is a routine matter. For some though, it can present a difficult situation especially when the supervisor being complained about is a member of your own union. For stewards in such situations the challenges can be great. Here's some advice. Remember that the union contract is an agreement between the union and the employer, not between a group of individuals and their boss. If you have to file a grievance, file it against the employer, not against an individual supervisor even though the supervisor's actions

may have provoked the dispute. When you begin to organize in support of a grievance direct your case at the employer not at an individual. That's good advice in most every situation. You as a steward have to think ahead, your job is very demanding. I would like to take time to thank you for the job you do everyday.

"Money doesn't buy happiness, but it will pay the salaries of a large research staff to study the problem."

-- William Vaughan (1915-1977) - Columnist --

Grievance Interviewing

Workers bring all kinds of problems and concerns to their union stewards, and an issue is rarely cut-and-dried. Often, it's only through effective interviewing and investigation that the steward can get all the information and facts needed to totally understand and work out a solution to the problem.

There's a tried and true way to handle the interview stage of the process, and even the most veteran steward might find it useful to review his or her practices to make sure all bases are covered.

The Five Ws

Stewards know that the key to good interviewing skills is the process of getting - and writing down - information by using the "five Ws":

- **Who** is the worker? (the basics of name, job title, employee number, shift, seniority, etc.); WHO witnessed the incident or was involved in the situation?; WHO are the management people involved?
- **What** happened or failed to happen? WHAT did management say, do, or fail to do? WHAT's happened in the past that could have contributed to the situation (including any past "run-ins" or disciplines)? WHAT should be done? (the remedy)
- **When** did the incident happen? (date, time)
- **Where** did the incident happen? (location). WHERE do we go from here? (what are the next steps the steward will take to follow up after the interview).
- **Why** did the incident happen? (this question often generates more opinion than fact, but it is important and the steward should dig for the facts)

Stewards new to interviewing often find it useful to write these questions out ahead of time and have them in hand when doing the interview. Don't be embarrassed by having a "script" - it demonstrates your preparation. Be sure to make notes during interviews, because memories are tricky and you're likely to forget a key fact, or, for a busy steward, confuse one grievance case with another. Your union may provide some type of interview form you can use.

