

# Teamsters Local 995

## Shop Steward Newsletter

January 28, 2011

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### Important Dates:

#### ✓ **Shop Steward Training**

*February, March & April*  
*Shop Steward Training Cancelled*

#### ✓ **General Membership**

Tuesday, February 22, 2011  
10:00 a.m. & 7:00 p.m.



"Your loyalty is unquestionable, but you just don't seem to be able to learn new procedures."



### Inside This Issue:

- Scholarships Available
- Secretary-Treasurer's Report
- WCT Pension Appointments
- Member Obligation

**"TEAMSTERS DON'T HURT TEAMSTERS"**

# **Scholarships Available**

**A. The Teamsters Local 995/Bernie Buckley Scholarship Program:** There will be (1) \$5,000.00 and two (2) \$2,500.00 scholarships awarded to three students. The \$5,000.00 scholarship will be awarded to the applicant who submits the best essay **and meets all of the other required criteria.**

1. Applicants must be a natural or legally adopted child of an active or retired dues-paying member in good standing of Teamsters Local 995.
2. Applicants must be 2011 graduating high school seniors when making application.
3. Applicants must currently have at least a 2.5 grade point average and have maintained such for their last full year of school prior to application.
4. **A copy of the grade transcript to support claim of 2.5 grade point average and a statement of career goals or intent must accompany the application.**
5. Financial need is NOT a criteria for this scholarship.
6. **All applications must be accompanied by a 1,000 words minimum written essay,** on the subject designated by the application, "What Have Unions Done to Help My Family and the Citizens of the United States Improve Their Lifestyles?"
7. Essays should be submitted on 8 ½" by 11" paper, on one side, preferably typed or printed and double spaced, with applicants signature and date at the conclusion of the essay.
8. **Applications must be accompanied by a pocket-sized photograph of the applicant.**
9. Applications must be hand delivered or mailed by **registered or certified mail only** and received at the Teamsters Local 995 offices no later than May 31, 2011 to: Teamsters Local 995, Scholarship Review Committee, 300 Shadow Lane, Las Vegas, Nevada 89106.

A complete set of rules and applications may be picked up at the Local Union offices.

**B. The James R. Hoffa Memorial Scholarship Fund:** awards scholarships annually to outstanding high school seniors. All applicants must comply with the following eligibility and application criteria. **Each applicant must:**

1. Be the son, daughter or grandchild of an active, retired, disabled, deceased or laid-off Teamster member who has had at least twelve months of consecutive membership in good standing in the Teamsters Union;
2. Be in his/her last year of high school and may not apply if he/she has already graduated from high school;
3. **Be in the top 15% of his/her high school class;**
4. Plan to submit excellent SAT or ACT scores for evaluation (U.S. only);
5. Plan to attend an accredited four-year college or university. Those who plan to attend non-academic or certificate programs or community college, may not apply.

A complete set of rules and applications may be picked up at the Local Union offices. Applications must be verified by the Local Union and received at the offices of the International Union no later than March 31, 2011. There are no exceptions to the March 31, 2011 deadline. Please help us spread the word to our members.

**C. Teamsters Joint Council 42 Scholarship Program:** is offering several scholarships for graduating high school seniors.

1. Applicants must be the child of an active Teamsters Union member whose Local Union is affiliated with Joint Council 42.
2. Applicant must be graduating from high school in 2011.
3. Applications may be picked up at the Local Union offices.
4. Completed applications must be returned to Teamsters Joint Council 42 no later than May 6, 2011 to be considered.

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*"Sacrifice is a form of bargaining."*

*-- Holbrook Jackson --*

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## **Secretary-Treasurer's Report, by Mike Magnani**

Happy New Year to all of our members and families. A special Thank You to our Local Union's Shop Stewards and Alternate Shop Stewards for all the time and energy you invest in making your co-workers' lives a little better. Your efforts are appreciated.

At the time of the writing of this article, the primary issues facing our Local Union include several sets of contract negotiations, many organizing efforts, our 2011 Charity Golf Tournament, our Local Union's scholarship offerings and the Constitutional Convention of the International Brotherhood of Teamsters, which is being held here in Las Vegas, Nevada. 2011 proves to be a very trying year for our office staff and many of our members.

The following employers are all involved in some stage of contract negotiations. The Mandalay Bay/The Hotel Valet Parkers are seeking a first labor agreement. Our Local Union just completed and our members employed in the Planet Hollywood Valet Department just ratified their first Teamsters Local 995 labor agreement. The Local Union recently won a National Labor Relations Board (NLRB) conducted representation election covering the Valet Parkers at the Hard Rock Hotel. The Hard Rock Hotel has challenged the NLRB decision that Teamsters Local 995 is the exclusive bargaining representative for these Valet Parkers in several forums and has lost each of those appeals. They continue to resist our efforts to represent these employees in every legal forum that will listen to them. Ironically, their legal counsel bill must surpass any benefits we would have negotiated for those employees over the next ten years. The Hard Rock's stock holders should be outraged at the money this employer is spending on its efforts to keep the Union out.

There are other contract negotiations taking place in the Local Union for successor labor agreements with the Teachers Health Trust; Alamo/National Car Rentals; Comfort Care Dental; Teamsters 631 Training Trusts; Plaza Hotel (2); Vegas Club; Levy, Stern, Ford & Wallach; Caesars Palace; Paris Hotel Las Vegas (2); Rio Hotel (2); Avis Car Rentals and Hertz Rent A Car.

Our Local Union is also involved in several organizing efforts. Those efforts, if successful, could produce several hundred new members for our Local Union. I can't mention the specific campaigns at this time as it may jeopardize the in-house employee leaders who have stepped out front to try to better their workplace benefits and job security. As soon as we have won those elections and begun contract negotiations, we will put the word out to our members.

There are three scholarship offerings in this newsletter. Please share that information with your co-workers. A scholarship may make the difference as to whether or not a members' child will be able to participate in continued education courses.

Thanks for being Shop Stewards. Will be keeping in touch.

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*"[S]erving only one's self is a petty and unsatisfying ambition.  
But serve a cause greater than self-interest and you will know a happiness far more  
sublime than the fleeting pleasure of fame and fortune."*

*-- John McCain - Politician --*

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## **Shop Steward Training**

Our Local Union will be canceling its February, March and April of 2011 Shop Steward training sessions. Hopefully we will get back to our Shop Steward training sessions by May 2011. At this time there are nineteen Labor Agreements open and in some stage of contract negotiations. I remain confident that we will be able to obtain successor Labor Agreements for our members employed by these employers.

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*"We will open the book. Its pages are blank.  
We are going to put words on them ourselves.  
The book is called Opportunity and its first chapter is New Year's Day."  
-- Edith Lovejoy Pierce --*

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## **Address/Phone Number/Name Change**

Our offices recently received a notice from the Teamsters Joint Council 42 offices requesting that all Local Unions put on a special effort to update our members' data base to include new addresses, phone numbers and name changes. I would like to call on our Shop Stewards to encourage their co-workers to update their information with the Local Union. At the back of every Shop Steward and General Membership newsletter -- this one included -- we have a "Request for Name/Address/Beneficiary Change form. Once filled out, that form may be mailed, faxed or hand delivered to our offices for processing. Please help us with this project. Thanks.

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*"The fact is that you deserve all the good things in life that you can possibly imagine as long as you achieve them by doing or contributing something of value to other people and to your world."  
-- Brian Tracy --*

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## **Western Conference of Teamsters Pension Trust**

The Western Conference of Teamsters Pension Trust Fund offices have scheduled one of their representatives to come to our Local Union offices to answer our members' questions about their pensions and to assist those that may need assistance in making application for their pensions. As you approach retirement, do not leave anything to chance; get the answers from the professionals. Following is a list of the dates, times and location that the Western Conference of Teamsters Pension Trust representatives will be available:

Wednesday, February 9, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, February 23, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, March 9, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, March 23, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, April 13, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, April 27, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, May 11, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, May 25, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, June 15, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, June 29, 2011	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices

Please call 385-0995, ext. 7 for an appointment. Calling to set an appointment will insure that the Pension Representative will have your information available before you arrive and will be better prepared to help you.

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*"The happiest business in all the world is that of making friends..."  
-- Ann S. Eaton -- "The Business of Friendship" --*

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## **Unsafe Equipment**

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

What can you do if a worker is told to operate a little-used piece of equipment that has a frayed cord and no safety guards? Can the worker be disciplined for refusing to do the work because it's unsafe? Could you be disciplined for advising the worker to refuse? The worker shouldn't "refuse," but should say he or she will do the job if the equipment is made safe. You would be within your rights to offer that counsel. However, legal protections for workers have been weakened over time. Under current law, the hazard must pose an immediate threat to life and limb

Thank you and please be careful.

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*"If you love somebody enough, you can still hear the laughter after they're gone."*

-- Al Baker --

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## **Creative Problem Solving**

By Ken Margolies, Labor Extension Faculty at Cornell University

A man goes to a psychiatrist and complains, "I can't sleep. When I'm in bed I worry someone is under the bed. When I sleep under the bed I worry that someone is on the bed." The psychiatrist responds, "Visit me twice a week for three years at \$150 per visit, and you will be cured."

Later the doctor sees him and says, "Why didn't you call me?" The man answers, "A bartender solved my problem. He told me to cut the legs off my bed."

Sometimes solutions to difficult problems are simple, if you think creatively. Here are four true stories of how stewards used their creativity to resolve workplace problems.

### **Put the Boss in Focus**

A steward in a union representing camera operators for a TV station was defending a member who management said was doing below average work. The steward believed management just didn't like this one operator and that the cameraman's work was fine. Rather than keep arguing about it, the steward had a better idea.

The steward was also a camera operator, and management liked her work. At the next football game the station was broadcasting, both the steward and the other operator were working different cameras. Every camera has a number, like one or two, and the director who is in a control box away from the camera operators gives orders like, "Camera two, close up," "Camera one, wide shot," and so forth.

Without telling the director, the two operators switched cameras. After the game the director again complained about the work, thinking it had been done by the operator he didn't like, the steward revealed the switch. Once exposed, the director sheepishly backed off and the problem was solved.

### **Make Management Go Goofy**

A union was trying to solve health and safety problems for its members, who were required to wear heavy, hot costumes of cartoon characters at a popular amusement park. After much arguing with management about whether workers were making a big deal over a minor discomfort, the union challenged a manager to spend a workday in costume, just like the members did.

It didn't take long before the management conceded that modifications to costumes were needed and the rules about breaks had to be liberalized.

### **Tie One On**

In another example of creative problem solving, a steward who worked in a supermarket overturned a new, unpopular rule that male employees had to wear ties.

The steward did it by buying a cheap clip-on tie being sold at the store, being careful to select the ugliest, loudest one he could find. He wore it daily until it got worn and ragged, which didn't take

long: it was a really cheap tie. Management was reluctant to criticize the tie once they realized he bought it from their own store.

Eventually, the frustrated store manager ordered the steward to take off the offensive tie. By then the other workers were starting to follow the steward's lead and management decided to drop the tie program altogether.

### **Exercise Flight Control**

Management at an airline was in the midst of a crackdown on employees when they tried to make an example of a flight attendant. She borrowed magazines from the plane to read in her hotel during an overnight. The next day, she was fired for stealing.

In response, the flight attendants collected hundreds of old magazines, wrapped them up with ribbons and delivered them in a group to company headquarters. They had alerted the media in advance, and the resulting publicity was extremely embarrassing to the airline. The attendant was restored to her job and actually got a special free flight to visit her sick mother.

### **The Moral?**

The moral of these stories is that a good steward has lots of tools to use when solving grievances and other workplace problems, not the least of which are good investigations, persuasive arguments, group support, work actions, and knowledge of the contracts. But, as these true stories demonstrate, stewards can be even more effective when they add creativity to their toolboxes.

### **Come Up with Ideas**

How do you come up with ideas like these? Here are a few tips:

Look at how similar problems have been solved before. Talk to other stewards, senior members, union representatives and union officers. Look through relevant books and other material. Concentrate on the problem, looking at it from every angle. List all the factors on a wall chart and think hard about possible solutions. Try putting things together that normally don't fit. Then, once you have really concentrated on the problem, stop thinking about it, clear your mind, and expose yourself to new ideas from unusual sources.

After doing this for a while it's time to start thinking about the problem again. Get a group of people together and brainstorm: list every idea anyone can think of – no censoring or evaluation until you have exhausted all ideas.

Just looking at the list will likely generate even more ideas. Review each idea, listing the pros and cons. Try different combinations of ideas to create new ones.

Run your ideas by people who were not at the original brainstorming session. Get opinions from people not even involved in the problem. Do a final review of your preliminary solutions and make a decision. Finally, execute your plan – creatively! And have fun!

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*"The first step in solving a problem is to tell someone about it."*

*-- John Peter Flynn --*

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*"You cannot have a little integrity or a lot of integrity.*

*There is no sliding scale for integrity. You either have it, or you don't."*

*-- Rosemarie B. Greco --*

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# **New Stewards Take Note**

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

Here are some tips for the new Stewards.

First of all, remember that as an officer of the Union you have the support of your Local, your international Union and the 1,400,000 members who comprise the Union. That means that if you don't know the answer to questions or are not familiar with procedures, ask your Local leadership. With your position comes a huge responsibility and you need to be able to provide the right answers to members and follow the correct procedures in your dealings with management. Your members will respect you for following this simple advice.

Take your time. Listen carefully. Write things down. Buy yourself a spiral notebook and begin to document your activities. If you investigate a grievance, write down the 5W's in your notebook or on the grievance information sheet that the Local may provide with the grievance form.

Be on your toes. You will be tested by management the moment you become a Steward. Think of it as hazing. But don't give in. Act professional and be aware of your rights. Your supervisor or manager will probably try to tell you what you can or cannot do as a Steward. Remember you are hearing this information from a biased source.

Know your rights. You are management's equal in all matters relating to the contract and the Union-employer relationship. Your contract may outline some of your rights as a Steward but much of it has a legal basis. That means the "sit down and shut up" mentality of some supervisors is incorrect, unprofessional, and in some cases downright illegal. If you are denied rights which make your defense of a member impossible, make sure your Local is aware of this situation -- immediately.

You are a representative of your Union to your members. Introduce yourself and greet new hires. Be the strongest advocate for the Union on the property. Pass along information from your Local. Squelch any rumor before it spreads. Sign members up for DRIVE. Work together with your Local's other Officers. That means the politics of the past Union election, if there was one, is over. You are part of the team.

If a member comes to you with a complaint that could be grievable, investigate it quickly and professionally. Resolve the issue in the quickest and fairest way. Don't make the member wait unnecessarily for an answer. Tell him/her that you will get back to them with an answer and then get back to them. If the issue is not grievable, see if there is a way to resolve it.

If there is no grievance, be honest with the member but explain why the issue is not a grievance under your agreement. Work with other Stewards so that they are aware of the issues you have been presented with. You don't want a member going behind our back to another Steward because he/she did not agree with your decision not to press a complaint.

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*"A frightened captain makes a frightened crew."*

*-- Lester Sinclair --*

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## **Past Practice Grievances**

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

As stewards you need to know what constitutes a valid past practice and what the past practices in the workplace are. It is important that all stewards are aware of the past practices so they can defend them from erosion.

A past practice is any long-standing, frequent practice that is accepted and known about by the union and the company. A practice that meets the standards of being a bon-a-fide past practice is considered to be part of the contract and workplace. Since it is part of the contract, grievances can be filed if management violates a past practice. In most cases management cannot end a past practice without first bargaining with the union. In some cases the company must wait until contract negotiations to change a past practice.

The longer a practice has been in effect the more weight it carries. I'm talking about years, not weeks or months. Many arbitrators think that a practice must be 3-5 years and cross over contracts; it must have been in practice during the life of at least two contracts.

The practice not only has to be known by both parties, it must be accepted by both parties. Often times the fact that a practice occurs frequently over a long period of time indicates that the parties agree to it. When a past practice that is openly agreed to by both parties, it gains past practice status quicker than one that is not openly accepted. When management acknowledges a past practice as part of a grievance answer, its "legal" status is much more secure. Protect your past practices.

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*"We cannot make it rain, but we can see to it that the rain falls on prepared soil."*

*-- Henri Nouwen --*

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## **Union Busting**

By Mark Ranger, Organizer – 385-0995, ext. 215

In the short time I have been an organizer I have learned a lot about union busting and would like to share it with you.

Union busting is a field populated by bullies and built on deceit. A campaign against a union is an assault on individuals and a war on the truth. It is a war without honor. The only way to bust a union is to lie, distort, manipulate, threaten, and always, always attack. The law does not hamper the process rather it serves to suggest maneuvers and define strategies to beat the unions. Each union prevention campaign, as the wars are called, turns on a combined strategy of disinformation and personal assaults. When a company hires a union buster to battle a union the company gives the buster run of the company and closes its eyes. The union buster, backed by attorneys, installs himself in the corporate offices and goes to work creating a climate of terror that inevitably is blamed on the union buster, and goes about the business of destroying unions, invades peoples lives, demolishes their friendships, crushes their will, and shatters their families

Labor law presents endless possibilities for decoys, roadblocks, and maneuvers' that can undermine a union's effort and frustrate would-be members. The union buster's key strategy when confronted with an election is to delay the ballot, thereby buying time to organize a counter campaign. It is rare that union busters and company executives that participate in these activities are prosecuted. So, throughout hours of seminars, rallies, and one-on-one encounters, it is a shame that some companies spend all that money on union busters but can not give a raise or better benefits or job security. It would be a lot less money to do so.

I would also like to thank you for all you do as shop stewards.

## **Union Members' Obligation**

Section 31 – Obligation – of the Professional, Clerical and Miscellaneous Employees, Teamsters Local Union No. 995 Bylaws is a good reminder of how we should conduct ourselves as members of the Local Union. Section 31 reads as follows:

"Fellow worker, you will now take an obligation that will bind you to the International Brotherhood of Teamsters and this Local Union, and that will in no way conflict with your religious belief or your duties as a citizen:

- I,       (give name)      , pledge my honor to faithfully observe the Constitution and the laws of the International Brotherhood of Teamsters and the Bylaws and laws of this Local Union.
- I pledge that I will comply with all the rules and regulations for the government of the International Union and this Local Union.
- I will faithfully perform all the duties assigned to me to the best of my ability and skill.
- I will conduct myself at all times in a manner as not to bring reproach upon my Union.
- I shall take an affirmative part in the business and activities of the Union and accept and discharge my responsibilities during any authorized strike or lockout.
- I pledge not to divulge to non-members the private business of this Union, unless authorized to reveal the same.
- I will never knowingly harm a fellow member.
- I will never discriminate against a fellow worker on account of race, color, religion, sex, age, physical disability or national origin.
- I will refrain from any conduct that would interfere with the Union's performance of its legal or contractual obligations.
- I will at all times bear true and faithful allegiance to the International Brotherhood of Teamsters and this Local Union."

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*"When a man gets the impression that his job and his work aren't important, the quality of his effort tends to slump. This is one of the major psychological problems of big business and mass production industries.*

*Nobody likes to have his work taken for granted. Yet it can easily happen these days; a man's contribution gets blurred into the larger effort and becomes impossible to identify.*

*People need recognition, almost as much as they need paychecks. And a good supervisor or foreman is the one who takes the time and effort to give that recognition to his people. When you recognize a man's work – make him feel like holding his head up because his job and the way he does it really do count for something – he'll give the best that's in him.*

*The man who feels that his job is important is the one who cares. And the one who cares is the one who does more work, makes fewer errors, creates less problems for his boss.*

*A wise boss will help people take pride in their jobs by recognizing their contributions."*

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