

# UNION STEWARD'S MANUAL

***SEIU* FPSU**

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*We work  
for the  
people.*

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"We are a diverse community of public service employees dedicated to improving the lives of workers and their families today and to the next generation."

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## Introduction

As a SEIU-FPSU steward you are the union's frontline representative for ensuring that the labor contract is implemented and administered as negotiated. Of equal importance is the work that you do to build a united, organized, and involved membership at your workplace. Many believe that we now have an opportunity to grow our union and become an even more significant force for change in the workplace and in our respective communities. Working together we ensure that our economic, political, and social action agenda becomes a reality.

You are so very important to achieving our economic, political and social action goals. You are the face of the Florida Public Service Union on a day-to-day basis. The attitudes and opinions of members and non-members regarding the value of union membership will in large measure be determined by the work that you do. If we are to grow our union, all of us must commit to ensuring that our members are valued and treated with respect and dignity in the workplace... It is worth remembering that employees have a choice regarding membership. It is not enough to assume that new or veteran employees will join us simply because we are there.

The challenges we currently face requires that the entire team recommit to providing our members the best representation and assistance possible. The workplace is changing on a continuous basis. Employers are facing budget challenges and looking for ways to reduce costs and improve efficiency. Our members, many of whom are frontline workers, face new and dangerous health and safety concerns. Our members deserve and should expect that we will do our jobs in a competent and dedicated manner.

This manual is intended as a resource tool for new and experienced stewards. It is but one component of a FPSU initiative to equip our steward with the tools to do what's expected of them. It is our intent to provide on an ongoing basis, information and training opportunities designed to sharpen your skills.

As a leader in the workplace, you'll have your hands full. That's because SEIU stewards are...

## Introduction

Continued

**Organizers.** This is the big one. It doesn't just mean signing up new members, although it means that too. It means SEIU stewards are responsible for organizing the whole workplace to deal with problems as a united group. Which is, when you think about it, what labor unions are all about.

**Problem Solvers.** You're the person workers turn to with their problems. It might be a work-site hazard. Maybe someone's been fired, or perhaps layoffs are threatened. It might be just a new employee with a question. Perhaps you can solve the problem through consultations with the appropriate manager or supervisor or you may have to resort to filing a grievance. Problems don't go with your territory. They are your territory.

**Educators and Communicators.** The labor contract, the health insurance plan, the retirement plan, there's a mountain of information that a member is expected to be aware of. What's a "ULP"? How can I do this? Why did they do that? It's a complicated world, and your members are counting on you to help them make sense of it. Of equal importance is the fact that your union leadership is counting on you to help them stay in touch with your co-workers. You work with them every day. They don't.

**Worksite Leaders.** You're the one who keeps it moving. You're the one who's expected to address the concerns of members. You make unity happen, and you never let anyone forget there's a union at your worksite. (Nobody said this job is easy.)

The sections that follow will explain some of your different jobs in more detail. For now, it's enough that you understand and accept your wide ranging responsibilities in the workplace. REMEMBER though, that your primary duties are to organize and to solve problems.

## Your Toolbox

You'll need to have a lot of information close at hand, during the duty day and beyond.

Here are some examples:

- A list of the job classifications that have been certified for inclusion in your bargaining unit.
- A list by job classification of all employees in your bargaining unit (name, work location, date of hire, base salary, and dues deduction status)
- A seniority list by job classification.
- The collective bargaining agreement, memoranda of understanding, and administrative and implementation memoranda.
- Local union constitution and bylaws.
- Management's personnel manual, if there is one (or any other employer policies in printed form).
- Civil Service Rules and Regulations (if applicable).
- Employer's organization chart (with names and job titles)

- Organizing materials for new members, including authorization cards, copies of the contract, your union's website and email address, and your union's constitution and bylaws.
- Grievance investigation forms.
- COPE (political action) materials.
- You probably know the different jobs in your unit, but if not, you'll need some job descriptions.

Of course, your local union staff rep and legal counsel will also have other valuable information including:

- Federal and state health and safety regulations.
- Federal and state labor laws and court decisions.
- Records of past investigations, grievances, and arbitrations.
- Lists of references, resources, and other helpful materials available from the International union.
- Links to use on the web, such as [www.seiu.org](http://www.seiu.org) for the latest updates across the country.
- Links to educational resources

## Your Protections as a Steward

When you're dealing with management on union business, you deal with the employer as an equal. The negotiated and ratified CBA is not management's contract. It is an agreement between the employer and FPSU. Accordingly, each party is equally responsible for ensuring that the CBA and all its provisions are implemented and administered as intended.

You can imagine how happy that makes them. That's why Florida's Public Employee Relations Act specifically protects you (and other union leaders) from punishment or discrimination by management because of your union activity. It's illegal for an employer to:

- Deny you promotions or pay opportunities.
- Isolate you from other workers.
- Saddle you with extra work or unusually tough assignments.
- Deny you overtime opportunities.
- Deny you release time to investigate or file grievances, represent employees, attend meetings or administer the CBA
- Enforce work rules unfairly against you or harass you with extra supervision.

Your contract may also spell out your rights, and perhaps you're covered by state and local ordinances if you're a government worker.

## Fairness: A Big Responsibility

Labor unions are required by law to represent all workers in the unit fairly and completely. It's legally known as the Duty of Fair Representation or DFR.

Claims of the union failing in its DFR are most often related to the processing of grievances. Even though the union has the right to decide to refuse to process grievances of non-members or where it concludes that a grievance is without merit, once the decision is made to represent a member, such representation must be fair, nondiscriminatory, and non-arbitrary in manner.

In determining whether the union's conduct violates its DFR most tests look at:

- Whether the conduct or actions were attributable to an improper motive such as discrimination or fraud
- Whether the conduct is wholly arbitrary and without a reasonable explanation
- Whether gross negligence constituting a disregard of the interest of unit members occurred, and
- Whether the union acted reasonably after deciding to represent a member(s)

Of course, you don't need to be told that you must represent all workers fairly regardless of their race, religion, nationality, age, gender, sexual orientation, or disability.

You may find that you have to represent workers who oppose the union, as well as those who are unpopular, difficult to work with, or who create discord in the union or the workplace.

No matter. Fair is fair. This doesn't mean the union can't lose a grievance or make a mistake. It does mean that every action you take must be free from bias or the appearance of bias:

- Your investigations of every problem or incident must be fair and complete.
- Each worker must be kept informed about each step you take on their behalf.
- Never, ever lose a grievance because a time limit ran out.
- Cases must be based on facts, not personalities.

That's why it's so important to keep records of your activities as a steward including phone calls, interviews, letters, contacts, and decisions. Without documentation, it's far more difficult for your union to defend a DFR case if one should occur.



## Your Duties as a Steward

No one can list all the different duties you'll be asked to perform. What follows are some of the more important responsibilities of a SEIU-FPSU steward:

- Get to know your unit's members
- Greet new members and help them get oriented.
- Encourage workers to join the union..
- Sign up retiring members.
- Recruit and lead volunteers.
- Play a leading role in unit meetings. Keep the members informed. Help out with balloting, elections, and reports.
- Get committees going and attend committee meetings, guiding them when need be (and when possible).
- Keep updated phone numbers, addresses and email lists of your members.
- Learn all the problems in the workplace.
- Investigate grievances.
- Interview members.

- Process grievances.
- Act as the union representative on the labor/management committee, insurance committee and other committees established in the contract or that require union participation
- Maintain files and records. (We know it's boring, but it's really important.)
- Work on contract campaigns.
- Work on newsletters, leaflets, press releases, picket signs, buttons, stickers, bulletin board displays, whatever.
- Attend steward training classes.
- Work on COPE (Committee on Political Education), legislative, and get-out-the-vote activities where permissible. This may involve fund-raising, lobbying, phone banks, polling place duties, and a lot of other things, especially around election time.
- Work with your union's coalition partners in the community.
- Inspect the worksite for health and safety problems. Know where the

## Your Duties as a Steward

Continued

- OSHA 2000 Log is posted. File federal and state OSHA (Occupational Safety and Health Administration) violation reports and accompany inspectors on site visits.
- You don't have to do this all yourself. Don't be shy about asking individual members to help you out. It's one way to get them involved.



LEGENDARY UNION  
LEADER JOE SAVAGE IS  
ARRESTED DURING THE ST  
PETERSBURG SANITATION  
STRIKE OF 1968.

## Welcoming New Workers

Remember your first day on the job?  
Not exactly a day at the beach.

That's why one of your foremost  
tasks is to welcome new workers.

A welcome packet can be very helpful  
in making a good first impression. Your  
staff representative can assist you in  
putting together a welcome packet.

Here's a checklist of some things you might  
want to include in your conversation:

- Get to know each other. Ask where they worked before, where they live now, do they have a family? Hobbies? Sports? Start off by listening.
- Offer information: where the vending machines are (and what not to buy), where to go for happy hour, what the boss is like, who runs the football pool, how you get in on ride-sharing.
- Give the new worker a welcome packet if you have one. If not, be sure they receive a copy of the contract and explain its important provisions to them.

- Explain some of the main benefits provided by the union contract, not the benevolence of the employer: wages, health care, holidays, a voice on the job.
- During the conversation, remember that you want the employee to begin identifying with the union. Whenever the worker has a problem, you are the person to see, not the supervisor. The union is the members, the people right there all around you, not some unknown outsiders. If you get these two ideas across, you've done your job.
- If your union is doing its job, there'll be a meeting coming up you'll want to invite the new worker to. In fact, why not take them with you? They'll feel more at ease with someone they know. (Remember your first one?)
- Make sure the worker has a wallet card with your name and phone number, and encourage them to call if they have any problems.

## Explaining Union Dues

Dues are a touchy subject for any union. And when times are tough, almost any expense can seem burdensome to workers. Dues at SEIU Florida Public Services Union are among the lowest in the nation at 1.56% of gross earnings.

Some stewards believe in defusing the issue by raising it first with new workers. They explain how dues are really a good investment rather than a bothersome expense.

- In addition to higher wages, union workers enjoy better health insurance, pensions, occupational safety and health, and job security than do unorganized workers.
- Far more than unorganized workers, union employees receive fair treatment, rights, dignity, and respect on the job.
- SEIU doesn't set the dues. Only delegates to the SEIU International convention, who represent the members, can vote to increase the dues. Local unions can also vote to increase their dues.

What are the dues used for?

Lots and lots of things:

- Negotiating contracts requires research analysts, negotiators, union reps, and field staffers to organize rallies, worksite actions, and press events.
- Defending members and enforcing contracts requires money for legal help as well as grievance and arbitration expenses.
- Winning improved legislation and public services by lobbying, research, and testifying at the local, state, and federal level.
- New member organizing to improve wages and benefits in competing workplaces so our own wages and benefits are not eroded or contracted-out.
- Occupational safety and health programs. SEIU has gained national recognition for its work on asbestos, blood borne diseases, and other workplace hazards.

## Explaining Union Dues

Continued

- Education and publications for union programs of all kinds, including newsletters, media campaigns, public relations, and opinion surveys.
- Welfare, defense, and other worker funds.
- Support for programs on civil and human rights, equal opportunity, senior members, and organizing.
- Membership in the Change to Win Federation and the Canadian Labour Congress as well as state and local labor federations and councils.

EXECUTIVE BOARD MEMBER RHONDA MILLER  
TIES A RIBBON IN SOLIDARITY WITH FRONTLINE  
WORKERS DURING THE COVID PANDEMIC.



**What Difference  
Does a Union  
Make?**

As a steward, it's your job to sell the benefits of union membership to unorganized workers. And it doesn't hurt to remind our own members from time to time, either. Here (in capsule form) are eight big advantages unions bring to a workplace:

	Union	Non union
Wages, benefits, working conditions	Protected by legal contract.	At the whim of management.
Wages	Spelled out in the contract.	Secret. Negotiated individually by management.
Raises	Bargained for everyone. All workers vote on the settlement.	Favoritism can determine individual raises.

Discipline	The union will defend you.	Lots of luck. You're on your own.
Promotions	Awarded fairly according to negotiated agreement.	Favoritism, the romance, blackmail, you name it.
Vacations, shifts, layoffs	Based on the negotiated agreement.	See above.
Problems	Union will work on the job to solve them.	Their way or the highway.
Give people a voice in the political arena	Work for laws that protect all working people and their families.	Weaken laws that protect workers (health and safety, overtime, etc.)

## The Steps to Solve Problems

The most important and effective tool that you have for resolving disputes, assisting members, and administering the contract is productive working relationships with your employer's managers and supervisors. Many of the requests from members for assistance can be resolved by working with your respective managers and supervisors. To get the desired outcomes, you need to have the kind of relationship with these individuals that produces good results. Effective stewards usually develop a good understanding of management's mindset regarding employee organizations (unions), negotiated agreements, dispute resolution (grievance procedure) and labor management cooperation and collaboration

Though this section deals with resolving problems, more often than not, the matter is related to the member's pay, benefits, conditions of employment or personal issues. It is very important to have contacts in the payroll department, benefits department, retirement office, or the leaves office. You will find that being able to talk to a staff person who knows you and is willing to help you is critical to your success

in assisting and representing members.

Grievances are normally filed when there's an allegation of a violation, misapplication, or misinterpretation of the CBA. Within the CBA you will find provisions that spell out the employee's rights, the structure and process for resolving a grievance, timelines and arbitration guidelines. Florida's Public Employee Relations Act (PERA) requires that any CBA contain a Grievance Procedure with arbitration as the final step.

A grievance carried to arbitration is a time-consuming, complex and expensive undertaking that can end up satisfying no one (except maybe the hired arbitrator we'll be paying). And units that simply go straight to grievance soon find their members expect "the union" to take care of everything.

So, what are all these problems/issues that you'll need to help solve? Brace yourself.

- Roger got stuck with a discarded hypodermic needle when he was emptying the trash.
- Ellen says Carol finked on her to the boss.
- Carlos was fired on the spot yesterday. Nobody knows why.

## The Steps to Solve Problems

Continued

- A new supervisor is demanding all the men in his shop wear neckties. Some of the men don't even own one.
- Doretha says the crumbling stuff in the basement looks like asbestos.
- Wai Lin heard that management is going to start telecommuting in two departments.
- Leroy, who works in your widget department, saw the purchasing manager at lunch with two guys from Acme Widget Co. They might've been talking about contracting-out.
- A story in the Daily Planet says state funds have been cut in half and layoffs of public employees are "imminent."
- Brenda says she was denied a promotion because she's African American.

If you're getting the idea that the whole work world is your turf, you're not far wrong.

But no matter what the problem is or who brings it to you, you always begin by doing three (and often four) things:

1. Get the facts.
2. Analyze the facts.
3. Determine a strategy or course of action
4. Take action

If there's a problem and we ignore it, then the union loses credibility, the contract is compromised, and every worker suffers.

But the same thing is true if the union jumps to conclusions and confronts a supervisor or files a grievance that is without merit.

Different problems require different strategies. Sometimes a grievance involves an individual member's allegation of a violation, misapplication, or misinterpretation of the CBA. Other grievances may involve multiple employees (class action) and require that you inform and involve all affected members.

The Grievance Procedure is not the only option available for addressing management decisions and policies that impact your activity or wages, hours, terms and condition of employment. As mentioned earlier, different problems/issues require different responses. There will be instances where the filing of an Unfair Labor Practice charge is the appropriate



## The Steps to Solve Problems

Continued

course of action. If management proposes to contract out work performed by our members then we may want to request impact bargaining. If the parties disagree about the operation of a particular provision of the CBA, the union may want to seek a Declaratory Statement from the Public Employees Relation Commission. While your input will be critical, these types of responses will require the involvement of union staff and legal counsel, and the authorization of the leadership team.

Get the facts; Analyze the facts;  
Determine a strategy or course  
of action; and Take action.

ADJUNCT PROFESSORS  
AT THE UNIVERSITY  
OF SOUTH FLORIDA  
BARGAIN FOR THEIR  
FIRST UNION CONTRACT.



## The Interview is Your Principal Fact Finding Tool

In order to get the facts, you'll first need to interview the worker(s) who know what the problem is.

Listening is the key to conducting a thorough interview. And interviewing is your main way of getting the facts. Here are some time-tested tips for interviewing workers about problems.

- Be relaxed and take your time. Control your feelings so you can concentrate on listening. Write down the important facts, including who, what, when, where, how, why, and the names of any witnesses.
- Show the worker you're interested. Look them in the eye. Encourage the worker to "get it all out" (both the facts and the feelings). Then facts and feelings can be put in perspective.
- Ask questions when you don't understand something or when you need to clear something up. Ask "open-ended" questions that can't be answered yes-or-no.

Some good questions to ask:

1. "Why do you think this happened?"
2. "What's an example of that?"
3. "What do you think should be done now?"
4. "When has this happened before?"
5. "When did you first notice this?"

Some useful tips:

- Now and then, repeat back to the worker what you've understood so far. This checks your accuracy and often brings out previously overlooked facts.
- Avoid making judgments during the interview. You'll form your opinion later after you've gathered all the facts and analyzed them.
- Avoid making promises about future action. If it's a discipline problem, you might say, "I agree the supervisor handled it badly. But I don't want to promise that we will grieve this until we investigate the whole thing completely." If working conditions are involved, say, "I'm really glad you told us about this. We're going to give it our full attention." Assure the worker that the problem will be investigated fully.

## The Interview is Your Principal Fact Finding Tool

Continued

- If you don't know the answer to a question, don't guess. No one expects you to know everything. Promise the worker you'll find out and get back to them. Then do it.
- Interview all the witnesses to the problem in the same manner. Never depend on a single version of what happened if you can avoid it.

"The right to have opinions  
respectfully heard, to be informed  
of union activity, to be educated  
in union values and union skills"

ARTICLE VI, MEMBERS' RIGHTS  
SEIU-FPSU CONSTITUTION & BYLAWS

## Your Right to Know

Interviews are your main way of getting at the truth, but they're not the only way.

In most cases, when representing your members, you have the right to any "necessary and relevant" information the employer has. You can request this information anytime in the grievance process, including the initial investigation. Make the request in writing, being as specific as you can, and giving a reasonable deadline. Normally, public information requests are not necessary, as the union is entitled to that information which is necessary to administer the CBA.

Some of the materials stewards can request include:

- Personnel files
- Payroll records
- Performance reviews
- Job descriptions
- Inspection records
- Discipline records
- Correspondence
- Memos
- Attendance records
- Accident records

## Analyzing the Problem

Once you've gathered all your facts, it's time to analyze the information. If you're a new steward, you'll probably meet with your chief steward, your union rep, and maybe even your union's attorney.

- **What** is the real problem? Is this what it seems or a reflection of something deeper?
- **Why** did (or does) the problem occur?
- **When** did the problem occur (if it's an incident)? How long has it been going on (if it's a safety or health hazard)? If there's the possibility of a grievance, be sure to scope out the step time limits for filing. Has this occurred in the past?
- **How** did the problem come about? Misunderstanding? Provocation? Carelessness? What mechanisms are driving the problem?
- **Where** did (or does) it occur? Be specific. Location can be important.
- **Who** is involved in the problem? List every-one involved or affected by the problem, not just the principals.
- **Witnesses** to the problem. Reliable? Intimidated? Biased? Highly credible? All in agreement? None in agreement?

## Analyzing the Problem

Continued

Now that you're sure of the facts, of what actually happened or what is actually going on, you can establish the category of the problem and decide what strategy (big plan) and tactics (smaller moves) can best be used to solve it.

Most complaints will fall into one (or more) of five general categories:

- Violation of the contract.
- Violation of federal, state, or municipal laws including wages and hours, fair labor standards, equal opportunity, and civil rights.
- Violation of the employer's personnel policies, work rules, or administrative procedures.
- Violation of "past practice." Practices long accepted by the union and the employer acquire a legal validity of their own. (This principle can work against the union as well as for us.)
- Violation of equal treatment. (These are really like No. 2 above, but with a kind of special character conferred by a whole host of laws and agencies like the Americans with Disabilities Act, the Equal Employment Opportunity Commission, and other democratic measures widely accepted.)

Though any of the violations noted above may require actions that seek to remedy the matter, those that you can play a significant role in resolving are; (a) violations of the labor contract, (b) unilateral changes to "past practices"; and (c) an employer's failure to adhere to their own personnel policies, administrative procedures, and operational policies and practices.

Even if the worker's problem doesn't meet these standards, unions have a wide range of persuasive options available to them. You'll learn these as you go along.

But unfortunately, you will be confronted by some problems that the union can't resolve. It is your responsibility to handle them fairly, defend the worker's rights, and build support within the union so you can come back to fight another day.

## Dealing with Management

There is no substitute for knowing who you are dealing with. Every organization or employer has its own unique history. Some are progressive and have demonstrated that they value their relationship with their unions. Others have a history of confrontation and view employee organizations as adversaries. Know the true nature of your unit's relationship with your employer. Is the culture one of labor/management cooperation and collaboration? The tone for the labor/management relationship is usually set by the legislative body (city commission, school board, board of trustees, county commission) and the chief executive officer (city manager, county administrator, college president, school superintendent). Everybody else is expected to get on the bandwagon and get the job done.

You will find that there will be times when you must work with managers or supervisors who harbor an anti-union animus. They will tend to view the union and the negotiated agreement as an

inconvenient reality. Their typical response to union concerns is to do only enough to prevent a labor/management dispute. These types of managers/supervisors will tend to see stewards as obstacles to managing their employees in the manner they see fit. In other instances you must work with individuals who lack the requisite background and skills for the job they occupy. Their approach to dealing with you is one of condescension and indifference. Others have problems dealing with people of color, ethnic minorities, or women who are in a position to challenge their authority.

Here are some general rules you should keep in mind whenever you deal with management:

1. On union business, you are management's equal. Without fail, project the image of a competent and committed union official who's prepared to move forward in a manner that satisfies both parties' best interests.
2. Discuss pertinent issues, facts, and procedures, not personalities or rumors.
3. Be positive regarding the possibilities of a resolution of the matter, yet firm as to a fair and equitable outcome.

## Dealing with Management

Continued

4. Don't ramble or get sidetracked. Focus on the issue (s) at hand.
5. Don't lose your temper; use it! Never allow yourself to become overexcited, hostile, or angry. Besides interfering with your ability to think clearly, you will undermine your credibility as a serious partner in this two party relationship.
6. Be imaginative and creative. Don't be bound by narrow interpretations of facts. Don't lie or sacrifice credibility, but don't give up.
7. Listen carefully to management's statement of its position. If a particular manager is inclined to work with the union, you may find opportunities for a win-win outcome that doesn't compromise the CBA.
8. When you express disagreement with management, do so in a thoughtful, respectful, and firm manner.
9. Take careful notes on management's position. Interrupt if necessary to make sure your notes are complete.

10. Remember that this is not an ego trip. We're seeking a solution to a human problem for the good of everyone concerned. Try to leave management a way to retreat with dignity.
11. Ask questions. For one thing, this breaks up any attempt to turn it into a management "lecture." And it sometimes brings out new information you can use or exposes weaknesses in management's position.

Now you have the facts and management's early response. If there's no agreement, what's next?

"Grievances should never be confused with your chief responsibility as a steward which is: to build a united, organized, and involved membership in your workplace."

So all your work so far (interviewing workers, investigating, meeting with the supervisor) is simply preparation for involving the members.

You take the problem, together with all you've learned, to the member(s). Why?

SEIU believes that all union power is derived from the involvement and commitment of the members.

## Dealing with Management

Continued

- Solving problems on the job depends far more on the courage and unity of the members than on our claims or arguments. If the union members don't really care, management will know it. Count on it.
- The same is true for negotiating good contracts or obtaining fair labor laws. No matter how "well" we bargain or lobby, if our members are apathetic or divided, we will lose.

That's why your job is to mobilize the membership around the issues that affect their lives. You do this in two major ways:

Communicating. If your members don't know what's going on, they can't very well mobilize and they can't make decisions. As stewards, we're working for the members. That's why it's our job to keep them informed. How? Any way you can. The best way is continuing, two-way, one-on-one, face-to-face communication with every member at breaks, at lunch, and when you're working. You should also have meetings. Regular meetings. Newsletters. Use those bulletin boards we negotiated to get (but not as a substitute for personal contact). Post notices and facility updates on your local Web site and create group

email lists as a way to keep your members informed. Do whatever it takes. Be creative.

If stewards and other leaders fail to tell the members what's going on, you'll soon find yourself in serious pain. If you've never seen a bargaining unit torn by doubts, wild rumors, resentment, bad morale, cynicism, and warring factions, take our word for it: It's ugly.

Worse yet, you'll be losing out on the accumulated experience and knowledge of your members—which is probably your greatest resource.

Some workers won't volunteer even if they have important things to say. It's up to you to reach out.

Action. As you'll see on the following pages, there are many ways the union can solve problems other than formal grievances. It's up to the members to decide, but it's your job to suggest courses of action based on your investigations and problem-solving experience.



## The Steward as Advocate

There will come a time when your role will be to represent workers in a grievance. Most contracts have similar definitions for what a grievance is, that being an alleged violation, misapplication, or misinterpretation of a provision (s) of the CBA.

Section 447.401 Florida Statutes stipulates in part that; "Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between the employer and employee, or group of employees involving the interpretation or application of a collective bargaining agreement.

This same Section further states that; "All public employees shall have the right to a fair and equitable grievance procedure without regard to membership or nonmembership in any organization, except that certified organizations shall not be required to process grievances for employees who are not members of the organization".

If your labor contract allows members to grieve disciplinary action, your approach for processing the grievance will differ somewhat from that used to process contract violation grievances or unilateral changes to past practices.

If the employer has imposed discipline on

a worker, the burden is on the employer to prove "just cause." Just cause for discipline is a requirement in most union contracts. Even if it isn't spelled out, most arbitrators require it. It is a widely accepted legal norm.

These different types of violations call for different approaches. You're doing more than investigating now. You're building a case.

- Did the employer investigate properly before imposing discipline? Or did they shoot from the hip? Where did they get their information?
- Was the investigation complete? Fair?
- Was the evidence convincing? Or was the worker punished on the basis of suspicion and hearsay?
- Did the worker receive fair and equal treatment? Was discipline imposed without bias or discrimination?
- Did the worker have reason to know an infraction was being committed? Are workers properly instructed on workplace rules and policies? Had any warnings been given by management?

## The Steward as Advocate

Continued

- Has the violation been permitted or overlooked in the past? Is the punishment a sudden reversal of past policy?
- Did management apply “progressive discipline”? It might be in your contract. If not, many arbitrators recognize the principle.
- Even if there was cause for some discipline, was it excessive? Were “mitigating” circumstances (such as long service or no previous discipline) ignored?
- Does the punishment fit the infraction?
- Did the employer violate the contract? Such grievances often involve seniority, hours of work, pay, staffing, working conditions, holidays, and annual leave.
- Did the employer violate a law?
- Is it an infraction of the employer's own rules or responsibilities? This is often the case in health-and-safety grievances.
- Does it infringe on the equal treatment guarantees of the workers?
- Does it violate past practice?

Any of the questions above can be used to show the employer acted without just cause.

Typically progressive discipline is viewed as a sequence of management discipline responses that are increasingly severe, with the recognition that certain alleged offenses may require a more severe response as a first step.

1. Oral warning
2. Written warning
3. Written reprimand
4. Suspension
5. Finally, termination

## Weingarten Rights

Weingarten was a U.S. Supreme Court case that gave workers the right to request union representation, if a meeting is called and the employee reasonably expects that it may form the basis for or lead to disciplinary action. This meeting is often referred to as an Investigatory Interview.

In describing the application of Weingarten Rights the Public Employee Relations Commission (PERC) has stated that the right to union representation at an investigative or disciplinary interview arises under the following circumstances:

1. the employee requests union representation
2. the employee reasonably believes that the interview will result in disciplinary action, and
3. the exercise of the right will not interfere with legitimate employer prerogatives.

We need to remember that managers and supervisors have a right to meet with employees when necessary. It is counterproductive to assume that all meetings are for the purpose of setting the stage for disciplinary action. It is important to guard against situations where members use this right to stymie

the exercise of a legitimate management right. Employees who unilaterally refuse to attend a request without consulting you, may face a charge of insubordination.

It's important to constantly remind your members about their Weingarten rights. Workers should always request a steward if a meeting could lead to discipline.

There may be times when a manager ignores an employee's Weingarten rights. If that happens, counsel the worker to stay in the room to hear the manager out, take detailed notes stating that he or she requested a steward and that the request was denied. At the conclusion of the meeting the employee should immediately contact a steward.

The denial of an employee's request for union representation is normally an Unfair Labor Practice.

Be sure you remember all the things you're responsible for in a Weingarten meeting:

If you have advance notice, ask management what's the purpose of the meeting. Then you can prepare yourself (and the worker) for the questions they may be asked..

## Weingarten Rights

Continued

What to tell your worker before the meeting:

- Remain calm and refrain from being argumentative.
- Be focused on your responses.
- Keep answers short. Don't volunteer anything. You can't refuse to answer, but you don't have to go out of your way to be helpful.

Remember that this meeting is just the first step, especially when the potential disciplinary action is suspension or termination. The first and second level supervisors are usually limited to recommending disciplinary action. A recommendation to suspend or terminate an employee usually required the approval of the Chief Executive Officer and/or legislative body (city council, county board of commissioners, school board, etc.)

You can (during the meeting) give the worker advice on how to answer. You can also ask management to state the questions clearly, and request brief recesses to confer with the worker.

You're there to make sure the worker is treated fairly and to show that the union stands behind the workers. Do that and you've done well.

"Chapters shall be responsible to represent their members, enforce the collective bargaining agreement, and organize members for day-to-day struggles."

ARTICLE VII, CHAPTERS  
SEIU-FPSU CONSTITUTION & BYLAWS

## The Grievance Procedure and Processing

The negotiated Grievance Procedure is usually structured around a series of Steps culminating in final and binding arbitration. The size and structure of the organization in large measure determines which manager will hear the grievance at each of the designated steps. There will be specific time limits stipulated for advancing the grievance to the next step. Typically, the progression goes something like this:

- **Step One:** steward meets with the immediate supervisor.
- **Step Two:** If no solution, steward meets with first level management.
- **Step Three:** If no solution, steward meets with a designated senior level manager or a designated human resources or labor relations manager.
- **Arbitration:** Where nobody wants to be, but the problem will get settled here by a neutral third party.

A few grievance processing tips and tricks:

1. As noted earlier, the union can decline to represent a nonmember or when it determines that the alleged grievance is without merit.
2. A member or nonmember who is not represented by the union has a right to representation of his/her choosing. The union has the right to be present at each step of the processing of the grievance to ensure that any relief granted does not conflict with provisions of the CBA or establish a practice that would otherwise be the subject of bargaining.
3. Managers and supervisors are usually advised to resolve the grievance at the lowest possible level. They are told that if the contract has been violated then acknowledge such and grant the relief sought, if authorized. If a clear violation has occurred, a resolution can be reached during the informal discussion stage.
4. Once filed, a grievance can be settled at any step of the grievance procedure. Make sure that the grievant is on board with the settlement. Be careful not to agree to a settlement that conflicts with provisions of the contract.

## The Grievance Procedure and Processing

Continued

5. As has been noted a number of times in this manual, it is very important that you be mindful of the processing timelines stipulated in the grievance procedures provisions of your contract, specifically the initial timeline for filing a grievance and for advancing the grievance to the next step. If you fail to adhere to these timelines, management will not hesitate to deem the grievance abandoned, which is the case.
6. Whenever a grievance is filed that management feels significantly impacts its interests, there's a tendency to circle the wagons. The matter will be the subject of discussion within the management ranks and all who have a role in processing the grievance will be advised on the handling of the grievance.
7. Whenever a grievance is filed that has significant financial, operational, or legal implications, the relief sought is usually beyond the scope of authority of those designated to hear the grievance, especially at Step 1 and Step 2. If you recognize that this is the case, consider requesting a mutual agreement to advance the grievance to Step 3.
8. You can and should withdraw representation whenever it is established that the grievance is without merit and that there has been no violation of the collective bargaining agreement. Make sure that there's clear and complete documentation of your efforts and conduct in the processing of the grievance.
9. Remember that legislative and judicial intent of the law that requires a negotiated grievance procedure, is that there is a fair and equitable way for public employees to resolve disputes. Whenever a frivolous grievance is advanced, it undermines the process and the credibility of the steward and the union.
10. When using the prescribed Grievance Form, make sure that all requested information (date of violation, violation-article-section-subsection, relief sought) is spelled out with detailed specificity.

## The Grievance Procedure and Processing

Continued

11. The decision to go to arbitration will not be made lightly. It will depend on such things as importance of the issue (problem), importance of the case, cost, and chances of winning. Your investigation, notes, and reports will become really important when such decisions have to be made.
12. Management will often take its time in responding to a filed grievance. By foot-dragging, management hopes you'll lose interest and go away. This is why the grievance steps have time limits, and why we've asked you to write them in this book. (You did write them, didn't you?)
13. Management will often create smoke screens to turn your attention away from the matter at hand. They will bring up issues not related to the grievance you're dealing with. Don't let them distract you, stay focused.
14. Don't let management provoke you into losing your temper. If you have a grievant with you at a meeting, be sure they're prepared for this one. Call a caucus (outside) if you think somebody's about to lose it (including you).

When several issues are on the table, management may offer you a "trade": win one, lose one. Don't fall for it. It's a sure way to lose the trust of your members, and it may expose you to fair representation claims. Never risk your integrity to buy a "win." If you lose both grievances, so be it.

## The Step One Grievance Hearing

Step 1 meetings usually involve a first-level supervisor. This can be good or bad. On the one hand, the supervisor may want to solve the problem before it gets to his or her superiors. On the other, the supervisor may lack the authority to make things right.

- Review the eleven rules for dealing with management.
- Write down your main points and the facts that support them.
- Anticipate the arguments management will use. Try to “think like management.”
- If the grievant(s) will attend the meeting, prepare them in advance. Decide what should and should not be said.
- Take good notes. If the case goes to Steps 2, 3, or arbitration, your notes can make the difference between winning and losing.
- Always maintain a united front. Call a caucus if any member has an objection or suggestion (or if management springs any surprises on you).
- Never volunteer information that doesn't help.

- Don't admit to charges that hurt your case. Make management prove their case.



## A Few Questions and Answers

**Question:** What if a worker is violating the contract or otherwise doing something that will get them in trouble?

**Answer:** Consider having a private talk with the worker yourself, or asking a friend of theirs to do so. You should be perceived as a fellow worker concerned that the worker will be disciplined and the union will be the weaker for it.

**Question:** What if management disciplines a worker with no steward present?

**Answer:** Management doesn't have to tell workers their rights. It's up to each worker to request your presence during a discipline meeting. However, if the worker did so and management refused, you can file a grievance on those grounds.

**Question:** What if I can't make a full investigation within the time limits to determine if a complaint is a valid grievance?

**Answer:** File the grievance and continue your investigation. Later you can always withdraw the grievance.

**Question:** What if a grievant reveals a fact in a step meeting that I was unaware of?

**Answer:** Call a caucus and begin damage control. Good interviewing can help prevent this, but it's almost a rite of passage for stewards. In all pre-meeting interviews, always ask, "Is there anything else you haven't told me that I should know?"

**Question:** What if a worker's complaint is not a valid grievance?

**Answer:** Diplomatically explain why to the worker. And, of course, you will have explored all the other ways of solving the worker's problem. Most workers can understand how everyone in the union loses if it backs a groundless complaint. However, a worker may decide on their own that a grievance needs to be filed. In such cases, the steward needs to be very careful so as to avoid DFR charges.

## Strength in Numbers

When you involve the members in solving problems or winning improvements, a lot of avenues open up.

Of course, mobilizing your members requires continuing, direct personal communication with every worker, but as an SEIU steward you already know that.

1. **Just involving the members** can sometimes bring management to a solution. And when the members are involved, management will know it, even if they pretend not to.
2. **If management chooses to play dumb**, showing unity through workplace actions (petitions, rallies, “button days,” for example) can exert a lot of pressure where it counts.
3. **Organizing community support** can tip the balance. This is where your coalition partners (churches, teachers, community action people) can exert some (or a lot of) leverage.

4. **With member support**, you have a better chance of getting your message to the news media. You’ll be able to generate good publicity about the union and the work your members do if you’re able to push the right buttons. (Push the wrong ones and this can boomerang right back on you.)
5. **Elected officials** can sometimes be induced to twist management’s arm(s). That’s one reason we have our political action programs. Politics affects everything we do as workers, and everything we receive (or don’t receive) from the government.
6. **Government agencies**. This generally takes approximately forever, but the threat of government red tape can sometimes frighten the most ferocious employer.

## The Steward as Educator

As a steward, you have an opportunity to educate our members every time you come in contact with them. You will want to make sure members know enough to participate in making union policy, that they know where the union came from and where it is heading. Members need to know how the union makes decisions and carries them out, what its policies are, and what the challenges are that the union and its members are facing. Educated members support the union when it fights for improvements and defend the union when it is under attack.

One thing to remember is that education for our members is not what you think of as traditional teaching. Education for union members is action-oriented. Union members learn

- by sharing their experience
- accomplishing tasks
- analyzing and discussing what has happened
- This means it can happen any time, anywhere. Take the time to explain the union's political program while gathering together a crew to staff phone banks one night. Or talk about worker solidarity when the members

have won an important grievance fight through workplace demonstrations. Even when you lose a grievance, there can be a lesson on the importance of fighting for better language in upcoming contract negotiations.

- Keep Members Informed. Keeping members informed is one of the most important parts of your job as educator. Make sure members know what the union is doing--and make sure the union leadership knows what the membership thinks about what the union is doing. Letting members know when a meeting or other union activity is taking place is an important part of your job. Explaining the reasons for the meeting or the activity and how it fits into the overall union program is another opportunity to be an educator.
- Getting members involved in local union and the International's campaigns to protect workers' rights and to maintain decent standards of living in the community is also an educational activity.

## The Steward as Educator

Continued

- **Develop Leadership.** The steward develops leadership by getting members to help with the work of the union. Ask people to volunteer for union committees or union action programs. Take note of the useful skills people have. If someone isn't ready for a committee, give him or her a specific task--but be sure you discuss what the task means and why doing the task is good for the union.
- **Recommend Training.** Keep track of the kinds of grievances and concerns members bring up, and let the local leadership know what training programs are needed. Ask the state council or the regional staff to run health and safety programs if there are dangerous work stations or indoor air problems. The local can also request anti-racism or anti-sexual harassment training from the International if there are complaints or if cronyism leads to favoritism on the shop floor. The local union offers steward training. And the International union offers Train-the-Trainer workshops to teach local staff and leaders how to conduct training programs.



CHIEF STEWARD  
CRICKET GOMEZ LEADS  
A WORKSITE MEETING  
WITH MAINTENANCE  
MECHANICS.

## The Steward as Political Organizer

Many of our rights and benefits are negotiated at the bargaining table and included in our contracts. Much of your role is making sure that contract is enforced at the workplace.

But nowadays our communities are bigger than they used to be, major changes happen almost overnight, and no person or organization can exist as an island. Like it or not, society is more and more interdependent all the time, and so are we.

A lot of what all workers have today (overtime pay, food and drug laws, Medicare, Social Security, health and safety regulations, even the public education system) we wouldn't have had without political action by organized labor.

As a steward, sooner or later you'll be working with coalition partners. Which, depending where you are, can be almost anybody--other unions, civil rights and civil liberties organizations, community activists, ethnic groups, social or charitable organizations, political coalitions, whatever.

There are many rights and benefits that are determined by laws passed at the national, state, or local level. To protect our members' interests, the union must be involved in electing candidates who will

pass and enforce laws which will increase and protect our rights and benefits.

That will not happen without you.

Many SEIU members are public employees, or work in positions funded through government agencies, so politics is especially important to us. When politicians cut services, everyone loses the services, but some of us lose our jobs.

Our success in building a strong political organization that stands up for our members' interests depends on you and your ability to mobilize our members. SEIU depends on you, the steward, to get the workers involved in political and legislative action. You know the members, you see them every day at work, and you're persuasive enough to get things rolling (or you wouldn't be a steward).

Think of what you can do at your workplace or in your community that will make a difference.

- **Register voters.** It's simple. If you aren't registered, you can't vote. Learn the procedure for voter registration in your district. Then act to make sure your members register. Better yet, recruit members to participate in a voter registration drive.

**The Steward as  
Political Organizer**  
Continued

- **GOTV (Get Out The Vote).** Make phone calls, or recruit other members to participate in phone banks and other activities before an election.
- **Educate the members.** Talk to your members (and listen) about candidates and issues. Keep them informed about the election. Become informed about SEIU's political and legislative program that fights to "Reclaim America" for our jobs, rights, and quality of life so you can educate and involve your members.
- **Raise money.** Money talks. If our candidates are going to be competitive, they need money. Raising money for SEIU's COPE, our union's political action committee, is one way to do it. Signing up members for COPE checkoff (deducted directly from their paychecks) is one way, if you have the right to do it. Other ways include raffles, drawings, picnics and casino nights. (There are federal and state rules for raising political funds, such as being able to ask only SEIU members and their families for contributions. Learn the rules. They are simple and straightforward, but they are the rules.)

- **Lobby.** Win or lose on Election Day, someone is going to take office, and we are going to have an interest in the laws they pass or enforce. It might involve striker replacement, Medicare, safety and health, or a hundred other issues, but one thing is sure: Our members will be affected. Help stage a rally. Get petitions signed. Organize letter-writing and postcard campaigns. Lead a delegation to lobby officials.
- **Form labor/community coalitions.** Remember, unity is strength. Unions and community groups share a commitment to strengthen our society and communities. Participate in coalitions to build legislative and political power.

Your role in building your union's political and legislative power is important. It can also be rewarding and fun.

## The Steward as Organizer

Stewards also play a key role in recruiting new members. This is perhaps the most important thing the union does, because the more workers the union represents in your own industry, the more power the union has and the better it can represent you. The more workers that are organized in an industry, the higher wages and benefits will be for all.

And it's vitally important that you succeed. Your union will thrive only to the extent that other workers in your industry, your agency, or your geographic area are organized.

In a right-to-work state like Florida, you'll be doing "internal" organizing. This requires convincing the free riders to join the union.

This may sound difficult, but if you've done all the other things you've read about in this booklet--especially your role in making the union a vital presence in the workplace--then you've already done most of the hard work. Build the union and they will come.

You know the work. You know the turf. You speak the workers' language. And you can see problems and potentials that outsiders can only guess at.

In an organizing campaign, you and other member-organizers are worth your weight in gold. And the more workers

you organize in your industry, the more power you will have to fight for better pay, benefits, and respect. If your local union finds itself an isolated island in a sea of unorganized and exploited workers, it won't be around very long.

## **The Steward as Health & Safety Activist**

Worksite health and safety is a crucial part of your job as a steward.

If your unit has a health and safety committee, it may be your job to help lead it. If you don't have one, better start one.

There was a time when occupational health and safety meant hard hats and machine guards, but no more. The problems many SEIU workers face are widespread, increasingly complex, and often highly technical.

Office work was once thought to be completely safe and healthy. Asbestos, radon, carpal tunnel syndrome, video display terminals, and indoor air pollution have laid that myth to rest, along with a lot of workers.

That's where you come in. As a steward, you'll have an important responsibility to organize around health and safety. If you find you need help, you can get all the assistance you need from the SEIU Health and Safety Department or its regional coordinators in your area. Give them a call.

Here's a little "bill of rights" for workers the SEIU Health and Safety Department finds useful:

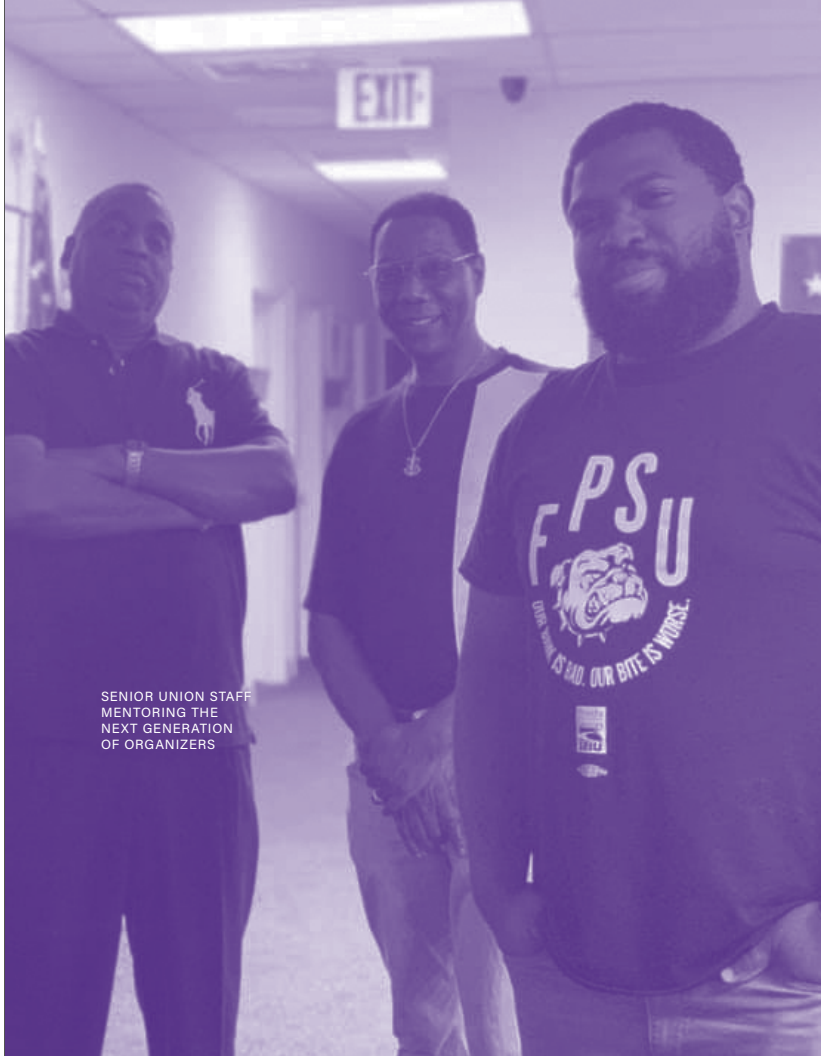
- Workers have a right to a safe and healthy workplace. The law says the employer must provide a safe place to work. It doesn't say anything about the cost.
- Workers have a right to information about workplace hazards, substances they are being exposed to, and injuries and illnesses (OSHA 2000 Log).
- Workers exposed to chemicals, blood borne diseases, hazardous materials, and certain other workplace hazards have the right to training on how to protect themselves.
- Workers have the right to bring in union health and safety specialists to help identify hazards in the workplace.
- Workers have the right to organize in order to secure protection from workplace hazards.
- Management has to post the OSHA 2000 Log--you need to check it, and make sure it's right.



## The Steward as Communicator

This may be your most important role. You are the vital link between the union and the members. It's up to you to explain to members what the union is, what it stands for, how it works, what its goals and programs are. And it's you who listens to members to find out what they feel and want, and then carries this information back to the union office.

Our studies have shown that today our members, like the general population, are reading less and less; and yet they value communication with the union more than ever. The best way to do this is to talk to the members personally.

A photograph of three men standing in a hallway, overlaid with a purple tint. The man on the left has his arms crossed and wears a dark polo shirt with a small logo. The man in the middle wears glasses, a necklace, and a dark t-shirt with a white stripe on the sleeve. The man on the right has a beard and wears a dark t-shirt with a large 'FPSU' logo featuring a bulldog and the text 'OUR BITE IS BAD. OUR BITE IS HORSE.' Below the logo is a small 'UNION' tag. An 'EXIT' sign is visible in the background hallway.

SENIOR UNION STAFF  
MENTORING THE  
NEXT GENERATION  
OF ORGANIZERS

## **COPE: Our Voice in Politics**

**What is COPE?** The Committee on Political Education (COPE) is made up of SEIU members, staff, and retirees whose recurring contribution ensures that we have the political power to protect and expand our hard-earned political and legislative victories. We know that who we elect, and what they do when they are in office, determines much in our everyday lives: from our livelihoods to our health and safety. When we speak with one voice about what working people need, our elected officials listen.

**Why politics?** While we work hard together at bargaining tables across the state to raise the bar in our individual workplaces, industry-wide issues can still be a big problem and require work outside the context of our collective bargaining agreements. Funding for our members' workplaces comes directly from the state. Many aspects of their work lives are deeply influenced and controlled by elected leaders. For most of us, there are improvements that can be made to our industries, working conditions, communities, and everyday lives through collective political and legislative power. Our local, state, and federal elected representatives are important partners in building stronger, more equitable communities all across

our country, and our union's political and legislative work helps educate and advocate for meaningful and positive change.

**Who does FPSU Support?** SEIU Florida Public Services Union supports union members first and foremost. Our member-driven endorsement process results in supporting only pro-SEIU, pro-worker candidates for local, state and federal offices. Like our union brothers and sisters we are bi-partisan, and endorse candidates based on their support of working families and their commitment to protecting and expanding access to union membership, not their party affiliation.

**How do I contribute?** COPE contributions are voluntary, and you choose the level at which you'd like to support the work we do. If you're ready to join the broader fight for worker justice and stronger communities please visit [www.fpsumember.com/cope](http://www.fpsumember.com/cope). You can also reach out to your union representative for more information.

## Recruiting New Members

Becoming a member of SEIU-FPSU is the fastest way to make your voice heard. As a member of SEIU-FPSU you will become a part of a family that works tirelessly to improve the lives of its members. We fight for wages, workplace conditions, contracts, and in our communities to stand against racial and economic injustice. Fill out the application online and join the movement of working families for progress. Sign up New Members at [www.fpsumember.com](http://www.fpsumember.com) on our secure server.



FRED WINTERS ENJOYS  
A CUP OF SOUP AFTER  
MORE THAN 14 DAYS ON  
HUNGER STRIKE FOR  
COUNTY BUS DRIVERS.

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.[illegible]

This image shows a single sheet of white paper with horizontal blue lines, similar to standard notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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A single act is worth more than a thousand words.

