

A Magazine for the Federation of Private Employees

A DIVISION OF THE NATIONAL FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES (AFL-CIO)

THE FEDERATION FORUM

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In Solidarity for a Happy New Year 2011



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Union at Work

Dear Members,

I wish a healthy, safe and prosperous New Year for all our members and their families. That said, as the year 2011 starts, I sincerely hope that economic change develops by years end. This month the Manufacturer's Price Index (MPI) rose to 57.3 %, anything over 50% means a shift of the economic indicator. There are other trends that lead to signs that the private sector is recovering from the recession.



*Guy T. Masters
Division President*

The Consumer Price Index (CPI) which is the actual gauge for negotiating wages for private sector employees, as reported in December 2010, rose to 1.5% before seasonal adjustments. The next report is due for release February 17, 2011. Lets' keep our fingers crossed as the indicators are finally pointing in the right direction.

If one thing in life is true is that, "the only constant thing is change". The change which has happened in the United States Congress with the New Year is showing signs that Congress is coming out against Unions more than ever.

Now is the time for all Union members to ask, what can they do for their Unions, not what is the Union doing for me? This year it is more important than ever for members to attend union sponsored functions with their Central Labor Councils (CLC) and Community Groups such as, Alliance for Retired Americans (AFRA), A Phillip Randolph Institute (APRI) and Working America (workingamerica@aflcio.org).

It is misunderstood too often as to what our Unions' are doing for the working class. Without being involved with the organization you may miss or misinterpret what is happening around you. Being involved opens your eyes and understanding from the other perspective of which you've not seen.

Did you know the new United States Congress struck the word "Labor" from the name of the "Committee of Education and Labor", that shows the United States Congress's anti-labor stance. Labor Unions, working women and men have survived some of the most tumultuous economic times over last century by sticking together. Now is the time for working people to come together.

Maybe you are not aware that our Union as all others are fighting in the U.S. Congress, State Senates and Houses to defeat the deterioration of social security and healthcare among other issues which many working class people depend upon. You should be, so please get involved!!!

Thank you for your membership and hoping your families enjoy a better year.

Fraternally,

Guy T. Masters
Division President

2010

Charles J. "Chuck" Browne Memorial Scholarship Winners

We at the National Federation of Public Employees are very proud to see so many people interested in furthering their education. The Scholarship Committee after reviewing the essays, transcripts and volunteer information, is pleased to announce seven scholarships in the amount of \$1,500, given to the following people:

Dillon Popovich is currently attending South Florida Community College.

Albert Ciavolino is currently working on a Bachelors Degree in Computer Science along with obtaining a Microsoft Certification for Network Engineering.

Angela Dickens is currently attending Everest University.

Victoria Lambert is attending Hillsborough Community College.

Darren Edwards is attending Florida State University.

Bianca Valvezan will be attending Florida State University.

Tracey Julien is currently attending Florida Memorial University.



All Essays are available for your viewing at the Federation Headquarters.

Congratulations to all our winners.



GRIEVANCE ROUND-UP



Glynda Lynton

Is it a Grievance?

One of the most common problems faced by Stewards and Business Representatives is also one of the most basic: deciding whether a complaint is a legitimate grievance. How do you determine if there are legitimate grounds for a grievance? There are five basic ways.

Does it Violate the Contract? Look at the union contract (or memorandum of understanding or whatever it's called in your workplace). While the meaning of a specific piece of contract language can be debated, you're usually in a good position to argue that a certain section or clause has been violated.

Does It Violate Past Practice? Is what's going on a violation of past practice? Even if something isn't spelled out in the contract, if it's been done that way for years, a change or crackdown may as well be a violation. Let's say an employer has always given a little slack to workers who arrive late during traffic jams. All of a sudden he starts docking people who arrive even five minutes late when a major accident is evident. In such a case, you've got a pretty good past practice grievance on your hand. (The burden of proof falls upon the Union to prove the case, not management).

Does it Violate Employer Rules? Has there been a violation of your employer's own rules and regulations? Uneven enforcement of the rules can provide the grounds for a grievance. For example, a worker caught smoking in a nonsmoking area can't be fired if other people routinely do the same thing and are not disciplined. If supervisors/managers escape employer discipline when they take extra-long breaks, even though the employee handbook says you will get in trouble by doing so, then workers should get the same latitude.

Does it Violate the Law? Your employer can't violate the law. Even if your contract is silent on a specific issue, you still have the right to grieve if the employer does something illegal. Let's say your contract doesn't speak to health and safety issues, but your boss orders you to do something that's clearly dangerous. You don't have to cite contract language as the basis for your grievance; you can point instead to state, county or federal occupational safety and health legislation.

Does it Violate Basic Rights? Finally, you can have a legitimate grounds for a grievance if a workers' basic rights are violated. If there's been discrimination, you may have something to grieve. Discrimination occurs when two people are treated differently under the same conditions, in a way in which one of them is harmed or treated unequally. While the most common types of discrimination tend to be based on race or sex, there are other ways as well, including age, physical appearance, personality – and union activity, for that matter. Be aware that discrimination charges can be awfully hard to prove. If you can base your case on contract language you'll find your case a lot easier to pursue.

Determining what's a grievance, and what isn't can be tricky. And it's important. A steward who pursues non-grievances quickly loses his or her credibility – with co-workers, with the union leadership and with the employer. On the other hand, a steward who turns away workers' complaints out of the belief that they aren't legitimate grievances, when in fact they are, will quickly find him or herself on the sidelines.

GRIEVANCE ROUND-UP



Guy Masters

NYRA (New York Racing Association);

An employee was terminated for dishonesty by impeding an investigation. The Union filed a grievance on the employees' behalf, which ended up in arbitration. The employee was reinstated with seniority and benefits as a result of the arbitrator's award.

The Union also filed a grievance on behalf all NYRA employees as the employer has violated a past practice by unilaterally changing terms and conditions of employment by writing up employees for excessive absenteeism when they have used up their vacation and sick time, where before employees were allowed to bring in a doctors certificate if the used up their time. This grievance is currently pending.

RGL (Renaissance Global Logistics);

A Team Leader was suspended for three (3) days for signing off on parts that were shipped incorrectly. The Union grieved the suspension on behalf of the employee and as a result the suspension was reduced to a written reprimand and the employee received three (3) days back pay.

Two (2) employees were not afforded to work overtime and two less senior employees each worked two (2) hours of overtime. A grievance was filed and the two (2) employees received two (2) hours of overtime each, at their current overtime rate of pay.

An employee was suspended for one day for violating the absenteeism/tardiness policy and after further review by the Union it discovered a mistake and the employee was awarded eight (8) hours back pay.

A senior employee was not allowed to work an additional hour while a less senior employee worked. The Union grieved it on behalf of the employee and the senior employee received the one hour back pay.

Another employee was suspended for three (3) days for violating the absenteeism/tardiness policy and after further review by the Union it was reduced to a written warning and the employee received twenty-four (24) hours of back pay for the illegal suspension.

I yet another case a senior employee was not given the opportunity to work two (2) hours of overtime. The Union got involved and the employee received two (2) hours of back pay.

Road & Rail Services, Inc. (Melvindale)

An employee was written up on a safety violation for not having multiple air hoses hanging and undipped. After a grievance was filed at the hearing it was proven and determined that the secondary clip could not be locked into place and as a result the safety points were removed from that employee as the incident was beyond the employee's control.

An employee was not called in to work on his shift and a less senior employee worked. After filing a grievance the senior employee received a days' pay for not being called into work.

An employee was written up and suspended for three days for damaging a spotter truck. The Union filed a grievance and the disciplinary write up and points were removed and the employee received his three (3) days of back pay.

An employee was sent for a drug test after an incident of equipment damage and came up positive. The situation was grieved on the grounds that other employees involved were not sent for drug testing. The employee received no discipline in this case and there was no loss of safety pay as there was no equal treatment of all employees.

An employee lost six (6) hours of pay for not being allowed to work and Steward Steve Falandysz brought the issue to managements' attention and the employee received his back pay. The same employee had a further incident and received two (2) disciplinary points and loss of his annual and weekly safety incentive pay, after the Union filed a grievance as a result the two (2) safety points remained, but the employee was allowed to keep his annual and weekly safety incentives pay for having a good past safety record.

Nelson Tree Service, Inc.

On two (2) separate occasions two different employees' had incorrect hire dates, the Union notified management and after discussions both employees received the correct hire date and correct EPL's.

An employee was terminated for insubordination and called the Union. The Union filed a grievance on the employee's behalf and after a hearing the employee was reinstated with benefits to his foreman position and transferred to a new location.

AN IMPORTANT MESSAGE FROM YOUR UNION

Corporations Hold All the Power

Corporate greed has led us into the worst economic crisis since the Great Depression. But our economy won't recover until we are able to restore the balance of power in the workplace.

Right now, corporations routinely harass, intimidate, coerce and fire workers just because they want the freedom to bargain for a better life—and even if companies get caught, all they get is a slap on the wrist.



RESTORE THE BALANCE

And Turn Our Economy Around with the Employee Free Choice Act

The Employee Free Choice Act will:

- Restore workers' freedom to make their own decision about how to join together to bargain for better benefits and fair wages.
- Create real penalties for companies that violate workers' rights.
- Provide mediation and arbitration to help workers and employers come to agreement on a first contract.

Don't let the senators you elected side with the CEOs whose reign of greed wrecked our economy.

CALL YOUR SENATORS TODAY TOLL FREE AT

1-866-207-2060

Urge Them to Support the Employee Free Choice Act to Help Working People Rebalance the Power

For more information, contact [your union] at [number] or visit www.EmployeeFreeChoiceAct.org.



FEDERATION CONTACT INFORMATION

FEDERATION OFFICE HOURS
MONDAY-THURSDAY 8 A.M. - TO 6 P.M.
FRIDAY 8 A.M. - TO 4 P.M.

www.FederationMembers.org

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Important Dues Information

As a union member who is on payroll dues deduction for your monthly union dues, you need to know the following:

If you are on **Worker's Compensation Leave, Disability Leave, Maternity Leave**, etc... then you are no longer on the payroll and monthly union dues are not being deducted and remitted. Therefore, you are responsible for sending in your minimum monthly union dues of **\$15.00** to the Federation (1700 N.W. 66th Avenue; Suite 100; Plantation, Florida 33313) in order to maintain your active member status with the union. **If you do not send in the minimum dues requirement, then you may be dropped from the union membership and lose the free Life Insurance that the Federation provides.**

When you return to work, make sure your union dues are being deducted. If your union dues deduction has not been reinstated, please contact the Federation and your payroll department immediately.

Should you have any questions please contact Chris Mahadeo at 954-79-7575 ext. 228 for further details.

The Federation of Private Employees

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