

NUHW

BASIC STEWARD TRAINING

Name: _____

Date: _____

NUHW

**BASIC
STEWARD
TRAINING**

BASIC STEWARD TRAINING

AGENDA

1. WHAT IS A UNION and BUILDING THE MODEL UNION..... 2

2. INTRO TO ROLE OF A STEWARD 5

3. SOLVING PROBLEMS ON THE JOB 6

4. OVERVIEW OF LEGAL RIGHTS AND RESPONSIBILITIES 10

- WEINGARTEN RIGHTS 10
- THE DUTY OF FAIR REPRESENTATION..... 11
- LEGAL RIGHTS OF STEWARDS..... 12
- THE 7 TESTS FOR JUST CAUSE FOR DISCIPLINE..... 13

5. OVERVIEW OF GRIEVANCES..... 16

6. MEETING WITH MANAGEMENT 26

WHAT IS A UNION?

A union is an organization of workers who are employed by the same employer and who use their collective power to:

- Stop the employer from doing what the workers don't want, such as firing employees without justification, discriminating against workers, making changes without workers' input, and cutting staff to increase profits.
- Make the employer do what the workers want, like paying fair wages, providing decent benefits, and hiring enough staff to provide quality care.

Individual workers, on their own, just can't match the power of the employer, because the employer has the ability to fire workers. Without a union, the employer can cut pay, eliminate benefits, change working conditions, or fire employees for no reason.

For more than 200 years, workers have learned that they can match the strength of their employer if they stand together as a group.

One common misunderstanding — one that is often encouraged and reinforced by employers — is that a union is an outside entity, a third party that intervenes between management and workers. It's simply not true.

You and your co-workers are the union. Together you set your goals, choose your representatives, and negotiate with the employer. The union consists of the workers, standing together and speaking with one voice.

So when the employer attacks the union, the employer is really attacking you and your co-workers and your right to stand together and use your collective power to make your voice heard.

By joining and participating in a union, you are taking part in a movement that has a long history. As a union member, you benefit not only from the gains won by your union in your workplace, but by all unions and all workplaces, going back decades, even centuries.

Many of the workplace standards we now take for granted were initiated, fought for, and won by unions. The eight-hour work day, the five-day work week, sick pay, vacation pay, maternity and paternity leave, retirement benefits, health care coverage — none of these were offered by benevolent employers eager to improve the lives of their workers. These benefits were demanded and won by workers, by union members who fought, sacrificed, and even died in the struggle for workers' rights.

NUHW and its predecessor unions, SEIU-UHW and Local 250, have been responsible for many of the most significant gains that healthcare workers have made since Local 250's founding in San Francisco in 1934.

By standing together with your fellow workers, you are honoring the efforts and sacrifices of previous generations of workers and helping to ensure better pay and working conditions for future generations.



BUILDING THE MODEL UNION

1. DEMOCRACY

Members vote on officers, stewards, bargaining team, union proposals, contracts, next steps, changes to the union's constitution and bylaws

2. WORKPLACE ORGANIZATION

Well-charted facility with stewards in every department/group and each shift, regular membership meetings that ensure an engaged and involved membership

3. TRAINING AND DEVELOPMENT

Regular steward trainings

4. PATIENT ADVOCACY

Cornerstone of our role as caregivers is to be able to ensure our patients receive the care they need and deserve.

5. NEW ORGANIZING

Bringing the bottom up to raise the ceiling and improve standards for all workers

6. POLITICAL ACTION

Members participating in the COPE fund and influencing elected officials

7. RESEARCH

Investigating and documenting standards and practices of our employers and other employers to equip ourselves with valuable information to negotiate fair contracts and hold management accountable to quality patient care standards

8. COMMUNICATION

Regular newsletters, updated bulletin boards, getting the word out to our members and the larger community

NOTES

[illegible]



INTRO TO THE ROLE OF A STEWARD

STEWARD 10 COMMANDMENTS + 1

1. You shall be a leader.
2. You shall be an organizer.
3. You shall involve workers in meetings with the boss.
4. You shall resolve issues as a group and develop a process to do so.
5. You shall read, know, and enforce your contract, continually developing your skills.
6. You shall report back to your co-workers regarding meetings.
7. You shall delegate and share responsibilities.
8. You shall have a plan.
9. You shall be political, in two senses of the word, moving toward inspiring workers.
10. You shall exhibit confidence and act, even in the face of fear.
11. You shall be honest and fair.

SOLVING PROBLEMS ON THE JOB

ADMINISTRATIVE

DIRECT COLLECTIVE ACTION

Section 7 of the NLRA: Under the National Labor Relations Act:
“Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection.”

CRITERIA FOR A GOOD ORGANIZING ISSUE:

1. Widely felt
2. Deeply felt
3. Winnable
4. Meaningful improvement in people’s work lives
5. Strengthens the union

SOLVING PROBLEMS ON THE JOB

YOUR DIRECT ACTION MUST-HAVES

- 1. ASK:** How can you win if you don't have a desired outcome? Have clarity within your group about what you want to achieve. It helps to build unity and gives the boss a clear message.
- 2. TARGET:** Talk to the right person. Marching on an ineffective and powerless manager can be a waste of everyone's time. But sometimes it is a necessary step. It can force the ineffective manager to tell you who really has the power OR it can force the real target out of hiding.
- 3. WAY TO BUILD POWER FOR THE GROUP:** Actions that don't build power are a waste of time, energy, and resources. Even when the direct action doesn't result in the desired outcome, workers are still building strength and power for the next fight.
- 4. SCOPE TO PUSH THE EXPERIENCE OF THE GROUP:** Rubber band analogy: Leaders' should aim to stretch their coworkers far enough to challenge them without breaking the rubber band.
- 5. SCOPE TO PUSH THE EXPERIENCE OF THE BOSS:** An effective tactic in fighting the boss is using the element of surprise. If the boss is ready for a march on the boss but not prepared for a call-in action, you can gain ground in your fight as the boss is shuffling to respond to the unexpected.
- 6. ETHICAL SUPERIORITY:** Fighting for justice is always the right thing to do. When you fight from higher ground, you leave the boss no choice but to engage on higher ground. It also forces the boss onto weakened ground and makes it difficult for them to build community and political support. Conversely, we gain support by taking the moral high road.
- 7. STRENGTH TO MOVE THE BOSS INTO ACTION:** If the boss can ignore your attacks, what use is the effort? The purpose of a direct action is to produce a result.
- 8. JOY:** Let's remember to have fun. We want workers to get involved and stay involved. There is no reason we can't have fun. When possible, include music, food, and art to enhance the experience.

NOTES

This image shows a single sheet of white paper with horizontal 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.

NOTES

This image shows a single sheet of white paper with horizontal 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.



LEGAL RIGHTS AND RESPONSIBILITIES

WEINGARTEN RIGHTS/STATEMENT

"I request to have a union representative present on my behalf during the meeting because I believe it may lead to disciplinary action being taken against me. If I am denied my right to have a union representative present, I will refuse to answer accusatory questions and any questions I believe may lead to discipline."

RULE 1

The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

RULE 2

After the employee makes the request, the employer must choose from three options:

- Grant the request and delay questioning until union representation arrives and has a chance to consult privately with the employee
- Deny the request and end the interview immediately
- Give the employee a choice of having the interview without representation or ending the interview

RULE 3

If the employer denies the request for union representation and continues to ask questions, the employer commits an unfair labor practice and the employee has the right to refuse to answer. The employer may not discipline the employee for such refusal.

LEGAL RIGHTS AND RESPONSIBILITIES

DUTY OF FAIR REPRESENTATION

The duty of fair representation is the legal duty of a union to represent all of the workers in a bargaining unit equally and in good faith.

This duty requires that the union act fairly, impartially, and without ill will or discrimination when considering a worker's grievance. The union is required to take reasonable steps to investigate a grievance and must represent members objectively.

The duty requires three things on the part of the union:

- all members will be represented without discrimination
- discretion will be exercised with good faith
- the union will not act arbitrarily

The duty of fair representation does not require the union to pursue all grievances until the final possible stage of the grievance procedure or to take all the steps that the member might want it to. It does require that the union's decisions on whether to process a grievance or go to arbitration be objective and based on the facts of the case, not arbitrary feelings about the grievant.

As a steward, remember to:

1. Treat all members equally.
2. Never discriminate against a member based on race, gender, sexual orientation, political affiliation, religion, national origin, or other reason.
3. Do a thorough investigation of the facts of the possible grievance and be sure to keep good records of your investigation.
4. Have an honest, transparent process about whether you intend to process a grievance and your objective rationale.
5. File grievances within timelines.
6. Consult with veteran stewards and union staff if you are handling a situation that you are unsure about.



LEGAL RIGHTS AND RESPONSIBILITIES

LEGAL RIGHTS OF STEWARDS

Stewards have some protected legal rights including the following:

1. Equal status with management when functioning as a steward representing the union in an official capacity.
2. The right to robust debate during a meeting with management when functioning as steward representing the union in an official capacity.
3. A right to solicit, investigate, and file grievances.
4. The right to request information from management to investigate and handle a grievance.
5. The right to hold grievance files confidential.
6. The right to organize collective worksite actions.
7. The right to privately speak with an employee prior to an investigatory meeting.
8. The right to actively participate in a Weingarten investigatory meeting.

LEGAL RIGHTS AND RESPONSIBILITIES

THE SEVEN TESTS OF JUST CAUSE FOR DISCIPLINE

If the answer to these seven questions is YES, management has a just cause for discipline:

1. FAIR NOTICE

Did management make the worker aware of the rule or policy which they are being accused of violating?

2. PRIOR ENFORCEMENT

Has management recently enforced the rule or policy or penalized other workers for violating the same rule or policy?

3. DUE PROCESS

Did management conduct an interview or hearing before issuing the discipline, take action promptly and list charges precisely?

4. SUBSTANTIAL PROOF

Was management's decision to accord discipline based on credible and substantial evidence?

5. EQUAL TREATMENT

Is the punishment management is proposing consistent with the punishment other workers received for the same or substantially similar offense?

6. PROGRESSIVE DISCIPLINE

During the disciplinary process, did management issue at least one level of discipline that allowed the employee an opportunity to improve?

7. MITIGATING AND EXTENUATING CIRCUMSTANCES

Was the discipline proportional to the gravity of the offense, taking into account any mitigating, extenuating or aggravating circumstances?

NOTES

[illegible]

NOTES

OVERVIEW OF GRIEVANCES

INVESTIGATING A GRIEVANCE

1. Who
2. What
3. When
4. Where
5. Why

SOURCES OF INFORMATION FOR AN INVESTIGATION:

1. People: the grievant; co-workers; witnesses to the grievance; union stewards and staff who can supply ideas about similar grievances in the past; managers/supervisors
2. Employer records: personnel files (especially if a discipline is involved); absentee records; production/department process records; schedules; policy and procedures
3. Union records: union contract; past grievance files

PARTS OF A GRIEVANCE

1. Statement of the issue (just facts, no arguments)
2. Violation (what's being violated)
3. Remedy (how we want the problem to be fixed and what the union wants out of the grievance)

GRIEVANCE WRITING TIPS

1. **Less is more.** The written grievance simply activates the grievance process. So, just write a statement with basic facts; NOT your argument. Use very simple, short, clear sentences so they aren't misinterpreted.
2. **"On or about [date]."** This will keep you from making a technical error due to a possible wrong date.
3. **"Violates the contract, including but not limited to Article __, Section __."** Use this statement so you are not limited – keeps the door open for other articles/sections to be included.
4. **"Make whole."** This is a term used in the remedy section in reference to compensating a party for a loss sustained.
5. **"Disciplined without just cause."** This is a catch all for any disciplinary grievances.
6. **"And all affected."** This term is used when filing a class action grievance, or when we're not sure who else might be impacted."

OVERVIEW OF GRIEVANCES



GRIEVANCE FORM/ FORMULARIO DE QUEJA

Name of Grievant/Nombre del Agravado _____		Facility/Hospital o Lugar de Trabajo _____
Address/Dirección de Trabajo _____	Phone/Teléfono _____	Job/Puesto de Trabajo _____
Steward/Delegado Sindical _____	Department/Departamento _____	Phone/Teléfono _____
Date Filed/Fecha en que se presentó la Queja _____	Supervisor/Supervisor _____	
Step 1 Meeting Date/ Fecha de Reunión del Paso 1 _____	Skelly Hearing Date/Fecha de Reunión Preliminar _____	
Statement of Grievance/Declaración de la Queja: _____ _____ _____		
Applicable contract provisions include but are not limited to (article/section paragraphs)/Estipulaciones del Contrato aplicables pero no limitados a (artículo/sección/párrafo): _____ _____		
Requested Resolution/Solución Solicitada: _____ _____		
Grievant/Firma del Agravado: _____		
Pursuant to the Employer's duty to bargain in good faith, the union hereby requests the following information and/or documents which are necessary and relevant to process this grievance/Es deber del empleador negociar de buena fe y del Sindicato solicitar la siguiente información y/o documentos que son necesarios y relevantes para procesar la queja: _____ _____		

Received by Administrator: _____	Title: _____	Date Received: _____
Step 2 Answer: _____ _____ _____		
Answered Received by Union Rep: _____	Date Received: _____	Satisfactory? <input type="checkbox"/> Yes <input type="checkbox"/> No

Received by Administrator: _____	Title: _____	Date Received: _____
Step 3 Answer: _____ _____ _____		
Answered Received by Union Rep: _____	Date Received: _____	Satisfactory? <input type="checkbox"/> Yes <input type="checkbox"/> No

Request for Arbitration Submitted by Division Director: _____	Date: _____
Date Closed: _____	Precedent-Setting: _____ Non-Precedent-Setting: _____

ORIGINAL - SUPERVISOR/ORIGINAL - SUPERVISOR

COPIE STEWARD/COPIA: DELEGADO

COPIE UNION FIELD REPCOPIA: REP DE LA UNION

GRIEVANCE SMALL GROUP ACTIVITY

In your small group, review the scenarios below and answer the questions that follow.

SMALL GROUP ACTIVITY #1 – CARLA AND SCHEDULING

CARLA works at Sunshine Medical Center on the hospital's large and prestigious post-partum Mother-Baby unit. She has worked on this unit for fifteen years and has oriented many new employees in the department over the years. When she came into work on Thursday she was told that she was now scheduled off this weekend. Carla told her manager, Julia, that this weekend was her usual weekend to work and noted previously posted regular weekend schedules. Carla raised an objection that no one had discussed this change with her. The manager, Julia, told Carla that she didn't have a choice. They had to drop Carla from the schedule due to hospital operational needs. Julia said that she couldn't guarantee that Carla would get those work hours back this month. Julia said that Carla and her co-workers would just need to be flexible, since more schedule changes were expected as management tried to be more responsive to patient and operational needs. Sometimes more coverage would be needed and other times less.

Here is the contract language at Sunshine Medical Center:

Article 37: Schedules shall be posted two weeks before the start of the next four week schedule. Such schedule shall not be altered without first seeking volunteers to provide needed coverage or changes and without first discussing such changes and alternate suggestions with the affected employees. Such procedure with regard to volunteers and discussions shall also apply to alterations of the established weekend cycles. Where there are changes to be made, the least senior employee shall be the first to be affected.

1. Is this a grievance?
2. Why?
3. Would it make a good issue to use collective action? Why?
4. How would you investigate this issue?
5. If it is a grievance, write a: statement of fact, what is violated, and a remedy.
6. Which legal rights that we discussed earlier, if any, would you want to keep in mind in this situation?

NOTES

GRIEVANCE SMALL GROUP ACTIVITY

SMALL GROUP ACTIVITY #2 – JOE AND DISCIPLINE

JOE is called into a meeting with his supervisor to discuss his work. His supervisor has been critical of him in the past and has said disrespectful things to him. She previously accused him of mistakes on paperwork, though no discipline was issued. The supervisor has been watching Joe like a hawk and is always by the time clock when he gets to work in the morning and when he returns from meal breaks.

1. Is this a grievance?
2. Why?
3. Would it make a good issue to use collective action? Why?
4. How would you investigate this issue?
5. If it is a grievance, write a: statement of fact, what is violated, and a remedy.
6. Which legal rights that we discussed earlier, if any, would you want to keep in mind in this situation?

NOTES

GRIEVANCE SMALL GROUP ACTIVITY

SMALL GROUP ACTIVITY #3 – MANYA AND WORKPLACE SAFETY

MANYA works in EVS. New to hospital janitorial work, she started having headaches and rashes on her hands after her first few days of work. Some of the cleaning products provided by her supervisor were in smaller, unmarked spray bottles. A more veteran co-worker, Shirley, told Manya that at least one of the products was a powerful disinfectant actually regulated as a pesticide. Shirley asked if Manya had been trained on the products when she started. She hadn't. Things were very busy her first day and since Manya had experience cleaning offices, her supervisor told her to jump right in and help. Shirley told Manya how the law requires everything to be labeled, information about the products should be available to workers, and workers need to be trained on the use of hazardous products. Shirley was working in a small, offsite clinic, but the situation with Manya raised concerns that EVS management at the main hospital building might not be observing proper safety procedures.

1. Is this a grievance?
2. Why?
3. Would it make a good issue to use collective action? Why?
4. How would you investigate this issue?
5. If it is a grievance, write a: statement of fact, what is violated, and a remedy.
6. Which legal rights that we discussed earlier, if any, would you want to keep in mind in this situation?

NOTES

GRIEVANCE SMALL GROUP ACTIVITY

SMALL GROUP ACTIVITY #4 – AN ISSUE AT YOUR WORKSITE

Describe to your small group an issue going on at your worksite.

1. Is this a grievance?
2. Why?
3. Would it make a good issue to use collective action? Why?
4. How would you investigate this issue?
5. If it is a grievance, write a: statement of fact, what is violated, and a remedy.
6. Which legal rights that we discussed earlier, if any, would you want to keep in mind in this situation?

NOTES



MEETING WITH MANAGEMENT

WHAT TO DO BEFORE, DURING, AND AFTER...

BEFORE

1. Make a plan.
2. Meet with the right person.
3. Hold pre-meeting union caucus.

DURING

1. Remember the equality principle.
2. Take control by starting and running the meeting.
3. Tone matters. Know when to “blow up,” when to act professional, when to get righteously indignant, and when to appeal for clemency.
4. Ask questions and listen/watch carefully to identify management’s position.
5. Be strategic and watch for opportunities to compromise.
6. STAY UNITED! Call a caucus if you need to discuss something privately.
7. Get any agreements in writing!

AFTER

1. If a favorable resolution is reached, get the word out to other union members.
2. If not, strategize on how to use collective action to put more pressure on management.

NOTES

This image shows a single sheet of white paper with horizontal 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.



MEETING WITH MANAGEMENT

MEETING WITH MANAGEMENT ROLE PLAYS

Each scenario will have a management team and a union team. Please prepare in your teams to discuss the below scenario in a union/management meeting.

ROLE PLAY SCENARIO #1 – CARLA AND SCHEDULING

Use the Carla scenario from the previous activity. You've filed a grievance on Carla's behalf and now it's time for a first step meeting with the employer. You've also learned in your investigation that two other people, Gina and Monica, have also been affected by a similar scheduling change in the department. So you added them to the grievance as well as all other affected employees. And the breakroom talk is that other co-workers are concerned and upset about the frequent schedule changes — no one wants it to happen to them in the future.

ROLE PLAY SCENARIO #2 – JOE AND DISCIPLINE

Following the investigatory Weingarten meeting that you had with Joe, the next day management issued him a written warning and a two-day suspension for being late to work on seven occasions over the last two months, with the most being 35 minutes late. In your investigation you learn that Joe has never had any previous discipline and that no one has ever complained about the quality or quantity of his work. Joe tells you he's a single parent with three kids ages 2, 5, and 8 and the mornings have been stressful recently as his mother used to come by the house in the morning to help, but she's been sick and in the hospital. He's worked at Sunshine Medical for five years and up until two months ago he'd never been late.

NOTES

NOTES

This image shows a single sheet of white paper with horizontal 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.