

Wednesday, October 4, 2017, 1:30 p.m.

# Union Leadership Responsibilities

Daren J. Rylewicz  
General Counsel

# What we will cover

- ✓ Principal/Agent Relationship
- ✓ Defamation
- ✓ Duty of Fair Representation (DFR)
- ✓ Effectively Representing Bargaining Unit Members
- ✓ Ethical Considerations
- ✓ Professional Conduct
- ✓ Sexual Harassment Guidelines
- ✓ Fundraising & Local/Unit Funds
- ✓ Anti-Union Animus
- ✓ Financial Duties & Political Endorsements
- ✓ Judicial Board
- ✓ Exercises

# CSEA Liability for Officers' Actions

- ◆ Principal = CSEA
- ◆ CSEA acts through agents
- ◆ Elected Officers are “agents” of CSEA
- ◆ If an Officer acts within her authority, CSEA is bound by such action

# CSEA Liability for Officers' Actions (cont'd)

- ◆ Direct or Express Authority
- ◆ Implied Authority
- ◆ Apparent Authority

# Defamation

Defamation: Attack on a person's good name, character or reputation; exposure of one to public ridicule

# Defamation

- \* Two Types of defamation:
  - \* Slander: oral statement
  - \* Libel: written statement
    - \* In both instances, the statement is false or unfavorable about an identifiable person and is “published” to a third party.
    - \* Libel can include a pictorial statement such as a cartoon.

# “Published”

“Published” means that the statement(s) were either:

- (1) said in front of or to someone, or
- (2) were distributed, left around, circulated, or otherwise made available to someone, other than the person about whom the comment is made.

# Consequences

- \* Legal and Monetary for CSEA
- \* Legal and Monetary for Individual Officer

# Defenses

- \* Truth
- \* Qualified Immunity

# Malice

- \* Actual malice means that the statement was made with knowledge of its falsehood or reckless disregard for the truth.

# Possible Exceptions

- \* Letter to the Editor
- \* Attributed quotation

# Questions to Ask Yourself

1. Is the statement I am about to make false? Is it fact or opinion? Can I verify what I think is a fact by something other than a newspaper story?

2. Is the statement I am about to make unfavorable? Does it subject the individual to public ridicule? Would I be upset if it were said about me?

3. Does the statement identify the person? Will people know about whom I am speaking/writing simply by what I say?

4. Has the statement been published?

5. Is the person I am speaking or writing about a “public figure?” If so, am I knowingly or purposely misstating or misconstruing what I know to be the facts?

# Professional Conduct

- ❖ Respect for personal space.
- ❖ Respect of privacy and confidentiality of all internal and personal matters of which you have knowledge due to your union activist positions, or otherwise become aware.
- ❖ Behavior that reflects the overall business context of any “social” events attended as a union activist, as well as the public nature of the Union’s work.

# Professional Conduct (cont'd)

- ❖ Suitable attire for the situation/occasion.
- ❖ Conducting yourself as a union activist consistent with insuring that the CSEA workplace, functions, meetings, CSEA-sponsored events, and CSEA-attended events are drug-free.
- ❖ Avoidance of any conduct or contact at any time which could place another member, staff person, or local/unit employee in an inappropriate or unprofessional situation whether at the time or upon reflection thereafter.

# Civility

1. In dealing with other persons in the labor relations process, a union activist should be courteous and civil in all communications, whether oral or written.

## Civility (cont'd)

2. In dealing with other persons in the labor relations process, a union activist should seek to resolve issues and avoid litigation to the greatest extent possible.

## Civility (cont'd)

3. In dealing with other persons in the labor relations process, a union activist should be reasonable and fair with respect to requests for information, time, scheduling, and meetings.

# Civility (cont'd)

4. In dealing with other persons in the labor relations process, a union activist should not use the process, or any steps or requirements thereof, as a means of harassing or embarrassing the employer or its representatives.
5. In dealing with other persons in the labor relations process, a union activist should be mindful of the need to protect the image and reputation of the Union in the eyes of its members and the public.

# Ethical Considerations

A Union Activist should:

- Have the appropriate training, certifications, and continuing training to fulfill their “representation roles” appropriately and competently.
- Not engage in any conduct involving dishonesty, fraud, deceit or misrepresentation.
- Avoid any conflicts of interest, potential or real, in his/her “representation role” or otherwise.

# Ethics (cont'd)

- Fulfill the Union's Duty of Fair Representation by acting on all matters involving representation of bargaining unit members in a timely and non-negligent manner, regardless of the individual or issue involved.

# Ethics (cont'd)

- A Union Activist must preserve all confidences gained in his/her “representation role” even after the matter is concluded.
- A Union Activist should abide by the Union’s rules, policies, governance requirements, and otherwise at all times.
- A Union Activist, when representing a member in a disciplinary matter, must insure that the interests of the member are given due consideration whether those interests are consistent with or in conflict with that of the subdivision itself.

# Ethics (cont'd)

- A Union Activist cannot represent individual members whose matters and/or interests are in conflict. The Activist, however, must insure that both members are represented by referring the issue to the CSEA Legal Department for guidance.
- The Union Activist must insure that any actions he/she takes are supported by proper authorization and/or are within his/her scope of authority.
- The Union Activist must keep proper records of all transactions and matters in which he/she is involved on behalf of the Union and/or its members.

# Sexual Harassment

Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made a term or condition of an individual's continued participation in Union activity or their employment.
2. Submission to or rejection of such conduct is used as a basis for decisions affecting an individual as a Union member or as an employee.
3. Such conduct is intended to interfere or results in interference with an individual's participation or performance or creates an intimidating, hostile, or offensive environment for that individual.

# Sexual Harassment (cont'd)

## ***Verbal Harassment*** includes:

- Derogatory or vulgar comments regarding a person's gender.
- Sexually suggestive language.
- Sexually vulgar language.
- Remarks about a person's physical anatomy or characteristics.
- Threats of physical harm.

# Sexual Harassment (cont'd)

## ***Non-Verbal Harassment*** includes:

- Exhibiting and/or distributing sexually suggestive written or graphic materials.
- Nude pictures.
- Sexually oriented magazines or posters.
- Other works or pictures of a sexually suggestive nature.
- Also included are leering and staring.

# Sexual Harassment (cont'd)

## ***Physical Harassment*** includes:

- Touching another person in a sexually suggestive way.
- Touching another so as to invade their personal privacy.
- Physical contact such as hitting or pushing or threats to take such action.

# Anti-Union Animus

In order to win a case of anti-union discrimination we must present probative evidence satisfying the burden of proof.

There are three essential elements necessary to prove a case of discrimination based on union activity:

- The Employee or Employees have engaged in activity which is protected under the Taylor Law or the NLRA;
- The protected activity was known to the person(s) making the adverse employment decision;
- The adverse employment decision would not have been made but for the protected activity; OR was inherently destructive of important employee rights.
- CSEA must present evidence which demonstrates all elements.

# Protected Activity

The activity must in some way relate to the terms and conditions of employment. The following are examples of activity which has been recognized to be protected activity:

- filing a grievance or an improper practice charge or participating in those proceedings;
- unit officer filing a health and safety complaint with the appropriate authority;
- announcing an intention to run for union office;
- unit officer's vocal opposition to an employer's staffing decision;
- written communication to the unit membership regarding terms and conditions of employment;
- working to organize a union.

# Protected Activity

Protected activity in the private sector must:

- \* be in the mutual aid and protection of workers;
- \* be done in a concerted fashion;
- \* not be so disruptive as to go beyond the protections of the Act.
- \* “Concerted Activity” generally requires two or more employees working together at the same time and in the same place toward a common goal. However, where an employee acts individually by asserting a right derived from the collective bargaining agreement, the activity may be “concerted” because the right is for the mutual aid and protection of all employees.

# Unprotected

- \* Political activity by union officials acting within the political department or processes of the union is unprotected under the labor laws.
- \* Retaliation against a unit member for filing a claim of sex or race discrimination may not constitute protected activity.

# Showing Management Knew

In most cases, it is not difficult to demonstrate that the person who made the retaliatory decision was aware of the protected activity. Frequently, the protected activity is done in front of management or management does not dispute that it was aware of the protected activity.

When an employment decision, such as termination, is tainted by an improperly motivated recommendation, the employment decision may be found to constitute a violation of the applicable labor law.

# But For

Generally, this is the most difficult aspect of any anti-union case: demonstrating that the employer retaliated only because of the protected union activity.

Nevertheless, there are a number of ways to prove this element of a case:

1. Direct evidence: statement by management representatives
2. Circumstantial evidence
  - \* Timing and Content
  - \* “Disparate Treatment”
  - \* An employer’s misleading explanations for their action against an individual is probative to the question.

# DFR

1. The Union's action or inaction was for the wrong reason.
2. The Union's action or inaction was arbitrary, that is, there is no basis to explain the Union's failure to represent an individual employee.
3. The grievance time limits were not adhered to.
4. The Union failed to notify the grievant that a case would not be taken to arbitration, thereby causing the grievant, in the meantime, to reject a proposed settlement.
5. The Union's "change of heart." Where the Union starts to process a grievance and then changes its mind, there must be a good reason for the change.

# You Should...

- ✓ Thoroughly investigate possible grievances.
- ✓ Keep accurate records of grievance investigations and filings.
- ✓ Act as a strong advocate.
- ✓ Follow the contract regarding the grievance procedure.
- ✓ Keep the employee(s) informed about the status of the grievance, including notifying employee(s) if the grievance is dropped.

# You Should NOT...

- ✘ Refuse to process a grievance because the grievant is a troublemaker, a political opponent or an unpopular person.
- ✘ Fail to file grievances and responses within the time limits spelled out in the contract.
- ✘ Fail to process a clearly meritorious grievance.
- ✘ Fail to notify the grievant that the Union has rejected his or her case, causing the grievant to reject a proposed settlement.

# Effective Representation

1. Investigate grievances, disciplines and other workplace issues swiftly and thoroughly.
2. Keep the member informed about the status of the case.
3. Work with the CSEA Labor Relations Specialist.
4. Keep track of, and meet, all time limits.

# Effective Representation (*cont'd*)

5. Not promise what you cannot deliver. As a general rule, it is advisable to ask members to check the status of the case with you rather than to say you will get back to them.
6. Keep good written notes of all of your conversations and interactions regarding representation of members and fee payors.
7. Use appointments with the staff attorney on his/her Region visits to help assess any difficult situations.

# Financial Duties President

- Sign checks with Treasurer only after determining that proper documentation for the expenditure is provided and that the expenditure is for appropriate and necessary union business.
- Initiate appropriate actions to maintain financial stability of the Region/Local/Unit.
- Review financial reports to be submitted to the Executive Board and the membership.
- Review financial reports required to be submitted to the Statewide or Local Treasurer.
- Ensure all required governmental reports are filed with the IRS and USDOL (if required) on a timely basis.
- Appoint, with Executive Board approval, the Standing Audit and Budget Committees.
- On or before November 1 of each year submit the approved Budget to the Statewide or Local Treasurer.
- Perform all other duties as required by the Local/Unit Constitution.

# Financial Duties Treasurer

- Receive all money for the Local/Unit.
- Deposit all money in the subordinate's bank account.
- Write checks as required by the subordinate's Constitution or authorized by the Executive Board. Always have authorization, documentation and explanation before issuing a check.
- Prepare bank reconciliation for each account each month.
- Sign checks with President only after determining that proper documentation for the expenditure is provided and that the expenditure is for appropriate and necessary union business.
- Maintain all financial records.
- Report financial affairs to the Executive Board.

# Treasurer (cont'd)

- Act as custodian of all union property.
- Ensure the approved Budget is submitted on or before November 1 of each year to the Statewide Treasurer or Local Treasurer.
- On or before January 1 of each year submit the annual Financial Report, a copy of the prepared IRS Form 990 or 990-EZ or a copy of the IRS acceptance of a filed 990-N e-Postcard and, if required, a copy of the filed USDOL LM-2/LM-3/LM-4 Report to the Statewide or Local Treasurer.
- File all required governmental reports on a timely basis with the IRS, USDOL or other federal or state agencies as required. These include the IRS Form 990/990-EZ/990-N, and if required, the USDOL LM-2/LM-3/LM-4, IRS Form 1099-MISC with Form 1096 and all required payroll returns.
- Provide the Local/Unit Audit Committee with all necessary financial information to complete the mandatory Audit Report and ensure the Audit Report is submitted on or before January 1 of each year to the Statewide or Local Treasurer.
- Conduct the fiscal affairs of the Local/Unit in a responsible manner.

# Financial Duties Executive Board

- Oversee and provide advice regarding financial transactions of the Local/Unit.
- Approve only expenditures that are for appropriate and necessary union business for the exclusive benefit of the union's members.
- See that prudent guidelines exist and are followed for any major purchase or commitment of union funds, including multiple vendor bids.
- Ensure that financial stability of the Local/Unit is maintained; expenditures should not exceed income.
- Review and approve the annual Budget of the Local/Unit.
- Review the completed annual Financial Report, Audit Report, IRS Form 990/990-EZ/990-N and, if required, the USDOL LM-2/LM-3/LM-4 Report.
- Ensure the annual Budget, Financial Report, Audit Report, a copy of the prepared IRS Form 990 or 990-EZ or a copy of the IRS acceptance of a filed 990-N e-Postcard and, if required, a copy of the filed USDOL LM-2/LM-3/LM-4 Report are submitted annually to the Statewide or Local Treasurer on a timely basis.
- Ensure that all required governmental reports are filed on a timely basis with the IRS and, if required, the USDOL or any other federal or state agencies.
- Perform other duties as required by the Local/Unit Constitution.

# Financial Duties Set Forth in Local & Unit Constitutions

- \* Fiscal Year
- \* Refunds
- \* Budgets
- \* Approval of Excess Expenses
- \* Two Signatures

# Financial Duties (cont'd)

## ❖ Investments

- \* No officer or member of the Local/Unit Executive Board shall invest, or cause to invest, union funds in any manner which result in personal profit or advantage for any officer or member of the Local/Unit.

## ❖ Honoraria

- \* Money may only be paid by a Local/Unit to individuals pursuant to duly approved reasonable honoraria or for the reimbursement of reasonable, actual and necessary expenses incurred in furtherance of union business.
- \* “Reasonableness” shall be determined on the basis of the following factors: number of members in the Local/Unit; amount of unreimbursed time spent on union business; financial condition of the Local/Unit; amount of unreimbursed travel on Local/Unit business and other necessary expenses.

# Financial Duties (cont'd)

- ❖ Reimbursements

- ❖ Delegates' Expenses (Locals)

- ❖ Gifts

- ❖ Indebtedness

No Local/Unit shall incur any indebtedness without the prior approval of the Board of Directors of the Statewide Association.

- ❖ Leases, Contracts, etc.

- ❖ Loans

# Financial Duties (cont'd)

- \* Expenses for Local/Unit Offices
- \* Records
- \* Dissolution
- \* Disassociation

# Financial Duties (cont'd)

- \* Transfer to Another Local

- \* No Funds in Union Elections

- \* Guests

No Local/Unit money shall be used to fund or reimburse guests at the Annual Meeting of the Association.

# Political Contributions

- Political contributions are prohibited. Any and all such requests should be addressed to the Region Political Action Committee.

# Political Endorsements

- \* Only the Statewide Political and Legislative Action Committee or, in local elections, the Region Political and Legislative Action Committee, to the extent specifically authorized by the Board of Directors of the Statewide Association, may determine endorsements of any candidate for political or party office or any proposition on behalf of CSEA.
- \* No Region or member may endorse or give the appearance of endorsing by publicizing to the membership or media any candidate for political or party office or any proposition until that candidate or proposition has been approved by the Statewide Political and Legislative Action Committee, or in local elections, the Region Political and Legislative Action Committee to the extent specifically authorized by the Board of Directors of the Statewide Association.

# Local/Unit Recommendations

A Local or Unit may make recommendations for CSEA endorsement or contribution through its Political and Legislative Action Committee.

- \* For Locals, such recommendation shall be made directly to the Region Political and Legislative Action Committee or, in the absence of the Region Committee, directly to the Statewide Political and Legislative Action Committee.
- \* For Units, such recommendation shall be made directly to the Local Political and Legislative Action Committee or, in the absence of the Local Committee, directly to the Region Political and Legislative Action Committee. In the absence of a Region Political and Legislative Action Committee, such recommendations may be made directly to the Statewide Political and Legislative Action Committee.

# Recommendations (cont'd)

- \* Any recommendations of the Local or Unit with reference to matters of principle or policy, or proposals to be submitted to the Governor, the Legislature, or to the executive or administrative heads of State government shall first be submitted to the Executive Officers of the Statewide Association.
- \* No officer or representative of the Local/Unit shall be empowered to take any action on behalf of the Local/Unit, Region or Statewide Association before the Governor, the Legislature, or the executive or administrative heads of State government with reference to such matters or proposals unless expressly authorized by a majority of the Executive Officers of the Statewide Association.

# Judicial Board

The Judicial Board has the power to hear and investigate all complaints and charges against CSEA members and/or officers.

## Process

Any member, officer, or executive board may file a complaint—Must use Complaint Form.

# Basis for Complaint

- A violation of any provision of the Statewide, Region, Local or Unit Constitution.
- Misappropriation, embezzlement, improper or illegal use of union funds.
- Any conduct which aids or supports, or is intended to aid or support, a competing labor organization.
- Refusal or failure to carry out legally authorized mandates or decisions of the President of the statewide Association, the Board of Directors of the statewide Association, the Delegate Body or the Judicial Board.
- Using the name of the statewide Association, or any Region, Local, or Unit thereof, in an unauthorized manner or for an unauthorized purpose, including publicizing through the media any political endorsement contrary to the endorsements and positions approved by the Statewide and/or Region Political Action Committees.

# Basis for Complaint (cont'd)

- Interfering with any elected official of CSEA in the discharge of that official's lawful duties.
- Solicitation or acceptance for personal gain of any money or the acceptance of any gift of more than nominal value from any employer, employee of the union, or from any person or firm which has or which is seeking to establish a business relationship with the Statewide Association or any subdivision thereof.
- Conviction of a crime, the nature of which is such as to bring the union as an organization into disrepute.
- Knowingly submitting a false financial statement or audit report to the Statewide Association or any subdivision thereof.
- Any other conduct detrimental to the best interests of CSEA.

# Formal Charges

Where the Board determines that there is probable cause to believe that the complaint could sustain a finding of misconduct, the Board will issue formal Judicial Board Charges.

The subject of the charges will be given an opportunity to file an Answer.

Where the Charges are admitted, the Board may offer a settlement in lieu of a hearing.

# Hearing

If there is a hearing:

There is usually one Board Member as the Hearing Officer and one additional member that hears the case, along with the Judicial Board Counsel.

Both the Charging Party and the Responding Party may be represented by an attorney. No attorney is necessary or required and the hearing is fairly informal.

If any party has an attorney, the costs associated with that representation must be borne by them.

Both parties may testify, call witnesses, cross examine opposing witnesses and offer evidence.

# Penalties

If the Charges are not dismissed after hearing, there will be penalties. The following are the penalties:

- Formal reprimand
- Full or partial restitution
- Removal from office or position
- Suspension of right to hold or seek any elected or appointed office for up to 5 years
- Suspension from membership for up to 3 years
- Expulsion from membership

# Appeals

A Judicial Board decision may be appealed to the Board of Directors Appeals Committee. The Appeals Committee may only affirm the Board or send the matter back for reconsideration of the penalty.

There is no new hearing.

# Matters Not Covered

The Judicial Board has no jurisdiction and therefore does not cover:

- Union election-related complaints
- State Operations/Field Operations Complaints relating to negotiations and ratifications
- Legal
- Personnel matters

# Express, Implied or Apparent

Identify which method of authority is illustrated by the following examples. Mark “E” for expressed; “I” for implied; “A” for apparent; or “None” for unauthorized.

1. \_\_\_\_\_ Local President signs off on a grievance.
2. \_\_\_\_\_ Education Committee Chair contracts for training space.
3. \_\_\_\_\_ Political Action Chair authorizes scathing letter to the editor which is published in the local newspaper and signs it as the CSEA PAC Chair.
4. \_\_\_\_\_ Local President files an Improper Practice Charge directly with PERB.
5. \_\_\_\_\_ Unit Executive Board hires an attorney to bring a lawsuit against the employer.

# Express, Implied or Apparent (cont'd)

6. \_\_\_ Local hires part-time office help.
7. \_\_\_ Local President and Treasurer sign an office lease for a 5-year term in the name of CSEA, Inc.
8. \_\_\_ Local President and Treasurer sign an office lease for a 5-year term in the name of the Local.
9. \_\_\_ Unit Vice President pays \$300 for gift basket to acknowledge Unit President's retirement.
10. \_\_\_ CSEA Field Staff signs a contract for a band to play at the local's summer event.

# Local or Unit Flier

To the Employees of XYZ Nursing Home:

I am a resident aide with over 12 years of experience in the care of our elderly patients. I am sick and tired of hearing about the gossip and rumors about one of the employees here and want to set the record straight, once and for all.

First of all, all that you have heard about you know who, (who looks like Jeffrey Dahmer) being one of the good guys is totally untrue. This individual has been in more trouble than you could imagine and CSEA keeps saving his job with our dues money!!

He has been disciplined for hurting the residents and given a slap on the wrist (not as hard as he is known to “care” for patients). He has been accused of stealing money from the petty cash box to pay for pizzas for the residents, and yet he eats most of the food or brings the extra home to his family.

He has borrowed money from all of us and never paid it back – bus money, a couple of bucks for cigarettes or coins for the soda machine. I think his behavior is disgraceful, and I intend to start a petition to get rid of him and others who give us a bad name.

If you want to sign my petition and come with me to talk to management without the union butting in, come and see me at break time this week.

----Derek J.

# Questions

1. Identify the possible falsehoods in this example.
2. Can the person(s) be identified in this example?
3. Identify statements which are unfavorable and damaging to the reputation of the individual.
4. Does this example meet the test of being published? Explain why?
5. Is there any “qualified immunity” available to the maker of the statements?
6. Is there evidence that the maker of this example could hide behind a defense of “opinion” or “attributed quotation?”
7. Is there a better, “safer” way to make these points?

# Local/Unit Conflict

A Local President (LP) and Unit President (UP) are rivals. They are both from the same unit, and are running for the same region position in the upcoming Region election.

Previously, the current Unit President unseated the LP as the UP, and is now running a very high functioning unit.

The UP, along with several colleagues, have been having problems with their supervisor, Miranda (who also is a CSEA member). The group has raised some of its concerns with management in Labor-Management but to no avail.

The group, including the UP, decide to turn up the heat, and buy ribbons of the same color which they wear as bows pinned in to their shirts at work. When asked what the ribbons represent, they say they are "club members." And when asked "what club," they mention the "We Dislike Miranda" club.

# Local/Unit Conflict (cont'd)

Miranda hears about the club and complains to Management. Management decides to discipline the ribbon wearers on an insubordination theory.

The Management Rep happens to know the incumbent Region President (RP) and calls to advise the RP about the disciplines; he inquires as to whether the Region President will be representing the ribbon club members at their interrogations. The RP says that the LP will be doing so.

The LP does show up for the interrogations; of the 6 ribbon club members, 5, including the UP have her sit in on their interrogations; the 6th refuses to have the LP there.

A week after the interrogation the LP files a Judicial Board complaint against the UP, citing "conduct detrimental to the best interests of CSEA" as the grounds for the complaint and asserting the various incidents that the employer is using in its disciplinary against the UP.

## Local/Unit Conflict (*cont'd*)

What Constitutional or ethical issues are raised in this scenario?

# Internal Local Officer Conflict

- \* The Local President (LP) doesn't like the Local Secretary (LS) or the Local Treasurer (LT). The LP has made it very uncomfortable for both the LS and the LT at Executive Board meetings, in tone, in language, and at times even blocking the way past the LP's chair during a meeting so as to make it difficult for another officer to leave the room.
- \* The LP didn't like how the LS and LT, who also are the UP and UVP, were handling a contracting-out threat in their county unit.
- \* Recently at a Region Conference the LP and the Local Executive V.P. (LEVP) and Local V.P. (LVP) were having a few beers in the hotel bar after dinner. Many other region members were there including the LS and the LT.
- \* At some point the LS saw the LP and 2 Local VPs laughing and gesturing in the direction of the LS and the LT. The LS heard their raised voices, and saw one use a "gross hand gesture" while the other two laughed even louder.

# Internal Local Officer Conflict (cont'd)

- \* The LS noticed that several persons in the bar were looking alternatively at the 3 loud members and then at the LS and the LT and then back and forth.
- \* When the entire bar quieted down, one of the VPs approached the LS and LT and apologized for "my buddies." The LS was about to smile it off when she – and anyone around her – could hear the LP say "I can do what I want; this is my time and I am enjoying my beers and my buddies."
- \* Later in the evening the LS was told that the LP had stated to those sitting at his end of the bar, "her problem is that she wishes she was a guy so she could run with the big boys!"
- \* The LS and the LT left the bar that evening angry and embarrassed.

## Internal Local Officer Conflict (cont'd)

What Constitutional or Ethical Issues are raised by this scenario?

# Newly Elected President

- \* A newly elected Local President (LP) has had no Grievance or Disciplinary Representative training. When she took office she already knew the Management Rep. The LP would discuss her members' discipline cases with the Management Rep without anyone else being present.
- \* On numerous occasions, the LP would call in a member and explain that she had been talking with the Management Rep and they had a settlement offer for the member to resolve his/her discipline. If the member seemed to hesitate, Management would say that the offer would expire if the member walked out the door.
- \* More often than not the member would sign a document right then and there. The LP would sign as well, along with the Management Rep.
- \* A couple of months into her first term, the LP was told by the Region President (RP) that no disciplinary settlements could be signed without the knowledge and signature of the Labor Relations Specialist assigned to the Local.

# Newly Elected President (cont'd)

- \* After being given this directive by the RP, the LP continued to meet with Management and discuss disciplinary cases. If the LP and Management had a good idea as to what to do with the case, the LP would agree to it without the member being present. Later the LP would tell the member that Management changed its mind and would withdraw the formal discipline if the member would accept a fine, deducted from pay over time; this way there would not be any disciplinary record in the member's personnel file.
- \* Most members were thrilled to be rid of the discipline case.

## Newly Elected President (cont'd)

What Constitutional or Ethical Issues are raised by this scenario?

# Parting Words...

☞ Use Common Sense

☞ Treat people like you want to be treated



QUESTIONS?