

CSEA 111TH ANNUAL DELEGATES MEETING

UNION LEADERSHIP RESPONSIBILITIES

• WEDNESDAY, SEPTEMBER 29, 2021, 1:30 – 3:30 PM •

BY LESLIE C. PERRIN, DEPUTY COUNSEL

EXERCISES



Local 1000, AFSCME, AFL-CIO
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EXERCISE 1: EXPRESSED, IMPLIED, OR APPARENT AUTHORITY - WHICH IS IT?

Directions: Identify which method of authority is illustrated by the following 10 examples. Mark "E" for expressed authority; "I" for inherent authority; and "A" for apparent authority.

- _____ a. Local President signs off on a grievance settlement.
- _____ b. Education Committee Chair contracts for training space.
- _____ c. Political Action Chair authorizes scathing letter to the editor which is published in the local paper and signs it as the CSEA PAC Chair.
- _____ d. Local President files an improper practice charge directly with PERB.
- _____ e. Unit Executive Board hires an attorney to bring an Article 78 suit against the employer.
- _____ f. Local hires part-time office help.
- _____ g. Local President and Treasurer sign an office lease for a 5 year term in the name of CSEA, Inc.
- _____ h. Local President and Treasurer sign an office lease for a 5 year term in the name of the Local.
- _____ i. Unit Vice-President pays \$250 for flowers to acknowledge the Presidents retirement.
- _____ j. CSEA Field Staff signs a contract for a band to play at a region spring meeting.

EXERCISE 2: IS IT DEFAMATORY -- LOCAL/UNIT FLIER

Carefully read the following sample flier that was distributed in the workplace by a CSEA activist. Consider how you would answer the questions that follow.

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. Does there appear to be evidence of "malice?"
7. Is there evidence that the maker of this example could hide behind a defense of "opinion" or "attributed quotation?"
8. Is there a better, "safer" way to make these points?

EXERCISE 3: IS IT DEFAMATORY: LETTER TO THE EDITOR

Carefully read the following. How would you answer each of the eight (8) questions listed.

Letter to the Editor:

Why is there always a lack of money to really fix up the County office building? It seems that there is always money to restore some statue in the park or a clock in the belfry or a field for the little league in this town. But there is never enough money to fix up the buildings where many of us work; that is, where the rank-and-file work.

I read with amazement about the renovations to the County Office building -- that is to the Commissioner's floor and to the private bathrooms and dining room that it now has.

As a member of the largest public sector union in the country, we are not going to take this kind of treatment anymore. Those of us who work in public institutions are madder than heck about what our esteemed Commissioner of Human Services is doing to us. There is no way that these facilities are safe for our workers, not to mention the clients. The Commissioner says he doesn't care whether we ever have a decent place to work as, if we did, he'd get even less work out of us!

I would be very happy to give our beloved Commish and his friend the Governor a tour of this stinking hole – and let them personally see the lousy working conditions that we have to put up with – broken plaster on walls, unsafe stairs and crumbling windows, poor ventilation, and absolutely no heat in the winter. Never mind the rodents!

It's time for some action – either fix up these buildings or we're going to vote some folks out of their jobs!

Signed – "Troubled" a/k/a Gladys B. Snickers, CSEA Local President

Questions:

1. Identify the falsehoods in this example.
2. Can person(s) be identified in this example? If yes, who?
3. Identify statements that 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. Does there appear to be evidence of "malice?"
7. Is there evidence that the maker of this example could hide behind a defense of "opinion" or "attributed quotation"?
8. Is there a better "safer" way to make these points?

EXERCISE 4: IS IT DEFAMATORY: LOCAL/UNIT NEWSLETTER

Carefully read the following column that has appeared in a Unit's Newsletter. Consider how you will answer each of the eight (8) questions listed.

Dear Mismanagement:

It seems that there is a certain female supervisor who works on the day shift in Records who has a habit of coming in fifteen minutes late in the morning and leaving ten or fifteen minutes early at the end of the day. And she also makes personal phone calls to her new boyfriend all day long! And then she leaves early on some "appointment" or so she wants us to believe.

What's ironic is that we have to sign in and out, even to go to the bathroom AND we have to fill out a telephone log every time we use the phone – even to do our jobs.

It's hard enough to manage all the clerical work and the incoming calls - many of us REALLY DO WORK! What is frustrating is to see the lack of concern on management's part to make sure everyone follows the rules! What can we do?

-- Keeping Score

Dear Keeping Score:

Sounds like you should be doing some undercover work (not like your supervisor!!). Get together and keep a log on the number of calls incoming and outgoing from her phone and we'll publish it next month. By the way, does her husband know where she is or who she's calling?

-- Mismanagement

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. Does there appear to be evidence of "malice?"
7. Is there evidence that the maker of this example could hide behind a defense of "opinion" or "attributed quotation?"
8. Is there a better, "safer" way to make these points?