

SHEET METAL | AIR | RAIL | TRANSPORTATION

SMART
UNIVERSITY



Your Role as a Chairperson

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What is a UNION



The Chairperson's Role



Duty of Fair Representation (DFR)



Effective Communication

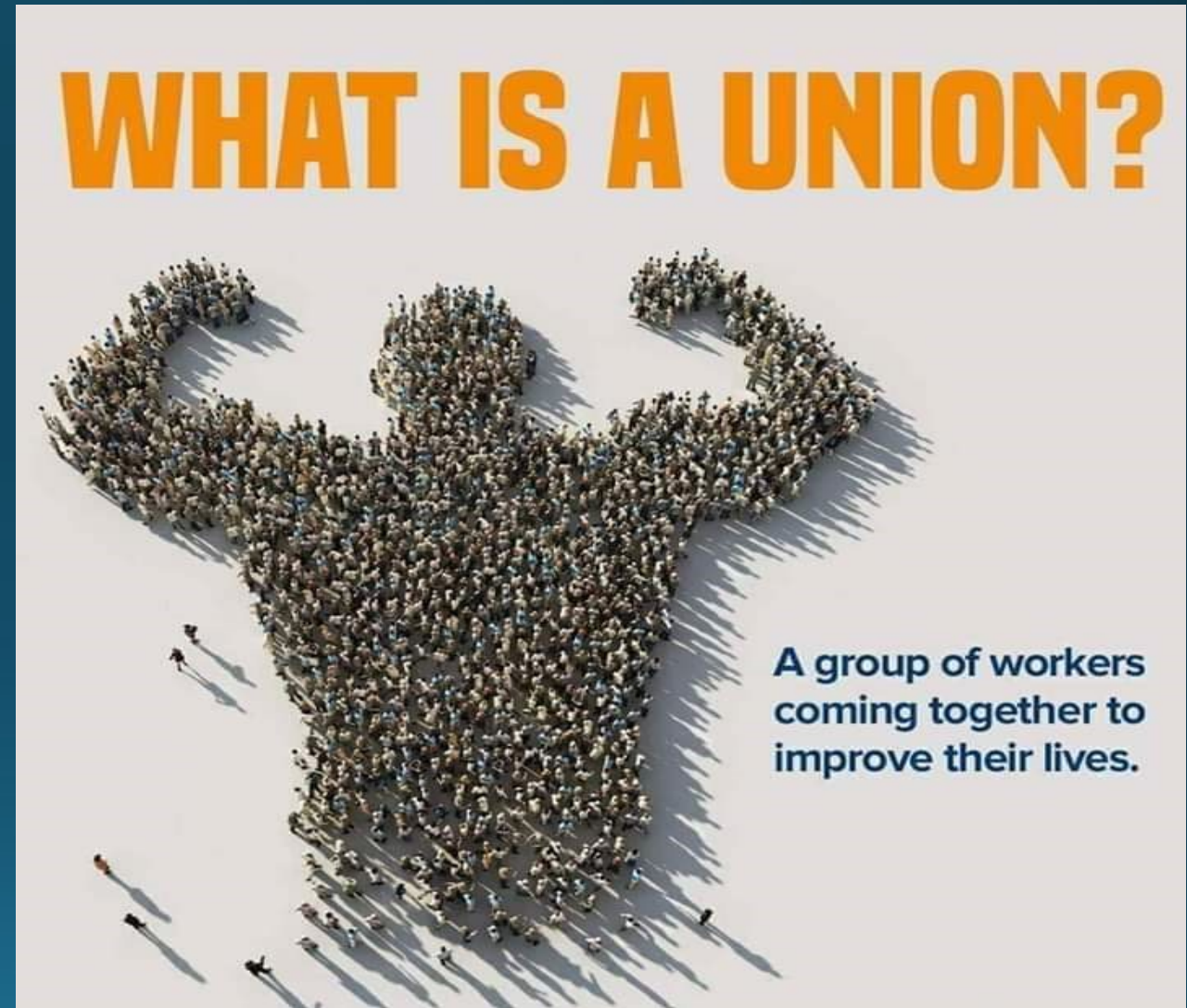


Essential Tools & Resources to Learn More



What is a Union?

- Strength in Numbers
- Collective Voice
- Progress through Unity



Benefits of being **Union** vs **Non-Union**?

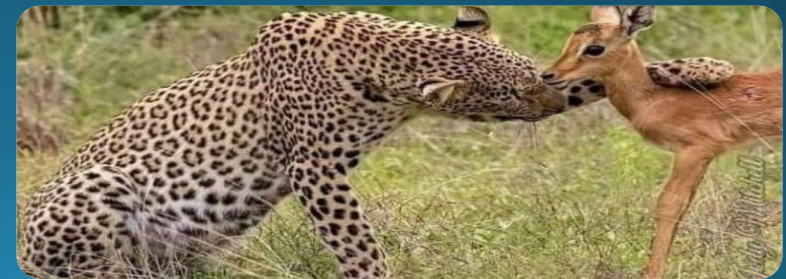
UNION

1. Wages, benefits and working conditions are protected by a legal contract.
2. A collective bargaining agreement spells out how much each worker earns.
3. Unions negotiate raises for everyone and members vote on the new contract.
4. If you are unfairly disciplined or terminated, unions provide you due process to protect you.
5. Seniority rights
6. Unions enforce and advocate safety regulations at both the State & Federal level.
7. If you don't like something at work, you can work together with your union to change it.



NON-UNION

1. Management can change wages, benefits and working conditions whenever they want.
2. Unequal treatment/favoritism exists.
3. If you want a raise, you must plead your case to your manager.
4. If you are unfairly disciplined or terminated, you are on your own with no recourse.
5. No seniority rights without a contract.
6. If you do not like something at work, you are at the mercy of management.



The Union Difference



Higher Wages

- **\$191 per week than their nonunion counterparts.**

Safer Workplace

- **Safe working conditions that prevent death, illness and injury.**

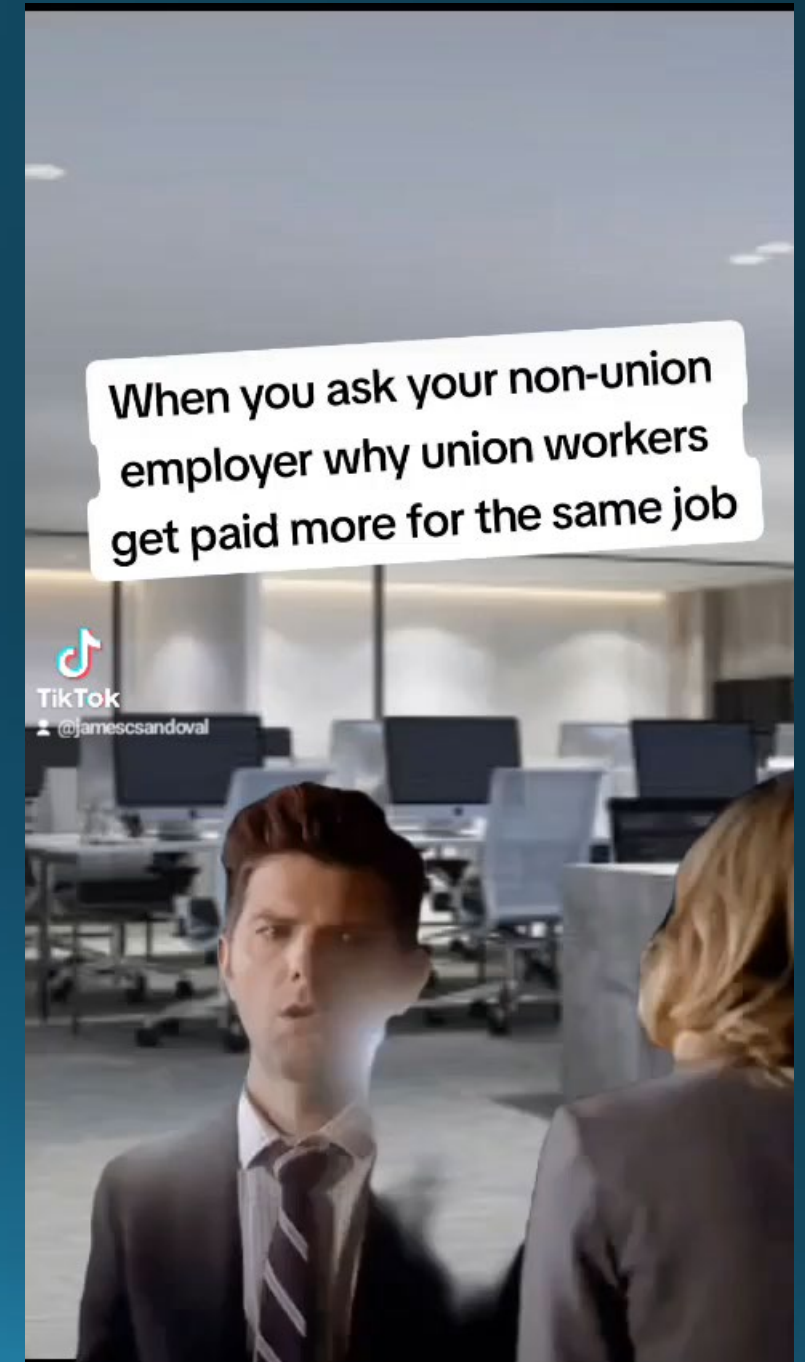
Better Benefits

- **More likely to have employer-provided pensions and health insurance.**

Voice on the job

- **Better workplaces and working conditions without the fear of retaliation.**

Source: <https://aflcio.org/what-unions-do>



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Unions built the middle class

8-hour
workday

Lunch
breaks

Minimum
wage

Paid sick
leave

Overtime
pay

Child
labor laws

Health
benefits

Safety
standards



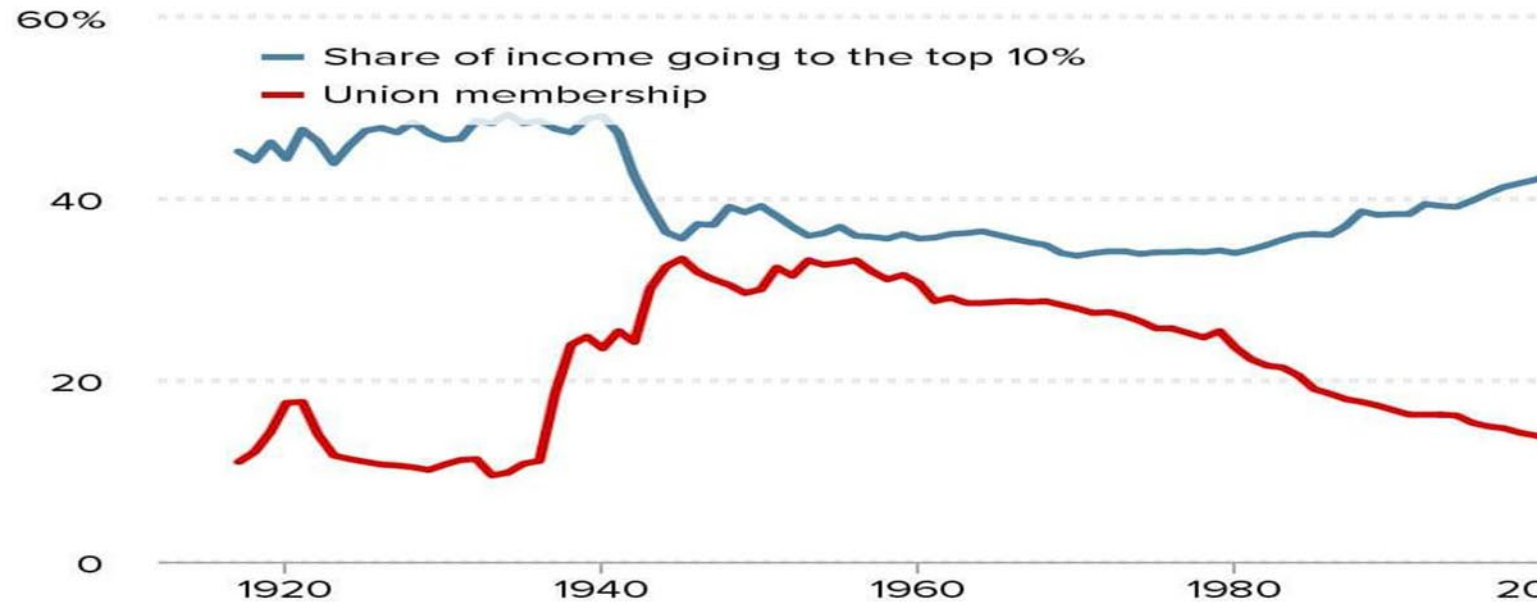
What percentage of workers are unionized across the United States?

1954 – 35%

2021 – 10.03%

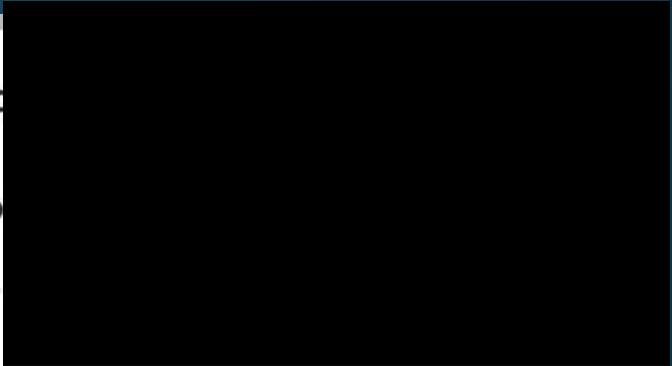
As union membership declines, income inequality increases

Union membership and share of income going to the top 10%

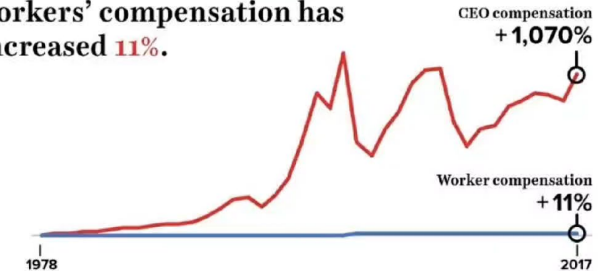


Source: Reproduced from Figure A in Heidi Shierholz, *Working People Have Been* *Efforts to Bargain for Better Wages by Attacks on Unions*, Economic Policy Institute

Eco



In the last 40 years, CEOs' compensation has increased **1,070%**. Typical workers' compensation has increased **11%**.




Source: Economic Policy Institute, *CEO Compensation Surged in 2017*, (2018).

go.epi.org/ceopay2018

Economic Policy Institute

← SMART Local 0023 🔍 ☰



SMART Local 0023

34 subscribers • 7 videos

We are SMART Local 0023, the Union that represents fixed route and paratransit operators at Santa Cruz Metro. >

Manage videos 📄 ✎

HOME PLAYLISTS COMMUNITY CHANNELS

Created playlists

- Liked videos**
SMART Local 0023
Updated today
22 videos
- How to Form a Union**
SMART Local 0023
2 videos
- Become a UNION Bus Operator**
SMART Local 0023
1 video

Alexander Martinez
Bus Operator
SMART Local 1565, Los Angeles, CA

Saved playlists

- COMMITTEE OF REPRESENTATIVES
- SMART University

Home Shorts Subscriptions Library

Union Educational Videos

SMART Local 0023 - 1/15

↺ ↻ ☰

- Is This The Beginning Of A New Labor Movement?**
Second Thought
13:53
- Union Busting: Last Week Tonight with John Oliver (HBO)**
LastWeekTonight
23:37
- Strike Breakers**
pulschar
2:50
- Why Unions Matter to You | Robert Reich**
Robert Reich
5:05
- How To Unionize Your Workplace**
Another Slice
31:23
- The Boss's Job: (explained in 60 seconds)**
Another Slice
1:01



WHAT IS A CHAIRPERSON?

The Chairperson is the

PROTECTOR

and

ENFORCER

for the UNION



ROLES OF A CHAIRPERSON

- Negotiates the contract
- Enforces the contract (Grievance)
- Representing members in disciplinary hearings
- Deals directly with management
- Keeping members informed
- You represent the interest of your membership



Roles and Responsibilities for each Chairperson Position

SHEET METAL | AIR | RAIL | TRANSPORTATION
SMART®



- General Chairperson/Local Chairperson
- Vice General Chairperson/Local Chairperson
- Local Committee of Adjustment (LCA) Secretary
 - SECTION 81 — LOCAL COMMITTEES OF ADJUSTMENT
 - SECTION 82 — GENERAL COMMITTEE OF ADJUSTMENT
 - SECTION 85 — DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT
 - SECTION 88 — VICE CHAIRPERSONS OF GENERAL COMMITTEE
 - SECTION 89 — SECRETARY OF GENERAL COMMITTEE



LOCAL OFFICERS

PRESIDENT

Presides over Local meetings and enforces SMART Constitution and bylaws.
(Section 59)

VICE PRESIDENT

Fills the role of the president when the president is unavailable.
(Section 60)

TREASURER

The Local's financial steward is responsible for maintaining accurate records, managing finances, and filing reports.
(Section 64)

SECRETARY

Writes the minutes at monthly union meetings. Keeper of the minutes and updates bulletin boards.
(Section 63)

TRUSTEES

Audits the treasurer once a year.
(Section 67)

LEGISLATIVE REP

Local safety stewards answer questions, work with State Legislative Director, and encourage members to register to vote.
(Section 66)

KEY TRAITS TO HAVE AS A CHAIRPERSON

Leadership

Passion

Courage

Transparency

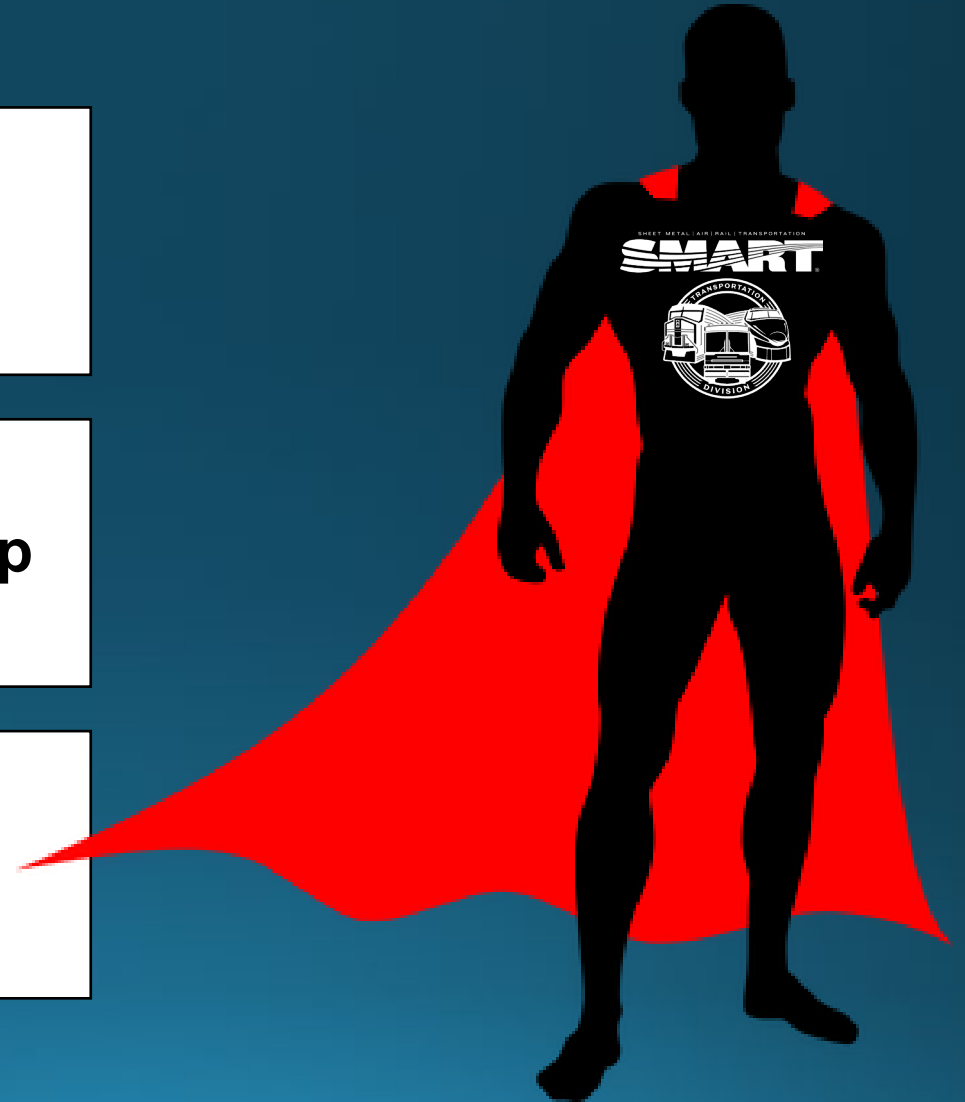
Empathetic

Mentorship

Resiliency

Adaptability

Integrity



CHAIRPERSON AS AN ORGANIZER

Develops the active union member

Urge attendance at *union meetings*

Grows and keeps membership



Develops the newly hired employee

Is active in local labor council

Develops leaders in the Local

Build Solidarity Internally & Externally

- Build a strong network around you
- One voice is weak, many voices are much stronger
- Always show management your local is united
- Reach out to your nearest local labor council and attend their meetings
- If you are a public agency, develop a relationship with members on the Board
- Develop a relationship with legislators
- Whether you are public or private sector, develop a relationship with your community
- Having strong solidarity could prevent your employer from testing your local's strength
- Management will take your local much more serious

Solidarity is our POWER

SOLIDARITY



YOU ARE EQUAL TO MANAGEMENT AS A CHAIRPERSON

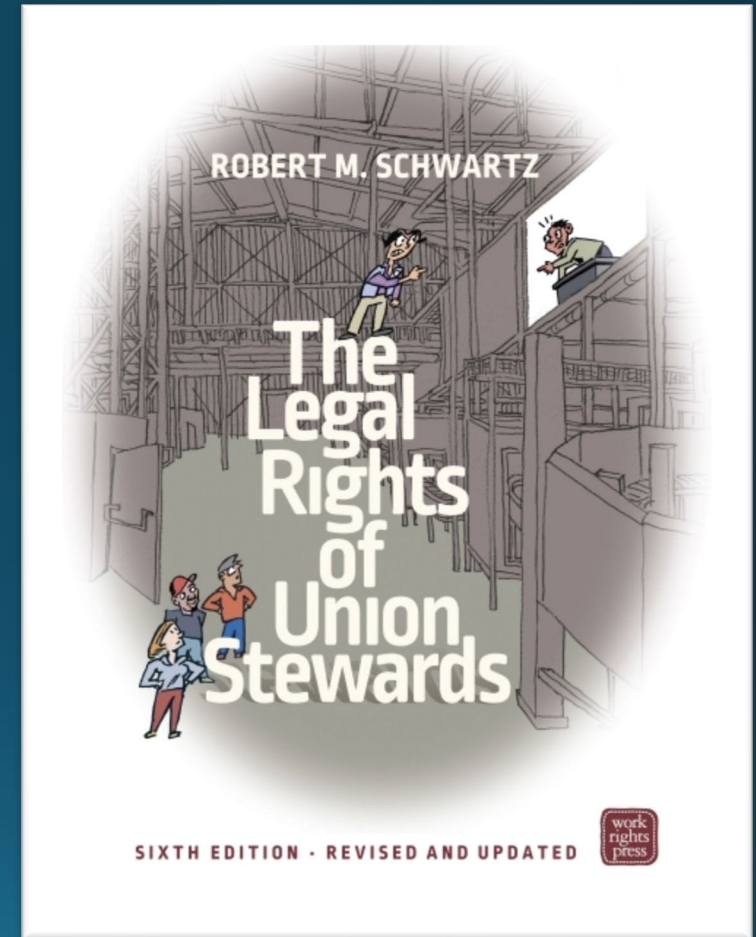
You have the right to:

Investigate

Request information

Challenge unilateral changes

Stand up to the boss!



HOW DO YOU LEARN WHAT YOU NEED TO KNOW?

SMART Local Contract

Chairperson Manual

Union Literature

- Labor Notes Library

labornotes.org

SMART Constitution (Article 21B)

-Sections:

81,82, 87, 88, and 89

Ask mentors or others who know

SMART UNIVERSITY



IMPORTANT DOCUMENTS

**Membership Contact Information
(AB 119 for public sector)**

**Workplace Rules, Policies &
Handbooks**

**Your Collective Bargaining
Agreement(s) [CBA]**

**WHAT IS ONE OF THE BIGGEST MISTAKES A
CHAIRPERSON CAN MAKE?**

Not Communicate

“Why didn’t you call me back?”

Respond to members when possible

OTHER MISTAKES A CHAIRPERSON CAN MAKE

Give out false information

Make promises

Be unprofessional

Not file grievances with merit

Trade grievances for other grievances

Sharing internal disputes

Pretend to know it all

Miss Time-lines

Labor/Management Relationship

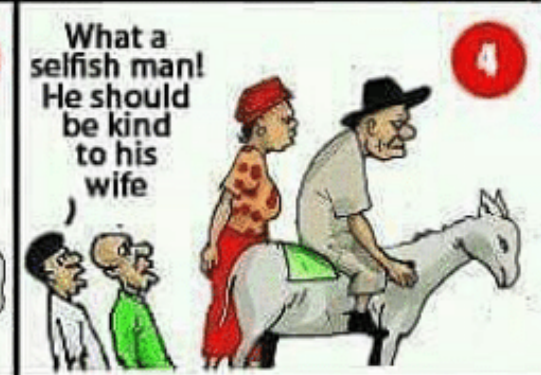
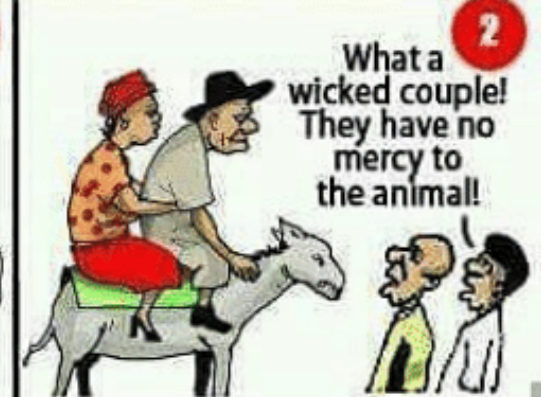


We need a working relationship with management to get business done.

- Avoid us vs. them mentality all the time
- Do not get angry or emotional
- Do not give them reasons to not work with you
- Try to understand their point of view
- Understand their responsibilities
- Avoid making things personal
- They have a job to do just like we do
- Play to their ego
- Try to exchange cell phone numbers

Be Ready for Criticism

THE MAN, THE WIFE, THE DONKEY, AND THE CRITICS



MORAL OF THE STORY

1. You cannot please everybody.
2. Whatever you do, there will be people who will criticize you.
3. So, just do what you believe is right, and don't be distracted by criticisms.

A woman with a shocked expression covering her mouth with her hands. The image is overlaid with a semi-transparent blue filter. The text "DUTY OF FAIR REPRESENTATION" is centered over the image in a white, italicized serif font.

DUTY OF FAIR REPRESENTATION

**GENERAL PRINCIPLES:
THE DUTY OF FAIR REPRESENTATION (DFR)**



Courts have held that employees represented by a union are owed a “duty of fair representation.” the duty applies whether the employee belongs to the union or not.

CONDUCT THAT COULD LEAD TO A BREACH IN THE DFR

1. DISCRIMINATION
2. ARBITRARINESS
3. BAD FAITH
4. DISHONESTY



TO LEARN MORE ABOUT DFR:

<https://www.umass.edu/usa/dutyfairrep.htm>

How to Avoid DFR Charges

- Consider all grievances solely on their merits
- Investigate the grievance thoroughly
- Take notes and keep written records
- Keep the grievant informed
- Treat all members the same
- Respond in writing when declining a grievance
- Have a valid reason for any action taken on a grievance

If the grievance clearly lacks merit after your investigation, you can drop it. Chairpersons also have the right to settle grievances

ULP filed against you or the union?

Forward the charge letter to the SMART Legal Department ASAP

legal_td@smart-union.org



AS A CHAIRPERSON, YOU NEED TO BE AN EFFECTIVE COMMUNICATOR

What is effective communication?

**RECEIVING
AND
UNDERSTANDING
A MESSAGE**



WHY IS EFFECTIVE MEMBER COMMUNICATION IMPORTANT

Increase member engagement

Enhances clarity and education

Builds trust

Fosters a strong sense of a union family



Union Communication Challenges

- How long is the average attention span?

Year: 2000

12 Sec



Year: 2022

8 Sec

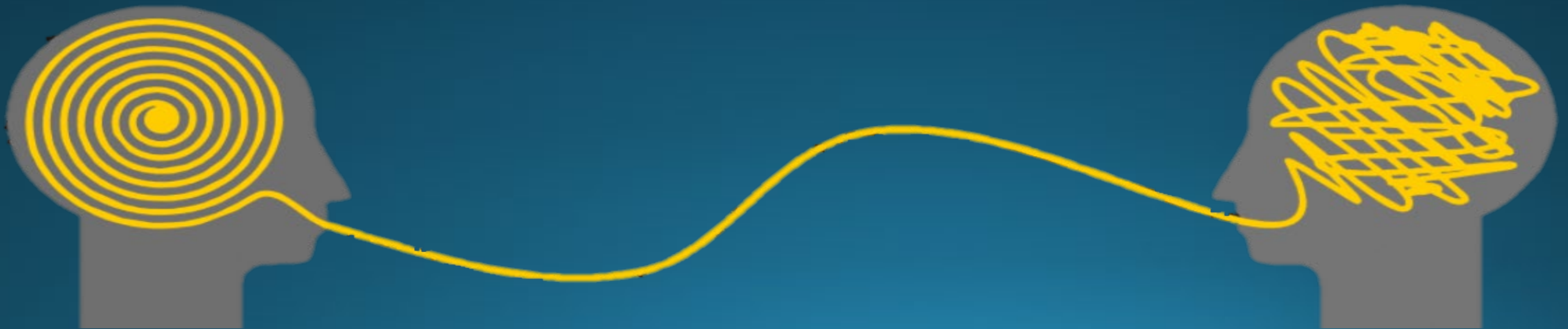


9 Sec



Other Communication Challenges

- **Around 90% of members had no union experience before joining our union**
- **Rumor Mills**
- **Generational Gap**
- **Apathy**
- **No Communication**
- **Communication Overload**
- **In Transportation, it is hard to get everyone together at once**



Tips on Effective Communication

1. Listening

2. Simplicity is key

3. Knowing you can be wrong

4. Use Names

5. Let Others Talk

6. Get to the Point

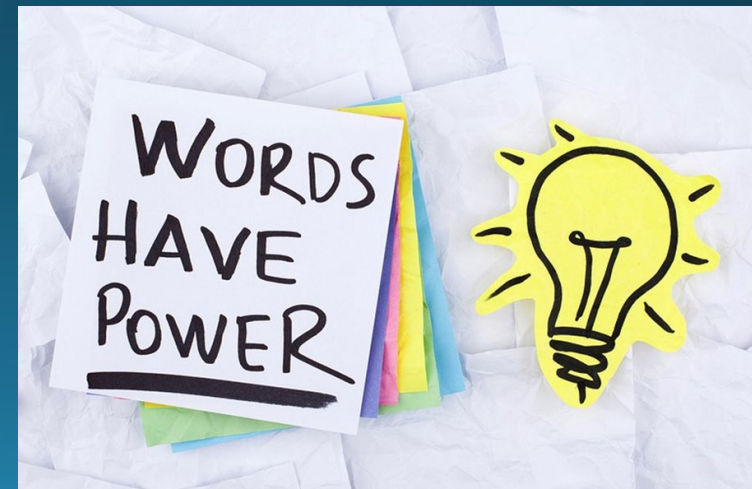
7. Non-verbal Language

8. Be Aware of Perception



9. Establish a good relationship

10. Patience



Which Sentence Sticks?

A

“If you are bored and disgusted by politics and don’t bother to vote, you are in effect voting for the entrenched establishments of two major parties, who please, rest assured, are not dumb, and who are keenly aware that it is in their interests to keep you disgusted and bored and cynical and to give you every possible reason to stay at home doing one-hitters and watching MTV on primary day.”

B

“If you don’t vote, you don’t matter”

-Sean Penn



Chairperson Toolbox

Communication

Listen to members

Provide opportunities for involvement

Educate members

Collaborate with other organizations

Staying Organized



Organizing/New Hire Kits



Why you should join a Union...
and why your choice should be SMART-TD

VETERAN SERVICES
"With honor and respect,
we thank you for your service."
QR code

MEMBER BENEFITS
UNIONPLUS
HERE'S HOW
SMART-TD MEMBERSHIP
DOESN'T COST — IT PAYS!

MEMBER BENEFITS
UNION SPORTSMEN'S ALLIANCE
HERE'S HOW
SMART-TD MEMBERSHIP
DOESN'T COST — IT PAYS!

DISCIPLINE INCOME PROTECTION PROGRAM
Protecting your way of life when you need it most
Image of a construction site

DIVERSITY & INCLUSION

VOLUNTARY SHORT TERM DISABILITY PLAN
Self-funded by SMART and administered by Southern Benefits Administrators, Inc.
QR code

Why you should join SMART Trifold



JOIN US TODAY!



WHY UNION? Because it works!

With a Union YOU have a say about **PAY, BENEFITS, SAFETY & WORKPLACE IMPROVEMENTS!**

Through a collective bargaining agreement, workers are able to improve their jobs & their lives

- Union members' wages, on average, are **MUCH HIGHER** than non-union employees doing the same work
- Unions create a legally-binding document that holds your employer accountable

UNIONS GIVE YOU A VOICE!



As an AFL-CIO affiliate, we are committed to working with other labor organizations from various industries in efforts to improve wages, benefits, and work place safety for all unionized members across the United States!



smart-union.org/joinus



Our Benefits



Short and Long Term Disability



UTUIA - Fraternal Benefit Society Insurance and Retirement



UnionPlus Savings and Discounts




WE GET BETTER

- ✓ PAY
- ✓ MEDICAL BENEFITS
- ✓ RETIREMENT
- ✓ SAFETY IN THE WORKPLACE
- ✓ JOB SECURITY
- ✓ PROTECTION FROM UNFAIR TREATMENT
- ✓ DUE PROCESS
- ✓ VACATION
- ✓ SICK PAY

WE LEAD WE PROTECT WE HONOR WE FIGHT WE'RE STRONG!

WE ARE...




Learn more at smart-union.org




Why you should join a Union...

and why your choice should be **SMART TD**

Must-Read Union Book:

Your Properties Collective Bargaining Agreement



The collective bargaining agreement is the number one union book to be familiar with

Bus Chairperson's Manual

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SMART



**CHAIRPERSON'S
MANUAL**

www.smart-union.org

Can be found in SMART University

Educational Union Books

- Just Cause – A union guide to winning discipline cases

<https://labornotes.org/store/just-cause>

(You can request the full NLRB & Arbitration cases in back of book from labornotes.com)

- The legal rights of union stewards

<https://labornotes.org/store/legal-rights-union-stewards>

- FMLA Handbook

<https://labornotes.org/store/fmla-handbook>

- How to win past practice grievances

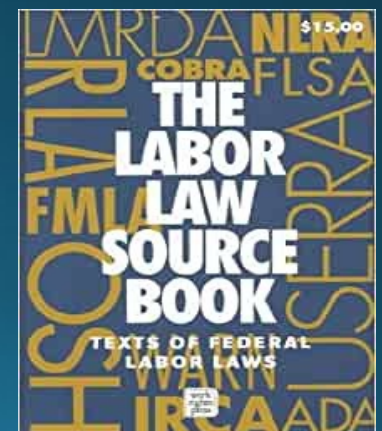
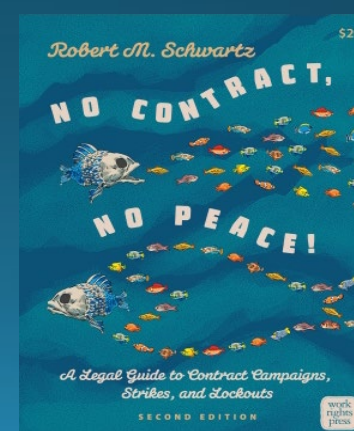
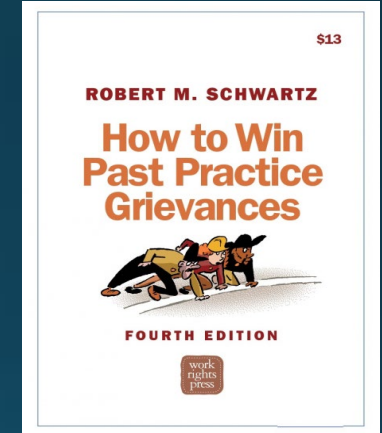
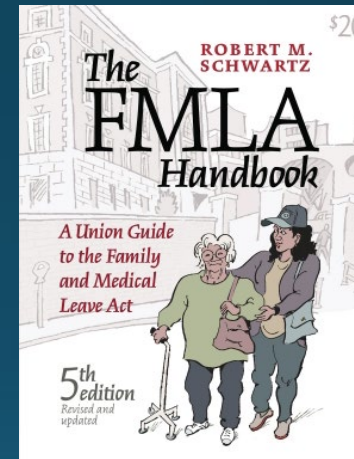
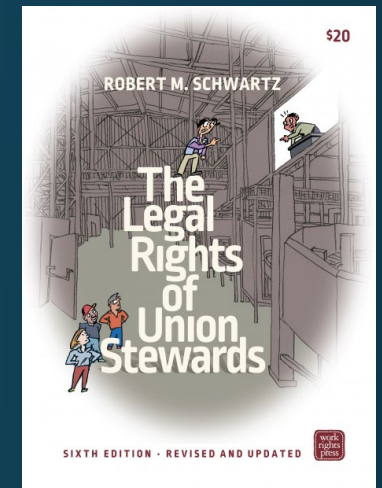
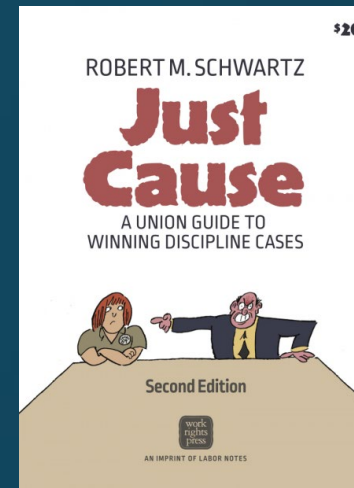
<https://labornotes.org/store/how-win-past-practice-grievances>

- No contract, No peace!

<https://labornotes.org/store/no-contract-no-peace>

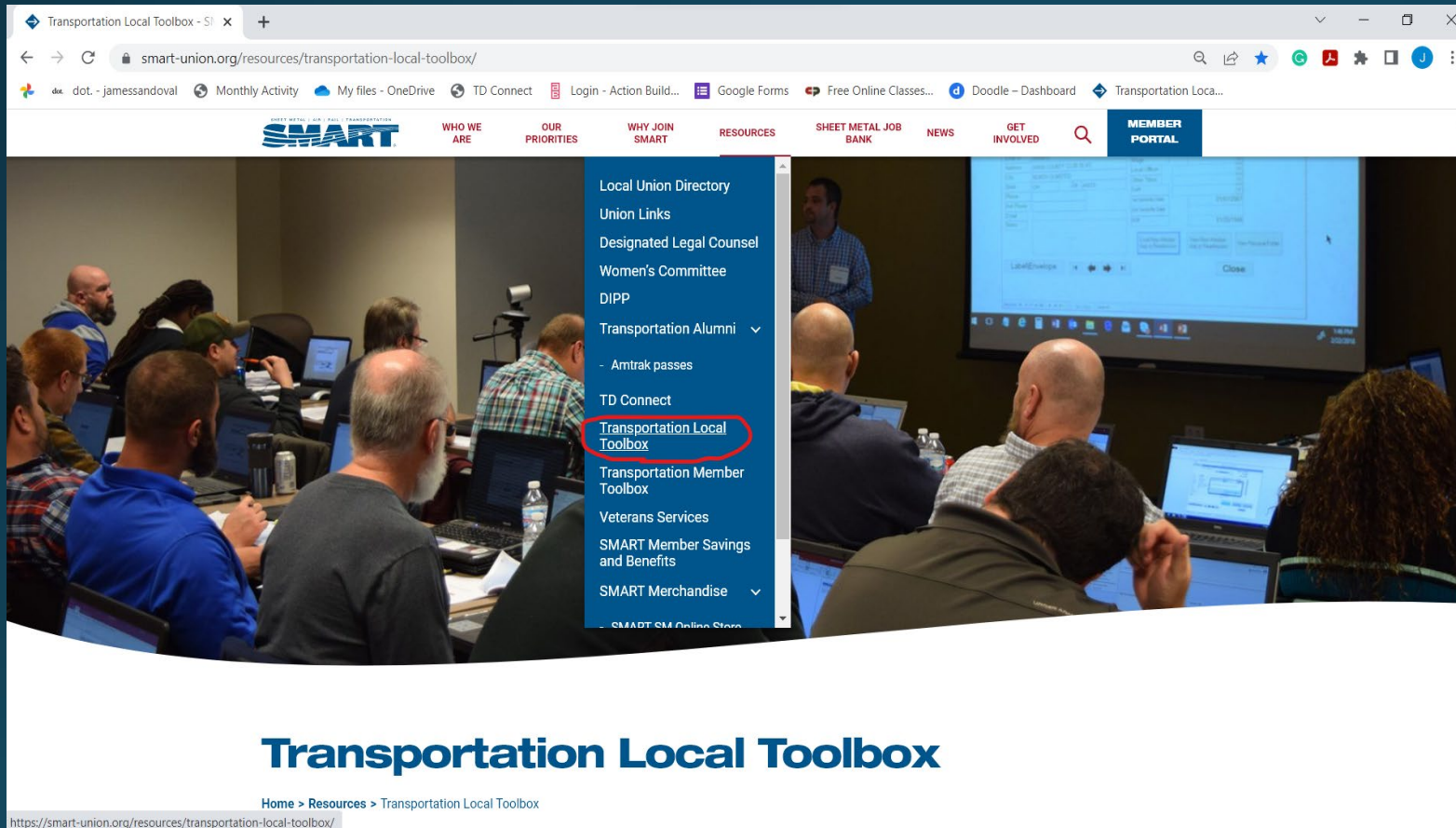
- The Labor Law sourcebook

<https://labornotes.org/store/labor-law-source-book>



smart-union.org

Go to the "Transportation Local Toolbox" on our website to find many resources



The screenshot shows the 'Transportation Local Toolbox' page on the SMART website. The page title is 'Transportation Local Toolbox' and the breadcrumb trail is 'Home > Resources > Transportation Local Toolbox'. The main content area contains the following text: 'The purpose of this page is to assist SMART Transportation Division local leaders with the duties of their offices.' Below this, there is a link to a '2022 Treasurer's Month to Month guide (PDF): The No. 1 resource for a local S&T'. A note states: 'Use the above guide along with the Task List form in WinStabs NMR to track when tasks are completed.' There is a section titled 'Need to schedule a session with the Local Support Help Desk?' with a link to 'Schedule a session'. Below that is a section titled 'Important notices to Local S&Ts' with a list of links: 'After hours help desk announcement (PDF)', 'Locals may hold meetings pursuant to guidelines (PDF)', 'January 2021 Billed Amount Updates (TD dues, DIPP and VSTO) (PDF)', 'Local Expense Claim Form (Fillable PDF)', and 'Local Expense Claim Form (COVID-19) (Fillable PDF)'. The right side of the page features a vertical list of dropdown menus for various categories: TRAINING & EVENTS, GUIDANCE FOR THE NEW S&T, TD CONNECT & EBILL RESOURCES, MEMBERSHIP FORMS, INSURANCE/PAC/DIPP INFO & FORMS, WINSTABS NMR, BUDGET & RECORD KEEPING, DISBURSEMENTS, LOCAL GOVERNANCE, BANKING, PAYROLL TAXES, REQUIRED REPORTING, MEMO/POLICY DIRECTIVES, and ELECTIONS. Below these is a section titled 'How to get help' with a paragraph of text and a link to 'Membering Representatives team'. A note states: 'The Local Support Help Desk also is available to help with questions about:' followed by a list of topics: 'Secretary/Treasurer duties', 'Regulatory compliance', 'Fund maintenance', 'WinStabs', 'Paying taxes', 'Filing taxes and other reports', 'Disbursements', and 'Paper billing process (from 2018 and older)'. At the bottom, there are more dropdown menus: ONLINE APPOINTMENTS, PHONE OR EMAIL, AFTER HOURS HELP DESK SUPPORT, WANT TO SUBMIT YOUR LOCAL'S FORMS ELECTRONICALLY?, QUESTIONS ABOUT SUBMITTING REPORTS TO THE TD OFFICE?, and TEAM VIEWER QUICK LINKS.

Communication:

Create your own Local's website

AFL-CIO

UnionHall Tutorial videos to update your website

<https://youtube.com/playlist?list=PL9noZK4TxZ5h-iJPylqDPyaxmZ794gVIX>

The image shows a screenshot of the SMART TD LOCAL 0023 website. The header features the SMART logo with the text "SHEET METAL | AIR | RAIL | TRANSPORTATION" above it and "TRANSPORTATION DIVISION" below it. To the right of the logo is "TD LOCAL 0023". In the top right corner, the URL "smart-union.org/td" is displayed. Below the logo and URL are social media icons for Twitter, Facebook, Instagram, YouTube, and LinkedIn. A navigation menu contains the following items: CONTACT US, ABOUT US, EVENTS, CONTRACTS, MERCHANDISE, TAKE ACTION!, MEMBER TOOLBOX, OUTBOUND REVISITED NEWSLETTER, and THE BENEFITS OF SMART MEMBERSHIP (VIDEO). A search bar is located on the right side of the navigation menu. The main content area features a large group photo of people outdoors. Overlaid on the right side of the photo is a dark blue box with the text "Sign Up for Local Updates", "Your source for: SMART-TD email alerts", "Action alerts", and a "SIGN UP" button.

Communication: Business Cards



SMART Transportation Division Business Card Order Form

Complete the following form and return it to the attention of the Supply Department. Be certain that you **TYPE** in order. Handwritten orders will not be accepted.

PLEASE RETURN YOUR CHECK WITH YOUR ORDER

NAME: _____

TITLE: _____

ADDRESS: _____

CITY: _____

STATE: _____ ZIP: _____

CONTACT INFO

BUSINESS: _____

FAX: _____

RESIDENCE: _____

E-MAIL: _____

Cell: _____

NUMBER OF CARDS DESIRED: _____

PRICE	500 CARDS	\$72.00
	1000 CARDS	\$125.00

MAKE YOUR CHECK OUT TO "SMART ID" AND RETURN WITH YOUR ORDER

REMARKS: _____

MAIL TO: JOE SHIVAK (216) 227-5400
SMART ID SUPPLY DEPT.
25050 COUNTRY CLUB BLVD., SUITE 130
NORTH OLMSTED, OH 44070

This form is also available as a Word document. Please email JShivak@smart-union.org and I will send it to you.

Communication: Digital Business Card

dotcards.net



NFC reader & QR Code

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SMART
NO. 0023 | SANTA CRUZ, CA

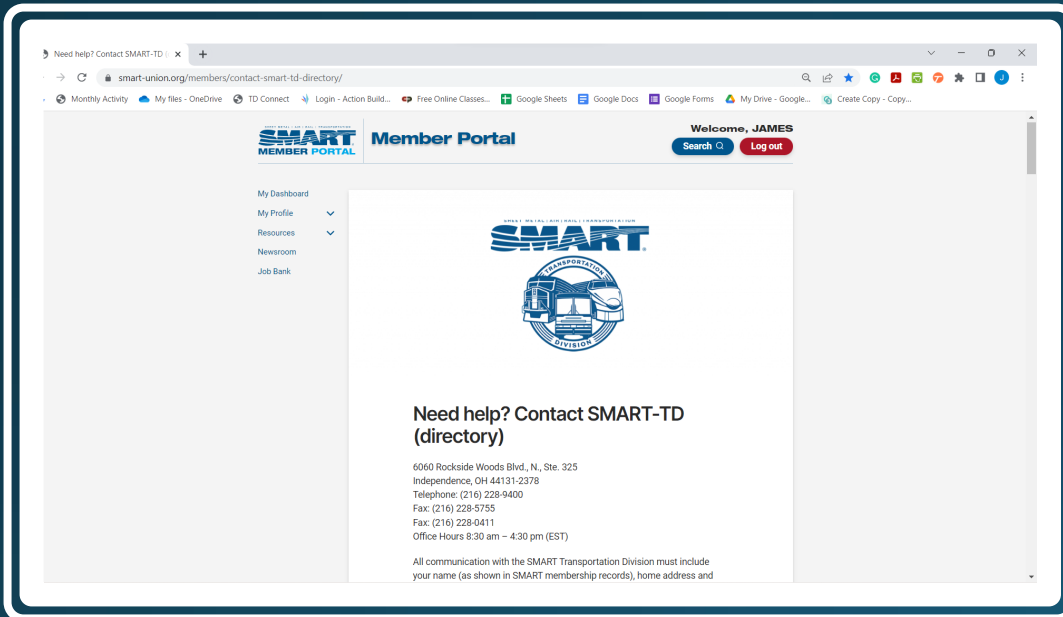
James Sandoval
SMART Transportation Division
Organizer, General Chairperson
903 Pacific Ave, Ste 205, Santa Cruz CA 95060

[edit](#) [preview](#)

[Edit Profile](#)

- Email**
jasandoval607@yahoo.com
- Facebook**
facebook.com/james.sandoval.754
- Call**
+1 (831) 247-0400
- Website**
td23.smart-local.org/
- Instagram**
@smart_local_0023/
- YouTube**
youtube.com/channel/ucbwzb3umk3hfe1jdt...
- Twitter**
@smartlocal0023
- LinkedIn**
linkedin.com/in/james-sandoval
- Venmo**
james_sandoval
- PayPal**
paypal.me/smartlocal0023
- Telegram**
@jasandoval607
- Facebook**
facebook.com/smartlocal0023
- Website**
allcio.org/formaunion/contact

Communication: SMART Directory



<https://smart-union.org/members/contact-smart-td-directory/>

President's Department

This department provides support to the TD President in his duties to provide service and representation to the Transportation Division's thousands of members. It provides information on a diverse array of topics from national health and welfare plans, interpretation of the union constitution, local agreements and the operation of all aspects of the union, such as local administration and bylaws.

[QUESTIONS ABOUT CONSTITUTIONAL MATTERS?](#)

[QUESTIONS ABOUT NATIONAL HEALTH & WELFARE PLANS?](#)

[QUESTIONS ABOUT YARDMASTERS, ORGANIZING OR BUS DEPARTMENTS?](#)

[QUESTIONS ABOUT TD ANNUAL MEETINGS?](#)

[QUESTIONS ABOUT LEGISLATIVE MATTERS/NATIONAL LEGISLATIVE DEPARTMENT?](#)

[QUESTIONS ABOUT PUBLIC RELATIONS?](#)

[QUESTIONS ABOUT SMART TD PAC?](#)

[QUESTIONS ABOUT LEGAL MATTERS?](#)

(subpoenas/legal counsel)

Contact

Legal Department

Phone

216.227.5284

Email

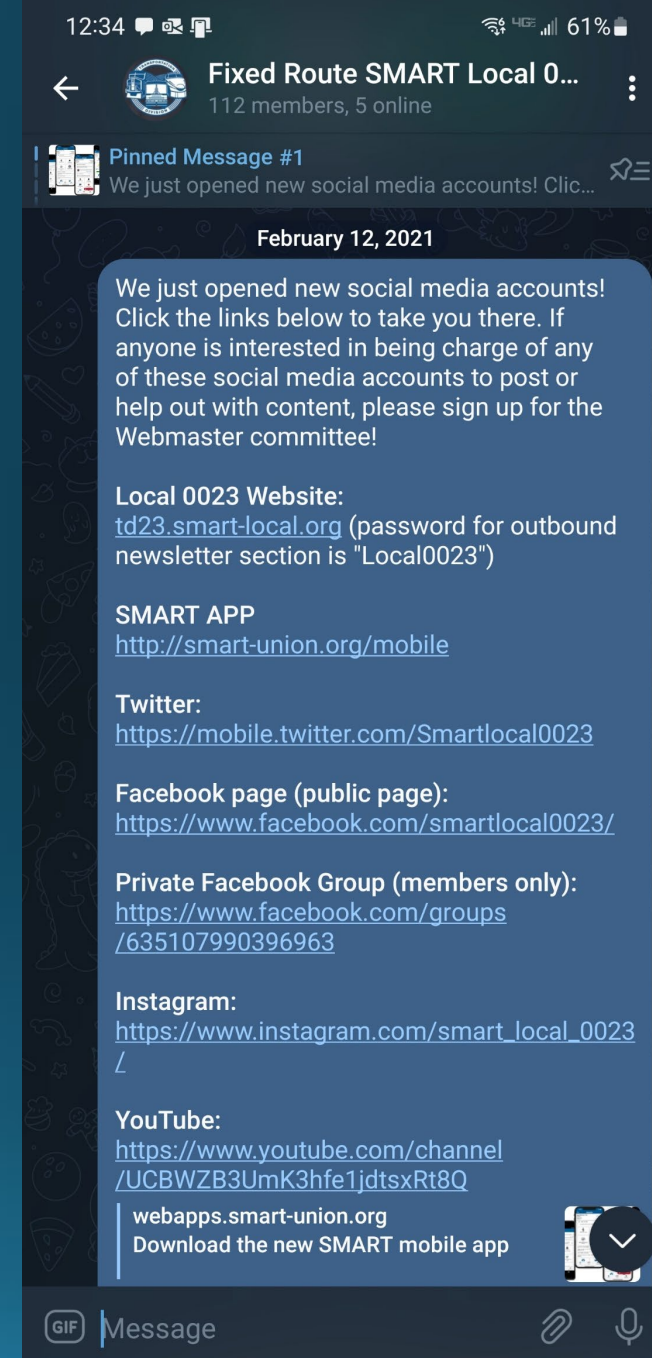
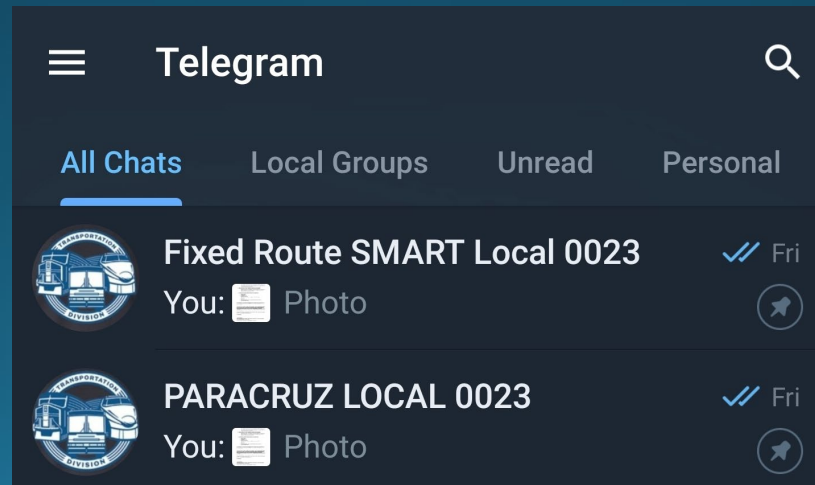
Legal_TD@smart-union.org

Communication: Telegram



- One-way communication feature for large group
- QR code to join group
- Share PDF
- Polls
- Video and Audio Chat

• <https://desktop.telegram.org/> for the desktop version



Hierarchy of Communication

- **In-person**

- Phone Calls
- Individual Text Message
- Individual Email
- Mass Text Message
- Mass Email
- Flyer left on the table in the breakroom/Bulletin Board



Listen to members:

Google Forms



The screenshot shows a Google Form titled "Contract Negotiations Survey". The form is currently in the "Questions" view, with "Responses" showing 24 and "Settings" available. The form content includes:

- Title:** Contract Negotiations Survey
- Description:** Please take the time to fill out this survey in case we end up having to negotiate our contract instead of an extension. We are still negotiating over a contract extension but we are preparing as if we will be going through regular contract negotiations because we can start as soon as April 1st.
- Question 1:** Full Name (voluntary) - Short-answer text
- Question 2:** Are you from Fixed Route or ParaCruz? * - Radio buttons for Fixed Route and ParaCruz
- Question 3:** What is most important to you in your contract? * - A grid with columns for Wages, Medical, Double Time, Occurences, and Annual Leave A... and rows for 1st, 2nd, 3rd, 4th, and 5th.
- Question 4:** Have you read your contract? - Radio buttons for Yes, No, and Somewhat
- Question 5:** What benefits would you like added to your contract? - Long-answer text

Provide opportunities for involvement:

Code Generator Tool

- https://cha4mot.com/t_mailto.html
- One-click message campaigns where people can click on a link to send an email.

"mailto" Code Generator Tool

Enter Message Details Here

To:	<input type="text"/>	Email address of person (or persons) to receive this message. (Note: Separate multiple email addresses with commas.)
CC:	<input type="text"/>	Email address of person (or persons) to be copied on this message.
BCC:	<input type="text"/>	Email address of person (or persons) to be blind-copied on this message. (This address does not appear anywhere in the header or body of the message, so nobody else knows that this person received a copy.)
Subject:	<input type="text"/>	The subject of your message -- a brief description of what the message is about.
Body:	<input type="text"/>	
<input type="button" value="Clear"/> <input type="button" value="Create URL"/> <input type="button" value="Create HTML"/>		

Here is your mailto URL or HTML

Mailto URL:

- Tiny URL allows users to create smaller URLs to use the "Code Generator Tool

tinyurl.com/app

1:34 4G 32%

td23.smart-local.org

SHEET METAL | AIR | RAIL | TRANSPORTATION
SMART
TRANSPORTATION DIVISION
TD LOCAL 0023

Sign Up for Local Updates

Your source for:
SMART-TD email alerts
Action alerts

SIGN UP

We are the SMART Transportation Union (formerly known as the United Transportation Union or UTU).

Our Local 0023 is out of Santa Cruz, CA. We represent the Bus & Paratransit Operators at Santa Cruz Metro.

(If you are on your mobile phone, our menu tab is in the top right corner or turn your phone sideways. You can also find the menu tabs if you scroll to the bottom)

Follow us on Facebook, Instagram, Twitter, and YouTube!
Click the icons above to take you there.

XRecorder

Provide opportunities for involvement:

www.the-qr-code-generator.com/

The screenshot shows the 'My QR Codes > Converted QR Code' page. The interface is divided into several sections:

- Navigation Bar:** A green bar at the top with the text 'My QR Codes > Converted QR Code' and three icons on the right.
- Category Selection:** A row of icons for 'URL', 'MULTI-URL', 'FREE TEXT', 'CONTACT', 'PDF', and 'APP'. 'URL' is selected and highlighted with an orange underline.
- Input Field:** A text box labeled 'Enter URL' with a placeholder 'Link to open when scanned, e.g. https://example.com/' and a speaker icon.
- Dynamic QR Code Section:** A section titled 'Dynamic QR Code' with a link icon. It contains the text: 'The URL `https://qr.page/g/3hChonMHXo3` is encoded in the image and forwards to your actual content. You can update the content later without needing to reprint.'
- QR Code Preview:** A large QR code is displayed, along with several smaller QR codes in different colors and styles (e.g., purple, blue, red).
- Bottom Navigation:** A row of icons for 'CONTACT', 'PDF', 'APP', 'EMAIL', 'PHONE', and 'SMS'.

Free

Educate Members: SMART University



Member Portal

Welcome, JAMES

Search

Log out

My Dashboard

My Profile

Resources

Newsroom

Job Bank



TD — SMART University: Membership 101

Full SMART University site for officer training links

Benefits of Membership | Local Meeting Basics
Local Officer Duties | Tips to Survive a Hearing/Investigation | Penalty Claims
Safety Reporting | RR: Critical Incident Guide

Officer Training Classroom

Katina Hazimihalis
Technical Writer

Serving the union as a chairperson is a responsibility that comes with a learning curve. Choose your role to find the tools you need to learn the ropes and streamline your routine.

General Committee
& Local
Chairpersons

State Legislative
Board

Local & LCA

Bus Tutorials

Bus:
The Role of a
Chairperson

For: General or Local Chairpersons

Bus: What is a
Grievance

For: General or Local Chairpersons

Bus: Negotiating
the Contract

For: General or Local Chairpersons

Bus: Disciplinary
Representation

For: General or Local Chairpersons

Bus: NLRB

For: General or Local Chairpersons

Resource Documents

Chairperson's Manual

Click to view or Download



Useful Resources

Click to view or Download



Documents You're Entitled to Request

Click to view or Download



Educate Members:

New Hire PowerPoints during Orientation

The screenshot shows a PowerPoint presentation interface. On the left is a slide navigation pane with five slides listed. The main area displays the first slide, which has a white background with a blue wave at the bottom. The slide content includes the SMART logo (SHEET METAL | AIR | RAIL | TRANSPORTATION) and a circular emblem for the TRANSPORTATION DIVISION. The text 'Welcome to our Union' is prominently displayed in white on the blue wave background.

Slide 1: WELCOME TO OUR UNION

Slide 2: WHAT IS A UNION?
Strength in numbers
Collective Voice
Progress through Unity

Slide 3: BENEFITS OF BEING UNION VS. NON-UNION

UNION	NON-UNION
1. Ability to negotiate a contract which provides wages, benefits, and working conditions.	1. Difficulty to negotiate a contract or investigate.
2. You can influence the contract through grievance procedure.	2. No voice.
3. Get paid protection from unfair discipline or retaliation.	3. Discipline you disagree or your boss disagrees they want.
4. Ability to work better with working conditions.	4. No voice in your workplace. How would you improve working conditions?
5. Collective power with your membership.	5. You have no voice with no leader.
6. A union is made up of you and the others.	

Slide 4: THE UNION DIFFERENCE

Higher Wages	Better benefits	Job Security	Voice on the job
• Higher wages	• Health insurance	• Seniority	• Representation and
• Paid time off	• Retirement	• Contractual job	• Contractual job
• Paid sick leave	• Paid vacation	• Health insurance	• Health insurance

Slide 5: UNIONS BUILT THE MIDDLE CLASS

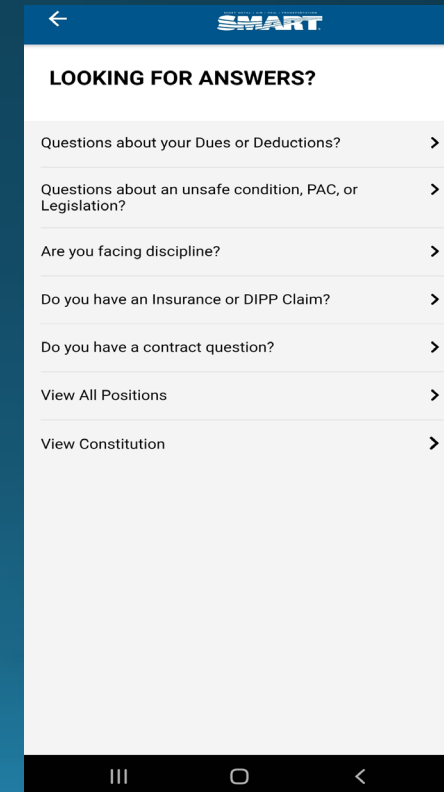
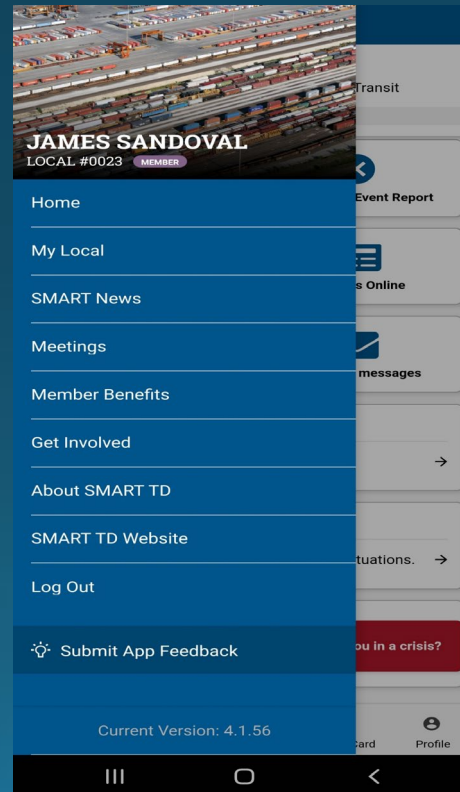
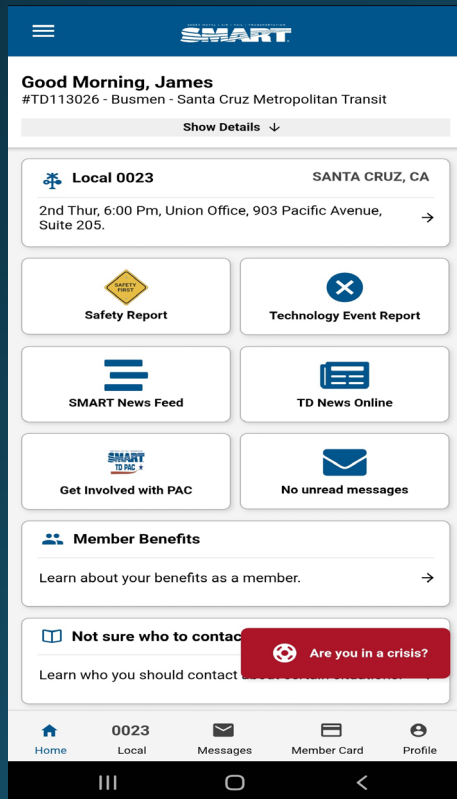
• Home ownership	• Labor laws	• Minimum wage
• Paid sick leave	• Overtime pay	• Child labor laws
• Health insurance	• Safety standards	

Educate Members:

SMART APP



- Officer contact Information
- Local meeting date and time
- Benefit Information
- SMART News
- Breakdown of your dues



Educate Members:

LABORNOTES

SUBSCRIBE

Log In

HOME ABOUT DONATE STORE **EVENTS** ARCHIVES

Search this site...



Online Workshops



labornotes.org

Educate Members:

UNION Bullseye

So, where do you land?



THE CORE:
Members who are always thinking about organizing our members and how to get others involved by sharing ideas on how to make our union stronger and run for officer positions.

THE ACTIVISTS:
Members who can be counted on to help when needed. They get involved, help get the word out, and recruit others to act.

THE SUPPORTERS:
Members who will come to meetings, vote, wear union merchandise, stay informed and don't fall for rumors. They ask questions, know our contract, fill out surveys and sign petitions, but don't take responsibility for getting others involved.

THE DISENGAGED:
These members don't see the relevance of the union in their lives. They don't care to know what is going on with the union and they don't participate. They tend to see themselves as too busy to be involved with the union and rely on the core members to pull the weight of responsibility.

THE HOSTILE:
Not team players, these people are outside the circle, creating rumors and division within our membership with no intention of being supporters, activists, or core members of the union.

YOU are the UNION...

and a union's true strength comes from the loyalty and devotion of all of us.

Good officers and a sound financial structure are essential, but YOU determine the success of your union.

Help make your union stronger, and it will serve you more effectively!

It is this simple:

WEAK Contract ◀ Weak Union ◀ Hostility ◀ The Union ▶ Solidarity ▶ Strong Union ▶ STRONG Contract

Let's commit to being CORE members!



Special credit to Labor Notes (labornotes.org) for some of this content

Collaborate with other Organizations:

AFL-CIO

aflcio.org

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is the largest federation of unions in the United States.



Local Labor Council Across the U.S

<https://www.afge.org/take-action/find-your-clc/clc-map/>



State Federations

aflcio.org/about-us/our-unions-and-allies/state-federations-and-central-labor-councils

State Federations and Central Labor Councils

























State federations and central labor councils are the heart of the movement. These local organizations partner with state and community organizations and conduct state, local, and national campaigns to improve the lives of working families. Get connected with the movement in your area now.

ALABAMA	ALASKA	ARIZONA	ARKANSAS
CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE
DISTRICT OF COLUMBIA	FLORIDA	GEORGIA	HAWAII
IDAHO	ILLINOIS	INDIANA	IOWA
KANSAS	KENTUCKY	LOUISIANA	MAINE
MARYLAND	MASSACHUSETTS	MICHIGAN	MINNESOTA
MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA
NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO
NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO
OKLAHOMA	OREGON	PENNSYLVANIA	PUERTO RICO
RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE
TEXAS	UTAH	VERMONT	VIRGINIA
WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING

Staying Organized: ilovepdf.com

Every tool you need to work with PDFs in one place

Every tool you need to use PDFs, at your fingertips. All are 100% FREE and easy to use! Merge, split, compress, convert, rotate, unlock and watermark PDFs with just a few clicks.

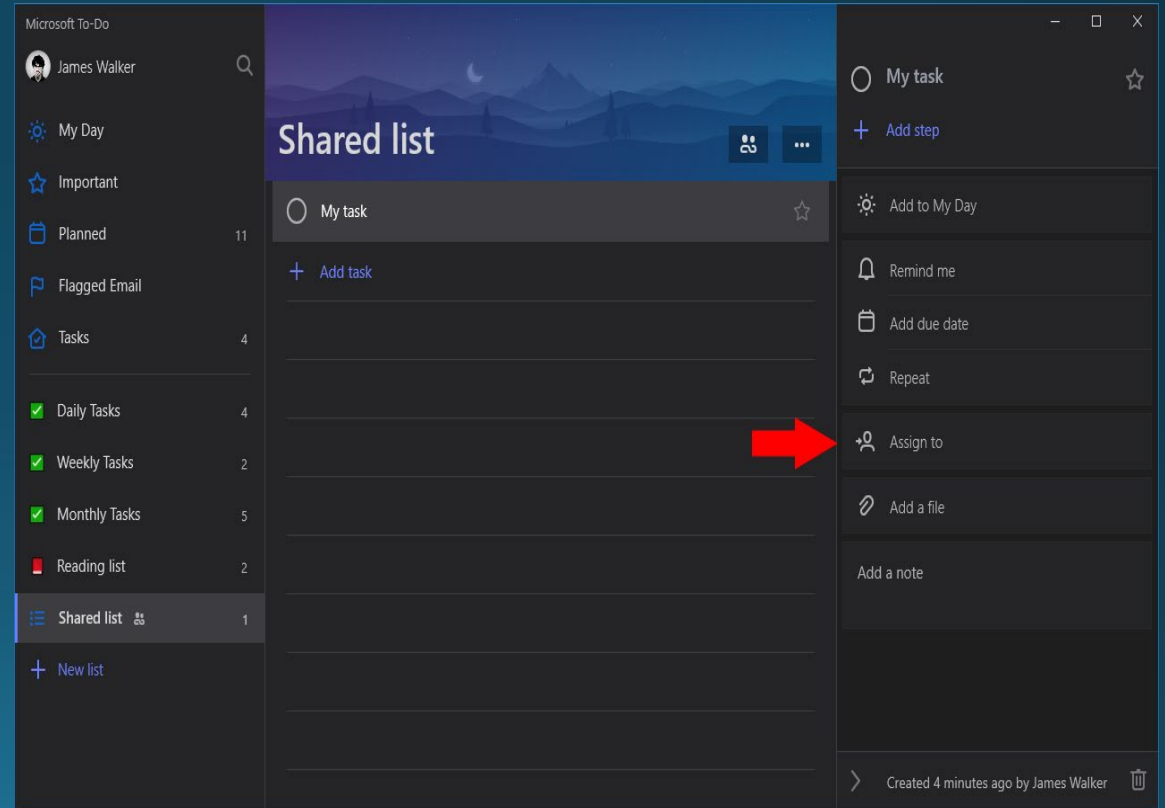
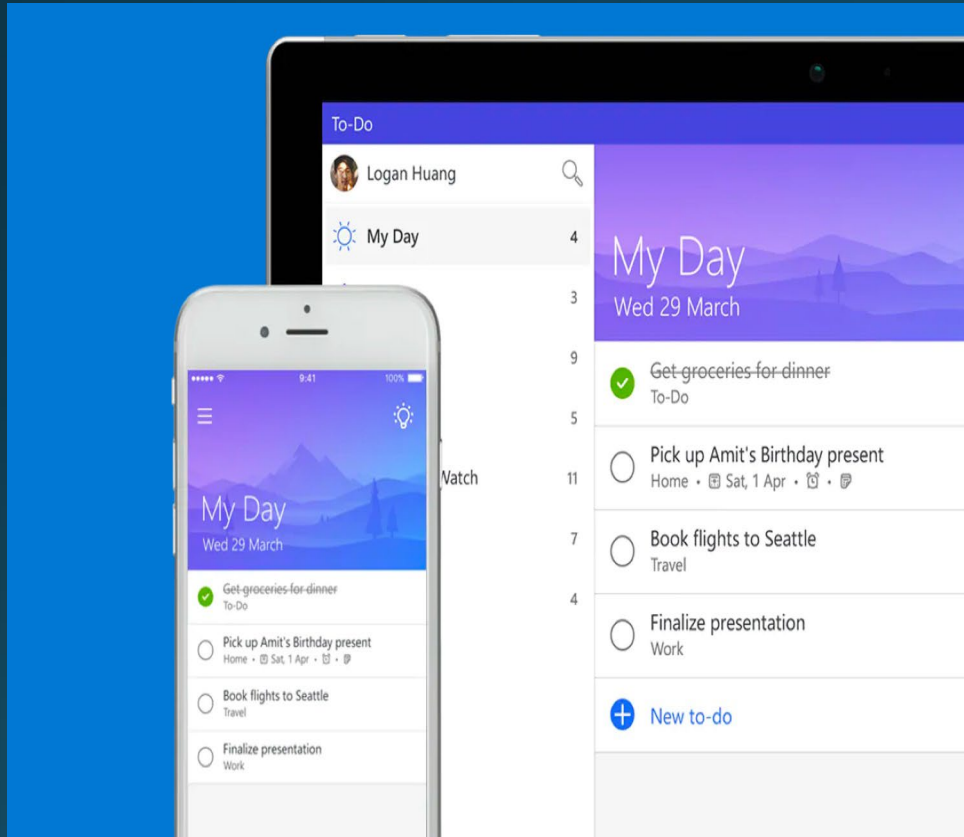
 Merge PDF Combine PDFs in the order you want with the easiest PDF merger available.	 Split PDF Separate one page or a whole set for easy conversion into independent PDF files.	 Compress PDF Reduce file size while optimizing for maximal PDF quality.	 PDF to Word Easily convert your PDF files into easy to edit DOC and DOCX documents. The converted WORD document is almost 100% accurate.	 PDF to Powerpoint Turn your PDF files into easy to edit PPT and PPTX slideshows.	 PDF to Excel Pull data straight from PDFs into Excel spreadsheets in a few short seconds.
 Word to PDF Make DOC and DOCX files easy to read by converting them to PDF.	 Powerpoint to PDF Make PPT and PPTX slideshows easy to view by converting them to PDF.	 Excel to PDF Make EXCEL spreadsheets easy to read by converting them to PDF.	 Edit PDF Add text, images, shapes or freehand annotations to a PDF document. Edit the size, font, and color of the added content.	 PDF to JPG Convert each PDF page into a JPG or extract all images contained in a PDF.	 JPG to PDF Convert JPG images to PDF in seconds. Easily adjust orientation and margins.
 Sign PDF Sign a document and request signatures. Draw your signature or sign PDF files with a certificate-based digital ID.	 Watermark Stamp an image or text over your PDF in seconds. Choose the typography, transparency and position.	 Rotate PDF Rotate your PDFs the way you need them. You can even rotate multiple PDFs at once!	 HTML to PDF Convert webpages in HTML to PDF. Copy and paste the URL of the page you want and convert it to PDF with a click.	 Unlock PDF Remove PDF password security, giving you the freedom to use your PDFs as you want.	 Protect PDF Protect PDF files with a password. Encrypt PDF documents to prevent unauthorized access.
 Organize PDF Sort pages of your PDF file however you like. Delete PDF pages or add PDF pages to your document at your convenience.	 PDF to PDF/A Transform your PDF to PDF/A, the ISO-standardized version of PDF for long-term archiving. Your PDF will preserve formatting when accessed in the future.	 Repair PDF Repair a damaged PDF and recover data from corrupt PDF. Fix PDF files with our Repair tool.	 Page numbers Add page numbers into PDFs with ease. Choose your positions, dimensions, typography.	 Scan to PDF Capture document scans from your mobile device and send them instantly to your browser.	

Staying Organized:

Microsoft To-Do



- Organize all your tasks
- Access your tasks from phone or computer
- Shared task list with team members



Staying Organized: OneNote



- Time-stamped notes from your phone or computer
- You can create shared folders with your team members.

The screenshot shows the OneNote application interface. The top bar is purple with the text "OneNote" and search and menu icons. The left sidebar shows the user "Anne Hole" and a list of notebooks: "Recent notes", "Module 1", "Module 2", "Module 3", and "Module 4". The "Module 1" notebook is selected, showing a list of sections: "week 1 - ab...", "week 2 - jjhk...", and "week 3 - htc...". The "week 1 - ab..." section is selected, showing a list of pages: "Lecture on...", "Book", "Journal arti...", "Book", and "Seminar on...". The main content area displays the "Lecture on" page, which includes a timestamp "Friday, August 25, 2017 11:13 AM" and text: "Here you can type up, or add as an image, yo", "You can also add slides from Study Direct,", and "links to videos etc.". There is also a section titled "Digital tools for study..." with a PowerPoint icon. At the bottom, there is a photo of paper notes using a phone.

Staying Organized:

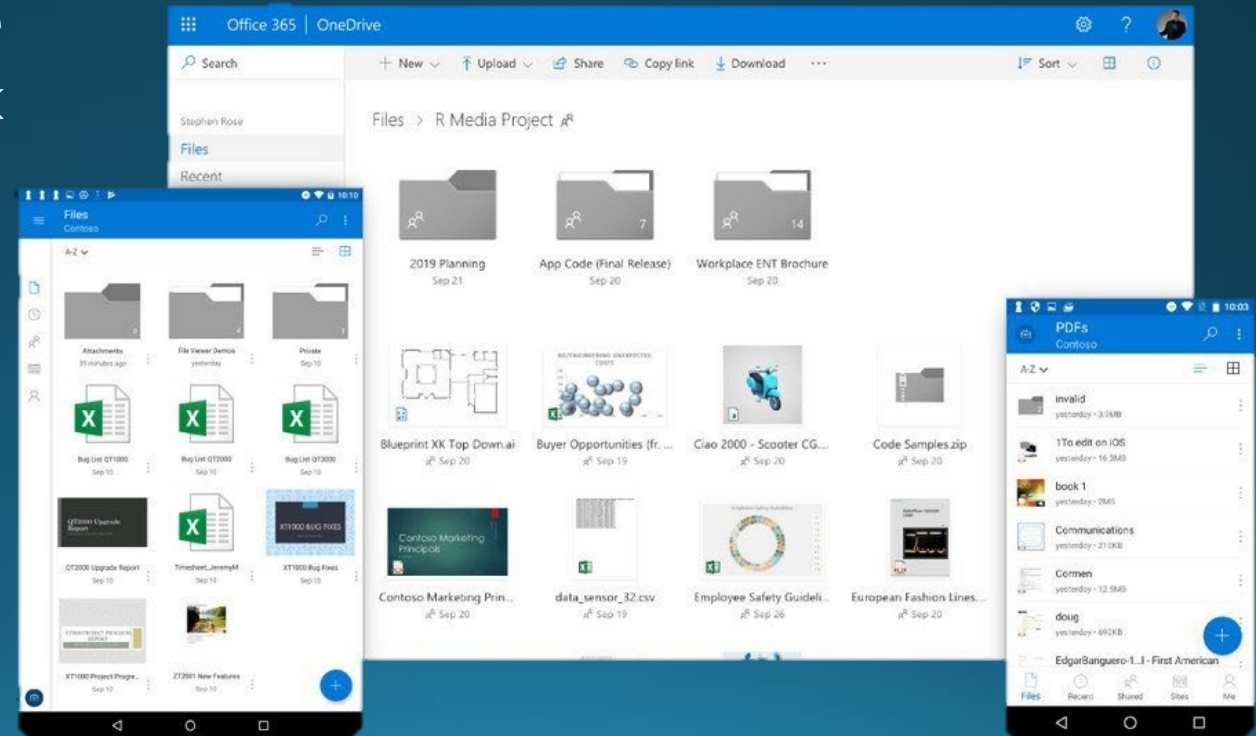
OneDrive



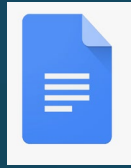
Google Drive



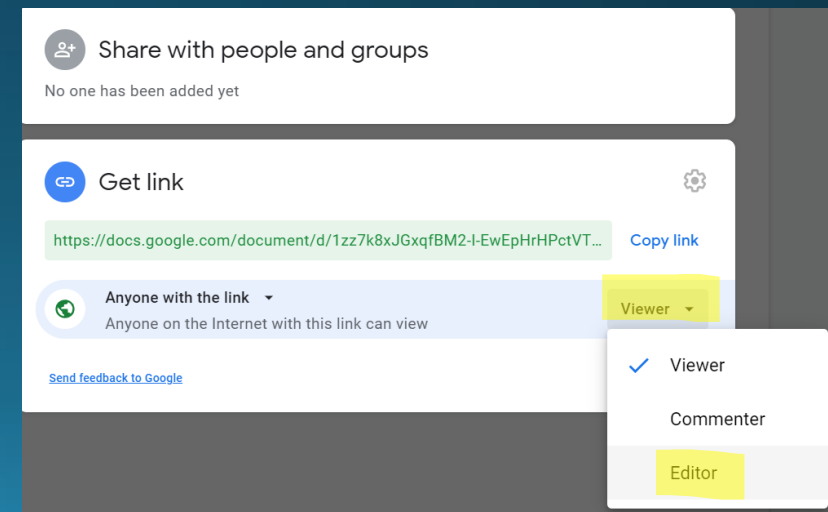
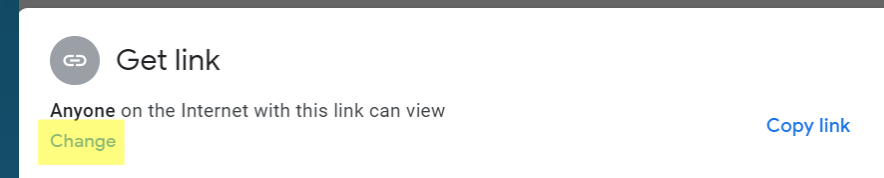
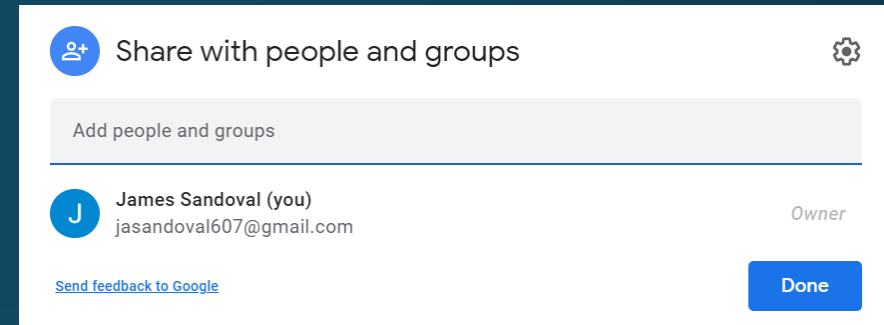
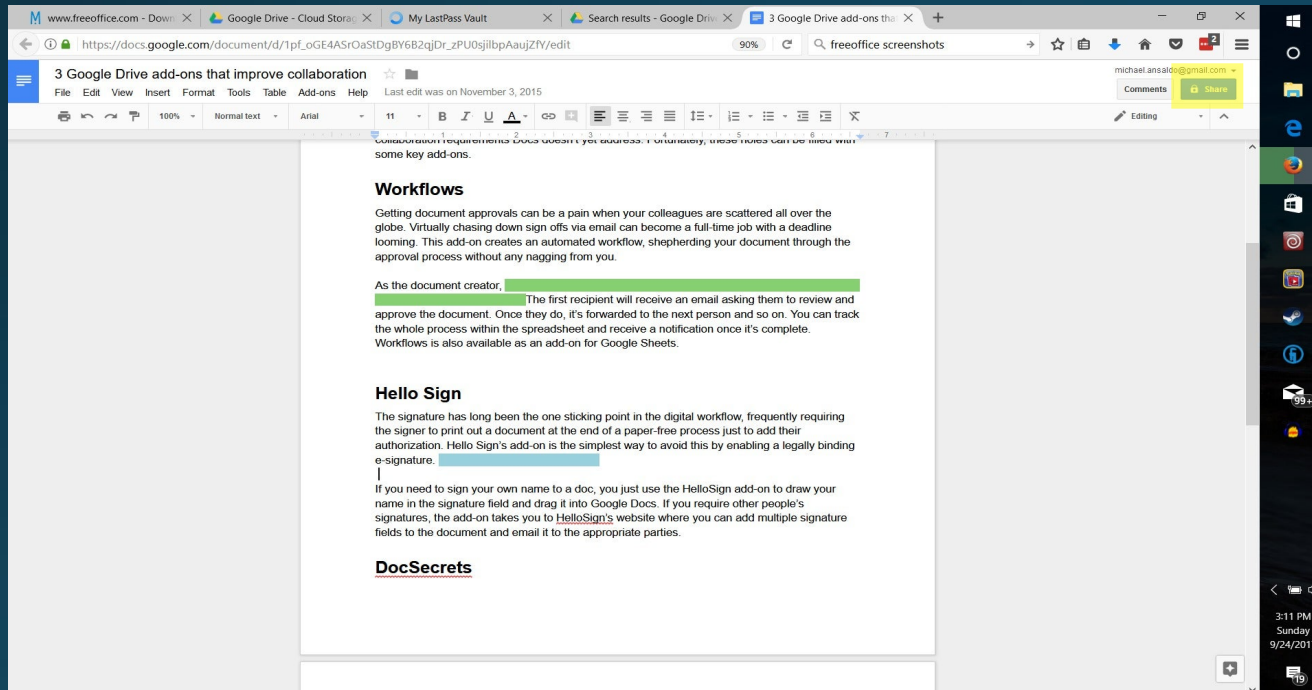
- Save all your files
- Access your files from phone and computer
- Scan documents from your phone
- Create sharable folders with a link



Staying Organized: Google Docs



- Collaborate on a live document with others
- Access document from phone or computer



Staying Organized:

Keyword search PDFs on phone or laptop

Ctrl + F

SMART+Fixed+Route+Local+0023+and+SC+METRO+Labor+Agreement+(MOU)+--+Aug+25,+2019+--+June+30,+2022+--+as+of+032820+fully+executed.pdf - Adobe Acrobat Reader (64-bit)

Home Tools SMART+Fixed+Rou...

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overtime

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Export PDF

Edit PDF

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Comment

Combine Files

Organize Pages

Compress PDF

Redact

Prepare Form

Request E-signatures

Fill & Sign

Send for Comments

More Tools

SMART+Fixed+Route+Local+0023+and+SC+METRO+Labor+Agreement+(MOU)+--+Aug+25,+2019+--+June+30,+2022+--+as+of+032820+fully+executed.pdf

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS

SMART LOCAL 0023
FIXED ROUTE

AND

SANTA CRUZ METROPOLITAN
TRANSIT DISTRICT

August 25, 2019 - June 30, 2022

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Staying Organized:

Tools for Contract Negotiations

The screenshot shows a spreadsheet titled "SMART Proposals". The columns are labeled: Number #, Article/Section, Summary, Submitted?, Date/Time, Notes, and T.A?. The rows are numbered 1 through 34. The spreadsheet is currently empty.

The screenshot shows a spreadsheet titled "SMART Wage Increase Calculator". It includes instructions: "Fill in your current top pay in box 'A4'. For percentage increase, make sure '1.0' is in front. For example, for a 2% increase for the 1st year, type in '1.02' in box 'B6'. Then type in percentage increases for each year after for box 'B7' through 'B10'".

	A	B	C	D	E	F
1	SMART Wage Increase Calculator					
2	Fill in your current top pay in box "A4". For percentage increase, make sure "1.0" is in front. For example, for a 2% increase for the 1st year, type in "1.02" in box "B6". Then type in percentage increases for each year after for box "B7" through "B10"					
3	Current top wage	1st year	2nd year	3rd year	4th year	5th year
4	33.40	34.24	35.95	37.03	38.88	40.82
5	1st year percentage increase	1.025				
7	2nd year percentage increase	1.05				
3	3rd year percentage increase	1.03				
9	4th year percentage increase	1.05				
0	5th year percentage increase	1.05				
1						

These tools can be found on SMART University

Useful Information and Resources Document



Useful Information & Resources

Must-read Union books:

Your Properties Collective Bargaining Agreement

Just Cause – A union guide to winning discipline cases
<https://labornotes.org/store/just-cause>

The legal rights of union stewards
<https://labornotes.org/store/legal-rights-union-stewards>

How to win past practice grievances
<https://labornotes.org/store/how-win-past-practice-grievances>

No contract, No peace!
<https://labornotes.org/store/no-contract-no-peace>

FMLA Handbook
<https://labornotes.org/store/fmla-handbook>

The Labor Law sourcebook
<https://labornotes.org/store/labor-law-source-book>

The Union Steward's Complete Guide. A survival manual.
<https://labornotes.org/store/union-stewards-complete-guide-3rd-edition>

More books:
<https://labornotes.org/store/books>

Useful Websites/Apps SMART TD

SMART TD Website
<https://smart-union.org/>

- Find many useful documents, trainings, templates, etc.

SMART University
<https://smwia.sharepoint.com/sites/SMARTUniversity>

- Training videos for officers
- Member educational videos
- Templates and Resources

SMART TD APP
<http://smart-union.org/mobile>

- Find out who your local union officers are & contact them
- Find out when and where your local meeting is
- Find out what benefits are available, including insurance, and discounts exclusive to SMART-TD members
- Access SMART news and related articles.
- Report an unsafe work condition
- Get answers and know who to contact when questions and issues arise.
- Plus, a breakdown of your dues and much more

SMART New Hire Kits

- SMART New hire kits have applications, dues authorization forms, informational trifolds, SMART merch, etc.
- Request New Hire Kits from the SMART TD supply department.

SMART Directory
<https://smart-union.org/members/contact-smart-td-directory/>

This document can be found on SMART University

TIPS



- **Always be professional**
- **Keep issues with members confidential**
- **Take good notes**
- **Always leave a paper trail**
- **Follow up emails**
- **Build your case**
- **NEVER stop learning**
- **Do not give up**
- **Do not go at it alone**
- **Work as a unit with your members and leadership**
- **You represent majority of your membership, NOT YOURSELF**
- **Keep members well informed**
- **Jab, punch, upper cut method**

IT IS POSSIBLE FOR YOU TO LEARN

You  Tube
CERTIFIED



BREAK



SHEET METAL | AIR | RAIL | TRANSPORTATION

SMAART
UNIVERSITY



What is a Grievance?

Table of Contents

The Grievance



Information Request



JUST CAUSE



Work Now, Grieve Later



Off-Duty Conduct



Weingarten Rights



Unfair Labor Practice (ULP)



WHAT IS A GRIEVANCE?

A grievance is a violation of:

Collective Bargaining Agreement

Past Practice

Federal or State Law

Alleged violation of a work rule or policy
(JUST CAUSE)



What is a violation of the Collective Bargaining Agreement?



Contract violations can include language regarding:

Wages

Working conditions

Vacations

Benefits

Disciplinary actions and procedures.

ANY violation of your collective bargaining agreement

What is a violation of Past Practice?

Three Categories:

Contract clarifying

Gives meaning to ambiguous or general contract language

Independent

There is no reference in the contract

Conflicting

The practice goes against the contract language.



HOW TO PROVE PAST PRACTICE



LONGEVITY



REPETITION

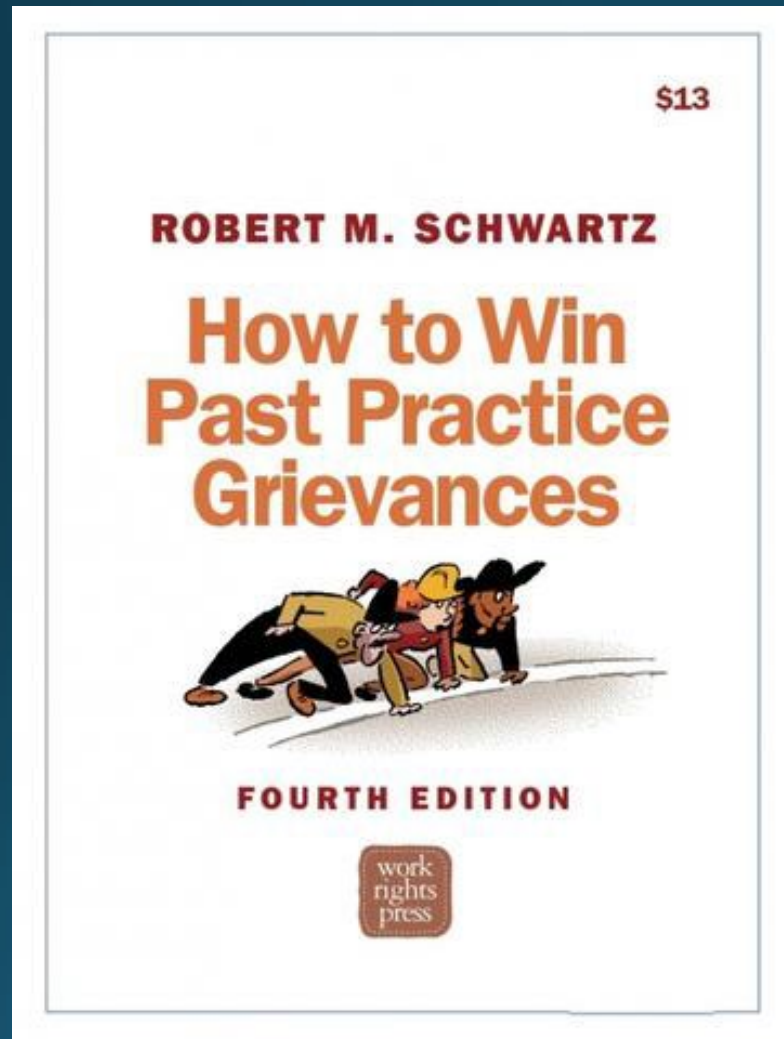


CONSISTENCY



KNOWLEDGE

Purchase this book to learn more about Past Practice Grievances



Book:

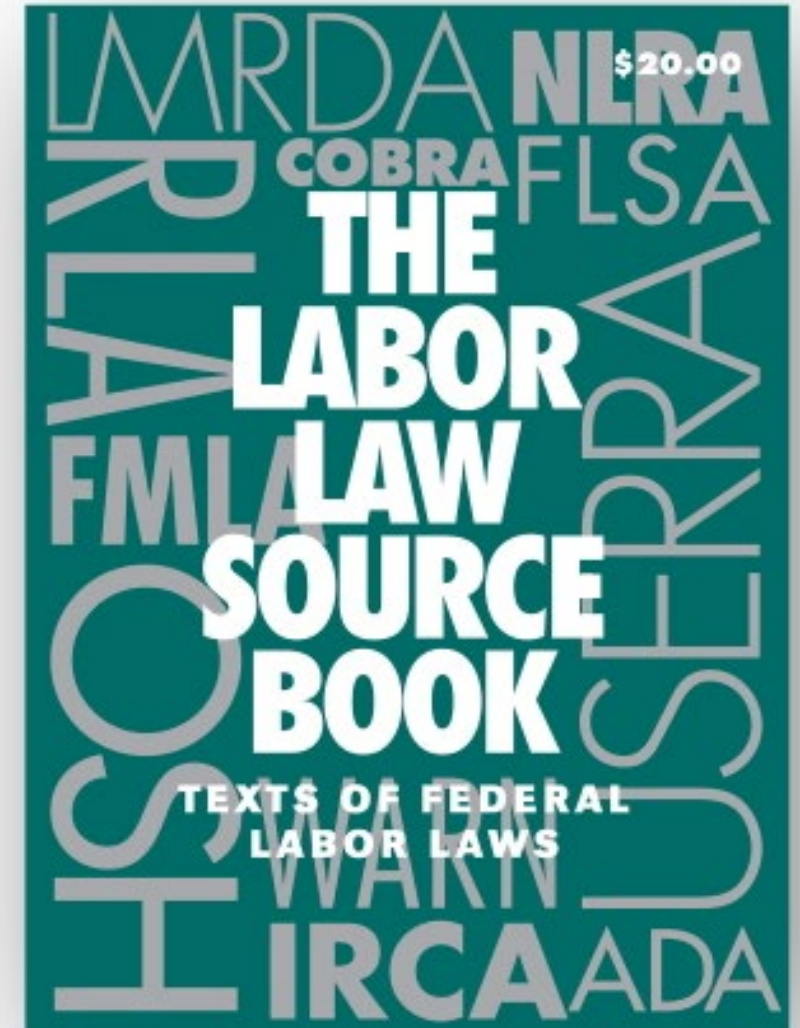
<https://labornotes.org/store/how-win-past-practice-grievances>

What is a violation of Federal, State or Local Law?

- **Occupational Safety and Health Act (OSHA)**
- **Family Medical Leave Act (FMLA)**
- **Equal Employment Opportunity Commission (EEOC)**
- **Many more**

Book:

<https://labornotes.org/store/labor-law-source-book>



California Labor Law Requires Poster



Work rule or policy grievance



- Alleged violation of a said rule or policy
- No progressive discipline
- Unfair discipline
- Violation of **JUST CAUSE**

WHO PROTECTS THE CONTRACT?

General Chairperson

Vice Chairpersons

The Members



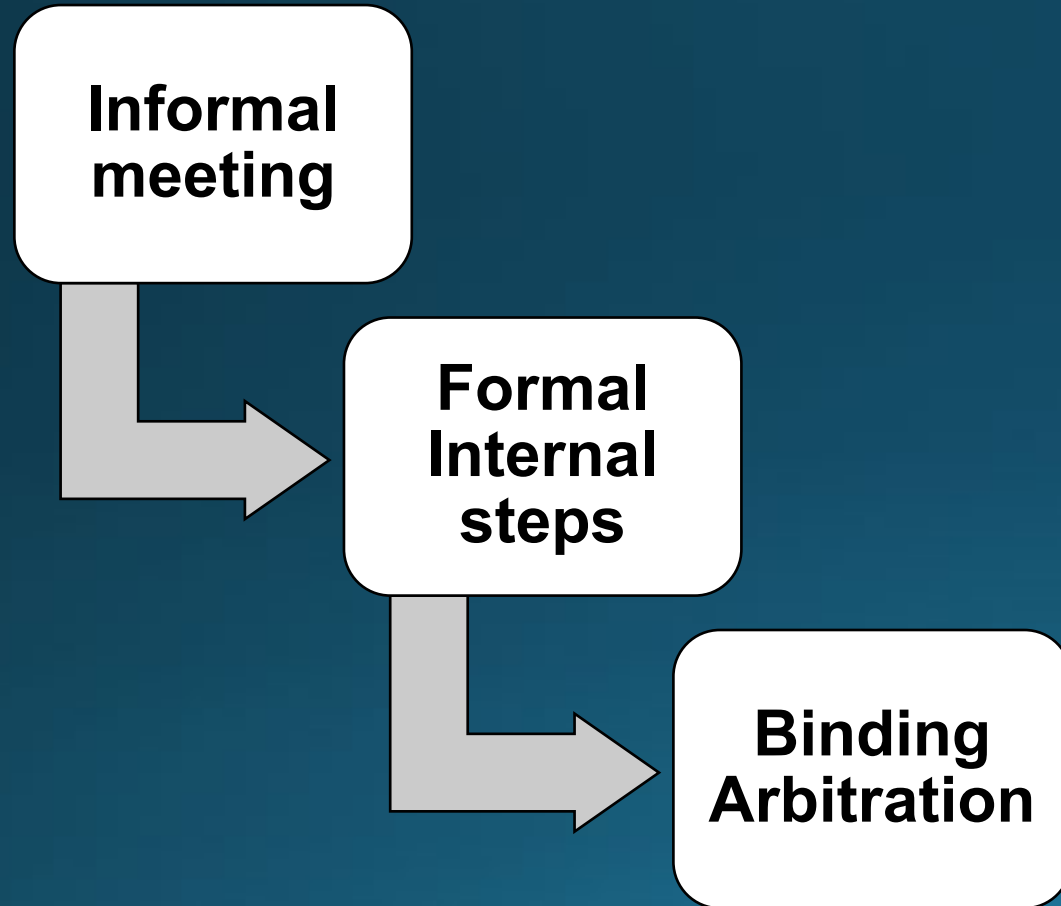
Who is in charge of processing grievances?

The Committee of Adjustment

Article 21B, Section 81



Grievance Procedure



Grievance Template

Filing a Grievance triggers formal steps

Make sure every grievance has:

Date of violation

Articles & Sections Violated

Statement of Facts

Remedy Sought



GRIEVANCE FORM

Date: _____

Date of violation: _____

Level of Hearing: _____

SMART-TD hereby files this grievance with _____

Rule or Article & Section Violated in the Collective Bargaining Agreement are the following, but not limited to:

Statement of Facts:

Remedy Sought:

Union Representative:



ARBITRATION

- Arbitrators' authority does not exceed the CBA
- Arbitrators look for intention in language
- **Arbitrator may request:**
 - Proposals from negotiations
 - Testimonies
 - Counter proposals
 - Transcripts from negotiations
 - Notes from negotiations
 - Past Practice to see what has been accepted before

Arbitration is always a risk and very expensive. Avoid arbitration if possible

The Power of an Information Request

Unions have the right to request and receive information from employers to investigate grievances.

The right to information is essential for the union to effectively represent its members.

Employer must provide requested information or face unfair labor practice charge.



Use Information Requests!

- This helps create a strong foundation for your case
- It holds your employer accountable
- Promotes transparency
- Shows your employer you are building your case
- Can assist you in determining whether to drop a grievance or pursue it.
- Sometimes information requests pressure your employer into settlement



Information Request Template



INFORMATION REQUEST

Date:

Re:

Dear _____:

In connection with the above matter, and to assist the union in policing the collective bargaining agreement, the union requests that the employer provide the following information:

1.

2.

3.

4.

Please provide the information by _____. If any part of this request is denied or if any material is unavailable, please state so in writing and provide the remaining items by the above date, which the union will accept without prejudice to its position that it is entitled to all documents and information sought in this request. Failure to comply with this request in a timely manner will be viewed by the union as a refusal to comply with the unions right to information requests.

If this case goes to arbitration, the union will oppose the introduction of any non-disclosed information.

Regards,



INFORMATION YOU ARE ENTITLED TO REQUEST

Accident Reports	Manuals
Air quality studies	Material safety data sheets (MSDSs)
Annual reports	Memorandums prepared after meeting with employees
Attendance record	Merger agreements
Bargaining notes	OSHA logs
Benefit plans	Overtime records
Bonus records	Payroll records
Consultant's report	Pension contribution records
Contracts with customers, suppliers, and contractors	Personnel files
Correspondence (letters and email) between management and outside entities such as government agencies and workers compensation carriers.	Photographs
Correspondence (letters, email, and text messages) between management and supervisors	Piece-rate records
Customer complaints	Policies
Customer lists	Prior grievances and arbitration awards
Disciplinary records of grievant or others	Prior discipline (say you are representing a member and you are making sure there is no disparate treatment, you should request all prior discipline for violating the same rule for the past 5 years.)
Drug tests	Private detective reports
EEO reports	Sale of enterprise documents
Employee evaluations	Schedules
Equipment specifications	Security logs and reports
Handwriting analysis	Seniority lists
Injury reports	Supervisors' notes and files
Inspection records	Telephone and cell phone records
Insurance policies	Test results
Internal memos and policies	Timecards
Interview notes	Time-study records
Investigative reports	Training manuals
Investigatory files	Video surveillance tapes
Job assignment records	Wage and salary records
Job descriptions	Work rules
Leave requests	

Information Request

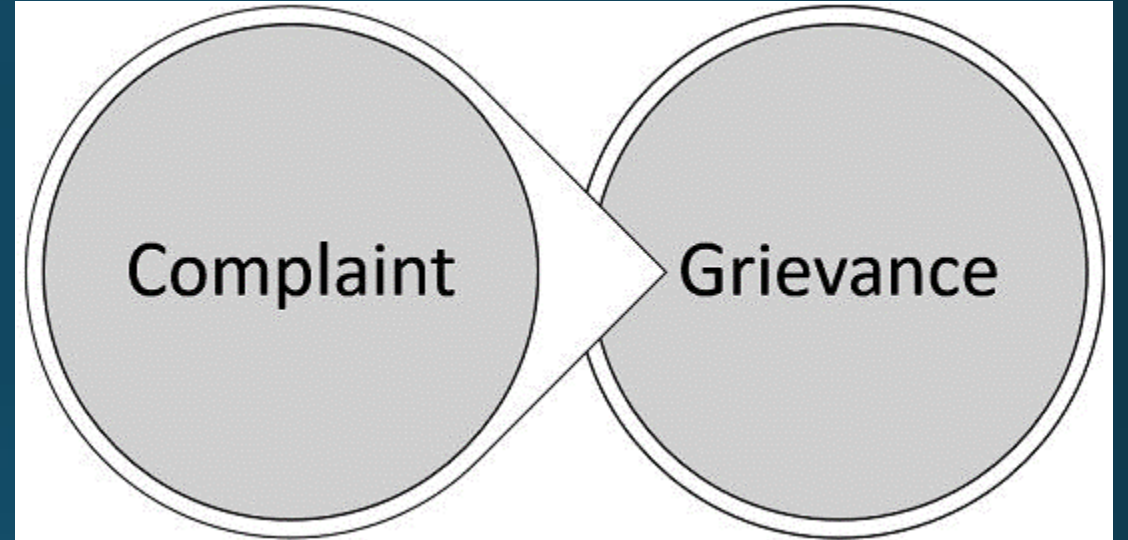
THE 6 W'S WHEN INVESTIGATING GRIEVANCE

1. Who?
2. What?
3. When?
4. Where?
5. Why?
6. What is the remedy?



Gripe vs Grievance

- A gripe is generally:
 - A personal problem
 - Personality conflict
 - Beyond human control
 - Not covered by the CBA or Law



The Three Rules of Evidence



- Opinions are not facts
- Hearsay evidence is not factual
- Facts must be relevant

Building Your Case

- Clearly define the issue or grievance.
- Gather all relevant information and evidence.
- Avoid relying solely on verbal conversations for proof.
- Interview witnesses who can support your case and take good notes.
- **Email, Email, Email:** Use email as the primary mode of communication.
- Save all email correspondence and documents related to the issue. (1.print, 2.save as PDF)
- **Send a follow-up email after each significant interaction.**
- Summarize key points and agreements from meetings or discussions.
- Maintain a paper trail of your efforts to address the grievance.
- Create a chronological log of all events.
- Document dates, times, and details of each interaction.
- Prepare to present your case to a 3rd party who has no knowledge of case.
- Sometimes having a strong foundation could prevent a case from escalating to the next level.



TIPS



- **Know your contract**
- **Know the timelines in your contract**
- **Treat each grievance as it is going to arbitration**
- **Keep a paper trail such as emails**
- **Communicate with member**
- **Try to resolve grievance informally first**
- **Check for prior settlements**
- **Do not promise members anything or give them false hope**
- **Go through old records to find intention of language if there is an interpretation issue**
- **Present all information during grievance process. Avoid 'Gotcha' moments**

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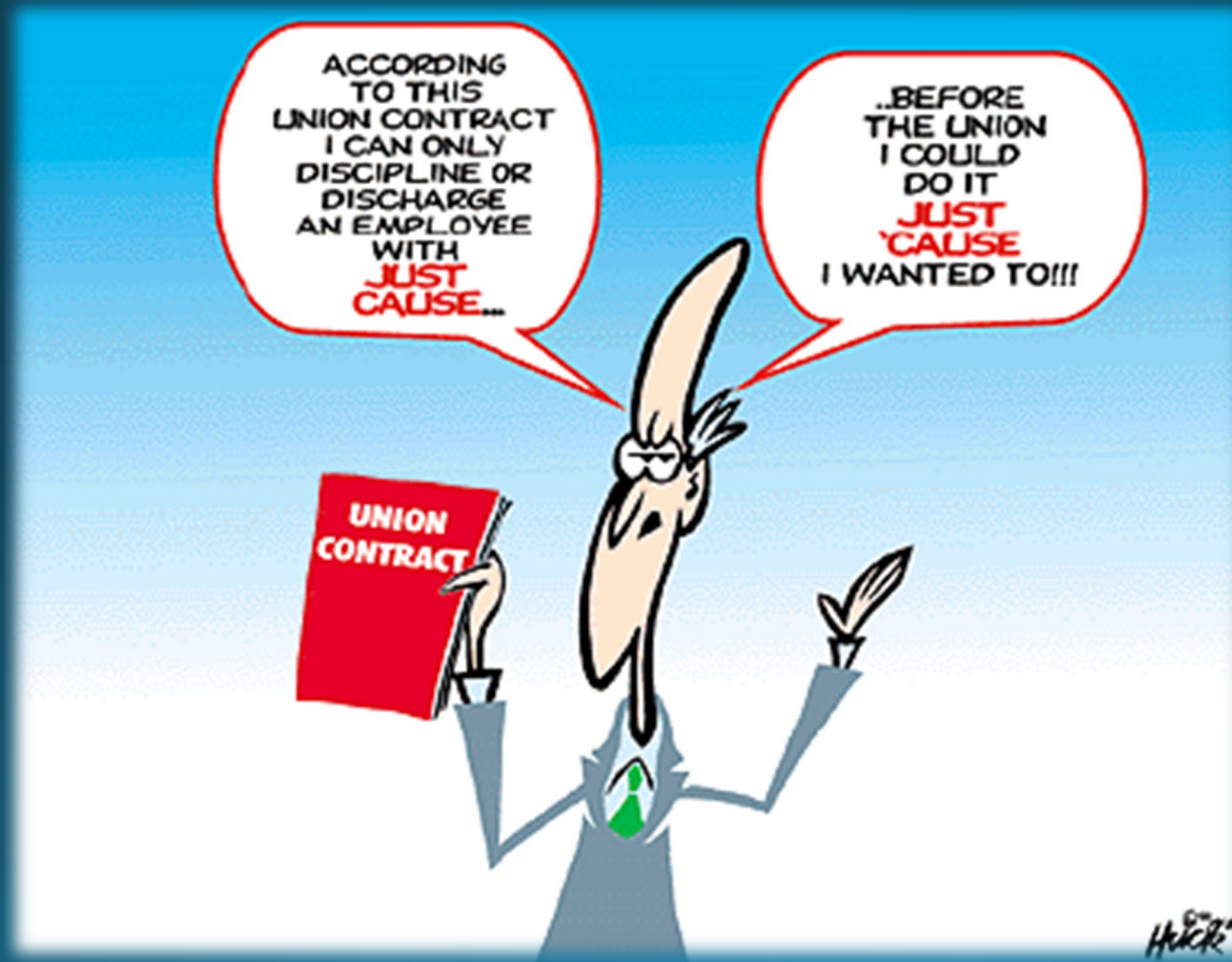
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Disciplinary Representation "JUST CAUSE"

JUST CAUSE

The JUST CAUSE standard protects union members from unfair discipline.



Seven Principles of JUST CAUSE



1. Fair Notice
2. Prior enforcement
3. Due process
4. Substantial proof
5. Equal treatment
6. Progressive discipline
7. Mitigating and extenuating circumstances

1) Fair Notice

An employee may not be punished for violating a rule or standard whose nature and penalties have not been made known.



Employers must publicize standards and identify potential penalties

Unilaterally Imposed Rule:

Employers must give unions notice and opportunity to bargain before adopting new rules.

2) Prior Enforcement

Punishment may not be imposed for violating a rule or standard that the employer has not enforced for a prolonged period.



Employees are encouraged to believe that a policy or rule is no longer in effect when management fails to take action on a rule

Three ways of proving lax enforcement:

1. Widespread violations
2. Employer was aware of violations
3. Employer did not take action

Resetting: Employers can reset a rule by notifying workers that they will enforce it and punish violators.

3) Due Process

Employers must conduct interviews, take action, and list charges before issuing discipline. Once assessed, discipline may not be increased.



Employers must give workers a chance to tell their side of the story before imposing discipline.

Double Jeopardy:

Increasing a punishment already imposed for the same conduct – violates due process.

4) Substantial Proof

Charges must be proven by substantial and credible evidence.



Disciplinary action must be based on reliable evidence, not hearsay

5) Equal Treatment

Employers may not punish one employee more harshly than another for the same offense.



Favoritism and discrimination are incompatible with just cause

Making the case: The union must identify at least one other employee who violated the same rule as the grievant to prove unequal treatment.

Valid Distinctions: Valid distinctions allow employers to issue different discipline to different workers.

How far back can you go to prove unequal treatment? Union can prove unequal treatment beyond 5 years, but evidence more than 10 years old could be rejected.

6) Progressive Discipline

Employers must issue discipline to give employees an opportunity to improve when responding to misconduct.

Employers should use workplace penalties to correct misconduct, not punish or humiliate, and should apply the lowest punishment to achieve desired results.

Note:

- 1) Prior discipline must be in record.
- 2) The prior infraction must have resulted in discipline.
- 3) The current infraction should relate to the prior infraction.
- 4) Final penalty



7) Mitigating and extenuating circumstances

Discipline must be proportional to gravity of offense, taking into account mitigating or extenuating circumstances.



Employers must consider mitigating circumstances to reduce the likelihood of repeat offenses.

Mitigating circumstances: Are facts that suggest that an offending employee is likely to correct their behavior.

Extenuating Circumstances: Reduce employees' responsibility and reduce the likelihood of repetition.

Eight Tests of JUST CAUSE

1. Is there a rule?
2. Did the grievant violate it?
3. Was there a notice of the rule?
4. Is the rule reasonable?
5. Was the rule applied unreasonably?
6. Was there a fair investigation?
7. Equal treatment with others?
8. Is the discipline unreasonable?



Work now, Grieve later

Here is how management describes insubordination:

Insubordination is a deliberate refusal to obey a reasonable order related to an employee's job function.



The obey-now rule applies even when an order:

1. Unreasonable or unfair
2. Conflicts with contract
3. Requires duties outside classification
4. Violates past practice

Work now, Grieve later (cont'd)

An employer must establish six elements to justify an insubordination charge:

- 1) The supervisor's directive was clear
- 2) The order served the needs of the business
- 3) The employee knew that the person giving the order had authority to issue directions
- 4) The supervisor gave the employee a warning of consequences
- 5) The employee's refusal was knowing, willful, and deliberate.
- 6) The employee was given an opportunity to correct.

EXCEPTIONS

- 1) Employee believes order will put them at risk of bodily injury.
- 2) Illegal or unethical
- 3) Order that invades employee privacy

Off-Duty Conduct



Arbitrators often vacate penalties based on off-duty conduct, even when it is illegal.

NEXUS EXCEPTION:

An exception to the general rule arises when off-duty conduct has a harmful impact on employers' operations. Arbitrators call this "NEXUS"

For example, an employer may impose discipline if an employee's words or actions:

1. Harm the employer's business or public image
2. Cause fellow employees to fear working with the employee
3. Affect the ability of the employee to carry out their duties or to show up for work
4. Irreparably damage the employer-employee relationship
5. Reveal a serious emotional instability that is likely to manifest itself on the job

Weingarten Rights

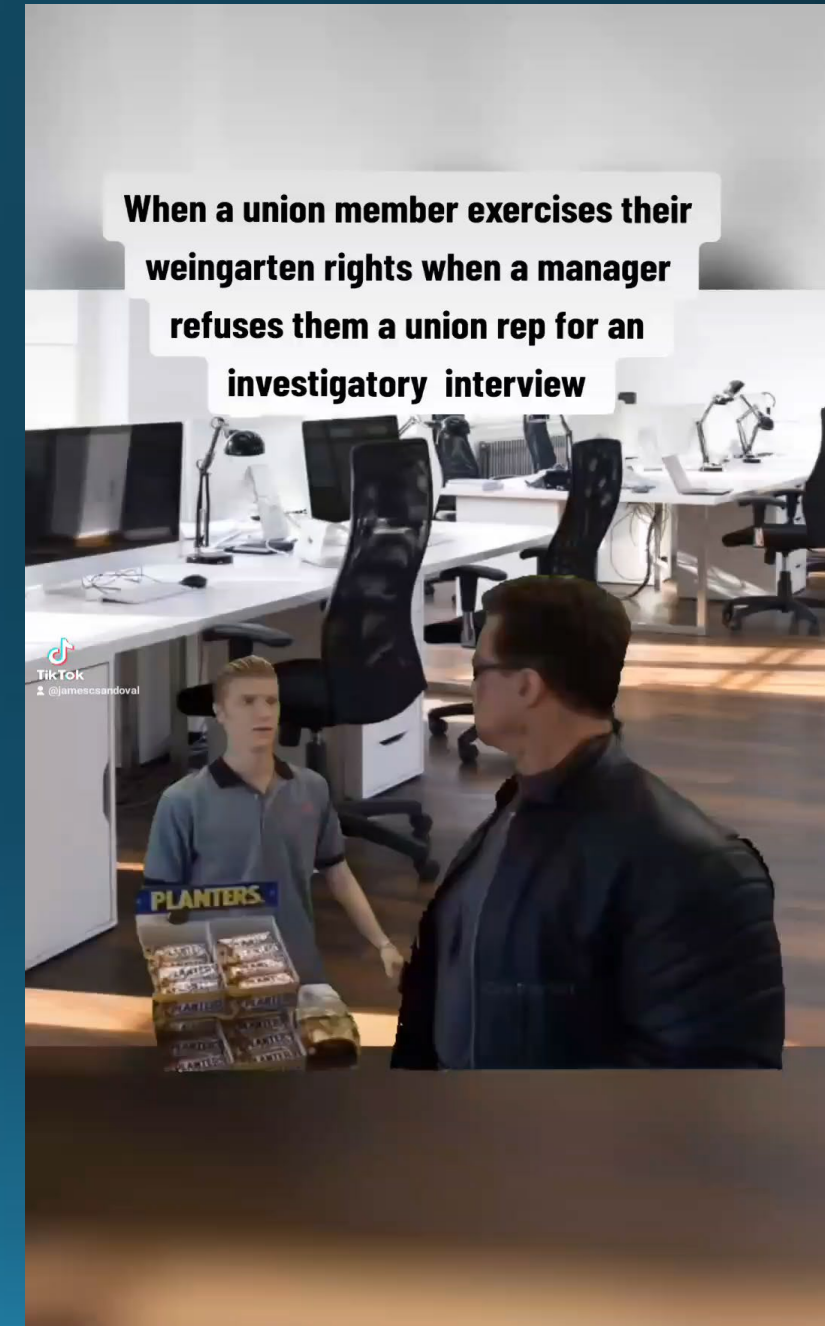
The Right to Union Representation During an Investigation Hearing



"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at the meeting. Without representation, I choose not to answer any questions."

This is my right under a Supreme Court decision called Weingarten.

Weingarten rights are sometimes confused with Miranda rights



Important Factors of Weingarten Rights



Union representative can:

- Caucus with member before or during questioning.
- Ask for the specific charges being investigated.
- Advise employees on how to answer specific questions.
- Take notes.
- Object to harassing or confusing questions.

\$20

ROBERT M. SCHWARTZ

Just Cause

A UNION GUIDE TO
WINNING DISCIPLINE CASES



Second Edition



AN IMPRINT OF LABOR NOTES

Books & Videos to learn more



Bob Schwartz: An Introduction to Just Cause

<https://www.youtube.com/watch?v=dSMFcJ5db30>

Book:

<https://labornotes.org/store/just-cause>

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Unfair Labor Practice (ULP)

What is an Unfair Labor Practice (ULP)?

- Unfair labor practices involve employers or labor unions violating labor laws and regulations, often affecting employees' rights to participate in organized labor activities.
- Unfair labor practices are investigated by the National Labor Relations Board or State Agency.
- These agencies have the authority to investigate complaints, issue rulings, and impose remedies to protect the rights of workers and ensure fair labor relations.



Here is a link to violations:

www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act

National Labor Relations Board

For Unions in the Private Sector



State Agency Relations Board

For Unions in the Public Sector

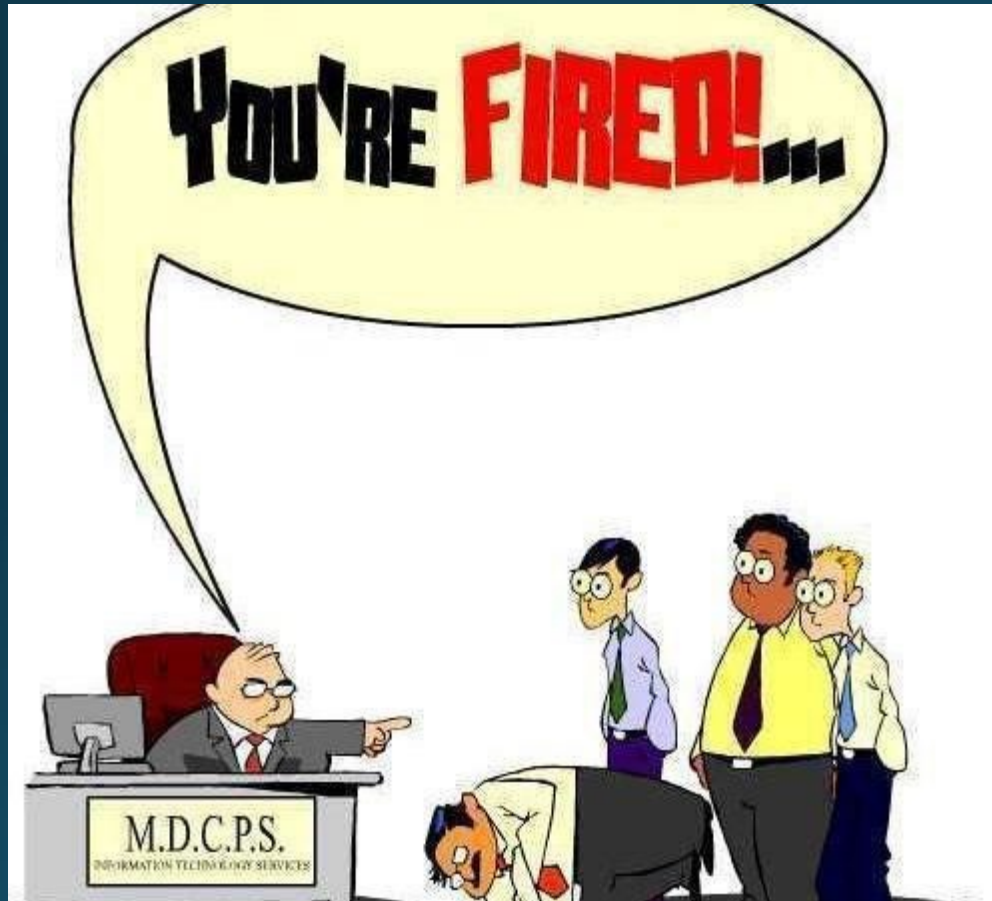
- Similar to the National Labor Relations Board
- Process Unfair Labor Practice charges
- Each State has their board, and it could be named differently



PERB
California Public Employment
Relations Board

www.perb.ca.gov

Here are a few examples of unfair labor practices by employers:

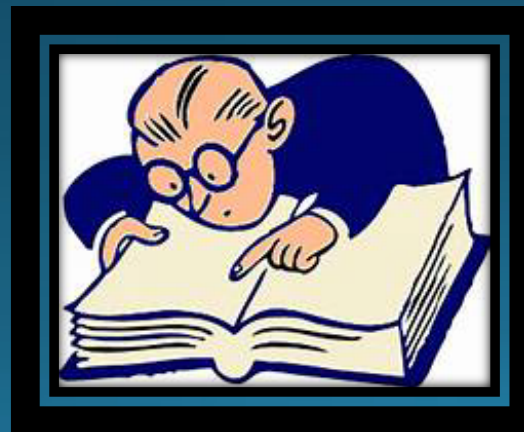


- Unilateral changes
- Coercive questioning of employees regarding their union activity
- Threatening employees or discriminating against employees because they participated in union activities
- Promising benefits to employees if they refuse to participate in union activity
- Failing to provide information
- Violation of Weingarten rights
- Failure to bargain in good faith

When the contract is silent to a certain issue

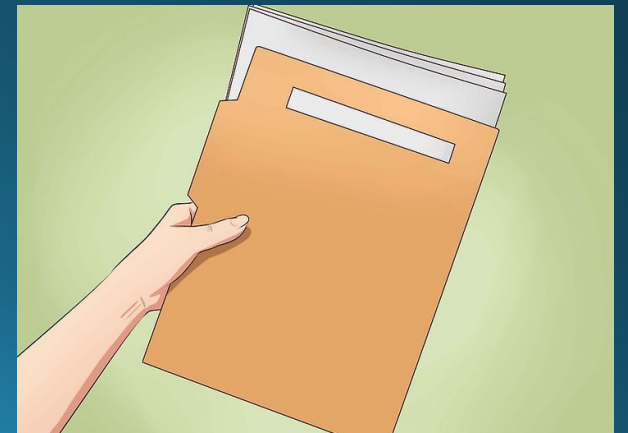
The following procedures must be observed before an employer makes a change to working conditions that is silent in the contract

1. The employer must give the union advance notice
2. The union may request to bargain
3. The union may request information about the reasons for or impact of the change
4. The employer must bargain in good faith and with an open mind
5. The employer may not carry out the change unless negotiations reach agreement or impasse



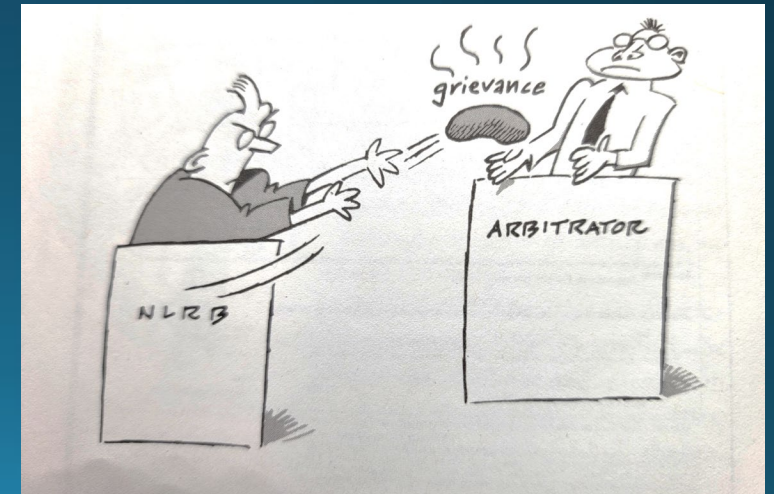
How to file a ULP

- Unions can file unfair-labor-practice charges up to **six months** after illegal employer conduct.
- **NLRB:** www.nlr.gov
- **PERB:** (California) www.perb.ca.gov



Deferral Policy

- Under a policy called “deferral,” regional directors can suspend action on union-filed ULP charged if the employer agrees to resolve the matter through the grievance procedure. The NLRB or State Agency justifies deferral as a way of conserving resources.
- **The NLRB or State Agency does not defer ULP charges alleging:**
 - Failure to provide information
 - Violation of Weingarten rights
 - Retaliation for Labor Board charges



Any Questions?

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