

Labor's Language: Glossary of Union Terms

Labor agreements, publications, and even officials often use terms that are almost exclusive to the labor arena. To help stewards feel more comfortable operating in this area, "Labor's Language: A glossary of Labor's Terms" is a regular Steward Edition feature.

Fact Finding: Investigation of labor-management disputes by a board, panel, or individual. A report is issued by the panel describing the issue in dispute, and may make recommendations for a solution.

Fair Labor Standards Act (FLSA): The 1938 federal wage-hour law which established minimum wage, maximum weekly hours and overtime pay requirements in industries engaged in

interstate commerce. The law also prohibited children under 16 years of age from working.

Medical Leave Act (FMLA): Federal law establishing a basic floor of 12 weeks of unpaid family and medical leave in any 12-month period to deal with birth or adoption of a child, to care for an immediate family member with a "serious health condition," or to receive care when the employee is unable to work because of his or her own "serious health condition."

Federal Mediation and Conciliation Service (FMCS): Independent agency created by the Taft-Hartley Act in 1947 to mediate labor disputes which substantially affect

interstate commerce.

Field Examiner: An employee of the National Labor Relations Board whose primary duties are to conduct certification elections and carry out preliminary investigations of unfair labor practices.

Free Riders: Term used in *Work for Less* states to refer to workers who receive all the benefits of the union contract without paying union dues

Front Loading: The concentration of wage and benefit increases in the beginning of a contract.

Garnishment: Deductions taken from an employee's wages and rendered to a creditor of the employee.



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Failure to Request Union Representation Proves Costly Educating Members of their Weingarten Rights Crucial

Union members who fail to exercise their right to representation during an investigatory interview (commonly referred to as Weingarten Rights) are not only forfeiting an important protection enjoyed exclusively by union members, but they are taking a huge risk.

"As several members have recently learned, engaging in a conversation with your employer that could lead to discipline without union representation can be a very costly error," Roger Robinson, Local 876's president, said. "Without their steward or representative present, members, including those who have done nothing wrong, have been bullied into making statements that are not in their best interests. When they finally do ask for help from the union, it is often too late, the damage, usually irrevocable, has been done."

The first mistake union members often make is confusing their workplace Weingarten Rights with their legal Miranda Rights. Under Miranda, the burden of informing individuals in criminal investigations of their right to remain silent and have

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Weingarten Gives Members Important Protections

Under the Supreme Court's Weingarten decision, union members have the right to union representation during investigatory interviews/conversations during which the employee has a reasonable belief that discipline or another adverse consequence may result.

What Qualifies as an Investigatory Interview?

Investigatory interviews relate to such subjects as: absenteeism, accidents, compliance with work rules, damage to company property, drinking, drugs, falsification of records, fighting, insubordination, lateness, negative attitude, poor work performance, sabotage, slowdowns, and theft.

How to Request Representation

A simple statement along the lines of the following example is all that is necessary to request representation. "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 steward or representative be present. Without representation, I choose not to participate in this discussion."

Employer Options Following a Request for Representation

After the request for representation is made, the employer can (1) grant the request and discontinue the conversation until union representation arrives or (2) deny the request and end the interview immediately.

If the employer continues to question a member without honoring a valid request for representation, the employer is committing an unfair labor practice, and the member is right to refuse to answer any questions. In these situations, the member should stay in the room until excused, but remain silent. If the member agrees to continue the conversation without representation, the member has waived his/her right to representation and it is not an unfair labor practice. In addition, anything members who waive their right to representation say can be used against them.

Stewards Key to Educating Members About Important Right

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legal counsel present is on the party doing the questioning. Just the opposite is true with Weingarten. It is the worker's responsibility to know and demand his/her Weingarten Rights and remain silent until representation is provided. The employer is not required to

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inform workers of their Weingarten Rights or even that the conversation may lead to discipline. Yet the employer has the right to use any of the information gathered during the conversation against the worker, even if Weingarten was not evoked.

“It's up to the union to educate members about their Weingarten Rights,” Robinson said. “Stewards play a key role in this process since their daily contact with members gives them the opportunity to talk about Weingarten on a regular basis.”

In addition to the Weingarten's basic principles (listed in the box on page one), members need to understand regardless of what they did or did not do, they need a steward present to protect them from being victimized by the heavy handed interrogation techniques regularly employed by managers and security personnel, many

of whom are off duty police officers.

“Members mistakenly tend to think they can talk themselves out of any situation. They have a false sense of confidence which leads them to believe everything will be OK once they explain what happened,” Robinson said. “What members don't realize is that

company representatives are often trained in interview techniques designed to confuse and trick employees into saying things they don't really mean or aren't accurate.

Unfortunately, during some of these situations, securing an admission of guilt is the

goal, and the truth becomes irrelevant.”

Innocence is also irrelevant when it comes to evoking one's Weingarten rights. Stewards should train members in all potentially disciplinary conversations to demand representation.

“It's not unusual for a member to think ‘I don't need representation, I didn't do anything wrong,’” Robinson said. “More than once, after being subjected to a long and threatening interrogation, innocent members have taken a voluntary quit thinking it would look better on their records, than the termination management threatened. The member doesn't realize that it's not unusual for a manager to bluff when they don't have a case for termination in order to get the member to quit.”

Nor is it unusual for the nature of a conversation with management or

security to change in such a way that requires the member to stop the conversation and request representation.

“The company is not beyond using the old bait and switch ploy in an effort to trick members out of exercising their Weingarten rights,” Robinson said. “They will tell members they want to talk about an issue, such as their job assignment, where Weingarten does not apply, and quickly switch the conversation to one that is disciplinary in nature. Their hope is that once the conversation starts, members won't think to exercise their right to representation, or believe they waived it by starting the conversation without representation.”

At any time during a qualifying conversation, members can indicate their desire for representation and remain silent until representation is provided.

The presence of a steward or union representative can help the member involved in many ways. The representative can serve as a witness to prevent the company from giving a false account of the conversation. They can object to intimidating tactics or confusing questions, help the employee avoid making fatal admissions, warn an employee against losing his/her temper, and raise extenuating factors. In addition, when appropriate, the representative can advise an employee against blindly denying everything, thereby giving the appearance of dishonesty or guilt.

“Members have nothing to gain and everything to lose by failing to request their Weingarten Rights,” Robinson said. “This is an important message we are going to continue to communicate to members, and urge stewards to participate in this educational process.”

Amid Controversy, State's Presidential Primary Set for January

In an effort to make Michigan relevant to the process which determines the candidates for 2008 presidential election, and draw attention to the serious issues facing its residents, the state has successfully moved its primary, traditionally held in August, to January, 15.

The move lacked the backing of either the Democratic or Republican National Committees, both of whom promised to penalize the state for its action. The Democratic National Committee has threatened to strip Michigan from all of its delegates to the 2008 national convention, while the Republican National Committee reduced its Michigan delegation by half. Insiders from both parties predict full Michigan delegations will be seated at both conventions.

Michigan will be the first big state to host a primary, with its election coming just 12 days after the Iowa caucuses and a week after the New Hampshire primary. While this will be the first big test for all eight Republican candidates, only half of the Democratic candidates will appear on the Michigan ballot, with Hillary Clinton being the only front runner listed. Barack Obama, John Edwards, Bill Richardson, and Joe Biden pulled out of the primary because Michigan jumped ahead of other states on the national Democratic Party's approved calendar.

The Republican-controlled Michigan Senate refused to take up a House-passed bill putting all of the Democratic candidates on the ballot.

“It is unfortunate that not all of the Democratic candidates will be on the ballot,” Roger Robinson, Local 876's president, said. “However, the January primary will make Michigan relevant to

Voter Guide for the Jan. 15, 2008 Primary

1. Voters will vote at their regular polling places between 7 a.m. and 8 p.m.
2. Voters can vote by absentee ballot if they meet one of the requirements – out of town, age 60 or older, disability, etc. Absentee ballot applications must be submitted by 2 p.m. on January 12. Individuals can vote absentee in person until 4 p.m. on January 14.
3. In order to vote at a polling place, a voter must show a photo ID or sign a statement that they do not have a photo ID with them. Absentee voters do not have to produce a photo ID.
4. Voters will be asked whether they want a Democratic or Republican ballot, and a record will be made of which ballot they take.
5. The voter's choice of candidate will be secret as in all public elections.
6. The Republican ballot will list six candidates along with uncommitted and write-in options.
7. The Democratic ballot will have six choices: Hillary Clinton, Christopher Dodd, Mike Gravel, Dennis Kucinich, Uncommitted, and Write-in.
8. A vote for “uncommitted” is a vote to send delegates to the National Convention who are not committed or pledged to any candidate. Those delegates can vote for any candidate they choose at the Convention.
9. Supporters of Joe Biden, John Edwards, Barack Obama and Bill Richardson are urged to vote “uncommitted” instead of writing in their candidates' names because write-in votes for those candidates will not be counted.

the process and bring a great deal of attention to the needs of Michigan's workers.”

Supporters of Joe Biden, John Edwards, Barack Obama and Bill Richardson are urged to vote “uncom-

mitted” instead of writing in their candidates' names because write-in votes for those candidates will not be counted. Additional details on the January process appear in the box accompanying this article.

Help Spread the Word!

All Former Farmer Jack Members and their Families are Eligible for the New Local 876 Peer Program

**Peer Counselors will Provide Personal Guidance & Assistance With:
Employment Opportunities - Job Training - Job Fairs
Debt and Bill Paying Solutions**

Accessing Michigan Works! and Other Community Resources

For More Information Call 1-800-321-6406 ext. 8640

Former Farmer Jack members will be contacted by mail and telephone, based on union records, regarding the Peer Program. Local 876 realizes some of this information may be out dated, and is asking stewards to help spread the word about this important resource to any former Farmer Jack employees they know.