

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 arena, "Labor's Language: A glossary of Labor's Terms" is a regular Steward Edition feature.

Subcontracting: An employer's practice of having work performed by an outside contractor and not by regular employees in the bargaining unit. Also referred to as 'contracting out.'

Successor Employer: An employer which has acquired an already existing operation and continues the operations in approximately the same manner as the previous employer, including the use of the previous employer's workers.

Supervisor: Those employees who have management rights such as the rights to hire, fire, or recommend such action. The employees who are defined as supervisors under the National Labor Relations Act are not permitted to become members of the bargaining unit (union) at the work location. In organizing campaigns, most employers will try to enlarge the ranks of their supervisory personnel. The employer will try to keep a certain group of supervisors as its anti-union workforce for future labor disputes.

Surface Bargaining: Often referred to as a perfunctory tactic whereby an employer meets with the union, but only goes through the motions of bargaining. Such conduct on the part of

the employer is considered a violation of the employer's duty to bargain, Section 8(a)(5) of the National Labor Relations Act.

Team Concept Plans: Methods of reorganizing work in ways which blur the traditional lines of distinction between union and management work. These plans are usually initiated by management, and may be referred to by a variety of names, including Quality Circles, Quality of Worklife, and Re-engineering. If a union does not respond with an aggressive program of member education and mobilization, these plans generally weaken a union's ability to mobilize its members effectively and thereby undermine the union's bargaining power.



876 Horace Brown Drive
Madison Heights, MI 48071

Roger Robinson
President

Rick Blocker
Secretary/Treasurer

George Misko
Recorder

1-800-321-6406
www.ufcw876.org

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Union Advantage Clear as Five-Year Battle Ends in Victory for Workers

Local's Grievance Nets \$2 Million for Kroger Meat Members

Local 876's recent settlement of a 2003 grievance resulting in \$2 million in payments to Kroger meat department members is a shining example of the value of the grievance procedure. "I hope all stewards, regardless of their employer, talk about this settlement with their coworkers," Roger Robinson, Local 876's president, said. "Not only is this case an excellent example of the value of union membership and the grievance procedure, but it illustrates what can be achieved when workers stand united with their union."

The grievance stemmed from Kroger's decision to change its meat uniform laundering policy. The new policy required members to wash their uniforms, referred to as meat coats, on their own time and at their own expense. Previously, laundering was handled by Kroger through an outside agency.

"These types of management decisions regularly occur at non-union workplaces where workers are powerless to challenge them," Robinson said. "The ability to challenge a management decision using the grievance procedure is considered to be one of the greatest advantages

of a union contract."

As a result of the local's grievance settlement, effected current and former members received a settlement of up to \$3,000. One hundred percent of the settlement went to members, with all other expenses (attorney fees) paid from the union treasury. During the process, Kroger also decided to return to its previous policy of having meat uniforms laundered by an outside agency.

"This is a significant settlement, and one all Local 876 members should be proud of," Robinson said. "Next time members hear unions being attacked, they can point out how their union worked to right a wrong, securing justice for workers, even after some had left the union."

The Road to Victory

After a five-year battle, Local 876 settled its Meat Coat dispute with Kroger. The following is a summary of the events that led to this settlement.

August 1, 2003: Kroger implements a new policy requiring meat department employees to launder their uniforms on their own time and expense.

October 2003: Local 876 files a grievance challenging the policy.

March 2004: Kroger denies the grievance, and the local's executive board votes to arbitrate the case.

March 2006: Arbitrator rules Kroger can require members to launder their uniforms, but must pay them for their laundering time and expenses. Kroger appeals the decision to federal court.

August 2007: Federal court rejects Kroger's appeal, ruling in favor of Local 876. Kroger appeals this court decision to the U.S. Sixth Circuit Court.

April 1, 2008: Kroger decides to limit its financial liability, by returning to its former practice of using an outside agency to launder the uniforms.

June 2008: The U.S. Sixth Circuit Court rules in favor of Local 876, rejecting Kroger's appeal.

December 2008: Instead of exercising its last appeal option, Kroger agrees to work with Local 876 to reach a fair settlement as instructed by the arbitrator.

Help Spread the Word!

Local 876 Scholarship Application Deadline Approaching

Local 876 stewards are encouraged to promote the 2009 Local 876 Scholarship program among their coworkers, informing them applications for the awards are available and encouraging eligible members to apply by the March 31 deadline.

“Talking about the local’s scholarship program and urging members who are eligible, or have an eligible dependent, to apply for a scholarship is a great way for stewards to show members one of the many ways their union works for them,” Roger Robinson, Local 876’s president, said. “Stewards are often asked ‘what has the union done for me?’ The scholarship program is another benefit stewards can add to their list of responses.”

The local’s Scholarship Program was intentionally designed to have very broad eligibility requirements. Therefore, most any member or dependent pursuing a post high school education has a very real chance of receiving a scholarship.

“Many scholarships limit their applicants to graduating seniors, or full-time undergraduate students under age 25,” Robinson said. “We wanted to make the local’s scholarship as inclusive as possible, which is why it is open to students of any age attending or accepted to a college, university or trade school, on a full-time or part-time basis, including graduate school.”

In addition, the guidelines established for the Scholarship Selection Committee do not include rigid scholastic or achievement standards which applicants must meet.

Additional information stewards can use to answer members’ questions regarding the scholarship appears in the box accompanying this article. Flyers to give to members detailing the program are included with this mailing. Stewards and members can also call the Local 876 office at 1-800-321-6406 for additional flyers or with any questions regarding the scholarship or application process.

Five \$2,000 Scholarships to be Awarded

General Eligibility Requirements

- Member or his/her Dependent Child.*
- Full-time or Part-time Student.
- Undergraduate or Graduate Student.
- Accepted or Attending an Accredited College, University, Community College, or Recognized Trade School.

* Member must have one year in good standing with Local 876 as of Jan. 1, 2009.

Application Procedure

- Call Local 876 at 1-800-321-6406 for an application, or download one at www.ufcw876.org.
- Applications must be received by March 31, 2009.
- Scholarship recipients will be selected by the Scholarship Selection Committee composed of labor leaders, educators, civic leaders, and/or public officials.
- Only the five winners of the of \$2,000 will be notified by April 30, 2009.

Q&A: Underemployment Benefits Available to Workers Experiencing a Reduction in Hours

Members who have their hours cut may benefit from collecting unemployment benefits as an “underemployed” worker.

Many workers are unaware they qualify for unemployment benefits because they are not unemployed, making it important for stewards to inform them of this option. However, stewards need to be cautious when talking to members about this benefit, because individual circumstances will not only determine if a worker is eligible for underemployment and the amount of their benefit, but if filing for benefits is in their best interest. For some, underemployment benefits will be the lifeline they need to survive. For others, collecting underemployment now, may cost them hundreds of dollars in the long run.

Stewards are encouraged to use the following question and answer section as a guide for talking to members about underemployment benefits.

Q: How can I collect unemployment benefits if I am not unemployed?

A: The provision of the Michigan Unemployment Insurance program which allows unemployed workers to accept part-time work, and continue collecting benefits (albeit a reduced benefit) allows employed workers whose hours are cut to collect unemployment benefits as an “underemployed” worker.

Q: How do I qualify for unemployment benefits as an “underemployed” worker?

A: Only Unemployment Insurance Agency (UIA) staff can determine if a worker qualifies for unemployment benefits. The agency uses the same criteria for unemployed and underemployed workers. In general, the UIA looks at the last four calendar quarters

of work and requires (1) the worker to have earned wages in at least two of these quarters and (2) one quarter’s wages must be at least \$2,774 and total wages for all four quarters must equal at least one and a half times the highest amount of wages paid in any quarter, or total wages for all four quarters must be at least \$16,400.80.

Stewards and members should use these figures as guidelines and consult the UIA for their determination.

Q: What will my unemployment benefits be as an “underemployed” worker?

A: Again, only UIA staff can determine benefit levels. However, the following information, and the chart at right, can give members a general idea of their benefit amount if underemployed.

The UIA will first calculate the worker’s weekly benefit amount if he or she was unemployed. This amount is determined by multiplying the highest amount of wages paid to the worker in any base period quarter (13 weeks) by 4.1%. The UIA adds \$6 for each dependent, up to five dependents. The weekly benefit amount is capped at \$362.

The benefit payment for “underemployed” workers is re-calculated each week based on the worker’s earning for the week. Workers can decide whether or not to claim a benefit each week, considering how much their earnings impact their unemployment benefit for that week.

There are three basic principles affecting how workers’ earnings impact their unemployment benefits: (1) if their earnings are equal to or less than their weekly benefit amount, their benefits are reduced by 50¢ for every dollar earned; (2) if their earnings exceed their weekly

Underemployment Benefit Amounts Vary by Situation

Depending on their situation, collecting unemployment benefits while underemployed may be the best course of action for Local 876 members whose hours have been reduced. It is important to note that underemployment benefit amounts vary, as illustrated by the examples below, and every week a worker collects any unemployment benefit, regardless of the amount, reduces the number of weekly benefit payments remaining in their claim will be reduced by one full week.

Example: Lulu earns \$10 an hour, worked 40 hours a week during 2008, and has two dependents.

Weekly benefit amount if unemployed = \$225.20
Weekly benefit amount if reduced to 30 hours per week = \$37.50
Weekly benefit amount if reduced to 25 hours per week = \$87.80
Weekly benefit amount if reduced to 20 hours per week = \$125.20

Example: Willie earns \$8.25 an hour, worked 32 hours a week during 2008, and has no dependents.

Weekly benefit amount if unemployed = \$140.71
Weekly benefit amount if reduced to 25 hours per week = \$4.81
Weekly benefit amount if reduced to 20 hours per week = \$46.06
Weekly benefit amount if reduced to 15 hours per week = \$78.83

benefit amount, but are less than 1½ times their weekly benefit amount, their total earnings are subtracted from 1½ times their weekly benefit amount; (3) the combination of their weekly benefits and earnings cannot exceed 1½ times their weekly benefit amount.

Q: How long can I collect unemployment benefits as an “underemployed” worker?

A: The UIA determines the number of weeks workers may receive benefits, by multiplying their total base period wages by 43%, and dividing that amount by their weekly benefit amount. Currently, claims cannot be less than 14 weeks or more than 33 weeks.

It is important to remember the number of weekly benefit payments remaining in his/her claim will be reduced by one week for any week a

worker receives a benefit payment, regardless of the benefit amount.

Workers who file a claim based on being underemployed cannot start a new claim should they become unemployed with the same benefit year (typically 52 weeks). For this reason, workers who anticipate a layoff, may not want to collect benefits while underemployed, opting to collect their full weekly benefit for as long as possible if they become unemployed.

Q: How do I contact the UIA?

A: Members can call the UIA at 1-866-500-0017 or visit their area Michigan Works! Center. On-line information is available at www.mi.gov/uia. Once a claim is opened, assistance is available from the Claimant Customer Relations Hotline at 1-800-638-3995.