

Shop Steward Handbook

Shop Stewards are F.O.P. members appointed or elected by fellow employees on each shift. A Shop Steward's main function is to monitor the administration of the Collective Bargaining Agreement. They explain Agreement provisions to their fellow employees and assist in bringing First Step Complaints to the attention of the Supervisors or Team Leaders. The Steward also assists fellow members during the course of a County investigation into alleged misconduct.

This handbook will help the most experienced as well as the newest Shop Stewards to understand the importance of their role within the structure of the F.O.P.

A Stewards "Tool-Kit"

The Stewards "tool kit" is neither a bag of hardware nor a bag of tricks. It is a combination of knowledge and skill plus some papers, documents, and notes for quick reference. The following is just a small sample of what a successful Steward should have knowledge of. A Shop Steward should...

Know the Collective Bargaining Agreement.

It is not necessary to know the exact contract language, but a Steward should be familiar with each Article of the Agreement and have it available at all times.

Know the personalities that will be dealt with.

Everyone is different and different approaches are needed for all types, whether they are co-worker or management. The Steward must act on the basis of sound judgment, uncluttered by bias or emotionalism.

Know the different jobs and the seniority of the membership.

A Steward does not have to be a "Super Employee" who must do more than anyone else, but he or she should have a grasp of what each job entails. An up to date seniority roster can resolve many problems quickly and efficiently.

Know County rules and practices.

A Steward should know the County rules; not just the written and posted rules, but the County practices. The rules consist of what the County *does*, as well as what it says.

Know the basic rights of Workmen's Compensation in your state as well as other laws that protect the workers.

Certain laws provide that employees must be compensated in case of injury or illness arising from the job. Two federal laws that a Steward should be familiar with are; the Family Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA).

Know relevant safety laws and rules.

The Steward should call safety hazards to the attention of representatives of the Union/Management Safety Committee. The Union is the best protection of the worker's safety and the most active body for the enforcement of safety laws.

Always keep in mind that a Steward isn't expected to know all the answers, but must be the type of person who enjoys finding them. Don't be afraid to ask questions and keep asking them. If you have questions or problems, don't be afraid to use the phone or visit an experienced Steward or Officer. Become known as someone who asks when you don't know, rather than someone who tries to bluff or hide

Stewards Role in a Discipline Hearing

You must handle all discipline as if the case will go to arbitration. Remember, even if the investigation does not go the way you had hoped, you can challenge the discipline through the grievance procedure.

Your main role in a Discipline Hearing is to make sure that the member is treated as fairly as possible under circumstances that are heavily weighted against them. In general, the steward should follow these guidelines at a hearing:

1. Speak to the member prior to the hearing. It doesn't matter if the hearing is formal or informal; make sure you and the member have talked ahead of time. In the event that questioning has started prior to your arrival, ask for a recess to get some understanding as to what happened.
2. Get as much information as you can beforehand. Do not let the employer withhold information. Document any denials of information in writing.
3. If there are any witnesses at the meeting or hearing, you should question them as you see fit. You have a right to ask these witnesses questions to determine the accuracy of their testimony and their biases. Your rights regarding clarifying information should not be restricted by management. If you are denied that right, make sure that such denial is entered on the record.

4. It is perfectly proper for members to answer questions with, "Yes," "No," "I don't recall" or "I don't know." Once the member has answered a question, they are under no obligation to elaborate.

Bring a Pencil

5. Take notes during the meeting. The written record is important. It documents what was said, not what was allegedly said. Cases have been won on the basis of good notes.

Nothing is more important in the early stages of investigating a potential discipline grievance than to have kept a detailed written record of the initial Investigative Interview. An Investigative Interview has the potential to result in serious discipline for a Union Member. For this reason, notes should be taken during the meeting or immediately afterward, with particular attention to WHO was involved, WHAT really happened, WHEN did it happen, WHERE did it take place, and WHY the meeting was called. This will include details of the alleged violation, names of all witnesses from both the Company and the Union, and acquiring relevant documents such as any prior disciplinary records and statements. "I would like a copy of that" should be the refrain of a Shop Steward throughout any such meeting.

A Short Word about Long Statements

As part of an Incident Investigation, the County will often request Statements from the worker or workers involved. As a general rule, Statements should be short. They are not the place for a lengthy rebuttal to charges that have not yet been made.

To Grieve or Not To Grieve

Often a Member will approach a Steward with a complaint that is not a grievance. After investigation, this situation should be clearly explained to the Member, with references to what the Contract does and does not provide.

When a grievance does exist, the Steward should promptly file a First Step Grievance Form with the employee's supervisor. The Form should include the specific Article violated as well as an equally specific request as to how the grievance can be satisfied, i.e. Removal of level, specific amount of back pay, cessation of practice, etc. However, it is important to remember that the First Step Form is NOT the place for a full defense of the workers position. Again, the shorter, the better. All of the information that the Steward has gathered should remain in his or her notes for future use if the grievance is denied. The Steward should always be careful not to be the source of too much information for the County.

The difference between a successful grievance that sets matters straight and the continued violation of a Member's rights is usually an informed and effective Shop Steward. The Grievance Procedure is one means within the Agreement to enforce important rights and provisions.

A Shop Stewards Bill of Rights

Shop Stewards are sometimes so busy working to protect a co-worker's rights that they forget they have rights themselves.

Introduce yourself as the Steward and people will have all kinds of contradictory expectations about what you are and what you *should* do.

Some co-workers will expect you to save them in all situations. Management will expect you to be a thorn in their side at the very least. Your union reps will expect you to be the first line of defense for your co-workers.

With all these expectations whirling about, just what are your rights?

Sure you have legal rights that are important to know, but more important are your basic rights as a human being who was elected, chosen, or drafted, to take on an incredibly challenging role.

Here's a "*Bill of Rights*" for Shop Stewards. It's neither a final authority on the subject nor is it a legal document.

- 1 Stewards have the *right* to be treated as an equal by management when doing union work.
- 2 Stewards have the *right* to exercise their best judgment in a situation.
- 3 Stewards have the *right* to make a mistake or not have an immediate solution to a problem.
- 4 Stewards have the *right* to an abuse-free environment.
- 5 Stewards have the *right* to ask others to help with union business.
- 6 Stewards have the *right* to give and receive constructive criticism.
- 7 Stewards have the *right* to training about their roles and responsibilities.
- 8 Stewards have the *right* to thanks for a job well done.
- 9 Stewards have the *right* to fight for these rights!

As you know by now, every effort should be made to settle a grievance at the lowest level as possible. In a sense, the submission of a grievance to a costly System Board of Adjustment hearing indicates the failure of the grievance procedure to fulfill its intended purpose, the prompt resolution of disputes within the confines of the contract.

Deciding to submit a grievance to the System Board is often a difficult question for both union representatives and company officials. Both parties must cautiously judge the worth of the:

Risks of allowing an individual outside of the bargaining relationship to render a final and binding decision.

Applicable provisions of the collective bargaining agreement.

Nature of the dispute and the "facts" as each side sees them.

Potential impact of an arbitrator's award.

Feasibility of the settlement.

The Board has the power to make sole, final and binding decisions on the County, the union, and the employees) insofar as a grievance relates to the meaning and application of our contract. The Board cannot modify, add to, or change the terms of the Agreement, nor can it establish or change wages, rules, or working conditions as covered by the Agreement.

All appeals that are properly referred to the Board shall include, 1) the question or questions at issue, 2) a statement of the specific Agreement provisions which are claimed to be violated, 3) all facts relating to the dispute which it intends to cite in support of its position, and 4) the full position of the appealing party.

After the hearing is closed, the Chairman shall give his written decision within thirty (30) days unless it is extended by mutual agreement of the union and the County. As you can see, the Fourth Step is a very lengthy process. It all can start once you, the Shop Steward, take up a First Step Complaint with management. The Fourth Step echoes all the other previous steps of the Grievance Procedure in the fact that all of homework is done with one exception. Once a grievance gets to this point, the decision is final and binding with no more appeals or discussions.

Article XIX EMPLOYEE RIGHTS

Article XIX of our contract contains important language for both Members and Stewards;

ARTICLE XIX

EMPLOYEE RIGHTS

Officer's rights shall include, but not limited to, the following:

Political Activity- Except when on duty or acting in an Official capacity, no Officer shall be prohibited from engaging in political activity.

Advice of Rights- All members of the force are citizens of the United States of America and the State of New Jersey and, as such, are entitled to all the rights and privileges guaranteed by the Constitutions and Laws of the United States and the State of New Jersey. Officers also hold a unique status as Public Officers involved in the exercise of a portion of the Police powers of the County. In an effort to ensure that Investigations and or Interrogations of Officers are conducted in a manner which is consistent with both of these principles, the following practices and procedures are hereby adopted whenever an Officer is subject to Investigation and or Interrogation by the Warden, a Commanding Officer or other Officer of the Division and or Department for any reason which could lead to criminal charges or disciplinary action.

An officer has the right not to incriminate himself/herself by answering questions, oral or written, propounded to him/her in the course of the investigation, nor shall the Officers be compelled to give a statement, oral or written, relating to said investigation without first being read and having waived his/her Miranda rights if the allegation under investigation is criminal in nature.

At any point during the Investigation an Officer has the right to retain counsel of his/her choice, at his/her expense, and to have said counsel present to advise at all stages of the criminal proceeding or interrogation of the Officer.

At the request of the Officer, a Union Representative will be present at any interrogation of the Officer. The Union Representative's purpose shall not be to interfere with the interrogation and or investigation, but to witness the conduct of said procedure and to advise the Officer as to his/her rights under this article.

Any interrogation of the Officer shall be conducted at a reasonable hour, preferably at a time when the Officer is on duty, with reasonable notice given, unless the seriousness of the investigation is such that an immediate interrogation is required. If such an interrogation does occur during off-duty time of the Officer being interrogated, the employee shall be compensated for such off-duty time in accordance with the provision of the contract.

The interrogation shall take place at a location designated by the Warden or his designee, including the investigating Officer. Unless the circumstances of the investigation dictate otherwise, the location shall usually be at one of the following: Wardens office, the office of the investigating officer, at the facility at which the Officer is employed, at a location mutually agreeable to the interrogating officer and the Officer under investigation, the location where the incident allegedly occurred, in which case, no non employee complaint shall be allowed to be present during the interrogation.

The Officer under investigation shall be informed of the nature of the investigation before any interrogation begins. The Officer shall also be informed not later than the commencement of the interrogation of the name, rank and command of the Officer in charge of the investigation, the interrogating Officer and all persons who will be present during the interrogation.

All complaints must be reduced to writing as soon as possible during the course of the investigation. The writing shall include the nature of the investigation, the names and address of all complainants, provided, however, that the investigating Officer or a commanding Officer may be the complainant. In the event that the name of the actual complainant is unknown to the Department, or if the Department believes that the name of the complainant must be withheld, given the circumstances of the investigation, then the Department will so inform the Officer and the reasons why the name of the complainant is not being given. If, as a result of an investigation, disciplinary charges are filed against the Officer, the charges shall be reduced to writing and the name of the complainant must be included in the written charge.

The interrogation sessions shall be reasonable in length, and reasonable breaks shall be allowed for personal necessities, meals, telephone calls, and rests as are reasonably necessary. The Officer under investigation shall not be subject to any offensive language, nor threatened with transfer or any disciplinary action. No promise, reward or favorable treatment shall be made as an inducement to have the Officer Answer questions. However, nothing herein shall be construed to prevent the investigation officer from informing the Officer of the possible consequences of the acts under investigation.

The department shall not cause an Officer to be subjected to visits by the press or other news media without the Officers express consent, nor shall the Officers home address, telephone number or photograph be given to the media without the Officers express consent.

If the interrogation is recorded, either by audio or visual recording, then all portions of the interrogation shall be so recorded, and the Officer, if he/she requests, shall be provided with a copy of the audio or visual recording at the Officers expense.

In the course of any investigation and or interrogation, the Officer shall have the right to provide the names of witnesses who shall be interviewed by the investigating Officer. Prior to the conclusion of the Investigation, the Officer shall have the right to provide a statement for the record, which statement shall be made part of the investigation.

Whenever the result of any investigation and or complaint is that the Officer is exonerated, the charges are deemed unfounded and or the charges are for any reason dismissed, such file shall not in any way be used against the Officer in any personnel, disciplinary or any other administrative action being taken with respect to the Officers employment, including promotion.

No Officer shall be compelled to submit to a polygraph examination without his/her express written consent, and no disciplinary action or other adverse or punitive actions shall be taken against an Officer for refusing to submit to such a polygraph.

Nothing in the foregoing shall abridge the right of the Warden, Commanding Officer or Supervisor to counsel with, advise, or admonish an Officer under his/her Command/ Supervision in private, nor shall anything in the foregoing abridge the right of the Warden and of the Department to initiate discipline, as long as it is handled in a manner consistent with protections set forth in this contract.

No dismissal, demotion, transfer, suspension, reassignment, denial of promotion or reassignment, or any other disciplinary action shall be taken against any Officer by reason of his/her lawful exercise of the rights and privileges guaranteed by the Constitution and Laws of the United States and of the State of New Jersey and or the rights guaranteed herein, or elsewhere in the contract.

Suspensions- No Officer shall suffer a suspension from duty with or without pay unless the suspension shall meet the requirements of the guidelines set forth by the Department regulations, Title 40A, Civil Service law and regulations and any other applicable law.

Outside Employment- No Officer shall be denied the opportunity to participate in secondary employment, subject to the Division's / Department's right to restrict employment in such areas where conflict would exist.

Liability Insurance- the County will defend and indemnify each and every Officer against civil suits arising from their employment to the extent permitted by law. Members of the FOP Lodge # 34 agree to cooperate in the defense of any such claims.

Reservation of Rights- Nothing contained within this Article, not this contract, shall limit or negate any right provided by or conferred upon any Officer by any Federal, State or Local Law, regulation, arbitration or judicial decision.

During an investigation, the Steward should make certain that a Member's right to a fair and impartial hearing is fully protected. This includes the right to copies of any documentation used by the County that are relevant to the investigation.

No Member should ever be denied the important protection that is guaranteed under the language of Article XIX.

Some common questions that seem to come up in the course of a Disciplinary action or a company investigation are:

Can a member request a Shop Steward?

Nothing shall prevent a member from requesting a Shop Steward to be their representative in the course of an official County investigation.

County officials should accommodate such a request, and likely will, unless an investigation would be unreasonably delayed. A delay of more than several hours will potentially be considered unreasonable, if evidence or witnesses might become unavailable during that time.

Can the County deny a members request for a particular Shop Steward?

Yes, in the event such a request would unreasonably delay an investigation, or if the requested Shop Steward is a subject of the same investigation for which the member is to be questioned.

To deny a members request for any other reason would be a violation of the Employee Rights Article XIX of our Agreement.

I'm a Steward who is being disciplined. Can I have another Steward represent me?

Yes you absolutely can and you should insist on it. No one should ever go to a discipline hearing without representation. When a Steward is being questioned for possible discipline, they are entitled to be granted the exact rights as anyone else would in the same situation.

Filing The First Step Complaint Form

This Report will examine the First Step Complaint Form, and the information that needs to be presented within. The First Step Complaint you write up today may be resolved at the Second and Third Steps of the Grievance Procedure, or the final step, Binding Arbitration. The success of any grievance often depends on how well this important piece of paperwork is completed.

An Over View:

Making and keeping a record of differences with the County serves many purposes. By detailing the specifics of an unresolved contract dispute, or to protest a disciplinary action, the First Step Complaint, when collected with others, becomes a sort of record of life on the job. This record serves to highlight contract language that may need strengthening or county practices that may need to be addressed. The written grievance and its settlement also provides the Union a guide for similar grievances in the future.

It is often assumed that everyone involved knows the grievant or the issue at hand, but this may not always be the case. Once a First Step Complaint leaves the immediate area from which it began, it's possible that the people handling it will not be as familiar with the circumstances involved. For this reason, it's important to include ALL the information requested in Part 1 of the Complaint Form.

Complaint Nature:

An otherwise legitimate grievance may be lost by virtue of how this section is or is not filled out. Obviously, the

Date of Claimed Violation needs to be included and accurate. Some grievances can take many months before they are ultimately resolved, and an incorrect date can call into question all other information on the form. The

Applicable Contract Provisions) line should include the SPECIFIC Contract Article violated, as well as the words, "...and all other applicable articles." This inclusion protects the grievance from being rejected on the basis of an incorrect or incomplete citing of Contract chapter and verse.

The Name, Date, and Oral Answer of the Supervisor first contacted should be included, as time limits apply when processed to the Second Step.

Case Facts:

Although the Form instructs that complete details, records, forms and letters are to be included in the Case Facts section, it is appropriate at this point to be brief and concise. It is not necessary to repeat all of the information that is hopefully included in the previous sections. It is not necessary to fully substantiate the claim being made. It is enough to state that the grievance is a protest regarding rates of pay, bidding rights, etc., or that the grievant is appealing a disciplinary action that is considered unfair. Obviously, some detail and documentation are appropriate at this point, but chances are that you are processing a written grievance in part, because of an unsatisfactory oral answer from a supervisor. Unless you have uncovered additional information and presented it to the company, you can expect the supervisor's oral answer to be repeated in writing.

"The Grievance Committee shall determine if a grievance exists". At that point, all of your collected information will be examined in detail.

Signatures:

Lest we forget, no grievance should be submitted without the Steward Signature and Date and the Employee Signature and Date. The signature of the employee is particularly important. It is the authorization for the Union to activate the Grievance Procedure on his or her behalf.

* * *

Small details overlooked can be the turning point on which a grievance may pivot. Time limits, accurate information, and a desired remedy sought, are just some of the important items that need to be considered when processing a First Step Complaint.

Just as the Shop Steward is the Heart of the Union, the Grievance Procedure is the Heart of the Contract. No collective bargaining agreement would be complete without some form of mandated dispute resolution. In this Report, we will review our Agreement's Grievance procedure, and examine in particular some important First Step skills that a Steward needs to develop and practice.

GRIEVANCE PROCEDURE

Article II (see below) of both of our Agreement, fully describes the Four Step Grievance Procedure that calls for both the County and the Union to seek fair and equitable settlements to disputes. It is important to note that the Agreement does not require that they agree on what is fair and equitable, only that they participate in the process to seek a settlement. A dispute may be settled by mutual agreement between the County and the Union during any of the first Three Steps. The Fourth Step, Binding Arbitration, is available to resolve a deadlock in the Grievance Procedure.

ARTICLE II

GRIEVANCE PROCEDURE

A. Purpose

1. The Purpose of the procedure is to secure, at the lowest possible level, equitable solutions to the problems which may arise affecting the terms and conditions of employment. Both parties agree that these proceedings will be kept as informal and confidential as may be appropriate at any level of this procedure.

2. Nothing contained herein shall be construed as limiting the right of any employee having a Grievance to discuss the matter informally with the appropriate member of the administration and to have the grievance adjusted without intervention of the FOP, provided such adjustment is not inconsistent with the terms of this Agreement.

B. Definitions

1. A "Grievance" is a claim by an employee, group of employees or the FOP on behalf of an employee or group of employees, based on the violation of this agreement. The sole remedy available to any employee for any alleged breach of this agreement shall be pursuant to the grievance procedure provided.

2. An "aggrieved person" is the person or persons or the FOP making the claim.

C. Procedure

1. Since it is important that the grievance be processed as rapidly as possible, the number of days at each level shall be considered as a maximum. The time limits, May however, be extended by mutual agreement. If no response is made by management by the end of the time allotment, it shall be construed to be a denial of the grievance and the FOP may proceed to the next level.

Level One- A Grievance may be filed in writing with the Grievance Committee (FOP) within Ten (10) calendar days of the occurrence. Failure to act within said Ten (10) days shall be deemed to constitute an abandonment of the grievance. The Grievance Committee Chairperson may consult with the appropriate person and shall render a written decision within Ten (10) calendar days after receipt of the grievance.

Level Two- In the event a settlement has not been reached throughout Level One procedures, a grievance may be filed with the Warden or his designee. Such person shall render a written determination within Ten (10) calendar days following receipt of the grievance.

Level Three- In the event a settlement has not been reached throughout Level Two procedures, a grievance may be filed with the Department Head or his designee. Such person shall render a written determination within Ten (10) calendar days following receipt of the grievance.

Level Four- In the event a settlement is not reached through Level Three Procedures, the FOP may, after determining that the grievance is meritorious, submit said grievance to arbitration.

D. Arbitration Costs

The costs for the arbitrator shall be borne equally by the Employer and the FOP.

E. Representation

Any aggrieved person may be represented at all stages of the grievance procedure by himself or, at his option, with a representative selected and approved by the FOP. When an employee is not represented by the FOP, the FOP shall have the right to be present to state its views at all stages of the grievance procedure

F. Miscellaneous

All grievances and responses thereto shall be set forth in writing and shall include an explanation.

We hope that we clarified the Grievance Procedure somewhat and maybe even taught you something about it. Please keep in mind that volumes and volumes of material have been written on this subject and that we were not trying to make anyone an expert on this subject. What we wanted to give you, as the first line of defense for the membership, was a basic understanding of how the Grievance Procedure works. We hope that the membership will benefit from your knowledge of this very valuable tool.

The Heart of the Union

It has been written many times that the Shop Steward is the Heart of the Union. The skills of Stewards can greatly strengthen the Union itself as well as the general tone of labor relations with management. The Steward is the central component of the Union-County-Member relationship as illustrated in the following example;

Union Members

Management

Shop Steward

Union Officials



Points to Remember

Enforcement of the contract depends on the Steward;

Members often judge the Union by their Steward. If the Steward is fair, and looks out for their interests, they will respect and support the Union;

The Steward is the link between members, Union, and management;

The Steward keeps members informed about the Union, and keeps the Union leadership informed about the workplace

Goals Of An Effective Shop Steward

Goals of an Effective Shop Steward

The following items can serve as a helpful checklist for Shop Stewards new and old; consider it a partial job description.

- *Keep yourself informed about Union affairs.*
- *Serve as an example to your members.*
- *Keep the members informed on Union policies and activities.*
- *Attend Union meetings and Union affairs.*
- *Meet any new members early, inform them, educate them, help them become members; make them more than dues payers.*
- *Get your area to act as a Union– have them stick together.*
- *Act as a leader; do not let personal likes or dislikes prejudice your actions as a grievance representative.*
- *Fight discrimination, whether it be overt or very discreet. Discourage prejudice of any kind.*
- *Keep accurate and up-to-date records. **Write it down.***
- *Do not promise if you cannot deliver.*
- *Encourage political action on the part of members. See to it they are registered and vote.*
- *Become active politically. Encourage members to exercise their right to vote, and to vote for labor friendly candidates.*
- *Know how to refer to the Union contract, by-laws and Constitution.*

Encourage and support the Union's activities on behalf of organizing the unorganized.

- *Inform the membership of Union services. Encourage them to take advantage of the services the Union provides.*
- *Fight, whenever you meet it, the anti-Union element. You can do this by being informed and being dedicated to the union movement.*
- *Do not hesitate or stall. If you do not know, admit that you do not know, than try and get the answers.*
- *Keep your fellow employees informed regarding the sources of your information. Give pertinent information when a member asks for it.*
- *When dealing with management, remember that you are the elected or appointed representative of your fellow members. Never consider yourself to be other than equal to management representatives.*
- *Be proud of your position. Remember you are a Union representative with the support of tens of thousands of Union members.*
- *Investigate every grievance as if it were your own. Keep the member informed. Make sure you keep*

your deadlines. There is no excuse for missing a time limit. Research every grievance as if it were going to arbitration but try to resolve it at the lowest possible level.

- Attend and encourage attendance at any labor education programs that might be available to you and the members.
- *Know your contract.*

**Remember your goal is to be the best Shop Steward you can be.
Always strive for this goal.
Excellence has no substitute!!!**

