



COMMUNIQUE

DO I HAVE A GRIEVANCE?

LABOR WAITS WITH BAITED BREATH FOR NEW PRESIDENT TO FILL SPOTS

By Veronica Windley & Marci Rosenblum, Local 1180 Communications Director

Assistant Coordinating Managers (ACMs) in the Nursing Office in Health+Hospitals (H+H) work five days a week, Monday through Friday. When six Local 1180 employees were told they would be responsible for picking up timecards from employees in that division and that the pickups needed to be done on Sundays, they contacted their Staff Representative at the Union office.

Staff Representative Robin Blaire-Batte spoke with the ACMs who told her that H+H management made the decision to implement rotating Sunday schedules, giving the ACMs one day off during the week they were scheduled for Sunday. The problem was that this violated the Union's contract. The change in work schedule that forced members to work on Sunday but gave them a day off during the week was done in order to avoid paying overtime.

Local 1180 filed a grievance on behalf of the members — and won! H+H complied with a cease-and-desist order and told the Department they no longer could have the ACMs on a rotating Sunday schedule.

Grievances come in all shapes and sizes. That's why it's so important for members to know what constitutes a grievance and what to do when you think you have a situation that might be grievable.

A grievance is an unjust action, practice, or condition committed by management. It is a statement that an employer, or someone acting on behalf of an employer, has violated workers' rights that have been agreed to under the contract, through legislation, or through the employer failing to meet management's policies and procedures.

"Every situation is different and the devil is all in the details," said First Vice President Gina Strickland, who oversees the Union's Staff Representatives tasked with handling member grievances. "It's rare that two situations will be identical or that members can base their situation on what they have heard from a co-worker."

Strickland said so many different types of issues arise that can be considered grievances, that it's difficult to make a blanket statement covering everything. Most grievances, however, arise out of a dispute concerning the application or interpretation of the terms of 1180 contracts or agreements. As in the situation at H+H, the terms and conditions of employ-

ment were being violated. "Management just can't arbitrarily change the days you are assigned to work, make you work on a Sunday, and not pay you overtime," she said. "That's not how it happens."

Other times where there might be a grievable issue is when the terms and conditions of employment are altered, or when duties of a specific job are changed too much by management.

Strickland said the best thing for all employees to do if there is even a hint of impropriety is to call the Union immediately and discuss the specific details with a Staff Rep, all of whom are trained to know what questions to ask to determine how to proceed. Certain grievances are time sensitive and if members delay in contacting the union, it might be too late to file.

Staff Rep Blaire-Batte said the number one issue that arises deals with time and leave. These are defined in the Citywide Agreement, but each Agency has a Code of Conduct or Employee Handbook that is more specific to the Agency. It is up to employees to know the time and leave rules for their Agency. However, if an issue does arise, or there is a question about time and leave, Blaire-Batte cautions members that it's much better to ask than to guess.

All members have a specific Staff Rep assigned to their agency. This Staff Rep must be notified and involved every step of the way during a grievance process, Strickland said. "The worst thing members can do is go it alone. It never works out. I can't say it enough, but make the call to the Union. Let us help you. We know how the process works. We are trained to handle all different types of situations. You belong to a union for many reasons. Handling grievances is one of them."

She said that members should not be concerned about confidentiality as Shop Stewards and Staff Representatives will not discuss an employee's grievance proceedings with anyone other than those involved in the situation, or engaged in handling the grievance, unless the employee suggests witnesses.

THE GRIEVANCE PROCESS

1. Determine if you have a grievable issue by discussing it with your Shop Steward or Union Staff Representative, who will research the

basis for the grievance in one or more of our documents. If your issue is not grievable, your Shop Steward or Staff Representative will advocate for you when possible in order to resolve your issue to everyone's satisfaction.

2. Gather all pertinent documentation to validate your claim. Ideally, there will be records of dates and times, or written evidence of the offense. The Shop Steward or Staff Representative will not do the legwork for you, but will need to know who was involved, what happened, when and where it happened, and why you think it's a grievance.
3. Complete, sign, and submit the grievance form to your Supervisor, Director, or the appropriate entity. This is determined by the type of grievance. Ask your Staff Rep for help.
4. In some cases, a Step I Grievance hearing is held, with a written response. In other cases, no response is received.
5. Grievances not resolved at Step I will proceed to a Step II hearing, which is held with the Office of Labor Relations of your agency, concluding with a written decision.

6. Grievances not resolved at Step II will proceed to a Step III hearing, with the NYC Office of Labor Relations.
7. Grievances not resolved must be approved for binding arbitration. Once the Arbitrator makes a decision, it is binding and irrevocable.

KNOW YOUR WEINGARTEN RIGHTS

Thanks to a 1975 U.S. Supreme Court case, workers have the right to union representation when a supervisor asks for information that could be used as a basis for discipline. These rights are known as Weingarten rights (based on the name of the court case). Members **MUST** remember to invoke their Weingarten Rights if there is even the slightest possibility they are going to be disciplined. Management will not ask you if you want representation. It's up to you to tell management.

Here's what members need to say: "If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my steward or union officer 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."