



Exercise 1 - Contract Sections

Legal Rights of Union Stewards

The nature of many stewards' responsibilities in representation requires confrontation. Stewards must defend the actions of employees and contest those of the boss. The problem with "vigorous advocacy" is that it conflicts with the usual standards of employee conduct. If stewards had to abide by these usual standards, they would face an impossible dilemma: either hold back when defending employees or risk discipline.

In groups of two or three discuss each of these situations. Be prepared to report out when the time is up. You will have 30 minutes to finish your discussion.

1. During an "informal meeting" with the boss, you shook your finger and yelled at the supervisor. She said, "Don't ever do that again or you will get a note in your drop file." Can she do that? Why or why not?

2. While discussing a worker's problem at an informal meeting with the boss, you called him a 'd____ liar.' As it turns out, you were wrong. Can you be disciplined for this? Why or why not?

3. During a 'heated' informal meeting the boss declares: "This meeting is over, go back to work now." You declare that you have more to say and want to give him an information request. Can you be disciplined for not obeying the order immediately? Why or why not?

4. While raising a union issue with the boss, you lost your temper, told him that he should have his mouth bashed in, and said that you were going to do it. Several employees in your work area stopped what they were doing to listen. Then you dared him to discipline you. He did. You later reluctantly apologized, but the state refused to pull the discipline.

Do you have a good ULP case? Why or why not?

5. You have been encouraging employees to file grievances against supervisors who are doing bargaining unit work. Yesterday a supervisor told you, "If I find out that you are soliciting grievances against me, it'll mean your job." Is this a violation of the law? Why or why not?



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6. Does a steward risk discipline if she/he advises an employee not to sign a new (and you believe) unreasonable management rule? Why or why not?
7. My supervisor likes to call department meetings to criticize our work performance - often telling us that the office on the west side of town always takes more calls than we do; or they have fewer mistakes, etc. When she invites responses, can I take issue with her? Why or why not?
8. You compiled a lot of data for a grievance on a boss who is treating employees in an unequal manner under the State's Rights clause in the contract (MOU). The LRO asked you for your records. Can you be disciplined if you refuse? Why or why not?
9. After you filed a grievance on how your department is granting vacation requests, a supervisor went around asking your co-workers if they are in favor of the grievance. Is this allowed? Why or why not?
10. Your department has no respect for the grievance procedure. The boss delays meetings, walks out, ignores the contract and keeps members waiting for weeks for what is inevitably a denial. Scores of grievances have piled up. What can the union do?
11. In an informal meeting with management, you will be presenting a grievance on a discipline for an employee who was 'allegedly' spending too much time away from his desk without permission. You want to remind management that two months ago, another worker did the same thing in plain view of this boss and no punishment was imposed. Can you get the other worker in trouble by mentioning her name? Why or why not?
12. A worker at an EDD call center filed a grievance on vacation policy language in the CSA. The LRO from EDD called this worker and offered to talk about a settlement. Is this allowed?