Stewards’ Rights Quiz
Take this pre-test to measure your knowledge about Stewards’ Rights and Protected Activity

True or False?

1. _________ Because stewards know more about an employer’s rules and regulations than an ordinary employee, they can be held to a higher standard of performance in their work.

2. _________ When meeting with management on a representational matter, a steward is an employee and must be obedient and cannot challenge management. If they do, management may discipline them.

3. _________ A steward is entitled to get information from management that is necessary and relevant to matters related to representation. If a steward demands information, they cannot be disciplined.

4. _________ A steward does not have the right to access employee work areas because such access will disrupt the work environment and may result in discipline.

5. _________ An employer should not discipline a steward for either filing too many grievances or for filing frivolous grievances.

6. _________ Stewards must defer to management’s opinions about contract language.

7. _________ Stewards can never distribute flyers in employee mailboxes.

8. _________ Management cannot retaliate against stewards for their steward activity.

9. _________ The union can file charges with the Public Employment Relations Board when the state has committed an unfair labor practice (ULP) such as retaliating against a steward.

10. _________ Stewards should address reprisal / retaliation issues ONLY through the grievance process.

11. _________ During work time, employees are entitled to meet with union representatives at their worksite. However, doing so could subject the employee and the steward to discipline.
MOU Article 2 and MOU 5.5

ARTICLE 2 - UNION REPRESENTATIVES

2.1 Union Representatives

A. The State recognizes and agrees to deal with designated Union stewards, elected bargaining unit
council representatives, and/or Union staff on the following:

1. The enforcement of this Contract;
2. Employee discipline cases, including investigatory interviews of an employee who is
the subject of a non-criminal investigation;
3. Informal settlement conferences or formal hearings conducted by the PERB;
4. Matters scheduled for hearing by Victim Compensation and Government Claims
Board;
5. Matters pending before the State Personnel Board (SPB);
6. AWOLs and appeals to set aside resignations;
7. Discussions with management regarding denials of reasonable accommodation;
8. The CalHR statutory appeal hearings.

B. A written list of Union stewards and elected bargaining unit council representatives broken
down by department, unit, and designated area of representation, shall be furnished to each
department and a copy sent to the State immediately after their designation. The Union shall notify
the State promptly of any changes of such stewards. Union stewards shall not be recognized by the
State until such lists or changes thereto are received.

C. A Union steward’s "area of representation" is defined as an institution, office, or building.
However, the parties recognize that it may be necessary for the Union to assign a steward an area
of representation for several small offices, departments, or buildings within close proximity.
Disputes regarding this paragraph may be appealed directly to the CalHR step of the grievance
procedure.

D. The area of responsibility of the District Labor Council (DLC) presidents and chief stewards shall
be all worksites within the DLC. When the area of representation is within close proximity section C
shall be observed, otherwise this leave will be union paid leave.

The Union representatives shall provide reasonable advance notice based on the circumstances
requiring their representation under 2.1.A.
2.2 Access
A. Union stewards, Union staff, and/or elected bargaining unit council representatives may have access to employees to represent them pursuant to section 2.1(A) above. Access shall not interfere with the work of the employees. Union stewards, Union staff, or elected bargaining unit council representatives seeking access to employees must notify the department head or designee in advance of the visit.
B. Access to bargaining unit employees shall not be unreasonably withheld; however, it may be restricted for reasons of safety, security, or patient care including patient privacy. If access is restricted, other reasonable accommodations shall be made.

2.3 Use of State Equipment
A. Union stewards shall be permitted reasonable use of State phones and video phones (VP)/telecommunication devices for the deaf (TDD) to make calls for Union representation purposes; provided, however, that such use of State phones shall not incur additional charges to the State or interfere with the operation of the State.
B. Union Stewards shall be permitted minimal and incidental use of State equipment for representational activities as defined in section 2.1, if said equipment is available and utilized as a normal part of his/her duties. Such use of State equipment shall not result in additional costs to the State, nor shall it interfere with the conduct of State business.
C. Union Stewards shall be permitted reasonable and occasional use of fax machines and copiers for Union representation purposes provided that such use does not result in additional cost to the State, nor interfere with State operations.
D. Use of State equipment or the time used for activities permitted in this section shall be subject to prior notification and approval by the employee’s immediate supervisor.

2.4 Distribution of Union Information (Excludes Units 14 and 17)
A. The Union may use existing employee organization bulletin boards to post materials related to Union business. Upon mutual agreement between an authorized Union representative and the department, Union bulletin boards will be where they are accessible to employees. When required in advance, the Union shall reimburse the State for additional costs incurred. A copy of all materials posted must be distributed to the facility or office supervisor at the time of posting.
B. The Union may, before or after work hours or during meal and rest periods, distribute Union literature. Distribution of Union information shall not be unreasonably denied or disrupt the work of others. However, if access for distribution of information is restricted for safety, security, or patient care including patient privacy, other reasonable accommodation will be made in accordance with department procedures.
C. The Union may continue to use existing employee mailboxes and in-baskets for distribution of literature. Such information will be distributed to departmental employees based on the department’s policies and procedures in distributing other non-business information.

D. The Union agrees that any literature posted or distributed on-site will not be libelous, obscene, defamatory, or of a partisan political nature.

E. The Union shall be permitted incidental and minimal use of State electronic communication systems for communication of Union activities as the departments permit for other non-business purposes.

F. The use of electronic communication systems (devices) are not considered private or secure information and are subject to being monitored by the department.

2.4.14 Distribution of Literature (Unit 14)

A. The Union may use existing employee organization bulletin boards to post materials related to Union business. Upon mutual agreement between an authorized Union representative and the department, Union bulletin boards will be installed at reasonable locations. When required in advance, the Union shall reimburse the State for additional costs incurred. A copy of all materials must be distributed to the facility or office supervisor at the time of posting.

B. The Union may, before or after work hours or during meal periods, distribute Union literature in non-work areas.

C. The Union may continue to use existing employee mailboxes for distribution of literature.

D. The Union agrees that any literature posted or distributed on site will not be libelous, obscene, defamatory, or of a partisan political nature.

E. The Union shall be permitted incidental and minimal use of the State electronic communications system, when said equipment is available and utilized as a normal part of the employee’s duties, for communication about employee organization activities as those departments permit for other non-business purposes. Use of the electronic communication system will not interfere with the operations of the State nor involve mass distribution of information or materials.

F. Such information will be distributed to departmental employees based on the department’s policies and procedures in distributing other non-business information. If required by the department, such information will be provided to a departmental designee in a hard copy format.

G. Employees may post a Union poster in their work areas on a wall or partition provided that permanent damage is not done to such wall or partition. Said poster must be no larger than twelve (12) inches by eighteen (18) inches. Such posters must not interfere with work, may not be posted in public contact areas, nor may they be attached to State equipment. The parties recognize that some buildings are leased by the State and that such lesser policies may preclude any personal posting. Nothing in this agreement will be interpreted to contravene such prohibitions.
2.4.17 Distribution of Union Information (Unit 17)

A. The Union may use existing employee organization bulletin boards to post materials related to Union business. Upon mutual agreement between an authorized Union representative and the department, Union bulletin boards shall be installed where they are accessible to employees. When required in advance, the Union shall reimburse the State for additional costs incurred. A copy of all materials posted must be distributed to the facility or office supervisor at the time of posting.

B. The Union may, before or after work hours or during meal and rest periods, distribute Union literature. Distribution of Union information shall not be unreasonably denied or disrupt the work of others. However, if access for distribution of information is restricted for safety, security, or patient care including patient privacy, other reasonable accommodation will be made in accordance with departmental procedures.

C. The Union may continue to use existing mailboxes and in-baskets for distribution of literature. Such information will be distributed to departmental employees based on the department's policies and procedures in distributing other non-business information.

D. The Union agrees that any literature posted or distributed on-site will not be libelous, obscene, defamatory, or of a partisan political nature.

E. The Union shall be permitted incidental and minimal use of State electronic communication systems for communication of Union activities as the departments permit for other non-business purposes.

F. The use of electronic communication systems (devices) are not considered private or secure information and are subject to being monitored by the department.

2.5 Use of State Facilities

The State will continue to permit use of certain facilities for Union meetings, subject to the operating needs of the State. Requests for use of such State facilities shall be made in advance to the appropriate State official. When required in advance, the Union shall reimburse the State for additional expenses, such as security, maintenance, and facility management costs or utilities, incurred as a result of the Union's use of such State facilities.

2.6 Steward Time Off

Upon request of an aggrieved employee, a steward shall be allowed reasonable time off during working hours, without loss of compensation, for representational purposes in accordance with section 2.1(A) of this Contract, provided the employee represented is in the steward's designated area of representation. Release time for these purposes is subject to prior notification and approval.
by the steward's immediate supervisor. Upon mutual agreement of the parties, a reasonable number of additional stewards can also be granted reasonable time off under this section.

2.7 Employee Time Off
Employees shall be entitled to reasonable time off without loss of compensation to confer with a Union representative on representational matters at the work site in accordance with section 2.2 above during work hours, subject to approval of the employee's supervisor.

2.8 Union Steward Protection
The State shall be prohibited from imposing or threatening to impose reprisals, from discriminating or threatening to discriminate against Union stewards, or otherwise interfering with, restraining, or coercing Union stewards because of the exercise of any rights given by this Contract.

Grievances under this section shall be filed at the first formal level of the grievance process. If the allegations are against the employee's immediate supervisor and the immediate supervisor is the first formal level, then the grievance may be filed at the next level of supervision.

2.9 Union Information Packets
Upon initial appointment to any position as a probationary or permanent employee, the employee shall be informed by the employer that the Union is the recognized employee organization for the employee in said classification. The State shall present the employee with a packet of Union information which has been supplied by the Union.

2.10 Orientation
A. During any regularly scheduled orientation session for new employees, a Union representative shall be given the opportunity to meet with bargaining unit employees for twenty (20) minutes for orientation of the employees to the Contract and the Union.
B. In work locations not accessible to regularly scheduled departmental orientation, each new bargaining unit employee shall be given the opportunity to meet with a Union representative for twenty (20) minutes during normal working hours for orientation to the Contract and the Union.
C. It is understood that the twenty (20) minutes is for the presentation and shall not be counted against reasonable state travel time to and from the presentation.

2.11 Bargaining Unit Negotiating Committee Member Time Off
The appropriate bargaining unit chair, vice chair, or a designated negotiating committee member, not all, shall suffer no loss in his/her regular compensation for attendance at scheduled bargaining unit negotiations with management during the term of this Contract.

5.5 Reprisals
The State and the Union shall be prohibited from imposing or threatening to impose reprisals by discriminating or threatening to discriminate against employees, or otherwise interfering with, restraining, or coercing employees because of the exercise of their rights under the Ralph C. Dills Act or any right given by this Contract. The principles of agency shall be liberally construed.
The Ralph C. Dills Act

These are selected sections from the Dills Act. The entire act is in Gov’t Code Sections 3512-3524

Section 3512:

It is the purpose of this chapter to promote full communication between the state and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the state and public employee organizations. It is also the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the State of California by providing a uniform basis for recognizing the right of state employees to join organizations of their own choosing and be represented by those organizations in their employment relations with the state. It is further the purpose of this chapter, in order to foster peaceful employer-employee relations, to allow state employees to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to permit the exclusive representative to receive financial support from those employees who receive the benefits of this representation.

Nothing in this chapter shall be construed to contravene the spirit or intent of the merit principle in state employment, nor to limit the entitlements of state civil service employees, including those designated as managerial and confidential, provided by Article VI of the California Constitution or by laws or rules enacted pursuant thereto.

Section 3515

Except as otherwise provided by the Legislature, state employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. State employees also shall have the right to refuse to join or participate in the activities of employee organizations, except that nothing shall preclude the parties from agreeing to a maintenance of membership provision, as defined in subdivision (i) of Section 3513, or a fair share fee provision, as defined in subdivision (k) of Section 3513, pursuant to a memorandum of understanding. In any event, state employees shall have the right to represent themselves individually in their employment relations with the state.
Section 3515.5
Employee organizations shall have the right to represent their members in their employment relations with the state, except that once an employee organization is recognized as the exclusive representative of an appropriate unit, the recognized employee organization is the only organization that may represent that unit in employment relations with the state. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. Nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the state.

Section 3516
The scope of representation shall be limited to wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

Section 3519
It shall be unlawful for the state to do any of the following:
(a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of this subdivision, “employee” includes an applicant for employment or reemployment.
(b) Deny to employee organizations rights guaranteed to them by this chapter.
(c) Refuse or fail to meet and confer in good faith with a recognized employee organization.
(d) Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another.
(e) Refuse to participate in good faith in the mediation procedure set forth in Section 3518.
Eight Important Principles of Steward Rights

Equality
No Reprisal
Equal Standards
Right to Pursue Grievances
Right to Information
Right to Free Speech
Right to Represent
Right of Access

- **The Equality Principle** - Stewards are equal with management when engaged in representational activities. The equality principle is meant to encourage “robust debate.”

- **The No Reprisal Rule** - A steward cannot be punished or threatened with punishment on the basis of their union activity or engaging in protected activity. Neither can a steward be punished just because management considers their grievances to be overly frequent, petty or offensively written.

- **Section 2.8 (Union Steward Protection)** - The State shall be prohibited from imposing or threatening to impose reprisals, from discriminating or threatening to discriminate against union stewards, or otherwise interfering with, restraining, or coercing union stewards because of the exercise of any rights given by this contract.

- **Section 5.5 (Reprisals)** - The State and the union shall be prohibited from imposing or threatening to impose reprisals by discriminating or threatening to discriminate against employees, or otherwise interfering with, restraining, or coercing employees because of the exercise of their rights under the Ralph C. Dills Act or any right given by this contract. The principles of agency shall be liberally construed.
Examples: Management may be engaging in reprisal if it:

- Unfairly gives a steward a bad evaluation
- Denies a steward pay, overtime hours, or promotional opportunities
- Segregates a steward from other employees
- Enforces rules more strictly against a steward than other workers
- Threatens a steward with physical harm
- Overly supervises a steward, especially regarding their union activities
- Gives a steward a poor job reference based on their union activities

- The Equal Standards Requirement - Employers cannot hold stewards to higher standards than other workers or impose greater discipline.

- The Right to Represent Members - Stewards have the right to represent members on all matters covered in Article 2.1 of the MOU and the Ralph C. Dills Act.

- The Right to Request and Receive Information - Union stewards, are entitled to all information that is necessary and relevant to the discharge of its duty to represent employees. Mandatory subjects of bargaining are presumed relevant. Information requests can pertain, but are not limited, to all matters covered under Article 2.1 of the MOU and the Ralph C. Dills Act. Examples of information requests can include:
  a) Copies of departmental policies
  b) Organizational charts and phone lists
  c) Attendance records
  d) Duty Statements

Consideration: The request cannot be unduly burdensome. It must be reasonable. For example, you can’t ask for 12 years’ worth of documents.

Consideration: The union has the right to view some information that employees may feel is private, such as timesheets, attendance records, salary information, Reasonable Accommodation requests, and personnel files. Consider the employee’s feelings before requesting their personal information from management. If the information is personal, the best practice is for the steward to guide and facilitate the employee’s request for copies of their own records. Management will deliver the documents to the employee. Then the employee can choose to share the information with their steward.
o **The Right to Free Speech** - Employee or steward activity (employee statements or comments) that is directly related to a labor dispute and is not “opprobrious, flagrant, insulting, defamatory, insubordinate or fraught with malice,” is protected free speech.

However, speech that is detrimental to and disparaging of an employer’s business or services and that is not related to the employees’ interest as employees is not protected. Discipline for such activity is lawful only if the statement is “so disrespectful of the employer as seriously to impair the maintenance of discipline;” impulsive behavior must be balanced against an employer’s right to maintain order and respect.

Consideration: an employee or steward may enjoy free speech protections when their speech addresses a matter of public concern and does not outweigh the interests of the state, as an employer, in promoting the efficiency of the public services it performs through its employees. Speech related to the desire for the benefits of unionization, employer-employee relationships, and the loss of confidence in management of the public agency is considered a matter of public concern and will be protected if the employer cannot establish any harm to it, whether actual or potential.

o **The Right of Access.** We have access rights as outlined in the MOU
The ‘but for’ Test for Retaliation Cases

The department would not have taken the retaliatory action, but for the steward’s protected activity

If it had not been for the steward engaging in protected activity, the department would never have taken this harmful / retaliatory action. There is not an independent legitimate reason for the action that the department took.

In order to prove an ‘unlawful motive,’ a connection is required to establish a clear-cut case of discrimination, retaliation, inference and/or unlawful intent. Prove that the protected activities motivated the department’s decision / action.

The department’s defense is to prove that the harmful action or discipline would have occurred anyway… even if the person had not engaged in union activities.

The Public Employment Relations Board (PERB) Test for retaliation is:

1. Employee engaged in protected activity.
2. Department knew about the protected activity
3. Department’s action was harmful, damaging, or adverse to employee
4. Department’s action would not have occurred but for the protected activity. It was motivated by the protected activity. The employer took action because of the employee’s protected activity

We can infer the motive based on things like:

a) Timing: Action taken close in time to protected activity
b) Disparate Treatment: treated differently from people who are in the same circumstances in other ways, but did not participate in the protected activity
c) Departure from the usual policy or practice
d) Justifications or explanations for the action are exaggerated, inadequate, contradictory, or missing
e) Demonstrated union animus – other things they’ve done to show anti-union bias
f) Any other facts which demonstrate unlawful motive (such as a confession, an e-mail thread talking about it, witnesses who were in the meeting, etc. etc.)
Union Representation Rights and Protected Activity
PERB Decision

This summary of rights and rules comes from a PERB case.
This is PERB’s view of our union representation rights and what is
‘protected activity.’

- “Right to from, join, and participate in the activities of employee organizations” — Our right
to be a union and to carry out union activities.
- “Meet as equals, exchange views, and advocate for their respective positions” — Equality
Rule
- “While seeking to resolve divergent and often conflicting interests, representatives of both
unions and employers may resort occasionally during representational meetings to
intemperate speech or less than civil conduct” — Equality Rule and Right to Free Speech

When is it protected?
“Employee speech and conduct are protected when related to matters of legitimate concern to
employees, thus coming within the right to participate in the activities of an employee
organization for the purpose of representation...”

Limits on Protection / When does ‘intemperate speech’ cross the line?

“Employee speech and conduct may lose statutory protection where found to be
sufficiently opprobrious, flagrant, insulting, defamatory, insubordinate, or
fraught with malice as to cause substantial disruption... employee’s speech or
actions were so disruptive as to shed the protected status such activity
otherwise enjoys.”
DISCUSSION

The Dills Act protects the right of employees to “form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.” (Dills Act § 3515), and the right of employee organizations to “represent their members in their employment relations with the state” (Dills Act § 3515.5). The Dills Act effectuates these rights by prohibiting the state employer either to “[i]mpose or threaten reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their exercise of rights” afforded by the Dills Act, or to “[d]eny to employee organizations rights” guaranteed to them by the Dills Act. (Dills Act § 3519(a) and (b).)

The Legislature’s purpose in establishing these rights of employees and their organizations is stated in Dills Act section 3512, which provides, in pertinent part:

It is also the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the State of California by providing a uniform basis for recognizing the right of state employees to join organizations of their own choosing and be represented by those organizations in their employment relations with the state.

(Dills Act § 3512.) Thus, in the Dills Act, the Legislature established for state employees, their organizations and the state employer, a system of collective negotiations in which employees in appropriate bargaining units are represented by organizations of their choosing. The Legislature’s policy design contemplates that employer and organizational representatives meet as equals, exchange views, and advocate their respective positions, subject to the standards of good faith and to the Dills Act’s prohibitions against employer or organization interference, restraint, or coercion of employees.

Under a system of collective negotiations, employee organizations (unions) engage in various types of representational activity, including without limitation, negotiating collective bargaining agreements or memoranda of understanding, processing grievances or complaints, and attending investigatory or other meetings as the representative of individual employees.

Unions are represented in these activities either by the union’s own staff, or more frequently by individual employees of the employer who are designated and authorized by the union to act as union agents when representing other employees on behalf of the union. 3 While engaged in this representation, employees designated as union agents (stewards) fulfill the union’s statutory duty fairly to represent the other employee or employees. 4 We recognize that while seeking to resolve divergent and often conflicting interests, representatives of both unions and employers may resort occasionally during representational meetings to intemperate speech or less than civil conduct. It is for this reason that party representatives are afforded significant latitude in their representational speech and conduct, which serves the ultimate goal of accommodating divergent interests and resolving conflicts. Consequently stewards must be free to speak and act for the union, consistent with good faith and free of employer interference, restraint or coercion.

Under our statutes, employee speech and conduct are protected when related to matters of legitimate concern to employees thus coming within the right to participate in the activities of an employee organization for the purpose of representation on matters of employer-employee relations, (Rancho Santiago, p. 12; Mt. San Antonio Community College District (1982) PERB Decision No. 224.) Employee speech and conduct may lose statutory protection where found to be sufficiently opprobrious, flagrant, insulting, defamatory, insubordinate, or fraught with malice as to cause substantial disruption of or material interference in the action as a job steward must take care not to punish protected activity. To justify such discipline, an employer must demonstrate that the employee’s speech or actions were so disruptive as to shed the protected status such activity otherwise enjoys.
A Victory at PERB

This is the Notice that CDCR – Correctional Health Care Services had to post (hang up in a public area) when the union filed a ULP for steward retaliation and won. It’s a public statement of wrongdoing, admitting that CDCR violated the Dills Act by retaliating against a steward and interfering with participation in protected activities.

Read the Union Update article on the second page, after the PERB Posting – what required elements for a Retaliation case can you find?

- Protected activity
- Department knew about the protected activity
- Department’s action was harmful, damaging, or adverse to employee
- Department’s action would not have occurred but for the protected activity. It was motivated by the protected activity. The employer took action because of the employee’s protected activity

Motive inferred based on things like:

a) Timing: Action taken close in time to protected activity
b) Disparate Treatment: treated differently from people who are in the same circumstances in other ways, but did not participate in the protected activity
c) Departure from the usual policy or practice
d) Justifications or explanations for the action are exaggerated, inadequate, contradictory, or missing
e) Demonstrated union animus – other things they’ve done to show anti-union bias
f) Any other facts which demonstrate unlawful motive (such as a confession, an e-mail thread talking about it, witnesses who were in the meeting, etc. etc.)
NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD
An Agency of the State of California

After a hearing in Unfair Practice Case No. SP-CE-283-8, Service Employees International Union, Local 1000 v. State of California (California Correctional Health Care Services), in which all parties had the right to participate, it has been found that the State of California (California Correctional Health Care Services) (CCHCS) violated the Ralph C. Dills Act (Dills Act), Government Code section 3512 et seq.

As a result of this conduct, we have been ordered to post this Notice and we will:

A. CEASE AND DESIST FROM:

1. Retaliating against employees because of their participation in activities protected by the Dills Act.

2. Interfering with the right of Service Employees International Union, Local 1000 (SEIU), to represent bargaining unit employees.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE DILLS ACT:

1. Rescinding and destroying the Letter of Reprimand it issued against Elsa Monroe and striking from the date of its issuance all references to the letter in any CCHCS documentation relating to Monroe.

State of California (California Correctional Health Care Services)

Dated: May 29, 2019

Authorized Agent

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR AT LEAST 30 (THIRTY) CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, DEFACED, ALTERED OR COVERED WITH ANY OTHER MATERIAL.
Arbitration win says CDCR retaliated against Local 1000 steward

Victory includes back pay for nearly two years of missed overtime

Stewards are at the core of Local 1000's power, the crucial connection between the members in the workplace and the union. So when one of our representatives is treated unfairly for doing the work of the union, they've picked a fight we'll take to the mat.

Local 1000 steward Elsa Monroe, a registered nurse at San Quentin State Prison, was retaliated against for her union activities. She was singled out for a common error and treated differently than others who have made similar mistakes. Local 1000 came to her defense and forced her employer to compensate her for the bad treatment.

Monroe's error happened in February 2011, when a highly agitated patient who was on methadone for narcotic withdrawal was banging his head and feet against a door. Navigating a volatile situation, Monroe and several others on the shift misinterpreted the doctor's orders to mean another dose of methadone was due and she administered one. The patient suffered no apparent harm.

As a result of the error, Monroe alone was reassigned away from patient care while the incident was investigated. She was not allowed to work any overtime at the reassignment and her new post was in an isolated area where it was difficult for her to perform her steward duties. Though the reassignment was supposed to last from 90-120 days, it ended up lasting two years and cost Monroe thousands of dollars in lost overtime.

The Local 1000-filed grievance went to an arbitrator who decided that Monroe was retaliated against due to her protected activity and was due compensation for the loss of overtime. Our legal team is working to negotiate the amount of back pay due to Monroe.

“Steward harassment is unacceptable,” said Tamekia N. Robinson, vice president for organizing/representation. “If you take on a steward for doing the work of our union, you've taken on the whole union.”
Develop an Action Plan:

The Department adopted a policy that prohibits employees’ use of the state’s electronic mail system, even for minimal amounts of personal communication and even when the subject of the communication did not pertain to employee organization matters.

The worksite steward decided to use global email to communicate with the SEIU represented employees at the worksite in spite of the policy. The email announced the DLC meeting and urged employees to attend and bring any problems they had with their Supervisor.

The steward was called in to the LRO’s office three months later and given a counseling memorandum regarding the e-mail, specifically for using state-owned equipment and e-mail for a “non-business use.” The memo said “future similar conduct could result in discipline up to and including termination.”

1. What are the employee’s rights?

2. What actions should be taken?
Develop an Action Plan:

The State disciplined a steward for organizing and conducting a ‘unity break’ during which employees, during break time, held up solidarity signs in the workplace and confronted the Supervisor chanting “We want a fair contract now.”

The discipline occurred two days after the unity break and was in the form of a counseling memo that is to remain in the file for three years.

1. Is there a violation? If so, under what article? What are the steward’s and member’s rights?

2. What action should be taken?
PARTICIPANT EVALUATION

Course Evaluation

NAME ____________________________  DLC __________

1. What did you find most useful from this training?

____________________________________________________________________________

2. What did you find least useful from this training?

____________________________________________________________________________

3. Rate the:
   a) Training room 1 2 3 4 5
       Not Effective           Very Effective
       Comments:__________________________
       __________________________________

   b) Materials 1 2 3 4 5
       Not Effective           Very Effective
       Comments:__________________________
       __________________________________

   c) Trainer 1 2 3 4 5
       Not Effective           Very Effective
       Comments:__________________________
       __________________________________

Name of Training ____________________________  Date of Training ____________________________

Name of Instructor ____________________________