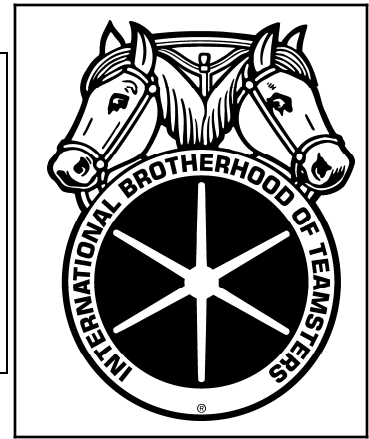


Teamsters Local 995

Shop Steward Newsletter

February 26, 2009

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Important Dates:

✓ General Membership

Tuesday, March 24, 2009
10:00 a.m. & 7:00 p.m.

✓ Shop Steward Training

Thursday, March 5, 2009
9:00 a.m. & 6:00 p.m.



"They look too happy and content. You must be doing something wrong."

Inside This Issue:

- Secretary-Treasurer's Report
- Scholarships Available
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- Hoffa Praises President Obama

"TEAMSTERS DON'T HURT TEAMSTERS"

Scholarships Available: Applications for any of the following scholarships complete with eligibility and all other requirements may be picked up at the Local Union offices.

1. Teamsters Local 995 Scholarship Program: Some of the details and rules regarding this scholarship are as follows:

1. There will be (1) \$5,000.00 and two (2) \$2,500.00 scholarships awarded. The \$5,000.00 scholarship will be awarded to the applicant who submits the best essay and meets all of the other criteria required.
2. Applicants must be a natural or legally adopted child of an active or retired member in good standing of Teamsters Local 995.
3. Applicants must be 2009 graduating high school seniors when making application.
4. Applicants must currently have a 2.5 grade point average and have maintained such for their last full year of school prior to application.
5. A copy of the grade transcript to support claim of 2.5 grade point average and a statement of career goals or intent must accompany the application.
6. Financial need is NOT a criteria for this scholarship.
7. Applications may be picked up at the Teamsters Local 995 offices, which are located at 300 Shadow Lane, Las Vegas, or by telephone request at (702) 385-0995 for the document to be mailed to the applicant.
8. All applications must be accompanied by a written essay, 1,000 words minimum, on the subject designated by this application, "What the Labor Movement Has Done for My Family."
9. Essays should be submitted on 8 ½" by 11" paper, on one side, preferably typed and double spaced, with applicant's signature at the conclusion of the essay.
10. Applications must be accompanied by a pocket-sized photograph of the applicant.
11. Applications must be hand delivered or mailed by **registered or certified mail only** and received at the Teamsters Local 995 offices no later than May 15, 2009.
12. Applicants must comply with all eligibility and application criteria.
13. See application for more details concerning eligibility and application criteria.

2. James R. Hoffa Memorial Scholarship Fund: The James R. Hoffa Memorial Scholarship Fund is offering scholarship applicant winners thirty-one \$10,000 scholarships and sixty-nine \$1,000 scholarships. Some plan restrictions include that participants must:

1. Be the son, daughter or grandchild of an active, retired, disabled, deceased or laid-off Teamster member who has had at least twelve months of consecutive membership in good standing in the Teamsters Union;
2. Be in his/her last year of high school and may not apply if he/she has already graduated from high school;
3. **Be in the top 15% of his/her high school class;**
4. Plan to submit excellent SAT or ACT scores for evaluation (U.S. only);
5. Plan to attend an accredited four-year college or university. Those who plan to attend non-academic or certificate programs or community college, may not apply;
6. Forward your completed application (including your list of activities) and your Academic Record to your Teamster Parent's/Grandparent's Local Union. The Secretary-Treasurer will complete the section marked "Membership Verification" and forward the completed application to the Scholarship Fund. Local Unions must send completed applications to the Scholarship fund by March 31, 2009. We recommend submitting completed applications to the Secretary-Treasurer two weeks prior to the application deadline.

3. Teamsters Joint Council 42 is now taking applications for its 2009 scholarship program. Applications may be picked up at the Local Union offices. Feel free to contact the Joint Council 42 offices directly for more information. To be eligible for one of these scholarships applicants must:

1. Be the son or daughter of a Teamsters Local 995 member or one of Joint Council 42's affiliate Local Unions.
2. Fill out an application.
3. Provide a high school transcript through the 2007 fall semester.
4. Provide a head shot photograph.
5. Provide a couple one paragraph essays.
6. Applications must arrive at the Teamsters Joint Council 42 offices no later than May 4, 2009.

Secretary-Treasurer's Report, by Mike Mag-nani

Contracts covering our members employed at the Strip hotels whose contracts expired in 2008 have mostly all now been ratified, some about to be ratified and others have been ratified by our members and new contracts have been executed by the parties. 2008 was a very difficult year to say the least with the number of contracts we had expire all at the same time.

Let me start by saying that as it relates to the Circus Circus, Excalibur and Luxor Hotel Labor Agreements we have finally received fully executed Labor Agreements which we are in the process of copying at this time. Another property that we have been dealing with for a long time awaiting a tentative agreement sheet so that our members can vote that package arrived at our offices on Tuesday, February 24, 2009, the same day we received the Circus Circus, Excalibur and Luxor Labor Agreements. On February 23, 2009 our members employed at the Stratosphere Hotel ratified a successor Labor Agreement. Those Labor Agreements are currently being typed in our offices and should be going to the employer shortly. The Las Vegas Hilton members of our Local Union ratified their successor Labor Agreement on January 20, 2009 and today we received a fully executed set of Labor Agreements from that employer. On February 20, 2009 a tentative agreement for a successor five year Agreement was reached with the Sahara Hotel and a ratification meeting for our members employed at that facility has been scheduled for March 2, 2009 here at the Local Union offices. I should note that our Planet Hollywood membership will be voting their tentative agreement on Wednesday, March 4, 2009. Our Labor Agreement with the Southwest Administrators offices in Las Vegas will expire on Saturday, February 28, 2009. All of the non-economic issues have been resolved at that facility. We are working on trying to get the numbers right for the economic package.

There will be five more Agreements expiring in 2009 and ten Labor Agreements expiring in 2010. One of our big goals of future years is to bring the same expiration date to our members employed at Caesars Palace in the Front End unit, our members employed at the Rio Hotel, the Paris Hotel and the Harrah's Entertainment Call Center. Those are the only four Strip hotel Labor Agreements that do not expire when the rest of the Strip hotel contracts expire, primarily because those units were picked up in the last two to four years.

I would like to send out a special thank you to those Shop Stewards, alternate Shop Stewards and members who participated in these contract negotiation sessions, their participation at the table set a clear message to our employers that our members cared about what was happening in their workplace and ultimately assisted me in getting our contracts put together. The 2008 Labor Agreements with the Strip hotels resulted in a twenty-five percent (25%) increase on our members' paychecks over what they received on their paychecks in the prior five year Labor Agreement. At the same time, money was set aside which should cover any future health and welfare cost increases and will probably result in pension contribution increases for most if not all of our members employed in these industries.

There are a couple of other issues which are pretty big to our International Union which if they come together properly will benefit our members enormously. As you are aware, the International Union requested that all Teamster Locals in the United States include in successor Labor Agreements Democratic Republican Independent Voter Education (DRIVE) language. Shortly after our obtaining that language through contract negotiations, the International Union sent out a representative to talk to some of our members at their work places to see if they would want to participate by donating something to the DRIVE program. In a matter of four to five working days, over a hundred of our Local Union members signed up for DRIVE. The DRIVE program is what funds the International's political endorsement procedure and which helped us to elect President Obama. Obama is not afraid even after the election to continue talking about how important it is to get working men and women back on their feet and to protect America's working men and women. We have all heard politicians say that is what they would do during campaign speeches, but at the end of the day we never really saw any action directed at protecting America's middle class. (Secretary-Treasurer's Report continued on next page)

"Feelings are everywhere - be gentle."

-- J. Masai --

(Secretary-Treasurer's Report - continued)

I would like to close by mentioning two things. You will probably have already noticed that there are three scholarships available to our members' graduating children who intend to go on to some sort of continued education program. We need your help as Shop Stewards and alternate Shop Stewards to spread the word in your workplace that those applications are available in the Local Union offices. These funds would go a long way in helping our members to put a child in continuing education.

Finally, I would remind you that we have Shop Steward training classes scheduled to take place on Thursday, March 5, 2009 at 9:00 a.m. and 6:00 p.m. at the Local Union offices. We would encourage you to attend this session and I would also encourage you to invite a coworker or two as these courses can be helpful to anyone in our membership who attends.

I would like to take a moment to thank our Shop Stewards and, in your absence, our alternate Shop Stewards for your dedication and loyalty to your Local Union and the members in your work areas who count so much on your expertise to make their everyday workplace life a little bit better.

See you at the next meeting!

"If I could wish for my life to be perfect, it would be tempting but I would have to decline, for life would no longer teach me anything."

-- Allyson Jones - Writer --

MGM/Mirage Labor Agreements and Organizing

By Helen Green, President / Business Representative, 385-0995 (ext. 210)

Finally, the contracts for Local 995's MGM/Mirage have been duly executed by each President of the Luxor, Excalibur and Circus Circus properties, respectively. As soon as possible, Local 995 will make copies of those signed contracts for all of our Shop Stewards at the MGM/Mirage properties, and I will deliver them to you with a few extra copies for some of our members that may request one from you. Once again, thanks to all of you who took the time to attend contract negotiations in order to represent the members in your departments and assist the Local with those negotiations.

Also, please let the members in your departments that have filed grievances know that the Union is proceeding as expeditiously as possible in scheduling all Step One grievance hearings on their behalf. Many grievances have been filed, and are continuing to be filed monthly, as a result of managers and supervisors in most of our Front End and Back End units, more so in the Front End units, performing bargaining unit work subsequent to our members in those departments being laid off. In addition to those grievances, many other grievances are being filed as a result of discipline and discharge cases, improper pay, and other contract interpretation issues. And we are moving that process as quickly as possible.

In addition, and so that you know, Local 995 is currently, and deeply engaged in the organizing effort of the MGM/Mirage contact center. If we are successful - and we hope to be - that unit would bring approximately 200 + members into the Local. If you or any of your co-workers know anyone who works at the MGM/Mirage contact center and can assist Local 995's organizers in any way in speaking to those individuals about joining the Union, please give our offices a call at 385-0995, ext. 214.

Once again, THANK YOU FOR ALL THAT YOU DO !!!!!

"As every cockroach knows, thriving on poisons is the secret of success."

-- Mason Cooley (1927-2002) - Aphorist and Educator --

"The best preparation for work is not thinking about work, talking about work, or studying for work: It is work."

-- William Weld - Politician and Attorney --

Helping Newer Stewards

By Bill Burgos, Business Representative - 385-0995, ext. 209

Being a steward is a hard, often thankless job. That simple fact makes the turnover in some unions terribly high - a sure recipe for a weakened union and a corps of seriously overworked veteran stewards. It doesn't have to be this way. Experienced stewards can use what they've learned to help newer stewards along - to mentor them with opportunities, resources, encouragement and support. Just the way a seasoned mechanic can show the new apprentice a few tricks, so too can the veteran steward lend a hand to the newcomer.

*"To insure good health: Eat lightly, breathe deeply live moderately,
cultivate cheerfulness, and maintain an interest in life.."*

-- William Louden - Preventive Health Advocate --

Grievance, n.

An actual or supposed circumstance regarded as just cause for protest; a complaint or protestation based on such a circumstance; a real or perceived injustice; indignation or resentment stemming from a feeling of having been wronged. (*American Heritage Dictionary of the English Language*, Third Edition, 1966)

*"The uncreative mind can spot wrong answers, but it takes a creative mind to spot
wrong questions."*

-- A. Jay --

All About Grievances - Part 1

Defining a Grievance

Although the dictionary provides a very broad definition of the term "grievance," Teamster Stewards must turn to their specific contract for the exact definition.

Teamster collective agreements - or "contracts" - may define a grievance in several ways:

- Any dispute between the union and management over the application and/or interpretation of the agreement; or
- Any dispute or difference arising between an employee and management or between the union and management, or
- A violation of the contract.

You might also grieve violations of state, provincial, municipal or federal law, company rules or policies, unfair or disparate treatment of workers and "past practices," unless your contract language prohibits you from doing so.

Contractual grievances include violations of

- The contract
- memoranda of understanding or side letters
- previous arbitration awards

Many of your grievances will relate to violations of the contract, such as disputes over interpretation of the written language of your contract or intent of the parties during negotiations. Sometimes, you will reference the article and section of the contract that you believe has been violated. Other times, you will refer to your bargaining notes where the parties - labor and management - talked about the specific contract clause in question or spoke of their intent at the time the language was proposed or agreed upon.

Grievances and the Law

Most Teamster contracts reiterate rights or restrictions governed by law. For example, your contract may contain language giving members rights to take leave under the Family Medical Leave Act (FMLA). Likewise, Canadian contracts often reference provincial or federal law.

Once written in the contract, legal rights may be grieved if violated. Therefore, writing the law into your contract gives you a powerful tool to redress legal issues that would otherwise have to be taken to court.

What happens if your contract does not mention or restate some of these employment laws? What if your contract is silent on these issues? Generally speaking, local, state, provincial or federal laws supersede the contract whenever the contract language violates or contradicts the rule of law. Consult your Business Agent for more information if you wish to pursue a violation of rights by law.

Grievances over Employer Rules and Policies

While employers are obligated to abide by the contract, they often have the right to make and implement rules related to the orderly and efficient operation of the business, as long as:

- the employer provides notice to the employees and the union;
- the rules are reasonable "on their face;" and,
- the rules are reasonably and fairly applied.

Management's uneven or unequal enforcement or complete disregard for its own rules are common grounds for a grievance.

Grievances about Unfair or Disparate Treatment

"Disparate treatment" occurs when two people are treated differently in the same or similar situation so as to harm or negatively affect one of them.

While the terms "disparate treatment" and "discrimination" are often used interchangeably, "discrimination" usually refers to illegal conduct by the employer on the basis of race, color, national origin, gender, age, sexual orientation, or other protected classes by law.

Unfair or "disparate treatment" is much different. It can cover a broad range of incidents and behavior. Disparate includes situations where management treats someone differently because of attitude, personality, appearance, past incidents and experiences, or union activity.

While your members will bring examples of disparate treatment to your attention for resolution, they require significant documentation by the member and are sometimes difficult to prove.

Past Practice Grievances

"Past practice" is a term that is often misused. Past practice refers to policies, procedures, benefits or practices that

- Occur on a regular basis over time.
- Apply consistently to the entire group affected by the practice.
- Both union and management have accepted and/or not challenged.
- Do not violate or contradict the contract or any written rule.

A past practice is, by definition, an implied benefit that members enjoy. The contract is either silent on the issue or unclear about the issue.

Teamster members care about these benefits and practices. Usually the members have engaged in the practices for quite some time, uninterrupted or unchallenged by management. Stewards, then, are called upon to make sure that management does not change working conditions if, indeed, the union can assert its rights to negotiate.

Some examples of common past practices:

- Wash up time immediately before the end of a shift - time that the members use on the clock, for pay.
- Assignment of new or desired company equipment or property to the most senior employee.

A past practice grievance often arises when management unilaterally - without notice to the union - changes an established procedure or disciplines a worker for engaging in an accepted practice that management wants to eliminate.

What criteria should you apply to determine a past practice has been unfairly eliminated? What questions should you ask to analyze whether or not management has violated the union's right to maintain a past practice?

Uniformity

1. Was the policy or practice consistently applied over a period of time? Did a majority of workers benefit from the practice or policy?
2. Can you identify a set of workers - in a particular job classification or craft, shift or department, building or facility, etc. - who benefited from the policy or practice?

Longevity

1. How long was the practice in place?
2. Has the practice existed through more than one contract period? The longer a practice can be established, the better it is for the union to prove the existence of an established past practice.

Mutual Agreement or Acceptance

1. Did the union and management know that the practice was in effect?
2. Did anyone object? If the employer cannot establish that it objected to the practice or got the union to agree to eliminate the practice, the union might have a convincing argument to maintain the practice.
3. Did the issue arise during contract talks? If so, what was the union response? Did the practice remain unchanged after negotiations were completed?

"[W]e are changed by what we read. Close that book, and you are not the same person anymore.

Because of what you just read, your worldview - your understanding, your compassion for others, your ability to engage intelligently with others - has expanded a little. Books help us grow..."

-- Pat Williams --

Nepotism in the Workplace

By Debra Miller, Business Representative - 385-0995, ext. 208

Simply put, the definition of nepotism is favoring relatives. Nepotism in the workplace occurs when employers favor relatives in making employment decisions, with little to no regard for anything but kinship.

An example is hiring or promoting relatives solely because they are family members, with no consideration of the qualifications or merit of other job candidates or employees.

Workplace nepotism is not unusual, especially at smaller companies and non-profits in the private sector.

The obvious reason aside, it's not unusual likely because there is no universal "nepotism law" at the Federal level that prohibits it in all states. Several state legislatures and city councils have passed nepotism laws (or anti-nepotism laws, as they're sometimes called), but typically only in regard to public sector employment.

However, the consequences of nepotism might constitute illegal employment discrimination under Federal discrimination laws or state equivalents, in either the private or public sector.

For example, it might constitute illegal discrimination on the basis of race or sex, if an employer consistently hires relatives of a particular race or gender to the exclusion of non-relatives of other races or the opposite gender.

The consequences of nepotism might constitute wrongful termination too. For example, if a boss fires employees solely to create job opportunities for relatives who have the same religious beliefs as does he or she, then the boss might have illegally discharged those employees based on religion discrimination, if their religious beliefs were not the same as his or hers.

If the act of nepotism or its consequences were not illegal (or relief is not worth pursuing through legal means), then there's little that an adversely-affected employee can do, but try to win the favor of the "family clique" or quit for a better job.

If a reasonable employee quits, solely because a recent change as a consequence of nepotism made working conditions extraordinarily intolerable, it might constitute constructive discharge, a form of wrongful termination.

To discover whether or not the state or municipality in which you work has enacted nepotism or anti-nepotism laws, contact the state legislature or the municipal equivalent (such as the city council).

*"Don't ever promise more than you can deliver, but always
deliver more than you promise."*

-- Lou Holtz - Football Coach --

Hoffa Praises President Obama's Call for Responsibility

Teamsters General President: America's Workers Will Do Their Part By Leigh Strope & Bret Caldwell

Teamsters General President Jim Hoffa issued the following statement following President Obama's presidential address:

"American workers will answer President Obama's call to take responsibility for our future once more. We have long recognized the need for health care reform, energy independence and quality education. We support these goals as essential to rebuilding America's middle class.

"President Obama is right that we are the hardest-working people on earth. Unfortunately, the benefits of that hard work have for too long flowed to the richest few Americans.

"Too many employers have shirked their responsibilities to America's workers, and President Obama understands that. It was wonderful to hear him say he would end the tax breaks for corporations that ship our jobs overseas. It doesn't help our economy to develop cutting-edge technology if we send it to China, along with the new jobs that go with it. Keeping good jobs in America is critical to restoring our economic strength.

"I applaud President Obama for his continued leadership on this important issue."

"Keep your heart open for as long as you can, as wide as you can, for others and especially for yourself."

-- Morrie Schwartz (1916-1995) - Educator --

Protect Your Work

By Beverly Williams, Business Representative - 385-0995, ext. 207

As we continue to face the ever increasing loss of jobs in America there are a few things we who are still employed can do to protect our work and to protect our co-workers:

- Accuracy - Double check your work, if possible have another person double check your work. This would be favorable in the shipping and receiving (warehouse) department.
- Prioritize - Prioritize your work. (F.I.F.O.) First In First Out. Customer service is essential in our industry. A smile should always be first.

- Receiving - When receiving merchandise or packages (mail) etc. do an accurate count of what you are receiving, or make an accurate notation of specific amounts you have received.
- Safety - Always make sure that your walking path is clear. (Receivers) - sweep all boxes, stack all pallets, charge jacks, forklifts, buggies, check water levels.

These are just a few pointers to assure that you have done what you can do as an individual to protect your work and to give your employer your best effort. These are just recommendations and not a guarantee that work will not be lost, but it certainly is a start at protecting yourself.

"Mentoring requires special skills, but it does not require hierarchical position."

-- C.K. Prahalad - Business Expert and Educator --



"Somebody's boring me; I think it's me."

-- Dylan Thomas (1914-1953) - Poet --

"None are so poor that they have nothing to give... and none are so rich that they have nothing to receive."

-- John Paul II (1920-2005) - Pope --
