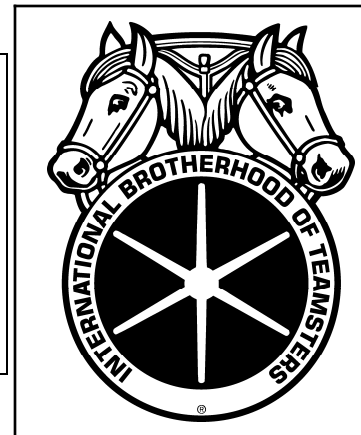


# Teamsters Local 995

## Shop Steward Newsletter

March 27, 2009

Mike Magnani Secretary-Treasurer  
300 Shadow Lane, Las Vegas, NV 89106  
Tel. (702) 385-0995 Fax (702) 385-4410  
www.teamsters995.com



## Important Dates:

### ✓ General Membership

Tuesday, April 28, 2009  
10:00 a.m. & 7:00 p.m.

### ✓ Shop Steward Training

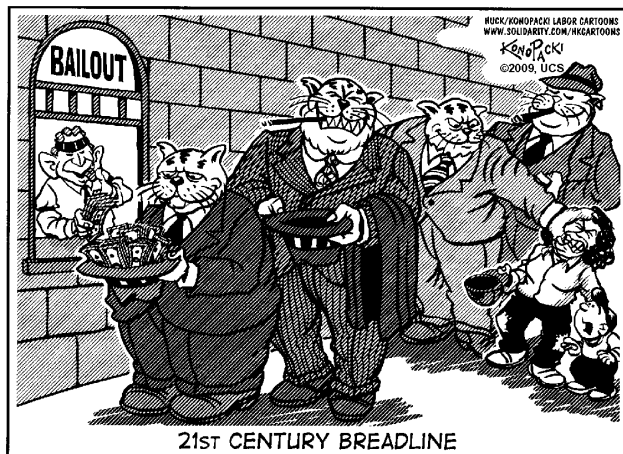
Thursday, April 2, 2009  
9:00 a.m. & 6:00 p.m.

**Note:** The annual picnic for Teamsters Local 995 has been cancelled



## Inside This Issue:

- Secretary-Treasurer's Report
- Scholarships Available
- All About Grievances (Part 2)
- 2009 Municipal Endorsements



**"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.

**Scholarships:** Continued on page five

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*"What is life? It is the flash of a firefly in the night. It is the breath of a buffalo in the winter-time. It is the little shadow which runs across the grass and loses itself in the sunset."*

*-- Crowfoot [Isapo-Muxika] (c. 1830-1890) Blackfoot Leader --*

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**Secretary-Treasurer's Report, by Mike Magnani**

Let me start with the progress of contract negotiations. The Local Union is now in the possession of fully executed Las Vegas Hilton Front and Back End Labor Agreements. The Circus Circus, Excalibur and Luxor Hotel Back and Front End Labor Agreements were sent to an outside printer for multiple copying and returned to our offices for distribution to our members. Our Business Representatives advise me that they have taken copies of the Circus Circus, Luxor, Excalibur and Las Vegas Hilton Labor Agreements to our members' work stations for distribution. Any member that does not have and would like a copy of their Labor Agreement should contact their Business Representative or come by the Union offices to obtain a copy.

I have prepared the changes that need to be incorporated in the remainder of the Labor Agreements that expired in 2008. Those agreements include the Sahara Hotel, Planet Hollywood and the Stratosphere Tower. The Planet Hollywood and Sahara Hotel Labor Agreements have been proofed by our office staff, I have executed them and they have been forwarded to those employers for proofing and execution. We will keep you updated on their progress. The Stratosphere Tower Labor Agreements are currently being proofed by our office staff. That process should be completed soon and those contracts will be forwarded to that employer for execution.

The Southwest Administrators office's Labor Agreement has also been ratified by our members employed at that facility, the corrections necessary to implement a new Agreement have been made and the new Labor Agreement has recently been forwarded to the employer for proofing and execution. We are waiting to hear back from this employer regarding the status of this Agreement.

On another front and high on our priority list, is our effort to organize the MGM Contact Center. There are roughly 330 potential members at that facility and all four of the Local Union's organizers have been assigned to work full time on that project. Those organizers have been working morning, noon and night, six to seven days a week to try to get us this new unit.

On yet another front, I would remind our Shop Stewards to contact everyone in their work areas concerning the scholarships that are available and how to obtain a copy of the application and rules where a member requests them. We often receive calls or in-person visits from our members who are inquiring about these scholarships. A scholarship grant may mean the difference between a member's child continuing their education or not being able to continue their education. The scholarships available right now include our own Local Union scholarships, the Teamsters Joint Council 42 scholarships, the International Brotherhood of Teamsters scholarships and the Teamsters Hispanic Caucus scholarships. There is a section of this newsletter dedicated to some of the basics about how and where to obtain scholarships and some of the rules that apply to each scholarship. Look them over and, should a member inquire of you as to what is available, you could give them a response.

Will be keeping in touch. Thanks for being Teamsters Local 995 members.

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*"If you want to be found, stand where the seeker seeks."*

*-- Sidney Lanier (1842-1881) - Poet and Musician --*

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*"To live in hearts we leave behind is not to die."*

*-- Thomas Campbell (1777-1844) - Poet --*

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## **Union Updates**

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

Hi Shop Stewards!

First, I would like to thank all of you for the outstanding jobs that you are doing in monitoring your departments to make sure that all of the provisions of your Labor Agreements are adhered to, especially during these tough economic times. And, what all of our MGM/Mirage Shop Stewards have been waiting for, all of your new 2008-2013 contracts have been signed, copies have been made for you, and they are at our offices. I will bring some of them out to you, as soon as possible. Or, you may come into our offices and pick a few copies for you and your departments, if you would like.

On the issues, of particular concern, because it seems to be occurring more often than other issues, is that of management and non-bargaining unit employees performing bargaining unit work; especially now that so many of our members are in lay-off status. For some reason, that issue is easier to control in the Back End groups as opposed to the Front End groups.

For the Front End groups at the Luxor and Excalibur Hotels we are still experiencing run away management and supervisory employees performing our work while our members remain in lay-off status; however, because of our vigilant Shop Stewards at those facilities, grievances have been filed monthly and the Union continues to request a "make whole" remember in those matters. Also, a meeting has been scheduled this week between the Union and the MGM/Mirage to try to get those grievances remedied once and for all; however, if the Union and the Company cannot reach an agreement on the numerous grievances that have been filed in those matters at that time, then, a neutral, third-party arbitrator will be selected to resolve those grievances. I will keep you apprised of the outcome of those talks.

Also, keep an eye on your overtime pay to make sure that you and your co-workers are being paid at the correct overtime rates and that all of our members in your departments are being paid at their correct classification wage rate. We have recently experienced overtime and classification wage rate issues at the Luxor and Circus Circus in the Back End Laborer groups. And, now that the Company's payroll department has moved to the Contact Center location behind the Sunset Post Office, it is more difficult for each individual property's Human Resource Department to get any wage discrepancy under control. The Company's are resolving those issues for our members it is just taking longer.

On the organizing front, and amongst other ongoing organizing campaigns, the Union's organizing department is still working around the clock to obtain the union cards necessary before filing for an election with the NLRB for recognition rights to that group. The Union has four full-time organizers working on that campaign but it is very difficult to organize during these tough economic times. Many people are just happy to be employed, regardless of their working conditions. If you should hear that anyone in your department knows anyone working at the MGM/Mirage Reservation Contact Center, please let our organizers know. They are waiting to hear from you.

Wishing all of you the very best! And once again, thank you for all that you do!

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*"Life is short. Be swift to love! Make haste to be kind."*  
-- Henri F. Amiel (1821-1881) - Writer and Educator --

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### **Scholarships continued:**

**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.

**4. Teamsters Hispanic Caucus - "Hermandad Entre Hispanos" Scholarship Program:** Now accepting applications.

1. For high school seniors graduating this year.
2. Must be a daughter or son of an active Teamster whose dues are current with his/her Local Union.
3. Must be attending or have been accepted by an accredited university, college or trade school.
4. Applicants must provide proof of acceptance to their selected university, college or trade school and provide a wallet-sized photo of themselves with their application.
5. The application deadline date will be May 29, 2009.

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*"The true test of character is not how much we know how to do, but how we behave when we don't know what to do."*

-- John Holt --

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## **Dealing With Stewards' Stress**

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

Even if you use time-management techniques you may still feel frustrated and overwhelmed on occasion. Emergencies and unplanned events can set you back. You may find yourself consumed by fear, worry or physical responses that just plain make you want to scream. For starters, when stewards talk about "all the stress" they're feeling at work, they usually mean distress - a condition that many of us feel too much of the time. In fact, the physical and emotional health problems directly related to distress have become so common that stress is now referred to as the disease of our era.

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*"A friend not in need is a friend indeed."*

-- Author Unknown --

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## **Six W's of Grievance Handling**

### **1. Who**

Who is involved? This might include the member's full name, employee number, department, job classification, pay rate, shift and seniority date(s) or other information for all involved.

### **2. When**

When did it occur? Try to identify the specific date, time or shift an incident took place. Or, you might want to establish a chronology of events.

### **3. Where**

Where did it occur? The exact location where the incident occurred, on or off employer premises.

### **4. Why**

Why is this a grievance? Contract language, work rules, policies or procedures, or laws that were violated.

### **5. What**

What kind of settlement do we want? What does the grievant want? What is needed to restore the worker to the same position if the injustice had not occurred? For example, if an employee was discharged, the demands for settlement may be reinstatement with back pay and benefits.

### **6. Witnesses**

Were there any witnesses? Reach out to the individuals who may have seen or heard what took place.

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"Stand by your convictions - Strong people don't need strong leaders."  
-- Ella Baker (1903-1986) - Civil Rights Activist --  
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## **All About Grievances - Part 2**

### **No Written Language**

1. Is the contract silent on the issue?
2. Is the contract unclear on the issue?

### **No Management Rights**

1. Is there any language in the contract that would restrict workers from disputing management's attempts to eliminate past practices?
2. Does management have the right to change working conditions at will without consulting or notifying the union?
3. What is management's obligation to bargain on this particular issue? Sometimes the labor board will require that management negotiate with the union on certain items. Check with your local attorney to see if this issue violates labor law.

Past practices are often difficult to establish, prove and win back, once eliminated. In bargaining, management often brings forward proposals designed to eliminate past practices.

To be successful, stewards need to assemble a great deal of personal testimony and other evidence to support past practice grievances. Assembling a chronology of the practice along with adequate proof, including membership statements, will help your chances of success in grieving a past practice violation.

Caution: employer gifts such as a Christmas bonus or a Thanksgiving turkey are often considered "gratuities," not past practices, if it can be established that they do not constitute workplace earnings. Management's right to direct its work force and change operating procedures (if it does not conflict with contract language) has also been upheld in some arbitrations. Lax enforcement of a rule does not create an enforceable past practice. Finally, even if a past practice meets all of the criteria listed above, an arbitrator still may refuse to uphold the grievance. Check with your Business Agent to see whether or not you can dispute management's attempt to eliminate a practice on your job.

### **Discipline Grievances: Just Cause**

In nearly all Teamster contracts, an employee can only be disciplined or discharged for what is termed "just cause." Determining whether or not an employer has applied "just and sufficient cause" for taking action against one of our members can be a very complicated matter.

Only if you can answer most of these questions affirmatively has the employer met its obligation to take action for cause:

- Was a rule or order established?
- Was the rule or order reasonable?
- Was there adequate notice to the employee about the rule or order?
- Was there an investigation? Was it proper?
- Did the investigation produce sufficient evidence or proof?
- Was a penalty imposed? Was it fair and reasonable? Did the penalty befit the offense or was it too harsh?

### **What is Progressive Discipline?**

Progressive discipline refers to gradual discipline imposed by management when it claims workers have violated work rules or employer practices. Progressive discipline adds an element of fairness to the process and is supposed to ensure that management's conduct is reasonably related to the seriousness of the offense.

Progressive discipline usually moves in the following manner:

- Oral warning
- Written warning

- Suspension
- Discharge

### **What are "Cardinal Sins?"**

Some Teamster contracts establish offenses that are so serious, they are called "cardinal sins." In effect listing cardinal sins in the collective bargaining agreement often releases the employer from its obligations to impose discipline for just and sufficient cause or in a progressive, increasingly severe manner.

Examples of "cardinal sins" include:

- Possession, distribution of drugs, alcohol on employer premises
- Fighting on the job or engaging in acts of violence
- Destruction of employer property
- Theft

While unions take serious steps to limit the number of "cardinal sins" that are listed in the collective bargaining agreement, oftentimes unions will agree to some of this language since labor boards have already ruled that some offenses are so serious they warrant immediate action.

Stewards need to educate members on what they can and cannot do under the contract. Stewards need to be mindful that any action taken against the members should be properly investigated and that the penalty is not too severe if action was warranted.

Hopefully, you will never have to defend a member against unfair treatment. But, if you do, make sure that you listen to the facts, investigate, get both sides of the story, evaluate what action was taken and appeal the case to management if, indeed, the contract was violated or progressive discipline was not applied.

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*"I do not mean to gloss over or discount the very real suffering in this world. Nevertheless, when something bad happens and we feel we have no control over the tragedy itself, we still have some control over our responses. We can lash out in bitterness and anger against the unfairness of life that has deprived us of pleasure and joy. Or, we can look for good in unexpected sources, even our apparent enemies."*

*-- Philip Yancey - Writer --*

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## **Harassment**

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

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, and/or age. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work perform-

ance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated. They can do this by establishing an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

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*"The difference between holding on to a hurt or releasing it with forgiveness is the difference between laying your head at night on a pillow filled with thorns or a pillow filled with rose petals."*

*-- Loren Fischer --*

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## **Investigating a Grievance**

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

There are many ways to investigate and handle workplace problems. Listening and taking notes throughout the process is one of the most important things a steward can do.

You must stop what you are doing and try to find a place where you can talk with the member without being interrupted. If you are not able to get released from your workstation, agree to meet the member at a later time to find out what happened or what questions the member has.

Let the member know you are listening. Don't interrupt or cut the member off. Be respectful and patient. Repeat back the information with the member to make sure you understand what's been said. Take some notes; review the notes with the member.

While most information will begin with the grievant, there are other people you may want to talk to as well:

- co-workers
- witnesses
- supervisors
- customers

Hearing both sides gives you insight into the reasoning for the discipline or discharge. Remember there is always two sides to every story and you might be surprised as to what the real facts are!

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*"Everyone must see and feel that bad thoughts quickly ripen into bad action; and that, if the latter only are forbidden, and the former left free, all morality will soon be at an end."*

*-- Beilby Porteus (1731-1808) - Cleric and Abolitionist --*

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## **2009 Endorsements for Municipal Races**

<b><u>Term</u></b>	<b><u>City of Boulder City</u></b>		
4 -Year	City Council Member 2 Seats up for Election		No Endorsements

<b><u>Term</u></b>	<b><u>City of Henderson</u></b>		
4 - Year	Mayor		No Endorsements
4 -Year	City Council Member Ward III		Kathleen Boutin
6 - Year	Municipal Court Judge		Douglas Hedger

<b><u>Term</u></b>	<b><u>City of Las Vegas</u></b>		
4 -Year	Council Member	Ward 2	No Endorsement
4 -Year	Council Member	Ward 4	Glenn Trowbridge
4 -Year	Council Member	Ward 6	Steven Ross
6 -Year	Municipal Court Judge	Department 1	Cynthia Leung
6 -Year	Municipal Court Judge	Department 4	No Endorsement
6 -Year	Municipal Court Judge	Department 6	No Endorsement

<b><u>Term</u></b>	<b><u>City of Mesquite</u></b>		
4 -Year	Councilmember 3 Seats up for Election		No Endorsements

<b><u>Term</u></b>	<b><u>City of North Las Vegas</u></b>		
4 -Year	Mayor		No Endorsement
4 -Year	Council Member	Ward 1	No Endorsement
4 -Year	Council Member	Ward 3	Anita Wood
6 -Year	Municipal Court Judge	Department 2	Christopher Cannon

