

# Teamsters Local 995

## Shop Steward Newsletter

April 25, 2008

Mike Magnani Secretary-Treasurer  
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### Important Dates:

#### ✓ **General Membership**

Tuesday, May 27, 2008  
10:00 a.m. & 7:00 p.m.

#### ✓ **Shop Steward Training**

Thursday, September 4, 2008  
9:00 a.m. & 6:00 p.m.

#### ✓ **Legal Advice**

Saturday, May 3, 2008  
9:00 a.m. to 5:00 p.m.  
Union Hall



"If you want a great job that won't be exported, get into politics."

### Inside This Issue:

- Secretary-Treasurer's Report
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- Discourtesy and Discipline

**"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 program 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 2008 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, "Imagine an America without Labor Unions."
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 hand delivered or mailed by **registered or certified mail only** and received at the Teamsters Local 995 offices no later than May 15, 2008.
11. Applicants must comply with all eligibility and application criteria.
12. See application for more details concerning eligibility and application criteria.

2. **Teamsters Joint Council 42** is now taking applications for its 2008 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 5, 2008 to be considered.

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*"It's nice to be important, and it's more important to be nice."*

-- Unknown --

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## **Wills, Trusts and Legal Advice**

The law offices of Breeden & Herbe, Ltd., have offered to come to our Local Union offices on Saturday, May 3, 2008 from 9:00 a.m. to 5:00 p.m. to make up basic wills and living trusts as well as offer legal advice. The fee for them to prepare a basic will or living trust document will be \$75. Those seeking advice will be allotted up to twenty minutes of free time. Advice requiring research or more time will require our members to work out a separate fee arrangement for services rendered. More complicated wills or trust documents may have to be done by appointment at the Breeden & Herbe law offices under a separate fee arrangement.

Members interested in accessing these services should contact Kathy (385-0995, ext. 7) to schedule an appointment. Schedule your appointments as soon as possible.

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

The priority of the Local Union at this time is to negotiate fair successor Labor Agreements with our Strip hotels and Alamo/National Car Rentals for our Local Union members employed in those facilities. At this moment the stand-alone Strip hotels have agreed to sign extension agreements with our Local Union which extend the terms of the currently expired Labor Agreements until such time as we have concluded contract negotiations with the multi-Strip property employers (Harrah's Entertainment and MGM Mirage). The contract negotiations with Harrah's Entertainment and the MGM properties are well under way. Progress is slow, but is being made. Our members have made it clear that their first priorities include fair wage increases, money to maintain and improve our health care coverage and increases in the employer contributions to our members' pension plan; the very items that keep the American Dream of America's middle class alive.

As of the writing of this document we do have some contract negotiations dates, times and places set and we are working on scheduling more. Let me take a few minutes to share what dates, times and places we have agreed to. We have two dates scheduled for Circus Circus, Excalibur and Luxor negotiations. Those dates are April 29 and May 2, 2008. The time is tentatively scheduled for 9:00 a.m. and the location is yet to be determined. The next negotiations date for the Harrah's Entertainment properties is May 21, 10:00 a.m. The location is yet to be determined. Alamo/National Car Rentals contract negotiations are scheduled to take place on May 6 and May 7, 2008 beginning at 9:00 a.m. each morning at Marriott Las Vegas Suites (325 Convention Center Drive, Las Vegas). Keep in mind that dates, times and locations sometimes change. The aforementioned dates seem firm. Should any changes occur our offices will advise you as soon as possible.

Shop Stewards are urged to arrive at the negotiations sites at least one-half hour prior to the scheduled negotiations start times. Give your supervision as much notice as possible of your intention to participate in these contract negotiations sessions. Any Shop Steward who experiences difficulty in being released from work to attend the negotiations covering their property needs to advise me or their Business Representative right away. See you -- Shop Stewards -- at the negotiations table.

On another front, the 2008 Bernie Buckley Charity Golf Tournament which is hosted by the Local Union was held on March 14, 2008. The monies raised by this event netted \$42,214.80. \$10,000 of those dollars will be placed in a fund for the Local Union's 2009 scholarship program. The rest of the monies will be contributed to a number of charities in the name of our Local Union's membership. Some of the charities that have benefited from our past efforts include Child Haven, Make A Wish Foundation of Southern Nevada, Nathan Adelson Hospice, The Shade Tree Shelter, WestCare, Saint Judes Ranch for Children, The Nevada Community Enrichment Program, CASA Foundation, Las Vegas Paiute Indian Scholarship Fund and many others. As in the past, the members of our Bernie Buckley Charity Golf Tournament committee, whom without their commitment to the success of this effort, it would not be the success it has been. The year 2009 will bring the thirty-fifth year that this event has taken place. We believe this to be the longest running labor sponsored charity golf tournament in the State of Nevada and, quite possibly, the longest running charity golf tournament in the State of Nevada, regardless of institution. I would also note that many of the employers we work with every day make contributions of different kinds to help make this event a success. To all that have helped us to make this event the success it has been we say, "Thank You - Thank You - Thank You!!"

Shop Stewards and Alternate Shop Stewards should never forget that their co-workers rely on them to protect them and to help them to keep their workplace safe and free of harassment. Your co-workers respect your advice. If you should see a co-worker heading down a path that may eventually lead to their being disciplined, you have an obligation to caution them. Your words of wisdom may not always be appreciated at the time it is shared, but sometime in the future your co-workers will appreciate and thank you for your help. You may never be thanked but you will be respected for your honesty. Never forget, we owe our employers a fair day's work for a fair day's pay. Teamsters are the professionals.

One last item before I close; to those Caesars Palace Back End guys that helped with the cooking at the Southern Nevada Teamsters Locals 14, 631 and 995 picnic, I say, "Thank You - Thank You - Thank You!!" You did great!

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*"What one heart finds hard to believe, a hundred find easy."*

-- Nancy Willard --  
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## Negotiation Strategy

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

Hi, Shop Stewards! I hope that all of you are enjoying this wonderful spring weather that we are having by spending as much time outdoors as possible.

Just a reminder this month for those of you who are attending negotiations with your employers, while negotiations are underway it is important not to divulge any of the details of those meetings to your co-workers. First, things are always changing during negotiations and the direction that it looks like some proposals are going may not turn out that way in the end.

In addition, if you disclose information to your co-workers about the outcome of negotiations at their conclusion that may reduce your co-workers incentive to attend their ratification meeting to vote on their future labor agreement, if they are ok with what you are telling them their package consists of. The danger in that is that it only takes a 2/3 majority vote of those in attendance at the ratification meeting to vote to strike an employer. And, only those members that choose to attend and vote will be the deciding parties of whether or not a strike may occur. A fate that may not be wished by the overall majority, but it would still be decided by only those in attendance at the ratification meeting.

I look forward to seeing all of you at our future negotiation sessions.

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*"You gotta be original, because if you're like someone else, what do they need you for."*

-- Bernadette Peters --

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## Teamsters Dispute "Three Amigo" Claim on NAFTA

Hoffa Says Trade Deal Hurts Workers

(Washington, D.C.) -Teamsters General President Jim Hoffa on Tuesday said the leaders of Canada, Mexico and the United States are mistaken in their defense of NAFTA.

U.S. President George Bush, Mexican President Felipe Calderon and Canadian Prime Minister Stephen Harper spoke after the two-day North American Leaders' summit—the so-called "Three Amigos" summit—held to discuss a backdoor expansion of the North American Free Trade Agreement.

"It's shocking that President Bush would say with a straight face that NAFTA has been good for all three economies," Hoffa said. "NAFTA has been good for some of his friends who own multinational companies, but it has been terrible for workers across North America. In 2004 alone, it displaced one million U.S. jobs and reduced wages by \$7.6 billion. How can that be good for America?" All three leaders claimed that NAFTA made their citizens more prosperous.

"Comments by the Three Amigos, especially by President Bush, show how completely out of touch they are with working families across America," Hoffa said. "The dollar is getting weaker, oil prices hit a record today, average wages are dropping and the housing crisis is continuing to hurt families everywhere.

"Though President Bush again called for passage of the Colombia FTA, the last thing America needs is another bad trade deal, and we certainly don't need one with Colombia, which allows the killing of trade unionists," Hoffa said. More than 2,500 trade unionists have been assassinated in Colombia, and very little has been done to bring their murderers to justice.

Hoffa said NAFTA needs to be reexamined and renegotiated. "NAFTA needs to be fixed so it works for everybody and not just the companies that leave the U.S. to take advantage of Mexican workers and lower wages," Hoffa said. "When Sen. Obama is president, he will make sure that NAFTA is reexamined so that workers will finally, truly benefit as a result of it."

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"Love is the enchanted dawn of every heart."  
-- Alphonse DeLamartine --  
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## **Discourtesy and Discipline**

It sometimes seems that we're surrounded by discourteous people. Drivers who cut us off, for example, flashing a rude gesture as they go by. Or people who stand next to us, cursing loudly into their cell phones. These can be irritating situations, but we live with them. Discourtesy is a problem, but ultimately not a hugely serious one - until it becomes a workplace issue.

When discourtesy - using profanity, harassing or verbally abusing someone else - involves a worker and the way he or she deals with customers or the general public, serious discipline or even the job itself could be on the line. In fact, in half the cases reviewed for this article, arbitrators upheld terminations of workers fired for offensive behavior. The terminations were more likely to be upheld when the target was a customer or member of the public, not just a co-worker. In the other half of cases reviewed, however, termination was found to be unjust or too harsh, given the circumstances of the case.

It's the wise steward who pays attention to this growing problem and is prepared to defend members who are accused of mistreating the public.

Here are some key basics to keep in mind when trying to help co-workers who are being disciplined over matters of courtesy.

### **What's the Evidence?**

Arbitrators say that employees are entitled to confront their accusers, or at least have a written complaint or other evidence of misbehavior to respond to. Using hearsay evidence to penalize a worker is insufficient. So that it can challenge the evidence, the union is entitled to know what was said, who said it, and who the complaining party is. And as in all other discipline cases, the employer must conduct a proper, objective investigation of the incident before taking action.

### **The Contract and Workplace Rules**

There must be clear-cut rules, procedures or contract clauses that set out the nature of improper behavior and set out the penalty that will be inflicted should the rule be violated. Arbitrators have reinstated employees because the charge of "verbal abuse" was not specifically prohibited in the contract, or was referred to in such a vague way that it was capable of meaning more than one thing. And unless discharge is specifically prescribed for a first offense, then arbitrators may say that something less should be assessed against the employee.

### **If the Offense Serious?**

Obviously, the more serious the verbal abuse or harassment, the more likely that termination will be upheld for the person committing the act. The actual incident still has to be confirmed, however, and not just be assertions from the employer representative. Understand that an arbitrator is likely to treat racial slurs, foul language or gender-based harassment as more serious than someone simply being rude.

### **Check Past Practices**

The employer must be consistent in assessing penalties. If other employees were let off or received lesser penalties, then it is hard to justify discharge for another worker's first offense of the same type.

### **Were There Prior Warnings?**

If an employee is being accused of repeated incidents of discourtesy to others, management should be able to produce a record of documentable warnings or lesser disciplines for previous incidents. Additionally, the principle of progressive discipline also applied to discourtesy cases, unless the contract or rules clearly call for discharge for the first offense. Remember that the employee is entitled to be told what he or she has done wrong and to have a union representative present when being told about the discipline.

### **The Employer's Public Image**

Arbitrators are likely to listen to employer concerns about how the public views a firm. In one case an arbitrator upheld the discharge of a union steward who cursed three women who complained that he parked his beer truck too near their car. The arbitrator said that the beer company had spent millions trying to create a public image that was damaged by the employee's behavior.

### **Check Past Behavior**

Arbitrators hearing discourtesy cases usually look at an employee's overall record. A telephone operator's dismissal was overturned by an arbitrator because the operator's past history of improper treatment of customers was separated by a long period of good behavior. The company raised offenses that should have long since been erased from the personnel file according to the contract, so the arbitrator reduced the penalty to a 30-day suspension.

Ultimately, when dealing with discourtesy cases, a steward has to judge each one on its merits, do a proper investigation, check to see how similar cases were handled in the past, and be sure to withhold judgment until all the facts are in. Employers may be quick to take action in cases where employees are the subject of complaints by the public or customers, so the steward must be on his or her toes to make sure that justice is served.

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*"Let us knock gently at each other's heart, glad of a chance to look within."*

*-- Carol Haynes --*

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## **A Steward's Responsibilities: What Workers Can Expect**

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

Listen to their concerns. This is the best service you can give a worker. Stewards can suggest appropriate times and places for this.

Thoroughly investigate their concerns, be they grievances or other union matters. Stewards can and should involve the worker in the grievance investigation process.

Communicate information on union programs, services and contract benefits.

Relay worker concerns and opinions to union leadership.

Enforce the contract with the employer.

And in every encounter, workers have every right to be treated fairly and without discrimination based on race, sex, ethnic background or union membership. In open-shop situations, you must represent members and nonmembers in grievances. It's the law. Thank you.

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*"Resolve to be thyself: and know, that he who finds himself, loses his misery."*

*-- Matthew Arnold --*

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## **Pre-Grievance Investigations - Part One**

Your knowledge of the Union's rights to obtain information relevant to an investigation may help you to help your Business Representative understand the facts. Please take the time to review the following "Q" questions and "A" answers.

**Q.** Can a union request information before it files a grievance?

**A.** Yes, to police the contract or to investigate a complaint.

### **In Due Time**

**Q.** We requested pay records to investigate a contract violation. The Labor Relations manager has asked for the name of the employee whose complaint led to the request. Do we have to cooperate?

**A.** No. A union that asks for information about bargaining-unit members does not have to reveal the name of the complainant or the specific issue that lies behind a request.

#### **Personnel Files**

**Q.** We asked for the personnel files of three unit employees who engaged in misconduct similar to a grievant. Management says we must obtain written authorizations from the three. Is this a lawful response?

**A.** Personnel files must be supplied without the necessity of written authorizations. Medical or other confidential records may be deleted from the file or blacked out.

#### **Attendance Records**

**Q.** The personnel manager says he cannot release departmental attendance records to the union because they contain confidential medical information. What are our rights?

**A.** Medical notes in attendance files are usually too brief or vague to qualify as confidential. If the entries do reveal sensitive information, instruct the employer to black them out or delete them.

#### **Demand to Pay**

**Q.** Before it will provide a document, the company says we must pay \$10 for labor and copying expenses. Is this lawful?

**A.** No. An employer must bear the cost of supplying information unless "substantial" expenses are involved.

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*"May we always resist what we know in our hearts to be wrong. May we do right and keep our word. May we know the fullness of plain rice and how simple and delicious a meal it can be with plain words. This is the steel and downy of a true life."*

-- Nikky Finney --

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## **FMLA Recertification**

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

I received a call the other day from one of my shop stewards stating her employer had requested an FMLA recertification on a co-worker. She informed me they had already been approved for FMLA previously but the employer had just requested they recertify.

Employers can ask employees to recertify medical leaves. If you do not provide a requested recertification your FMLA leave can be canceled.

Ordinarily, a recertification cannot be demanded more often than every 30 days. A recertification can be requested earlier however, if either of the following occurs.

- Your employer receives information that casts doubt on your absence.
- There is a significant change in your condition such as surgery, the development of complications, or a greater number of absences than predicted in the original certification.

You must be allowed at least 15 calendar days to obtain a recertification and a further period of time if your provider fails to respond to your request or is unavailable.

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*Memorable Quote: United States Vice President Dan Quayle speaking on the San Francisco earthquake in 1989: "The loss of life will be irreplaceable."*

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## **Requesting Information for Grievances and Arbitration**

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

The union has a legal right to all sorts of information when it comes to preparing for a grievance or an arbitration case. Employers sometimes hesitate in handing over information, but there are tactful ways of getting needed information:

1. Always initially submit your request in writing or confirm your oral request in writing. Having your request in writing protects the union later on if the employer hasn't turned over everything that we have requested.
2. The information request should read "please submit new information that becomes available after the initial response has been made". This way we are covered if new information comes up in the meantime.
3. This language should be used: "the union reserves the right to ask for additional information pertaining to this case". The employer cannot wiggle out of submitting additional information.

As a valued shop steward we need you to tell us, your Business Representative what to request from the employer otherwise we would not know what to request. Most employers are very cooperative, but some employers will provide the requested information very late. Thank you for all that you do as a Shop Steward.

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*"Shun idleness. It is a rust that attaches itself to the most brilliant of metals."*

-- Voltaire --

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## **A Secured and Dignified Retirement**

By Salvador Carrillo, Lead Organizer - 385-0995, ext. 215

One of the main goals and benefits of a union contract is to have a good union pension plan. Nothing compares to having a "defined plan" benefit for the rest of your life and the Teamsters are devoted to achieving a secure and dignified retirement for all workers in America. At retirement, no one should have to face the prospect of working forever to keep their head above water or face a dramatic decline in income that jeopardizes their financial security. Through collective bargaining the labor movement has led efforts to get private companies and government employers to provide workers with a defined-benefit pension, which guarantees retirees with a steady income for life on top of Social Security.

Unfortunately, the current system benefits too few workers and is under tremendous stress. Social Security is under attack by the White House and Wall Street who want to privatize it, which would do away with a guaranteed income and shift the financial risk to beneficiaries. Many companies have dismantled their defined-benefit pension plans or refuse to provide a plan to their employees. The result - 40% of workers had an employer-provided pension plan twenty-five years ago, but today only one half that many have such a plan and most of them are in unions. Many employers have shifted to retirement savings plans such as 401(k)s for their workers, but these typically provide much less income than a defined pension, which shifts all of the risk to the worker and often do not include an employer contribution. Worst of all, half of all workers have no retirement security plan other than Social Security.

The labor movement believes we should build on the current public and private systems to ensure all workers in America a dignified retirement before generations of workers are faced with a financial crisis, and the burden that this might create for their children.

These are the principles for a fair retirement system for Americans:

- **Ensure a Guaranteed Income:** All retirees should be guaranteed at least 70% of their pre-retirement income for life, depending on the person's household unit, income history and gender.
- **Strengthen Social Security:** Social Security should remain a public insurance program, not be privatized. It should also be adequately and fairly funded to ensure that it provides a minimum floor of protection for all Americans.
- **Preserve and Strengthen Existing Private and Public-sector Guaranteed Pension Plans:** About 20 percent of workers have employer-provided pension plans known as defined-benefit plans, which close the gap between the amount Social Security provides and what a retiree needs to live.
- **Guarantee all Workers a Secure Retirement:** All workers without a guaranteed pension need to have one to close the gap between how much a retiree needs to live and the amount Social Security provides.

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*"The two powers which in my opinion constitute a wise man are those of bearing and forbearing."*

*-- Epictetus --*

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## **Steward in the Middle**

By Mark Ranger, Organizer - 385-0995, ext. 214

The problem is that while many workers may take the Union's position, many may want to go along with the boss; some out of sympathy with his concerns, other out of fear for his ultimatum. This puts you squarely in the middle. You don't have to convince the members that your position is right, but rather that they'll be right if they adopt your position. To pull this off you need three main elements to sway your co-workers; an appealing story a convincing and winning conclusion. Deal with the facts of the situation. It should present all the relevant events and evidence in a way that will make more sense to your co-workers than your employer's story does. For example, if the boss sees workers abusing their phone privileges to conduct private business or arrange their social lives, you cite counter-evidence of overall increasing productivity in your unit. Your story should have emotional and imaginative appeal, it should touch on important values shared by your co-workers and fit in with their view of the world. Everyone should be able to identify with co-workers that need to keep in touch with their children or make other important calls during work. Make your argument personal, but don't become overly melodramatic. Your co-workers may feel as if you are trying to manipulate them. Appeal to them to use better judgment on how much they use their phone privileges. You will get what you want out of the boss and co-workers without you being the bad guy.

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*"Let us move on and step out boldly, though it be into the night, and we can scarcely see the way."*

*-- Charles B. Newcomb --*

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## **Note: To all Stewards and their Alternates**

Much of the information contained in this document has not been shared with our entire membership. This "Shop Steward Newsletter" is only mailed to our Local Union's Shop Stewards and Alternate Shop Stewards. I would ask you to share any information contained herein with your coworkers if it is something you feel your coworkers need to know.

