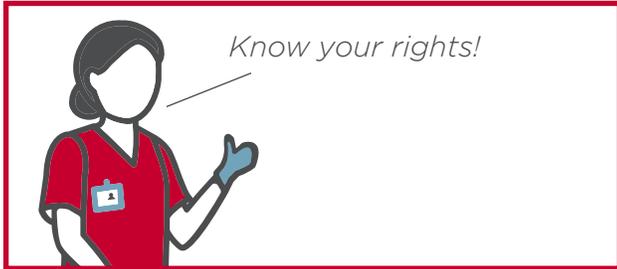


ISSUES

STEWARD'S RIGHTS



- As a steward, you have a lot of rights on the job in representing NYSNA members; rights that most bosses would prefer you didn't know about. We've listed the most important ones, with links to related articles.
- A steward's job can mean confrontations with the boss — confrontations that could get you fired in your role as an employee. The NLRA (labor law) recognizes this fact and provides three specific protections for stewards involving:
 - Equal Standing
 - No Reprisals
 - Equal Treatment

NYSNA Stewards have special rights under the law and the union contract. They provide real protection for members and stewards ...but you got to know them before you can use them!

As a NYSNA Steward, you're elected to protect the rights of NYSNA members and defend the contract. Our style is militant and aggressive. It's the best defense against bosses who try to undermine hard-won gains. To be effective, it's important to know the weapons and protections we have as stewards.

Most of us know our weapons: the contract, the grievance procedure, the Labor Board, and, most important, shop floor unity and organization. Less well-known, perhaps, are the protections we have under the law.

(The rights described here are protected by the National Labor Relations Act (NLRA). Public sector workers are protected by similar state or federal laws. Check with your NYSNA staff person.)

STEWARD'S RIGHTS

Don't let the boss con you! As a *NYSNA Steward*, you've been elected to represent your members — a job that most bosses would like to keep you from doing. Here's a brief list of some of your rights and obligations.

- 1. You have the RIGHT to grieve about unfair treatment—** whether you saw it happen or someone calls it to your attention. Bosses may accuse you of “soliciting grievances,” but don't be fooled! It's your duty to encourage workers to grieve about legitimate issue — or file them yourself.
- 2. You have the RIGHT to carry out investigations of grievances,** including interviews of grievants and witnesses. Most NYSNA contracts provide for investigation on “company time.” For those that don't, there is often a clear past practice that allows this. But, if not, every grievance must be investigated as thoroughly as necessary, even if it's on your own time.
- 3. You have the RIGHT to organize and encourage your fellow workers to take action** in support of an issue or grievance, so long as it doesn't take place on work time and interfere with production. The boss can't stop you from getting people to wear stickers, sign petitions, carry signs, or take similar actions on break or lunch time. (Of course, stickers, buttons and caps can be worn *all* the time, unless there's a special reason for a dress code.)
- 4. You have the RIGHT to request the information you need to process a grievance** from management. You should put these requests in writing. Management is obligated to respond.
- 5. You have the RIGHT to be present** in any meeting between the boss and an employee if it might lead to discipline.
- 6. You have the RIGHT to be present every time a grievance is being “adjusted” or settled.** Even if a worker has taken up the grievance on their own, the boss can't bypass the union when responding.
- 7. You have the RIGHT to stand toe-tto-toe with your boss when you're conducting union business.** You can get loud, angry, forceful, and speak your mind during grievance meetings. This is the “Equality Principle” that says you and the boss are equals in grievance discussions.

All of these rights are legally guaranteed, but they depend on how well you use them. When you do, your members will find *their* rights are protected, too.

THE EQUALITY RULE

Probably the most important protection is called “The Equality Rule.” This rule acknowledges that your job is likely to involve confrontations with management—confrontations that could lead to discipline under the normal rules of employer-employee relations.

You can openly disagree and argue vigorously with management during grievance meetings; question management’s authority; and, demand certain actions of management, all without risking disciplinary action.

The “Equality Rule” makes you a “legal equal” to the boss. But, it’s in effect only when you are doing your job as a *steward*, not when you’re acting as an *individual* employee. You’re acting officially when you investigate and argue grievances, request information and otherwise defend NYSNA members.

There are limits to what you can do, though. Threats of violence and actual violence are prohibited, as are extreme profanity, name calling, and personal attacks. Actions barred by your contract are not protected, either. To prevent supervisors from claiming you “exceeded the limit,” it’s wise to have another steward or NYSNA member with you during meetings with management.

NO REPRISALS

The boss is not allowed to use discipline, either real or threatened, or any other form of intimidation to discourage you from doing your job. For example, you can’t be denied overtime opportunities, promotions, job transfers, bumping rights, or any other entitlement as punishment for doing an aggressive job. Nor can management assign you to the most undesirable jobs or more closely supervise you than other workers.

EQUAL STANDARDS

Some supervisors try to hold stewards to higher standards than others. “You, of all people, should know the rules,” is often a statement heard when some rule has been broken. This is illegal, too. You’re not a “super-worker” and you can’t be singled out for unusual discipline to “set an example” or because you should “know better.” The only exception: not carrying out responsibilities required of the union under the contract.

WHAT TO DO

If the boss breaks these rules, there is most likely a contract grievance—and, an Unfair Labor Practice (ULP) charge can be filed with the Labor Board (NLRB). The time limit for filing a ULP charge is within six months of the violation.

Contact your NYSNA staff member before filing an Unfair Labor Practice charge with the Labor Board.

WORKPLACE ORGANIZATION

As in the case of most other grievances, a workplace strategy for solving the problem is often much more effective than dealing with the NLRB—especially because the Board is often frustratingly slow to respond. But, if you feel that a ULP charge should be filed, talk with your NYSNA Field Organizer and local officers about the best way to proceed.