



# I.U.P.A. SHIFT REPS MANUAL

THE INTERNATIONAL UNION OF POLICE ASSOCIATIONS



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# Introduction

One of the most important jobs in the union belongs to the Shift Representative.

Why do we say that?

**FIRST:** The Shift Representative ensures justice on the job by enforcing the contract. By performing that role well, you demonstrate the importance of the union.

**SECOND:** Studies show that the average officer's image (positive or negative) of the union, and the union movement in general, evolves from his/her relationship with the shop Shift Representative. Officers usually have regular contact with the Shift Representative. Union members rarely know the President of their international union. Many officers do not attend local union meetings regularly and may have little opportunity to develop a relationship with their local officers. So, if a union member considers their Shift Representative to be an intelligent advocate of the interests of the membership, he/she will feel the same way about the union.

**THIRD:** Because you are considered a leader in the workplace, you may exercise leadership in other areas as well. Discussions of your views on political issues, civil rights and community problems, for example, may influence the opinions of people at work.

**FOURTH:** Performing your duties as Shift Representative is the best possible training for other positions of responsibility in the union. The experiences you acquire as a Shift Representative, such as organizing, problem solving and negotiating, will develop skills necessary for future leadership. It's hard work, but being a Shift Representative has as its reward the knowledge you are helping people.

# What it Means to be a Shift Representative

## What does a Shift Representative do?

**ADVOCATE:** The union is the advocate for its members and the Shift Representative is on the front lines when an officer thinks his/her rights have been violated. To be a forceful and successful advocate, you must get acquainted with new officers when they state working and inform them about the union and its activities. When you make it a proactive to contact new officers, you demonstrate that you and the union are actively interested in the individual. You create an initial good impression in the worker's mind about the union.

**ORGANIZE:** You must organize constantly if the union is to remain strong, so you should look for ways to recruit officers who have resisted joining the union. Actual union membership cannot be required as a condition of employment. So you must be able to convince officers in the bargaining unit of the benefits of full union membership.

**EDUCATE:** The more officers know about the activities of the union, the more active they become. You are the first line of communication for the union because you are in the best position to report regularly to the members on the activities of the union. On the other hand, you also make sure the views of members reach local officials. You can strengthen the union by keeping the membership informed about services the union offers outside the workplace, such as a credit union, blood bank or day care.

**HELP:** You can help officers with work-related problems that are not covered by the contract. For example, if a parent needs help finding suitable day care or an officer is seeking medical doctors, you may be able to find the right contact in the community who can help.

**COMMUNICATE:** The Shift Representative is the conduit for much of the union’s communication on political and legislative issues. A part of your job is to participate in and listen to political discussions, to communicate views of members to all levels of union leadership and report the leadership’s views back to the membership.

**UNDERSTAND:** To do a good job, you need to understand the members of the bargaining unit. This comes after you’ve gained experience, yet it is important to develop this skill as quickly as possible. A good Shift Representative knows which officer is shy, which tends to exaggerate and which has many moods. You also understand what issues are important to each officer. Some officers may be more concerned with pay, while others consider health care benefits most important and still others care most about having more free time. To represent officers effectively, you need to know them well.



# Problem Solving

The most difficult part of your job - and the most rewarding - is solving problems. Your first job is to fight for the officer who has a problem. It is important that officers see the union as the source of aggressive problem solving. If an officer has a problem, you should be there when he/she needs help and try to find harmonious solutions to the problem, whenever possible.

Your initial step is to determine whether your most appropriate action is to file a grievance or seek to solve the problem creatively. If the situation is a clear violation of the contract, law or past practices, you must be mindful that you represent the union and must file a grievance. In other cases, you can look for creative or alternative ways to settle problems.

The key to finding creative solutions is to look beyond the limits of the contract if the contract is unclear. If you are trying to find a creative solution, try out different approaches. Don't stick to one non-negotiable position. Work to understand the problems faced by supervisors. Some simply want to get the job done. Others are ambitious and are eager to please upper management. Others feel bound by restrictive rules. Being flexible and understanding and addressing a supervisor's situation often leads to ways to solve problems that are beneficial to everyone involved.

Shift Representatives who are good problem solvers learn to look for solutions that help both the union and the members. Effective Shift Representatives know how to discuss all the possible solutions to a grievance with both the worker and his/her union. In some cases, many roads could lead to a destination. Brainstorming helps you consider the wide range of solutions available to both satisfy the workers and prevent management from violating the contract in the future.

Sometimes conflict is inevitable, and of course, if there's a disagreement, you should be prepared to file a grievance and win.

# 10 Rules For Shift Representatives

As a Shift Representative, you need to play it straight and direct. Here are some basic rules to live by - you could call them “10 Rules for Shift Representatives.”

**LOVE THE UNION AND SHOW IT:** You are the day-to-day representative of the union. Your actions on and off the job reflect on both you and the union. Take every opportunity to express and explain your commitment to the union and its members.

**KNOW YOURSELF:** Be honest about your strengths and weaknesses. Ask yourself, “What more do I need to learn? What is the best way to deal with conflict? What is the best way to communicate with people? What do I need to be more effective as a Shift Representative?”

**BE A CREDIBLE EMPLOYEE:** Follow the contract and abide by the rules of the workplace. Your actions will help set the example of how management and officers should act.

**TALK STRAIGHT WITH THE MEMBERS:** You will be the bearer of both good news and bad. If you are straight with members about what is going on, they will know they should be straight with you.

**SIZE UP YOUR OPPOSITION AND ACT ACCORDINGLY:** There’s no single, all-purpose way to deal effectively with management. A good strategy involves a thorough assessment of management’s strengths and weaknesses. Sometimes you should come on like gangbusters. Sometimes you should sit in the back row and watch management self-destruct. When facing opposition from union members - as you surely will from time to time - deal with them respectfully.

**DEAL WITH SMALL PROBLEMS BEFORE THEY BECOME BIG ONES:** Strive to settle problems before they become grievances. Strive to settle necessary grievances at the first step. Bring issues of concern to the members' attention when they first come up, so members may be alert to the possibility of contract violations at the earliest possible instance.

**PREPARE AGAINST SURPRISES:** Surprises are great for birthdays, but they can be a real drag at grievance presentations, contract negotiations, meetings with the boss and union meetings. Prepare ahead of time for what will be said and done.

**SET LIMITS:** You are not the slave of the membership. You will be expected to work long and hard and will want to do so, but you have the right to set limits. Doing so will make you a more effective Shift Representative in the long run.

**INVOLVE OTHERS IN THE WORK OF THE UNION:** You are not a one-person show. The best Shift Representatives - the ones whose workplaces have really effective unions - involves other members in all kinds of union work, including investigating grievances, passing petitions, registering voters, attending union and community actions and organizing unorganized officers.

**RECOGNIZE THAT YOUR WORK SITE IS JUST PART OF THE WHOLE:** You need to look beyond the problems of your work site and become part of organizing on a larger scale for the improvement of officers' lives. This means you need to be active in your community, in the political process and in other progressive causes and coalitions that organize and promote those improvements.

# Duty Of Fair Representation

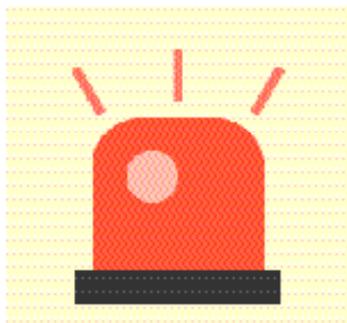
Under federal law and most public-sector state legislation, a Shift Representative must represent all officers in the bargaining unit, regardless of membership status. Nonmembers don't receive some benefits such as the union newspaper or the right to vote on contracts, but they have the legal right to be represented in the grievance process. **Failure to provide representation can land a union in court.**

## Processing A Grievance

How do you handle complaints?

In the overwhelming majority of union contracts, the union has the right to file a grievance. If you think an important issue is at stake, under most union contracts, you needn't wait for a member to file a grievance.

Whether an officer's rights are violated on the job, or the union files a grievance on an issue, you are the first line of defense. In most unions, your role is to investigate thoroughly any complaint from the beginning and decide what action to take to resolve it. The first step is to differentiate between a grievance and a gripe. Often, officers assume anything they don't like about the job is a grievance. Many times, the problem is not one that requires a grievance, which is a formal union response to a violation of an officer's rights under the contract, the law or past practice. Other complaints are not grievances and should be solved through other means.



# How do you Determine Whether the Appropriate Action is to File a Grievance?

Take the following steps:

## STEP 1: INTERVIEW THE GRIEVANT

**LISTEN WELL:** Most of your time should be spent listening. Let the other person do most of the talking. Listen attentively and sympathetically. Let the grievant express his/her feelings about what has happened. Don't rush the conversation. Give the person time to say what needs to be said. The grievant may be upset, so ride with the storm. Don't get emotionally involved and let anger prevent understanding of what is at the heart of all this.

**ASK QUESTIONS:** Your job is to get the facts of the case. Don't settle for generalities and vague statements such as, "They're giving me too much work" or "She just doesn't like me." Try to get the full story by asking for details: dates, examples, witnesses. Be sure to take detailed notes so there is a record to check.

Next, recap the story and ask the grievant to correct anything you have misstated.

## STEP 2: GATHER FACTS

**FIND WITNESSES:** Talk to people who may have witnessed the incident or be able to verify facts in the grievant's story. Interview witnesses separately. This will bring out any inconsistencies.

Don't settle for hearsay. Get your information directly from the people involved, not second or third-hand. If someone says, "Billy told me that..." or "Maria heard..." go talk to Billy or Maria and find out directly from them what happened. Investigate thoroughly until you are satisfied you have a clear picture of what happened.

**CHECK THE FILES:** You have a right to get information from the employer to process a grievance in an informed manner. For example, if an officer is disciplined for absenteeism, you have a right to see attendance records. Check the contract, workplace rules, federal and state laws, the records of your local and any other relevant documents. Find out what past practices have been. Have other officers with similar records been treated the same way?

### **STEP 3: ANALYZE THE FACTS**

**IS IT A GRIEVANCE:** There are two kinds of grievances, **Disciplinary** and **Nondisciplinary**.

**Disciplinary Grievance:** In a disciplinary grievance, The employer has disciplined an employee. If the employee, through the union, files a grievance to protest the discipline, the employer generally must prove there was “just cause” for its action.

**Your job is to determine if there was, in the union’s view, just cause. Here are seven tests of just cause:**

**1. Notice:** Did managers tell the officer what level of performance was expected? Did the employer give the officer (and, in some contracts, the union) reasonable notice that discipline would be met if the employee’s actions continued?

**2. Reasonable Work Rule:** Is the rule the officer is accused of violating a reasonable rule for the work he/she is doing?

**3. Investigation Before Discipline:** Did management investigate and verify the charge before taking action?

**4. Fair Investigation:** Were managers fair in their investigation? Or did they stack the deck by overemphasizing certain facts and points, perhaps taking them out of context?

**5. Proof:** Does management have enough facts to prove the officer actually committed an infraction, or are supervisors relying on hearsay?

**6. Equal Treatment:** Is the officer being treated any differently than other employees in the same situation?

**7. Punishment Fits The Crime:** Did the punishment seem punitive and vindictive rather than corrective and remedial? Did the discipline follow the alleged misconduct within a reasonable time? Was it consistent with the idea of progressive discipline - that is, was there slight punishment for a first offense, harsher punishment for the second and so on? Did management overreact? Did the discipline violate any conditions of the contract, work rules or law?

**Nondisciplinary Grievance:** If the grievance does not involve discipline, the union or employee has to prove its case. You must provide evidence that management is guilty of one of the following:

- Violation of contract
- Violation of past practices
- Illegal discrimination

## STEP 4: WRITE THE GRIEVANCE

After you have gathered all the facts, write a short, concise statement of the grievance that includes the six W's:

- 1. Who** was involved in the incident?
- 2. When** did the incident take place?
- 3. What** happened? Explain this in clear, direct terms.
- 4. Where** exactly did the incident take place?
- 5. Why** is this a grievance (contract violation, disciplinary action, etc.)?
- 6. What Settlement** or corrective action does the union want?

Many unions use a grievance form that helps you organize the results of your investigation. If your union provides such a form, fill it out thoroughly.

## **STEP 5: FILE THE GRIEVANCE**

Every contract has its own rules and time limits for filing grievances. You must know the time limits and meet them. Also, you should keep the grievants and the union informed of any actions you take.

## **STEP 6: PRESENT THE GRIEVANCE**

Under law, when dealing with management on workplace issues, including grievances, you are the equal of management and should act and be treated that way. Establish a cordial but businesslike relationship.

For the same reason, when meeting with management on union business, you have every right to request to meet in a conference room or similarly neutral area rather than the boss's office.

When presenting the grievance, remember your role is to win and to keep the union strong. You are not there to make the supervisor look bad or to show what a genius you are. You do not win friends and influence people by going in and pounding on the desk. It only stiffens the opposition's resolve. The surest way to win is to find out what the supervisor really wants, and then show, if possible, that both sides most likely will get what they want by resolving the grievance at this point.

Get to the main point of the supervisor's argument: Try to narrow the differences between management and the union by presenting options that will benefit both sides. And remember that a good negotiator also is a good listener. The more the supervisor talks, the more he may reveal about motives and desires regarding the grievance. Or you may pick up information to help fashion a solution to gain knowledge that will help win the grievance now or in the future.

Finally, to avoid any future misunderstanding, make sure all agreements with management on a solution are in writing so that if you and management cannot come to a mutually satisfactory agreement, you know what your next step will be. Check your contract for options. Many contracts provide for arbitration if the two parties cannot agree.

# Know Your Rights

## What Shift Representatives need to know about the law?

Shift Representatives can help situations from becoming worse through knowledge of workplace laws and rights. Numerous laws and regulations apply to the workplace, and some contracts give unions the ability to grieve violations of these. Learning all you can about applicable laws can give you a powerful tool in solving employees' problems

Among the most useful laws are:

**WEINGARTEN RIGHTS:** In 1975, the U.S. Supreme Court said officers have the right to union representation in an investigatory hearing if they reasonably believe the investigation could lead to disciplinary action. It is important to remember that under the law, an employee must request a union representative. Management does not have to inform him/her of the right to have a union representative present. Weingarten rights do not apply if you work under the Railway Labor Act unless specified in your contract. They also may not apply in some states with weak public-sector-bargaining laws. Check the state law to be sure.

An investigatory hearing is not a grievance hearing. But as the shift representative, you can ask what the hearing is about, confer with the employee before the hearing and participate in the hearing. Once in the hearing, you can ask questions and warn the employee that he may be hurting this cause.

**HEALTH AND SAFETY:** The Federal Occupational Safety and Health Act and standards, state OSHA laws and standards, that apply to the public sector require safe and healthy working conditions. There also are right-to-know laws that can help you determine what chemicals employees are exposed to and mandatory OSHA logs that are available to the union upon request to management; these logs catalog on-the-job illnesses and injuries and can help you monitor the health and safety situation in your workplace. Some OSHA rights may not apply in some states with weak public-sector bargaining laws. Check the state law to be sure.

**DISCRIMINATION:** It is illegal under the various Civil Rights Acts and the Americans with Disabilities Act to discriminate against job applicants and employees based on race, gender, ethnicity, age, physical or mental handicap.

**FAMILY AND MEDICAL LEAVE:** The Federal 1993 Family and Medical Leave Act allows an employee of a company with 50 or more workers to take unpaid leave upon the birth or adoption of a child or gaining of a foster child, to care for a sick family member to take care of one's own serious illness with the guarantee of continued health insurance coverage and a return to his/her previous job or to an equivalent job. Some states have FMLA laws that may apply as well.

**GARRITY RIGHTS:** Arises from the basic concept that law enforcement officers don't lose their constitutional rights when they become an officer. Garrity is straightforward: you can't be compelled, by the threat of discipline, to make statements that may be used in criminal proceedings; and, you cannot be terminated for refusing to waive your 5th Amendment right to remain silent. It is extremely important to explicitly get protection through a complete Garrity declaration.

**LOUDERMILL:** The Supreme Court has established certain minimum rights of public employees in cases of substantial discipline, such as suspensions and terminations. Generally the employee is entitled to an opportunity to address any charges prior to discipline being imposed, the right to a hearing before an impartial decision maker (who may be a supervisor in the department) regarding the discipline, and the right to notice of the charges and the facts supporting the charges. Most law enforcement officers have additional protections under state or local grievance procedures of collective bargaining agreements.

**PUBLIC-SECTOR LABOR LAWS:** Several laws give public employees the right to bargain collectively. The Federal Civil Service Reform Act of 1978 establishes the right of federal employees to be represented by unions and to negotiate a grievance procedure. The Postal Reorganization Act of 1970 provides collective bargaining rights to officers in the U.S. Postal Service.

**FAIR LABOR STANDARDS ACT:** The Fair Labor Standards Act establishes the minimum wage and overtime requirements for employees, including law enforcement officers. The FLSA establishes requirements for areas such as what are hours of work for which an employee, including law enforcement officers. The FLSA establishes requirements for areas such as what are hours of work for which an employee must be paid, what types of pay must be included when calculating overtime pay, what a department must do in order to use a 207(k) work schedule, and when and how employees must be paid overtime. The FLSA sets the minimum standards, and officers may have greater rights under state or local wage laws, or under collective bargaining agreements.

# THE RIGHT TO INFORMATION

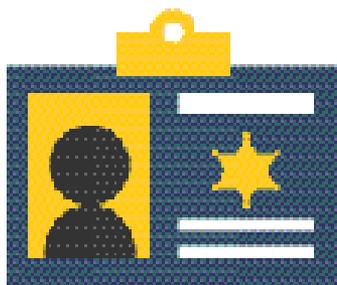
Officers and their unions also have the right under the NLRA and most state and local bargaining laws to obtain certain types of information from the employer that can be helpful in bargaining or enforcing a contract. This information may include:

**HEALTH AND SAFETY RECORDS:** Accident reports, equipment specifications, inspection records and material safety data sheets.

**PERSONNEL AND HUMAN RESOURCES RECORDS:** Attendance records, bonus records, employer manuals and guidelines, disciplinary records, evaluations, interview notes, investigative reports, job assignments records, job descriptions, payroll records, personnel files, photographs, security guard records, security reports, seniority lists, supervisors' notes, time study records, training manuals, videotapes, wage and salary records and work rules.

**BARGAINING RECORDS:** Bargaining notes, collective bargaining agreements for other bargaining units or other facilities, grievances for unfair labor practices and unfair labor practice records.

**BUSINESS RECORDS:** (in some circumstances) contracts with customers, suppliers and subcontractors and customer lists, customer complaints, insurance policies, piece-rate and reports and studies. Management uses these records when considering contract proposals and grievances. So should you.



# ORGANIZING, MOBILIZING AND EDUCATING MEMBERS

There is strength in numbers. Through unions, officers come together and act collectively for the welfare of all working people.

**ORGANIZING MEMBERS:** Hundreds of law enforcement officers across the country already belong to unions. But in workplaces in so-called “right-to-work” states, where officers sometimes don’t join the union, each new member gives the union - and all officers - more strength to fight for economic and political change. That’s why it’s important in those states not only to retain members but also to recruit new ones.

You can be a great recruiter for the union because you have the most day-to-day contact with rank-and-file officers. Whenever possible, you should talk to nonmembers one on one about the benefits of joining the union. Officers listen to and respect the opinions of people who do the same work they do. You can recruit union members to talk to their fellow officers about the union as well. Another venue of discussing the union could be at a group meeting - either away from work or, if allowed, at a lunch break - where you can answer any questions or concerns nonmembers may have about unions. You should speak honestly and openly in the workplace about what the union means for officers.

Creating greater visibility for the union in the workplace also can help you recruit members. The union should have a presence people can identify with that goes beyond the relationship with the employer.

Here are several ways to increase the union’s visibility in the workplace:

**NEW EMPLOYEE PROGRAM:** You should have a standard procedure for approaching a newly hired worker and welcoming him/her to the union. A new member kit can be helpful, including such orientation materials as a copy of the local union newsletter, membership application form, a copy of the international union newspaper or magazine, health benefits information, a one-page information sheet on the union, a list of local union officials and staff, a brief description of services offered by the union, a copy of the negotiated contract agreement and political action information.

**MEMBERS-ONLY BENEFITS:** The fact that nonmembers receive the same pay and benefits as members is an unfortunate reality in work-places where not everyone joins the union. But it can be useful to offer your members special benefits that are not available to so-called nonunion “free riders.” Union Privilege, has developed a package of benefits endorsed by many international unions. These benefits may include dental and vision discounts, a free legal service, life and accident insurance, consumer discounts, prescription discounts, mortgages, loan and a credit card.

For materials to inform your members or for materials designed specifically for use in organizing, contact:

**I.U.P.A. The International Union of Police Associations**  
**5632 Bee Ridge Road, Suite 200,**  
**Sarasota, FL, 34233**

**COMMUNITY SERVICE:** Many members may participate in a charitable event but might not come to a union meeting or rally. These events present the opportunity to build member solidarity and goodwill in the community. Your local can sponsor such activities as health fairs, food banks, bowlathons, walkathons, arts and crafts fairs, golf tournaments, toy drives and other fund-raisers for worthy causes. It is important to poll the membership to find out what community activities members already are involved in, then contact those members who can create a link to community organizations.

Religious and community services liaisons may be able to identify projects in the community where the union can help make a difference. There are 260 community services liaisons with local United Way and Red Cross offices who work their state federations or 25 local community services labor agencies. Community services staff help working families with human service needs. You can contact them directly through your central labor council.

**UNION GEAR:** Many local unions produce t-shirts, mugs, hats and bumper stickers that create a sense of identity and pride in the union. Clever, creative and colorful designs for these items will inspire people. They also can be given to members as rewards for service to the local.

**MOBILIZING MEMBERS:** A union must be able to mobilize its own members around important issues. Just as officers united in a workplace have a stronger voice than one worker, unions can create more change when locals join with other locals and the community to work together on an issue. If one union demonstrates the power of group action, many unions together multiply that strength.

You should always be on the lookout for volunteers willing to support union activities in community, state or national struggles. Their help can be invaluable. Most of your requests for volunteers will come from local unions. For example, you may be asked to find volunteers to show up at a city council meeting to support a raise for city employees, or at a rally for striking officers. Often, volunteers send letters or make phone calls to educate other union members about an issue. Your members also could be asked to meet with a local legislator to lobby for measures that would help working families.

Politicians on Capital Hill and from your statehouse to the White House respond to organized groups of voters. Union members can send letters and make phone calls to members of Congress or your state legislature and meet with your representatives to lobby for or against legislation. Union members also vote - and in nearly every election, union votes provide the margin of victory for several governors and new members of Congress.

**YOUR ROLE IN MOBILIZATION:** As the Shift Representative, you are the key link when the local begins to mobilize officers. You become the point person responsible for getting members out to an action. This may be one of your most important duties. To perform this task well, you will need to be able to recruit volunteers.

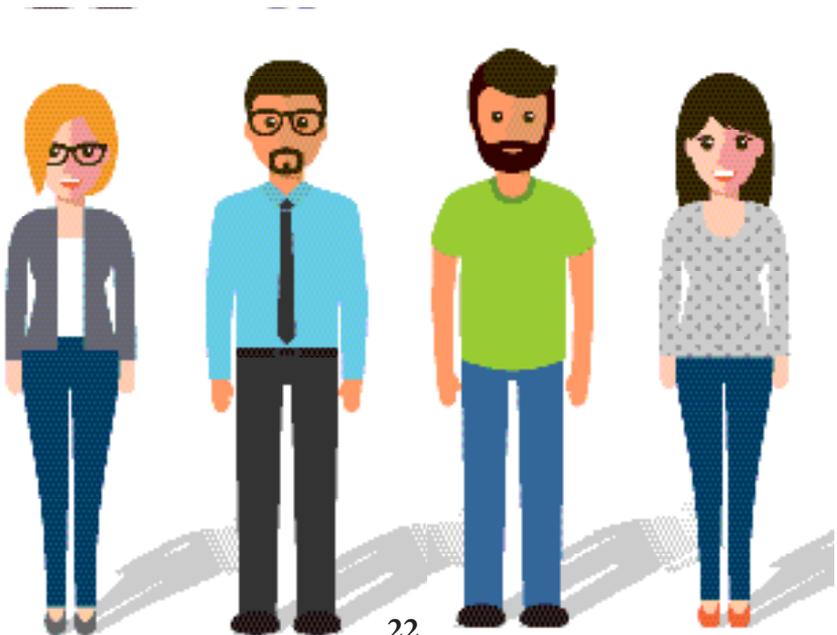
**RECRUITING:** You should recruit volunteers willing to give their time, talents and energy. How do you get people to volunteer? People choose to be active in social and political movements for a variety of reasons, but most volunteer because: they think the organization's goal is important; they think what they're being asked to do will lead to the achievement of the goal; they think their participation is necessary for the action to lead to achievement of the goal or they are asked to do a specific task in a reasonable amount of time.

Mobilization implies quick and effective communications with the members. You should maintain up-to-date information on each worker you are responsible for: membership status, job title, seniority date, phone numbers and a record of past participation in union activities. That way, you will be able to get in touch with them quickly when there is a need for them to act.

**EDUCATING MEMBERS:** Workplace education is the driving force behind a successful mobilization. Once the local union has selected the issues for mobilization, you should be ready to present information for members to talk over, either through one-on-one contacts or group discussions.

Keep up with union issues by attending local union meetings and reading publications put out by the local union and international union. You also should take advantage of local and international union education and training programs when possible, especially those on communications, organizing, collective bargaining and labor law.

Whenever discussing issues with officers, don't talk down to them. The information should be enough to spur people to action. You can build consensus by encouraging everyone, even the quietest members, to express opinions, feelings or concerns about issues in the workplace. And remember, it is important to keep members informed of what is going on as much as possible.



# POSTSCRIPT - SHIFT REPRESENTATIVES: THE VITAL LINK

Shift Representatives bring it all together.

The foundation of the union movement is based on fighting for justice for all officers. The point person in that fight is you. Your role is much broader than simply applying the contract to a set of facts. Years ago, Shift Representatives spent the majority of their time filing grievances and enforcing the contract. Today, Shift Representatives wear many hats on the job and in the union. Shift representatives are communicators, advocates, organizers, problem solvers, mediators and counselors - as well as interpreters and enforcers of the contract.

Every Shift Representative faces different challenges. Your role as Shift Representative in one workplace and in one union can be very different from that of another Shift Representative in another workplace and another union. Similarly, an experienced Shift Representative may handle routine problems and responsibilities without missing a beat, while a newly minted Shift Representative will have to build his/her response from scratch.

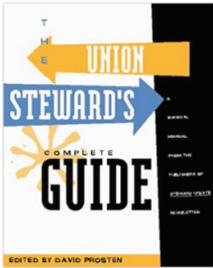
This booklet provides aid, comfort and tactical help to unions' front-line troops, the Shift Representatives. Employers of every type are making things harder these days for officers who are organizing and fighting to improve their lives. From the large county sheriffs office to the small police department and the State who thinks contracting out is the road to taxpayer approval and re-election, the need for strong and united officers never has been more crucial. Only unions stand between unfair employers and their officers, and without dedicated and trained Shift Representatives, unions cannot succeed.



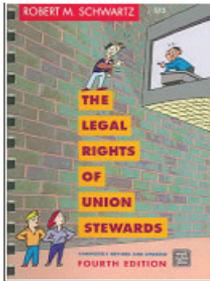
# RESOURCES

This booklet provides a general overview of some of the duties and responsibilities of a shop Shift Representative. Many unions have specific guidelines for Shift Representatives, so check with your local union and your international union's education department for further information and help. College and university labor centers also may have materials to help guide you.

Other resources available for Shift Representatives include:



**The Union Shift Representative's Complete Guide,**  
Edited by David Prosten



**The Legal Rights of Union Stewards**  
By: Robert M. Schwartz

For additional Information Visit:

**The International Union of Police Associations**  
5632 Bee Ridge Road, Suite 200, Sarasota, FL, 34233  
Phone: 1-800-247-4872  
Website: [www.iupa.org](http://www.iupa.org)

# THE SHIFT REPRESENTATIVES DICTIONARY

**AFFIRMATIVE ACTION:** A plan calling for assertive program to combat employment standards or procedures that tend to discriminate on the basis of gender, race, age, color, religion or national origin. Affirmative Action not only deals with overtly discriminatory practices but also with those practices fair in form but discriminatory in effect.

**AGENCY FEE:** Dues or service charges paid to the union as the exclusive collective bargaining agent without a requirement that the fee-payer join the union.

**AGENCY SHOP:** A collective bargaining agreement that provides that an employee in the bargaining unit who refuses to join the union must pay a service fee to the union equal to union dues.

**ALTERNATIVE DISPUTE RESOLUTION:** The use of such dispute resolution techniques as mediation, fact-finding and arbitration as an alternative to the courts or federal regulatory agencies.

**AMERICAN ARBITRATION ASSOCIATION:** A private, nonprofit organization established to promote arbitration and mediation as methods of settling labor and other disputes. The AAA provides lists of qualified arbitrators and mediators to unions and employers upon request as well as rules of procedure for the conduct of arbitration.

**ARBITRATION:** A method of settling a labor-management dispute by having an impartial third party hold a hearing, take testimony and render a decision. The decision usually is binding upon the union and management. The most common types of arbitration are grievance arbitration (usually the last step in the grievance procedure) and interest arbitration (sometimes used to settle negotiating impasses and set the terms of a collective bargaining agreement).

**BARGAINING UNIT:** A group of employees who bargain collectively with their employer. The unit may include all officers in a single plant or workplace or in a number of plants or workplaces. The unit also may include only the officers in a single craft in one workplace.

**BECK DECISION:** Unions have a legal obligation to represent all workers in a unit regardless of whether or not they are members of the union. See Duty of Fair Representation and Agency Fee. Under the U.S. Supreme Courts decision in Communications Officers vs Beck, a worker who is represented by the union, but is not a member, and who pays an agency fee, has the right to object to paying any portion of the agency fee that is not germane to collective bargaining. When a union receives such an objection from a nonmember fee payer, the union must reduce the objector's fee payments to reflect the portion of union expenditures that are not germane to collective bargaining.

**BONUSES:** Some agreements include the payment of periodic bonuses or a lump-sum payment.

**BOYCOTT:** A way of bringing collective pressure against an employer by discouraging the purchase of a product or service. Information regarding boycotts usually is communicated to union members through what is called an "unfair list." Consumer boycotts are upheld by the courts.

**BUMPING:** This occurs when a person moves to a different job and in doing so causes another to have to move. The second person is said to have been "bumped" by the first.

**CALL-IN AND CALL-BACK PAY:** A premium wage payment made when a worker is called back to work or an assurance that they will work a given number of hours when called back to work.

**CHECKOFF:** A clause in the union contract requiring the employer to deduct union dues or agency fees from the paycheck of officers who have so authorized and remit the monies to the union.

**CLOSED SHOP:** A workplace which hires and employs union members only. The closed shop is illegal under the Taft-Hartley Act.

**COLLECTIVE BARGAINING:** The method of determining wages, hours and other conditions of employment through direct negotiations between the union and employer. Normally, the result of collective bargaining is a written contract that covers all employees in the bargaining unit, union members and nonmembers alike.

**COLLECTIVE BARGAINING AGREEMENT:** A written agreement or contract that comes out of negotiations between an employer and a union. The CBA sets out the conditions of employment (wages, hours, fringe benefits, etc.) and ways to settle disputes and grievances. Collective bargaining agreements usually run for a definite period, often three years or less.

**COMPANY UNION:** A union organized, dominated and financed by the employer, giving officers no real protection while keeping them from organizing a real union. Outlawed as an unfair labor practice in the National Labor Relations Act.

**CONTINUOUS VIOLATION:** Most grievance procedures have time limits that require the grievance to be filed within a certain number of days after the event or after knowledge of the event. However, some events are continuous, making the time limits less clear. The usual rule is that the clock starts running when the union reasonably could have been expected to know of the event and have taken action.

**DECERTIFICATION:** The withdrawal of a union's official designation as exclusive representative of a bargaining unit. Usually a result of employee dissatisfaction, it follows a decertification election.

**DISCRIMINATION:** Unequal treatment of a worker or a group of officers on a basis other than individual merit. Some forms of discrimination are illegal and others are immoral. For example, it is unfair to discriminate based on age, but not generally illegal if the person is less than 40 years old. It is illegal to discriminate in conditions of employment for reasons based on sex, union membership, nationality, religion, race, age if the person is between 40 and 70 years of age, or pregnancy. The conditions of employment include types of jobs, benefits, promotions, layoffs, pay and other terms.

**DUE PROCESS:** Describes steps to be taken to ensure a worker has received all of the rights to which he or she is entitled prior to disciplinary action being taken by management. These rights include: the Right to Union Representation in any situation where being questioned by management may lead to disciplinary action, the Right to Have Specifics of Charges if accused of any violation leading to discipline, the Right to Answer or Respond to Chargers before any disciplinary action is taken by management, the Right to Be Treated Fairly.

**DUTY OF FAIR REPRESENTATION:** The legal and moral obligation of the union to represent all officers in a nondiscriminatory or arbitrary way. This means that a grievance must be acted on based on its merits. It does not mean the union must take all cases through the grievance procedure, especially those that lack merit. It doesn't mean that the answer to the grievance has to be to the liking of the member. It does mean that the case must be treated like similar cases and that deviations must be well-founded and reasoned. Union action cannot be arbitrary, discriminatory or in bad faith.

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC):** A federal agency charged with enforcing some federal civil rights laws, the Americans with Disabilities Act and other similar statutes.

**ERGONOMICS:** The study of matching the workplace and its machinery to the physical characteristics of officers to reduce strain on officers and thereby decrease lost time caused by work-related illness and disability.

**ESCALATOR CLAUSE:** Clause in some union contracts that provides for increases or decreases in wages as the cost of living goes up or down. The “Cost-of-Living” Index of the U.S. Bureau of Labor Statistics is used to measure these changes.

**FREE RIDER:** A term used to describe an employee in a represented bargaining unit who benefits from union representation and contractual gains but refuses to pay dues.

**FRINGE BENEFITS:** All non-wage benefits in the union contract - such as paid holidays, paid vacations, insurance and pensions - that are paid in whole or in part by the employer.

**GOOD FAITH BARGAINING:** The legal requirement that the certified bargaining agent and the employer meet at reasonable times and places and with an open mind toward reaching an agreement.

**GOOD STANDING:** A term used to describe a member who has met all obligations of union membership, including paid-up dues.

**INITIATION FEE:** An amount of money new members pay upon joining the union in addition to regular dues. This fee often is waived during organizing campaigns, and if a member withdraws, they normally can request and receive an honorary withdrawal card so the fee need not be paid again.

**INSUBORDINATION:** The act of refusing or deliberately failing to carry out a supervisor’s direct order. To be charged with insubordination, the worker must (1) have been given a direct order, and (2) been made aware of the consequences of not obeying said order. When in doubt, it is recommended that officers carry out the work under protest (except if the direct order would lead to an unsafe action) and follow up the assignment with a grievance.

**JURISDICTION:** A claim by a union that it represents employees in a specific department or job classification or performing a specific type of work. Jurisdictional disputes usually are settled by an administrative agency, not in arbitration.

**JOB EVALUATION:** A systematic method of comparing jobs to determine appropriate differences in pay.

**JUST CAUSE:** The most common standard in a collective bargaining agreement for determining whether the employer has sufficient reason to discipline or remove an individual from employment (also called reasonable or proper cause).

**LOCKOUT:** The denial of employment by the employer to the officers during a contract dispute for the purpose of forcing the union to settle on the employer's terms.

**MAINTENANCE OF MEMBERSHIP:** A union security provision in a contract that says a worker who voluntarily joins the union must remain a member or pay an agency fee.

**MANDATORY BARGAINING:** Those items included under "wages, hours and other terms and conditions of employment" over which the union and employer must bargain in good faith.

**MANAGEMENT RIGHTS:** Many collective bargaining agreements contain clauses that detail management's right to act with respect to certain terms and conditions of employment. Other clauses in the agreement often modify this clause and management's discretion.

**MEDIATION:** Efforts by a neutral third party to get union and management to agree where there is a dispute. The mediator (sometimes called the conciliator) acts to assist both sides in trying to find a basis on which the union and employer can resolve the dispute. Unlike arbitration, the mediator does not have the power to compel the parties to accept a resolution.

**MERIT PAY:** A system of adjusting worker pay based on the employer's assessment of the worker's performance. The failure to give a merit pay increase to an otherwise deserving individual may result in a grievance.

**MODIFIED UNION SHOP:** A union security provision in a contract that requires all new employees to join the union (or pay union dues) and requires officers already employed who are union members to remain in the union. This modified union shop is a combination of maintenance of membership for already employed officers and union shop for new officers.

**NATIONAL LABOR RELATIONS BOARD:** Created by the National Labor Relations Act (sometimes called the Wagner Act, or the NLRA) of 1935, the NLRB administers and enforces the Act. Its functions include: defining appropriate bargaining units, holding elections to determine whether a majority of officers want to be represented by a specific union or no union, certifying unions to represent employees and deciding whether employers or unions have committed unfair labor practices. At full strength, the board has five members appointed by the President.

**NATIONAL MEDIATION BOARD:** Created by the Railway Labor Act of 1934. It handles disputes concerning union representation, bargaining units and contract terms in the railroad and airline industries. The board is involved in dispute settlement, including mediation. If mediation fails, an emergency disputes procedure with fact finding and a cooling-off period can be used.

**NEGOTIATION:** The process whereby the union and the employer discuss wages, hours and working conditions to reach agreement on those and on methods for administering the agreement.

**NO-RAID PACT:** Agreements between unions that each will not attempt to replace the other as bargaining representative.

**OPEN SHOP:** A workplace where the employer's policy is not to recognize a union. The term sometimes refers to a workplace where bargaining unit members have no contractual obligation to join a union or pay dues or an agency fee.

**OUTSOURCING:** Sending work that could conceivably be done at one facility to another facility.

**OVERTIME:** Premium pay consisting of an amount over an employee's regular daily or weekly pay. The Fair Labor Standards Act (FLSA) made it mandatory in many employment sectors for employers to pay time-and-a-half pay for all work performed beyond 40 hours a week. Some contracts call for double-time pay in certain circumstances.

**PAST PRACTICE:** An accepted method by both parties of accomplishing a task or handling a situation that is not strictly defined by the collective bargaining agreement. The practice usually must be a reasonable, uniform response to a recurring situation over a substantial period of time which has been recognized by the parties implicitly or explicitly for it to have binding force in arbitration proceedings.

**PER CAPITA TAX:** Required payments (usually per member per month) by local union to its national or international union.

**PROBATIONARY EMPLOYEES:** A term for officers who have not finished their probationary employment period under the agreement. These officers generally have few or no rights under the agreement. However, the union Shift Representative still can assist these officers in finding their way around in the new workplace, speak on their behalf and assist them in obtaining help elsewhere.

**SENIORITY:** A worker's length of service with an employer in unit or in a job. Seniority often determines layoffs, promotions, recalls or transfers.

**SEVERANCE PAY:** Payment by the employer to a worker who is laid off permanently through no fault of his/her own (also called termination or separation pay).

**SICK LEAVE BENEFITS:** Benefits paid to a worker while out sick. Pay may be provided under the union contract, or, in some states, by state law.

**SLOWDOWN:** The act of deliberately reducing the pace of work. This may be grounds for discipline under most agreements.

**SPEED-UP AND STRETCH-OUT:** An increase in the amount of work an employee is expected to do without an increase in pay. The speed of the production line may be increased (speed-up) or a worker may be required to tend to a greater number of tasks (stretch-out)

**STRIKE:** Stopping work for the purpose of gaining some demand, generally concessions, from the employer. Among the types of strikes: Wildcat strike, triggered by an incident on the job and usually short in duration, without union authorization and in violation of the contract; Sympathy strike, a strike taken to support other strikers and to increase pressure on the employer to settle in negotiations and unfair labor practices strike, a strike to force an employer to cease engaging in illegal activity.

**STRIKEBREAKER:** A person who continues to work, or who accepts employment while the union is on strike (also called a scab). By filling jobs of striking officers, this person may help weaken or break the strike.

**SUBCONTRACTING:** The practice of employers having work performed by an outside contractor and not by regular employees in the unit (also called contracting-out).

**SUPER-SENIORITY:** An agreement between the union and management to retain union officers on the job, beyond the time their seniority would entitle them, when the workforce is being reduced. The legal ability to do this is restricted to union officers necessary to the enforcement of the agreement.

**TAFT-HARTLEY:** The Labor-Management Relations Act of 1947, enacted over President Truman's veto, undercut much that officers and unions gained from the National Labor Relations Act of 1935. Among other things, Taft-Hartley defined union unfair labor practices and limited union security provisions.

**UNFAIR LABOR PRACTICE:** Conduct on the part of either union or management that violates provisions of federal or state labor laws. For example, management may commit a ULP by refusing to bargain in good faith.

**UNION LABEL OR UNION CARD:** A stamp or tag on a product or card in a store or shop to indicate that the work is done by union labor.

**UNION SECURITY:** A clause in the contract providing for the union shop, modified union shop, maintenance of membership clause or agency shop. The checkoff also can be regarded as a form of union security.

**UNION SHOP:** A workplace in which every worker covered by the contract must become a union member or pay an agency fee. New workers need not be union members to be hired, but must pay dues after a certain number of days, usually 30 days for industrial officers and seven days for construction officers.

**ZIPPER CLAUSE:** A clause in the agreement, usually part of management rights clause, making the contract the exclusive statement of the rights and obligations of the parties. This clause can limit the use of past practices in arbitration.

















# I.U.P.A. SHIFT REPS MANUAL

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