

Alamogordo Local Takes on Disparate Treatment at the Workplace

AFSCME strength is build on the pillars of activism, strong representation and new member organizing.

For a New Mexico city named after a fat poplar tree, Alamogordo is falling on lean times, to hear it from city commissioners. While the city is crying poor in their annual budget deliberations, they have managed to double-pad financial reserves and maintain 100% comprehensive benefit packages for dozens of high level city officials. Not so for the city's blue collar workforce. Local 3818 leadership is confronting the City's quick willingness to shift rising insurance costs onto the blue collar union workers.

On the representation front, Alamogordo Local 3818 stewards remain vigilant and are making major strides to change bad management habits.

Disparate treatment is always a huge issue that goes hand in hand with management unaccustomed to a union environment. Personality conflicts cannot be avoided, but when the boss treats one employee different than another simply because they don't find that "chummy chemistry," the steward must step in.

Just such a case was mitigated by Local 3818 president and steward, Tony Backy, at the Alamogordo Police Department in recent months. Two employees of APD were sharing an office with one shared computer to complete their investigative work. They held the same seniority, comparable pay, and by all evidence, both effective workers who were skilled at their jobs.

One employee enjoyed the hearty camaraderie of the chief, but the other wasn't as well liked. No matter, the work was getting done. That is until one day the less favorite employee came in to find her desk and all materials moved into a substandard closet-like work area without natural light or ventilation. The other employee's desk remained in the better work space.

The member contacted Chief Steward Tony Backy, who immediately set out to investigate and requested an informal meeting with the chief. Brother Backy identified potential

STEWARDS ESSENTIALS: THE STEP 1 MEETING
Step 1 meetings usually involve a low-level supervisor. This can be good or bad. On the one hand, the supervisor may want to solve the problem before it gets to his or her superiors. On the other, the supervisor may lack the authority to make things right.

- * WRITE DOWN YOUR MAIN POINTS AND SUPPORT FACTS.
- * ANTICIPATE ARGUMENTS MANAGEMENT WILL USE.
TRY TO "THINK LIKE A BOSS."
- * IF THE GRIEVANT(S) WILL ATTEND THE MEETING, PREPARE THEM IN ADVANCE. DECIDE WHAT SHOULD AND SHOULD NOT BE SAID.
- * TAKE GOOD NOTES. IF THE CASE GOES TO STEPS 2, 3, OR ARBITRATION, YOUR NOTES CAN MAKE THE DIFFERENCE BETWEEN WINNING AND LOSING.
- * ALWAYS MAINTAIN A UNITED FRONT. CALL A CAUCUS IF ANY MEMBER HAS AN OBJECTION OR SUGGESTION (OR IF MANAGEMENT SPRINGS ANY SURPRISES ON YOU).
- * NEVER VOLUNTEER INFORMATION THAT DOESN'T HELP.
- * DON'T ADMIT TO CHARGES THAT HURT YOUR CASE. MAKE MANAGEMENT PROVE THEIR CASE.

contract violations of non-discrimination, sexual harassment, and workplace health and safety.

During the meeting, Brother Backy pointed out that while the Chief's intentions may have been to create a better work environment, the result actually placed the employee into a substandard working environment where bio-hazards were present and OSHA violations were likely to result.

The next day, on reporting to work, the member came in to find her desk and materials returned to the original office. By being resolute, acting quickly, demonstrating respect and knowledge of the contract, Brother Backy was able to address the issue, ensure worksite health and safety, and save the city time and money. The potential grievance was settled at the lowest level possible, and is also a credit to management's professionalism in this case.

When State Agencies Try to Intimidate Stewards, Hang Tough and Invoke Rights!

You've just arrived to represent a member for a pre-disciplinary investigative meeting when management tells you to be quiet and informs you that speaking with the member isn't allowed. What do you do? This scenario has been playing out more around the state. Don't blow up at management, and don't cower!

Here are the facts and techniques to jar management's memory on what rights you and the member have during pre-disciplinary investigative interviews.



Steward Rights for investigative pre-disciplinary or "Weingarten" Meetings

- ★ **Meet with the employee before the supervisor begins questioning the employee.**
- ★ **Ask to be informed of the purpose of the meeting.**
- ★ **If necessary, request clarification of a question before the employee responds.**
- ★ **Offer advice to the employee on how to answer a question.**
- ★ **Request to pause the meeting and speak with the member privately (this is important if the member is getting agitated)**
- ★ **Stewards may provide additional information to the supervisor after the meeting is over.**

When called into a "Weingarten" meeting, it is essential to take detailed notes on the questions asked and the answers given during the meeting. Help the employee remain calm during the meeting, and remind the employee prior to, and privately during the meeting, to keep answers short and truthful and not volunteer additional information.

As AFSCME Strong Stewards, we not only strive to protect the members' rights, we have a duty to represent. Know your steward rights to engage and don't allow management to intimidate. If management denies your rights to represent the member, then you may politely inform the supervisor that they're violating the union's supreme court rights and that the investigative portion of the meeting is OVER

Member Needs Representation When Work Environment Proves Toxic

Members have a right to a healthy and safe work environment allowing them to succeed in their career. It's up to union stewards and members to know the contract rights and work with management when issues arise.



When workplace injuries happen it's against the law for the Employer to retaliate against the member for resulting injury and health issues affecting their job performance. Further, when union employees incur out of pocket expenses related to workplace injury which are not covered by insurance, the member has a right to seek reimbursement for those costs, including co-pays and deductibles.

“I have a passion for justice,” says Tanna Rohlfs, Los Lunas Community Program LPN, and AFSCME Steward. “I love my job and am dedicated to making my workplace a more peaceful and just environment, one where people are happy, safe, and less stressed coming to work.”

Recently Rohlfs represented a member whose health and safety were being jeopardized after management became unresponsive to a union member’s health issues around chemical sensitivity. The member became ill after being exposed to a chemical cleaning product used in the client community living facility where she worked.

The allergic reactions were severe, and the member had to seek medical treatment on more than one occasion to manage the symptoms and heal their lungs. Management was quick to respond to an initial grievance, and reportedly took action to guarantee that the chemical cleaner responsible for the reaction would be removed from the facility.

Weeks later, however, the symptoms returned. Our member spotted the chemical in question in the facility and the allergic reactions landed her in the hospital.

Things began to snowball when the member’s medical treatment for the

exposure required them to miss work. Retaliation ensued. Even though management had initially responded to the health impact from exposure to the chemical cleaner, they now took aggressive steps to discipline the member for performance related issues resulting from the workplace injury. A clear violation of the health and safety language in the contract.

Management gave the member a ‘needs improvement’ on her annual evaluation, placed them on a sick leave monitoring program requiring doctor’s notes for absences, and marked them as AWOL after doctor’s visits and illness exhausted her leave accruals.

Rohlfs filed a second grievance on Article 34 (Health and Safety), Article 21 (Sick leave), and Article 20 (Annual Leave). Rohlfs asked that a resolution to be reached that wouldn’t interrupt the members work, that the member be made whole for out of pocket medical expenses, the bad evaluation be rescinded, and the sick leave monitoring protocol be removed.

Faced with a robust response from the union, management saw the light and agreed to the union’s grievance demands.

“In the short time I have been a steward working with new management, the union has been able to gain respect and more fair treatment for our members,” says Rohlfs. “Management has become more receptive to union stewards and together, we’re striving to make things right that were wrong before.”

WATCH FOR MANAGEMENT PLOYS

Watching out for popular management tactics designed to frustrate you and your union. Managers might use them "tactically" during your Step 1 meeting, or "strategically" over the weeks and months of a grievance. But use them they will. They always have.

STALLING

Probably the all-time favorite. By foot-dragging, management hopes you'll lose interest and go away. This is why the grievance steps have time limits, and why a good steward always records and references them.

SIDETRACKING, WATER-MUDDYING

Like a magician who misdirects your attention, bosses love to bring up issues not related to the grievance you're dealing with. Don't let them.

THREATS AND INSULTS

Crude, but often effective. Don't let management provoke you into losing your temper. If you have a grievant with you at a meeting, be sure they're prepared for this one. Call a caucus (outside) if you think somebody's about to lose it (including you).

HORSETRADING

When several issues are on the table, management may offer you a "trade": win one, lose one. Don't fall for it. It's a sure way to lose the trust of your members, and it may expose you to fair representation claims. Never risk your integrity to buy a "win." If you lose both grievances, so be it. If you should ever horse-trade, management will demand a concession from the union for every agreement ever after.

VERBAL AGREEMENTS DON'T WORK

Handshakes and verbal promises are worth little, and rarely hold up in court or arbitration. Reduce all agreements to writing. NEVER let a deadline pass without written agreement for timeline extensions.

STONEWALLING

Like stalling, only worse. Sometimes they're bluffing, sometimes not. This is the tactic arbitrators are made from. The only way to find out is to invoke the time limits in your contract. That's why they're there. It's the union's job to move the grievance along.



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