

Citizens Owe Debt of Gratitude to Union Water Utility Employees

Workplace Hazards Demand Everyone Become a Safety Expert

AFSCME Steward wins grievance for improved safety and training at Water Authority

When dealing with hazardous material clean up, don't simply take management's word for it that the area is safe. Workers must know it is safe for themselves. That is the lesson which Miguel Chandler, AFSCME Local 624 Steward and Utility Tech III at Albuquerque Bernalillo County Water Utility Authority wants workers to embrace following a dangerous episode at his worksite.

In July 2016, when a private contractor's rookie driver accidentally spilled 55 gallons of lime at the water treatment facility, there was potential for that lime to come into contact and react with the sulfuric acid kept on premises. That could have resulted in workers being exposed to toxic gas.

"At peak, we treat 70% of Albuquerque's water, 85 million gallons a day. There is always room to train and improve our safety practices so everyone goes home safe at the end of the day," said Chandler. "When I arrived for my shift, days after the spill, I saw lime in the area where we store sulfuric acid. I recognized that was a hazard right away."

Chandler reported the lime to his supervisor which set off a chain reaction. Management attempted to lay off responsibility and blame employees who had completed the initial clean up.

Lime is light and powdery. The facility ventilation system, caused it to go everywhere. The incident was immediately reported and the shift crew did a clean up. Management deemed the area safe to enter following that clean up. One problem was that management neglected to report the incident to the next shift as required by policy.

"At [Water] Utility, we cannot afford to be lackadaisical, or shortcut protocols," said Chandler. "We deliver Albuquerque's water. The reason we report incidents to the next shift is so they can double check the clean up." In this case, there was more lime,



unspotted, and in an area where Sulfuric acid was stored.

Chandler is an eight year veteran of the Water Authority, but that Sunday was his first day back on the job following AFSCME ELITE Steward training. He filed a grievance over the safety issues.

"I had a previous experience working where management pressured me into breaking a safety protocol. ***I knew it wasn't right, and was exposed to ozone gas when working without a***

self-contained breathing apparatus. I wasn't going to hesitate this time. Workers here have ended up in the hospital with respiratory illnesses. I filed a grievance to improve safety."

Chandler's grievance called for the Water Authority to ensure an enhanced hazard communication procedure be in place and that employees be given advanced training in chemical spill clean-up. HR manager Judy Bentley denied the step one grievance saying, since management deemed the area safe, no Pass Down was required. Chandler escalated the grievance to the next level, which allowed the Union to have a meeting with Chris Johnson, Safety Engineer and Scott Salvas, Chief Engineer at the surface water treatment plant

In a September 16 letter, ABCWUA Executive Director agreed with the discussion and decisions that emerged from the step-two grievance meeting. Supervisors at ABCWUA are now directed to discuss details of chemical spills that occur on a shift in the Pass Down as part of an enhanced Hazard Communication procedure. The Water Authority has also identified a vendor to provide enhanced training for chemical spill clean up.

Brother Chandler has provided every AFSCME member with a great example of how to watch out for one another and increase overall safety in the workplace. Because of his successful effort, Albuquerque's water supply is better protected and those working at ABCWUA will be safer with opportunity for professional development.

Management Grows Bold: Denies Rights to Representation

The national election results have emboldened anti-union forces. Management believes that they are the only ones in the driver's seat more than ever.

Union stewards are experiencing managers question, diminish, and outright deny bargaining unit members' rights to representation.

Stewards need to hone their skills, understand the disciplinary and grievance language in their contracts, and prepare to overcome obstacles. ***Challenge management*** when they tell us we don't have a right to attend a meeting. Each contract is different, but without exception, members have rights to representation when they are questioned.

As a steward, it is your duty to find a way into those investigatory meetings. Employees have the right to delay meetings until representation can be secured and attend. If management bars Stewards from getting inside to be beside your union member, then reminding them of their rights to remain silent is essential.

Management has the right to talk at employees until they are blue in the face. The second they ask our union member a question is the moment they have rights to representation.

Recently, a federal court case uncovered a practice of high-level management at New Mexico Human Services Department to unlawfully deny the speedy delivery of food stamps to hungry people. The case led to an intense and ongoing series of criminal investigatory interviews. When called into the interviews, union members are being asked to review an intimidatingly worded "Employee Warning". ***The notice is misleading.*** It alerts the employee that the investigation is criminal in nature and that they have the right to remain silent, HOWEVER, the notice also threatens that a failure to provide information could lead to an internal disciplinary investigation.

Please review the different types of interviews and the specific rights of employees during each interview.

Internal Investigation – Weingarten Rights

Employees have the right to union representation whenever answering management questions could lead to disciplinary action. Employees must demand union representation and be given reasonable time to obtain such representation. During questioning they may consult with the union representative outside the presence of management.

Internal Investigation – Garrity Rights

Employee must be ordered to answer questions. Questions must relate to their duties or fitness for duty. Employee must be advised that failure to answer will be considered insubordination and could lead to discipline up to and including termination. Employee must be provided with some degree of immunity from criminal prosecution.

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When Management Rushes In

AFSCME Stewards defend workers from wrongful discipline

State of New Mexico Management's Habit of Denying Leave is Endemic

AFSCME Local 2777, [Northwestern State Employees] President and Steward Celesty Tsosie, cited six articles in her grievance demanding a February 2017 Letter of Warning be rescinded and the member's right to utilize their sick and annual leave be restored.

Defensive Contract Articles included: non-discrimination / compliance with laws; Annual Leave; Sick Leave; Discipline and Discharge; Health and Safety; Whistleblower.

High vacancy levels at nearly every state agency has caused management to normalize "emergency operations" and they regularly deny all leave requests, including sick leave.

In December 2016, the member requested leave two weeks in advance for a court hearing. The supervisor violated the contract by claiming leave requests needed to have been submitted four months earlier.

In February, the member began feeling ill at work. She requested a day off later in the week in an attempt to comply with a supervisor's grossly illegal verbal policy that all sick leave must to be planned in advance. The request was denied and the member was informed that, "...if you do call in then will result in time being coded as AWOL."

President Tsosie characterized the supervisor's leadership style as overly zealous. The supervisor was new to the office and was targeting certain employees with retaliatory and disparate treatment.

Sister Tsosie settled the Grievance by contacting the department HR manager, carefully laying out the timeline of contract violations, and explaining all the mitigating details which the supervisor was reluctant to hear and consider.

The Letter of Warning was removed from the member's personnel file.

Gentlemen, Start Your Engines ...Now Stop.

Superior Ambulance management violated the contract [**Article 4. Corrective Action and Discharge**] by issuing a verbal warning to every employee for leaving their ambulances running when on calls and at the hospital.

AFSCME Local 360, Emergency Medical Services, Union President and Steward KP Prescott filed a grievance stating that employees had their **just-cause rights violated** and he fought to have the warning rescinded.

Union Members had been making do with the tools they had this winter. Some of their ambulances had unaddressed mechanical issues which caused units to stall and become disabled. Two managers separately told employees to keep the ambulance engines running to avoid downtime or the possibility of missing an emergency call.

Citing issues of exhaust entering the hospital ER, and the chance that ambulances could be stolen or robbed, the regional manager issued a verbal warning to ALL employees for keeping the engines running, even those who hadn't kept their ambulances running.

Brother Prescott identified the article which was violated in the grievance and also gathered signed statements from Local members who had been told by other managers to keep the ambulances running.

Confronted by evidence of conflicting directives, the verbal warnings were rescinded.

BOLD...Fight to Protect Representation Rights

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Criminal Investigation – Fifth Amendment/Miranda

Employees have the right to remain silent and speak to an attorney. Advise employee not to hesitate, invoke these rights in order to consult with an attorney before speaking to an investigator. Remember: Employee may speak with an investigator but anything they say can be used against them in a criminal proceeding. If employee elects to speak, advise them they may stop at any time.

Employees have CONSTITUTIONAL RIGHTS, particularly the right to be free from compulsory self-incrimination and the right to procedural due process. Our union will defend these rights if employee requests assistance. Advise members to always call their union before making the decision to answer questions.

Times are tough, often members are threatened with insubordination for refusing to provide a statement or answer questions. A solid understanding of the types of investigations will help you defend member rights and, importantly, reduce the chance that good frontline union members will be scapegoated or implicated in management wrong-doing.

[below] AFSCME Activists at Arbitration Brief Writing Class -, held at the AFSCME Lujan Union Hall, March 2,3. (L to R) Daniel Solis, Local 1413 Santa Fe County Corrections, Ben Chavez, Local 1536 Bernalillo County Youth Services Center, Mary Shaw and David Herrera, Local 2499 Bernalillo County Metropolitan Detention Center Check out AFSCME18.org for class schedules



Back to the Roots: Union Steward as ORGANIZER!

AFSCME Stewards are the Faces of Labor. As the worksite steward, you've got 1.6 million AFSCME members and a powerful union operation standing at your side. Still, at work, the reality is that sometimes you're a one-man or one-woman union army. Now is the time to revisit our core union beliefs and rededicate ourselves to the struggle for justice.

Thanks to major Labor participation, New Mexico won big on election night and Union members have a strong backstop of pro-worker Legislators who will protect our rights at the state level. But that's not reason to let our guard down. The makeup of our federal branches of government are solid anti-union. We're in for a long battle and are likely to lose a lot of battles in the coming years. We cannot afford to lose the war! America counts on AFSCME to hold up the floor and keep our country stable.

Worker protections on safety, wages, health, and retirement security may be targeted and unraveled at the federal level. This will have a negative impact here in New Mexico. What are we to do? Now, more than ever, it is time to dig in and remind ourselves why we became active in the union.

Our mission: to organize, inspire, and empower workers to take action at work and in their communities, promote democracy and hold government accountable. UNITED, we

fight for dignity and respect to achieve social and economic justice for all.

Don't go it alone. Find allies and build your support crew.

TALK TO YOUR non-union co-workers.

Explain what we fight for: Good wages to help raise their family, health care, a secure retirement, safety, and good policy at work.

Ask them to join the union and help stand for these beliefs. It is secure and easier than ever to join online.

Go to AFSCME18.org click the tab "Become a Union Member"

