

# Labor Relations

## Foreman's Development Series



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# Objectives

- Understand the process for hiring an Electrician
- Learn how to set performance expectations
- Discuss what makes a good worker
- Identify and resolve performance issues
- Learn how to handle misconduct using progressive discipline
- Understand the process for termination of an employee
- Discuss the Union Agreement and the role of the Steward



# Hiring an Electrician

- **What to expect?**
- **Can you turn the Journeyman around?**
  - Why you might want to?
  - How to handle?
- **What are the advantages of a “short call?”**

**Keep in mind:**

- **People change / Perception is relative**



# Hiring a CW/CE?

- Formerly known as an Intermediate Journeyman or Journeyman in Training.
  - **The intent here is to turn unskilled or non union electricians into valuable union journeymen!**
- These workers would not normally work on a Davis Bacon scale job.
- A MOU is used by most Locals instead of the Collective Bargaining Agreement.
- What is the allowed ratio of CW/CE to JW on the job?



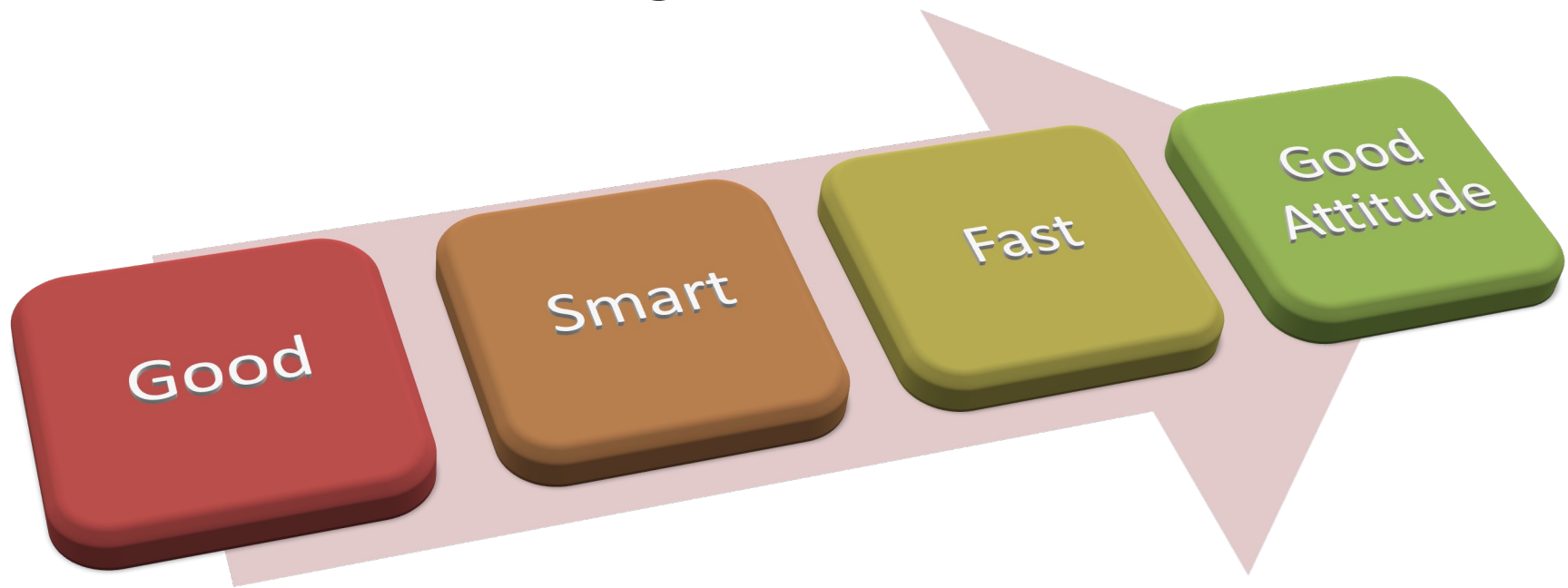
# Setting Expectations

- Clearly define everything – leave nothing to chance.
  - Start time
  - Break times
  - Lunch
- 8 hours work for 8 hours pay
- Absenteeism and tardiness
- Keep policies consistent with everyone
- Walk your talk / Lead by example



# The Ones You Want

- What makes a good worker?



- Give yourself time to assess your new employee's skills.
- Know their strengths & weaknesses

# Performance Issues

- Deal with issues immediately.
- Be fair and consistent.
- Focus on performance NOT personalities.
- Be specific.



**The point here is not to punish people but to guide them back to satisfactory performance.**





# Addressing Performance Issues







# Misconduct

Employees may behave in a manner that is unacceptable.

- Examples: absenteeism, tardiness, sabotage, safety violations, insubordination or damage to company property.

- This is more serious than performance issues.
- Discipline here could range from verbal counseling to termination.
- Here Discipline means that the employee is being put on notice that their behavior will not be tolerated!
  - **Use Progressive Discipline.**



# Progressive Discipline

- **Know your company policy.** - **NOT required per your CBA**
- Start with the least severe step that will result in behavior modification.

## First Warning

Verbal

May want witness – Steward?



## Second & Final

Must be written  
Employee signature required  
(or note refusal)

Must be witnessed by someone in  
authority – preferably Steward.



# Firing an Electrician

## What does your local union agreement say about firing someone?

- A workman being **laid off or fired** must be given their wages in full.
- A workman may be **terminated** and asked to leave the jobsite immediately if:
  - The reason is violence or the use of drugs or alcohol on the job.
- **Firing is a LAST Resort** - Follow Company Policy.
  - Use a system of Progressive Discipline
  - Did you have “Probable or Just Cause”?
  - Document everything! Work with the Steward.
- **Keep it confidential.**

# Written Warnings / Terminations

## Notice Of Termination

NAME \_\_\_\_\_ DATE \_\_\_\_\_

Classification \_\_\_\_\_ Date of { Hire \_\_\_\_\_

Type of Work    Ind.     Com'l     Shop     Res

Termination \_\_\_\_\_  
Eligible for Re-Hire     Yes     No

### - REASON FOR TERMINATION -

LAYOFF	DISCHARGE	VOLUNTARY QUIT
<input type="checkbox"/> Reduction in force	<input type="checkbox"/> Misconduct on Job	<input type="checkbox"/> Dissatisfied
<input type="checkbox"/> Job Completion	<input type="checkbox"/> Absentee	<input type="checkbox"/> Leaving Town
<input type="checkbox"/> Shut Down	<input type="checkbox"/> Not Qualified	<input type="checkbox"/> Sickness
<input type="checkbox"/> Other - Explain _____	<input type="checkbox"/> Other - Explain _____	<input type="checkbox"/> Other - Explain _____

EXPLANATION \_\_\_\_\_  
\_\_\_\_\_

Firm's Name \_\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_ Title \_\_\_\_\_

WHITE - Employee • CANARY - Local Union 5 days After Termination  
PINK - NECA Office • GOLDENROD - Employer





## Possible Good Wording

- **“Not performing to company standards”**
- **“Unsatisfactory performance”**
- **“Lack of production”**
- **“Insubordination”**
- **“Creating a hostile work environment”**



# BAD Wording?

- **“Did not meet pre-hire requirements”**
- **“Holds classification not commensurate with ability”**
- **“Made the Foreman MAD”**
- **“Absenteeism” or “Excessive Tardiness”**
- **“Misconduct”**
  - **Remember:**  
**What is your company policy? Always consult with your company beforehand.**



# Putting it All Together - Activity #1

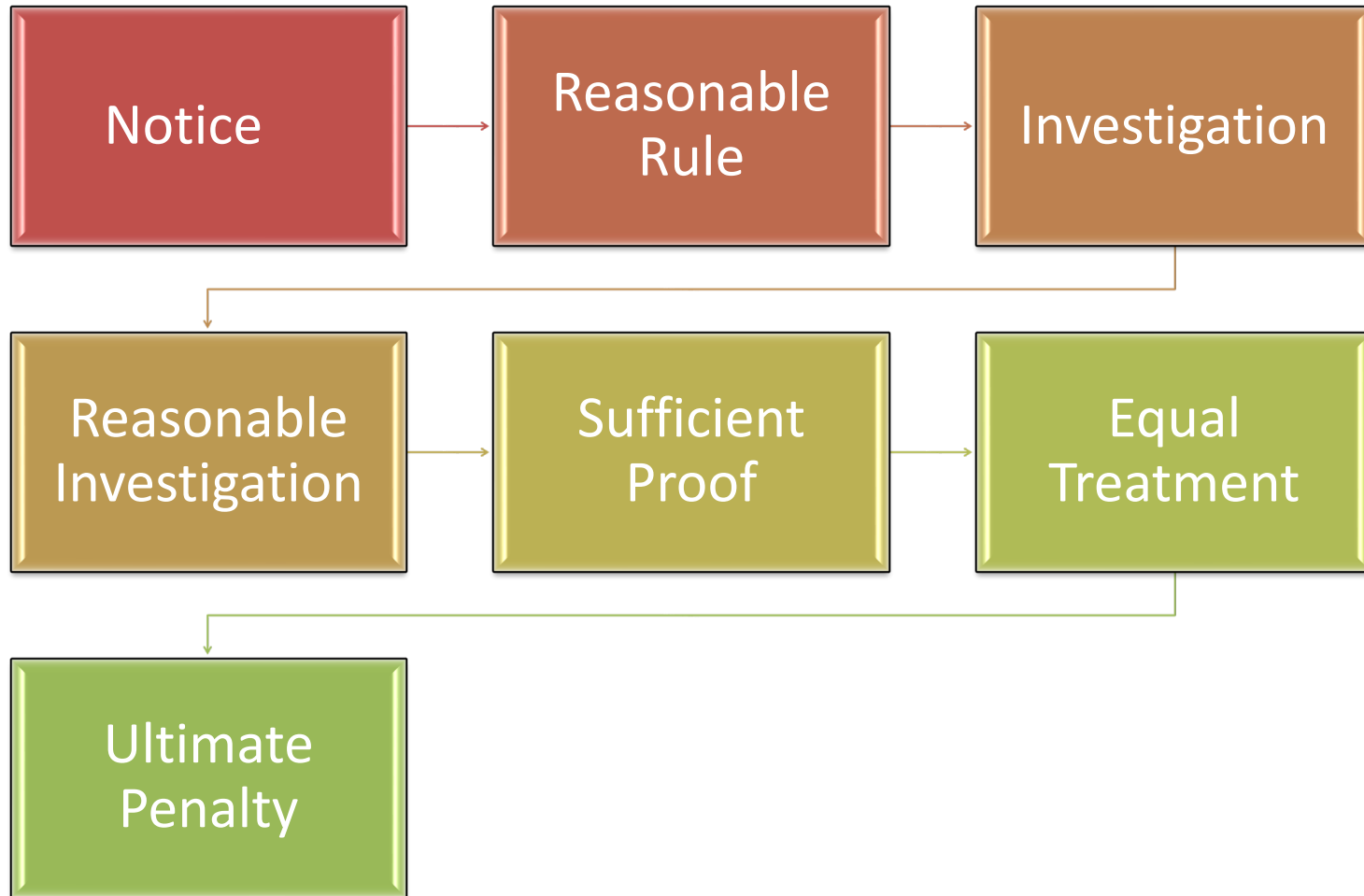
- Discuss scenarios - explain/demonstrate how you would handle it and why.
- Have each Group role play their scenario?







# Seven Tests for Just Cause





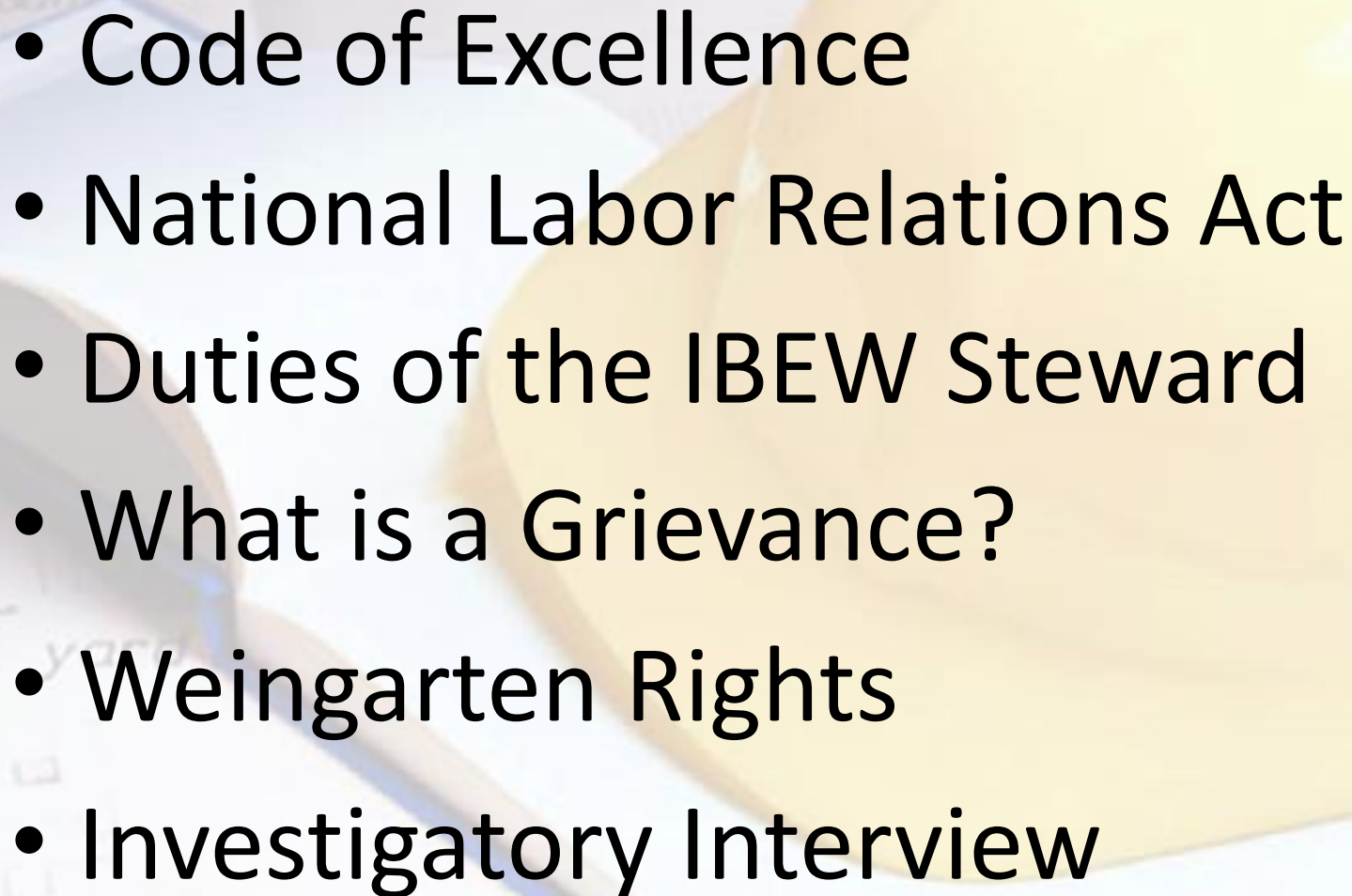
# Layoffs – A Reduction of Force

## **One of the most difficult parts of the job.**

- **Is this a one-man layoff?** - Are you out of work or are you getting rid of a problem?
  - No explanation for the Lay Off is required, and no grievance can be filed over an ROF?
  - Is a Lay Off better than firing someone?
- Never tell someone ahead of time that they are going to be laid off???
- Fill out the proper termination slip to include with their check.



# The CBA & IBEW Stewards

- Code of Excellence
  - National Labor Relations Act
  - Duties of the IBEW Steward
  - What is a Grievance?
  - Weingarten Rights
  - Investigatory Interview
- 

# CODE OF EXCELLENCE

Prohibited Conduct	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense (within one year)	3 <sup>rd</sup> and subsequent Offenses
Absenteeism & Tardiness  Unprofessional Attitude or appearance  Poor workmanship  Non compliance with Employer / Customer work rules  Poor Productivity	Verbal warning by Business Manager	Mandatory appearance before Executive Board	Mandatory appearance before Code of Excellence Committee
Participating in a Work Slowdown or Work Stoppage	Mandatory appearance before Code of Excellence Committee up to probable expulsion	Mandatory appearance before Code of Excellence Committee up to probable expulsion	Probable Expulsion
Theft	Restitution of stolen items	Mandatory appearance before Code of Excellence Committee	Probable Expulsion
Instigating a Work Stoppage	Mandatory appearance before Code of Excellence Committee up to probable expulsion	Probable Expulsion	
Violence	Mandatory appearance before Code of Excellence Committee and Anger Management class	Probable Expulsion	



# National Labor Relations Act

In 1935 with the Great Depression in full swing the federal government took steps to jumpstart the economy by doing things like increasing wages and setting maximum hours of work.

- **Section 7** - Employees shall have the right to self-organization; to form, join; or assist labor organizations; to bargain collectively through representatives of their own choosing; and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection...



# National Labor Relations Act -cont'd

## 5 Unfair Labor Practices:

**Section 8 (a) (1)**- Prohibits employer interference in the exercise of employees' Section 7 rights, thus enabling the steward to represent union members without unfair limitations.

**Section 8 (a) (2)** – Prohibits assisting, dominating or interfering with the formation or administration of any labor organization

**Section 8 (a) (3)** - Prohibits employer discrimination against employees who engage in protected activity. - This enables the steward to represent union members, without fear of retribution.

**Section 8 (a) (4)** - Prohibits discharging or otherwise discriminating against an employee because he has filed charges or given testimony under this Act [subchapter];

**Section 8 (a) (5)**- Prohibits an employer's refusal to bargain with the union, thus compelling the employer to participate in a contractually stipulated grievance procedure.



# The Role of the Steward?

How many of you have had a Steward on the Job?

- **What do you think is the Steward's role on a project?**
- **What can and can't he do in this role?**





# The Role of the Steward

- Hiring and Terminations are done properly
- Fair distribution of Overtime.
- Journeyman to Apprentice ratios
- Workers have required Tools
- Craft jurisdictions
- Discipline representative (Weingarten Rights)
- Duty of Fair Representation Issues
- Code of Excellence and work stoppage issues
- Discrimination, Harassment



# Discussion Items

- As a Foreman is the job Steward your enemy or your friend?
- Is the Steward supposed to work with their tools?
- What other things might be considered Union business?
- What activities might be of a union nature but not part of this protected activity?
- The Business Manager comes to the jobsite and wants to speak with some of the men. Can you deny him access because they are working?



# What is a Grievance?

Answer: An **alleged** violation of a worker's rights

- Does it fit the following criteria:
  - A violation of:





# Weingarten Rights Wallet Card

I believe this discussion could lead to my being disciplined. I therefore request that my union representative or officer be present to assist me at the meeting.

I further request reasonable time to consult with my union representative regarding the subject and purpose of the meeting.

Please consider this a continuing request; without representation I shall not participate in the discussion. I shall not consent to any searches or tests affecting my person, property, or effects without first consulting my union representative.



# Investigatory Interview

**An Investigatory Interview is :**

- 1) When management questions an employee to obtain information - **and**
- 2) The employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says.

**The employee has the right to have assistance from a Union Representative during an Investigatory Interview.**



# Investigatory Interview (cont'd)

**During an investigatory interview the Supreme Court stated that the following rules apply:**

1)The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

**a.You are not required, however, to inform the employee of his/her Weingarten Rights!**

2)After the employee makes the request, the employer must choose from among three options:

a.Grant the request

b.Deny the request

c.Give the employee the choice

3)If the employer denies the request for union representation and continues to ask questions they are committing an Unfair Labor Practice



# Summary

- Do a fair assessment of your crew. Know their strengths and weaknesses and put them in positions where they can succeed.
- Be fair and consistent with everyone. Walk your talk.
- Deal with performance issues immediately – don't procrastinate. This is an important part of your job.
- Know your company policies and the Collective Bargaining Agreement when dealing with performance issues and misconduct.
  - Use progressive discipline.
- Use your steward and understand their role.





# Group Activity - #2

## Union Agreement Q & A

- Using your local Union Agreement, answer the questions in the handout.

