



United Food and Commercial Workers Local 951  
3270 Evergreen Drive NE  
Grand Rapids, MI 49525

**John Cakmakci**  
President

**Dave Way**  
Secretary/Treasurer

**Karin Hopman**  
Recorder

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# STEWARD UPDATE

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## Equality Principle Makes Stewards & Managers Equals

Union stewards are devoted to protecting members' rights, but to effectively do their job as union representatives they need to be just as vigilant in protecting and exercising their legal rights as stewards -- especially the right known as the Equality Principle.

"In their Equality Principle ruling, the National Labor Relations Board (NLRB) deemed that when stewards are functioning as a representative of the union they become management's equal," John Cakmakci, UFCW 951's president, said. "The traditional manager/employee subordinate relationship is suspended during these times, and stewards must be treated as management's equal without any reprisal for their union activity."

Stewards are acting in their official capacity when they:

- Investigate a grievance
- Request information
- Present a grievance
- Otherwise act as a representative of union members

Stewards act as individuals when they discuss their own work assignments or work performance.

The Equality Principle allows stewards to raise their voices, gesture, use forceful expressions, and threaten legal action or other protests. This aggressive advocacy may not always be successful or appropriate, but the steward cannot be disciplined for it.

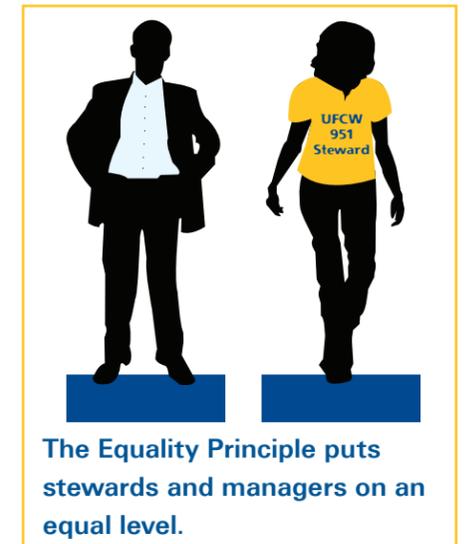
The NLRB also ruled that it is illegal

for managers to retaliate against stewards for acting in their official capacity. The NLRB has found that employers may not:

- Order stewards to perform greater or more difficult work or hold them to a higher standard than other workers
- Deny stewards pay opportunities
- Segregate a steward from co-workers
- Deprive a steward of overtime
- Overly supervise or enforce rules more strictly against a steward

"Sometimes managers, especially new ones, need to be reminded of the steward's legal right to function as their equal when they are acting as a representative of the union," Cakmakci said. "On these occasions, stewards should ask their union representative to strongly remind the manager of the Equality Principle."

Stewards need to be aware of the limitations of the Equality Principle. Stewards do not have the right to tell off management at any time or place. The NLRB ruled that management can discipline stewards for conduct that is "outrageous" or "indefensible"



and is "of such serious character as to render the employee unfit for further service." This includes unprovoked profanity, racial epithets, physical threats, or striking a supervisor.

Stewards can be disciplined for disobeying reasonable direction from management, violating work rules, encouraging work slowdowns, or engaging in illegal activity.

See page two for answers to common questions about the Equality Principle.

Help Spread the Word

### UFCW 951 Launches Women's Network



The Local is starting a chapter of the UFCW Women's Network to help UFCW 951 members improve their lives and have a greater role in their union and

the community. Members of the group will determine the type of educational, motivational and empowerment activities the UFCW 951 Women's Network will sponsor.

Union representatives are currently distributing Women's Network interest cards to members who would like to join the group. If you're interested in joining, contact your union representative.

### New Program Helps Members Save on Auto and Home Insurance

UFCW 951's new insurance program has already saved members hundreds of dollars on their insurance costs. Through the program, members can have a trusted insurance professional shop their home and automobile insurance policies to make sure they're getting the best possible rates.

There's no cost or obligation to request a quote; just the opposite. All members who receive a quote will be mailed a \$10 Meijer gift card, even if they choose to keep their current insurance.

Direct members to the local's website -- [www.ufcw951.org/discounts](http://www.ufcw951.org/discounts) --for more information on this and other discounts.

Stewards can also request flyers to use in promoting this program with their co-workers from their union representative.



### STEWARD CONFERENCE

Mark your calendars for the annual UFCW 951 Steward Conference on **Thursday, September 18 in Lansing**. This is the paid steward holiday, and UFCW 951 will make arrangements with your employer for you to be off work for the day.

Watch your mail for a detailed invitation.

# Frequently Asked Questions Regarding the Equality Principle

**Q:** During a meeting about union business, I shook my finger at my manager. He said he would fire me if I ever did that again. Can he do that?

**A:** No, shaking your finger at a manager while on union business is allowed if it falls below the level of "outrageous" conduct prohibited by the NLRB.

**Q:** Our contract permits stewards a reasonable amount of working time to conduct union business. Last week, while investigating a grievance, my manager ordered me to return to work for no reason. Could I have said "No"?

**A:** Arbitrators typically take the position of "work now, grieve later." It is considered insubordination to refuse a management order, even if it violates your contract. However, the NLRB has ruled that a steward can refuse an order from a supervisor who is determined to prevent the steward from engaging in legitimate union business, provided conducting union business on work time is authorized by the contract. Even when their contract allows them to conduct union business on work time, stewards should make sure they don't disrupt other workers and that their activity is not an attempt to avoid their own work.

**Q:** After a grievance meeting with management, I received a written warning for "extremely loud behavior." I thought I was allowed to raise my voice during a grievance meeting, but my manager said no; who is right?

**A:** Stewards are allowed to raise their voices when participating in

grievance meetings, as long as it doesn't disturb the conduct of the workplace. The NLRB allows loud arguing or shouting during grievance meetings.

**Q:** While defending an employee during a grievance meeting, I called my supervisor a liar. As it turned out, I was mistaken. Can I be disciplined for my comments?

**A:** Not legally. Since stewards are considered equal with management when representing members, they have the right to accuse supervisors of lying, and are protected from discipline if the accusation turns out to be incorrect.

**Q:** I had a heated grievance discussion with my supervisor. In the middle of our argument, he ended the meeting and ordered me back to work. I continued to argue for several minutes. Can I be disciplined for not immediately obeying his order?

**A:** Not legally. In a 1980 case, the NLRB said that managers must tolerate a short "cooling period" at the end of a grievance discussion because "it is unrealistic to believe that the principals involved in a heated exchange can check their emotions at the drop of a hat." This protection could be lost if repeated

back-to-work orders are refused.

**Q:** After a grievance meeting, a fellow steward lost her temper. She screamed at the manager, telling her that she needed to have the sense beaten into her, and that she was going to do it. Several employees stopped working to listen. When she dared the manager to fire her, the manager did. Later, the steward apologized, but the company refused to reinstate her. Can the union get her job back?

**A:** Probably not, since there are limits placed on a steward's actions. The NLRB would likely uphold the firing because the steward's conduct went beyond approved limits and crossed into "outrageous" behavior. In addition to threatening physical violence, the steward's outburst took place near other members and caused them to stop work.

**Q:** My manager said he was tired of all the grievances I was filing and is giving me the worst schedule and job assignment to "teach me a lesson." What should I do?

**A:** File a grievance. The NLRB prohibits management from punishing stewards or treating them differently based on their Union activities.

## August 31 Health Assessment Deadline Approaching for Many Members

UFCW 951 members working at Fry Krisp, Harding's, Kroger and Plumb's who receive health benefits through the Michigan UFCW Unions and Employers Health and Welfare Fund are required to participate in a Health Assessment by August 31, 2014 in order to maintain their level of benefits in 2015. Members and their covered spouses who fail to complete the Health Assessment will have their coverage defaulted to the Basic Plan, which features high deductible and out-of-pocket costs.

Go to [www.mufcwbenefits.com](http://www.mufcwbenefits.com) or call 800.322.8190 for details.

# From the President: Stewards are Part of a Bigger Team

In my last column, I wrote about the importance of stewards working as a team to provide UFCW 951 members with the outstanding service they deserve. While it is critical that stewards work together as a team, when you signed the UFCW 951 Steward Commitment Form, you actually joined a much larger team.

I consider the officers, staff and stewards to be one large team that works together to achieve a variety of goals.

As your president, I take my role as the team's manager very seriously, and expect team members to view their role just as seriously. Our work is important as our successes and failures impact thousands of workers and their families.

As your manager, I expect each team member to do his or her fair share and encourage individuals who are not willing to do what is expected of them to resign from the team. That means stewards who are unable to fulfill the expectations listed on the Steward

Commitment Form should step aside and let someone who is capable of meeting these expectations take over.

Union representatives are considered the manager of their steward group and have the ability to cut stewards from the team who are not performing at an acceptable level. It is not fair to expect other team members to pick up the slack for those who refuse to do the work but want to share in the rewards.

Some of you may find my tone a bit harsh, but it is the reality for unions in a right-to-work state like Michigan. If we are going to provide members with the representation they deserve, we must up our game. That means everyone on the team has to do more and perform at a higher level.

This message has also been sent to Executive Board members and staff.

Executive Board members are now expected to perform actions on meeting days in addition to the standard meeting agenda. They have also been

assigned tasks to complete in between Board meetings.

The duties of staff members in every department have been expanded enabling the local to accomplish more on the members' behalf.

The hard work of the entire team has already paid off. Together, we generated more membership participation in the Active Ballot Club than ever before and helped raise the state's minimum wage.

We must build on those successes, working even harder to meet the greater challenges that are looming -- the governor's election and contract negotiations. Victories on these two important fronts are critical to our future and members' financial security and can only be achieved by a team where everyone does their fair share.



**John Cakmakci**  
President

## Steward Spotlight: Heather Reyna, Knouse Foods

**"It feels great to be nominated and appreciated. I worked on the bargaining committee when I first became a steward, and I really learned the importance of thinking about everyone and not just yourself. I work with a great steward team, and these members are my family."**



As a steward, Heather Reyna is empowered to make a difference in her workplace. As a member of the bargaining committee, her proposal is now being implemented in the current contract. Reyna is dedicated to making positive changes for her members and has been nominated for the Steward Spotlight by her union representative, Andre Jackson. She has worked at Knouse Foods for 13 years, and this is her second year as a union steward.

Reyna was on the bargaining committee in 2012, and it is because of her that members now have the option

to use a vacation day in increments of one-hour.

"I really try to think of our members and their families. Our shifts can interfere with normal business hours, so this helps us not have to take an entire day off for an hour-long doctor appointment," Reyna said. "Being on the bargaining committee was a great experience to gain a better understanding of the needs of all members and the company's point of view."

Reyna participates in Union events and her positive attitude encourages other members to get more involved

with their union.

"Heather is an excellent steward, and consistently talks to new members during orientation and ensures they're educated about the Union and signs them up right away," Jackson said.

"Only four out of about 100 employees are not union members, which is very impressive in a right-to-work atmosphere. She's not afraid to give a voice to members when management is wrong, which is how she has gained respect from members and management throughout the plant."