



WashTech Wins Board Charges Against AT&T

**by Marcus Courtney
WashTech President**

The union successfully won its National Labor Relations Board Charges which claimed the company violated federal law by refusing to hand over employee pay and hiring information to the union during its pay disparity investigation.

"In a grievance meeting on September 26, 2006, we (the union) asked for information pertaining to our investigating and resolving a grievance about starting pay and the company refused at the time and has continued to refuse to submit to us the information requested to adequately investigate and pursue the grievance," wrote the union on the charging papers.

The board's findings sided with the union and the case was settled on July 11th. As part of the settlement the company has agreed to the following conditions:

- Failure or refusal to provide WashTech with requested information relevant to the processing of grievances.
- AT&T will not require, unless permitted by law, seek release forms from the union as a precondition to providing requested information.
- AT&T will provide to the union copies of hiring information for all current and former Bothell ANS employees who hire date fell between February 1 and April 30, 2006.
- AT&T will communicate to the union the basis of any confidentiality concerns and will bargain in good faith to reach an agreement.

The company has posted notices with the full terms of the settlement on the bulletin boards in Bothell 1, 2 and 5. The union is currently reviewing the newly acquired information, so it can once again begin to pursue the grievances surrounding pay disparity.

Employees Have Fun at Annual Picnic

Martha Lake Park in Lynnwood, just north of Canyon Park, provided a picture-perfect setting for this year's annual WashTech picnic.

A great time was had by all. Everyone enjoyed themselves, eating delicious BBQ hot dogs, burgers, potato salad and desserts, relaxing and having fun with their fellow co-workers.

A special thanks goes to Membership Chair Dan Gillespie for making it all happen. Thanks Dan!!



Your Union Representation

See these folks on your front lines at AT&T as the first step to getting any questions answered in regards to your Union or if you need representation.

Want to do more for your peers and see your name on this list as well? Do not hesitate to contact any of the individuals below and join their ranks.

Shop Stewards are designated in bold, while CATs (Community Action Team) members are non-bolded.

Check out the Union Bulletin Boards in all break rooms for flyers with everyone's picture and WashTech e-mail address if you need to contact one of them.

Bothell 1

- Jim Burdick (NBS)**
- Tony Patterson (ETS)**
- Donna DePuy (NBS)
- Kale Nostrand (NBS)
- Gary McGahey (ETS)

Bothell 2

- Rich Atherton (BEUC)**
- Tiffany Cole (BEUC)**
- Les French (BEUC)**
- Sharon Kent (BEUC)**
- Kevin King (ETS)**

Bothell 5

- Curt Eidem (ANS)**
- Scott Ellestad (ANS)**
- Mindi Hart (ANS)**
- David Hildebrand (ANS)**
- Mitch McMurry (NBS)**
- Bill Montgomery (ANS)**
- Ben Schlechty (ANS)**
- Jolene Thomas (NBS)**
- Nancy Wright (ANS)**
- David Waterbury (NBS)**

Weingarten: Know Your Rights of Union Representation

One of the most vital functions of a Union steward is to prevent management from intimidating employees. Nowhere is this more important than in closed-door meetings when supervisors, or guards, often trained in interrogation techniques, attempt to coerce employees into confession to wrongdoing.

The rights of employees to the presence of union representatives during investigator interviews was announced by the U.S. Supreme Court in 1975 in *NLRB vs. J. Weingarten, Inc.* Since that case involved a clerk being investigated by the Weingarten Company, these rights have become known as Weingarten rights.

The presence of a steward can help in many ways:

- The steward can help a fearful or inarticulate employee explain what happened.
- The steward can raise extenuating factors.
- The steward can advise an employee against blindly denying everything, thereby giving the appearance of dishonesty and guilt.
- The steward can help prevent an employee from making fatal admissions.
- The steward can stop an employee from losing his or her temper, and perhaps getting fired for insubordination.
- The steward can serve as a witness to prevent supervisors from giving a false account of the conversation.

WHAT IS AN INVESTIGATORY INTERVIEW?

Employees have Weingarten rights only during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information that could be used as a basis for discipline or asks an employee to defend his or her conduct. If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has a right to request union representation.

Disciplinary announcements. When a supervisor calls a worker to the office to announce a warning or other discipline, is an investigatory interview affording the worker a right to union representation? The NLRB says no, because the employer is merely announcing a previously arrived-at decision and is not questioning the worker. Such a meeting however can be transformed into an investigatory interview if the supervisor begins to ask questions to support the decision.

However, it is worth noting that if an employer that has followed a past practice of allowing stewards to be present when supervisors announce discipline must maintain the practice during the contract term. Refusing to allow a steward to attend would constitute an unlawful unilateral change.

Psst...hey you. Yeah you, reading this newsletter...

Want to become a part of the Unity? We are looking for any and all employees looking to write columns for the monthly newsletter! Need to get something off your chest? Then put it on paper and submit it for review to be published right here for all to read! Contact Marcus Courtney at courtney@washtech.org with your editorial quips.

WEINGARTEN RULES

Under the Supreme Court's Weingarten decision, when an investigatory interview occurs, the following rules apply:

RULE 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.

RULE 2: After the employee makes the request, the employer must choose from among three options. The employer must either:

- a. Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee; or
- b. Deny the request and end the interview immediately; or
- c. Give the employee a choice of:
 1. having the interview without representation; or
 2. ending the interview.

RULE 3: If the employer denies to request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

EDUCATING WORKERS

You may be familiar with the "Miranda warnings" given by the police. The Miranda warnings notify criminal suspects of their rights, including the right to a lawyer and to remain silent. Unfortunately, the Supreme Court did not impose a notice requirement in its Weingarten decision. Employers have no obligation to inform workers of their right to request union representation. It is the job of the union to ensure employees are properly informed of their rights.

Unions should explain Weingarten rights at meetings and in newsletters. A good way to get the word out is to carry a wallet-size cards saying the following:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer or steward be present at the meeting. Without representation, I choose not to answer any questions."

These cards can be obtained from any Union representative.

On the other side of the card, print information about the union, such as office address, telephone number, and the names of officers. Tell members to present the card whenever they fear that what they say may affect their position.