KNOW YOUR RIGHTS - VOLUME 1

Your Weingarten Rights

By RICH FIERRO
Local 70 Political Coordinator/Trustee

For most of us, at some point during our Teamster career, a manager or supervisor has wanted to speak with us about something job-related. If the conversation could possibly lead to discipline, as union members, we have the right to union representation. We commonly refer to this as our right to a Shop Steward. However, the actual basis for this right came from a 1975 Supreme Court ruling in a case called NLRB v. Weingarten, Inc.

The case involved an employee at a lunch counter, Leura Collins. Collins was accused of stealing—the company believed she had taken a large box of chicken but paid only for a small box. Collins claimed she took only four pieces of chicken—the amount customers receive in a small box—but had to put it in a large box because the store was out of small boxes. Her story checked out and Collins was cleared.

From these humble facts, “Weingarten” rights were born. During the interview with HR, Collins had asked several times for her union rep or shop steward, but the company wouldn’t grant her request. Although management asked Collins to keep the interview to herself, Collins told her shop steward about it and the union filed an unfair labor practice charge against the company. Ultimately, the Supreme Court decided that an employee is entitled to union representation for investigatory interviews.

If your employer denies your request for representation and continues to ask you questions, that is unlawful. If your employer disciplines you for refusing to answer questions after denying you union representation, that is unlawful. Let your Teamsters 70 representative or shop steward know immediately.

These Weingarten rights are why, as Teamsters, we are entitled to union representation when being questioned by management about information that could lead to discipline.

USE THIS STATEMENT TO INVOKING YOUR WEINGARTEN RIGHTS:

“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 Teamsters 70 shop steward, representative or union officer be present at this meeting. Without representation, I refuse to answer any questions.”

FREQUENTLY-ASKED QUESTIONS

Am I always entitled to a Steward when being questioned by management?
No. Management has the right to ask you about normal workplace situations. The right to Union representation applies to an investigatory interview where management is trying to obtain information that may lead to discipline.

Does management have to offer me representation?
No. You must clearly ask for Union representation to be part of the meeting.

What if management denies my request for representation?
You have the right to refuse to answer question until representation is provided.

Can I talk to my Steward before answering management questions?
Yes. Your Steward has the right to know the reason you are being interviewed prior to the meeting, and to speak with you privately before the meeting begins.

Can I pick which Steward I would like in the meeting?
No. Your right to representation does not extend to waiting for a particular Steward or Union Official to be available. Any recognized Steward can serve as a representative.

Should I always ask for Union representation if I feel speaking with management may lead to discipline?
Yes. If I believe one of my coworkers may be going to speak with management about a situation that could lead to discipline, should I tell them to speak with a Steward first?
Always!
Updates around the local

**GALLO WINE**

Gallo Drivers ratified a new 2-year agreement, report Business Agent Kelsey Frazier and Trustee Rich Fierro who conducted the negotiations. This Agreement contains a significant wage increase and pension increases each year of the contract. The current health care plan will not be changed.

**TRENCH PLATE**

Business Agent Kelsey Frazier and Trustee Rich Fierro have been in ongoing negotiation with newly organized Trench Plate on behalf of the 10 drivers at the Newark facility. They are close to reaching a tentative agreement that they can bring to our new members for ratification. A first contract is the hardest. Upcoming meetings will determine the outcome.

**EMJ METALS**

Business Agent Mark Hawkins is happy to report that our members at EMJ have ratified a six-year agreement. that includes yearly increases in wages and pension and maintains both their current TBT health care plan and the RSP retirement plan.

**MATHESON MAIL**

Business Agent Kelsey Frazier, Trustee Rich Fierro and I have already held several bargaining meetings with Matheson Mail. We’re almost through with the non-economic issues and are moving on to the economics, which we expect will be more challenging. The monies are controlled by the USPS bidding process, which is extremely tight. We will keep you updated.

**NMFA / YRCW**

The IBT has appointed me to serve as a member of the National Negotiating Committee to negotiate a new National Master Freight Agreement (NMFA) covering YRC Freight, Holland, New Penn. Negotiations started on December 17, 2018 and are still ongoing—the NMFA expires on March 31, 2019.

We completed the non-economic changes on February 26 and are now negotiating the economics, while we also deal with the Joint Council supplements. Both parties are pushing hard to reach a tentative agreement prior to March 31. YRCW has 31,000 employees who will be affected by this Agreement.

**REDDAWAY**

Reddaway, which is part of the YRCW Corporation, has a stand-alone Agreement that covers the western states only. Like the YRCW contract, this Agreement also expires on March 31. However, since the two contracts are so closely linked, we got the Reddaway extended for 60 days. We will commence bargaining on behalf of the Reddaway employees until the YRCW agreement is settled.

**ORGANIZING**

Trustee Rich Fierro is in contact with Consultants for the cannabis industry. Rich has had several calls from those seeking a Labor Peace Agreement. This industry has member growth potential.

IBT and Local 70 is looking for XPO contacts. Rich Fierro or Henry Buchanan they are ready to pursue any viable leads. Members who have leads please contact one of the above at (510) 568-5494.

**POLITICAL ACTION**

Business Agent/Trustee Rich Fierro and Local 70’s Political Coordinators will be keeping the membership updated on President Donald Trump’s nominees to the federal courts and how the re-negotiation of NAFTA will affect our members and the labor movement.

**RETIREE CLUB**

Local 70’s Retiree Club next meeting is Wednesday April 17 at 11:00 a.m. in Local 70’s Auditorium. Following the meeting is lunch, and raffle. Great conversation and stories. All Retirees are invited to drop by and check it out. Dues are $26.00 per year.

**RETIREE CLUB**

Local 70 hosts its first multi-employer membership lunch in Livermore... And elsewhere around Local 70...
Local 70 News

Secretary-Treasurer's Report

Marty Frates

UPS Contract Update and more

Four supplemental agreements, including New York and Detroit, are currently still in negotiations and, therefore, have not been ratified. In order to finalize the National Master UPS Agreement, all supplemental agreements must be ratified. We anticipate this issue will continue, hopefully, for only a short period of time.

Some people complain about this process but, in my opinion, it is good. First of all, there is an agreement for retroactive pay so you won’t lose pay. The most important thing is that this process enables UPS to isolate an area and take important contract protection. Nor Cal has protection for our Health and Welfare plans called Maintenance of Benefits (MOB) which means whatever the cost increase of the Health and Welfare plan, UPS has to pay the increases. This is one of the best benefits in the country and needs to be protected. That’s why this process is so important.

NOR CAL COMMITTEE

There is a major dispute with the Joint Council 7 Executive Board interfering with the Nor Cal Committee, disrupting and interfering with our negotiations and costing us contract improvements. This is a problem we need to get resolved.

UPS AND UPS FREIGHT

I will be joined by Mark Hawkins and Felix Martinez to represent the interests of Local 70 and Nor Cal at the UPS and UPS Freight Panel Meeting the week of March 4. Our goal, along with various local unions, is to build support for our members.

FINANCES OF LOCAL 70

I am happy to report that Local 70 is in good shape thanks to the cooperation and work of all Officers and officials.

PASHA NEGOTIATIONS

Kelsey Frazier and I are finalizing negotiations and are hopeful that we can soon bring a good contract to the members at Pasha for ratification. The main issues are job protection, wages, and protecting Maintenance of Benefits in the Health and Welfare and pension plans.

Political Action Report

Plenty of action in a non-election year

By Rich Fierro, Political Coordinator

Although things may seem quiet on the political front right now, quite the opposite is true. Locally, we are starting to meet with all the city council members and mayors who were recently sworn in for a new term. We continually monitor all the cities in our jurisdiction who may be considering legislation that affects our members. Statewide, we are working with our partners and legislators on a bill that will affect all workers in California. Our main priority is passing a law modeled after the Dynamex court decision, which in 2018, dramatically changed the definition of “independent contractors.” Many companies misclassify employees, calling them “independent contractor” instead of employee as a way to skirt the traditional laws and rights they would be entitled to if they were employees. This will particularly benefit people working at gig economy companies like Uber.

If this legislation —AB5— makes it through the California Legislature and is signed by the Governor, it will be the premiere law in the nation dealing with worker misclassification.

Nationally, we are starting to monitor next year’s presidential election. For Teamsters, the office of U.S. President is the only one where the endorsement comes from the International Union. However, we will absolutely weigh in to the International with our preference. At this point 15 Democrats or Independents have declared their candidacy. We expect that this field will significantly diminish after the first few primaries. California should be a bigger player in the election, as we have moved our presidential primary to March.
Building work complete; now we organize!

We are thankful to have finished all the major construction at the Local just before the atmospheric river started. We are very pleased with all the necessary repairs that were made. There are currently no plans to repair or renovate further, but we are continually monitoring our building to ensure it does not deteriorate.

We have been very active supporting our brothers and sisters in their disputes. We were out numerous times to help Unite Here 2850 in their hotel strike. After a long battle they were able to achieve many of their goals for their members. We expect ticket demand to be high. Our annual “Day At The Park” will be August 24th this year. Tickets will go on sale April 13th. This year’s game will be the Oakland As vs. the San Francisco Giants. This is a great event for members and their families. We held our first “mem- ler luncheon” in February. We are going to take our BBQ to central locations where we have lots of members and serve lunch all day. Our first luncheon was in Livermore, and we served lunch to members from MV Transportation, ABF Freight, DHL, LSI, PGS, Iron Mountain, Avi, UPS cartage, UPS Freight, and we even had a few retirees stop by.

This was a great event. We will have more later this year.

Teamsters Local 70
2019 MEETING SCHEDULE

General Membership Meetings

April 25, 2019 Thursday 7:00 p.m.
May 23, 2019 Thursday 7:00 p.m.
June 20, 2019 Saturday 10:00 a.m.

July/August meetings Suspended (pending vote at March meeting)

September 21, 2019 Saturday 10:00 a.m.
October 24, 2019 Thursday 7:00 p.m.
November 2, 2019 Saturday 10:00 a.m.
December 10, 2019 Tuesday 7:00 p.m.

Steward Council Meetings
Precede each of the Saturday membership meetings at 9:00 a.m.

Steward Appreciation Breakfast
October 19, 2019 Saturday, 9:00 a.m.

Sick Benefit Meetings
2nd Tuesday of each month 7:00 p.m.

All meetings are held at Teamsters Local 70: 400 Roland Way, Oakland, CA 94621, unless otherwise notified.