

June 9, 2015

Dear {Employer},

As you may know, the Commercial/Industrial Agreement between your {Company Name} and IBEW Local 48 allows Local 48 to appoint from your shop a Steward on any job where Local 48 members are working under this Agreement.¹ Local 48 has put together this explanation in order to help you best utilize your Steward at your jobsite. We believe that the Steward's presence is beneficial both to our members and to you as the employer, and we hope that you will be supportive of the Steward's role in your place of work.

A Steward is the Business Manager's representative on the job, and as such, he or she is obligated to perform the following duties:

- Ensure that the Collective Bargaining Agreement and any applicable working rules under which members are working are adhered to by both Labor and Management
- Protect the craft jurisdiction of the IBEW and signatory contractors
- Ensure the safety of IBEW members working on the job by working with Management and/or the Safety Department when applicable
- Make sure that there is an appropriate ratio of Journeymen to Apprentices
- Solve everyday problems related to the job
- Communicate with the Business Manager/Business Representative
- Respond promptly and decisively to all complaints
- Engage in the grievance process when applicable

Stewards must be provided sufficient time to perform these duties during regular working hours.² Sometimes these duties can be completed with little time taken away from a Steward's assigned work, but sometimes the scope of the situation or the size of the job requires that the Steward spend more time tending to these responsibilities. If you as the Employer have concerns regarding the amount of time it takes for a Steward at your jobsite to perform his or her duties, please contact the appropriate Business Representative or the Business Manager.

¹ *Commercial/Industrial Agreement*, Article II (Employer Rights/Union Rights), Section 2.13(a) (Appointment of Stewards), page 10 (2015-2017). Also, under Section 2.13(c), "[t]he Union Business Manager may appoint off the referral list a steward to go to any job that is estimated to employ 25 workers or more."

² "Such Steward shall see that this Agreement and working rules are observed and he shall be allowed sufficient time to perform these duties during regular working hours." *Id.*

We require our Stewards to take their role seriously and to be prepared to act as the Steward at any time. Therefore we require Stewards to have certain items with them on the jobsite. Those items are:

- All IBEW Collective Bargaining Agreements under which members are working
- IBEW Constitution
- Local 48 Bylaws
- Material furnished by the employer, such as overtime lists, company rules/manual, etc.
- Company safety policy/manual
- Any special rules or publications that apply to IBEW members working on that specific job site required by the General Contractor

By having these items on-hand, a Steward is better prepared to engage in the duties that stewardship requires.

Our hope is that by having a Steward on your jobsite, complaints can be avoided and our members can focus on providing you with excellent workmanship. And if a complaint is a potential violation of the Commercial/Industrial Agreement, a Steward's goal is to solve the issue as soon as possible. Quick resolution can prevent a matter from escalating to a formal grievance, which in turn reduces costs stemming from losses in time and productivity.

Typically complaints are reported to the appropriate Business Representative or the Business Manager for investigation, and can be resolved without filing a grievance. There may be occasions, however, in which the Steward takes the lead in investigating complaints and representing potential grievants. When a Steward is acting as an individual performing work for you as an electrician, he or she is no employee like all others. But when a Steward is acting in a representational capacity (investigating a complaint, requesting information, presenting a grievance, etc.) the Steward is on equal level with Management.³ Under both the National Labor Relations Act ("NLRA")⁴ and the Commercial/Industrial Agreement, discrimination against a Steward because of his or her "faithful performance of duties as a steward"⁵ is not permitted.

Although we understand that you have an interest in possible complaints at your jobsite, please know that Stewards are not obligated to share the content of Member-to-Steward conversations with you; this would interfere with protected activity.⁶ Additionally, it is unlawful to monitor a

³ "The relationship at a grievance meeting is not a "master-servant" relationship but a relationship between company advocates on one side and union advocates on the other side, engaged as equal opposing parties in litigation." *Hawaiian Hauling Services, Ltd.*, 219 NLRB 765, 766 fn. 6 (1975).

⁴ 29 U.S.C. § 158(a)(3).

⁵ *Commercial/Industrial Agreement*, Article II (Employer Rights/Union Rights), Section 2.13(b) (Appointment of Stewards), page 10 (2015-2017).

⁶ *Cook Paint & Varnish Co.*, 258 NLRB 1230, 1232 (1981) (employer exceeded the permissible bounds when interrogation pried into protected activities and thus was an unlawful interference with employee rights under Section 7 of the NLRA).