

## TOP TEN MISTAKES BY BUSINESS REPRESENTATIVES

### 1. **Not putting it in writing**

Too much reliance on verbal, we all forget with time. Need a record: to remember; to increase credibility; to have evidence that you did it right. Best record is a letter to member, agency or adverse party. Always remember that any such letter may be read by a judge or a jury.

### 2. **Missing statutes of limitations.**

NLRB (six months); grievance (time lines in collective bargaining agreement); court (filing complaints); not getting our a timely notice to open a contract. Once you miss a statute of limitations, it's gone. Be careful of relying on a past practice of loose time lines in processing grievances.

### 3. **Inadequate preparation for grievances (including inadequate preparation of witnesses).**

Procrastinate until it's too late to gather documents, too late to interview or prepare witnesses and, in general, too late to put in the time to do a good job.

### 4. **Too much trash talk.**

Putting down members; putting down contractors. It gets back to them. Better, take the high road. Besides, never forget you owe a duty of fair representation to everyone in the bargaining unit (whether they deserve it or not). Trash talk will be used as evidence against you.

### 5. **Failure to read your contract and constitution.**

### 6. **You procrastinate too much.**

If I ignore the problem long enough maybe it will go away. Sometimes this is true, sometimes it is not. Next week or month may seem like a long time, but days and weeks pass quickly.

### 7. **Reaching a conclusion or making the decision before you have all of the facts.**

When you get told a story about a problem, don't jump to conclusions. Remember there are two sides to every story. Always ask for the other side of the story, even when it seems obvious.

### 8. **When you tell a story, tell the whole story.**

When you tell only the parts of the story that help you, for example to your E-Board or to a regulatory agency, and then they learn the rest of the story from someone else, it hurts your credibility now and in the future.

**9. Allowing politics or friendships to determine the outcome of a grievance.**

When you process a grievance, your duty is to investigate it and decide it on its own merits and not on the basis of who is your friend or who helped you get elected.

**10. Returning phone calls promptly.**

We periodically hear from agencies like the NLRB that a business representative has not returned their phone calls. Their complaint is that they are not getting cooperation. Their conclusion is that you must not be very concerned about the issue.

Calls from members also need to be returned promptly.

**11. Keep your eye on the ball in terms of who is your enemy.**

Your enemy is the individual who makes a conscious decision to violate wage and hour laws or health and safety laws. It is not the worker who is being cheated out of wages or being forced to work under adverse conditions.

You may have a jurisdictional dispute with another union but that union is an entity that your union must learn to co-exist with for the next 100 years; so help lay the foundations for that type of long term cooperation and find ways to resolve your temporary day to day disputes in a friendly and amicable manner.

**12. Never say to your lawyer, "this one is easy, you cannot lose."**

For me this has been the kiss of death. It will take a case that is absolutely unloseable and virtually guarantee that I will find a way to lose it (actually I will not find a way to lose it, the reason to lose it finds me.)

**13. Do not piss off the investigator, bureaucrat or judge who is about to make a decision that affects you.**

For example, when an NLRB investigator is interviewing you do not ask him or her such questions as:

- Have you been at this job very long?
- What is the name of your supervisor?
- You just don't get it, do you?

Comments or questions like this are not very conducive to getting this person to see the merits of your charge or defense.

Prepared by: Center for Worker Rights, January 2007