



## The Duty of Fair Representation Your Responsibility as a Unit Officer/Steward



Part of your job as a UPSEU Local 1222 Officer/Steward is to protect the gains we have won in our contracts, to fight to improve wages, hours and working conditions, and to defend workers against injustice from management. When UPSEU Local 1222 wins an election, we gain status as the exclusive representative of all employees in the bargaining unit, whether they are members, non-members or agency fee payers.

Throughout the years, various labor relations boards have developed a legal principle called "the duty of fair representation." This principle states that the union must represent all workers equally and without prejudice. The union cannot refuse to represent or improperly represent a worker due to his/her age, race, creed, nationality, sex, religion, political beliefs, union status or personality. Sometimes you have to defend workers that you or others may not personally like. Under law, every worker in your bargaining unit must be treated equally. The test of fairness provides that the union cannot act in a manner that is arbitrary, discriminatory or in bad faith in the representation of members in the collective bargaining unit.

The duty to represent all workers is especially true when a non-member files a grievance. As a UPSEU Local 1222 Unit Officer/Steward you have a duty to investigate, file and process your grievance cases based on the merits of the grievance, not on the merits of the grievant.

Here are some basic guidelines that will not only protect you as a steward but will also enhance your skills as a union advocate:

- Listen to your co-workers complaint. Don't just blow them off.

- Investigate the possible grievance fully to determine if it has merit. Review the contract to see if there are any violations. You should always maintain contact with your UPSEU Local 1222 Labor Relations Representative to address any questions in this regard.

- Keep a written record and notes on your investigation of each grievance. Be sure to include the worker's name, time of the reporting, any possible witnesses and a description of what did or did not happen. Request all relevant information from management.

- Make sure you follow the time limits according to your contract's grievance procedure.

- Be a strong advocate for all members of your bargaining unit throughout the procedure.

- Keep the worker informed on the status of the grievance at each step in the process.

- Always allow the grievant to submit additional data or evidence.

- If UPSEU Local 1222 decides not to pursue a grievance due to lack of merit or another reason, we will notify the grievant in writing as soon as possible. UPSEU Local 1222 has the ability to make decisions that reflect the best interests of the entire bargaining unit when deciding what grievances to carry forward. If the grievance should proceed to arbitration, you also have a duty to present a good arbitration case. Remember that your UPSEU Local 1222 Labor Relations Representative will be with you every step of the way.



If you or a loved one is hurt in a car accident that you suspect was caused by another driver who may have been distracted at the time of the accident, you may be eligible to seek justice against the negligent party by commencing a motor vehicle accident lawsuit.

As our society becomes increasingly dependent on technology, the dangerous practice of talking on a cell phone and text messaging while driving is becoming more and more prevalent. This illegal activity often leads to serious and sometimes deadly consequences. While most people are under the impression that drunk driving or speeding are the leading causes of car accidents, cell phone use and texting while driving are becoming increasingly responsible.

New York State has some of the nation's toughest laws against negligent driving, and in 2011, the state legislature passed a bill which made the use of handheld electronic devices while driving, a primary offense. Under NYS law you cannot use a hand-held mobile telephone or send a text or email while you drive. Increases in the cost of penalties have also risen due to Governor Cuomo's push towards decreasing distraction on the roads.

- First time offenders will now pay a fine of \$50 - \$150.
- Second time offenders who text and drive within 18 months of another texting offense will pay a fine of \$50 - \$200.
- Subsequent offenders will pay a fine of \$50 - \$400.
- In addition to monetary penalties, each offense imposes 3 to 5 violation points against your driver's license.

Science and statistics have proven that performing activities while driving greatly increases the chances of causing serious harm or even death to you, other drivers, passengers and pedestrians.

These distractions include: texting, using a cell phone or smartphone, eating and drinking, talking to passengers, grooming, reading maps, using a navigation system, watching a video, and adjusting a radio, CD player or MP3 player.

Remember: Texting and Driving - It Can Wait!



#### KEY FACTS & STATISTICS

- 10% of all drivers under 20 involved in fatal crashes were reported as distracted at the time of the crash. This age group has the largest proportion of drivers who were distracted.
- An estimated 421,000 people were injured in motor vehicle crashes involving a distracted driver, this was a 9% increase from the estimated 387,000 people injured in 2011.
- At any given daylight moment across America, approximately 660,000 drivers are using cell phones or manipulating electronic devices while driving, a number that has held steady since 2010.
- Engaging in visual-manual sub-tasks (such as reaching for a phone, dialing and texting) associated with the use of hand held phones and other portable devices increased the risk of getting into a crash by 3 times.
- 5 seconds is the average time your eyes are off the road while texting. When traveling at 55 mph, that's enough time to cover the length of football field blindfolded.
- A quarter of teens respond to a text message once or more every time they drive. 20% of teens and 10% of parents admit that they have extended, multi-message text conversations while driving.



Morici & Morici, LLP app is now available on the App Store and in the Android Market.





**STOP. THINK. CONNECT.** is the global cyber-security awareness campaign launched in 2010 to help digital citizens stay safer and more secure online. The following tips and advice are designed to help you practice good online safety habits.

## KEEP A CLEAN MACHINE

- Have the latest security software, web browser and operating system to defend against viruses and malware.
- Turn on automatic updates, if that is an option.
- Protect all computers, smart phones and gaming systems that connect to the internet.
- Use your security software to scan USBs and other external devices.

## PROTECT YOUR PERSONAL INFORMATION

- Secure your accounts with passwords that are long and strong. Use a combination of numbers, symbols and letters.
- Use separate passwords for each account to thwart cyber-criminals.
- Write down your passwords and keep in a safe place away from your computer.
- When available, set privacy and security settings on websites to limit information that is shared.

## CONNECT WITH CARE

- When in doubt, throw it out. Links in email, tweets, posts, and online advertising are often the way cybercriminals compromise your computer. If it looks suspicious even if you know the source, it's best to delete it or mark as junk mail.
- Get savvy about Wi-Fi hotspots. Limit the type of business you conduct and adjust your security settings to limit who can access your device.
- When banking and shopping, check to be sure the site is security enabled. Look for web addresses with "https://" Http:// (without the s) is not secure.

## BE WEB WISE

- Check trusted websites for the latest information on how to stay safe online. Share this info with friends, family and co-workers and encourage them to be web wise.
- Think before you act. Be wary of communications that implore you to act immediately, offer something that sounds too good to be true, or asks for your personal information.
- Back up your valuable work, music, photos and other digital information by making an electronic copy and storing it safely.

## BE A GOOD ONLINE CITIZEN

- What you do online has the potential to affect everyone, at home, at work and around the world. Practicing good online habits benefits the global digital community.
- Post only about others, as you would have them post about you.
- Help the authorities fight cybercrime. Report stolen finances, identities and cybercrime to the Internet Crime Complaint Center at <http://www.ic3.gov> and to the FTC at <http://onguardonline.gov/filecomplaint>.

info from [www.stopthinkconnect.org](http://www.stopthinkconnect.org)

# UPSEU Local 1222 Shop Talk

## REMINDERS 2015 Mileage Rates

As of January 1, 2015, the new standard mileage rates for the use of cars, vans, pickup or panel trucks is:

- 57.5 cents per mile for business miles driven (up from 56 cents)
- 23 cents per mile driven for medical or moving purposes (down 1/2 cent)
- 14 cents per mile driven in service of a charitable organization

## Beneficiary Changes

If you have any change of life circumstances (i.e. divorce, death of spouse, etc.) make sure you make the necessary beneficiary changes for your retirement plan and any other life insurance policies you may have.



As a steward/officer, you are the first point of contact when co-workers have a question about whether your workplace rights have been violated or when they have an idea about some union action that might improve conditions in your workplace. It is the steward's responsibility to do what it takes to find out, if necessary, what action may be appropriate to challenge an employer initiative and to safeguard employee's rights.

It's pretty easy to understand the notion that "an injury to one is an injury to all." And it's also not too complicated to grasp that if you don't speak up when someone else is being mistreated, that person isn't likely to be there for you when you need some support. But what's needed, of course, is for each of us to "walk the walk" and not just "talk the talk." So if your co-workers on the night shift are getting cheated out of their differential, the test is whether you and your co-workers on the day shift make it your business to make sure that the union can do what's needed to take on the employer.

Adapted from "the Union Member's Complete Guide" by Michael Mauer



*Linda Pichewick*  
*Shop Talk Editor*

UPSEU Local 1222 Headquarters 3555 Veterans Highway Suite H • Ronkonkoma • NY 11779  
21 Aviation Road • Albany • NY 12205  
130 Research Parkway Suite 201 • Meriden • CT 06450

[www.Local1222.org](http://www.Local1222.org)