

LOCAL 381 NEWS

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*Contact info for I.U.O.E.
and AFL-CIO*

Thanks goes to **El Dorado Printing** for printing and folding these newsletters for all local 381 members. El Dorado Printing has met the needs of Local 381 for many years. Support your local community!

WEINGARTEN RIGHTS

EMPLOYEE'S RIGHT TO UNION REPRESENTATION

The right of employees to have union representation at investigatory interviews was announced by the U.S. Supreme Court in a 1975 case ([NLRB vs. Weingarten, Inc. 420 U.S. 251, 88 LRRM 2689](#)). These rights have become known as the *Weingarten* rights.

Employees have *Weingarten* rights only during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct.

If an employee..... (see *Weingarten Rights*, page 3)

BUILDING A HEALTHY LIFESTYLE

Living a healthy lifestyle involves making choices about the foods we eat as well as exercise and other daily activities. Eating low-fat meals that include 5 to 9 servings of fruits and vegetables every day is a cornerstone of a healthy life plan. Another cornerstone is

(see *Health*, page 2)

PRESCRIPTION DRUG SURVEY FORM

Thanks to all who participated in the prescription drug survey. If you have not, there is still time. We can use them all the way up to the end of the year.

WORKLOAD... LACK OF MANPOWER?

The workmen's committee met with the company last month and discussed several issues pertaining to operations and maintenance. Everyone is aware of the workload throughout the refinery but lately #7 unit and 4, 8, & 11 units seem to be getting a lot of attention. The Lion Oil management says....

(see *Workload*, Page 3)

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Look to your health; and if you have it, praise God and value it next to conscience; for health is the second blessing that we mortals are capable of, a blessing money can't buy.

Izaak Walton

Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if Labor had not first existed. Labor is superior to capital, and deserves much the higher consideration.

-Abraham Lincoln

HEALTH

...physical activity.

Being physically active can help you attain or maintain a healthy weight. And there are other benefits, too. Being more active can:

- Help prevent heart disease
- Help control cholesterol levels and diabetes
- Slow bone loss associated with advancing age
- Lower the risk of certain cancers

- Help reduce anxiety and depression

Overweight and Obesity

Over half of adults in the United States are overweight or obese — and today, obesity in children is rapidly becoming a major health crisis. Why is weight control so important? It's a health issue. Overweight and obesity are associated with heart disease, certain types of cancer,

type 2 diabetes, stroke, arthritis, breathing problems, and psychological disorders. Choosing healthier foods and exercising regularly will help.



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WEINGARTEN RIGHTS

has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. Management is not required to inform the employee of his/her Weingarten rights; it is the employees responsibility to know and request.

When the employee makes the request for a union representative to be present management has three options:
 (1) it can stop questioning until the representative arrives.
 (2) it can call off the interview or,
 (3) it can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to a union representative (an option the employee should always refuse.)

Employers will often assert that the only role of a union representative in an investigatory interview is to observe the discussion. The Supreme Court, however, clearly acknowledges a representative's right to assist and counsel workers during the interview.

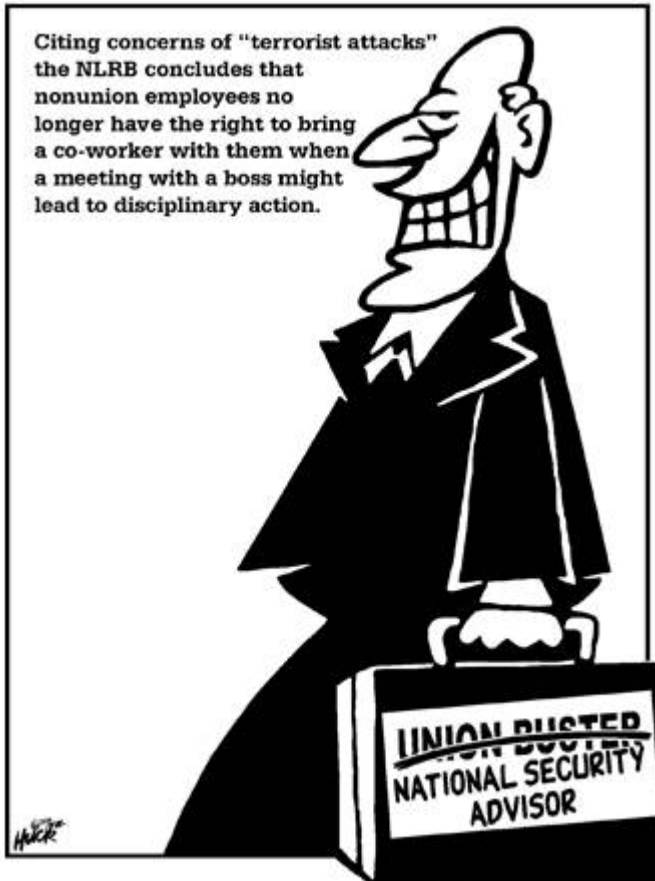
The Supreme Court has also ruled that during an investigatory interview management must inform the union representative of the subject of the interrogation. The representative must also be allowed to speak privately with the employee before the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

While the interview is in progress the representative can not tell the employee what to say but he may advise them on how to answer a question. At the end of the interview the union representative can add information to support the employee's case.

On June 15, 2004, The National Labor Relations Board ruled by a 3-2 vote that employees who work in a nonunionized workplace are not entitled under Section 7 of the National Labor Relations Act to have a coworker accompany them to an interview with their employer, even if the affected employee reasonably believes that the interview might result in discipline.

This decision effectively reversed the July 2000 decision of the Clinton Board that extended Weingarten Rights to nonunion employees.

Citing concerns of "terrorist attacks" the NLRB concludes that nonunion employees no longer have the right to bring a co-worker with them when a meeting with a boss might lead to disciplinary action.



Being union does make a difference.

...employees who work in a nonunionized workplace are not entitled under Section 7 of the National Labor Relations Act to have a coworker accompany them to an interview with their employer

WORKLOAD

....they feel that the refinery is adequately manned. Listening to the guys in the field tells a different story. The company feels that *when* everything gets back to "normal" and the bugs are worked out of #8 then things will be better. I hope they are right. If not they will soon have the same problem with people leaving #4 unit as they have on #7. The question is, what to do in the meantime. If you feel the

workload is too great and you can't safely and productively do your job, do not hesitate to contact your supervisor and let him know you need some help. Better that than you trying to shoulder the load and end up making a mistake. If he won't get you any help, contact *his* supervisor. If still no help, make sure you contact a Union rep and let him know that you have asked for help and have a

reasonable need for it so it can be documented.

The Company has also said they are still working on a solution for #7 that may help. Nothing in stone right now. Some discussion over changes in distribution of work was a topic for maintenance. The Company states it will make us more efficient. The details on this will come at a later date.

ON THE LIGHTER SIDE OF THINGS

The overworked should remember the out-of-work.



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HELP NEEDED

Anyone interested in contributing information, articles or personal stories for the newsletter please contact a Union officer or send an e-mail to the above address.

A CHRISTIAN PERSPECTIVE

Christ has not promised His people a smooth passage, but only a safe landing. In embarking on the Christian life, we are not guaranteed a sunlit sea, but rather are advised of a storm-tossed ocean; and it is far better to be in a storm with Him than in a calm without Him.

-W. Graham Scroggie

This is a quarterly newsletter brought to you by International Union Of Operating Engineers (AFL-CIO) local 381 and the business' and organizations advertised within this newsletter. For prices and availability of ad space please e-mail iuoe381@sbcglobal.net.

LESSONS OF THE GEESE

In the fall when you see Geese heading south for the winter, Flying along in the "V" formation, you might be interested in knowing what science has discovered about why they fly that way.

It has been learned that as each bird flaps its wings, it created uplift for the bird immediately following. By flying in a "V" formation, the whole flock adds at least 71% greater flying range than if each bird flew on its own.

Whenever a Goose falls out of formation, it suddenly feels the drag and resistance of trying to go through it alone and quickly gets back into formation to take advantage of the power of the flock.

If we have as much sense as a Goose, we will stay in formation and share information with those who are headed in the same way that we are going.

When the lead Goose gets tired, he rotates back in the wings and another Goose takes over.

It pays to share leadership and take turns doing hard jobs.

The Geese honk from behind to encourage those up front to keep their speed.

Words of support and inspiration help energize those on the front line, helping them to keep pace in spite of the day-to-day pressures and fatigue.

It is important that our honking be encouraging. Otherwise it's just-well...honking!

Finally, when a Goose gets sick or is wounded and falls out, two Geese fall out of the formation and follow the injured one down to help and protect him.

They stay with him until he is either able to fly or until he is dead, then they launch out with another formation to catch up with their group.

When one of us is down, it's up to the others to stand by us in our time of trouble.

If we have the sense of a Goose, we will stand by each other when things get rough.

We will stay in formation with those headed where we want to go.

The next time you see a formation of Geese, remember their message that:

People who are part of a team and share a common direction get where they are going quicker and easier, because they are traveling on the trust of one another and lift each other up along the way.

"IT IS INDEED A REWARD, A CHALLENGE AND A PRIVILEGE TO BE A CONTRIBUTING MEMBER OF A TEAM"



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