

TWU TIP: Probationary Employees

So there's been a new hiring conducted by your employer and some new faces appear. These new employees, often called probationary employees by the contract, are thrown into a unionized environment but their status is slightly different than the rest of the unit. The time frame for when that status changes is spelled out in the probationary clause of the contract.

Probationary employees enjoy the same rights that other bargaining unit members have except for those rights that are restricted by the contract. A probationary employee, for example, may have to wait a certain period before exercising transfer rights. The contract will tell you what the restrictions are.

At the top of this list, however, is the limitation of the grievance procedure. Probationary employees can be terminated or assessed lesser discipline for alleged poor job performance or other reasons and the union is usually restricted by contract in taking up their case through the grievance procedure. In most contracts, these disciplinary grievances cannot be appealed through the formal procedure including arbitration.

Employers often misinterpret that restriction to mean that probationary employees have no rights whatsoever. That is as far from the truth as you can get.

Probationary employees must be paid at the contractual rate and afforded all rights and benefits that the contract and their seniority allow. If those rights are violated, the union can file a grievance and appeal through the grievance procedure to correct the injustice as if the employee had been working there for 20 years.

You probably know that a probationary employee may feel uneasy about filing a grievance. An employer may realize that and try to gut a section of the agreement by violating the rights of the new hire. But the bottom line is that contract cannot be violated. Similarly, an employer cannot violate the law in its treatment of any employee including one on probation. For example, the employer cannot discriminate on the basis of age, gender, race, or national origin. Or, the employer cannot tell the employee to work in an unsafe condition.

The key to making this relationship work is for the union to see the probationary employee as a new member. It is really the union's role to welcome this

employee to the union family and give him or her the tools to pass probation so he or she will be a strong and supportive local union member.

A steward need only remember his or her first days with the employer to sympathize with how this new employee must be feeling. These probationary employees have to understand what your role is and that the union is not there to judge them as the boss will. Studies have shown that if the steward can mentor this new employee through the probationary period, the employee will become a strong union member in return.

The union should be present at the company orientation of new employees if possible. That's a negotiable item and a number of our locals make good use of the time. The steward should explain the union's role in the workplace and answer any question the member may have. It is important that these new employees understand that the benefits outlined in the orientation are not given to them by the employer as a gift. These benefits were won by the members of the union just like them through years of collective bargaining.

Keep your presentation short and be prepared for lots of questions like "Why do I have to join the union," and "What do my dues pay for?" This may be their first unionized job and they are clueless about a union. It is your job to explain the whys and to sign them up.

If you haven't negotiated orientation time then find some other time at break or lunch. Buy them a cup of coffee and have a chat. Be prepared to listen. That cup of joe can be the beginning of creating a strong new member.

TWU HISTORY



In 1957, federal courts ended bus segregation in Miami and a few years later, after Miami-Dade County took over bus operations from private ownership, the first African Americans were hired on the property. Working conditions were tough and, as one driver recalled, "You could work two nine hour runs back to back and if a rider complained about you, you were out." Workers formed the Fraternal Order of Transit Employees to improve conditions and they affiliated with TWU 45 years ago on June 22, 1970. Seated behind the microphone at the affiliation meeting is the first Local 291 president Claude Rolfe. To his left is TWU International President Matthew Guinan. Also in the picture are International Vice Presidents Roosevelt Watts and Joe Hanaberry.

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