



# Labor Pains



## It Was Just A Business Plan...

On January 19, 2011 AT&T made an announcement in our Industry Markets Business Unit that they would be closing. At that time we had 82 members that were affected. These members process orders for the Competitive Local Exchange Carriers (CLEC). If these orders are not completed in a timely fashion, the company must pay fines or remedies. Whoever made the decision to close the only local service center left in the Midwest should have done a little more homework. I really believe the Vice President of this Business Unit thought that he would surplus our members and the majority of them would test qualify for the Employment Security Commitment (ESC). They would then remain at the same location, doing the same work; until job offers came (and these would be few and far between) giving him the opportunity to train reps in other regions to do the complex work done at this location.

The surplus, as administered by the Company, was a text-book lesson in disrespect. Despite having been told by Labor Relations that they would not have to test for jobs they didn't want, weeks later they were ordered to take a physical abilities test anyway, under threat of losing their rights to the ESC. Some were

even forced to come in on their own time to do this, a blatant disregard of our contract.

One week prior to the Force Disposition Date management decided to shut down the vacation schedule even though we have a negotiated allotment. When management was questioned why, they cried "needs of the business;" kind of an oxymoronic statement when you have already told all of these members they were no longer needed for the business, hence the surplus.

Your local leadership has objected to the above and a whole lot more by filing grievances and charges with the National Labor Relations Board. As of this writing, they have not been resolved.

Maybe if the company would have handled this group of surplus as it should have been, like it was being handled in other business units, the Vice President of Industry Markets LSC may have gotten what he wanted: more people on the ESC. Many of the members who had not yet reached a service pension took fate into their own hands and left the company on April 19th, stating they have had enough of AT&T, even though they were eligible for the guaranteed job offer provided in the contract. This left only 21

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members on the ESC to process CLEC orders. Needless to say, the company is and will continue to pay fines and remedies since there are not enough workers to get the work done due to a poor "business plan".

I have administered a lot of surpluses over my career and never have I seen anything quite like this. Hopefully, we will have some resolution through the grievance process or board charges so our members will be treated with respect in the future.

I would like to wish those who left good luck in their next adventure in life.

Fraternally,  
Pam Beach  
Executive Vice-President  
CWA Local 4034

# Tuition Assistance: No Longer A *Luxury*, But A *Necessity*!

The top 10 reasons members should continue their education:

10. Per management, "Stop your crying, there are thousands of people that would love to have your job."
9. Don't worry, if the Republican party has its way, Michigan will soon be a right-to-work state.
8. I'm sure AT&T will start caring about customer satisfaction soon (and not just MSOC numbers).
7. Everyone knows that time studies and micromanagement are an accurate and efficient way of managing.
6. The beatings will continue until morale improves.
5. We're no longer using the term "work-life balance" because it implies that your life is important. -Dilbert
4. There are no bad managers - only bad employees.
3. Profits are more important than people.
2. Now that AT&T is charging for "over-use of internet," we won't be able to afford on-line education.
1. Working mandatory overtime in Connecticut sounds like an excellent summer vacation.

Seriously. Why aren't more members taking advantage of the tuition assistance program? We can all read the writing on the wall -- our jobs are not secure!

The future is looking bleak for bargained-for employees. Not only does the company hate us; but, so do our elected leaders in Lansing. If the Republican party has its way, Michigan will soon be a right-to-work state, which has been shown to lower wages for both union and non-union workers alike. Statistics show that unemployment rates are lower for those with a college education, so I'm urging all of my union brothers and sisters to go back to school.

The company claims that it continues to surplus the workforce due to a decline in landlines. While this may be a factor, it does not explain the extent of their cuts. It is obvious to those of us on the ground that there are not enough of us left to do the job, but will this stop them from cutting more? I doubt it. It seems that customer satisfaction is no longer important, only silly MSOC numbers, and we all know that those numbers are skewed to show that less of us are needed.

Whatever the reason for the continued surpluses, I would like to encourage all employees to

take advantage of the tuition assistance program offered by the company (surprisingly, this is not a bargained-for asset). Yes, I know the thought of going back to school is scary, but not nearly as scary as being unemployed without an education. Why not let the company pay for your education? How many of us really think that retiring from AT&T is an option? Look around the room, how many of your fellow co-workers are no longer sitting next to you? How many have been forced to another department, or just fired?

All regular full-time employees with one year of net credited service are eligible for the tuition assistance program. Also, for any company related reason (being forced out of town, surplusd, company-initiated transfer to another city) you are unable to complete a course, you will not be held responsible for reimbursement to the company. To get started, visit the website at [www.acclaris.net](http://www.acclaris.net) to create an account.

In Solidarity,  
L.R. Hooker  
Steward, CWA Local 4034



# Weingarten Rights and You

In the Supreme Court case, *NLRB vs. J. Weingarten, Inc.* 420 U.S. 251 (1975), the Supreme Court accepted the Nation Labor Relation Board's view that the National Labor Relations Act affords bargaining unit employees, upon request, a right to union representation at an investigative interview the employee reasonably believes could lead to discipline. An employer's denial or interference with that right violates Section 8(a)(1) of the Act, and instances of such unlawful conduct have come to be known as "Weingarten violations," deriving this name from the landmark case. The Board has developed various nuances of the Weingarten rights over the years, regarding the extent of the rights, the manner by which they can be invoked, and the limits of these rights. Investigative interviews to which Weingarten rights apply are those in which one purpose

of the interview is to obtain further facts or to hear the employee's side of the story. The standard for determining whether an employee reasonably believes that the meeting could result in discipline is an objective one. There is also a related right to "pre-interview consultation," which either the employee or union steward may properly invoke. An employer retains some discretion in

regulating an interview to prevent the representative from turning the meeting into an adversarial proceeding or to speak in place of the employee, but the representative has the right to ask questions, adduce further facts, and make arguments on behalf of the employee. Consequently, when an employer permits a union representative to attend an interview but forbids the representative to be anything more than a silent observer, it interferes with the employee's rights in violation of the Act.

In addition to Weingarten Rights we also have language in our Collective Bargaining Agreement which affords members the ability to request Union representation. Article 12.01 reads as follows:

"At any meeting between a representative of the Company and an employee in which discipline (including warnings which are to be recorded in the personnel file, suspension, demotion or discharge) is to be announced, a Union representative shall be present if the employee so requests. If a Union representative has been requested, the meeting shall not start until a Union representative arrives."

The key to obtaining representation is the request. The question many members ask

management is: "Do I need a Steward?" This is not a clear request for Union representation and management can mislead you by simply telling you "No, you don't need a Steward". In doing this, they have NOT committed an unfair labor practice and you, have no representation. Instead, demand a Steward or if you're not comfortable with demanding one, phrase a statement in such a way that there is no doubt you are requesting a Union Steward be present before you will be willing to participate in any further discussion. When a clear request has been made for union representation to be present, management has three options:

1. They can stop questioning until the representative arrives.
2. They can call off the interview or,
3. They can tell the employee that they will call off the interview unless the employee voluntarily gives up his/her rights to a union representative (an option the member should always refuse.)

These are your rights, use them!

In Solidarity,  
Chad Soper  
Chief Steward  
CWA Local 4034



# Is Collective Bargaining at Risk?

Back in December of 2008, I wrote an article for the local's newsletter titled "Reflections". It was about my personal thoughts on the Presidential election and how it had given me the feeling of hope, especially for working people.

Well, needless to say my feeling of hope for working people has diminished drastically and I simply cannot believe that more of us are not up in arms. Not only in our Country as a whole but more specifically in our State. I mean C'mon this is Michigan, the State that works hard, plays hard and has always been rewarded for our work with, at the very least, a nice "middle class" way of life.

Well hold on to your shorts because those days are nearly over. The following legislation including House Bills and Senate Bills that you should be aware of can be found on-line at the Michigan State AFL-CIO website at: [www.miafclcio.org](http://www.miafclcio.org).

**HB-4135:** The membership or board of trustees of certain police and fire retirement systems; make it a prohibited subject of bargaining. This has been signed by the Governor and now referred to as Public Act 25'11.

**SB-0020 and HB-4128:** Prohibit promulgation of rules for ergonomics in the workplace. This has also been signed by Governor Snyder.

**HB-4246:** Requires emergency financial manager provision to approve, modify, reject or terminate a public employees' collective bargaining agreement. Matches SB-0158. Another bill signed by Governor Snyder.

**SB-158, HB-4214:** Gives emergency financial manager the power to: Terminate collective bargaining agreements; override approval of collective bargaining agreements; remove elected officials from office and ban them from running for office for 6 years; dissolve political structures such as councils, commissions and school boards; force consolidation of services in schools, townships, etc. This legislation was also signed by Governor Snyder.

**HB-4287:** Prohibit collective bargaining terms in government contracts and contracts supported through government grants and tax subsidies and abatements. Matches SB-0165 and is on the Second Reading.

**HB-4152:** Freeze wages; no steps; pass health care costs on to public workers. House Bill 4152 was signed by the Governor.

**HB-4309:** HB 4309 to HB 4312 – Removes contractual rights in consolidations. Passed the House 3/22 and Referred to Senate Reforms Committee.

The problem with House Bills 4309 through HB 4312 is that they dissolve collective bargaining contracts from the workers when they enter into the newly formed Authority. They allow the local governments to merge services without any regard to the workers' seniority rights, wages, benefits or even rights to their current retirement systems. This is wrong!

**HB-4059:** Prohibit paying union officials for conducting union business such as grievance meetings. Passed the House and sent to the Senate.

**HB-4361:** Tax Pensions; Eliminate earned income tax credit (EITC) for low-income workers. More "bad legislation" for working people in my opinion signed by Governor Snyder.

**SJR-C:** Health benefits of public employees and officers; allow legislature to regulate. Amends the State Constitution by adding Section 9 to Article XI. Passed the Senate and referred to House Oversight Committee.

**SB-7:** Require public employees to pay no less than 20% of the cost of health care plan; 10% of HSA. This legislation passed the Senate and was referred to the House Oversight Committee.

Is collective bargaining at risk? You be the judge. However, if you are not standing up right now for your collective bargaining rights: your basic rights as a voter or the rights of the working poor then I want to know WHY?

Collective bargaining has been fought for, with plenty of blood shed for many years to get us to where we are at today. The wages and benefits that you have as a Member of our Union were won through collective bargaining. If we lose collective bargaining, how do you think the company that you work for is going to treat you?

It is imperative that we all get involved right now, before it's too late. We are one pen-stroke away from starting from scratch - please get informed and let our collective voices be heard.

In Solidarity,  
Shelly Lubbinge



# Labor Charity Bowl 2011

Another charity bowl has come and gone. It almost didn't take place this year but at the last possible minute a couple of pretentious people (who shall remain nameless for their protection) were able to keep the event alive. The event was a month later than usual; it was in April instead of March and was a couple hours earlier at 11 instead of 1pm. We had 6 teams participate this year with over \$5,300.00 dollars raised. We believe if it wasn't in danger of not taking place earlier even more money could've been raised. The most money raised was by Judy Cook a bowler from another organization, The Alley-Gators, one of our teams, had the fourth highest pledge total with \$484.00, a special shout goes out to them! Also, two members won 50/50 raffles: one for \$52 and another for over \$100! Unfortunately no one from 4034 won the 32-inch TV this year and we tried believe me!

On behalf of the Special Olympic Athletes, thank you to everyone who helped make this event

another success by either pledging bowlers or actually participating in the event. Your generosity and donations of time and money don't go unnoticed and they are greatly appreciated. As usual a good time was had by all and if

you haven't given it a try, we would love to see you next year!

Fraternally,  
Charles Johnson  
Chief Steward  
CWA Local 4034



## CWA LOCAL 4034

### Congratulates

## JAMES & JOSEPH THURKETTLE

### RECIPIENTS OF THE: 2011/2012

### Higher Learning Scholarships

James and Joseph are the sons of Bob Thurkettle who is a Customer Service Specialist at the 36th Street location.



## Do As I Say, Not As I Do!

Sound familiar? Although it may not be said, it is certainly how AT&T acts. This is experienced by at least one member in every department on a near-daily basis. It doesn't take someone very long in life, usually in their adolescence, to realize that this is flawed logic. This rebellion is not just a teenager's revolution towards their parental authority, it's how the world should work. If it were a logical statement, the phrase would be touted with pride everywhere instead of being cloaked in silence and used in covert ways.

My favorite example of this at AT&T is what is commonly referred to in the "outside world", as taking a "hot lap". Basically, a "hot lap" is driving around the block or down the street, then returning back to the garage location in order to meet the expectations of departure time. This is directed because of the scrutiny placed on reports generated by the vehicle tracking system (VTS) that is in many of the vehicles operated by members. This is a perfect example of why a performance measurement is not an end in itself.

Robert D. Behn, from Harvard University, lists eight managerial purposes for performance measurement. These purposes are to evaluate, control, budget, motivate, promote, celebrate, learn and improve. What AT&T fails to possess is an understanding of how to foster improvement, which Mr. Behn states as "the core purpose behind the other seven" ideas. Along this line of thought, it can be argued that "to learn" is

the next most important principle. Learning needs to follow the evaluation of any measurement. If there are too many measures, both management and the members are unable to learn anything about the measurements due to the fact that there is more commotion and confusion than true useful data. The question of "Why is this measurement important, and is it fostering improvement?" is never addressed.

All too often, performance measures are used to beat up on the underperforming. All too often, the true issues are ignored and left to chance because of the need to drive toward what's being measured versus learning and improving on how to make the entire business work better for everyone. The "hot lap" is a good example of something that should not be done, even under management direction.

Everyone should ask themselves, "Is what I am being directed to do based on chasing a number or a measurement?" If it is, and it could be scrutinized as violating the Code of Business Conduct or your Technician Expectations, then it should not be done. Loss of time, liability and increased expenses are all too often the focus during inspections and investigations. Management should not be allowed to proclaim that old adage "Do as I say, not as I do!" Like many performance measures, nothing good will come of it.

In Solidarity,  
Ryan Letts  
President

## Be Careful What You Ask For

There were many voters in Michigan that thought voting for a business man would be the answer to Michigan's financial problems. He was also a Republican and everyone knows that Republicans don't support new taxes. Well, so much for no new taxes and from what we are hearing from Lansing it's not over yet. The other thing you may not be aware of is that every piece of legislation that goes through Lansing is now pro-business. You may not feel the effects of this legislation yet because they are small changes that don't affect all voters – at least right away.

There needs to be at least a balance between business and Michigan consumers. I think there is a message here for the next round of elections. We may need to have a track record to look at, or have the candidates debate the critical issues. Maybe request or demand to know their positions on education, taxes, consumer protections, pensions, public safety and fire protection; just to mention a few. How many Michigan voters do you think would vote for Governor Snyder now?

In Solidarity,  
Jack Lemonnier, Treasurer  
CWA Local 4034



# Why Be Sick On Vacation?

Sick time or vacation time?

I am not an FMLA guru nor do I claim to be. I do know most of you don't take a lot of time off work sick, you just use a couple of vacation days and figure you'll be better soon, figuring why go through the hassle of FMLA? Well, stop it.

When I take vacation, I don't want to be laid up not able to go anywhere or do anything. I want to be able to enjoy

myself! Don't diagnose yourself – actually go to the doctor. A lot of people think that they know what is covered under FMLA, but there is a lot to it. There are circumstances and instances where your time off may be covered when dealing with either your own illness, or that of a qualified family member. The thing to do is to call the union hall if you have questions and run them by someone (mainly Pam), who can help you decide by giving you the best information

based on your individual situation. You all know the importance of coding everything correctly these days; take time to make the right decision, so your vacation and personal days can be used for you and your family enjoyment!

In Solidarity,  
Charles Johnson  
Chief Steward  
CWA Local 4034



## CWA LOCAL 4034

### Congratulates

# LEANNE GRAY

## RECIPIENT OF THE:

## 2011/2012

## Robert D. Johnson Memorial Scholarship

Leanne is the daughter of Renee Gray. Renee is a Customer Service Specialist at the 36th Street location.

LOCAL 4034

## LABOR PAINS

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# “It Is What It Is” – Loser Theme Song

I’m not sure when that poisonous, seductive phrase became so common; I think I began to hear it from management in grievance meetings about three years ago. Then, it was attributed to a since-retired Director known for his pithy and somewhat...abrupt way of speaking. Of course, all managers below that Director had to accept those words as gospel and go meekly about their business; the more ambitious immediately began copying the saying to indicate their slavish devotion to a motto that, while grammatically correct, actually means nothing.

But, let us face what the mindless parroting of these words really means when used in the context of AT&T. “It’s too hard.” “I can’t figure it out.” “It’s scary.” “It’s confusing.” And on and on ad nauseum. When I hear these words, I know that the speaker has released himself from the burden of thought, accountability, responsibility and mentally retreated into a land of blissful ignorance where the big, bad

workplace is just a thing that somehow happens and can’t be impacted by humans. Any hard decision in the land of AT&T, no matter how much it may serve the customer, or improve conditions at work, can be successfully avoided by uttering this magic phrase. It works even better if accompanied by a hapless shrug and a slight rolling of the eyes as if to say, “Yeah, I could fix [fill in the blank], but it’s easier to spout this pseudo-Zen crap in order to mask my incompetence / laziness / helplessness!”

This trite, overused and ultimately meaningless phrase is often delivered with a wise nod and a nervous chuckle that invites you to join in the helpless, soul-sucking excuse-making of a dis-empowered manager. The cruelest twist is that if we were to use that same excuse to a manager when we failed to execute, we would be suspended. As a bonus, the manager who copped out by using that incredible statement of the obvious would deny having ever uttered it.

Ever notice that winners never proudly proclaim, “It is what it is?” Instead, they are happy to tell anyone and everyone that they wanted it, so they took it! This is what our Union has stood for, and what we continue to stand for. Put simply, in 1947 at AT&T, workers decided that life sucked at work and if they wanted it to change, they would have to fight and maybe get a little bloody (Eeeassy, Company! It’s a metaphor). Did our Union collectively gaze into its navel and meditate on the “is-ness” of things? No, we left that to management so they could explain falling share-prices to incredulous investors.

Instead, we got to work, made our demands and stuck together. It’s time, again, to roll up our sleeves. Time to say not, “It is what it is,” but “It is what we make it.”

In Solidarity,  
Hooker  
Administrative Assistant  
CWA Local 4034



**CWA Local 4034  
Invites You to Join Us at  
LABOR FEST 2011**

**“AMERICAN WORKERS EVERYDAY HEROES”.**



**Arts & Crafts  
Car Show  
Children's Activities  
Beer Tent  
Food Vendors  
Music**

**Monday, September 5th  
Ah-Nab-Awen Park  
11:00 a.m. to 5:00 p.m.**

**Free Admission to the  
Gerald R. Ford Presidential Museum  
“Benjamin Franklin, In Search of a Better World”**

**This exhibit is only being hosted at three sites in the United States!**



# Local 4034 Family "Picnics"



**Sunday, August 7, 2011**  
**West Michigan Whitecaps**  
**(Miller Lite House Deck)**  
**Game Time: 1:00 p.m.**  
**Picnic from: 1:00—2:30**

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**Sunday, August 21, 2011**  
**Lansing Lugnuts**  
**(Tailgate Terrace)**  
**Game Time: 2:00 p.m.**  
**Picnic from: 1:30 - 3:00 p.m.**

Tickets are first come/first serve. \$2.00 per ticket up to a maximum of 5 per Member. Additional tickets are available for \$20.00 each. Tickets must be reserved and paid for on/or before July 6, 2011. You can reserve your tickets by calling Shelly @ 616-241-4459 or via email to [shelly@cwa4034.org](mailto:shelly@cwa4034.org). Tickets must be paid for by check or money order made payable to: CWA Local 4034. *No Cash Please*. Checks and money orders can be mailed or dropped off to: CWA Local 4034, Attn: Picnic, 3281 Kentland Ct., SE, Grand Rapids, MI 49548. Members can only reserve for one (1) of the above games. Note\* Children under the age of 2 do not require a ticket.