

Steward certification: A primer for all

We have recently seen a spate of cases throughout the country involving challenges by management to the proper certification of shop stewards handling grievances. It appears a review of Article 17, Section 2 is in order. Article 17, Section 2.A, Appointment of Stewards, states:

The Union will certify to the Employer in writing a steward or stewards and alternates in accordance with the following general guidelines. Where more than one steward is appointed, one shall be designated chief steward....

Article 17, Section 2.A requires that stewards be certified in writing, normally to the installation head. Always maintain a copy of certification letters at the branch office. When new shop stewards are added, send an updated certification letter before the new steward begins his or her duties. That means whenever a shop steward is replaced, not only certify the new steward, but make sure that the old steward is removed from the updated letter.

Remember that proper use of shop stewards certified under 17.2.A means that a steward certified to represent carriers in a specific work location is not certified to represent carriers in another work location. A steward certified to be a steward in Unit A within an installation cannot be used as a steward in Unit B without proper certification for that unit.

An alternate method to the use of shop stewards as contemplated in 17.2.A is Section 17.2.B, which states:

At an installation, the Union may designate in writing to the Employer one Union officer actively employed at that installation to act as a steward to investigate, present and adjust a specific grievance or to investigate a specific problem to determine whether to file a grievance. The activities of such Union officer shall be in lieu of a steward designated under the formula in Section 2.A and shall be in accordance with Section 3....

The union has always defined “officer” in rather broad terms. However, we were recently unsuccessful with a regional arbitration case where the EEO officer of the branch (a non-elected position) was assigned to act as a shop steward and management argued the person was not an officer of the branch. While we disagree with management’s narrow interpretation, care should be taken

when assigning officers under the provisions of 17.2.B.

In addition, the parties agreed in National Pre-Arbitration Settlement H94N-4H-C 96084996 (M-01267) that “actively employed” includes full-time officers from the branch who are employed at the installation. The work of these officers acting in lieu of shop stewards should be compensated pursuant to Article 17, Section 4, which deals with the payment of stewards.

Article 17, Section 2.C allows the union to certify a representative who works in a different installation to act as a shop steward in other installations of 20 or fewer employees. Such certification must be in writing.

Article 17, Section 2.D is the catch-all for many of the other assignments of shop stewards and states:

At the option of the Union, representatives not on the Employer’s payroll shall be entitled to perform the functions of a steward or chief steward, provided such representatives are certified in writing to the Employer at the area level....

17.2.D allows the union to assign representatives not on the employer’s payroll to act as shop steward. These individuals do not have to be officers of the branch, though they may be, nor do they have to work at the installation to which they are being assigned. Importantly, these individuals *must be certified in writing to the area*. Unless you have received instructions to the contrary, send the certification to the area manager.

Anyone certified under 17.2.D is not on the employer’s official time. The individuals being certified may be from other installations as considered in National Pre-Arbitration Settlement H8N-2B-C 12054 (M-00233), which makes several requirements: (1) The employee must be actively employed; (2) The employee must be certified in writing to the area; (3) Certified employee will be compensated by the union; and (4) Will act in lieu of steward as designated in Article 17, Section 2.A. In addition, pursuant to Step Four H4C-1M-C 2986 (M-00798), former employees will be allowed to act in lieu of shop stewards.

Check to see that your certification letters are up-to-date. Make sure that shop stewards and individuals assigned to act in lieu of shop stewards do not begin their steward duties until proper certification has taken place. ☒