



# STEWARDS CORNER

Monthly Newsletter for Union Stewards

## Asking the Right Questions

### Information is power

In the [September 2021](#) issue of the *Stewards Corner* we discussed the Union's expansive right to information. Exercising this right is central to our success in representing our members. Stewards and grievance committee members can use information requests to investigate, prepare, and decide whether to proceed with or withdraw a grievance.

As a union steward you are entitled to almost anything related to mandatory subjects of bargaining --“wages, hours, and other terms and conditions of employment”-- as a part of your need to investigate an issue. Only the company's financial records are excluded, and we may even have access to those under specific conditions.

In this issue, we take a closer look at how information requests are valuable tools for investigating grievances and how you can exercise your rights.

If you bump into a situation where the employer refuses to give you information, talk with your Local Union President or Staff Representative; it may be grounds for an unfair labor practice charge.

### Getting the Facts

Remember, in overtime grievances the union has the burden of proof, so information is vital to showing that management violated the collective bargaining agreement (CBA). You can learn some of these details from interviewing members, but the employer has much of the documentation you need.

- Who worked?
- A list of who should have worked.
- How much time was worked?
- When was the work performed?
- What does the employer owe the employees who were bypassed for overtime?

These questions can be turned into an information request as shown here:

**To: Larry Brown, Director of HR**  
**From: Sue Wheeler, Steward**  
**Date: March 5, 2022**  
**Re: Overtime bypass investigation**

In order to investigate a potential grievance, the Union requests the following information:

1. A list of all employees who worked the third shift on Tuesday, February 22

2. The overtime rotation list for the week of Sunday, February 20-26
3. Time cards for all employees who worked Tuesday, February 22
4. The amount of overtime worked by employees, including employee ID numbers.

This request is made pursuant to the Union's right to information under the National Labor Relations Act. Please provide these records by Saturday, March 19. If any part of this request is denied, or if any material is unavailable, please state so in writing and provide the remaining items by the above date, which Local 1234F will accept without prejudice to its position that it is entitled to all documents and information sought in this request. This letter is submitted without prejudice to USW Local 1234F's right to file subsequent requests.

### Dealing with Discipline

Employers have the burden of proof to show that they have just cause to discipline workers. In these instances, stewards and grievance handlers should use information requests to investigate the issue and evaluate whether a grievance is warranted or not. Here are some items to request to investigate disciplinary grievances:

- A copy of the employee's personnel file. This will show if the employer has applied previously disciplined the employee and if progressive discipline was applied. Depending on your CBA, discipline may also be removed from a worker's file after a certain length of time without incurring additional discipline.
- Copies of relevant rules, policies, or postings.
- The names of all witnesses and copies of their written, audio, or video statements.
- Copies of all documents, reports, photographs, video, and any other evidence the employer gathered in its investigation.
- A list of all facts and circumstances the employer used in its decision to discipline the worker.
- A list of all bargaining unit members who have been disciplined for similar violations in the previous five years, including those who are no longer employed by the company.

Information requests are one of your best tools for handling grievances. Talk with your Local Union President or Staff Representative about using them.

## Ruben Garza – “I was the Guy!”



Ruben Garza,  
Retiring District  
13 Director

Ruben Garza was only four years old in 1960 when the truck his family was riding in broke down on a rural road southeast of Lubbock, Texas. For three weeks, the Garzas camped out on the side of the road, along with the three other Mexican-American migrant farmworker families traveling with them. By the time the parts arrived to fix the truck, Garza’s father had found work at a local farm, and the family settled in the small farming town of Rotan.

“That’s when we started to learn English,” recalls Garza, “Before that, we just spoke Spanish. They used to bus the black kids to Hamlin, Texas, for high school. We were called ‘beaners’ in school, but we were considered ‘white,’ and they let us in the ‘white’ school.”

“We were cotton-pickers in West Texas, migrant workers; we would hoe and chop cotton. Dad and Grandpa would plow the land, plant cotton, then hoe the weeds out: ‘la limpia.’ When my brothers and I were 11 years old, we started working. I was kind of small for my age, and my dad handed me a hoe and had me show the boss that I could chop cotton. The Man said, ‘He’ll do.’ And I was hired.”

After graduating from high school, where he was the captain of both the football and basketball teams, Garza worked his last summer in the fields. Within a year he landed a union job at National Gypsum Company. There he became a member of the Union, and soon after he stepped up to become a steward.

Ruben recalls the first time he made an information request of the company, “A guy, Freddy, was fired for attendance. I asked to see the records. We went through the records, card by card,

*and I proved that other guys had worse attendance than he did. I just liked what we were doing with the union. I had some excellent mentors. They were well-spoken and would shame the hell out of the company. It’s a damn good feeling to win.”*

National Gypsum fired Garza for union activity in 1989, and he immediately started fighting to get his job back. It took two years, but Garza won. Boyd Young, then regional UPIU vice president, noticed how well this new local union president had put together his successful arbitration. In 1996, the UPIU hired Garza as their first bilingual staff representative.

Garza became a USW staff representative when the Steelworkers merged with PACE in 2005 and was elected Director of USW District 13 in November of 2013, leading a district that serves more than 50,000 USW members in Texas, Louisiana, Oklahoma, and Arkansas.

Besides leading successful strikes and arbitration cases, Garza has led contract bargaining for locals in the union’s atomic, oil, pipeline, chemical, paper, and steel industries. He has moved the union forward not just in areas of wages and benefits but in health, safety, and environmental protection.

He has never forgotten those, like his wife’s uncle Eluterio, who pushed him to get active in the union, “There was something missing. Those guys were trying, but they were lacking in education and they knew they needed one of their own in the union leadership. I was the guy.”

**Ruben Garza announced his 2022 retirement last year and is being succeeded by Larry Burchfield as Director of District 13.**

## TEACHING TUESDAYS

- ▶ 3/8/22: **FMLA & ADA (11 AM EST) (8 PM EST)**
- ▶ 3/15/22: **Women’s Labor History (11 AM EST) (8 PM EST)**
- ▶ 4/5/22: **Writing Grievances and Presenting them to Management (11 AM EST) (8 PM EST)**
- ▶ 4/12/22: **Contract Language Basics (11 AM EST) (8 PM EST)**
- ▶ 4/26/22: **Immigrant Rights Are Civil Rights: The Role of Migration/Immigration in the Struggle to Achieve Dr. King’s “Beloved Community.” (11 AM EST) (8 PM EST)**

**Save the Date: Thursday, May 19th at 7:30 PM EST**

A Conversation with **Kim Kelly**, Author of **Fight Like Hell: The Untold Story of American Labor**

Check out our online education classes by registering via the links below or scanning the QR code.

- All classes are held at **11 AM (EST)** and **8 PM (EST)**.
- Click on the time slot that you can attend to register for the classes you want to take.
- **All classes’ times are in Eastern Standard Time**
- Steward Training Classes are on the 1st Tuesday of every month.
- All Classes are being held via Zoom.
- Classes are 1-hour 30-minute sessions.

Scan the QR code to get more information  
<http://usw.to/teachingtuesdays>



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