

## Weingarten Rights – Yours For The Asking

In 1975, the Supreme Court held that an employee has the right to be accompanied by a union representative while being questioned by the employer during an investigatory meeting regarding issues that may lead to discipline or affect your personal working conditions. This is often referred to as "Weingarten Rights." Weingarten was the name of one of the parties in a landmark case on this issue.

### Union Members and Weingarten

Employees sometime confuse Weingarten rights with Miranda rights. Under the Supreme Court's Miranda decision, police who question criminal suspects in custody must notify them of their right to have a lawyer present. The Supreme Court did not impose a similar requirement in Weingarten. An employer does not have to inform an employee that he or she has a right to union representation.

One of the vital functions of a union steward is to prevent management from coercing employees into confessions of misconduct. The Weingarten decision means you don't have to be alone when being interrogated by management. This is especially important when a company security investigator or a supervisor experienced in interrogation techniques is questioning you. Although given the current levels of inexperience in management, many supervisors are lucky to have mastered basic personal hygiene techniques, much less interrogation techniques.

The big keys of your Weingarten Rights to remember are:

- YOU must ask for a steward to be present to provide union representation.
- The meeting must be investigatory in nature, potentially resulting in discipline.

### What is an investigatory interview?

Weingarten rights apply only during investigatory interviews. An investigatory interview occurs when: (1) management questions an employee to obtain information; and (2) the employee has a reasonable belief that discipline or other adverse consequences may result. For example, an employee questioned about an accident would be justified in fearing that she might be blamed for it. An employee questioned about poor work would have a reasonable fear of disciplinary action as a result of the investigation.

### Shop-floor Conversations

Not every discussion with management is an investigatory interview. For instance, a supervisor may speak with an employee about the proper way to do a job. The supervisor may even ask questions. But because the likelihood of discipline is remote, the conversation is not an investigatory interview. A shop-floor conversation can change its character, however. If the supervisor's attitude becomes hostile and the meeting turns into an investigatory interview the employee is entitled to representation.



CONTINUED, See WEINGARTEN, Page 7



## From The President's Desk

*If there is to be peace in our industrial life let the employer recognize his obligation to his employees...*

*John L. Lewis*

<b>Corporate Officer</b>	<b>Compensation 2005</b>
<i>Ivan Seidenberg - VZ CEO</i>	<i>\$19,425,000</i>
<i>Larry Babbio - Vice Chair</i>	<i>\$11,674,100</i>
<i>Dennis Strigl - VZ Wireless</i>	<i>\$11,209,600</i>
<i>Bill Barr - EVP &amp; Gen. Cnsl</i>	<i>\$6,851,400</i>
<i>Doreen Toben - EVP &amp; CFO</i>	<i>\$ 6,736,800</i>
<i>Don Peterson -Avaya CEO</i>	<i>\$3,168,154</i>

The average Verizon worker has to work 388 years, without vacations, to match what Ivan Seidenberg made in 2005. Our Avaya members have it a little bit better, they only have to work 63 years to catch Don Peterson.

What is wrong with this picture? Our man Ivan Seidenberg sits atop the leader board among Communications Companies CEOs I'm not sure how poor old Don Peterson gets by on his paltry compensation by comparison.

In 2006, the CWA negotiated an agreement with Avaya that included a 9.27% increase over the three-year term of the contract. Don Peterson, Avaya CEO received an increase four times that amount in one year. In 2005, Verizon employees received a three percent increase in wages. Not one of the executives listed above received less than a 44% increase in that same year.

Something is seriously wrong in our country when we have this



**President Les Evans**

such disparity between what the workers earn and what the executives are paid.

While it's good to be "King", Americans are rapidly moving towards a nation of those very few "Kings" and the rest of us "serfs".

In the meantime, the Bush Administration sends our American soldiers around the globe to fight and die for an idea we call democracy. Yet, here at home they are doing all they can to kill any democratic organization that threatens their "Kingdom".

Unions are just one such organization. A labor union is merely an organization of workers who join democratically to protect themselves and their families. It escapes me how an administration so fond of touting the idea of family values and democracy could be so dead set against the labor movement. The hypocrisy is astounding!

The U.S House of Representatives overwhelmingly passed the Employee Free Choice Act last month and the U.S. Senate is poised to do the same. The Bush Administration has already announced their intention to veto the bill. Why? They say it's to protect worker privacy in demanding a secret ballot election. The reality is something quite different.

All too often, when workers petition the NLRB for a representation election, the time span between filing for the election and the election itself gives the "Kings" time to intimidate, and often fire the employees leading the fight for a union. The law prohibits these actions, however; our current laws don't work. In the time it takes to find an employer guilty of any violation the election has long since passed with the workers sufficiently frightened to defeat the organizing campaign. Even then, the penalties for having broken the law pale in comparison to the savings the "Kings" realize by keeping wages and benefits to a minimum.

I fear the day is coming in America when we will come full circle to a time 100 years ago when workers rights to fair wages and safe working conditions will not exist. We are returning to a time when American corporations, and the few "Kings" that control them, will prevent ordinary Americans from realizing the American Dream.

One hundred years ago, it took many workers paying the ultimate price, dying for their rights, before we wrote and enforced laws protecting the American worker.

Let's hope we as working people are smart enough to stand together against those "Kings" before it goes that far.

*Les*

### Communications Workers of America

## 2108 news

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**Jenny K. Sylvester.....Vice President**  
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#### Recording Announcements



(301) 459-8381: Avaya and Lucent  
 (301) 459-8422: Verizon  
 (301) 459-9541: VCSI



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## RMC 2108 Retirees Corner

By Dennis Strout, President RMC 2108

### DUES-DUES-DUES

This is just a reminder that if you have not paid your 2007 annual dues yet, please do. We have to rectify our membership list with the National Retirees Council. If you have not paid your dues by May we cannot count you as a member of the Chapter. The National has sent out information on its one time \$25 fee to become a lifetime member.

If you are already a member of the chapter you are already a lifetime member and do not have to pay that fee. Pay your dues by May and avoid the fee.

### BENEFITS

People are still asking about the death benefit from Verizon. You need to call this number 1-877-275-8947 and ask them to send you a certificate verifying your eligibility.

The benefit is worth up to \$39,000 payable to your spouse. It does not go to anyone other than your spouse. This benefit is not insurance. It has nothing to do with life insurance or supplemental insurance. It is a benefit.

If you wish to check your insurance to make sure your beneficiaries are up to date you can call Met Life on 1-888-201-4612. If you have had any changes in beneficiaries since you started with the company you probably should make sure that your insurance has the correct beneficiaries.

### MARCH MEETING

I would like to thank **Dee Bryant** for providing door prizes at our March meeting. Dee does this often but I always seem to forget to thank her so I'm doing it first before I for-

get again. To all who participated in the Bowling for Gold Tournament, many thanks. I think I can safely say we all had a good time and managed to raise a few dollars for the Metropolitan Community Services Agency at the same time.



**RMC 2108**

**Mike Vivirito**, District 2 Retirees Council President attended the meeting and gave an explanation of the Nationals \$25 one time lifetime membership fee program. So far the National has taken in over \$4,000 from this program. The monies will be used for expenses of the organizers. Mike just finished organizing a new chapter in Virginia.

No one on the National staff gets payed a salary. People like Mike are responsible for organizing new chapters and they have to travel to do this. Expenses are the only monies they receive.

March is a busy month for legislative rallies and conferences. On the 19th **Calvin Foster** will be attending an AFL-CIO night in Annapolis. He will be talking to various state representatives about issues that we as retirees and seniors are concerned with.

On March 25-28, CWA has its annual Legislative Conference in Washington D.C. Both Calvin and myself will be attending. A full report will be given at the April meeting.

Our next meeting is April 8th. Please make plans to attend. We look forward to seeing you.

## Cell Phones For Seniors

The Prince George's County Sheriff's Office is seeking donations of unwanted cell phones and chargers for distribution to senior citizens and people in need so they can dial 911 in case of emergency. These phones and chargers will be given to Prince George's County citizens free of charge as they become available. The 911 call itself is free of charge.

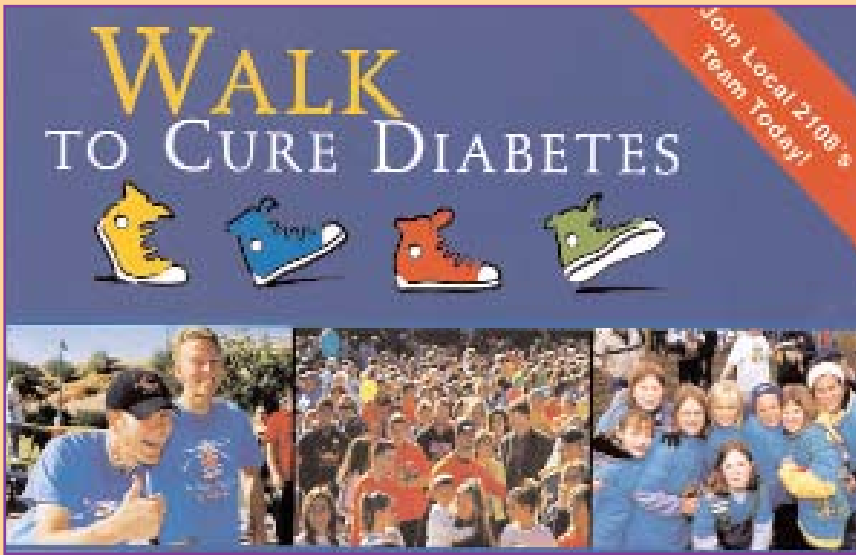
Individual phones and their chargers, placed in a zip lock bag, can be dropped off at:

- **Prince George's County Sheriff's Office, 1601 McCormick Drive, Largo**
- **Municipal and City Hall buildings**
- **Union Halls and Offices**
- **Local Police Stations**

"The county's seniors and disabled citizens on fixed incomes shouldn't have to choose between food, medication or cell phones for their personal safety," said Prince George's County Sheriff Michael Jackson.

This program can only be on-going if there are cell phones available to distribute. If you have any questions or desire more information about this viable program, please contact the Office of the Sheriff Public Information and Community Affairs Unit at 301-883-7001.





Join Local 2108's Team  
For  
**WALK TO CURE DIABETES**

May 6, 2006

Washington, DC  
National Mall

*(We'll leave from the  
Local Office at 9:00am)*

Lace up your sneakers and get ready to  
Walk To Cure Diabetes.

Last year, CWA Local 2108 raised thousands of dollars for the Juvenile Diabetes Research Foundation in their fight to cure diabetes.



C'mon out and join the fun and help make a difference in the lives of people living with diabetes. It's up to us to make it happen, one step at a time. Whether joining us for the walk or to find out how to contribute to this important cause contact Vice President Jenny Sylvester at the Local office on (301) 459-2108.

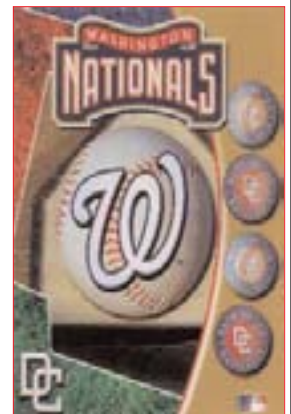
**Take Me Out To The Ballgame**

Join Local 2108 and a whole bunch of union friends and family at Labor Night with the Nats!

We are getting 100 tickets to the Washington National's home game against the **Colorado Rockies** on **July 20, 2007** with a start time of 7:05 p.m.

Tickets are **\$6** each, with \$1 dollar from each ticket going to the Community Services Agency of the Washington Metropolitan Council of the AFL-CIO. This agency provides assistance to area union members and their families during times of need.

**Don't delay...** Sign up for your tickets today! Tickets are available on a first come first served basis. Money for ticket purchases should be sent to Local 2108 or call 301-459-2108 for more information.



**2007 CWA LOCAL 2108 SCHOLARSHIP GRANT**

CWA Local 2108 is proud to offer scholarships to our members and their families. Please read the rules below, and call the Local if you have additional questions.

1. Three \$2,000 scholarships are available.
2. Available to members in good standing since last negotiated contract, their spouse and dependent children or dependent children of deceased members.
3. \$1,000 will be mailed directly to the institution per semester.
4. Student must take at least 9 credits per semester.
5. Must have a letter of acceptance to college or accredited learning institution with application.
6. Drawing at July membership meeting as a raffle.
7. Community Service Committee will screen applications.
8. Applications must be postmarked by June 30, of current year.
9. Resignation from the union will forfeit scholarship awards.

NAME: \_\_\_\_\_

SOCIAL SECURITY # \_\_\_\_\_

RELATIONSHIP TO MEMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME TELEPHONE #: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

MEMBER'S NAME: \_\_\_\_\_

WORK TELEPHONE #: \_\_\_\_\_

NAME OF SCHOOL: \_\_\_\_\_

## CWA Local 2108 Members

### Welcome New Members

#### Tina Mischou

James B. Curtin, IV  
Brian Naecker  
Kyle Dominique  
Kevin Lusk

#### Barbara Oliver

Rachelle Dennis

#### Bob Orr

Jarod Beckham

### Transferred Members

#### Vallorie Coley

Lisa Willey

### Retired Members

James Royster

Mark Brashears



## Personals

*We wish to extend sincere sympathy to the family and friends of:*

**Leo Stone**, father of **Rolando Gonzales** who died on January 4, 2007.

**Marjorie Faulconer**, mother of retired member **Carleyne Parker** on January 10, 2007.

**Salvador Jesus Silva**, father of **Rocio Leonzo** and **Ines Millard** who died on February 25, 2007.

**Warren O. Jaquith**, brother of **Wayne Jaquith** who died on February 28, 2007.

**Veotis Parker**, father of **Gregory Parker** who died on March 6, 2007.

**Paul Joseph Young, Sr.**, father-in-law of **Tracey Young** who died on March 16, 2007

**Madeline Parker**, mother of **Gregory Parker** who died on March 18, 2007.

### Congratulations to:

**Sherrie and Bryan Gibney** on the birth of their son, **Aiden Gibney** on October 13, 2006.

## Bowling For Gold



A lot of pins were knocked down during the 15th annual Bowling for Gold Fundraiser. Two teams from the Local joined with a team from the Retired Member's Club to represent Local 2108 among many teams of union activists raising money for the Washington Metropolitan AFL-CIO Community Service Agency. Ten members from the local plus the Retirees team solicited their coworkers for donations and were able to collect over \$920.00. The contributions will be used by the Community Service Agency Emergency Assistance Fund to provide assistance to union workers in financial crisis.

We express thanks to all the people who gave donations to the members of the three teams including: (CWA Strikers) **Tim Wilson, Candace Carroll, Selvin Strauss, Micki Wade, Chuck Monk**; (MoCo) **Paula Gibson, Mark Sanders, Daryl Chappel, Nicky Conaway**; (Retirees Team) **Dennis Strout, Mike Wallace, Corrine Wallace, Barbara Eden-Balster, Bill Balster** and special kudos to all the members who came out on a Sunday to help make the event a day of fun, fanfare, and an unforgettable time.

## CWA Lobbies Capital Hill on Additional Pension Protections

Retirement security is a goal out of reach for many American workers. Our traditional private pension system is wearing thin with fewer workers now covered by defined benefit plans than ever before. Over the last few years, some companies have taken the cynical view that the bankruptcy process is a legitimate business strategy for eliminating pension obligations. Even healthy companies are reneging on their decades-old commitment to retirement security for their employees by freezing plans and replacing guaranteed benefits with 401(k) contributions.

In August of 2006, Congress passed the Pension Protection Act of 2006. This legislation was dubbed by many the most significant change to the nation's pension law since the passage of ERISA in 1974. It was the product of months of intense lobbying by labor and business, accountants and actuaries, consumers and experts.

The final bill came out of a difficult conference process by which members of the house and senate struggled to reach compromises acceptable to their goals and those of their various constituencies. Unfortunately, the result was a mixed bag for retirees and prospective retirees – active workers.

In the end, the Pension Protection Act of 2006 ran over 900 pages and strengthened funding requirements for defined benefit pension plans; created opportunities for the creation of new cash balance pension plans; opened the possibility for automatic enrollment in 401(k) plans with mandatory contributions by both employee and employer; provided for investment advice to employees participating in 401(k) and many other specific changes to the retirement system.

Nonetheless, PPA 2006 did not prevent employers from freezing the pension plans they sponsor, regardless of how well funded they may be; did not resolve the long running dispute over age discrimination in past cash balance conversions; requires employees to opt out of a savings plan in which they do not want to participate if their employer automatically enrolls them; allows the same companies that provide savings plan services to give investment advice, a situation fraught with potential conflicts of interest.

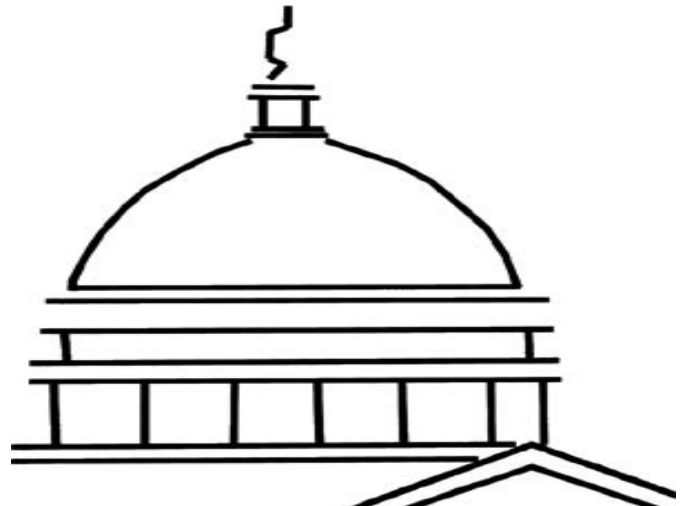
While there may be little stomach in Congress for another difficult year in the fight to protect retirement security, there are very real needs which were not addressed by PPA 2006:

1. Congress should enact corporate bankruptcy reform to protect workers pensions and retirement savings.

Examples such as United Airlines and the Delphi Corporation have demonstrated the desperate need to reform the bankruptcy process to protect the interests of workers and retirees as employers seek to cut labor costs by eliminating the costs of pension and health coverage. Almost no aspect of financial security for workers is protected as a bankrupt employer seeks to strip its costs to improve its "competitiveness".

CWA and the AFL-CIO support reform to provide workers with a claim in bankruptcy court for lost pensions and retirement savings assets and to prohibit companies from selling assets to escape the payment of promised benefits.

2. Congress should enact tax policies to encourage employers to maintain their defined-benefit pension plans.



PPA 2006 changed the rules in to improve the level of funding available to support the pension benefits which employees have earned. However, there are no assurances that companies will not assess these additional funding requirements as incentives to freeze current benefits and eliminate future accruals.

CWA and the AFL-CIO support new tax policies to provide additional incentives to employers who fully fund their benefit plans and insure retirement security guarantees.

3. Congress should explore other delivery systems to provide American workers with a guaranteed retirement benefit to supplement Social Security.

While half of American workers participate in an employer sponsored pension plan, fewer than 20% can depend on a defined benefit pension plan which guarantees a level of income security for their years in retirement. The rest of those with a plan must depend on the success of their investments in a savings plan to develop their income source for retirement. But fully half of the workforce is without any employer-sponsored plan. These workers have only Social Security and their own savings on which to depend.

CWA and the AFL-CIO support efforts to develop new savings plan vehicles that would help employers to help employees to save for their retirement. These plans should afford a mix of guaranteed savings options as well as investment opportunities.

4. Congress should require uniform and clear disclosure of defined-contribution plan fees.

The Government Accounting Office (GAO) reports that in 2005 some 47 million Americans had invested more than \$2 trillion in 401(k) plans. But 80% of those workers had not idea how much they were paying in fees to participate in those plans. The amount of those fees can have a very significant impact on the ultimate value of those savings plan investments in retirement.

CWA and the AFL-CIO support the recommendations of the GAO report that would have Congress amend the rules governing the disclosure of fees by 401(k) plans to eliminate the current "piecemeal" rules which are hurting plan participants.

## **WEINGARTEN, CONTINUED from Page 1**

### **Disciplinary Announcements**

An employee only has Weingarten rights for investigatory interviews. If the employer is meeting with the employee solely for the purpose of imposing discipline, there are no Weingarten rights. However, our CWA Collective Bargaining Agreements provide for representation at such meetings as follows:

- Verizon Telecom Core CBA - Article 20
- Avaya CBA - Article 5
- Idearc CBA - Article 18.12\*
- VCSI CBA – VCSI Management Practice, no specific CBA language

\*The Idearc agreement includes language for union representation at Investigatory (covered by Weingarten) as well as Disciplinary meetings.

### **Employee Rights**

Under the Supreme Court's Weingarten decision, the following rules apply to investigatory interviews:

- The employee can request union representation before or at any time during the interview.
- When an employee asks for representation, the employer must choose from among three options:

1. Grant the request and delay questioning until the union representative arrives;
2. Deny the request and end the interview immediately; or
3. Give the employee a choice of: (a) having the interview without representation or (b) ending the interview.

If the employer denies the request for union representation and continues the meeting, the employee can refuse to answer questions.

### **Stewards Rights**

Employers sometimes assert that the only function of a steward at an investigatory interview is to observe the discussion; in other words, to be a silent witness. This is incorrect. The steward must be allowed to advise and assist the employee in presenting the facts. When the steward arrives at the meeting:



- The supervisor or manager must inform the steward of the subject matter of the interview: in other words, what is being investigated.
- The steward must be allowed to have a private meeting with the employee before questioning begins.
- The steward can speak during the interview, but cannot insist that the interview be ended.

We strongly encourage our members to take advantage of having a steward present at an investigatory interview. In addition to the rights listed above, stewards can:

- Serve as a witness to prevent a supervisor from giving a false account of the conversation
- Object to intimidation tactics or confusing questions
- Help an employee to avoid making fatal admissions
- Advise an employee, when appropriate, against denying everything, thereby giving the appearance of dishonesty and guilt
- Warn an employee against losing his or her temper
- Discourage an employee from informing on others
- Raise extenuating factors.

### **Your Weingarten Rights**

If you are called into a meeting with management, inform them of the following when the meeting begins:

***"If this meeting could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my Union Representative, Steward or Officer be present at this meeting. Until my representative arrives, I choose not to participate in this discussion."***

Bottom line? Weingarten Rights are yours, but only if **YOU ASK FOR THEM.**

## **Hold on to those Verizon Proxies**

Verizon's annual shareholder meeting will be on May 3, 2007 in Pittsburgh, Pa. Your proxy should be arriving in the mail shortly. We are asking all members who hold shares of Verizon stock to sign your proxy form and return it to your Chief Steward.

The local is making plans to attend the annual shareholders meeting to deliver our message that we will not sit on the sidelines while our work is moved from the bargaining unit.



# Local 2108 Union Calendar

## April 2007

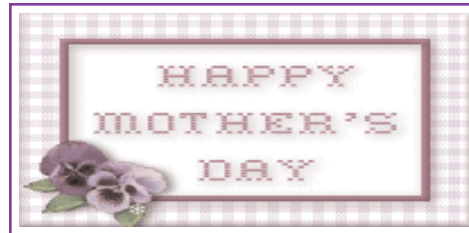
- 5 Chief Steward Meeting 9:00am  
Local Office, Landover, MD
- 8 Easter Sunday
- 11 Retired Member Club Meeting 11:00am  
Local Office, Landover, MD
- 11 General Membership Meeting 6:00pm  
Local Office, Landover, MD
- 25-26 Blood Drive  
Calverton Business Office, Beltsville, MD

**Give Blood!**

<p><b><u>2007 Chesapeake Blood Drives</u></b></p> <p>May 8 &amp; 9 August 7 &amp; 8 November 6 &amp; 7</p>	<p><b><u>2007 Calverton Blood Drives</u></b></p> <p>April 25 &amp; 26 June 27 &amp; 28 September 26 &amp; 27 December 12</p>
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## May 2007

- 2 Chief Steward Meeting 9:00am  
Local Office, Landover, MD
- 8-9 Blood Drive  
Chesapeake Complex, Silver Spring, MD
- 9 Retired Member Club Meeting 11:00am  
Local Office, Landover, MD
- 9 General Membership Meeting 6:00pm  
American Legion Post 268, Wheaton, MD
- 13 Mother's Day
- 28 Memorial Day  
Local Office Closed



Visit Local 2108 On The Web: [www.cwlocal2108.org](http://www.cwlocal2108.org)

**All About Your  
Weingarten  
Rights...  
See Pages 1**

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Hyattsville, Md.

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