

U E S T E W A R D

FIRST LINE OF DEFENSE

UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA • MARCH 2020

SENIORITY BASICS

Joe, the union chief steward, was approached one morning by Hank, a third shift employee, who was very low on the seniority list. “Hey Joe,” said Hank. “I have a question.”

“What’s up?” replied Joe.

“Well, you know there’s a lot of talk going around about layoffs.”

“Those happen from time-to-time but we haven’t heard anything definite yet,” said Joe.

Hank continued, “Well I was asking my foreman about it and he said if it was up to him I wouldn’t get laid off, but because of the union rules, I’ll be one of the first to go. That doesn’t seem right; I’m a good worker and I need the job.”

“Hey, we’re not the ones doing the layoffs, the company is; we’re just trying to make them treat everyone fair,” replied Joe.

Why do we have seniority systems?

Seniority systems started with an attempt by workers to solve the problem of management favoritism and discrimination. This is a central belief of unions, that all workers

should be treated equally and fairly.

This problem of management being in total control is what propelled many workers to form unions. Think what the work place would be like if only the employer got to decide the following:

- Who works each day;
- Who gets which jobs;
- How much each worker get paid;
- Who gets overtime;
- Who gets laid off;
- Who gets recalled from a lay off;
- How much vacation a worker gets;
- When do they get to take vacation time off?

If only the boss gets to decide this, it always leads to a system of favoritism and discrimination. It pits worker against worker in trying to curry the bosses’ favor in order to get a pay raise or time off. One method of limiting the management’s control over all aspects of a workers life was to determine who gets what by something that is very measurable and can’t be twisted by management. That “thing” was how many years of service a worker has with the employer. This measurable item, “years of service”

is the basis for seniority systems.

The benefits of using “seniority” becomes very clear in terms of how employees get pay raises in order to reach the top rate of the job.

Under a “merit pay” plan, workers get pay raises (especially new employees whose starting rate of pay is lower than the normal rate of pay) when the employer decides they deserve one. Under a pay plan governed by seniority, an employee gets moved up the pay scale according to how much time they have with the employer. The pay raises are automatic, based upon seniority.

Seniority systems are a result of bargaining

Most seniority systems are a result of bargaining between the union and the employer and they also reflect what was in place before the union was built by the workers.

In the UE, like every other union there are many variations on seniority systems, but all exist because there was unfairness in the workplace. All of them are attempts to take away the employer’s ability to play favorites or discriminate.

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In the past not all seniority systems prevented discrimination

In the UE the main goal of a seniority system is to prevent favoritism and discrimination. In some unions this didn't always work.

When unions in the steel industry were first organized there was rampant discrimination in the hiring practices of the companies. African-American workers were only hired for the worst jobs in the steel mills. The seniority system that was negotiated was based solely on departmental seniority, not total seniority with the company. When better paying and safer jobs went up for bids, only people in those departments could get them. Thus African-American workers who might have more total seniority than the job bidder were frozen out of the better safer jobs in the mill. It finally took action by Federal courts in the 1970's to stop and change that seniority system, because instead of eliminating discrimination it actually enforced discrimination.

A pure seniority system, that measured only an employee's years of service, would look something like this:

"Seniority shall be based upon an employee's length of service from date of hire. In all cases of layoffs, rehiring, permanent transfers, promotions, and shift preferences, length of service shall govern."

So in this case, if the employer had to have a layoff, the least senior employee in the workplace would be laid off. If there was work that the least senior employee used to do, and it still needed to be done, then a system of transferring employees to get the work done would have to be put in place.

Employers usually object to a system like this because it means they have to move workers around and that involves training. Employers are interested in making money, and to most of them that takes precedence over fairness. Many seniority systems have language that modifies the system by adding language that addresses some of the employer's concerns.

"Seniority shall be based upon an employee's length of service from date of hire. In all cases of layoffs, rehiring, permanent transfers, promotions, and shift preferences, length of service shall govern, provided the employee has the ability to learn to perform the work in a reasonable time."

This language changes the idea that seniority is the only factor in deciding who gets what by adding another factor, the employee's ability to learn to perform the work in a reasonable time.

This answers the boss's objection, "I know Pete has worked here forever but he can't learn any other job than the one he's done for 30 years. Why do I have to let him bid on a job we all know he can't do?"

Now the debate is can Pete learn to do the new job. The problem is that a person's ability to learn a job isn't as measurable as an employee's length of service. Now we have grievances over whether an employee is learning the job in a reasonable time.

A good part of the UE steward's job in a situation where employees are supposed to receive on-the-job training is to make sure that employees actually receive on-the-job training, so that they can exercise their seniority rights.

Does seniority only protect senior employees?

That was the idea that Hank had: seniority only helped the older worker and hurt him. UE stewards have to explain to new workers who are unfamiliar with the idea of seniority (and probably unfamiliar with unions and union contracts) what it is all about and the protection it gives them.

Once an employee has passed their probationary period (based upon time in the workplace) they cannot be unjustly terminated, unlike a non-union workplace where a worker can be fired anytime.

Based upon an employee now having seniority, they become eligible for all sorts of benefits, such as vacations, holidays, sick time, sickness and accident insurance. In a non-union workplace an employer could give some

people extra vacation time and not give it to others.

All these benefits which were negotiated by the Union now become available because the employee now has seniority and these benefits cannot be randomly taken away by the employer.

These benefits include recall rights if the employee is laid off. In a non-union workplace the employer is under no obligation to rehire employees they have laid off. In a union workplace an employee's seniority gives them recall rights. In many workplaces the more seniority a worker has, the longer recall rights they have.

The conversation continues

"Look at it this way, Hank," said Joe. "Remember when your foreman was mad at you for taking time off?"

"Well he was wrong," said Hank. "I wasn't just goofing off, my kid got real sick and I had to stay home a week to take care of him."

"Right," replied Joe. "He was wrong, but if he had his way back then he would have put you on a worse job. In fact he went around telling people that you were through."

"You know why he couldn't do that?" asked Joe. "Go ahead and tell me," sighed Hank.

"Because the union had negotiated a seniority system, and you had enough time to come under the union's protection. We told him to back off 'cause it wouldn't look good to change the job of a good worker who was doing the right thing and taking care of a sick kid."

"And one last thing," Joe said, as he stood up to go back to work, "remember next month when you get a pay raise that puts you at the top of your rate; it was the seniority system that we negotiated that says after one year an employee gets the top rate of pay."

