



Engineers & Scientists of California

Local 20 IFPTE



What do I do if the employer makes changes in the workplace? A Guide for Stewards

Generally, the employer cannot unilaterally change wages, hours or working conditions. If the employer does make a change, here is a basic checklist you can follow to understand your rights:

- 1) Is the change a violation of the contract?
 - If it is, file a grievance.
 - If you aren't sure, check in with your labor representative.
 - Remember, it doesn't matter if the employer gives notice or opportunity to bargain, if there is an economic need for the change, or if the employer means well. The employer is not allowed to change the contract.
 - Some provisions of the contract permit the parties to reach local agreements. If this is one of them, contact your labor representative for assistance. There are internal reviews and authorizations required before anyone changes the contract.
- 2) If you don't see any relevant provision in the contract, read the employer/management rights clause. Is the change within the scope of management's rights?
 - If it is, the employer may be able to make the change but may still have some obligation to bargain. Notify your labor representative.
- 3) If the contract is silent, is the change a mandatory or permissive subject of bargaining?
 - A. Mandatory: wages, hours or working conditions
 - If the employer wants to change something in the workplace that is a mandatory subject of bargaining, the employer is required to:
 - provide a timely notice to the union; and
 - bargain to impasse before making the unilateral change. The employer must bargain over its decision to make the change and the union has more power to change the result.
 - B. Permissive: mostly internal union matters
 - If the employer wants to make a change to a permissive subject of bargaining, the employer is required to:
 - provide a timely notice to the union; and
 - bargain over impacts or effects of the change. This means the union usually cannot resist the change but can only bargain over its rollout or how to mitigate

impacts to members.

REMEMBER! Always involve your Union Representative if the employer tries to change wages, hours or working conditions, they can access legal support if necessary and help you assert your rights in a timely manner, so the union doesn't lose its ability to legally challenge the change.