

Making Connections to the Workplace:
Unions as a Resource
Provider Training Manual

GOAL:

Offer providers of vocational services an understanding of how Unions can help support people with mental health conditions at work and ways to access Union assistance.

LEARNING OBJECTIVES:

§ Describe Unions and the benefits they offer

§ Identify ways Unions can help with accommodation and other supports to consumers in the workplace

§ Learn how to access the Union and include union representatives in the accommodation process

§ Understand the significance of collective bargaining agreements and their influence on the action of the parties

Target Audience: This training is targeted to providers of vocational services for people with mental health conditions who are working or seeking employment.

Facilitator: The training should be facilitated by a provider staff member who is familiar with Unions (including the meaning of a collective bargaining agreement), the world of work (including how to communicate in the language of the workplace, and within its organizational structure) and workplace intervention strategies (including issues of disclosure and negotiation of ADA accommodations) to help people with mental health conditions gain and retain integrated, competitive employment.

This is meant to be an interactive session. The facilitator should encourage participation and involvement by asking for questions and comments every few minutes. Keep the question/comment periods brief, 2-3 minutes.

To augment the training, invite someone that you know from a Union to come and comment during the training and to answer participants' questions at the end of the session.

Training Group Size: The group should not exceed 12-15 participants

Needed materials: Copies of training handouts for all participants, the training video, A People with

Mental Health Conditions and Unions: A Supportive Relationship,[@] and a dry erase board or flip chart. There are 5 handouts (6 if you do not use the training video). You will want to make at least two copies of Handout 4, Plan to Work with the Union, for each participant.

Estimated Time: 2 hours 10 minutes

Leader notes: **Your directions are in bold type. The material to share with training participants is in regular type or italics.**

Introduction (10 minutes)

Welcome participants. Introduce yourself and indicate your connection (expertise) with today=s content.

§ Introduce purpose of the session.

§ Today we are going to talk about partnering with Unions as a way to improve the employment opportunities for consumers and as a way to support consumers in unionized job settings.

§ Before we get started let=s make sure we all know one another.

§ Leader: Have participants introduce themselves, the organization they represent, their role and what each person hopes to gain from the session.

§ Understanding Unions is important to providers of vocational services because

§ Unions can offer consumers, who are employed in unionized jobs, advocacy and job protection not available to workers who are not in unionized settings.

§ Unions are the gatekeepers for many training programs known as apprenticeships.

§ Union jobs account for 26 % of all the jobs in New York City. According to the New York State Department of Labor data, they are jobs in areas that are growing.

What is a Union? (20 minutes)

§ Do any of you have personal experiences with Unions? Have you ever been a member of a Union? Does a Union represent staff at your agency? Name a few Unions with which you are familiar.

§ Leader: Experiences will be positive and negative.

§ Respond to negative experiences with examples of positive Union work such as lobbying for increases in minimum wage or bargaining for better benefits for workers.

§ Point out that negative opinion is from an outsider=s view - that Unions always work for the benefit of members and that is what they are supposed to do. We may not like the way they do it, but their focal activities are always to benefit members.

§ All of you have some sense of Unions but lets=s make sure we all understand the basics.

§ A Union is a group of employees that come together to try and improve things like wages, hours and working conditions, including benefits.

§ Unions differ a great deal from each other, but there are some similarities:

§ The employees participate in a government supervised election.

§ If the majority of employees vote for a Union, the government certifies the Union as the Acollective bargaining agent@ of the employees. Then by law the employer is required to bargain with the Union in good faith for a contract called the collective bargaining agreement. After original Union is certified, all other employees that come to work for that employer pay dues and can join the Union after they pass a probationary work period.

§ Historically, Unions have been important representatives of workers= rights, particularly in the areas of working conditions, hours and rate of pay.

§ Unions= activities are protected by federal labor laws if the Union is certified as the collective bargaining agent.

We are going to do a True/False Questionnaire as a way of exploring some facts about Unions.

§ Leader: Distribute Handout 1, True/False Questionnaire.

§ Take about five minutes to complete this questionnaire by placing a check mark in whichever column you believe represents the correct answer, true or false. If you are not sure, take a guess based on what you believe is the correct answer.

§ Leader: After everyone appears finished, read each question out loud and ask for volunteers to share their answer and why they believe the statement is true or false. Use the information below to add to the discussion and further explain Unions to participants.

Encourage discussion and participation, questions and comments.

§ 1. *Unions are groups of employees that try to improve working conditions for members by causing disruptions and work stoppages.*

§ False. Sometimes strikes or work stoppages are used as a last resort when other bargaining procedures have failed, but they are not the primary means by which Unions negotiate for their members. This is a myth about Unions and sometimes creates a negative perception of Unions from an outsider=s perspective.

§ Union representatives are skilled advocates as we will be learning throughout this training. From the shop steward, who is a coworker of Union brothers and sisters, handling day to day problems on the job, to the Union president, who negotiates contracts with employers, Unions advocate for their membership. As mental health care providers moving people towards work, Unions are a resource to get to know.

§ 2. *The AFL-CIO is a large Union that is based in New York.*

§ False. The AFL-CIO is not a Union or bargaining unit by itself. It is a federation of sixty-six Unions in America, representing over thirteen million workers. The AFL-CIO has a lot of power and influence. It oversees the conduct of individual Unions, it is involved in political action and lobbying around issues important to workers, and it gives aid to Unions in organizing. The AFL-CIO has a Civil and Human Rights Department which is a resource for union members to get information on issues such as disability rights, rights of workers who are immigrants and affirmative action.

§ Although the AFL-CIO has a strong central governing body, it has over 700 local central bodies in communities that deal with local interests. In New York City, for example, the AFL-CIO is represented by the New York City Central Labor Council which offers technical assistance, social services and training to many locals.

§ 3. *A person must have a specialized skill or a lot of work experience to become a member of a Union.*

§ False. Joining a Union is a way to learn a trade and have access to a career path that allows equal access to opportunities that are based on both job experience and amount of time in the industry. Some Unions are organized around specific trades, but that does not mean you have to be an expert in the trade to get into the Union. Many of these Unions have apprenticeships.

§ An apprenticeship is a combination of on-the-job training and classroom instruction in which workers learn an occupation

§ Over 800 occupations are eligible for apprenticeships including, for example, baking, bookbinder, legal clerk, mechanic or medical assistant. Many of those occupations lead

to work in unionized job settings

§ Requirements of an apprenticeship program might include:

§ Applicants must be 16 years old (18 for hazardous work) and meet the program sponsor=s qualifications.

§ A fair aptitude test

§ Interviews

§ High School diploma

§ Previous work experience

§ 4. *Occupations such as hotel worker, restaurant worker, baker and janitor have Unions that work to protect their rights.*

§ True. Unions cover jobs in many industries and in all sectors of the economy.

§ Most craft jobs are unionized, e.g., plumbing, electrical work, carpentry.

§ Civil service jobs are often unionized, e.g., jobs with the county, city, state, or federal government (but the Union usually does not have power in the appointment process).

§ A wide range of industries have union jobs in NYC:

§ clerical

§ health care and hospitals

§ construction trades such as plumbing, electrical etc.

§ teachers

§ food service

§ maintenance

§ super market checkers and food handlers

§ Many of these jobs have an aging workforce, so even in times of a slow economy job openings come up through retirement.

§ New York State Department of Labor reports that many growth industries are in unionized job settings:

§ support staff at colleges and universities

§ hospitals and health services

§ special trade contractors and general building contractors

§ social services

§ 5. *Union contracts provide that a person cannot be fired from his or her job unless the employer shows evidence that the person cannot perform the tasks of the job.*

§ True. Unions have a system to work out disagreements and problems between the employer and a union member that is fair and saves union members their jobs whenever possible. This system is known as the grievance procedure.

§ A grievance begins when a disagreement exists between a member and a supervisor. The first step is for the member to register a grievance. The first step in the solution process occurs when the Union, usually represented by the shop steward, and the employer, usually represented by the employee's supervisor, try to work out a problem.

§ The next step allows the grievance to go before persons with greater authority, usually the Union's business rep and someone from Human Resources or Industrial Relations. A third level may involve the local president and the director of HR. Ultimately unsolved grievances are referred to a neutral third party called an arbitrator, a judge type person, not working for either the Union or the employer, who listens to both sides of the story and then makes a decision that both the Union and the employer must follow.

§ The grievance procedure is available to the Union if negotiations for a job change fail.

§ Workers in non-unionized settings may not have a right to a grievance procedure. If an employer treats a non-union worker unfairly, in most situations, workers have no protection.

§ 6. *A union counselor is someone who talks to workers and tries to recruit people for the Union.*

§ False. Union counselors are peers or hired professionals, trained in the social services, who work with union members around issues affecting them at work. Unions have a long history of providing excellent service to their members. Social service departments in Unions, sometimes

called Personal Service Units (PSUs), Member Assistance Programs (MAPs) or Union Assistance Programs (UAPs), provide services from legal advice to financial counseling to referrals for mental health services and counseling and/or referrals to members for personal problems affecting them at work.

§ 7. *If a Union member is caught using drugs or alcohol, he or she is usually asked to leave the Union.*

§ False. Unions have excellent programs in place for helping, and protecting the jobs of, people with substance abuse problems. In this area, Unions have a history of working with community providers and advocating in the workplace for their members for return to work. There are many parallels between the way Unions handle substance abuse issues and the ways in which Unions can be helpful to their members or new hires with mental health conditions. Your outreach to Unions can help to encourage this development.

§ So now we have dispelled some myths and learned some basic facts. **Ask, Are there any questions or comments?**

§ Leader: Ask if there are any questions or comments at this point. Allow a few minutes of discussion if there are any questions or comments.

Union Structure and Staff Patterns (10 minutes)

To be able to work with Unions, it is helpful to know how they are organized. Let's look at some charts to get a clearer picture of the way Unions are structured.

§ Leader: Distribute Handout 2, Staff Pattern and Union Structure

§ Unions have a national/international that is made up of local and/or regional offices. The national office works on topics that affect the Union nationwide. Locals are often organized into District Councils, or Joint Boards, by locality. Local offices provide day to day services to Union members and are where you or the consumer would go for information and help.

§ The local is responsible for enforcing contracts, collecting dues and providing direct assistance to its members. Services and benefits can include health and welfare, education, legal, social services and credit unions.

§ So who makes Unions work? Union members. Unions are member driven organizations. Members of a local can belong to a particular work site or be part of a particular occupational group.

§ The shop steward is a coworker at the employer who is elected by union members or selected

by the local, if necessary, to deal with day to day problems of members on the job. The shop steward works in the same setting, either the office or kitchen or factory, as the workers he or she represents, and knows the workplace. Members can go directly to the shop steward with their concerns. Shop stewards deal with first-line grievances, job maintenance issues, enforcing the contract and assisting with problems.

§ It is the shop steward who can mobilize peer groups to help a worker in need of support, or intervene for a worker who needs some special assistance from his work group.

§ **Leader: Ask,** *Can you see how a shop steward might be especially important in helping a person with a mental health condition maintain his or her job? How?*

§ **Leader: Invite comments and discussion. Note that the shop steward is a potential natural support right at the worksite.**

§ The business representative (also called the business agent, chapter chair or union representative) is an employee of the Union who acts as a liaison between members and the employer. The business rep handles issues which the shop steward may find difficult to settle. The business rep has a more formal role and may operate among several workplaces and employers.

§ Business reps= responsibilities include organizing, contract enforcement and grievance proceedings. This is the person who can probably be most helpful when introducing new employees in the worksite or reintroducing someone to the workplace. This person can negotiate light work, accommodation on the career ladder, change in shift time, or can obtain other supports which require formal rather than informal consideration.

§ The local president is elected by members, runs the local office and becomes involved in more complex problems between members and the employer and works on the contract between the Union and the employer. The local president also runs meetings in which members can vote on issues and raise concerns regarding workplace issues.

§ Unions are organized either by industry (for example, The United Auto Workers) or by skills (for example, The Brotherhood of Electrical Workers).

§ Other officers at the top structure of the Union such as the Executive Board and Vice Presidents are concerned with determining policy, linking with other Unions and keeping abreast of industry trends so that the interests of members are being served.

§ Many Unions have MAPs where union employees, both trained professionals and peer counselors, serve as counselors to help members resolve personal problems, including those that may have an impact on work performance. Contact with MAP staff members may be an alternative route to contact with a shop steward or business agent in a worker=s search for

assistance for job retention, accommodation or other workplace or personal issues.

§ An MAP or UAP provider can be a valuable resource because, as well as having counseling skills and knowing about a wide variety of services available, they have an understanding of the Union and employer and can use this understanding to help the consumer develop a successful approach to accommodation.

§ Unions have peer training programs for counselors, often in concert with a local office of the United Way. These counselors are coworkers who focus on hearing about problems from coworkers and providing information and referral to local agencies, usually those funded by United Way.

§ We have gone over a lot of terms that may be new to you. We have developed a glossary of Union terms that may be useful to you in the future as you begin to develop relationships with Unions as a source of jobs for consumers with whom you work.

§ Leader: Distribute Handout 3, Unions & Disability, Key Terms

Jobs in Unionized Settings (10 minutes)

As we stated earlier, union jobs cover many occupations and all sectors of the economy.

It is in the interest of the consumer to have access to the opportunities and protections that Unions may offer.

§ Leader: Ask,

§ How can you help consumers think about accessing union jobs?

§ Supplement discussion with information below.

§ Review your initial assessment forms.

§ Check to see if a complete work history is obtained.

§ Review forms to find out whether the question, "Were you in a Union at any of these jobs?" is asked.

§ Leader: Ask,

§ What do you do with this information?

§ What might be important about this information?

§ Facilitate discussion with points below.

§ Prior Union involvement can lead to connection or re-connection with a unionized job.

§ If the consumer has prior Union involvement, find out if it is possible, and if the consumer desires it, to return to that job.

§ Ask about the consumer's job standing when leaving that job, i.e., left in good job standing, left in job jeopardy, left because terminated?

§ Find out if the consumer is still a Union member.

§ Ask if the consumer paid Union dues recently.

§ If Union membership has lapsed, it may be possible for interested consumers to reestablish membership but this may involve paying back dues. It can be an issue to negotiate with the Union.

§ Contact the Union to find out the steps for reinstatement.

§ Once a consumer is reinstated, or if consumer is still a Union member, contact the Union and find out if the Union has job search resources that could help the consumer find a job.

§ When helping a consumer select a job along a career path, consider whether or not a future job is possible in a unionized setting.

§ The consumer can look into an apprenticeship program in a trade or craft that interests him or her or in which he or she has an aptitude.

§ The consumer can look for a job in a unionized workplace and then join the Union after the probationary period.

§ Leader: Ask participants to think of consumers with whom they work who might be interested in a job in a unionized setting or an apprenticeship program. What kinds of experience, interest or skills do these people have that could be pursued in a union setting? Write some of the ideas on the dry erase board or flip chart.

§ Leader: Say a few sentences to encourage participants to keep these consumers and their interests in mind as they think about unionized jobs.

The Collective Bargaining Agreement (CBA) (5 minutes)

It is important that you, as a provider, have an understanding of what a collective bargaining agreement is, and how it affects the Union=s willingness to negotiate changes on the job.

Leader: Ask, *Does anyone know what a collective bargaining agreement is?*

Leader: Ask for a few people to share what they know, and then explain collective bargaining agreements using the information below.

§ The collective bargaining agreement is the contract between the Union and the employer that governs almost all the aspects of the jobs performed by the members. The Union fights hard for the provisions of this contract and negotiates the contract to get the best situation for the whole group of workers covered by the Union.

§ Remember, the Union is the representative of all the employees.

§ An employer is prohibited from dealing directly with employees concerning the terms of their employment as specified in the contract once a Union is certified to represent its members.

§ The terms and conditions set out in the CBA include: wages, hours, and working conditions which may include promotions and description of the career ladder through the seniority system, overtime, breaks and tasks of different job titles.

§ The collective bargaining agreement defines the relationship between the employer and the workers that the Union represents. Any changes to that agreement have to be agreed to by BOTH the employer and the Union. Therefore, accommodations that require a change from the specifications in the collective bargaining agreement are more difficult to achieve than those that do not.

§ For instance, an accommodation that requires a change in job that would have the worker with the mental health condition bypass a seniority system is unlikely to be acceptable to the Union.

§ On the other hand, an accommodation that involves flex time, in a situation where the CBA does not outline specific shifts or an accommodation that requires a different type of supervision, such as a daily check-in to prioritize work, probably would not affect the CBA and would be acceptable.

§ It is important to find out if there is flexibility in the job description. A practical way to do this is to ask the union representative if there is anyone else in the same job title as

the consumer, but doing different work. This information provides insight into the possible flexibility that may be available to the consumer.

§ Sum up by highlighting the advantages of Unions:

§ There are benefits to being a union member! Unions try to negotiate contracts that provide:

§ Wages, typically well above minimum wage.

§ Guaranteed health insurance and retirement plans.

§ A defined career path that gives people equal access to opportunities based on what their skills are and how long they have been at the company, or in the industry.

§ Job protection: In a unionized workplace the employer cannot fire a worker/member at will. There is a grievance process that is part of the contract and workers cannot be fired before the employer presents evidence that the worker cannot perform his or her job. We will discuss this more in a few minutes.

Leader: This is a good point to take a break if you plan to do so. The time plan allows 10 - 15 minutes.

Leader: If you have access to the training video, People with Mental Health Conditions and Unions: A Supportive Relationship, continue below. If you do NOT have access to the video, proceed with the training beginning with the section marked For Training Sessions Without Use of Video.

******* For Training Sessions Using the Video *******

Job Retention in a Unionized Workplace (45 minutes)

Now that we have thought about union jobs and how to access them, let's take the next step, and think about how you and consumers can partner with Unions around issues of appropriate job placement and job retention.

§ Once a consumer is hired and working in a unionized workplace, he or she may still need help planning for job maintenance.

§ We are going to watch a video that discusses Unions and tells the story of how a Union protected the job and arranged for a return to work for a particular worker who developed a mental health condition.

§ Leader: Show video. It is approximately 15 minutes in length.

§ Leader: After the end of the video, ask, *What did you think? Any comments or questions?*

§ Leader: Allow a few minutes for general comments or questions. Then ask:

§ *What was Bill=s situation?*

§ Developed a serious mental health conditions

§ Demonstrated aberrant behavior at the workplace

§ Frightened coworkers

§ Was in danger of losing his job.

§ *How did Union handle the situation?*

§ Had a conversation with the worker.

§ Immediately tried to protect Bill=s job.

§ In New York State, all workers are protected for short-term disability by the state=s short term disability insurance.

§ If there were no coverage, Bill could receive a leave without pay under the Family Medical Leave Act (FLMA) and have his job protected for 12 weeks.

§ Recognized need for professional help.

§ This Union had a social worker. Many Unions do not. If there is no social worker, the shop steward might have referred Bill to a Union counselor who would know how to make a referral to a care facility and would know which ones work with the Union.

§ Involved the business agent

§ *What did you think of how the Union handled Bill=s situation?*

§ *How was return to work plan developed and what accommodations were put in place?*

§ Job protection

§ Increased supervision

§ Support from shop steward in daily check-ins

§ Informed consent contract with worker so that the interested parties could talk to each other if any problem developed.

§ *Have you ever worked with a consumer that lost his or her job because of a similar circumstance?* **Lead a discussion and try to draw out the positive differences when the Union is involved.**

§ *How do you think the situation might have been different if a mental health care provider had been involved with Bill as well?*

§ **Leader, distribute 2 copies of Handout 4, Plan to Work with the Union.**

§ We are going to review steps that you (as providers) can follow to prepare, both yourselves and the consumers with whom you work, to partner with Unions. I am giving you an extra copy of the Plan to Work with the Union, because we will be using this tool as a worksheet in an activity a little later and you may want to keep a blank copy to duplicate at some later time.

§ You (providers) will be doing a great service to ALL OF THE PARTIES INVOLVED (consumer, Union rep, provider) by:

§ Giving union reps. information about workers with mental health conditions to help them be better workplace advocates and providers of support

§ Planning ahead and, thereby helping consumers feel more comfortable and prepared to approach Unions

§ Helping yourselves to form a better working relationship with union reps., which can lead to ongoing support for workers with mental health conditions on the job

§ The Plan to Work with the Union is a tool that you, as a mental health care provider, can use in the future to fill out with consumers as they are preparing to meet with the Union.

§ **Leader: Outline these steps by reading them out loud and asking participants for questions or comments every 2-3 minutes.**

§ Step 1. Define what is to be accomplished by contacting the Union. Does the consumer need immediate support? Is the interest, rather in getting a feel for the workplace - it's general responsiveness to the needs of employees and the potential interest in supporting consumers?

§ **Leader: Ask, *What are some possible goals for approaching the Union?***

§ The consumer may want to find out about Union services.

§ The consumer may need help understanding the culture of the workplace or how to communicate with his or her workgroup or supervisor.

§ The consumer may want to ask for help thinking about what accommodations to suggest considering the stipulations of the collective bargaining agreement.

§ Step 2. Determine what information will be shared. Will the mental health condition be disclosed? How willing is the consumer to share information? Does the consumer need help even before employment is secured or can disclosure wait until after receiving a job offer? Or is the consumer already employed and facing difficulties?

§ Remember there is no need to disclose diagnosis. Your interest is in conveying information that will help the Union representative be a natural support in the workplace.

§ There are no ADA rights to accommodation without disclosure to the employer.

§ Disclosing to a Union representative gives the consumer an additional benefit. The Union, using its advocacy and negotiating skills, can work on behalf of the consumer to achieve an accommodation.

§ Typically, a consumer will disclose to a business representative, an employee of the Union who acts as a liaison between members and management.

§ If the consumer has a relationship with a shop steward or an MAP or UAP staffer or provider, the consumer may choose to disclose to that person first. (These are the union counterparts of EAP staff and offer similar services of helping solve personal problems from within the Union rather than through the employer as is so for an EAP.)

§ Step 3. Meet with the consumer and think about the specific ways in which the consumer's symptoms or side effects of medication interfere with getting the job done. Review the tasks, routines, relationships and environment of the job. Consider what might present problems for the consumer.

§ Think about changes to the job that would help the consumer get work done despite having symptoms or side effects. This change is known as an accommodation. The contract or collective bargaining agreement will put some limits on the kinds of changes you can ask for, but we will get to that a little later.

§ Here are some examples of accommodations or adjustments.

§ A routine accommodation might be to establish a flexible work schedule if the consumer can't get to work early because of morning fatigue due to medication.

§ A task accommodation might be to trade tasks with a coworker. For example, a consumer may be expected to answer telephones as part of lunch time coverage of the office, but the consumer finds that task too stressful. As an accommodation, the consumer could trade his or her responsibility for lunch time coverage duty with a coworker, and in return, cover some responsibility of that coworker that is more comfortable for the consumer, or

§ A relationship accommodation might be to plan for additional supervision for the consumer. For example, if the consumer has trouble prioritizing tasks, additional supervision on a daily basis may solve this problem.

§ If an accommodation is needed, make sure the consumer understands his or her rights under the Americans with Disabilities Act (ADA).

§ **Leader:** *Any questions or comments? (Allow for brief discussion.)*

§ Step 4. Determine what you will ask the Union to do. How can the Union help? What ideas do you have for change? Will the Union support your ideas?

§ This may depend on where the consumer is in the employment process and how serious the problems are. The Union rep. knows the workplace and you can make good use of this knowledge in the interest of the consumer.

§ Unions provide services on a situation by situation basis so it is important to explain the consumer's needs to the union rep. to insure that you can get the best services possible.

§ Step 5. Determine who will make the contact to the Union. How will the contact be made? What role will each play?

§ This will depend on the consumer's comfort level. It may also be influenced by whether or not the consumer has already established relationships with the Union.

§ If an advocate or mental health care provider represents the consumer, that person must have written informed consent.

§ Some consumers may already have a relationship established with a shop steward or an MAP provider. If this is so, these should be the ones you contact. If you have no pre-established relationship, your first contact should probably be the business agent.

§ Step 6. Determine when and how the contact will take place. How will the meeting take

place? Who else will be involved?

§ If you already have a relationship with someone from the Union, it may be possible to put your plan into action over the phone. Otherwise it is probably best to have a face to face meeting, establishing your mutual interests (how you can help the Union as well as how the Union can help you) and develop the trust upon which a helping relationship can be built. Furthermore, the consumer is likely to feel more comfortable in the future with someone he or she has met.

§ Lay out a specific plan for the Union representative. It will be easier for the rep. to help you if you provide a clear sense of the consumer=s needs.

§ Remember the purpose is not just to garner maximum support for a particular consumer but also to maintain an ongoing relationship with the Union rep.

§ Let=s put this information to use. Remember Bill=s situation that we saw in the video. Imagine that you are Bill=s mental health care provider. Imagine Bill realized he was having difficulty and reported to you before he was in job jeopardy. What might have been different? Let=s use the form. As you saw described in the video, Bill is having problems at work, i.e., he is talking to the garbage can, coworkers are avoiding him, etc. Sit down with Bill and plan an approach to the Union. Use the Handout (**Remind trainees of the second copy of Handout 4, the Plan to Work with the Union**) as a tool to prepare for the meeting.

§ Let=s count off in twos. Ones will be the provider and twos will be Bill.

§ **Leader: Have the group count off into pairs, i.e., 1,2,1,2, etc. Give pairs about 15 minutes to work together on a plan for approaching the Union. Announce that A1s@ should be providers and A2s@ should be Bill.**

§ **Leader: Debrief. Cover these points:**

§ *What does Bill want to accomplish by contacting the Union?*

§ Bill does not want to lose his job. He might want clarification on whether he is in job jeopardy

§ He wants to take advantage of the expertise of the union rep. and find out what help is available.

§ *What might Bill and the provider discuss about disclosure and what information to share with the Union?*

§ Bill only needs to share information about his mental health condition that is relevant to how symptoms interfere with his ability to perform the essential functions of his job.

§ How, specifically, is Bill, or Bill with the help of the provider, going to identify his concerns? In what ways does the mental health condition interfere with job tasks, routines, relationships or navigating the physical environment?

§ Bill is having symptoms and his symptoms are frightening his coworkers and putting Bill in job jeopardy. Bill needs to get treatment to stabilize his condition.

§ Bill should think specifically about what he plans to say. He can practice this with his provider.

§ Bill=s provider may need to make the disclosure (with Bill=s permission, of course) considering Bill=s level of symptom expression at this point.

§ A sample statement might be, AHello, I am ABC, a Case Manager at 123 Agency. I work with Bill. Bill has asked me to come with him to this meeting today. In the past few weeks, I know that you have seen some changes in Bill. Bill has a mental health condition for which we can develop a treatment plan that will probably include medication to control the symptoms that are upsetting the workplace. Work is very important to Bill. As you know, Bill has been a good worker here for 10 years. Bill would like to have the chance to get on medication so he can get back to doing the great job we know he is capable of. We know you, as the union rep, know the workplace and it=s policies better than anyone, and we were hoping you might be able to help us figure out how to arrange some help for Bill.@

§ What kind of help is Bill planning to ask for from the Union?

§ Bill could ask for help from the Union as far as planning his leave of absence and explaining to coworkers that he will be out for a while, but that he will be coming back, able to do his job in the old way they are accustomed to.

§ Bill could look to the Union rep. to advocate for a particular accommodation (e.g., change in routine) or consultation on how to deal with the situation since the union rep. is familiar with the culture of the workplace. The union rep. knows the collective bargaining agreement and will be able to help Bill and his provider think of accommodations that are within the terms of the CBA. The union rep. also knows the style of the supervisor and coworkers and may have insights as to how to facilitate support for Bill in the future.

§ What does your plan look like for working with the Union, i.e., what is Bill=s role going to be, what is the provider=s role, when will the meeting take place, etc.

§ Bill and provider should discuss ahead of time what each other=s role will be. This should be the consumer=s choice and dependent upon how the consumer is able to communicate his/her

needs.

§ If provider is going to be involved in the meeting, Bill should provide written informed consent.

The Provider=s Role (15 minutes)

§ Providers can help union representatives by educating the union representative on the accommodations needed by the consumer in relation to the specific job.

§ As providers and consumers work together to analyze a consumer=s needs for accommodation, it is important to use the language of the workplace.

§ Language of the workplace means thinking about a consumer=s condition in relation to the tasks, routines, relationships and physical environment of the specific job (**define tasks, routines, relationships with supervisors and coworkers and physical environment and provide examples**).

§ Remember, under the ADA, the consumer must be able to do the essential functions of the job with reasonable accommodation.

§ When partnering with a Union, language of the workplace also means finding out about whether, if so, how, the job is defined in the CBA.

§ Unions may use different terms from those to which you are accustomed. Make sure you are clear, ask questions and communicate directly.

§ May call an accommodation an Aadjustment@

§ May call all disabilities Ahardships@ or Ahandicaps@

§ Providers need to get this information from the Union.

§ Providers can help during a grievance proceeding.

§ Provide documentation to the union rep. concerning the consumer=s strengths on the job, skills on the job and ways in which his/her symptoms of the mental health condition interfere with the job.

§ Suggest the potential changes to the job that would allow the consumer to perform the necessary functions of the job with less interference from symptoms.

§ Help the consumer prepare to answer questions likely to be posed by the arbitrator.

§ Insure the arbitrator that the consumer will have ongoing support on the job.

§ Leader: The following activity is called a rolling role play. In it, successive individuals take the same part (in this case the part of the provider or Bill), while one person (you, or a union rep. if you have invited one) plays the other role. Set up activity by telling the group that they are now going to role play the contact with the Union. If you have invited a union rep. to participate in the training session for the day, ask that person to play the role of Jerome, the shop steward. You will need to prepare him/her for this activity.

§ Now that we have a clearer idea of the provider=s role in this process, let=s put it into action. Everyone who acted as Bill in our last activity, move to the right side of the room. Everyone who acted as the mental health care provider, move to the left side of the room. Our guest (or I) will act as the union rep., Jerome.

§ Everyone who is acting as Bill, feel free to respond in that role. Everyone who is acting as the provider, feel free to respond in that role. You do not have to raise your hand.

§ Leader: Ask group the following questions to illustrate how a meeting with a union rep. might actually proceed. (If you have invited a union rep. to participate in the training session for the day, allow that person to play the role of Jerome and you can help coach people along during the activity. Otherwise, you should play the role of the Union rep..)

§ Leader (or guest union rep. if applicable): Say hello to Bill and his provider as you would if you were starting a meeting with the two of them. Then say:

§ So tell me how I can help you? Bill, what is going on? I am getting a lot of pressure from your supervisor about the way you have been acting.

§ Participants should respond with:

§ disclosure statement

§ request for help

§ inquiries into what Union can do

as developed in the work plan.

§ Leader: You (or the Union rep.) will have to respond to this dialogue as it unfolds and each group will be different. Try to include:

§ Information about how support can be negotiated within limits of the CBA

§ Information about culture of the workplace or personalities of the supervisor or coworkers that might be helpful in negotiating support or accommodation for Bill

§ Information about how the Union can be helpful

§ Questions for Bill and mental health care provider about Bill and his needs.

§ Leader: Debrief around the process of planning and carrying out a contact with the Union rep. If you have used a video tape and reached this point you should skip the section AFor Training Session Without Use of Video@ and continue at section marked AInvolving the Union - It=s A Good Idea (5 minutes).@

***** For Training Sessions Without Use of Video*****

Job Retention in a Unionized Workplace (45 minutes)

Now that we have thought about how to access union jobs, let's take the next step, and think about how you and consumers can partner with Unions around issues of appropriate job placement and job retention.

§ Once a consumer is hired and working in a unionized workplace, he or she may still need help planning for job maintenance.

§ I am going to read an example to get us started thinking about how to apply this material.

§ Leader, distribute 2 copies of Handout 4, Plan to Work with the Union, as well as Handout 5, Joe Martin's Situation. Read Joe Martin's Situation out loud.

§ We are going to talk about some steps that you (as providers) can go through to prepare both yourselves and the consumers with whom you work to partner with Unions. I gave you 2 copies of a tool, Plan to Work with the Union. One is a copy for you to keep as an original to duplicate for future use, the other we will be using for an activity in a few minutes.

§ You (providers) will be doing a great service to ALL OF THE PARTIES INVOLVED (consumer, Union rep, provider) by:

§ Giving union reps. information about workers with mental health conditions to help them be better workplace advocates and providers of support

§ Planning ahead and, thereby helping consumers feel more comfortable and prepared to approach Unions

§ Helping yourselves to form a better working relationship with union reps., which can lead to ongoing support for workers with mental health conditions on the job

§ The Plan to Work with the Union is a tool that you, as a mental health care provider, can use in the future to fill out with consumers as they are preparing to meet with the Union.

§ Leader: Review these steps by reading them out loud and asking participants for questions or comments every 2-3 minutes.

§ Step 1. Define what is to be accomplished by contacting the Union. Does the consumer need immediate support? Is the interest, rather in getting a feel for the workplace - it's general

responsiveness to the needs of employees and the potential interest in supporting consumers?

§ **Leader: Ask,** *What are some possible goals for approaching the Union?*

§ The consumer may want to find out about Union services.

§ The consumer may need help understanding the culture of the workplace or how to communicate with his or her workgroup or supervisor.

§ The consumer may want to ask for help thinking about what accommodations to suggest considering the stipulations of the collective bargaining agreement.

§ Step 2. Determine what information will be shared. Will the mental health condition be disclosed? How willing is the consumer to share information? Does the consumer need help even before employment is secured or can disclosure wait until after receiving a job offer? Or is the consumer already employed and facing difficulties?

§ Remember there is no need to disclose diagnosis. Your interest is in conveying information that will help the Union representative be a natural support in the workplace.

§ There are no ADA rights to accommodation without disclosure to the employer.

§ Disclosing to a union representative gives the consumer an additional benefit. The Union, using its advocacy and negotiating skills, can work on behalf of the consumer to achieve an accommodation.

§ Typically, a consumer will disclose to a business representative, an employee of the Union who acts as a liaison between members and management.

§ If the consumer has a relationship with a shop steward or an MAP or UAP staffer or provider, the consumer may choose to disclose to that person first. (These are the union counterparts of EAP staff and offer similar services of helping solve personal problems from within the Union rather than through the employer as is so for an EAP.)

§ Step 3. Meet with the consumer and think about the specific ways in which the consumer's symptoms or side effects of medication interfere with getting the job done. Review the tasks, routines, relationships and environment of the job. Consider what might present problems for the consumer.

§ Think about changes to the job that would help the consumer get work done despite having symptoms or side effects. This change is known as an accommodation. The contract or collective bargaining agreement will put some limits on the kinds of changes you can ask for, but we will get to that a little later.

§ Here are some examples of accommodations or adjustments.

§ A routine accommodation might be to establish a flexible work schedule if the consumer can't get to work early because of morning fatigue due to medication.

§ A task accommodation might be to trade tasks with a coworker. For example, a consumer is expected to answer telephones as part of lunch time coverage of the office, but the consumer finds that task too stressful. As an accommodation, the consumer could trade his or her responsibility for lunch time coverage duty with a coworker, and in return, cover some responsibility of that coworker that is more comfortable for the consumer, or

§ A relationship accommodation might be additional supervision for the consumer. For example, if the consumer has trouble prioritizing tasks, additional supervision on a daily basis may solve this problem.

§ If an accommodation is needed, make sure the consumer understands his or her rights under the Americans with Disabilities Act (ADA).

§ **Leader:** *Any questions or comments? (Allow for brief discussion.)*

§ Step 4. Determine what you will ask the Union to do. How can the Union help? What ideas do you have for Change? Will the Union support your ideas?

§ This may depend on where the consumer is in the employment process and how serious the problems. The Union rep knows the workplace and you can make good use of this knowledge in the interest of the consumer.

§ Unions provide services on a situation by situation basis so it is important to explain the consumer's needs to the union rep to insure that you can get the best services possible.

§ Step 5. Determine who will make the contact to the Union. How will the contact be made? What role will each play?

§ This will depend on the consumer's comfort level. It may also be influenced by whether or not the consumer has already established relationships with the Union.

§ If an advocate or mental health care provider represents the consumer, that person must have written informed consent.

§ Some consumers may already have a relationship established with a shop steward or an MAP provider. If this is so, these should be the ones you contact. If you have no pre-

established relationship, your first contact should probably be the business agent.

§ Step 6. Determine when and how the contact will take place. How will the meeting take place? Who else will be involved?

§ If you already have a relationship with someone from the Union, it may be possible to put your plan into action over the phone. Otherwise it is probably best to have a face to face meeting, establishing your mutual interests (how you can help the Union as well as how the Union can help you) and develop the trust upon which a helping relationship can be built. Furthermore, the consumer is likely to feel more comfortable in the future with someone he or she has met.

§ Lay out a specific plan for the Union representative. It will be easier for the rep to help you if you provide a clear sense of the consumer's needs.

§ Remember the purpose is not just to garner maximum support for a particular consumer but also to maintain an ongoing relationship with the Union rep.

§ To put this information into action, we are going to use Handout 4, Plan to Work with the Union, as a tool to help Joe plan an approach to the Union. **Remind trainees of the additional copy of Handout 4 that you already distributed to them.** We are going to break into pairs and do a role play between Joe and his mental health care provider. Those of you playing Joe can improvise by including information from the example. Those playing the provider, do your best to help Joe think through his concerns and be specific in identifying how his symptoms are interfering with work, what he wants to accomplish by approaching the Union, and what information he is comfortable sharing. As we all know, disclosure is difficult, and you may have to encourage Joe in this area. We will come back together in about 15 minutes to discuss your experiences.

§ Leader: Set up activity. Ask group to count off 1,2,1,2, etc. and break into pairs. AOnes@ will be Joe and Atwos@ will be the mental health care provider.

§ After about 15 minutes reconvene group and debrief over questions.

§ What does Joe want to accomplish by contacting the Union? Be as specific as possible.

§ Joe is having difficulty concentrating and prioritizing his tasks. He is feeling overwhelmed and unsupported at work. He seems to be experiencing paranoid ideation, suggesting that people are plotting against him.

§ Joe relies on his coworkers to get his work done, and with the way the office environment has changed, this has become especially difficult for him. Joe does not want to lose his job, and he wants to find out what support is available through the Union.

§ There are a few goals that Joe could have for this meeting. He could meet with the Union to gather information about the ways that the Union can help. He could ask the Union for advice on how to handle the situation with his coworkers and his supervisor. Joe could also suggest certain adjustments or accommodations that might be helpful and try to enlist the help of the union representative in approaching the employer to put these changes into place.

§ What information will Joe share with the Union? Will Joe disclose his mental health condition?

§ In order to be protected by the ADA and to be entitled to formal accommodation, Joe will want to disclose that he has an ADA covered disability. He does not need to share other information, however, such as his symptoms or his diagnosis. For example, Joe could disclose that he has a mental health condition which causes him to have difficulty concentrating and this is interfering with his work. He does not need to disclose that he is experiencing paranoid ideation and believes that other workers are plotting against him to get him fired. It is up to the provider to help Joe frame his statements.

§ How does Joe describe his concerns in relation to the tasks, routines, relationships and environment of his job?

§ Joe has many tasks during the day. He is a skilled worker, however, his current symptoms are causing him to have trouble prioritizing his tasks and focusing on activities. This affects his ability to complete his tasks.

§ Joe is having difficulty arriving on time for work. With the changes in the office, his routines have been affected because coworkers are giving him work to do in a less organized manner. This is affecting Joe's ability to stay on top of things.

§ Joe's relationship with his new supervisor and his coworkers both need attention. Because everyone is functioning in Acrisis mode, the office is less supportive. Joe is not doing well in this environment. Joe has become moody and more easily distracted because of the increased pressures at work and is interacting less with coworkers.

§ The change in the office environment seems to be affecting everyone, not just Joe. The general climate of the office has changed and makes it more difficult for Joe to prioritize tasks and stay organized.

§ What did you and Joe determine to ask the Union to do? What influenced your decision?

§ This will depend on Joe's comfort level. This can be a meeting to explore options, or it can be a meeting to take action right away.

§ Since Joe has not worked with the Union in the past, he will need to learn what his options are and how much the Union is prepared to do in support of Joe.

§ *Who will contact the Union? Who within the Union will Joe/provider/other advocate contact i.e., the business rep., the shop steward, an MAP provider? (Discuss whether the consumer wants to approach the Union independently or with the help of an advocate. Discuss the need for written informed consent if an advocate is involved and the importance of a clear understanding between the consumer and advocate concerning what will be said at the meeting.)*

§ Joe will make this decision. He may want to go to the business representative since he does not have a pre-established relationship with anyone at the Union. If Joe wants his case manager to be involved as a support or advocate, he will need to give his informed consent and decide ahead of time what role each of them will have in the meeting.

§ *When and how will the contact with the Union take place?*

§ Joe should make this decision. He wants to be prepared with a plan of what he wants to ask from the Union.

§ First, Joe and provider meet together to gain a clear understanding of how Joe=s condition interferes with the job, what type of accommodations might be helpful and to plan the contact with the Union.

§ Unless Joe already has a contact at the Union, at most offices the business representative will be the first point of contact. Other resources might be the shop steward or the MAP/UAP staffer.

§ Remember the Union has great experience in negotiation but may not have experience in identifying accommodations for consumers with mental health conditions, so the consumer=s and provider=s input on accommodation is important information to share with the Union representative.

§ Be open to suggestions made by the Union since they have a great deal of experience negotiating with the employer.

§ How? Plan for the meeting. Who is going to be there? Do you want to involve a supportive coworker? What parts of the disclosure does the consumer feel comfortable saying and what parts would he like the provider to handle?

§ **Leader: Encourage discussion. For the people who played Joe, How was the experience in planning for the meeting? What information was Joe comfortable sharing with the Union? How did the provider help Joe to be specific in relating his issues to the job requirements?**

The Provider=s Role (15 minutes)

§ Providers can help union representatives by educating the union representative on the accommodations needed by the consumer in relation to the specific job.

§ As providers and consumers work together to analyze a consumer=s needs for accommodation, it is important to use the language of the workplace.

§ Language of the workplace means thinking about a consumer=s condition in relation to the tasks, routines, relationships and physical environment of the specific job. **Define tasks, routines, relationships with supervisors and coworkers and physical environment and provide examples.**

§ Remember, under the ADA, the consumer must be able to do the essential functions of the job with reasonable accommodation.

§ Language of the workplace when partnering with a Union also means finding out about the way the job is defined in the CBA.

§ Unions may have some specific language differences from the words used by providers. Make sure you are clear, ask questions and communicate directly.

§ May call an accommodation an Aadjustment@

§ May call all disabilities Ahardships@ or Ahandicaps@

§ Providers need to get this information from the Union.

§ Providers can help during a grievance proceeding

§ Provide documentation to the Union rep. of the consumer=s strengths on the job, skills on the job and ways in which his/her symptoms of the mental health condition interfere with the job.

§ Suggest the potential changes to the job that would allow the consumer to perform the necessary functions of the job with less interference from symptoms.

§ Help the consumer prepare to answer questions likely to be posed by the arbitrator.

§ Assure the arbitrator that the consumer will have ongoing support on the job.

§ Leader: The following activity is called a rolling role play. In it, successive individuals take the same part (either the provider or Joe) while one person (you, or a union rep. if you have invited one) plays the other role. Set up activity by telling the group that they are now going to role play the contact with the Union. If you have invited a union rep. to participate in the training session

for the day, ask that person to play the role of a shop steward. You will need to prepare him/her for this activity.

§ Now that we have a clearer idea of the provider=s role in this process, let=s put it into action. Everyone who acted as Joe in our last activity, move to the right side of the room. Everyone who acted as the mental health care provider, move to the left side of the room. Our guest (or I) am going to act as the union rep.

§ Everyone who is acting as Joe should feel free to respond in that role. Everyone who is acting as the provider, feel free to respond in that role. You do not have to raise your hand.

§ Leader: Ask group the following questions to illustrate the Union rep. and you can help coach people along during the activity. If there is no Union rep. Present, you should play that role.)

§ Leader (or guest union rep. if applicable): Say hello to Joe and his provider as you would if you were starting a meeting with the two of them. Then say:

§ So how can I help you? What bring you here today?

§ Participants should respond with:

§ disclosure statement

§ request for help

§ inquiries into what Union can do

as developed in the work plan.

§ Leader: You (or the Union rep.) will have to respond to this dialogue as it unfolds and each group will be different. Try to include:

§ Information about how and what support can be negotiated within limits of CBA

§ Information about culture of workplace that might be helpful

§ Information about how the Union can be helpful

§ Questions for Joe and mental health care provider about Joe and his needs.

Involving the Union - It=s a Good Idea (5 minutes)

§ The Union advocates for its members and tries to protect their jobs.

§ Union representatives are experienced negotiators and have a good

understanding of the employer=s needs.

§ The union rep. knows the workplace culture.

§ The union rep. may know the supervisor and have a sense of how that supervisor might respond to issues.

§ The union rep. knows other members of the work group.

§ The union rep. is a good source of information about how to approach a workgroup/supervisor with accommodation requests.

§ Most Unions do not have a formal policy on how to handle accommodation requests but work on a situation by situation basis to respond to individual needs.

§ A cornerstone of unionism is the grievance procedure to resolve disagreements and problems between the employer and a union member. If employers are unresponsive to an accommodation request, the Union can start a grievance procedure on behalf of the member in need of an accommodation.

§ Allows for continued negotiation between the Union and the employer

§ As a final stage in a grievance proceeding, the arbitrator (an individual who is not associated with either the company or the Union and acts as a judge) listens to evidence from both parties and issues a final decision binding on all the parties.

Resources (5 minutes)

Unions will vary both in their expertise on disability issues and in their internal resources. You can help by being aware that:

§ The Union may have internal resources:

§ The Union may have a (MAP) or (UAP). A MAP/UAP provider can:

§ Help the mental health care provider and union representative analyze potential accommodations

§ Partner with the provider to help trouble shoot accommodations which are put in place

§ Write up documentation on the ADA and accommodation for the union representative to use in negotiation with the employer

§ Join the union representative in negotiations with the employer

§ Union locals are affiliated with district or national offices.

§ The national office, which works on policy issues that would benefit workers, coordinates national organizing efforts and also lends expertise and resources to locals who face difficult issues with employers.

§ Some have expertise on disability and civil rights and can lend assistance to the local union representative.

§ External resources available to union representatives:

§ In New York City the Central Labor Council of the AFL-CIO, particularly the Central Labor Council=s Rehabilitation Council which acts as a MAP to many small local Union offices, offers brief mental health services, information and referrals to union members and non-union workers, as well as assistance to union representatives.

§ IAM CARES offers technical assistance to Unions on the issues of disability and accommodation (among other issues).

§ Leader: Distribute Handout 7, Union Resources, and explain that the first two resources apply to the job search and assessment phase of the vocational process. One Stop Centers and the New York State Department of Labor Bureau of Apprenticeship Training Programs can offer providers and consumers information about Unions and sometimes make connections between Unions and job seekers.

§ At most offices you will want to work with the business representative. If the local cannot provide help and answers, then turn to the resources suggested above, particularly, the MAP and the national office of the Union.

Conclusion (5 minutes)

§ Partnering with the Union can be a great benefit for a consumer including those seeking an accommodation in a unionized workplace. Providers and consumers can plan together how to approach the Union and use it as a resource when negotiating with the employer. Providers and consumers should remember to take into account issues involving accommodation from the Union stand point, such as the effect of a requested accommodation on the terms of the collective bargaining agreement and on other Union members when planning appropriate accommodations.

§ Consumers, providers and Unions share mutual interests. Identify them for each party, (e.g., the Union wants loyal members, the consumer will be a loyal, appreciative member and other members will be impressed with how well the Union takes care of members and that may increase their own loyalty while, by working together with the Union the provider not only

achieves assistance for the particular consumer, but may become a resource to help the Union with other members and may gain access to paying consumers as a result of Union referrals).

§ Remember to promote the strengths of the consumer. Providers represent consumers who are qualified, motivated, well-evaluated, assessed, have completed an extensive treatment program and in some cases a training program and are known to the provider. The provider is available to support the consumer and follow along with services during employment.

§ Unions want motivated, qualified workers in jobs.

§ Providers help Unions realize that consumers, with appropriate accommodation and ongoing support, can be long-term, productive dues paying members.