

- 3) all supervisors begin to administer and enforce it simultaneously and uniformly.

In the event the supervisor, prior to becoming a supervisor, also had violated the rule presently being reaffirmed, the supervisor should refer to that fact during the reaffirmation and hence "hang out the dirty laundry," so that it will not be used as a mitigating excuse in the future. The supervisor may choose to comment appropriately, "I will not hold the past against you, and I will not allow you to hold the past against me." The supervisor will thus be meeting the problem head-on without apologizing.

### **"TAILGATE" OR "LUNCH-BOX"/"TOOL-BOX"/"COFFEE-BREAK"/"SIDEBOARD" SESSIONS**

In the event multiple employees are violating general rules of conduct or performance which are not resulting in serious consequences, the supervisor may choose to clarify the rules, policies, or procedures in short group meetings called tailgate sessions, sometimes also called "lunch-box" or "tool-box" or "coffee-break" sessions or "sideboard" sessions.

Clarification of management's interpretation of Collective Bargaining Agreement clauses is not generally done in group tailgate sessions conducted by the supervisor. Such attempts may be identified by union representatives as "coercion" or "undue influence" or "persuasion," especially if union officers are not present or if employees are not given opportunity to object to or question management's position. The proper method for management to clarify its interpretation of an Agreement clause is for management to "interpret and act," and the union may then grieve to make known objections they may have regarding the interpretation or application.

Some Agreements also provide for meetings between employer and union representatives to discuss or clarify matters of "mutual concern."

Tailgate sessions should not be looked upon or delivered as group disciplinary action. They should be planned and should address a limited number of topics and subjects. Some common uses include: to review a procedural/rule/policy change, to review a safety topic/procedure, to reaffirm a rule/policy/procedure, to address a rumor, to deliver answers to questions which have been recently asked of supervisors, or to deal with matters which may have been called to the supervisor's attention in off-the-record fashion, without breaching confidentiality and without accusations.

If at all possible, supervisors should attempt to utilize tailgate sessions to communicate important matters from the supervisor, to employees. If a group of employees approach a supervisor, the supervisor of course, should listen to their concerns and provide an answer, consistent with the Agreement provisions.

In order to prevent tailgate sessions from becoming a source of irritation to employees, and in order to prevent the sessions from turning into disorderly, time-consuming "gripe sessions", the supervisor should follow the items on the checklist below:

- \_\_\_ Plan the meeting to last ten to fifteen minutes.
- \_\_\_ Pay the employees (on-company-time) to attend the tailgate session.
- \_\_\_ Announce the purpose of the meeting immediately at the start of the meeting.
- \_\_\_ Pass out a brief hand-written outline of the meeting at the start.
- \_\_\_ Announce at the start of the meeting that the meeting will last only ten/fifteen minutes.
- \_\_\_ Announce that the meeting is not a warning session, and that its purpose is to clarify the topic being discussed.
- \_\_\_ When it is time to end the meeting the supervisor should announce: "We have taken all of the time allotted for this meeting, but I'll take one more question, then we should return to work."

- \_\_\_ Following the "one more question" the supervisor should announce: "If any of you have additional questions, please see me later, and I will be happy to discuss them with you."
- \_\_\_ If the supervisor anticipated the meeting topic to be controversial, the supervisor should bring to the meeting copies of the applicable rule/policy/procedure (sometimes called a "physical assist"), in addition to the meeting agenda which was distributed at the beginning of the session. If the meeting has become loud and possibly disruptive the supervisor should pass out the "physical assist," and as each employee takes a copy and the meeting tempo subsides, the supervisor can announce: "Once you have had an opportunity to review this in more detail, please feel free to contact me if you have further comments or questions." The supervisor should then end the tailgate session.

The supervisor should maintain a file of tailgate session agendas and physical assist handouts. The date of the tailgate session and names of employees who attended should be written on the agenda for the file. "Tailgate" sessions should be a routine tool of the supervisor.

### **WRITTEN REAFFIRMATION/"INSTRUCTION LETTERS"**

Written reaffirmation or "instruction letters" may be utilized whenever the supervisor is attempting to clarify, for an individual employee, rules, policies or procedures which:

- 1) are detailed, intricate, complicated, or cumbersome,
- 2) deal with individual employment conduct or practices which are extremely hazardous or dangerous or which have irreversible consequences, or
- 3) concern areas of potential legal liabilities, such as sexual harassment, etc.

Instruction letters are not disciplinary action. Their intent is to be informative, and they are not to be threatening. They should relay the specific conduct or procedure expected, as well as the consequences identified in the policy, rule, procedure etc., for failure to perform properly. In order to avoid accusations that the letter of instruction is intended to be a warning letter, it may be appropriate to simply attach a copy of the policy to the letter of instruction, since the policy itself generally identifies the consequences for failure to follow the policy. They should be used to provide the employee with awareness in an attempt to avoid disciplinary action.

Fact-finding investigations and interviews should be conducted before preparation of instruction letters." Representation guidelines pertaining to pre-discipline interviews should be followed in the event disciplinary action is decided upon in lieu of the instruction letter.

Instruction letters should be presented to the employee on company time, and copies should be placed in the employee's employment-related formal records with copies to the union. As the letters are not disciplinary action, it is not necessary to have a steward or union representative present during presentation of the instruction letter unless employer policy dictates otherwise.

Some examples of policies sometimes addressed in instruction letters include sexual harassment policies, wage garnishment policies, absence/lateness/sick leave policies, and safety/electrical clearance policies.