

**CHECKLIST FOR DEALING WITH THE "ANSWERING MACHINE"
FOR OVERTIME NOTIFICATION/CALL-OUT EMPLOYEE'S
"OSTENSIBLE" DEVICE... "A REASONABLE MEANS OF CONTACT"**

That the use of an answering machine/recording device is a generally accepted "reasonable means of contact" is very often demonstrated by the employer's own use of such devices for conducting business. The supervisor who encounters an answering machine/recording device when attempting to reach an employee for call-out overtime, or for any other business reason, should:

- ___ 1) Leave a message on the machine: "This is Supervisor (name), it is now (time am/pm) on (date). I am calling you from (phone number) at (Company location). I am contacting you because we need your services at the (location). As soon as you receive this message, please call me or the supervisor in charge at (phone number). Thank you."
- ___ 2) Make a record of the attempt to reach the employee and of the fact that a message was left.
- ___ 3) If the employee does not return the call, upon reporting for the next scheduled shift the supervisor should contact the employee and state, "I tried to reach you at (time) on (date) and left a message at (employee's phone number). Did you receive my message? (note answer) Why did you not return my call?" (note answer)
- ___ 4) The employee should be informed, "If you are going to use the answering machine as a means of contact, you must, as part of your job, return calls to your supervisor when requested to do so, as part of your job responsibility which includes being available for, being reachable for, and working a reasonable amount of overtime." A record should be kept in the employee's currently-using file and overtime records completed regarding status of the overtime involved. The employee's overtime worked records should be examined. This step should be repeated at least once or twice before proceeding to formal written corrective action or disciplinary action.
- ___ 5) If repetition occurs of "no return of messages," the supervisor should repeat steps one through four above each time there is a problem and the employee should be given job performance counseling and warned of the possibility of disciplinary action.
- ___ 6) If the problem of "inability to reach the employee" continues, the supervisor should give the employee a written reprimand for:
 - a) failure to be available and reachable for overtime call-outs.
 - b) failure to provide the employer with a reasonable method to contact the employee.
- ___ 7) If the problem persists and if several employees are involved and if it has not been possible to satisfy overtime needs, the employer should notify the employees individually, in person and in writing, that those employees' telephone answering machines will not be accepted as a reasonable method of contact in the future. The employer should also notify the union in writing of the continuing problems and of the employer's posture. (This procedure should be similar to that followed in the event an employee failed to provide the employer with a telephone number where he/she could be reached, according to company policy.)
- ___ 8) Following such notification, for those employees who persist in using the devices without proper response, the employer should inform them that they have failed to satisfy the performance requirements of their job and that failure to do so in the future may result in disciplinary action, including termination of employment. This should be done in writing on an individual basis, with copies of the letters to the union.
- ___ 9) Repeated failures on the part of a small group of individuals, or a single individual, should be dealt with using the steps of disciplinary action, following steps 7 and 8 above.
- ___ 10) After discussing the above problems with the union, and if failure to return phone calls continues on the part of all or the majority of employees which results in the inability to meet overtime requirements, the employees should be dealt with individually as above; and the employer should warn the union for their failure to provide manpower under the terms of the Agreement; and appropriate action should be taken toward the union for failure to satisfy manpower requirements. Such appropriate action may include:
 - a) alternate scheduling of employees (under terms of the Agreement regarding shift schedules) to provide coverage during shifts when the overtime needs are arising.
 - b) use of subcontractors to cover overtime needs.
 - c) use of supervisors to cover overtime needs.
 - d) formal reclassification of the work involved to remove it from the jurisdiction of the members in the defined appropriate bargaining unit.