Documenting Workload & Duty Changes During Contract Bargaining

A working guide for BFU members

This is not legal advice.

This guide describes how to build a thorough, accurate written record. It does not tell you whether any specific change your employer makes is illegal — that determination belongs to our union's legal counsel and bargaining committee, using the records you create. Bring your documentation to them; don't rely on this guide to draw legal conclusions on your own.

Why this matters

While the union is bargaining a first contract, federal labor law (the National Labor Relations Act, as interpreted in NLRB v. Katz) generally requires the employer to maintain existing wages, hours, and working conditions, the “status quo”, rather than making unilateral changes without bargaining with the union first. Job duties, workload, and staffing levels can fall within “working conditions.”

If the employer has laid off workers whose legality is disputed, and the remaining employees are now doing that eliminated work (including tasks well outside their job classification) that pattern can be evidence of a unilateral change. But it only holds up if it's documented specifically enough to reconstruct later: who said what, when, and what changed as a result.

Vague recollection later (“things got a lot busier after the layoffs”) is not useful on its own. Specific, contemporaneous notes are what make a record usable.

What's worth documenting

Treat the following as trigger events and write an entry for each one:

- Being asked or told to perform work outside your job classification or specialization (e.g., a writer assigned to monster design).
- A sudden, significant increase in workload, scope, or hours without a corresponding change in title, pay, or job description.
- Any statement from a manager or supervisor connecting the new duties or workload to the layoffs.
- Any discipline, negative feedback, or PIP that follows — especially if it cites performance on duties outside your normal role, or workload you raised concerns about.
    - If you end up on a Performance Improvement Plan, the same documentation habits below are exactly what you'd want on hand to show the PIP was triggered by an unreasonable workload change rather than your own performance.

What to capture in every entry

Write each entry as soon as possible after the event, same day if you can. Memory degrades fast, and a note written a week later is worth much less than one written that same afternoon. Include:

- **Date, time, and setting.** Was it in person, on a call, over Slack, by email? Where?
- **Everyone present.** Full names and job titles, not just first names or nicknames.

- **What was said, in your own structure:** what prompted the conversation, what was decided or instructed, and any justification given.
- **Quote vs. paraphrase, clearly marked.** If you're confident of the exact words, put them in quotation marks. If you're summarizing, say so explicitly (“my understanding was...”) rather than presenting a paraphrase as a quote.
- **Your own response.** What you said or asked back, including if you raised an objection or asked for something in writing.
- **Referenced documents.** Note any email, schedule, org chart, or Slack message that came up, and save a copy of it separately from this log.
- **Witnesses.** Anyone else who saw or heard it, and whether they'd likely be willing to confirm your account.
- **What you did next.** Did you send a follow-up email? Report it to union leadership? Note that too.

Keep the entry itself factual rather than argumentative. Save phrases like “this is illegal” or “this is retaliation” for conversations with the union's lawyer, not for the record itself. A log that reads as neutral fact is more useful later than one that reads as an argument you were already building.

Documenting verbal conversations without a recording

The single most useful habit is a same-day follow-up message. Right after a verbal conversation, send a short, neutral email or Slack message to the person you spoke with, summarizing what you understood was said and decided.

- Send it the same day, while the details are fresh and before the conversation can be characterized differently.
- Keep the tone informational, not confrontational. You're confirming understanding, not accusing anyone.
- If they reply and correct your summary, that reply is itself part of your record. If they don't reply at all, note that too.
- Save a copy somewhere outside company systems (see storage section below) in case you lose access to your work account.

If a coworker witnessed the same conversation, ask them separately to write down their own recollection soon afterward, in their own words. Don't draft it for them or hand them your version first; an independent account is more credible than one that visibly mirrors yours.

Should I record video calls?

Recording law varies a great deal by state, and it's not just a matter of what's admissible later. Recording someone without the required consent can be a separate crime, regardless of what the recording captures.

Written notes plus a same-day recap email carry no legal risk in any state and are often just as useful as a recording for reconstructing what happened.

Where to keep this documentation

- Do not store notes, recap emails, or screenshots on company email, company drives, company Slack, or a company-issued device. The employer can access, monitor, or remotely wipe these, and using them may itself alert management to what you're compiling.
- Use a personal email account or personal device instead. Once recorded, reach out to one of the bargaining committee members or forward the documentation to bc@bfu-id-cwa.org
- with an explanation of what you're sending (we won't open suspicious zip files on their own!)
- Name files consistently so they're easy to sort later, for example: 2026-07-22_conversation_with_[manager-name]_re_duties.docx
- Keep a backup copy somewhere other than the original device.

Templates

These are starting points — adjust wording to fit what actually happened. Fill in every bracket; don't leave placeholder text in a real entry.

1. Blank incident log entry

DATE / TIME: [ ]

SETTING: [in person / phone / video call / Slack / email] — LOCATION: [ ]

PEOPLE PRESENT (name, title): [ ]

WHAT PROMPTED THIS CONVERSATION:

[ ]

WHAT WAS SAID (mark quotes with quotation marks; mark summaries as "paraphrase"):

[ ]

MY RESPONSE:

[ ]

DOCUMENTS REFERENCED (and where I saved copies):

[ ]

WITNESSES:

[ ]

FOLLOW-UP ACTION TAKEN (recap email sent? to whom? when?):

[ ]

2. Same-day recap email

Subject: Following up on our conversation — [brief topic]

Hi [name],

Thanks for taking the time to talk earlier today. I want to make sure I understood everything correctly, so I'm summarizing what I took away:

- [Point 1 — e.g., “Starting this week, I'll be taking on [task/duty] in addition to my current work.”]
- [Point 2 — e.g., “You mentioned this is related to the recent staffing changes on the team.”]
- [Point 3 — any timeline, expectation, or next step that was discussed]

Please let me know if I've misunderstood anything.

Thanks,
[Your name]

3. Duties-outside-classification entry

DATE / TIME: [ ]

ASSIGNED BY (name, title): [ ]

MY JOB CLASSIFICATION / TITLE: [ ]

NEW TASK ASSIGNED: [ ] — how it differs from my normal duties: [ ]

STATED REASON GIVEN (quote or paraphrase, marked as such): [ ]

DID THIS RELATE TO A RECENT LAYOFF OR ELIMINATED ROLE? If mentioned, note exactly what was said: [ ]

CHANGE IN HOURS / WORKLOAD, IF ANY: [ ]

DID I RAISE AN OBJECTION OR ASK ABOUT BARGAINING? What was the response? [ ]

FOLLOW-UP RECAP EMAIL SENT? [yes/no, date] — WITNESSES: [ ]