

“I Quit”: don’t say it unless you mean it

These are words you should never say to your boss unless you know what they really mean. Many people are unaware of the fact that voluntarily quitting a job makes it very unlikely that you will be able to collect unemployment. In fact, many bosses and even co-workers may tell you that quitting is the only way you can collect – this is absolutely false!

In general, you are eligible for unemployment if you lose your job due to no fault of your own – this usually includes situations like voluntary layoff or if you are unable to fulfill your duties because of incompetence. If you are fired, you can apply for unemployment insurance and if your employer contests your claim, you can file an appeal. During the appeal, the employer will have the burden of proving that you were fired for good cause. The hearing officer will look at things like: did you knowingly violate a stated rule that was uniformly enforced, did you willingly engage in misconduct, etc.

In addition to making it more difficult for you to collect benefits, quitting can often tie the hands of your union representative or steward. It is much easier to grieve a termination than to grieve the circumstances that led an employee to quit. If in doubt, let the employer terminate you, preferably with a steward or witness present. Then talk to your union representative immediately about filing a grievance.

Upcoming Events

Food Drive

Date: Now through Holiday Party

Place: Drop off @ UAW or GEO office

Holiday Party

Date: Thursday, December 9, 2010

Time: 6:00 – 9:00 pm

Place: Slice California Café, Holyoke

Ice Skating Party

Date: Sunday, February 6, 2011

Time: 1:00 - 3:00 pm

Place: Mullins Center, UMass - Amherst

Please RSVP for each event to Scott at 413.534.7600 or scott@uaw2322.org

See our website for more information www.uaw2322.org



Know Your Rights

As a Union member, you have the right to have a steward or Union representative (not just a co-worker) present during an investigatory interview where you believe that you may be disciplined. However you must **ask for representation** - this right is not automatic.

You should say: "If this discussion could in any way lead to my being disciplined or terminated, I respectfully request that my union representative be present at this meeting. Without my representative, I choose not to participate in this discussion."

Don't waive this right by allowing the interview to go on.

If your manager refuses to allow you to bring a Union representative, repeat your request in front of a witness. Do not refuse to attend the meeting, but **don't answer any questions** either. Take notes. Once the meeting is over, call your Union representative at once.

A steward or union representative has the right to assist and counsel workers during the interview - they are not just witnesses. Specifically, a steward has the right to:

- Ask your manager the subject of the investigation
- Meet privately with the employee before the interview
- Interrupt to clarify a question or to object to confusing or intimidating tactics.
- Add information to support the employee's case.

Make no statements, written or verbal, unless they are absolutely true. Any statement you make can be used against you. Always request copies of any document that you may sign.

CAUTION! Signing a resignation letter, or even verbally resigning, may waive your right to unemployment and the grievance process. Talk to your Union representative first!

Sick Leave & Family Medical Leave (FMLA)

All of our UAW shops have contracts that entitle you to take time off when you are sick. Remember that calling out sick, you are not **asking**, you are **giving notice that you are unable to work**. The conversation should not be "May I have some time off?" It should be "Hello I am calling to let you know I am not able to work today (tomorrow) due to an illness." Most of our contracts also allow you to take time off for the illness of a family member. In no case, are you required to explain what kind of sick you are, what the diagnosis is etc. If the illness lasts more than a couple of days, you may be required to produce a Doctor's note.

Longer or Repeating Sick Leaves FMLA

In some cases you may need to be out for weeks or months at a time, or you may need periodic time off due to a chronic issue. In such cases you may be eligible for an extended leave called **Family Medical Leave (FMLA)**. This is an important right that protects employees from losing their jobs or being otherwise penalized for an illness. Here are the basic rules on FMLA:

If you have worked for more than 12 months for your employer and have worked at least 1,250 hours during the 12 months prior to the start of your leave, you are eligible to take FMLA leave.

In many cases, the leave will be unpaid. You may use your accrued benefit time as part of an FMLA leave, but the employer usually cannot force you to use up all your benefit time. It may be wise to preserve some benefit time for your return to work.

You may take **up to 12 workweeks** of job-protected FMLA leave in a 12 month period in the following circumstances:

1. if you have a serious health condition that makes you unable to do your job;
2. to **care for a seriously ill child, spouse or parent**;
3. for **childbirth** or to care for a newborn child up to age 1; and
4. for the placement of a child with you for **adoption or foster care**.

You may take medical or family leave on a **continuous basis or in intervals** as short as a day or part of a day. Leave may not be denied because of production needs, a busy schedule, or because your employer considers you too important to take off.

You must give employer 30 days advance notice of a foreseeable leave. You don't have to mention FMLA by name but **you should make clear you are unable to work** because of a serious health problem (yours or your family member's).

If your employer asks, you must clearly indicate that the leave is for a serious health condition but not the exact diagnosis. Employer may require medical certification. (It is safest to pick up the completed form from your doctor and deliver it to the employer yourself.) You are not required to sign a "medical release," or provide medical records.

You may be required to report periodically on your status. Be sure to send in status reports on time For your protection, keep a file with copies of all forms, letters and documents.

You must continue to pay your portion of health insurance premiums. Employer cannot order you to return prematurely for "light duty".

You can decline "light duty" work during an FMLA leave.

If you fail to return, or resign, from an **unpaid** FMLA leave, you can be held responsible for your entire health insurance premium.

If you have taken an FMLA leave, when it is completed you must be restored to your former position or its equivalent. You can't be penalized for taking FMLA.

In some medical leave cases, your employer can request a fitness for duty report when you are ready to return to work.

Employer is required to give notice designating your leave as FMLA-qualifying and listing your rights and responsibilities.



The Real World of Workers Compensation

Many injured workers mistakenly believe that workers compensation is a benefit and that claims are administered by the insurance company in a straight-forward, favorable way. Often, that is not the case at all. The objective of the insurance company is to "manage claims"...which often means to limit benefits. So, disputes between injured workers and the insurance company often arise. Workers compensation is an adversarial process. You should know that the workers compensation insurance company and the adjuster are not "on your side".

If you are injured on the job, you need to protect yourself and your family. Here are a few things to keep in mind:

1. If you are hurt on the job, **report the injury and the incident as soon as possible**. File a written report or simply provide a written explanation of what happened (including date, time and witness, if any) as soon as you can and keep a copy.

If you wait, or you attempt to "work through the pain" and delay a report, the insurance company will question the incident and delay or deny your benefits when you need them.

2. If your employer belongs to a *preferred provider organization*, you may be required to see the company doctor. Otherwise, **you have a right to get treatment from a provider of your choice**.

Some doctors will not accept workers compensation patients. Other doctors will not accept fees payable under the law for the treatment of injured workers. **So there**

may be practical limits on your ability to see the doctor you choose.

Be cautious about seeing any health care provider recommended by the insurance company.

3. Workers compensation law and the procedures are complicated. Often, you cannot rely on the insurance company or its adjuster to fully explain your rights. **You have a right to an attorney.** It always makes sense to consult with a qualified, knowledgeable workers compensation attorney about your circumstances and to learn how the law applies to you. Attorney fees are regulated under the workers compensation law. It should not cost you anything to consult with a lawyer.

Be careful on the job. Be careful if you are hurt on the job. Get help.

What's Been Happening?

ServiceNet

Sick Time - A Union member was inappropriately questioned when he was calling out sick, and threatened not to pay him. Union filed a grievance. ServiceNet contacted the Program Director and ordered her to cease questioning staff's legitimate use of sick time. Member was paid for all sick time used.

Management Intimidation - Two members were called into private meetings with their Program Director and told to alter their account of an incident at a ServiceNet residence or face termination. The members contacted the Union. With Union support, they refused to change their stories. They were interviewed by DDIS investigator and reported the intimidation. Program Director is no longer working. Thanks to Steward Denise Grant for her work on this.

Discipline - Member was disciplined for not intervening quickly enough when one client tapped another. No real investigation happened before the discipline letter was written even though the Program Director had the facts wrong. We grieved and the discipline was removed.

Square One

Discipline - Teacher was unfairly disciplined after an accusation was made about not properly monitoring children in her classroom. The state investigators did not thoroughly follow up on evidence that some of the testimony was coerced. We filed a grievance. The discipline was removed.

"Substitutes" - Union filed a grievance over subs being used for long periods without becoming Union members and without the better wages and benefits guaranteed by the contract. Three teachers and one Custodian were hired, given the December bonus received by all other Bargaining Unit members and had their Seniority dates corrected. All are now proud memes of the UAW. The Custodian received a payment in recognition of years of service without Union pay and benefits. Thanks to Steward Jen Jasmin for her work on this.

Nonotuck

Contract Extension - Union bargained a one year contract extension with a 2% raise and better classroom supplies funds. Thanks to Bargaining Team members Hannah Levine and Michelle Sullivan for their work on this

Cutchins-Residential Counselors

Bargaining for the new contract will start in January 2011. The current CBA expires 3/31/11. We have three (3) active Stewards for the Northampton campus programs: Chris O'Connell, Jody Mercer & Kinard Montgomery. We are looking for a TRV Steward to join us for the upcoming negotiations. If you are interested please contact either the Stewards in Northampton or your Rep. Nancy Fish.

Cutchins-School Teachers, Teaching Assistants & Specialists

The contracts are available on the website & hard copy. Check in with your Stewards Chris Munson, Bobby Crafts or your Union Rep. Nancy Fish if you need a copy or if you have any questions. The search is on for the new Executive Director because Andy Pollock is retiring early February 2011.

Mount Holyoke College (MHC) - Housekeepers

Current Stewards Celia Stasko & Cheryl Lane will join the other members of the Labor/Management committee (Mary Roco, Romelle Sanders & Marilyn Tremble) this Fall after the summer break. After many years of Union activism Eunice Coutinho accepted the Housekeeping supervisor position. The Local wants to thank Eunice for all her hard work and dedication to her union sisters and brothers.

Recent wins regarding unscheduled Overtime pay remain in the UAW unit thanks to the dedication of the Housekeeping union activists.

Northeast Center for Youth and Families (NCYF) Residential Counselors

The contracts are available on the website & hard copy. Check in with your Stewards; Miguel Colon, Sean Devlin, Natalie Negron, Justin Bergeron or your Union Rep. Nancy Fish if you need a copy or if you have any questions. All RC's are encouraged to manage vacation time and schedule time off before vacation time expires. Congratulations to the bargaining committee in successfully getting seniority recognition and sick time advanced with a buy back option in this year's contract.

YWCA

Bargaining for the new contract will start in January 2011. The current CBA expires 3/31/11. If you are interested in improving your working conditions, want better wages and benefits then you need to get involved. Does your schedule work for you? Are you given the training that you need to do the job? How is the communication between you and your supervisor? What works well at your program? What needs improvement? Be on the lookout for the survey and fun filled union meetings that will help us to prepare! The strength of your union depends on you. Contact your Union Representative Nancy Fish to get involved.