



LOCAL 881 NEWSLETTER
"THE MESSENGER"

Feb 2019

**UNION
STRONG**

A Message from President Brown



On behalf of the Executive Board, I would like to wish all CSEA Local 881 members and their families a happy and healthy New Year.

The officers and I have been working diligently to ensure that the language in our contract is upheld. In 2017 and 2018, the union office filed eight contract grievances against the Town of Oyster Bay. After strong deliberation between the union officers and the town's management and outside counsel, we were able to successfully win seven of these grievances with one still pending.

I want to thank the members who came forward to share their concerns and placed their confidence and trust in the Executive Board to get the job done!

The Supervisor's Office along with the Town Board has decided to return one of the two lag payrolls back to all town employees. Remember, this is **Your** money being returned to **You**. As we look ahead in 2019, the officers and I are preparing to have strong conversation with the Supervisor's Office on continuing the hiring of more Part-time employees to Full time employment. Members are doing more with less. The concerns and frustrations have not fallen on deaf ears. The officers and I will provide updates regularly throughout the year. Our door is always open. Continue to stay **Union Strong**.

In Solidarity,

A handwritten signature in blue ink that reads "Jarvis T. Brown".

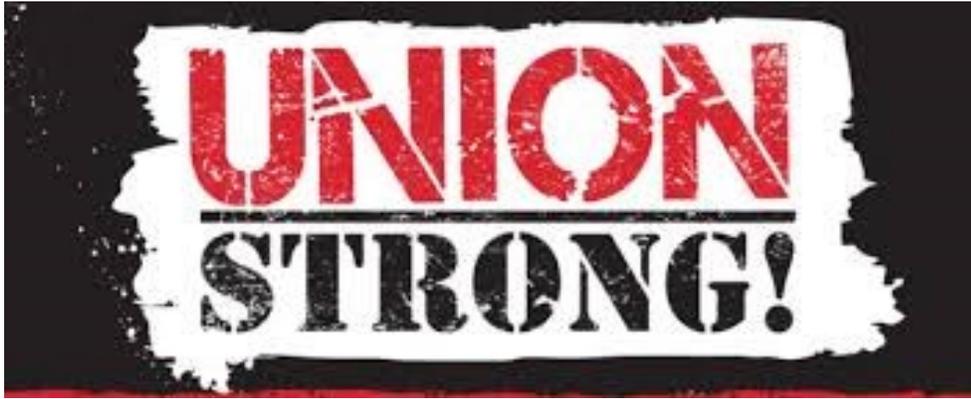
Jarvis T. Brown
President CSEA 881

Janus vs. AFSCME

What you need to know



On June 27, 2018 the Supreme Court ruled against ALL public sector unions in the case *Janus vs. AFSCME*. New York State is now a "Right to Work" state. What this means is that you now have the option of being a dues paying member – or not. In anticipation of this ruling, Governor Cuomo, along with CSEA state-wide officers, added new language to the Taylor Law to protect public sector unions in New York State.



Taylor Law Changes

The Taylor Law is New York's most comprehensive labor law which outlines the rights and limitations for public employees. Changes to the Taylor Law enacted by Governor Cuomo:

Duty Of Fair Representation Limited:

If you are not a dues paying member, you will not receive any disciplinary protection from your Union, as well as any legal, economic or job related services beyond those provided in the Contract.

New Employee Information Within 30 Days:

Within 30 days of a new employee's hiring date, the Town must provide the Union with the following information for each new hire: Name, Address, Job Title, Department and Work Location. The Town must also allow the Union a reasonable amount of time to meet with each new employee at the worksite on work time.

Members Returning from Leave to Same Employer Stay Members:

If a member returns to work from either a voluntary or involuntary leave, they will return as members and their dues deduction will automatically be reinstated.



Through Binding Arbitration, the Union and the Town entered into an Agreement on January 9, 2018 regarding Part Time employees in the Departments of Public Safety and Sanitation. Through skilled negotiation during deliberations, the Union was able to include every Part Time employee in the Town of Oyster Bay as a dues paying member of CSEA Local 881. For the first time, part time employees now have certain Union protections. To date, the Union has signed up 300 part time members. **If you are a part time employee and have not yet met with the Union and filled out a membership card, please call the Union office at 516-677-5818 and an officer or shop steward will come to your work location.**

Sick Leave Half Pay **Is NOT An Entitlement!**

Employees who have used all of their sick, vacation and personal time and cannot return to work due to an illness may be eligible to receive Sick Leave Half Pay, provided that the employee has first used at least 20 days of accrued time for absences for the illness for which he/she is seeking Sick leave Half Pay.

This program is **not** an entitlement or guarantee, and members have to apply to be considered. The first step is to fill out an application that must be approved or denied by the department commissioner. If approved by the commissioner, the application is forwarded to a review board made up of three management and two union employees.

The review board considers several factors: How long the applicant has been employed by the Town, The nature of the employee's service and job responsibilities, Recommendation from the commissioner, Employee's attendance record, Record of discipline, and Nature of injury. The review board as a whole makes the decision whether or not to grant Sick Leave Half Pay.



Since January, 2017, the Union has successfully used Binding Arbitration to file grievances when a member's contract rights were violated. Examples of grievances filed include: Improper transfer, Working out-of-title, Overtime not assigned in seniority form, Part time employees in the Sanitation Division and Public Safety Department, and Promotions and transfers in the non-competitive and labor class.

Out-Of-Title Work



We are “Doing More With Less” and many members are asked to work in positions that are out-of-title. Employees may think that this is a good idea because it appears that management has “confidence” in their abilities.

Our contract states that if you are doing out of title work for 6+ months, you can be considered for that title. Unfortunately, to qualify for a civil service title you must have outside experience. The time spent doing the job does not count.

If you have questions or concerns about this, please contact the union office.



Women's Equality Movement

Since February 2018, the Union has been in support of the Women's Equality movement. The Union has communicated to management about this many times and currently it is in the hands of the Supervisor's office.

Seniority

The Union bases everything on seniority - the date you were hired full time in the Town of Oyster Bay.

Promotions and Transfers

With regard to promotions and transfers in the non-competitive and labor classes, the following factors should be giving consideration, with seniority as the first priority: **Suitable ability to the requirements to the new positions, Experience and training, Dependability, Job performance.**

If an employee desires to transfer to another department within the same title, he/she may submit a request to his/her Department or Division Head in writing, including documentation for such request. Such transfers can only be accomplished upon the approval of the two Departments Heads concerned, the Association (UNION) and the Town Supervisor.



Overtime

Members contacted the Union Office because they felt that overtime was not being correctly distributed in their departments. The Union requested the overtime records from the three departments that were brought to the union's attention. The Union met with the commissioners of those departments, and corrected their overtime procedures.

Night Differential

Federal Labor Law states that night differential pay must be calculated into an employee's hourly wage, whether on straight time or overtime. The Union learned that the Town was not doing this, and forced them to comply with the Federal Labor Law. As a result, 38 eligible members received a retro check for the period April – September 2018.

Health & Safety



In September, 2018, it was brought to the Union's attention that the Sanitation Division was assigning trucks which were in an unsafe condition to operate. The Union communicated with management and an immediate full inspection of every sanitation truck was done. Those trucks found to have problems were repaired by the CVM Division. The Union and management takes all health & safety issues very seriously. Please wear all Town issued safety gear whenever required. If you have any health & safety concerns, please contact the Union office at 516-677-5818.



Wages and Fringe Benefits



ARTICLE 1 of the Contract states that at any point after January 1, 2020, upon the request of the Union, the Town agrees to discuss and negotiate reopening the Contract to discuss

INCREASING WAGES AND IMPROVING FRINGE BENEFITS ONLY.

The Union is currently drafting a letter to the supervisor's office starting the intent for early negotiations. This local and our officers will keep our membership up to date as information becomes available on the progress.

Weingarten (**INTERROGATION**) Rights



Know Your Rights!

Weingarten rights guarantee an employee the rights to Union representation during an Investigatory interview. These rights, established by the Supreme Court, in 1975 in the case of J. Weingarten Inc.,

must be claimed by the employee.

If you are called in for questioning by your employer, you should **read the following statement** before any questions are asked **and invoke the following specific rights.**

Statement:

“If I am a potential subject for discipline and you intend to question me, I request CSEA representation. I invoke the rights listed below. If I am not afforded these rights, please be advised that an improper practice charge/unfair labor practice/grievance or other legal objection will be filed.”

I'm STICKING With



OUR UNION

CSEA Local 881

150 Miller Place

Syosset, NY 11791

516-677-5818

www.csea881.org