

Urge GM to Make it in Michigan

General Motors has announced that it will choose between three plants—one in Tennessee, another in Wisconsin and one right here in Michigan—to build GM’s newest vehicle. Congressman Gary Peters has started a bipartisan grassroots campaign to encourage GM to build its newest vehicles right here in Michigan. Building GM’s new vehicle in Michigan makes good business sense. Our state is home to GM’s key auto suppliers, GM headquarters and tech center, and the most talented engineers and skilled workers in the world.

You can help protect Michigan’s future, and our way of life by joining with the thousands of people and visiting www.MakeltInMichigan.org to support the campaign to urge GM to Make it in Michigan!

You have the power to strengthen Michigan and ensure we’re home to GM’s future, go to www.MakeltInMichigan.org and encourage your coworkers to do the same.

The Steward Edition Feature “Labor’s Language: Glossary of Union Terms” was completed last month. Beginning with this edition, it will be replaced with the new “Help Spread the Word” spotlight. This space will be devoted to issues deserving stewards time and attention. Local 876 urges stewards to share the information included in the “Help Spread the Word” feature with their coworkers.



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UFCW 876 STEWARD EDITION

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Stewards Help Turnout Over 4,300

Local 876 Member Appreciation Day Huge Success

Over 4,300 Local 876 members, their family and friends celebrated UFCW Member Appreciation Day at the Detroit Zoo on June 23.

Combined with the UFCW Local 951 group, over 5,500 UFCW tickets were purchased, making this outing the largest UFCW event held in the state.

“It was wonderful to see so many Local 876 members enjoy a day of fun and relaxation with their family and friends,” Roger Robinson, Local 876’s president said. “What an incredible turnout, with about 400 participants at last year’s event, we thought we might triple our numbers this year. We never imagined we’d increase participation by over 900 percent. It was just phenomenal.”

The local attributes much of the day’s success to the union’s steward group, and the recent training they received from Wayne State University’s Hal Stack.

“We asked stewards to put their one-on-one training into practice by generating turnout at Appreciation Day, I would say they passed the test,” Robinson said. “With the majority of our contracts up next year, it is important stewards have solid relationships with the members at their

workplace, and are able to get them to take action when needed. You never know what types of acts of solidarity might be required next year to secure fair contracts.”

The local urges stewards to complete the final stage of one-on-one communications -- follow-up -- as presented in their steward training.

“It is important for stewards who actively recruited their co-workers attendance at Appreciation Day to complete the one-on-one process by follow up with the members, thanking them for their participation, inquiring if they had a good time and taking any suggestions they may have for future union-sponsored events.”

Several stewards took their support of Appreciation Day beyond member recruitment, volunteering to assist the local’s staff with Appreciation Day activities at the zoo (see box below).

“We really appreciated the stewards who stepped up and volunteered to assist us with the various activities held by the union during Appreciation Day,” Robinson said. “As the turnout at member events continue to increase, we will need the assistance of stewards to handle the increasing membership participation levels. The local’s staff simply isn’t large enough to handle the size of the groups participation in our events, which is a very nice problem to have.”

Thank You Zoo Day Volunteers

Local 876 recognizes and extends a special thank you to the following stewards who volunteered to assist the local union staff at the zoo during Appreciation Day.

- Tom Devereaux, Kroger #413
- Jennifer Frankford, Kroger #526
- Rhonda Laur, Kroger #600
- Roger Oman, Kroger #530
- Roberta Sikes, Kroger #409
- Kim Taylor, Kroger #693

Getting to Know the FMLA Part II: Requesting a Leave/Absence

A Local 876 Steward Edition series explaining the Family and Medical Leave Act (FMLA) began last month. This installment of the series details the FMLA provisions for both unforeseen (unplanned) and foreseen (planned) leaves for eligible workers to care for themselves or covered family member. Remember union contracts can provide additional FMLA coverage, be sure to consult your contract's FMLA language for details.

When to Provide Notice of an FMLA Leave/Absence

In cases of unexpected absence, an employer cannot deny an eligible employee FMLA coverage provided notice was given by the worker "as soon as practical" (typically one to two business days from the time the worker knew the absence would occur). In the event of a brief absence (e.g., a day), FMLA notice may be submitted upon return to work.

When an eligible employee knows he or she will need to take a planned FMLA leave, the worker must give at least 30 days advanced notice. If the absence must take place in less than 30 days, he or she must give notice "as soon as practical" (typically within two business days of learning of a need for an FMLA leave).

For example: Your doctor tells you today that your son must have surgery next week. You should inform your employer of your need for leave within the next two business days.

When scheduling a planned FMLA leave, the employee must work with the employer to make a reasonable effort to schedule the leave so it does not unduly disrupt the employer's operations.

An employer may also require an employee to comply with the same internal procedures (completing written forms, contacting the Human Resources Department, etc.) when requesting a planned FMLA leave as they would for other types of planned leaves. However, an employee's failure to follow such internal procedures does

not give the employer the right to deny or delay an employee from taking a planned FMLA leave provided the employee gave timely notice.

If adequate and timely notice is not given, the employer can legally disallow or delay a FMLA absence, and count any missed work towards discipline.

To Whom to Provide Leave Notice

Under the FMLA, workers are required to notify their "employer" when requesting leave. The FMLA uses the following, very broad definition of employer "any person who acts directly or indirectly in the interest of an employer to any of the employer's employees." This means that notification may be made to a first level management up to a CEO.

For unforeseen absences, notice may be given in person, or via phone, fax, and internet. In cases where workers are "incapacitated" someone else may notify the employer on their behalf of their need to take an unplanned FMLA leave.

As previously noted, an employer may require employees to use established internal procedures for taking a planned FMLA leave, including how notice of required leave is given. However, failure to follow such internal procedures does not allow an employer to legally deny or delay an employee from taking a planned FMLA leave if the employee gave timely notice in another way.

How to Request a FMLA Leave

The FMLA does not require eligible workers to specifically use the words "Family and Medical Leave" in their leave request (although it would be helpful). The law states employees must provide sufficient information about an absence so the employer is aware it falls under the FMLA.

The following are examples of requests considered to provide sufficient notice under FMLA:

"I need time off for back surgery."

"My son broke his arm and I'm taking him to the hospital."

The following are examples of insufficient

notice under FMLA:

"I need time off for personal reasons."

"My son can't go to school and I'm staying home with him."

The FMLA allows employers to request additional information to determine if the absence is an FMLA absence. However, workers are not required to provide the employer with an exact medical diagnosis, just enough information to learn the general nature of the condition and the estimated length of the leave.

For example, instead of telling their employer they have cancer, workers can say: "I have a serious medical problem which requires time off for medical treatment. I am under the care of a specialist and can provide verification."

Medical Certification Option

Medical certification is not mandatory under FMLA, but the law gives the employer the right to require employees submit medical certification, signed by a health care provider, verifying the serious medical condition necessitating the leave if they so choose. If employer's choose to exercise this option, the law requires the request for certification be made in writing within two business days of receiving notice of a need for FMLA leave or the beginning an unforeseen FMLA leave. After two business days, employers can request medical certification only if they have a legitimate basis to question the reason for the leave or its duration. The law also requires employers give workers at least 15 days to obtain certification and that the cost of obtaining this initial medical certification is the responsibility of the employee.

When obtaining medical certification, it is important to note that under the FMLA, the term "health care provider" is fairly broadly defined to include not only physicians, but also optometrists, osteopaths, chiropractors, podiatrists, dentists, clinical psychologists, Christian Science practitioners, nurse practitioners, nurse midwives, and clinical social employees (if

authorized under state law to diagnose and treat serious health conditions without supervision), and other providers recognized by the employer or group health plan. Also included is treatment by a nurse or physician's assistant under the direct supervision of a health care provider or treatment by a physical therapist on referral by a health care provider.

If the employer deems an employee's initial certification as incomplete, they must notify the employee of their determination and provide a reasonable opportunity (at least seven days) for the employee to provide additional information.

If an employer has reason to doubt an employee's medical certification, the employee can be required, at the employer's expense, to get a second opinion. This opinion cannot be from a health care provider the employer hires on a regular basis.

If the second opinion is different from the first, the employer can require, and must pay for, a third opinion. This provider must be chosen jointly by the employee and the employer. The decision of the third health care provider is final.

Medical Re-Certification

The FMLA allows employers to require medical re-certification no more often than every 30 days unless (1) circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of absences, the severity of the condition, complications); or (2) The employer receives information casting doubt upon the employee's reason for the absence.

However, if the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than 30 days, the employer may not request re-certification until that minimum duration has passed.

Note: An employee may be fired if the employer can prove that he or she falsified FMLA documents or medical records.

Michigan's Adventure

UFCW DAY JULY 28

Special UFCW Offer \$21 Ticket* Includes:

Park Admission • Parking Pass
\$10 in Beagle Bucks
(Used as cash in the park)

A \$43 Value!

During these challenging economic times, Local 876 is offering members the chance to enjoy an affordable day at Michigan's Adventure, West Michigan's premier amusement park. Located in Muskegon, this unique venue combines the thrills of a ride park with a water park for a full-day of fun.

Local 876 hopes members and their family take advantage of the significant savings offered by their union by attending this event. For more information or to order tickets, call Local 876 at 1-800-321-6406.

To learn more about Michigan's Adventure, go to www.miadventure.com.

**Ticket orders must be received by
July 13, 2009.**

**Tickets are limited and UFCW 876 reserves the right to limit ticket quantities.*