

Labor's Language: Glossary of Union Terms

Labor agreements, publications, and even officials often use terms that are almost exclusive to the labor arena. To help stewards feel more comfortable operating in this arena, "Labor's Language: A glossary of Labor's Terms" is a regular Steward Edition feature.

Volunteer Organizing Committee (VOC): Term used to describe union members who volunteer to help the union during organizing campaigns. Volunteers may donate their time and/or be compensated for lost wages while they assist the campaign in a variety of ways including; visiting workers at their homes, distributing leaflets, and attending meetings.

Weingarten Rights: The rights of employees covered by the National Labor Relations Act to request union representation during investigatory interviews if they reasonably believe the interview could result in their being disciplined. Weingarten rights also guarantee the rights of union representatives to assist and counsel employees during such interviews.

Wildcat Strike: A strike undertaken without official union authorization. Although not illegal, these strikes are not protected by the NLRB.

Work-to-Rule: A tactic in which workers agree to strictly follow all

work rules, even those usually not followed. The result is that less work is performed or that the employer is forced to deal with more paperwork, putting pressure on the employer to settle workers' complaints. Some, but not all, work-to-rule campaigns are considered slowdowns, and may violate no-strike clauses in particular contracts or public sector laws.

Zipper Clause: A standard contract clause which precludes any renegotiation of conditions covered in the contract during prior to expiration. This clause is designed to prevent the employer from trying to change the contract before the next negotiations.



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Stewards Critical to Preserving Members' Workplace Safety

Recent Event Serves as a Wake-Up Call

As employers continue to attempt to do more with less, and employees, fearful of job loss in a tight economy, strive to comply, a recent tragedy involving a high school aged worker serves as a compelling reminder of the important role stewards play in preserving members' workplace safety.

In April, a young worker suffered a brutal injury at an Indiana Kroger store when her hand was amputated while cleaning a Hobart meat grinder. The incident is being investigated by the Department of Labor; however several unsettling facts are already known.

The meat grinder plug, the only sure way to prevent accidental start-up while cleaning, was located high on the wall behind the machine, virtually out of workers' reach. In addition, the worker assigned to clean the machine had no experience or training in the meat department.

"This tragedy reminds us that one of our most important duties as union representatives is to insure members' workplace safety," Roger Robinson, Local 876's president, said. "Since stewards are at the workplace on a daily basis, the Local and members rely on them to keep their eyes and

ears open to potentially dangerous situations and assignments and take action to correct the situation before anyone is injured," Roger Robinson, Local 876's president, said. "In most cases the dangerous circumstances are the result of an unintentional over-

sight, and will be corrected upon request. However, if management refuses to take action, stewards should immediately contact the union office. Time is critical when the safety and well being of the membership is in jeopardy."

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!

*UFCW 876 reserves the right to limit ticket quantities.

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.

Understanding the Family Medical Leave Act: Part One of New Steward Edition Series

The Family and Medical Leave Act (FMLA) is a federal law passed in 1993 and updated in 2008 providing workers job-protected unpaid time off with the continuation of health benefits to deal with their own serious health condition, a serious health condition of a family member, the birth or adoption of child, or other qualifying event.

“While the FMLA has been around for over 15 years, at the recent steward training sessions, many stewards indicated confusion remains over implementation of members’ FMLA rights,” Roger Robinson, Local 876’s president, said. “It is important for stewards and members to understand their rights under this law which can be a real lifesaver when they need to take time to care for themselves or a loved one.”

The following article is the first part of a FMLA series which will appear in the *Steward Edition*. Since the FMLA sets minimum guidelines, which may be enhanced by a union contract, Stewards should also be familiar with their contracts family and medical leave provisions

What Does FMLA Provide?

- Unpaid time off for workers totaling 12 weeks (26 weeks if the family member is in the military) per year due to a serious health condition of a child, spouse or parent, or their own serious health condition.
- Continuation of group health benefits (workers are required to make the same premium payments as if they were working).
- Restoration to their former job or to one of equivalent pay, benefits and working conditions following the leave (provided the worker comes back to work before the 12 weeks is exhausted).
- Protection from a FMLA leave or absences being used as a negative factor in promotions, disciplinary actions, evaluations assignments, “no fault” attendance policies, and other work issues.

Who is Eligible to use the FMLA?

To be eligible for FMLA, a worker must meet four requirements:

- 1) Work for a “covered employer.”** Covered employers, include private employers with more than 50 employees and all public employers.
- 2) Have 12 months of total service with the employer.** Service does not have to consecutive to meet this requirement, but must be with the same eligible employer. For example, an individual can work three months in 2002, two months in 2004, and seven months in 2008, to satisfy the 12-month requirement.

3) Work 1,250 hours in the previous 12 months.

An employee must have worked a minimum of 1,250 hours for the eligible employer during the previous 12 months to be eligible for FMLA (about 25 hours per week over 12 months). Vacation days, periods on workers compensation, disability or FMLA leave do not count. Time off for union business is counted only if it is paid by the employer.

4) Fifty employees within 75 miles At the time a FMLA leave is requested or an FMLA absence incurred, the total number of workers employed at the worksite within a 75-mile radius must be 50 or more.

What Absences are FMLA Qualifying?

The FMLA entitles employees time-off for both unforeseen and planned absences involving:

- The birth and care of a newborn.
- The placement of a child for adoption or foster care in their home.
- Care for a spouse, child, or parent with a serious health condition.
- The employee’s own serious health condition that makes them unable to perform their job.

Two new categories of leave for employees with family members serving in the military became effective January 16, 2009.

- Any “qualifying exigency” arising out of the fact that a spouse, child, or parent is a covered military member on active duty (or has been

notified of an impending call or order to active duty) in support of a contingency operation.

- “Care for a covered servicemember” if you are the spouse, child, parent, or next of kin of a servicemember with a serious injury or illness incurred in the line of duty, or on active duty.

What is a “Serious Health Condition?”

The FMLA regulations define qualifying serious health conditions as an illness, injury, or physical or mental condition that involves one or more of the following:

- A hospital stay of at least one night.
- Incapacity of more than three consecutive calendar days (not necessarily workdays) and continuing treatment by a health care provider.
- Incapacity due to a serious chronic disorder which requires periodic visits for treatment (for example asthma, diabetes, chronic back condition, or multiple sclerosis).
- Incapacity due to pregnancy or for prenatal care.
- Long term or permanent disability (Alzheimer’s, severe stroke, terminal stages of a disease).
- An absence to receive multiple treatments for restorative surgery after an injury or to prevent a period of incapacity of more than three consecutive days.

What is Meant by “incapacity”?

Incapacity means inability to perform one essential function of your job, attend school or perform other regular daily activities due to a serious health condition, treatment there of, or recovery there from.

What is Meant by “treatment”?

The FMLA defines treatment as involving one or more of the following:

- Treatment by a healthcare provider on at least one occasion, which results in a regimen of treatment.
- Treatment on two or more occasions by a healthcare provider within 30 days of the first day of incapacity, unless extenuating

circumstances exist.

- The first or only visit to the healthcare provider must take place within seven days of the incapacity.

What Does “to care for...” Mean?

The provision that an employee is “needed to care for” a family member encompasses both physical and psychological care. It includes situations where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc.

The term also includes providing psychological comfort and reassurance, which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care. Workers may be required to have their family member’s health care provider certify they are needed to provide assistance or that their presence would provide beneficial psychological comfort.

Examples of qualifying FMLA absences

Based on the preceding information, a worker would qualify for FMLA absences:

- To care for a child who is unable to attend school due to asthma.
- To care for a parent recovering from a stroke.
- For treatment of their own chronic serious back condition.
- To provide psychological comfort to their spouse during medical testing for cancer.
- Incapacity due to severe morning sickness during pregnancy.
- To care for an adult child who suffers from a serious mental condition and is unable to care for himself.
- To arrange child care and attend school meetings or programs for the child of a covered military member. This includes children over 18 years of age who are incapable of self-care.

Join the UFCW Local 876
Young Workers Committee



Detroit
Tigers

vs.



Chicago
Cubs

Wednesday, June 24, 2009

7:05 p.m.

Comerica Park

\$26 Infield Upper Box Seat

FOR ONLY \$10

The Local 876 Young Workers Committee has secured a limited number of tickets to see the Detroit Tigers take on the Chicago Cubs in much anticipated interleague play.

During these tough economic times, Local 876 is offering members the opportunity to purchase \$26 tickets in section 329 for only \$10. There is a two-ticket limit per member.

For more information, or to reserve your tickets, call 1-800-321-6406, ext. 8607. Do not delay, call today as the limited number of Tickets will be sold on a first come first serve basis.