



Making the Most of Employment Law

Your UPSEU Local 1222 union contract is an important tool in the fight for fairness in your workplace, but it's not the only tool you can count on. You can also look to employment law, that governs workplace rights. These laws supplement the rights that a worker or group of workers also have as a result of being represented by a union.

Why is it important for you to understand employment law? There are many reasons, including:

1. All of the employment laws that apply to your workplace, supplement whatever you've negotiated in your contract. So if you want to understand, for example, what health and safety standards you can hold your employer to, you need to consult both whatever contract language you may have, and also whatever statutes or regulations may apply.
2. Knowing what the law already covers can shape what your bargaining agenda is in the first place. If some workplace right or protection already exists because of a statute, and can be enforced by a government agency that enforces that area of law, then you may want to save your bargaining chips for rights or protections that you'll only have if you can get them in your collective bargaining agreement.
3. Having a handle on employment law can be useful even early on in an organizing drive. Suppose you determine that a specific workplace protection already is legally guaranteed even though a particular workplace is unorganized. If you use that knowledge to enforce those rights on the workers' behalf, in doing so you demonstrate the union's effectiveness.

Pinning Down "The Law"

Determining which employment laws apply to a particular workplace and to particular workers can be tricky business. So the first step, as with labor law, is to pin down what the law may be.

- Employment law comes from a combination of things: statutes passed by the legislature, regulations issued by agencies that enforce the statute, and court or agency rulings that have interpreted the meaning of the statute over the years. The applicable statutes can be at different levels (and sometimes more than one); federal, state, county/city/local.

- As with labor law, the question of 'jurisdiction' comes up. For starters, sometimes it's the case that different laws are applicable in the private and public sectors. And just as with the National Labor Relations Act, some employment laws will cover, for example, only specified categories of businesses: those of a certain size (determined by whether the business has a certain minimum number of employees) or engaged in "interstate commerce" (measured by volume of business conducted). Public sector law is governed by State Labor Board Laws and Regulations.

Don't Get Lost in the Woods

Don't get completely lost in the technical legal weeds, though. To determine what the scope of legal protections are in a given situation, a beginning plan of action should generally look like this:

- What rights might be found in your existing collective bargaining agreement?
- What rights might be found in an applicable employment law at the federal, state or local level, or in agency regulations or court decisions interpreting and applying that law?



Why look at both contract and statutory rights?

Because as a general rule (keeping in mind, of course, that rules always have exceptions), we get to cherry pick. That is, if a contract contains stronger protections than what's laid out in a law, we can enforce those contract rights. But if, on the other hand, there's a statutory right covering a topic not addressed in the union contract, or containing stronger protections than what the union has been able to negotiate, we can use those statutory protections.

One last pointer

Keep in mind that employer handbooks or letters of employment that are issued to individual workers may also be legally enforceable workplace obligations.

QUICK Tips & Timesavers

1. **Get out of the house faster in the morning** by reining in the urge to be industrious. If you suddenly feel the desire to wash a few dishes, pay a few bills or clean your desk... resist.
2. **Reassess how you handle interruptions.** When a co-worker approaches you with something he/she needs to resolve, ask them first what they need to talk about and how much time they'll need. That gives you a couple of options: You can either redirect him/her to someone else or suggest another time to meet - say, in his/her office in 30 minutes. That gives you time to wrap up whatever you were doing.
3. **When juggling several calendars**, including a family calendar, the key is to communicate - perhaps by having regular "synchronizing" meetings where you look for potential conflicts. Lawyer Lori Fuhrer of Kegler, Brown, Hill and Ritter has a synchronizing meeting with her family every week. "The challenge for us is ... keeping each other informed of when we have an evening event so that we're not double booking," Fuhrer says.
4. **What should you do about interruptions** that you must address right away? Grab a sticky note and write down what you were about to do before the disruption. You won't waste time later trying to remember what you were doing before.
5. **When there's more to do than time to do it in:** Tackle the big tasks that are critical for your job. Let the little things go. You'll feel a bigger sense of accomplishment, charge yourself up for the next task, and increase your value as an employee. When in doubt of priorities, check with your supervisor.
6. **Avoid e-mail for the first hour of the day.** Instead, head into the office with a clear idea of what your top two or three tasks are for that day. Knock at least one of them out before letting all those messages distract you. You'll gain enormous control over prime morning hours.
7. **Filing made easier:** When filing booklets or other bound material, make sure you drop them in so the spine is showing. You'll be able to find them later at a glance. Also, when putting new material in a file folder, follow a system: Place the latest documents in either the back or the front. Choose whatever way works best for you - just make it consistent. That way, when you need to put your hands on a recent piece of information you know where to look within a file.

Adapted from "The Organized Executive"

What to Say when you want to find out what's really going on

If you know how to ask the right questions, you can get co-workers to open up and tell you what's really going on in your organization. All it takes is a little effort and sincere interest.

Use these phrases to probe, clarify and encourage:

- "Tell me more."
- "I'd like to hear more about that."
- "Can you explain?"
- "That's interesting."
- "How did you make that happen?"
- "Go on."
- "Give me an example."



Adapted from "How to Get People to Tell You More", Karen Susman

Do you know the
**WARNING
SIGNS**
of a heart
attack?
a stroke?



Emergency Information Card

Post an Emergency Information Card by your phone if you have a land line, or in a visible location in your home. The card will help someone calling 911 with your address and other critical information. Carry an emergency information card in your wallet or purse. This will provide vital information for people trying to help or care for you. And remember, if you're the one having symptoms, and you can't access EMS, have someone drive you to the hospital right away. Don't drive yourself.

Heart Attack Warning Signs

Some heart attacks are sudden and intense, causing someone to gasp dramatically, clutch her heart and drop to the ground. But most heart attacks start slowly, with mild pain or discomfort. Often the people affected aren't sure what's wrong and wait too long before getting help.

Here are some of the signs that can mean a heart attack is happening:

- Chest Discomfort

Most heart attacks involve discomfort in the center of the chest that lasts more than a few minutes, or that goes away and comes back. It can feel like uncomfortable pressure, squeezing, fullness or pain.

- Discomfort in Other Areas of the Upper Body Symptoms can include pain or discomfort in one or both arms, the back, neck, jaw or stomach.

- Shortness of breath

This feeling may occur with or without chest discomfort.

- Other signs of discomfort may include breaking out in a cold sweat, nausea or light-headedness.

When a person is experiencing one or more warning signs of heart attack or stroke, calling 911 is always the fastest way to get lifesaving treatment. Emergency medical services (EMS) staff can begin treatment when they arrive - up to an hour sooner than if someone gets to the hospital by car. The EMS staff is also trained to revive someone whose heart has stopped. And you will get treated faster if you arrive by ambulance.

EMERGENCY INFORMATION

Name _____
After calling 911, call _____ () NAME PHONE
Insurance _____ Preferred hospital _____
Medications _____
Medication Allergies _____

Women's Heart Attack Symptoms

As with men, women's most common heart attack symptom is chest pain or discomfort. But women are more likely than men to experience some of the other common symptoms, particularly:

- Pain between or behind the shoulder blades
- Fatigue
- Dizziness
- Nausea
- Vomiting
- Sweating
- Chest Pain
- Shortness of Breath
- Back or Jaw Pain

Stroke Warning Signs

A stroke is a medical emergency. Learn to recognize a stroke, because time lost is brain lost.

Warning Signs include:

- Sudden numbness or weakness of the face, arm or leg especially on one side of the body.
- Sudden confusion, trouble speaking or understanding
- Sudden trouble seeing in one or both eyes
- Sudden trouble walking, dizziness, loss of balance or coordination
- Sudden severe headache with no known cause.

from UW Health

UPSEU Local 1222 Shop Talk

STEWARD/UNIT OFFICER TIP:

Explain your role to your members

Early in your stewardship it is a great idea to sit down with the workers you represent and explain what you can and cannot do. Also tell them what they can expect from you: your best in representing them and how that's done. And let them know what you can expect from them: their participation in the union and support for you. From time to time explain it again for new people on the job. Sometimes people challenge your authority just to test you - supervisors and members alike, particularly if you are a new steward/officer. Supervisors will want to find out if they can intimidate you. Members want to know if you'll stand up to management, so they'll challenge you first to see how you measure up. Recognize this experience for what it is. Stand your ground, keep your sense of humor and you'll pass the test.

Excerpted from the Union Steward's Complete Guide

Don't Forget About Exercising Your Memory!



Think there's nothing you can do once your memory starts slipping? Think again. The following guide can get you back on track. Try these tips, which involve working your brain in new ways.

- 1. Be alert.** It sounds elementary, but simply being aware of what is happening increases and exercises your memory.
- 2. Get organized.** If it's worth memorizing, it's worth taking notes on it, no matter what "it" is. Scientists agree: short term memory can only hold seven items at one time. Choose your seven and jot down notes on others.
- 3. Use association.** For new information, ask yourself how the information relates to ideas with which you're already familiar. Try familiar stimuli such as repeating or grouping like ideas.
- 4. Remember through teaching.** Explain your new memory/idea to someone else in your own words. This is a great tool for increasing memory.
- 5. Say it out loud.** Don't worry about what others are thinking when you think out loud. Recite what you are reading; paraphrase; review notes out loud.
- 6. Set aside time for review.** After learning something new, make time to review the information. Retention relies on review; that phrase itself will help you remember to review.
- 7. Exercise your memory.** Learn a new subject or re-learn an old subject from your previous schooling, i.e. math, science - something you have forgotten
- 8. Keep a journal.** A journal exercises the mind. It will also help you remember through review.
- 9. Do crossword puzzles.** These are great exercises for the memory. They will help you remember and sharpen your wit too.
- 10. Practice using visual imagery.** Go through the steps of building or creating something.

The Blaylock Wellness Report



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