



Dealing With Property Damage

If a piece of equipment breaks down, a washroom sink detaches from the wall or a computer somehow tumbles to the office floor, you can bet someone's going to be blamed - and that someone is likely to be a member of the bargaining unit. As a Steward/Unit Officer, you can be sure you've got your work cut out for you.

THE IMPORTANCE OF INTENT

Stewards/Unit Officers confront property damage issues when a worker is disciplined for damaging something owned or provided by the employer. You might think that the first question would be, "How much did that thing cost?" When it comes to property damage though, arbitrators look more at intent than at price tags.

Intent distinguishes vandalism and sabotage from negligence, carelessness, inexperience, lack of training, or equipment failure. There are also situations where damaging property is the lesser of two evils - for example, better to hit a wall with a forklift than run into a pedestrian. So the Steward/Unit Officer must investigate what else, other than the intent to cause damage was going on. Arbitrators generally overrule discharge in the absence of malicious intent. On the other hand, arbitrators look at sabotage very severely, even when it is done to dramatize an unsafe situation.

THE GRIEVANCE INVESTIGATION

Because the issue of intent is complicated, you need to do an especially thorough investigation. If your member did not intentionally cause the damage, what was actually going on? Don't just talk with the grievant. What do the grievant's coworkers think happened? Is the right person being disciplined? The person who caused the damage may simply be the last in a long line of workers who used that equipment. Had someone previously modified it? Was it "an accident waiting to happen?" Did anyone, including the grievant, get hurt and, if so, what injuries were treated?

Find out if any special training was required to operate the damaged property or the equipment that caused the damage. Did using the property that was damaged require special training, and did the grievant get that training? If the problem turns out to be lack of training, remember that training is a subject of bargaining. You may want to raise this during the grievance process and then take it back to the membership to become part of contract bargaining.

You may want to file an information request with the employer to find out more about the history of the equipment that was damaged, any training recommended by the manufacturer and any warnings that came with it. Find out if insurance covers the damage.

All the regular defenses apply to property damage grievances as well, including evidence of disparate treatment, past practices having to do with handling equipment, the worker's otherwise clean record and the general duty of employers to provide a safe workplace.

It is easy to assume that people intend to do whatever they do, but of course that's not the case. For example: a woman driving a company car slid into a snowdrift. She tried to get it out by rocking it. A wheel was damaged. Was that her intent? An angry steward stormed out of a grievance hearing, throwing open a door, smashing the wall behind it. Did he intend to smash the wall? An employee who had been working mandatory overtime made a bad cut and wasted a precious piece of material. Did he intend to do that? Not if you look at the big picture, the circumstances surrounding such incidents.

THE GRIEVANCE HEARING

Prepare the grievant thoroughly for your meeting with management. Since the critical issue is intent, you and your member need to be very clear about what he was trying to do when the property damage took place. As the Steward/Unit Officer, you will need to present the big picture and give the circumstances, based on what you discovered in the course of your investigation. Explain the logic behind what your member did, including what his choices were and why he made them. The discussion should not only be about property: it should also be about human beings involved and normal human behavior. Many of the issues raised by property damage are negotiable. Within the grievance process, you may be able to negotiate an agreement that saves a worker's job. It might include an apology that reflects a sincere awareness of what went wrong. It is possible to express regret that something happened and apologize, without admitting intent. The resolution might include a period of training. Sometimes it includes the member offering to repair or replace what was damaged if it belonged to another worker.

PROPERTY VERSUS HUMAN BEINGS

From an employer's point of view, "property" means more than tools, equipment or the site where the workplace is located. The employer's reputation, brand, trade secrets and intellectual property are "property" as well. So is the worker's time. Against this expansive way of looking at property the Steward/Unit Officer must present the worker as a human being who is not property and who may make mistakes but is capable of good judgement and solid job performance.

By Labor Educators Helena Worthen and Joe Berry

Dietary Supplements



The majority of adults in the United States take one or more dietary supplements either every day or occasionally. Today's dietary supplements include vitamins, minerals, herbals and botanicals, amino acids, enzymes and many others. These supplements come in a variety of forms: tablets, capsules and powders, as well as drinks, and energy bars. Popular supplements include vitamins D and E, minerals like calcium and iron, herbs such as echinacea and garlic, and specialty products like glucosamine, probiotics and fish oils.

FEDERAL REGULATIONS

Scientific evidence shows that some dietary supplements are beneficial for overall health and for managing some health conditions. For example, calcium and vitamin D are important for keeping bones strong and omega-3 fatty acids from fish oils might help some people with heart disease. Other supplements need more study to determine their value. *The U.S. Food and Drug Administration does not determine whether dietary supplements are effective before they are marketed.*

According to the Dietary Supplement Health and Education Act of 1994, the primary law that governs these products, supplement ingredients that were on the market before 1994 are presumed safe. Companies can assert that a product is safe for use as long as they can provide some evidence that its ingredients were used before 1994 or are currently present in the food supply. While manufacturers are supposed to notify the FDA when they start selling a supplement that contains a new ingredient, they often don't, according to Chuck Bell, in the advocacy division of Consumer Reports. "We're dealing with a much larger industry, and the number of people that are employed by the FDA to oversee that industry has not kept pace," Bell stated.

SAFETY AND RISK

Many supplements contain active ingredients that can have strong effects in the body. Always be alert to the possibility of unexpected side effects, especially when taking a new product.

Supplements are most likely to cause side effects when people take them instead of prescribed medicines or when taken in combination. Some supplements can increase the risk of bleeding, or if a person takes them before or after surgery, can affect the person's response to anesthesia. Dietary supplements can also interact with certain prescription drugs in ways that might cause problems. For example:

- Vitamin K can reduce the ability of the blood thinner Coumadin to prevent blood from clotting.
- St. John's Wort can speed the breakdown of many drugs including anti-depressants and birth control pills and thereby reduce their effectiveness.
- Antioxidant supplements like vitamins C and E, may reduce the effectiveness of some types of cancer chemotherapy.

Be cautious about taking dietary supplements if you are pregnant or nursing. Also, be careful about giving them to a child. Most dietary supplements have not been well tested for safety in pregnant women, nursing mothers or children.

KEEP IN MIND

Don't decide to take dietary supplements to treat a health condition that you have diagnosed yourself, without first consulting a health care provider.

- Don't take supplements in place of, or in combination with prescribed medications without your health care provider's approval.
- Check with your health care provider about the supplements you take if you are scheduled to have a surgical procedure.
- The term "natural" doesn't always mean safe. A supplement's safety depends on many things, such as its chemical makeup, how it works in the body, how it is prepared, and the dose used. Certain herbs (for example Comfrey and Kava) can harm the liver.
- Before taking a dietary supplement, ask yourself:
 1. What are the potential health benefits of this product?
 2. What are its potential benefits for me?
 3. Does this product have any safety risks?
 4. What is the proper dose to take?
 5. How, when, and for how long should I take it?

From National Institutes of Health Office of Dietary Supplements and Consumer Reports

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NEW YEAR, NEW LAWS, A NEW YORK STATE TRADITION

Every January, New York State passes sweeping new laws. Here is a look at some you might find interesting:

- **CASH BAIL:** Cash bail has been reduced significantly. Those charged with most misdemeanors and Class E felonies will no longer be required to put up cash or bond to be released from custody after arraignment. The intent of the law is to not effectively criminalise poverty by keeping individuals in jail only because they cannot afford bail. However, opponents of the law believe that certain crimes such as theft, assault and harassment should not be included in the bill reform. Within a week of the new law coming into effect, Governor Cuomo has already stated the law needs to be revamped.
- **BOAT SAFETY:** Anyone born in 1993 or later is now required to obtain a boat-safety certificate prior to operating any motorboat on New York waterways. The law will expand each year until 2025, at which time all motorboat operators will be required to obtain a boat-safety certificate.
- **MINIMUM WAGE:** The Minimum Wage has been increased to \$15 per hour in New York City, \$13 per hour on Long Island and Westchester, and \$11.80 in the remainder of the state.
- **ELECTRIC BICYCLES/SCOOTERS:** This is actually a law which was passed but has been vetoed by Governor Andrew Cuomo. The bill was passed earlier this year by lawmakers to legalize electric bicycles and scooters with the appropriate regulations that promote safety to our residents. As such, electric bicycles and scooters are currently illegal on New York roadways and users should be aware that the police have increased enforcement through issuing tickets and even seizing electric bicycles and scooters.
- **TEEN PRE-REGISTRATION TO VOTE:** 16 and 17 year olds can now pre-register to vote to ensure they are registered on their 18th birthday. Previously, a voter could not register until they were 18. New York is now the 14th state to permit pre-registration at the age of 16.
- **SEXUAL HARASSMENT COMPLAINTS:** The statute of limitations for workplace victims to file a sexual harassment complaint with the State Division of Human Rights will be extended from one year to three years.
- **ADDICTION AND MENTAL HEALTH INSURANCE:** Health insurers must comply with new requirements including improved consumer disclosure, limiting amount of co-pays or coinsurance for outpatient mental health treatment and treatment for addiction, expanding medical necessity review for outpatient and inpatient addiction treatment, and prohibitions on pre authorization requirements for certain inpatient mental health treatment.

Should you have any questions or concerns regarding these topics, please feel free to call Morici & Morici, LLP anytime to discuss your rights.

UPSEU Local 1222 Shop Talk

Top 7 Ways to Stop WiFi Hackers



1. Change Your Router Admin Credentials

Most routers have the same default admin and password. In most cases it is "admin" and "admin." As soon as you can, change the initial login credentials to something more secure.

2. Set Up Strong Encryption

The basic level of WiFi encryption is WEP encryption. However, there are many tutorials that can teach anyone how to hack a WiFi password on a WEP encrypted network. You should always use at least WPA+TKIP encryption or ideally WPA2+AES for bulletproof security.

3. Keep Your Router Updated

Your router has a complex operating system which isn't immune to software bugs. While most routers update automatically, some require you to manually trigger the update process. It's a good idea to set a reminder on your smart phone to check for updates at least once a month.

4. Hide Your WiFi Network

The name of your WiFi network is called SSID or Service Set Identifier. You can connect to a WiFi network even if it doesn't have any SSID but you need to know the network's address. By not broadcasting any SSID is an effective way to prevent hacking.

5. Reduce Your WiFi Range

Although most people would rather extend the range of their WiFi network, sometimes it makes sense to limit the range to a small area. For example, if you live in a small apartment, there's no reason to broadcast your WiFi across the entire block, giving more people the opportunity to hack it. A WiFi analysis tool such as NetSpot* can help you determine the current range of your network and how to adjust it.

6. Enable MAC Filtering

Every WiFi enabled device has a unique identifier called the physical address or Media Access Control (MAC) address. You can set your router to only communicate with certain MAC addresses, preventing everyone else from connecting to your network. However, MAC filtering isn't bulletproof since it's easy to change the MAC address, making them appear as other devices.

7. Avoid Open Public Networks

As convenient as public WiFi networks are, you should be very cautious when connecting to one. Not all public networks respect the privacy and security of their users, and some may be set up by hackers who want to lure unsuspecting victims to steal their passwords and bank accounts. Only connect to verified, trustworthy public networks and always disable automatic WiFi connecting.

**NetSpot is a software tool for wireless network assessment, scanning, and surveys, analyzing Wi-Fi coverage and performance.*

DID YOU KNOW?

In New York, 16 and 17 year old's can now pre-register to vote in order to ensure they are registered on their 18th birthday.



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