

THE 411 FORUM



A publication for the hardworking men and women of AFSCME 411

February 2012

THE PRESIDENT'S CORNER

Many members have asked this question. "How did we get into this mess?" There are a multitude of circumstances, issues and events that led to the anti-worker legislators we are now forced to deal with. But, one stands out clearly – voter apathy. In the November 4, 2008 General Election, 69.2% of eligible Macomb County voters participated in the election. On November 2, 2010, that number was a mere 45.7%. Why did 23.5% of the eligible voters choose to stay home? A multitude of reasons – not one is good enough. We have all heard over and over why we should vote in every election. Now, we see the outcome. So, what is the answer? How about state legislation that dictates your health care insurance? How about state legislation that taxing your pensions? How about state legislation that repeals the Michigan Health and Safety Act? How about a legislature that modifies unemployment insurance to reduce the amount and eligibility? Is that enough to wake a sleeping giant? More than ever, working people must stand up and elect worker-friendly local, state and federal representatives.

Rights You Need to Know

Family Medical Leave Act

If you or a family member gets sick and you need to take extended time off work, you need to know this law. The Family and Medical Leave Act (FMLA), enacted in 1993, provides job-protected leave to employees who need time off to care for themselves or their families. This law sets a minimum national standard. State laws or collective bargaining agreements may provide additional benefits. Some of the major provisions of FMLA:

- Available to employees who have worked for the employer for 1250 hours during the 12-months preceding leave
- Defines a serious health condition as (1) any period of incapacity due to pregnancy and prenatal care (2) a chronic serious health condition (such as asthma, diabetes, etc.) (3) a permanent or long-term condition for which treatment may not be effective (such as Alzheimers, strokes, terminal diseases,) and (4) to receive multiple treatments (including recovery there from) either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment
- Requires the employer to maintain health benefits
- Guarantees employees can return to the same or equivalent position, with equivalent pay, benefits, and other terms and conditions of employment,

For a complete understanding of this complex law, go to <http://www.afscme.org/news/publications/health-care/afscmes-comprehensive-guide-to-understanding-the-family-and-medical-leave-act>.

Weingarten Rights

In the 1975 case NLRB v. J. Weingarten Inc., the U.S. Supreme Court declared that unionized employees have the right to have a steward present during a meeting with management *when the employee believes the meeting might lead to disciplinary action* being taken against him/her. Weingarten rights apply during investigatory interviews when a supervisor is questioning an employee to obtain information that could be used as grounds for discipline. When an employee believes such a meeting may lead to discipline, he/she has the right to request union representation.

These basic Weingarten rights stem from the Supreme Court's decision:

- 1) **The employee must request representation before or during the meeting.**
- 2) After an employee makes the request, the supervisor has these choices:
 - a. grant the request and wait for the union representative's arrival;
 - b. deny the request and end the meeting immediately; or
 - c. give the employee the choice of either ending the meeting or continuing without representation.
- 3) If the supervisor denies the request and continues to ask questions, the employee has a right to refuse to answer. In addition, the supervisor is committing an unfair labor practice. If in doubt, ask the supervisor if any discussion in the meeting may lead to discipline.

The State of our Union: AFSCME 411 Report

AFSCME 411 officers and executive board work diligently throughout the year to maintain a strong and viable union. I am proud to report the continued efforts of your officers and executive board in this State of the Union report.

MEMBERSHIP - Total membership remains steady. The December 2011 report from AFSCME Council 25 reports 747 full-time members and 10 part-time members. Despite the economic downturn, AFSCME 411 membership has not dramatically declined.

FINANCIAL - Fiscally, the officers and executive board continue to exhibit restraint and forward planning with your union dues. The local complies with all the mandates of the AFSCME Financial Standards Code. The local maintains a CD, a savings account and a checking account. An annual budget is submitted each year to the executive board and approved, including a pre-determined monthly savings. An annual audit is performed by our trustees followed by a report to the membership. Extensive financial reports are reviewed monthly at the membership and executive board meetings. Fiscally, the local remains strong and viable.

For a full up-to-date fiscal report, please attend the next membership meeting.

GRIEVANCES - Currently, the local is processing 58 grievances on behalf of membership. The local has twelve trained union stewards countywide to assist our members. The executive board is currently in the process of interviewing and training additional stewards.

COMMUNICATIONS - AFSCME 411 offers its members a number of avenues to obtain up-to-date information on the local. Our website, afscme411.org, is updated on a regular basis. The local newsletter, The 411 Forum, is distributed on a quarterly basis. Regular e-mail blasts are sent via e-mail to membership to update them on important information. In addition, AFSCME Local 411 maintains cell phone contact via President Cangemi, Vice President Joyce Compo and union steward Christopher Halvorsen, union steward for Facilities and Operations Department. The local also office contact during regular business hours.

Fighting for Working Families

This year is the 75th anniversary of our great union's founding. The history of AFSCME began in 1932, as the country suffered through a severe economic depression. A small group of white-collar professional state employees met in Madison, Wisconsin, and formed what would later become Wisconsin State Employees Union/Council 24. The reason for the group's creation was simple: to promote, defend and enhance the civil service system. They also were determined to help spread the civil service system across the country. In 1936, the American Federation of Labor (AFL) granted a charter for the American Federation of State, County and Municipal Employees (AFSCME). At the end of 1936, AFSCME had 10,000 members. Ten years later membership was up to 73,000. Many of the union's new members were blue-collar workers who came from big cities that had strong trade union roots and traditions.

The 1955 merger with the Congress of Industrial Organizations (CIO) brought in 40,000 members and a strong commitment to collective bargaining as the means to improve working conditions. During the 60s,

AFSCME's struggles were linked with those of the civil rights movement. Progressive unions like AFSCME joined students and civil rights activists as they took to the streets to protest economic and racial oppression. This alliance culminated in Memphis, Tennessee, in 1968 when sanitation workers struck for union recognition after two African-American workers were crushed to death in a garbage truck. Dr. Martin Luther King Jr., who was organizing the Poor People's March, went to Memphis to support the strike. Only after Dr. King's assassination did the city agree to recognize the workers' union, AFSCME Local 1733. A battle for the country's soul, over its basic values, continues to place AFSCME on the front lines. Since 1998, 320,000 public service workers in a dozen states and Puerto Rico have joined AFSCME. United with our union brothers and sisters, AFSCME continues to seek fairness, economic justice and a voice on the job. The stakes are high, and only a progressive organization like AFSCME — built by the sacrifices and risk-taking of public service workers for more than 70 years — is up to the task.

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