

FMLA REGULATION CHANGES

By Marilyn Irwin, Vice President CWA Local 2108

The first-ever amendments to the Family and Medical Leave Act (FMLA) were signed into law by President Bush in January, 2009, providing new military leave entitlements and updates to the 15 year-old regulations. The FMLA Final Rule does not reduce the law's coverage for workers who need FMLA leave and is intended to provide needed clarity for both workers and employers about their responsibilities and rights under the law. That said, there are some changes that our members must know about in order to ensure that their leave is designated as covered under the FMLA (if appropriate), and is therefore a non-chargeable absence. The following are highlights of the changes:

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement.

While the definitions of a "serious health condition" did not change, some time constraints for doctor visits were defined. One definition is "more than three days of incapacity plus two visits to a healthcare provider" (HCP). Under the Final Rule, the two visits must occur within 30 days of the beginning of the period of incapacity, and the first visit must take place within 7 days of the first day of incapacity. If the serious health condition involves a regimen of continuing treatment (i.e. prescription meds are prescribed), only one visit to the HCP is required. Under the Final Rule, this visit to the HCP must take place within 7 days of the first day of incapacity. "Periodic visits" for chronic health conditions is now defined as at least two visits to a HCP per year.

If you elect to use any type of paid leave concurrently with FMLA leave, you must follow your employer's policy for the use of such leave. For example, you need to take time off to care for your sick child (which is unpaid), but want to substitute vacation time so that you are paid for your absence. You must follow the company's rules for vacation requests. Your request for vacation could be denied if the maximum number are already on vacation, or if you don't make the request prior to the start of your tour. You would still be entitled to unpaid FMLA leave, even if you did not meet the conditions for taking the paid leave.

Employers are now permitted to deny a "perfect attendance" award to an employee who does not have perfect attendance because of taking FMLA leave as long as it treats employees taking non-FMLA leave in an identical way.

Employers are required to provide employees with a general notice about FMLA (through a poster and either an employee handbook or upon hire); an eligibility notice; a rights and responsibilities notice; and a designation notice. The Final Rule extends the time for the provision of the various notices to five business days.

An employee needing FMLA leave must follow the employer's usual and customary call-in procedures for reporting an absence, absent unusual circumstances.

The Final Rule added a requirement that if an employer wants a HCP contacted to clarify a certification form or to verify its authenticity, the employer's representative must be a HCP, human resource professional, a leave administrator or a management official, but in no case may it be the employee's direct supervisor. Employers may not ask a HCP for additional information beyond that required by the certification form. Your HCP can only provide medical information about you to your employer if you provide the HCP with a written authorization allowing it. You are not required to sign a medical release as part of a medical certification. However, if you don't provide either a complete and sufficient certification or an authorization allowing the HCP to provide a complete and sufficient certification, your request for FMLA may be denied.

In all cases, the Final Rule allows an employer to request recertification of an ongoing condition every six months in conjunction with an absence. (Note: You would have to meet the 1250 hour rule again at this point.)



CONTINUED, see FMLA CHANGES, Page 7

**WAR IS PEACE
FREEDOM IS SLAVERY
IGNORANCE IS STRENGTH**

George Orwell - "1984"

That famous quote comes from George Orwell's classic novel "1984". The novel describes a society where "Big Brother" attempts to control everything, including the "truth". Anyone who disagrees with Big Brother's version of the truth "disappears". In order to determine who is accepting their truth, Big Brother constantly issues a stream of lies and contradictory statements and then anyone who doesn't immediately agree disappears.

Verizon appears to be attempting the same approach as they try and settle the charges brought by the Maryland Public Service Commission for its poor quality service going all the back to January, 2007 (see article this month's 2108News). I spent two days in Baltimore at a hearing of the Public Service Commission where Verizon managers made some unbelievable statements before the commission. If any of us had told the same stories to our supervisor, we would likely find ourselves in the unemployment line.

The truth Verizon is doing their level best to conceal is simply:

THEY DON'T HAVE ENOUGH PEOPLE TO PROPERLY TAKE CARE OF THEIR CUSTOMERS!

Yet, once again, just like clockwork Verizon rolled out another round of EISP offers in February. They continue to try and remove people from the payroll in any way possible. And they continue to put pressure on those left behind to do the work of those who have left. They don't care if the job is done correctly or even if you do a good job serving the customer. So long as they can point to a number on a spreadsheet that says you have achieved a certain productivity number, they're happy.

Now, if you ask management if this is true, they, of course, will say absolutely not. They will try to convince you that they want employees to increase sales and productivity without sacrificing the customer. In George Orwells' 1984 this is called "doublethink". Doublethink means the power of holding two contradictory beliefs in one's mind simultaneously, and accepting both of them.



In the CSSC, this means selling every product Verizon has to offer to every customer who calls, while not pissing them off because the only reason they called is their bill has been wrong for the last four months, or they are living in a nursing home and they want to know if it's long distance to call their daughter.

For the technicians who work outside, this means doing everything you are required to do to perform your job safely and completely while still completing a completely unrealistic level of productivity.

Before the Maryland Public Service Commission this means that when you tell a customer you can't send a technician out to repair their service for 10 days and the customer, having no other choice in the matter accepts, that is not measured as a miss under the commitment to clear customer trouble reports within two days.

The latest incarnation of doublethink comes in the form of Verizon's new dress policy guidelines. Somehow, Verizon believes that by creating a completely unreasonable dress policy guideline, employees will suddenly be happier and more productive. I want to know what these people are smoking!

The only person who is going to become more productive is the one assigning the grievance numbers. While the International Union is expediting a grievance to arbitration, individuals directly affected by this unreasonable policy have the right to challenge it based on their own circumstances.

Almost daily we hear about the loss of access lines Verizon is experiencing and how we need to find a way to stem the tide of line loss. Hey Verizon, here's a hint:

DRESS POLICY GUIDELINES AREN'T GOING TO GAIN YOU ANY MORE CUSTOMERS!

Happy and satisfied customers don't take their business elsewhere. Verizon seems to be abandoning customer service at a time when they are fighting to take customers from their cable competitors, and trying to keep the cable companies from taking Verizon customers.


Instead of concentrating on something as trivial as whether or not your employees are wearing t-shirts and jeans, how about finding a way to let your employees do the job you hired them to do: make the customer happy.

Communications Workers of America
2108 news
 published monthly by
CWA Local 2108
Printing done in-house

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Les

RMC 2108 Retirees Corner

Calvin Foster, President RMC 2108

February has been a busy month for CWA RMC. The new RMC Council Chairman has been selected . Bobby Brown President of District 6 is the new Chair . The ballots were counted by our Vice President Mike Wallace and me with help from Helen Gibson's office.



RMC 2108

Robert V. Carr Jr from National Planning provided our members with helpful information that can be used during this difficult economy. He is available at 888 335 9601 & 410 518 6110

Barbara J. Easterling, retired CWA Secretary- Treasurer is expected to be named the new President of the Alliance for Retired Americans this month .

Congratulations to active RMC 2108 member, Sandrya McQuater who was chosen to serve as a volunteer at the Inauguration of the 44th President of the United States, Barack Obama, on January 20 2009 . She was one of 27,000 people selected out of the 100,000 who applied to serve.

Sandya felt that this was one of the highest achievements in her life and was honored to represent her African, Bahaman and Trinidad family, as well as her friends, family and America as a proud citizen .

There are many activities available to RMC members. Please come to our meetings held at the Local Office in Beltsville on the second Wednesday of every month. You'll be glad you did!

See you in MARCH!

2008 CWA LOCAL 2108 SCHOLARSHIP GRANT

CWA Local 2108 is proud to offer scholarships to our members and their families. Please read the rules below, and call the Local if you have additional questions.

1. Three \$2,000 scholarships are available.
2. Available to members in good standing since last negotiated contract, their spouse and dependent children or dependent children of deceased members.
3. \$1,000 will be mailed directly to the institution per semester.
4. Student must take at least 9 credits per semester.
5. Must have a letter of acceptance to college or accredited learning institution with application.
6. Drawing at July membership meeting as a raffle.
7. Community Service Committee will screen applications.
8. Applications must be postmarked by June 30, of current year.
9. Resignation from the union will forfeit scholarship awards.

NAME: _____ SOCIAL SECURITY # _____

RELATIONSHIP TO MEMBER: _____

ADDRESS: _____ HOME TELEPHONE #: _____

CITY: _____ STATE: _____ ZIP: _____

MEMBER'S NAME: _____ WORK TELEPHONE #: _____

NAME OF SCHOOL: _____

DELEGATE ELECTION RESULTS

The CWA Local 2108 Election Committee met at the Local Office on February 20th to count the ballots for Delegates-At-Large to represent our local during 2009 at District Meetings and the CWA Convention. The number of Delegates that our Local is entitled to is based on our average number of members. The official numbers have not yet been released, but it is anticipated that we will be entitled to three Delegates. There were 389 ballots counted, and the tentative results are as follows:

LaTasha Carpenter (277); Carl Brogden (245); Larry Gibson (240); Brian Simmons (134); Towanda Macklin (118); Luis Columba (83).

We congratulate the winners, and thank all members who took the time to vote and be involved. A special thank you goes to the members of the Election Committee for another job well done. The committee consists of **Dedria Tyree (Chair), Christopher Smith, Ruben Flores, James D. Georgeson and Terri Anderson.**

Verizon Focuses on Attire : Service Quality Takes a Back Seat to Heels & Dress Shirts

As most of you are aware, C&P Telephone, Bell Atlantic and Verizon have attempted to implement "workplace attire" guidelines many times over the past decades. CWA has always taken the position that, since no policy had ever been negotiated, the company had no right to implement guiding principals unless they were specifically dealing with safety issues.

Last November, Verizon approached the Union with a policy regarding workplace dress attire and advised of their intent to implement. At that time, the CWA put Verizon on warning that locals would pursue all cases where management had been unreasonable in its application of the policy and, furthermore, additional grievances would follow should there be any negative impact on our membership.

As 2108News goes to press, reports of subjective interpretations have been streaming in over the implementation of the policy. Workgroups who have *no customer contact requirements* are being put on warning that t-shirts, sweatshirts, caps, shorts and various other articles of clothing will no longer be tolerated in order to promote "productivity, enhance employee engagement and improve morale". Perhaps Verizon believes that a wedding gown or a tuxedo will expand growth and increase market share !!

The guidelines clearly state that supervisors need to consider the type of work, amount of customer interface and other specific criteria when considering what is and is

not casual attire for the business environment. All members should contact their job stewards if they feel this "new" doctrine of tidiness has been mandated in a manner that makes no sense based on your specific workplace.

CWA District 2 has filed an executive level grievance over this bogus initiative to further control the masses. Maybe, if the company put as much effort into effectively running the business as they do in making sure we all have a collared shirt, Verizon stock wouldn't be down 25%.

CWA Local 2108 VCSI Techs Share in Huge Back-Pay Award



Through the grievance and arbitration process, nearly 250 CWA technicians at Verizon Connected Solutions Inc.(VCSI) shared a back pay award of more than \$2 million, the result of a decision that found that VCSI failed to pay workers for performing work of higher-paid senior techs.

The workers, members of CWA Locals 2100, 2106, 2108, 2202, 2204, 2205, 2222, and 2336, maintain, install and repair telephony, voice and FiOS for VCSI in Maryland and Northern Virginia. "This arbitration award is a great victory for the workers and our union," said Ron Collins, CWA District 2 Vice-President. "It shows the value that a union contract has when a company tries to get around its legal obligation to employees." This award covered 86 technicians in CWA Local 2108 who received almost \$600,000 in back pay.

The arbitration ended a more than two year fight by CWA to get the Verizon subsidiary to pay the Multimedia Services Technicians the pay they deserved for performing the work of senior technicians, including the downloading and installation of firmware and software. District 2 Administrative Director Gail Evans helped negotiate the implementation settlement for the arbitration.



CWA Local 2108 Members

Welcome New Members

Tonie Price

Dorothy Mercado

Ed Anderson/Karen Lewis

Devin Overton



Karen Lewis

Ebony Saunders

Tanise Bing

Heather Murcoch

Chinetha Dawkins

Vernon Vaughan

Alvin Hall

Chasity Pyle

Emile Dove

Monica Barnes

Transferred Members

Tonie Price

Carol Castro

Kathleen Merrifield

Laurie Weinberger

Shenita Parker

Dollene Harris

Cassandra Trammell

Joan Self

Carl Brogden

Israel Guzman

Gregory Tigner, Jr.



Personals

We wish to extend sincere sympathy to the family and friends of:

Wallace E. Wright, step-father of **Sandra Williams** who died on October 29, 2008.

Virginia Amaguana, mother of **Gustavo Amaguana** who died on November 23, 2008.

Nyla McCormick, granddaughter of **Linda Carothers** who died on December 25, 2008.

Richard Butler, husband of **Katherine Butler** who died on December 27, 2008.

Truman Johnson, father of **Nicole Martin** who died on January 17, 2009.

Jacqueline Montgomery, sister of **Joanne Vanderhorst** on January 26, 2009.

Herbert B. Staples, father-in-law of **Paul Goldbeck** who died on January 29, 2009.

Joan M. Hudgins, an active member who died on February 3, 2009.

Betty Brooks, mother of **Deonne Brown** who died on February 4, 2009.

James C. Allen, Sr., husband of retired member **Willie Allen** who died on February 7, 2009.

Myrtle Sickmen, grandmother of **Robert Sickmen** who died on February 13, 2009.

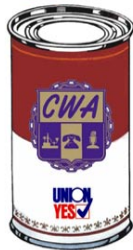
Congratulations To:

Sherry Harris on the birth of daughter, **Lena Romaine Nicholson** on February 7, 2009.

FOOD DRIVE ◊ FOOD DRIVE ◊ FOOD DRIVE



**Help Support the
Washington—
Metropolitan
Area Food Banks**



CANNED/Non-PERISHABLE

LOOK FOR BOXES AT YOUR WORK
LOCATION OR CALL YOUR CHIEF
STEWARD

CWA Intervenes in Telephone Rate Increase Before the Md. Public Service Commission

The Communications Workers of America, representing 5,000 Verizon Communications workers in the State of Maryland, intervened before the Maryland Public Service Commission in a settlement case that could increase telephone rates for thousands of Maryland residents.

The settlement agreement between Verizon, the Office of the People's Counsel and the Maryland Public Service Commission fails to serve the public interest, CWA said after a review of the proposed agreement. The proposed settlement, which grew out of complaints that Verizon routinely failed to provide satisfactory service, allows Verizon to keep its service failures a secret from the public, avoid service standards altogether and raise rates. The Commission had a full hearing on this settlement agreement on Thursday, February 12 and Friday, February 13.

"This is a deeply flawed agreement, one that allows Verizon to avoid the settlement's 'incentive plan' once the company has passed a "secret" percentage of market share of the Maryland public. It also limits Verizon's liability to customers who receive poor services," said CWA District 2 Vice President, Ron Collins.

At a preliminary hearing on Tuesday, February 10, the Public Service Commission was critical of Verizon's argument that keeping its performance a secret from the public was in the public interest. The PSC made clear it would not approve that aspect of the agreement and emphasized that Verizon's service performance record would be available to consumers.

"This is one of the worst settlement agreements we have seen," said Collins. "It practically rewards Verizon for poor performance. Our hope is that the PSC will either amend it or reject it altogether."

Verizon's service performance has been under challenge across the country as it abandons the traditional copper network and deploys its non-regulated fiber network while seeking rate increases. Regulators and legislators have been under growing pressure to address Verizon's deteriorating network.

CWA has intervened in the settlement hearings as an interested party. The Union has a history of strong support for consumers of telecommunications. "Our

members are trained professionals, capable of providing world class service. Verizon's service deficiencies are the direct result of management decisions and they hurt our jobs as well as the public we serve," Collins said, adding "we support quality service."

Is this the future for Maryland telephone service?



Right now, Verizon is trying to make a deal that would allow it to raise telephone rates while doing next to nothing to resolve the service quality complaints of thousands of Maryland customers.

That's why Verizon employees, consumers, and community members are calling on the Maryland Legislature and the Public Service Commission to scrap this plan and work toward a settlement that works for everyone.

Visit www.contactmdPSC.org

Tell the Maryland Public Service Commission:

Don't let Verizon hang up on Maryland.

CWA The Union for the Information Age
www.cwa-union.org

A message from proud Maryland members of the Communications Workers of America

FMLA CHANGES, CONTINUED from Page 1

The Final Rule makes two changes to the fitness-for-duty certification process. First, an employer may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. Second, where reasonable job safety concerns exist, and employer may require a fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave.

Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), hours that an employee would have worked but for his or her military service are credited toward the employee's required 1250 hours worked for FMLA eligibility. Similarly, the time in military service also must be counted in determining whether the employee has been employed at least 12 months by the employer.

If you need more details about the changes in FMLA regulations, please see your steward or chief steward. As always, we recommend that all members pay close attention to the rules and time limits associated with their FMLA request, and seek help when needed. CWA District 2 has negotiated a Health Care Benefits Coordinator to assist our members with their FMLA and Short Term Disability problems. Her name is Paula Terveer, and she can be reached on 888 571-7218. You only have 25 days from your first day of absence to submit your FMLA certification form, and 14 days from the date your FMLA request is denied to request an administrative review. Involve Paula in the process early to give her sufficient time to help you.

MILITARY FAMILY LEAVE NOW PART OF FMLA

By Marilyn Irwin, Vice President CWA Local 2108

Section 585(a) of the National Defense Authorization Act (NDAA) of 2008 amended the FMLA to provide two new leave entitlements:

Military Caregiver Leave (also known as Covered Service Member Leave): Family members of covered service members will be able to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This special provision extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. It also extends FMLA protection to additional family members (i.e. next of kin) beyond those who may take FMLA for other qualifying reasons.

A covered employer must grant an eligible employee who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member. The "single 12-month period" begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. (An employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period". Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

A "serious injury or illness" is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating. A covered service member is one who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

Qualifying Exigency Leave; If your spouse, son, daughter (whether biological, adopted, foster child, stepchild, legal ward or child for whom you stood in loco parentis), or parent (biological, adoptive, step or foster father or mother, or any other

individual who stood in loco parentis) is a member of the National Guard or Reserves and is under a call or order to active duty in support of a contingency operation, you could qualify for this leave. It would allow you to take FMLA leave to address the most common issues that arise when a covered military member is deployed on short notice (i.e. deployment with seven or less days of notice), such as attending military-sponsored functions, making appropriate financial and legal arrangements, and arranging for alternate childcare. This could include providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, etc.

The Qualifying Exigency Leave would allow you to take up to five days of leave to spend time with a covered military member who is on short-term temporary rest and recuperation leave during deployment and to attend certain post-deployment activities, ceremonies, programs and events sponsored by the military for a period of 90 days following the termination of active duty status. It would allow you FMLA time to address issues arising from the death of a covered military member, and could be used for any other event that the employee and employer agree is a qualifying exigency.

Your employer may require you to provide a copy of the covered military member's active duty orders or other documentation issued by the military. You are only eligible for up to 12 weeks of FMLA for Qualifying Exigency Leave each calendar year (the method our employers use to count FMLA usage). This is **not** in addition to the 12 weeks of FMLA you are currently entitled to use due to your own serious health condition or that of a covered family member. If you used 8 weeks of FMLA this year to have surgery, and then later needed Qualifying Exigency Leave, you would only have up to 4 weeks of FMLA time available to you. Qualifying Exigency Leave does not make more FMLA leave available to you; it expands the reasons you can use it.

This article is a general overview of the new Military Family Leave. If you think it may apply to you and need more details, please contact your Steward, Chief Steward or the Local Office.

Local 2108 Union Calendar

March 2009

- 4 Chief Steward Meeting - 9:00am
Local Office, Beltsville, MD
- 8 Daylight Savings Time Begins
- 11 Retired Member Club Meeting 11:00am
Local Office, Beltsville, MD
- 11 General Membership Meeting 6:00pm
Local Office, Beltsville, MD
- 17 St. Patrick's Day
- 25 Stewards Meeting - 6:00pm
Local Office, Beltsville, MD



April 2009

- 1 Chief Steward Meeting - 9am
Local Office, Beltsville, MD
- 8 Retired Member Club Meeting 11:00am
Local Office, Beltsville, MD
- 8 General Membership Meeting 6:00pm
Local Office, Beltsville, MD
- 12 Easter Sunday

- 21-23 CWA District 2 Conference
Williamsburg, VA

Visit Local 2108 On The Web: www.cwacal2108.org

**Check Out FMLA
Changes.....
See Pages 1 & 7**

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COMMUNICATIONS WORKERS OF AMERICA
LOCAL 2108
10782 Rhode Island Avenue
Beltsville, MD 20705-2513
ADDRESS SERVICE REQUESTED
ISSN: 0162-248X