

The MD Healthy Working Families Act Adds to Worker Protections

While the **Maryland Healthy Working Families Act (The MD Act)** was effective 02-11-2018 for many who work in Maryland, our CWA members who work at Verizon in Maryland have to wait until **08-04-2019** for the Act to apply to them. That is the date our previous contract would have expired had we not voted last year to extend it until 08-05-2023.

The MD Act is similar to the Montgomery County Sick and Safe Leave Act (MoCo S&SLA) which has been available since 10-01-2016 to our members who work in Montgomery County. We want to give a general explanation of both of these leaves plus the Family Medical Leave Act (FMLA), and point out major differences between them to help you if you ever need to take time off for a qualifying reason.

The MD Act allows you to accrue up to 40 hours of paid time off per year to be used to care for your own or a family member's mental or physical illness, injury, condition or to get preventative care, or for maternity or paternity leave. It also covers absences necessary due to domestic violence, sexual assault or stalking committed against you or your family member, and is to be used to obtain medical or mental health attention, to obtain services from a victim services organization, for legal services or proceedings or because you had to temporarily relocate as a result of the domestic violence, sexual assault or violence. A new hire must work 106 days from the date of hire to begin using this leave.

The definition of "family members" under the MD Act includes your 1) spouse, 2) child (biological, adopted, foster or stepchild of you or your spouse, or a child you have legal or physical custody or guardianship, or stand "in *loco parentis*" of), 3) your biological, adopted, foster or step grandchild, 4) you or your spouse's biological, foster step parent, legal guardian or person who stood in *loco parentis* when you were minors, 5) your biological, adopted, foster or step grandparent, and 6) your biological, adopted, foster or step sibling.

Employees are required to give reasonable advance notice of the need to use leave under the MD Act of not more than 7 days, when it is foreseeable. When it is not foreseeable, notice must be provided to your employer as soon as practicable. Your request for this leave may be denied if you fail to provide notice AND your absence will cause a disruption to your employer. Your employer can request that you provide verification that the leave was used appropriately if the leave was for more than two consecutive scheduled shifts of if it was used between the first 107-120 days you are employed. Your employer must provide, either in writing or via an online system, a way for you to view the balance of leave you have available to you under this Act. Employers are prohibited from taking adverse action against an employee who exercises his rights under the MD Act, and employees are prohibited from acting in bad faith when making a complaint, bringing an action or testifying on an action. Employers can adopt and enforce a policy that prohibits the improper use of this leave, including prohibiting a pattern of abusing it. If you feel your rights have been violated under the MD Act, you should contact the Commissioner of Labor and Industry at 1100 North Eutaw St, Rm 600, Baltimore MD 21201 or by email at ssl.assistance@maryland.gov. [Note: We assume VZ will choose to "front-load" these 40 hours of leave on January 1st of each year, to be consistent with how they handle MoCo S&SLA time (see below), but we were unable to confirm this prior to going to print.]

The Montgomery County Sick and Safe Leave Act (MoCo S&SLA) applies to our members who regularly work in Montgomery County. It allows you to accrue up to 56 hours of paid leave per year. Verizon "front-loads" this time (making it available on January 1st of each year), instead of allowing you to earn 1 hour of leave for every 30 hours you work, up to the 56 hour maximum. If you work in this county, you can use your earned MoCo S&SL to care for or treat your own mental or physical illness, injury or condition, or to obtain preventive medical care. It can be used to care for a family member with a mental or physical illness, injury or condition, or to obtain preventive care for them. MoCo S&SL can also be used if your place of business or your family member's school or child care center has closed by order of a public official due to a public health emergency, and to care for a family member if a health official or health care provider has determined that their presence in the community would jeopardize the health of others because of your family member's exposure to a communicable disease. This leave can also be used if you or your family member is a victim of domestic violence, sexual assault or stalking and your absence is used to obtain medical attention to recover from a physical or psychological injury, get legal services or services from a victim services organization, or if you have temporarily relocated. A new hire may be prohibited from using this leave during their first 90 days on payroll.

The definition of "family members" under the MoCo S&SLA is very similar to the definition in the MD Act with the following exceptions: The MoCo S&SLA does not include adopted, foster and step grandparents and grandchildren of the employee as covered family members. It does, however, include a grandparent's spouse and a sibling's spouse, while the MD Act does not. Another difference is that the MD Act covers a child for whom the employee stands in *loco parentis*. The MoCo S&SLA does not, but it does cover a child for whom you are the primary caregiver. Similarly, the MD Act also covers a person who acted as a parent or stood in *loco parentis* when you or your spouse was a minor; the MoCo S&SLA does not have the in *loco parentis* language, but does cover a person who served as your primary caregiver.

Under the MoCo S&SLA, you are only required to request leave from your employer as soon as practicable after you determine it is needed. The only time your employer may request documentation is when you use this S&SL for more than three consecutive days. Again, your employer is required to provide you with a written statement of earned S&SL, but this requirement can be (and is currently being) satisfied through an online system where you can access your own leave balance. The Montgomery County Office of Human Rights is responsible for enforcement of the MoCo S&SLA. Complaints can be filed in person at 21 Maryland Av, Suite 330, Rockville MD, on the third floor of the Rockville Memorial Library or by calling 240.777.8450.

The Family Medical Leave Act (FMLA) has applied to our members for twenty five years now, and most are familiar with it, so I will only highlight the basic provisions of the law here. FMLA provides you with up to twelve weeks of unpaid time off per year to care for your own serious health condition or that of your family member. You must have worked for your employer for at least one year, and you must have worked at least 1250 hours in the past twelve months in order to be eligible for FMLA. This leave can be used for the birth of a child and to care for the newborn within one year of birth, the placement of a child for adoption or foster care with you and to care for the child for up to

(Continued on page 4)

NLRB Loses to Scabby the Rat!

If you haven't already figured it out, the Trump era has presented unions with a range of new threats to their survival by systematically implementing rules and regulations designed to hamstring labor unions, including the 2018 Janus Supreme Court decision revoking the right of public sector unions to collect dues from nonmembers. This erosion of union protections has been met with large-scale protests and grassroots organizing, from picketing school teachers to striking ride-share drivers. But as battles over union rights transpire at the local and federal levels, an unexpected figure has come into focus: a giant inflatable rodent.



Scabby the Rat has been a symbol of union solidarity, showing up at protests around the country and the world. Standing as large as 25 feet tall with an aggressive facial expression, claws ready to fight and a stomach covered in inflamed scabs, Scabby has been an effective tactic to force negotiation and draw media coverage while shaming those who violate strikes. The rat's continued effectiveness is a testament to the importance of workplace organizing, particularly in an era of historically low union participation.

Earlier this year, the National Labor Relations Board (NLRB), which governs the private sector, was trying to limit Scabby's use as part of a wave of anti-union decisions by business-friendly Republican members. As a senior NLRB official recently told Bloomberg Law, the Trump-appointed General Counsel Peter Robb "wants to find it unlawful to picket, strike or handbill with the rat present." (The NLRB did not return requests for comment.) The same official told Bloomberg that Robb "hates the rat."

In December 2018, Robb instructed NLRB attorneys to revive a Scabby complaint in Illinois involving Donegal Excavating and Union of Operating Engineers Local 150. Local 150 General Counsel Dale Pierson estimated Scabby has been used thousands of times by the union. On a given day, up to 10 rats might be deployed to workplace pickets for issues including contract disputes, working conditions, wages and benefits. Pierson said Local 150 has faced many challenges from local governments over the years, but Scabby has passed muster as protected First Amendment speech.

And if you remember, Scabby showed up numerous times at our picket lines during the Verizon strike in 2016.

Organized labor representatives argue that under NLRA regulations, unions are held to stricter guidelines concerning free speech protections than private sector business or other protesting entities. Local 150 General Counsel Pierson said recently-set First Amendment precedent, such as the 2010 Citizens United and 2017 Masterpiece Cakeshop decisions, suggest a double standard is being exercised against unions for content- and speaker-based discrimination. "If the Westboro [Baptist] Church can picket veterans' funerals — American service people who've been killed in Iraq or Afghanistan — because they're protesting gays in the military, we can't put up an inflatable rat?" said Pierson. "And by the way, what's coercive about the inflatable rat? Let's remember he's full of air. He doesn't even speak"

So, with the recent challenges, does this mean that Scabby the rat is dead? Can unions no longer use banners and inflatable animals to protest? The answer is **no!!** The labor movement just got a big win over the Trump administration last month when the NLRB asked the court to issue a preliminary injunction in another case that would put an end to a months long protest by a New York construction union. The labor organization is speaking out against the use of nonunion labor in the building of a new ShopRite grocery store.

U.S. District Judge Nicholas Garaufis denied the request July 1, siding with LIUNA affiliate Construction & General Building Laborers Local 79. 'As a threshold matter, the court notes that Local 79's "peaceful use of stationary, inflatable rats and a cockroach to publicize a labor protest is protected by the First Amendment,"' Garaufis wrote in his decision.

The judge went a step further, warning the NLRB that a federal court enjoining expressive conduct would be 'untenable' and 'raise serious constitutional concerns.'

So for now, Scabby the Rat lives on!!

RMC 2108 Retirees Corner

The RMC 2108 has voted to cancel our August meeting. Our next meeting will be held on September 11, 2019 at 11:00a.m.

H.R. 748 known as the Middle Class Health Benefits Tax Repeal Act has passed the House of Representatives and will now be considered by the Senate. This bill would repeal the "Cadillac Tax Plan" provision of the Affordable Care Act, which is scheduled to go into effect in 2022. Retirees (like us) who have good insurance from former employers will have large tax consequences because of the "Cadillac Plan Tax" unless it is repealed.

Healthcare and taxes are very important to seniors and retirees. We need to consider them when the presidential candidates reveal their plans for America. CWA Strong!!

See you in September!!

Calvin C Foster Jr
President - RMC 2108



You may want to check out one of these important workshops presented by **Networth Financial** Group to see if the reality of retirement is on your horizon and get treated to a free meal!!

Retirement Benefits Workshop

Saturday, August 3, 2019 at 10:00 AM - CWA Local 2100, 12436 Eastern Avenue, Middle River, MD 21220.

Thursday, August 15, 2019 at 2:45 PM - Verizon FDC, 13101 Columbia Pike, Silver Spring, MD 20904

Saturday, August 24, 2019 at 10AM - CWA Local 2336, 151 Riggs Rd., Washington, DC 20011

Retirement Exploration Workshop

Tuesday, August 20, 2019 at 6:30PM - Ruth's Chris, 106 Crown Park Ave., Gaithersburg, MD

Reservations are required and to RSVP you may call Networth at (800)-859-2212, or register online at Networth.net. **Space is limited and the workshop is limited to CWA members 55 and older with 20+ years of net credited service and their spouse only.**

2020 Union Plus Scholarship Program Accepting Applications Now

Since 1991, the Union Plus Scholarship Program has awarded more than \$4.5 million to students of working families who want to begin or continue their post-secondary education. Over 3,000 families have benefited from our commitment to higher education.

Eligibility

Current and retired members of participating unions, their spouses and their dependent children (as defined by IRS regulations). At least one year of continuous union membership by the applicant, applicant's spouse or parent (if applicant is a dependent). The one year membership minimum must be satisfied by May 31, 2020.

Application Timeline:

Applications are available starting in mid-June, and a complete application must be received on or before 12:00 p.m. (Eastern Time) on **January 31, 2020**. Applications received after this deadline will not be considered.

Scholarship Award Amounts:

Amounts range from \$500 to \$4,000. These one-time cash awards are for study beginning in the Fall of 2020. Students may re-apply each year.

Award date:

The Scholarship Committee will determine recipients of scholarship awards by May 31 each year.

To apply, go to:

<https://www.unionplus.org/benefits/money/union-plus-scholarships>

**Are you "WEARING RED" on
Thursdays?**

Personals

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

James W. Keyser, father of retiree **Richard J. Keyser**, who passed away April 21, 2019..

Janie H Roach, mother of retiree **Kenny Roach** who passed away on July 3, 2019.

Welcome to Local 2108

Transferred Members



Dwayne Richburg

Tarek Davis
Gary Lovingood
Eric Cunningham



BSO Locks Out Musicians

On June 17th. The American Federation of Musicians Local 40-543, the union that represents the Baltimore Symphony Orchestra, confirmed that the musicians of the orchestra were locked out.

Management abruptly canceled the orchestra's summer concerts on May 30, citing a \$16 million loss in revenue, despite increased donations over the past decade. Facing a projected \$1.5 million deficit by the end of the fiscal year, the organization has proposed cutting musicians' pay, health care and vacation time as well as reducing its season from 52 weeks to 40 weeks.

While players and management are still at the negotiating table in the presence of federal mediators, the negotiations are not yet officially in mediation. Whatever the outcome the lockout will end on Sept. 9, when the orchestra is scheduled to reconvene for the fall season. Musicians, however, are highly unlikely to resume work unless a contract agreement has been reached.

CWA Local 2108 is urging all members to support our sisters and brothers who are members of Local 40-534 to go to :

<https://actnow.io/CxNMwgr>

and sign the petition urging Governor Hogan to release \$3.2 million dollars approved by the Maryland Legislature over the next two years to help stabilize the orchestra. We are also asking that if you are in the downtown Baltimore area, take a few minutes and join our sisters and brothers at the Joseph Meyerhoff Symphony Hall on the picket line as they continue to fight for a fair contract.



one year of placement, to care for your spouse, child or parent who has a serious health condition, or due to your own serious health condition that makes you unable to perform the essential functions of your job. FMLA can also be used for any qualifying exigency arising out of the fact that your spouse, son, daughter or parent is a covered military member on "covered active duty" or to care for that covered service member with a serious injury or illness. While FMLA leave is unpaid, you can choose to substitute your paid time off (i.e. sick leave, vacation pay) in order to be paid for the absence. Once a "chronic" condition has been substantiated, absences can be "intermittent", (used when the condition flairs up or treatment is needed). For an "acute" condition, you must be incapacitated for more than three days, with two visits to a healthcare professional, or at least one visit to a healthcare professional with a continuing course of treatment. VZ currently uses ARC to handle requests for FMLA, and documentation from a medical professional must be provided to them before FMLA usage can be approved. If you feel that your FMLA has been denied in error, or that you have been discriminated against because of your FMLA usage, a complaint can be filed with the Department of Labor.

The biggest misconception our members have about the MoCo S&SLA will surely cause confusion about the MD Act, too. **As long as you are eligible for more annual paid time off than these two Acts require (56 hours for MoCo S&SL and 40 hours for the MD Act) you DO NOT GET ANY ADDITIONAL PAID TIME OFF if you have a qualifying absence .** The only members who could possibly get additional paid time off are those who have less than one year of service and aren't entitled to paid time off that meets the minimum requirements of the Act(s).

The MD Act and the MoCo S&SLA could help you though in different ways. Because of the broader definitions of "family members" in these two Acts, they could make you eligible to use your paid time off to help relatives who don't meet the more narrow definition of "family member" under the FMLA (i.e. sibling, sibling's spouse, grandparent, etc.) These Acts also add coverage for absences due to your family member's school or office being closed by a health official due to contagion, and for necessary time off to deal with legal or logistical issues necessitated by domestic violence, sexual assault or stalking, which aren't covered under FMLA, either. The Act(s) could require VZ to grant the use of your paid leave even if you are not eligible for FMLA or have exhausted it. Imagine your child's school being closed due to a measles or Ebola outbreak and being told that you can't take tomorrow off because 18% of your workgroup is already on vacation!

This is a broad overview of three laws that can help you get the time off you need to care for your own injury or illness, or to care for your family member. As always, if you feel that your request for time off has been denied in error, reach out to your steward or call the Local right away for assistance.

Local 2108 Calendar

AUGUST 2019

- 7 Chief Stewards Meeting - Cancelled
Local Office, Beltsville, MD
- 14 RMC 2108 Meeting - Cancelled
Local Office, Beltsville, MD
- 14 Membership Meeting - 6:00pm
Local Office, Beltsville, MD

SEPTEMBER 2019

- 2 Labor Day
Local Office Closed
- 
- 11 RMC 2108 Meeting - 11:00am
Local Office, Beltsville, MD
 - 11 Membership Meeting - 6:00pm
Local Office, Beltsville, MD
 - 11 Patriot Day

WEINGARTEN RIGHTS

If this discussion could in any way lead to my being disciplined or terminated or have any effect on my personal working conditions, I respectfully request my union representative, officer or steward to be present at this meeting. Without union representation, I choose not to participate in this discussion.

MARK YOUR CALENDAR: Membership Meeting - Wednesday, August 14, 2019, 6:00pm RMC 2108 Meeting - Wednesday, August 14, 2019, - Cancelled



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 LaTasha Carpenter - Vice President
 Johnny Brown - Secretary-Treasurer
 Amory Proctor - Executive Vice President
 Marilyn Irwin - President

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