

CSEA Orange County

Keeping Orange County in Motion Unit 7900/7902

November 2009

Fall Newsletter

A MESSAGE FROM THE EXECUTIVE BOARD MEMBERS...

The Executive Board would like to extend its sincere appreciation to those members who supported our bid for office during the recent election of officers for the unit. Our slate, "The Change We Need" is committed to improving the unit for the benefit of the members. Collectively, the officers strongly believe that the workforce of the county represented by Unit 7900/7902 deserves to be represented in a manner that increases communication, promotes transparency and builds morale among the rank and file in conjunction with garnering the respect of the management staff of the County.

Each member should be assured that the officers of the unit are dedicated and available to the membership on a continual basis. Please do not hesitate to contact one of us for any reason. Together we can work to make this unit strong and active, thereby improving the lives of the membership.

In Solidarity,

Thomas Mignone, President; William Oliphant, 1st VP; Charlotte Martin, 2nd VP; Joseph Albert, 3rd VP; Linda Jansen, Secretary and Ruth Luis, Treasurer

Don't see your department; why not get involved. Every department needs representation; more member activity leads to more communication and information sharing. Call any of the officers to inquire.

Jo-Ann Wilson	Aging	Tracy Mahoney.....	Sheriff/Civil
Sean Orben	Aging	Angela Murray	Sheriff/Civil
Laura Mallon*	County Clerk	Theresa Bart.....	Social Services
Donna Kuhl*	County Clerk/DMV	Rene Smith*	Social Services
Debbie McDonald*	County Clerk/DMV	Denise Fuchs	Social Services
Emmet Garnham* ..	E911	Jill Crain	Social Services
Milo Moore*	E911	Beth Gold-Lentino ..	Social Services
Laura LaSusa	ETA	Pat Goldsboro	Social Services
Lisa Lingle	Finance	Sabina Shapiro*	Social Services
Theresa Nitske	Health/WIC	Patti Parish*.....	Social Services
Madeline Nolan	Health	Richard Benjamin ..	SUNY Orange
Dave Score*	Health	George Dusenberry ..	SUNY Orange
Nancy Krupunich* ..	Mental Health	Gabriella Kramer ..	SUNY Orange
Lani DesRosiers	Mental Health	Janet Nowicki	SUNY Orange
Debra Carmody* ..	Info. Services	Vanessa Bisons* ..	Valley View
Pete Kaleita	Parks	Donna Concepcion*	Valley View
Jim Helt	Public Works/EF&S	Susan Culver	Valley View
John Lamberton ..	Public Works	Randy Morse	Valley View
Bob Markel*	Public Works	Wayne Watkins	Valley View
Joe Ferrantelli* ..	Public Works/Jail		
Robert Fair*	Public Works/EF&S		

*Indicates Grievance Representative

PRESIDENT'S MESSAGE

It is with great pride that I am addressing you as President of your union. The support given to the new CSEA 7900/7902 Orange County Unit will not go unappreciated. This Executive board will be working hard to achieve our primary objectives, to ensure County workers obtain the best contract possible, the respect we deserve and guarantee our families are provided for always .

The union membership must be an active part of the union. This not only includes the Executive Board and Shop Stewards but each and every one of you as well. Attend union meetings, let us know your ideas, priorities, etc.

At this time, I am proud to announce that the Executive Board meetings and Shop Stewards meetings will be open to all union members on the first Tuesday of the month starting November 10, 2009. The meetings will take place in the Union office in Goshen starting at 4:00 P.M. and the Shop Stewards meeting will be starting at 5:30 P.M. You will be receiving a newsletter every three months and the Executive board cell phone numbers are listed on the website and will be posted on the bulletin boards.

In closing, let me say that the union will now ensure that you receive the respect you deserve for the professional job you perform everyday. We will represent you in the manner in which you want, always listening and always communicating with you.

Again let me say Thank You for you support and I wish you and your families a happy and healthy Holiday season.

In solidarity,

Thomas Mignone
President 7900/7902

DO YOU KNOW WHO YOUR SHOP STEWARDS AND GRIEVANCE REPRESENTATIVES ARE?

Shop Steward – an activist who volunteers in the Local/Unit to communicate with the members in the workplace, organize those employees who are agency fee payors to become members and provide CSEA leadership in specific work locations. This individual does not handle grievances (unless he/she has met the requirements to become a grievance representative).

If you would like to receive this newsletter by email, please send an e mail to - CSEA7900@frontiernet.net

WORKPLACE VIOLENCE LAW ...

Frequently Asked Questions About the Workplace Violence Law

Q: WHAT IS WORKPLACE VIOLENCE?

A: Workplace violence is defined as any physical assault, threatening behavior, or verbal abuse occurring where a public employee performs any work-related duty in the course of his or her employment.

Q: WHAT EMPLOYERS MUST COMPLY WITH THE PROVISIONS OF THIS LAW?

A: At this time, all public employers with the exception of school districts (K-12) are required to meet the provisions of this rule. However, there is current legislation in the State Assembly and Senate to expand the law to include school districts and not-for-profit organizations that receive 50% or more public funding. Check the workplace violence prevention web notices for breaking news on this legislation. Private sector employees are not covered by this law.

Q: WHAT IS THE PURPOSE AND THE INTENT OF THE LAW?

A: The purpose and intent of the law is prevention to minimize or eliminate workplace violence by requiring all public employers to develop and implement Workplace Violence Prevention Programs. Employers will be required to identify causes of workplace violence by performing and documenting workplace hazard evaluations or job risk assessments and implementing preventive measures and programs.

Q: WHAT CONSTITUTES A WORKPLACE VIOLENCE PREVENTION PROGRAM?

A: Employers, with the union's participation and involvement, will be responsible for performing and documenting workplace hazard assessments by focusing on high risk jobs and the hazards associated with them, and establishing and implementing policies to reduce or eliminate workplace violence through protective measures.

We have seen some workplace violence programs where employers – do not involve the union – simply focus on worker vs. worker violence rather than conducting job hazard evaluations for all types of workplace violence situations; and – use the easy way out by instituting blanket zero-tolerance policies and discipline workers for workplace violence incidents without merit.

These policies do not address the actual risk factors and puts the blame on workers.

Q: WHAT IS PARTICIPATION OF THE DESIGNATED EMPLOYEE REPRESENTATIVE?

A: Section 27-b of New York State Labor Law clearly states that the designated employee representative, the union, must be given the opportunity to participate in various program areas. Unions must be given the opportunity to:

1. contribute information;
2. participate in the review of various records, such as incident and accident reports, SH-900 Injury and Illness Logs, and workers' compensation data;
3. participate in walk-throughs and inspections of work areas;
4. participate in conducting risk evaluations and identification of specific risk factors that may result in workplace violence; and
5. participate in developing the workplace violence prevention policy statement and program.

Q: WHAT, SPECIFICALLY, MUST THE PUBLIC EMPLOYERS DO TO COMPLY WITH THIS LAW?

1. The public employer must include the authorized employee representative(s) in meeting the workplace violence prevention code rule requirements as mentioned above.

2. The public employer must perform workplace risk evaluations and analyze its accident and injury records to determine the presence and magnitude of risk factors that place workers at risk of workplace violence.
3. The public employer must provide information and annual training for employees on the risk factors in the workplace, hazard control methods, and the details of the written workplace violence prevention program.
4. The public employer must develop a workplace violence prevention policy statement that at a minimum states the goals and objectives of the program, the employer's workplace violence prevention policy, and the employer's reporting and notification system.
5. Any public employer with more than 20 employees must develop a written workplace violence prevention program. The written program must list the risk factors identified in the risk evaluation and determination, and the control methods the employer will utilize to prevent or minimize the hazard of workplace violence. The written program must establish a reporting system for workplace violence incidents.

Q: WHEN WILL THE EMPLOYER HAVE TO COMPLY WITH THE PROVISIONS OF THE LAW?

A: The NYS Public Employer Workplace Violence Prevention Program Regulation 12NYCRR Part 800.6 went into effect on April 29, 2009. Affected public employers will be given a small amount of time to come into full compliance with the rule.

Your employer will have: - 30 days to complete a policy statement. - 60 days to assess the workplace. - 75 days to complete the written program. - 120 days to come into complete compliance with the regulation

MANDATORY OVERTIME FOR NURSES ...

Q: IS THERE A LAW THAT PROTECTS NURSES FROM BEING FORCED TO WORK OVERTIME?

A: Yes. The Restrictions on Consecutive Hours of Work for Nurses Law, which went into effect on July 1, 2009, prohibits health care employers from mandating overtime for nurses, and stipulates the conditions under which exceptions to this rule may be made. The New York State Department of Labor (NYS DOL) is responsible for enforcement of this law.

Q: WHAT IS MEANT BY OVERTIME?

A: "Overtime" in this context is different from its usual meaning: hours past forty in a given week. Here, overtime means work hours over and above the predetermined and regularly scheduled work hours a nurse has agreed to work.

Q: WHO IS COVERED UNDER THE LAW FOR MANDATORY OVERTIME RESTRICTIONS?

A: This law covers registered professional nurses or licensed practical nurses who provide direct patient care and who work for certain health care employers, regardless of whether employment is on a full-time, part-time, per diem, or contract basis. Nurses who provide services to a health care employer through contracts with third party staffing providers, such as nurse registries and temporary employment agencies, or who are engaged to perform services for health care employers as independent contractors are also covered.

Q: WHAT IS A "HEALTH CARE EMPLOYER"?

A: A "health care employer" is any individual, partnership, association, corporation, or limited liability company which provides health care services in a facility licensed or operated under the public health law, including any facility operated by the state, a political subdivision or a public corporation. This also includes

facilities operated by the state, a political subdivision or a public corporation, pursuant to the mental hygiene law, the education law or the correction law. Examples of a health care facility include, but are not limited to, hospitals, nursing homes, outpatient clinics, comprehensive rehabilitation hospitals, residential health care facilities, residential drug and alcohol treatment facilities, adult day health care programs, and diagnostic centers.

Q: WHAT STEPS MUST HEALTH CARE EMPLOYERS TAKE TO AVOID USING MANDATORY OVERTIME?

A: A health care employer must prudently plan for patient care emergencies and meet routine staffing needs without using mandatory overtime by implementing a Nurse Coverage Plan. Such plan should take into account typical patterns of staff absenteeism due to illness, leave, bereavement and other similar factors, and reflect the health care employer's typical levels and types of patients served by the health care facility. The Plan must identify and describe as many alternative staffing methods as are available to the health care employer to ensure adequate staffing through means other than use of mandatory overtime including, but not limited to, contracts with per diem nurses, contracts with nurse registries and employment agencies for nursing services, arrangements for assignment of nursing floats, requesting an additional day of work from off-duty employees, and development and posting of a list of nurses seeking voluntary overtime. The health care employer must document all attempts to avoid the use of mandatory overtime and seek alternative staffing.

Q: ARE HEALTH CARE EMPLOYERS REQUIRED TO POST A NOTICE RELATING TO THE MANDATORY OVERTIME RESTRICTIONS?

A: Yes. Health care employers are required to make their Nurse Coverage Plan readily available to all nursing staff through conspicuously posting the Plan in a physical location accessible to nursing staff, or through other means that will ensure availability to nursing staff, e.g. electronic posting on the employer's internal web site. The Plan must also be provided to any collective bargaining representative representing nurses at the health care facility, and to the Commissioner of Labor, or his or her designee, upon request.

Q: WHEN CAN A HEALTH CARE EMPLOYER REQUIRE NURSES TO WORK OVERTIME?

A: Mandated overtime is allowable in response to the following limited circumstances:

- 1 A patient care emergency, as determined by the health care employer, and used only as a last resort after the Nurse Coverage Plan has been implemented;
- 2 A federal, state, or county declaration of emergency in the county or a contiguous county in which the nurse is employed;
- 3 A health care disaster as reasonably determined by the health care employer; or
- 4 An ongoing medical or surgical procedure in which the nurse is actively engaged and whose continued presence through the completion of the procedure is needed to ensure the health and safety of the patient.

Q: WHAT IS CONSIDERED A PATIENT CARE EMERGENCY?

A: A "patient care emergency" means a situation that is unforeseen and could not be prudently planned for, which requires the continued presence of the nurse to provide safe patient care. Before requiring an on-duty nurse to work beyond his or her regularly scheduled work hours to address a patient care emergency, the health care employer must make a good faith effort to have overtime covered on a voluntary basis by utilizing all methods set forth in its Nurse Coverage Plan. The health care employer must document attempts to secure nurse coverage through use of phone logs or other records appropriate to this purpose.

An employer cannot deem a situation a patient care emergency if that circumstance is the result of routine nurse staffing needs due to typical staffing patterns, levels of absenteeism, and time off typically approved by the employer for vaca-

tion, holidays, sick leave, and personal leave, unless an acceptable Nurse Coverage Plan has been followed but failed to produce staffing to meet the particular routine nurse staffing need.

Q: WHAT IS A HEALTH CARE DISASTER?

A: A health care disaster means a natural or other type of disaster unexpectedly affecting the county in which the nurse is employed or in a contiguous county that increases the need for health care personnel or requires the maintenance of the existing on-duty personnel to maintain staffing levels necessary to provide adequate health care coverage. Examples of health care disasters include unforeseen events involving multiple serious injuries (e.g. fires, auto accidents, a building collapse), chemical spills or releases, a widespread outbreak of an illness requiring hospitalization for many individuals in the community served by the health care employer, or the occurrence of a riot, disturbance, or other serious event within an institution that increases the level of nursing care needed. A determination that a health care disaster exists shall be made by the health care employer and must be reasonable under the circumstances.

Q: CAN A NURSE WORK OVERTIME VOLUNTARILY?

A: Yes, the law does not prohibit a nurse from voluntarily working overtime. A nurse may volunteer for overtime by agreeing to work a particular day or shift over and above his or her regularly scheduled work hours, agreeing to be placed on an on-call roster, or agreeing to prescheduled on-call time pursuant to a collective bargaining agreement or other written contract or agreement to work.

Q: WHAT IF MY CONTRACT OR COLLECTIVE BARGAINING AGREEMENT HAS ADDITIONAL PROTECTIONS AGAINST THE USE OF MANDATORY OVERTIME?

A: Such provisions would still be in effect because the law cannot diminish or waive any rights of any nurse pursuant to any other law, regulation, or collective bargaining agreement.

Q: WHAT IF MY EMPLOYER ASKED ME TO WAIVE MY RIGHTS UNDER THIS LAW?

A: A health care employer may not use employee waivers of the protections afforded under Labor Law §167 or this Part as an alternative to compliance with such law or regulation. A health care employer who seeks such a waiver from a nurse in its employ shall be considered to have violated the law.

Q: WHAT CAN I DO IF I WAS REQUIRED TO WORK OVERTIME BUT I DO NOT BELIEVE MY EMPLOYER MET THE REQUIREMENTS OF THE LAW?

A: If you believe that your employer mandated overtime in violation of the law, you can file a Mandatory Overtime Complaint form. You may call 1-518-485-0307 to obtain a hard copy. Submit the completed form by mail or fax to the address shown at the top of the form.

Q: WHO CAN FILE A COMPLAINT?

A: A complaint may be filed by one nurse, a group of nurses, or the recognized collective bargaining representative of the nurses at a facility. A separate complaint form should be filed for each individual who is mandated to work overtime in violation of the law.

Q: WHAT HAPPENS AFTER I FILE A MANDATORY OVERTIME COMPLAINT?

A: The NYS DOL's Division of Labor Standards will conduct an investigation. You will receive an acknowledgement of your complaint and may be contacted by Labor Standards staff if further information is needed. DOL will also contact the health care employer as part of its investigation. If DOL determines that the complaint is valid, a violation notice will be sent to the employer asking the employer to cease and desist from the use of mandatory overtime.

Q: WHO CAN I CONTACT IF I HAVE QUESTIONS?

A: You may contact the Division of Labor Standards at 518-485-0307 or via email at nysdol@labor.state.ny.us or contact the Union.

CONTACT YOUR UNION SO WE CAN FILE A COMPLAINT AND PLEASE DO NOT REFUSE A DIRECT ORDER TO WORK OVERTIME



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**Holiday Party
General Membership Meeting**

Will be at the
**Holiday Inn on Crystal Run Road
Middletown, NY on
December 4, 2009
from 11:30 am to 9:00 pm.**

There will be food, prizes raffles and more.
The Executive Board will be available to
answer any questions or concerns.

**The raffles will benefit the
Scholarship Fund**

KNOW YOUR RIGHTS...

*If you may be disciplined, and you are facing an interrogation,
you should request CSEA representation and invoke the following rights:*

- | | |
|---|--|
| 1 To be informed of the subject matter and to confer privately with your CSEA representative before questioning begins; | 1 To be informed of the charges against you; |
| 2 To have your CSEA representative speak during the interrogation and ask for clarification; | 2 To be given an explanation of the Employer's evidence against you; |
| 3 To be advised by your CSEA representative as to how to answer questions; and | 3 To be given a chance to give your side of the story; and |
| 4 To offer information following the questions and during questioning. | 4 To confer with and be represented by your CSEA representative at any point during the above steps. |

Article 30 of the Contract states "Grievances must be filed no more than 30 days after the date on which the act or omission occurred" (violation of the contract).

Article 29 of the Contract states that any employee may grieve a notice of DISCIPLINE at Step 1 of the Grievance procedure no later then 8 days after receiving said notice of discipline.

If you are about to be SUSPENDED, you should request CSEA representation and invoke the following rights:

Please call the Executive Board or a Grievance Representative immediately!

FAILURE TO MEET THE TIME REQUIREMENTS WILL VOID THE GRIEVANCE ACCORDING TO OUR CONTRACT !

WE ARE HERE TO HELP, PROTECT AND FIGHT FOR YOUR RIGHTS!

CSEA ORANGE COUNTY UNIT OFFICERS

NAME	OFFICE	PHONE	WORK LOCATION
Thomas Mignone	President	845-294-3106	OCIS - Hours of Work 10 AM to 6 PM
Bill Oliphant	1st Vice-President	845-492-0995	DSS - Hours OF Work 9 AM TO 5 PM
Charlotte Martin	2nd Vice-President	845-492-0517	E911 - Hours of Work 3 PM to 11 PM
Joe Albert	3rd Vice-President	845-492-7424	DPW - Hours of Work 8 AM to 330 PM
Ruth Luis	Treasurer	845-492-0004	Dept of Parks - Hours of Work 8 AM to 4 PM
Linda Jansen	Secretary	845-492-0213	Health Dept - Hours of Work 9AM to 5 PM

If you would like to contact us using mail (US Postal Service) write to:

New Address

**Orange County CSEA Unit 7900/7902 • 30 Matthews Street • Suite 105 • Goshen, N.Y. 10924
President 845-294-3106 • Office 845-294-5892 • Fax Number 845-294-5591**