



# STEWARDS CORNER

Monthly Newsletter for Union Stewards

## Steward as an Educator: FMLA

In 1993 the Family Medical Leave Act became law. **FMLA helps workers take care of themselves and their families, and protects their jobs.** Future issues of the *Stewards Corner* will feature information on how this important law impacts your role as a steward, but let's start with the basics. Remember, your contract may expand on what's below. If members come to you with concerns about the birth or adoption of a child, their health or that of their child(ren), spouse, or parents these are points to keep in mind:

### What Benefits Does FMLA Provide?

1. Up to 12 work weeks of unpaid leave in a 12-month period for medical leave, family leave, childbirth /newborn care up to age one, and/or adoption or foster placement.
2. Leave may be taken continuously, intermittently or as part of a reduced schedule.
3. During the leave, health benefits must be maintained by the employer; however, the employee is required to pay their share of the health benefits premium as if they are working.
4. The worker must be restored to their original position or its equivalent upon return from leave.

### Who is Eligible for FMLA?

1. Worked for employer at least 12 months (need not be consecutive).
2. Worked 1250 hours over previous 12 months and currently on the payroll.
3. Employed at a worksite with at least 50 workers within 75 miles of the worksite.
4. The leave is a result of a serious health condition affecting worker or the worker's child, spouse or parent.

### What is a Qualifying Condition?

The types of events that trigger FMLA protections include:

1. The arrival of a new child in the family -- whether by birth, adoption or foster care.
2. The care of a family member (as defined by the law) with a serious health condition.
3. The employee's own serious health condition that prevents the employee from performing the essential job duties.

### What is a Serious Health Condition?

1. Overnight stay in a hospital, hospice, or residential medical care facility.
2. Incapacity for more than three (3) consecutive calendar days that require two or more visits to a health care provider, or on-going treatment like a prescription. The first visit must occur within seven (7) days of incapacity and the second within thirty (30) days; or a single visit that results in a regimen of supervised treatment.
3. An incapacity due to serious chronic disorder that continues over an extended period of time, requires periodic visits (2X/year) for treatment, and causes or may cause episodic periods of incapacity.
4. An incapacity due to pregnancy.
5. A long term or permanent disability.
6. An absence to receive treatments for restorative surgery after an injury.

**FMLA sets the floor, not the ceiling. Unions can bargain greater benefits or more generous leave policies. For questions about FMLA, contact your Local Union President or USW Staff Representative**



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Take the time to check out our free USW courses on-line at: [education.usw.org](http://education.usw.org)



## Gathering and Retaining Facts for Grievances

You need facts to handle grievances. They help you determine which issues have merit and which ones don't. Effective stewards gather and preserve all of the relevant evidence in their investigations. The [USW Fact Sheet](#) is an excellent tool for this task. It helps you create a grievance theory as you answer the 5WH questions (who, what, when, where, why, how) and narrows your focus on the issues.

**The [USW Fact Sheet](#) is for Union eyes only – never give your notes or facts to the Company**

### Your Memory is not as Good as You Think

Is your brain like a file cabinet? You can open an old file and instantly recall everything? Unfortunately, our memories aren't airtight, so you need to collect a paper trail of solid evidence. Promptly interview grievants and all witnesses while issues are fresh. This should be done in non-work hours on non-work time unless your collective bargaining agreement (CBA) allows you to investigate grievances while you're on the clock. Use a new [USW Fact Sheet](#) for every grievance and attach your notes to it.

### Build a "Grievance Chain" Link-By-Link

Think of grievances like a chain in which every link helps you build a strong case. This requires organization and attention to detail. File folders, a good stapler, a 3-hole punch, and 3-ring binders are good tools. You can accumulate a lot of evidence in an investigation, but it does you no good if it's a mess.

You can also make backup copies of your evidence with a smartphone camera or a copier that scans documents into PDF. **If you do this be sure that the files are stored in a secure place.**

Here is a list of items ("links") that should be in the grievance chain:

- Completed Grievance Form;
- Union Fact Sheet and Stewards' notes;
- Statements of grievance and witnesses;
- Summary of the issues and timeline of events;

- Copies of notes from each step meeting;
- The Union's appeals to each step of the grievance procedure;
- All extensions to grievances-requests and responses;
- All written employer responses to each step of the grievance procedure;
- Bargaining Notes (if relevant);
- Information Requests and their corresponding responses;
- Any research to support the Union's grievance theory;
- The grievant's personnel file and any other relevant personnel files (discipline and discharge cases);
- Unemployment determinations or transcripts (if relevant);
- Charges or determinations from NLRB, OSHA, EEOC, DOL, or state agencies (if relevant).

This list isn't exhaustive, but it covers the basics of what should be included in grievance files. This also helps people who may get involved in later steps of the procedure, including your Grievance Committee members and Staff Representative.

### Organization is Good Defense

The Company can tell who has their stuff together and who's disorganized. If your investigation is thorough and your evidence in order, the Company will see that you mean business. The opposite is true as well. If you go about the process haphazardly the Company won't take you or the grievance seriously. Handling grievances will remind you of lessons that you've learned in other parts of life: leave no stone unturned, don't cut corners, and read everything from A-Z. The USW Fact Sheet can help you think through questions that should be asked and what information you need to process a grievance. Grievance files become important records that your Local Union can use to administer your CBA well into the future.

**Remember! Members don't know how hard you are working for them unless you tell them. During the investigation process, stay in the touch with the potential grievant. Let them know where you are in the process and always document those conversations in the grievance file.**

UNION FACT SHEET CONFIDENTIAL FOR THE UNION ONLY	
To be filled out by the Steward and attached to the UNION COPY ONLY of Grievance No. _____ Local _____	
PLEASE PRINT	
<b>WHO IS INVOLVED IN THE GRIEVANCE?</b>	
Name: _____	Check No. _____
Department: _____	
Job and Class: _____	Rate: _____
SENIORITY – Plant Service from (date) _____	Department Service from (date) _____
	Job Service from (date) _____
FOREMAN or OTHER MANAGEMENT INVOLVED:	
Name(s): _____	

You can download USW Union Fact Sheet by clicking, scanning the QR code with your smartphone camera or typing in the link below in your browser:

<http://usw.to/3uq>



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