



COMMUNICATIONS WORKERS OF AMERICA



LOCAL 1168, AFL-CIO



May 3, 2011 General Membership Meeting Update

CWA Local 1168 General Membership Meeting was held at the Hearthstone Manor at 6:30 pm. Members started arriving at 6:00 pm to be sure to get a seat and beat the rush. The line to enter the meeting room, despite the eight designated sign in areas, did not diminish until 6:45 pm. As advertised, Picnic Tickets were on sale for the July 30, 2011 Annual Picnic, with the line being considered minimal at best. The Hearthstone prepared the room for seating for 300 and added an additional 80 chairs as the room filled in. Numbers exceeded 400, which was captured by way of sign in sheets. The room advanced to standing room only capacity.

The Members were actively engaged in conversations discussing rumors, contract language and working conditions when President John Klein called the meeting to order at 6:45 pm and it concluded at 9:30 pm. Announcements included the evenings agenda, approval of minutes from the March 29, 2011 Membership Meeting and the Executive Board Minutes from that date till May 3, 2011. Both motions carried unopposed. The President reported that a special election is taking place on May 24, 2011 for the 26th District US Congressional seat. Kathy Hochul is CWA's endorsed candidate for the seat vacated earlier this year by Chris Lee. Members were encouraged to vote in this important special election if they were part of the 26th Congressional District. When casting your vote, consider candidates that support legislation which affects your day-to-day life. Examples of this include fair wages, healthcare for all, middle class values and the "Right to Collective Bargaining".

Maintaining Meeting Order - A microphone was available in the middle of the room for members to present questions to the Chair after being recognized. Members were encouraged to follow this procedure so all Members may hear the questions and answers.

Building Committee Report – There is no movement on purchasing land or a new building at this time. The process is on hold until Kaleida Bargaining is completed. The membership will be notified when activity resumes.

Ron Wattie Memorial Fund – Thank you for all your generosity and participation in this fundraiser, \$8,000 was presented to the Highland Hose Volunteer Fire Company in his memory. Thank you to all who worked so hard and made this such a great success.

Non – Kaleida Bargaining Units Report – Sharon Schultz, Vice President – Planned Parenthood of WNY closed the Pediatric Clinic in Niagara County (Lockport) with 3 members having no options and 5 members opting not to take options in Erie County. The 8 members have all been referred to our NY State Unemployment liaison to apply for benefits. Sheehan Health Network has proposed opening an 8 unit in-patient congestive heart failure unit in which they plan to staff with RNs. Their hopes are to keep the facility viable. The proposed date for opening has passed with no future date set at this time. No further information to report at this time. No questions were presented from the membership.

Kaleida Bargaining Units Update

President Klein opened the discussion like a roll of thunder, with the question, "**Who are we?**" and the Membership over 400 strong responded, "**The UNION!**" He continued,

"The three unions at the bargaining table represent 8,000 members strong; so show your unity. We are not CWA, SEIU, IUOE; we are not nurses, pharmacists, dietary, techs and clerics; **WE ARE UNION!** We are Union brothers and sisters. When they ask tell them **WE ARE UNION!**"

President Klein - "Are you going to roll over?" Members – "Hell No!" He continued,

"What guarantees and benefits you have at work come from your Union Contract. They don't come from Kaleida, they don't come from your managers... your Benefit is your contract!" (And the Members cheered)

Mattina Center – A temporary injunction has been ordered to keep Mattina open until the case can be heard in front of a judge. It is a long shot, but the community deserves a fair hearing. Thank you to all who showed up and participated in the Rally on April 4th. Since the event Kaleida is no longer pursuing separate contracts for ambulatory care units.

United Way Day of Caring August 17, 2011 – Community Service Chair Gloria Archie, AVP BGH TCC, reached out to Kaleida, as she has done for many years, to inquire about the joint effort for participation in this annual event. Kaleida's response was that they were not participating this year; it was not in the budget. However they were participating in the Corporate Challenge (summer social event of the year!). President Klein called Kaleida to inquire about these decisions after the office had received calls from outraged Members who have participated in Day of Caring for years, wondering why Kaleida is abandoning the community again. Kaleida responded back to President Klein that there was a 'Misunderstanding and they are now participating in the Day of Caring.' A map of clinics closed by Kaleida was presented to the Membership reflecting 123,925 patient visits per year, limiting access of care to those who need it the most.

Negotiations – This contract is not a concessional contract, but a life altering contract. Local 1168 Members have had a contract for almost 30 years yet the employer approached bargaining writing language from scratch. These are the tentatively agreed upon articles to date:

Tentatively Agreed Upon Articles

- Agreement & Application
- Responsible Relationship
- Non- Discrimination
- Access to Premises
- Probationary Period
- Dual Status
- Flex Employees
- Temporary Employees
- Call In Pay
- Flex Benefits Plan
- Hospital discounts
- Life Insurance
- Restricted Duty Program
- Military Leave
- Jury Duty
- Bereavement Leave
- Employee Assistance
- Nursing Preceptor Program
- Training Program
- Travel
- Domestic Partner
- Seniority Multi-Site Float Pool
- Temporary Transfers
- Personal Files
- Job Descriptions
- Resignation/Termination
- Job Security/Committee
- Access to Technology
- Savings Clause
- Co-Terminus Site Agreement
- Duration
- Child Care
- OR Service Leaders – BGH, DMH, MFH
- Seasonal Employees
- Self Funded Health Insurance
- Contract Printing

All article were discussed where changes were noted with no questions from the Membership. President Klein and Executive Vice President Cori Gambini further noted that these articles should have been completed and agreed upon in the first sessions of bargaining, but have been dragged out over weeks. The next group of articles has not been agreed upon wherein the Union is awaiting a response from or is preparing a counter proposal for the Employer and includes:

Not Agreed Upon

- Over Time
- Paid Time Off
- Parking
- Health Insurance
- Dental Insurance
- Holidays
- Retirement Plans / TSA
- Tuition Assistance
- Continuing Education
- COMP / DBL / FMLA
- New Articles**
- Employee Surveillance
- Health Information Technology
- No Selling or Closing a Facility for duration of the Contract
- NO Layoff
- Parental LOA for Adoption
- And More.....

Neither side have presented wage proposals

Here are a few of many Member questions with Union response:

- M - Can you elaborate on the Health Insurance Proposal?
- U - The Employer is still proposing shifting a much larger out of pocket cost to the member. Their proposal mirrors the percentages they presented in the first KYI they sent out. By the end of the 3 year contract full time family coverage can cost up to ~ \$450 per month and Part time family coverage ~ \$800 per month. They are offering a basic plan that is cheaper but has much higher out of pocket costs and deductibles.
- M - Have they changed their position on charging for parking?
- U - No their proposal remains that all employees will pay something for parking; there will be no more free surface parking.
- M - What is the letter we received from Kaleida saying they were not paying into our pension?
- U - Kaleida is still responsible to fund the pension plan; they have asked to defer contributing at this time. We believe it is strategic in timing with bargaining and the new buildings, but they still are responsible to fund it.
- M - Who gets paid while we are out on strike?
- U - When there is a strike, no one gets paid; the Union reps and Executive Board don't get paid either.
- M - How does the strike fund work? How do we get paid from that?
- U - Area Director Dave Palmer, CWA District 1 is here to answer these questions. Please note that we are still bargaining with the employer and are not implying that we are going out on strike. The decision to strike comes from the Membership by way of voting down a contract (the employers last best final offer), which authorizes the Union to proceed in strike talks, or to resume bargaining with the employer. If the Union and employer reach an impasse, the Union will notify the Membership and hold a strike vote at that time. Again, it is the Members who **VOTE** that decide whether or not a strike will occur.

Summary of CWA Defense Fund Benefit

If the local proceeds to go out on strike with the employer, there is a 14 day waiting period before funds are disbursed. If the Local uses a flat rate pay option, the member will receive \$200 starting on day 15 (start of the 3rd week) and \$200 for the following week. If the local is still on strike on day 29, the payment is \$300 per week for the duration of the strike. To

receive funds from the defense fund, the Member must participate in picket duties of a minimum of 16 hours per week. After 7 weeks on strike the Members are eligible for unemployment benefits. Currently, the combination of the two funds would equal \$750 per week. If the employer were to hire permanent replacement workers during this labor dispute, the members are eligible for unemployment immediately.

The local sets up committees to address urgent Member financial needs. During a strike an employer will cancel health insurance plans. A health care committee will disburse funds for out of pocket health care costs (above current co-pay costs), prescriptions, doctor visits, hospitalization, and urgent care. If your monthly costs are more than what the cost for COBRA coverage would be, the union defense fund will pay the COBRA premium for the member or family member. Kaleida sent out a Q&A document that quoted costs for COBRA as \$507.82 for single coverage and \$1,335.50 for family, so if the monthly cost for care is greater, COBRA would be initiated. Health care bills will be submitted to the committee for payment.

Disability claims and Workers Comp claims cannot be disrupted during the strike, but you will not be able to utilize ESB or PTO; you will just receive your payments from the third party administrator. If you are released to return back to work, you will then be on strike with the rest of the membership. No employee will be able to utilize ESB or PTO when out on strike.

M - Can the Employer Lock us out of one building such as Gates and then just close it?

U - If the Employer does a Lockout, they Lockout CWA Local 1168, all sites.

M - What if a worker does not go on strike and chooses to go to work?

U - A Union Member must withdraw from the Union if they are going to cross the picket line and return to work; otherwise they can have labor board charges filed against them and be sued. The rank and file of a Union does not look favorably upon co-workers who cross a picket line.

M - What happens to SCABS after the labor dispute is settled and the Union Members return to work?

U - The Union cannot penalize those who withdraw from the Union and return to work, but the employee will have to reapply for membership. The Membership committee of the Union does not have to allow the person Membership, but will still represent them as an Agency Fee Payer.

M - Do strike days count as absences from work?

U - When Members are out on strike, the days out do not count as absences for Time and Attendance. However depending how long the strike lasts, it may affect hours accrued towards retirement benefits (example 1950 hours needed to fully invest per year).

M - The Negotiations Q&A put in my mailbox is very antagonistic. Why is Kaleida being threatening? I find this to be very threatening.

U - Many employers instill fear into Union members during tough contract negotiations. We have to show them we are not afraid. We are one in solidarity! An injury to one, is an injury to all! Who are we?....The UNION!

Bargaining Committee Member Michael Dunphy LPN, BGH TCC (long time negotiator and dedicated worker) asked for all the people who were out on strike in 1983, 1986, 2001 to stand and rise. A large number of health care workers stood up and were applauded and thanked. He continued, "We are still here; they did not hurt us; don't let them instill fear in you; we have and will survive this." And cheers roared from the crowd. "We are one... We are one... We are one!"

The Bargaining Committee has added days to the negotiation schedule from two days a week to nearly every day moving forward. Please be patient when calling the office; we will take your information if we cannot answer your questions and get back to you. Sign up for emails and text message alerts via the web page or call the office. WWW.CWA1168.org and 816-1168

Drawings: **\$25 Gas cards** – Trudy Ratajczak, Barbara Yoviene; **Family Four Pack – Darien Lake** – Danielle Stotz, Robert Zuccari, Yudelca DeLeon, Carol Glebe & **Darien Lake Camper Weekend** – Mike Grabecki.

Annual Picnic Tickets for Darien Lake go on sale at the Local Office starting June 6, 2011 Monday – Friday 8:00 am – 4:45 pm, hope to see you there!

A basket was passed for donations to support the Locked out workers of Blue Cross Blue Shield, Members of Office and Professional Employees International Union Local 212. \$1709.00 was collected and will be donated to the strike fund. Call Blue Cross Blue Shield and tell them to return to the negotiation tables and treat the Members fairly.

REMEMBER – Wear Red on Thursdays and Your Pin Every Day!

YOU ARE THE UNION!