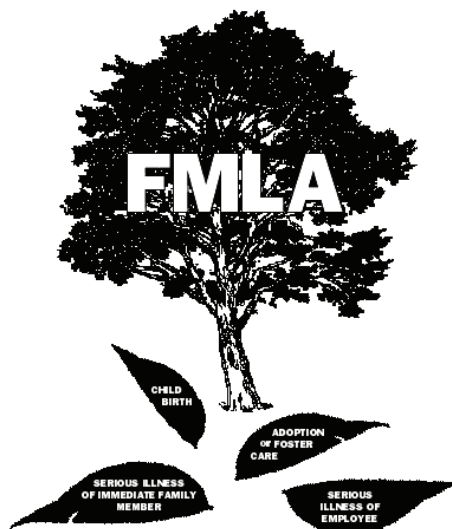


March 2011

## FMLA: It's the Law on Medical and Family Leaves — and the MTA Has to Follow It!

The Family and Medical Leave Act was adopted by Congress in 1993. This law allows you to take up to 12 weeks or up to 60 instances of unpaid leave for medical or family reasons. It is important to know that if you have a chronic sickness that you are regularly treated for by a physician, or take a regime of prescription medicine for an ailment, you should look into getting yourself into FMLA. The law protects you against management abuse and unwarranted write-ups, such as chronic sickness, or chronic absenteeism. You should get the FMLA handbook at Barnes and Noble or get the regulations on line at: [www.dol.gov/dol/topic/benefits-leave/fmla.htm](http://www.dol.gov/dol/topic/benefits-leave/fmla.htm).

Though the MTA requires you to follow their rules and regulations, the MTA is not above federal law. They have to abide by that law. The MTA has attempted in the past on several occasions to make their own rules as more and more members get FMLA. We will continue to be vigilant on any abuses that occur, and we count on our members to let us know of any abuses that do occur. Remember, FMLA, if violated, is one of the few laws you can sue transit for, if they abuse it or discriminate. Keeping that in mind you should know that the employer may not warn, suspend, fire or deny advancement because of FMLA absences. If you feel you are being discriminated against, let your representative or Division officer



know at once. Call us immediately.

Here are some of the things you must do or know to qualify for and maintain FMLA:

- 1) You or your family member must have a debilitating or chronic sickness that is regularly treated by your or your family's physician.
- 2) You must have done 1250 work hours in the 12-month period before taking the leave to qualify.
- 3) You must submit to your doctor (or family member's doctor) an FMLA application for completion and brought back to your Depot for submission to OHS for approval.
- 4) The MTA has 5 working days to approve your FMLA.

### Division Officers

Vice-President      Stephan Thomas  
Recording Secretary      Marcia Phinn-Olivier

Willie Rivera      Divisional Chair  
Whitfield Gibson      1<sup>st</sup> Vice Chair  
Armando Serrano      2<sup>nd</sup> Vice Chair  
David Smith      3<sup>rd</sup> Vice Chair

- 5) You must resubmit your FMLA application every year. So for example, if you get approved FMLA on April 25<sup>th</sup> 2010 you will have to resubmit your FMLA before April 25<sup>th</sup> 2011 to continue your FMLA coverage.
- 6) The MTA has a right to challenge or ask for more information before your FMLA is approved. But once OHS accepts or approves your FMLA their challenge stage is over.
- 7) Your HIPAA rights protect you from anyone other than OHS from looking into your FMLA or your family's FMLA condition.
- 8) Always submit your sick form via fax or sealed envelope to OHS.
- 9) Management has no business looking into your condition or telling you to get more information on an approved FMLA condition.
- 10) Always read the forms that the MTA hands you and don't abuse FMLA.



# Here Are The New Cell Phone Rules

The remainder will be for the record. (Fine in lieu of suspension does not apply).

2011 will be treated as a first time offender.

A new stipulation of agreement was signed between the MTA, Local 100 and the ATU on cell phone rules that pertain to our bus operators in revenue and non-revenue service. Though the rules are stricter, the MTA originally did not want to negotiate on any cell phone agreement. The MTA no tolerance rules apply but under the new stipulation. We can expect strict compliance on these rules and extra check rides on the road. So be aware and informed on the new rules.

These are some of the excerpts directly from the Stipulation; this is what we have to abide by:

Cell phone shall mean, a cell phone, an electronic device of any sort such as an I-Pod, I-Pad, blue tooth, headphones, ear pieces or any other electronic device. While the parties agree that the use of radios is prohibited, their use without headphones or ear pieces is not covered by this agreement.

Employees who operate a bus either in revenue or non revenue service, found to be violating the authority's cell phone policy, and who are found to have improperly used a cell phone will be subject to the following:

- a) A first offense for use of a cell phone will result in a penalty of a twenty day suspension of which the employee must serve five (5) days without pay.

- b) A second offense for use of a cell phone, where the offense occurs less than two (2) years from the previous offense, will result in the employee being dismissed from the service of the authority.
- c) A second offense for use of a cell phone, where the offense occurs more than two (2) but less than three (3) years from the date of the previous offense will result in a penalty of a thirty day suspension of which the employee must serve fifteen (15) days without pay. (Fine in lieu of suspension does not apply).

Where the charges are sustained at arbitration, the penalty shall be affirmed and sustained. However, in cases involving dismissal, the penalty shall be affirmed and sustained except if there is presented to the arbitrator credible evidence that the dismissal is excessive in light of the employee's record.

- 1) A first proven cell phone offense will sunset after a period of three years from the date of occurrence and there has been no other cell phone violation.
- 2) For all cell phone cases currently in the system, the following shall apply:
  - a) If the employee has only one cell phone infraction prior to January 12, 2011, the effective date of the authority's Zero Tolerance Policy, whether pending hearing or closed, that cell phone infraction will not be considered for the purpose of this stipulation. Such employee who has a cell phone violation subsequent to January 12,

- b) Any Employees with two or more cell phone infractions, one or more which occurred between 1/1/2009 and 1/12/2011, whether pending hearing or closed, will be treated as a second time offender for the purpose of this stipulation. Sunset provisions will be applied to prior cell phone offenses occurring more than three years from the date of the subsequent violation.
- 3) Subsequent to the full execution of this stipulation and agreement, all cell phone offenses will be in their own disciplinary track.
- 4) This agreement does not apply to accidents or incidents wherein the employee is using a cell phone and there is resulting injury or harm to any person.
- 5) In the event that any State or federal law is passed and imposes restrictions or penalties that are greater than those which exist at the time of full execution of this agreement, this stipulation will no longer be valid.

**Nobody is saying that you can't use a cell phone on your layover time as long as you are not delaying service and your bus is secure. But you must be fully aware that losing a job for a two-second view of your cell phone is not worth the trouble. If you have to use your cell phone during the day and have habitual temptations to use it during your run, leave the cell phone home. Don't be addicted to your cell phone. It is a potential hazard to yourself and the public.**

# Threat to Long Island Bus Is Just the

## Tip of the Iceberg

**As the battle over public sector unions rages in Wisconsin, we're fighting our own war right here at home.**

It may not get the national attention, or even much City press, but for Local 100 members it is most important. It's the crisis facing our sister TWU Local 252 at Long Island Bus.

LI Bus moves over 100,000 commuters every day. It is the largest suburban public bus system in the nation. LI Bus employs nearly 500 TWU members and their salary and benefits are comparable to our own.

The enormous cuts facing Long Island Bus are the result of local politicians not paying their fair share for this essential service. Now that Albany has raided public transportation of another \$100 million in "dedicated" funding, the MTA says it can no longer pay the Long Island Bus bill.

**The crisis Local 252 is facing today is the one Local 100 will be facing tomorrow.** We need to help our brothers and sisters in Local 252/LI Bus today. If they defeat the workers there, we will all be targeted tomorrow.

**Long Island Local 100  
members: You Can Help!**

**Rally March 23, 2011 - 2:30 P.M.**  
**Hofstra University (Adams Playhouse) 118  
Hofstra University, Hempstead, NY.** The MTA is holding hearings there on the fate of Long Island Bus. Let's be outside to tell them "hands off our buses. NO TO PRIVATIZATION."

**Call** the following people to demand they properly fund Long Island Bus.

**Gov.. Andrew Cuomo:** 518-474-8390

**MTA Chair Jay Walder:** 212-878-7000

**Nassau County Executive Edward  
Mangano:** 516-571-3131

**State Senate Majority Leader Dean  
Skelos:** 516-766-8383 or 518-455-3171



**Transport Workers Union**  
**Local 100, AFL-CIO**





# TO FIND OUT MORE ABOUT FMLA...

There is a wealth of information out there on FMLA and you should look into it or ask a Union representative for information. The Union holds shop steward programs that teach about FMLA. Get with the program and stay informed. If you are not sure if you have a chronic illness talk to your doctor or ask your rep for advice. The MTA, though required by law, will cut corners by not informing you about FMLA to make you come to work. Their concern is not your health, personal problems or your safety, but your availability to cover their runs. Protecting yourself with FMLA will keep the MTA from unwarranted abuse.

## Some Safety Tips For the Road



As Bus Operators, we have a host of rules and regulations to follow to prevent the loss of licenses and to prevent accidents and incidents. Sometimes in our daily routines we forget or cut corners to make our jobs easier. We must remember that incidents and accidents are easy to come by and cause unwanted personal hardship if we are not careful in the performance of our duties. Being observant and cautious will prevent unwarranted attention from management and the public. Some safety reminders:

- 1) Do a thorough 19-A during pre-trip and post-trip.
- 2) Don't block the box. (Curb side)
- 3) Slow down at intersections.
- 4) When making a turn go slowly and continuously scan for hazards.
- 5) Report road hazards to console.

As Bus Operators, we must continuously inform ourselves so that we can operate the bus as safely as possible. Never take chances on the road or cut corners. If you need to take a break call it in. Taking chances on the road will only cost you your job in the long run. Let's all be careful out there.



### WHO YOU GONNA CALL?

#### 2 Broadway

646-252-5549 or 646-252-2925

If you need to speak with someone about a hearing, a contract grievance, or disciplinary charges.

#### 130 Livingston

718-694-4168 or 718-694-4212 For general information and assistance, such as probationary issues, arrests, grievances, sick leave.

#### Local 100 Member Services

347-643-8061, 8062, 8064 If you have questions about medical benefits.

#### Local 100 Safety Hotline

888-898-6608 If you need to reach someone on weekends or at night, or for safety matters that need immediate attention.

#### TWU Union Hall • 212-873-6000

TAS ext. 2040, 2041, 2039