

# *November 2011 News*

## ***BIG, BIG CHANGES IN STATEWIDE BARGAINING LAW***

On October 9, the Governor signed AB 646 the Meyers-Milias-Brown Act (the bargaining law for cities, counties and “special districts”) to include mandatory fact-finding. The law is very general and will certainly result in litigation to pin down the details, but it basically says that an employer can no longer simply, and often time quickly, impose their “last best offer” when the parties reach a stalemate in bargaining. Instead, when the union and the employer reach an impasse, either side may call for a panel of fact-finders to investigate the situation and make recommendations for resolution.



This law is a huge breakthrough, particularly for employees in small agencies, where Managers have entered negotiations intent upon “takeaways” and never seemed to take the bargaining process very seriously. In some cases, the employers (or their attorneys) attend only a handful of negotiations sessions, pay very little attention to employees’ proposals, then suddenly declare impasse. Although employee organizations do have the right to file “unfair bargaining” complaints with PERB (Public Employment Relations Board,) cases are now so backlogged at PERB that they can take more than a year. Further, the line between “hard bargaining” and unfair bargaining is a very thin one: if the employer shows up three or four times, and makes only a handful of tiny concessions, the threshold for “fair” bargaining has been met. In other words, many unions’ unfair bargaining claims are denied...

Although the decisions of the fact-finders will be advisory to local Councils or Boards, the new law should make a huge difference in jurisdictions where managers quickly and quietly force their employees to accept “takeaways” – almost under cover of darkness. For one thing, AB 646 requires a reasonable time period (probably no less than 30 days) during which the fact-finders conduct their investigation. A lot can change in 30 days during a difficult bargaining season.

More importantly, fact-finding brings publicity and transparency to a process that managers would usually prefer to keep “private.” Many agencies, for example, are not nearly as close to bankruptcy as they would like their constituencies to believe. Often they have plenty of money in the bank but are forcing losses on their employees due to the political inclinations of city leaders. Often also, even when financial claims are legitimate, the losses are not spread equitably across the workforce. Fact-finding will inevitably bring these issues to light.



### WHO ARE THESE FACT-FINDERS?

The law calls for fact-finding panels: one person selected by management, one from the union, and one - a professional - appointed by PERB. The panel will be empowered to conduct investigations, issue subpoenas for people and evidence, and hold hearings as needed. They will be charged with making recommendations based on 1) the best interests of the public, 2) the financial circumstances of the employer, 3) the wages and benefits of employees performing similar duties in comparable agencies; 4) the consumer price index; and 5) the current compensation package of the affected bargaining unit.

If the impasse isn't settled within 30 days after the fact-finding board is appointed, the fact-finding panel must submit their findings to the City Council or District Board, *who are required to make the findings public* within ten days of receipt. Only after the ten days have elapsed, and after the Council has given the recommendations opportunity for thorough discussion, may the city impose a “last best” bargaining offer.



## AB 873 Attempts To Close Revolving Door Between CalPERS & Big Business

Also in October, the governor signed [Assembly Bill 873](#), which extends how long former CalPERS board members and executives must wait between the time they leave their jobs and they become lobbyists for business, seeking business with the state. It establishes a 10-year moratorium on the highest-level positions: former board members and "placement agents."



Placement agents act as brokers, earning hefty fees by placing retirement funds with businesses which are seeking investment capital. This law has been supported by democrats, republicans AND by the State Treasurers office, in the wake of embarrassing influence-peddling scandals involving former PERS board members and staff. It's good to know that influence-peddling is subject to severe restrictions.



## “Moonlighting”... Does the City Have the Right to Interfere with My Other Job?



Given many families' dire circumstances today, it's not unusual for employees to have to take second jobs or start side businesses. This is, of course, perfectly legal. But if you are a public employee it's not quite that simple. Yes, this *is* America and yes, you *do* have a constitutional right to privacy. However, **if you're a public employee, your employer does have the right to information about your outside employment, and, in some cases, to tell you that you must choose between the two kinds of work.**

There's some legal history to this. In the 80s and 90s several unions sued over their members' "right to privacy" when employers insisted on information about their outside employment. For several reasons, these suits have consistently failed: the Courts determined that public employers do have the right to some legitimate control over the "collateral employment" of their workforce. So, on what grounds can your employer demand information about your second job – and possibly tell you to terminate one job, if you want to keep the other? Here's a summary:

### Your Right to Privacy...

The Bill of Rights was essentially forced upon our Founding Fathers by a vocal minority who wanted to make sure that citizens would be protected against a tyrannical government. It covers your freedom of religion, of speech, and assembly (including the right to speak and assemble *against* the government) protection against "search and seizure," against imprisonment without due process, etc. The right to privacy is implicit in the Bill of Rights and, over the years, the Courts have rendered thousands of decisions to protect individuals from the "long arm of government." Hence, from the employment perspective, employees at public agencies in California are now (since 1978) protected against the government's "seizure" of your property at your job without due process. More recent decisions have determined that (unless you are a sworn safety officer) you have the right to a private identity when you are not working. Thus, you cannot be disciplined at work, for activities in your private life which the City finds "unbecoming to a representative of the City." **You are NOT a representative of the City when you are not working.**



In the year 2000, the California legislature passed a law supporting your right to outside employment as a matter of "civil liberty" and asserting that "allowing any employer to deprive an employee of any constitutionally guaranteed civil liberties ... is not in the public interest." Labor Code 96(k) specifically says that employers may not demote, suspend, or discharge employees "for lawful conduct occurring during nonworking hours away from the employer's premises," and employees so disciplined may file suit against their employers for loss of wages if this occurs. The bottom line: the City does not have the right to fire you, or even to threaten to fire you, for "lawful activity conducted away from its premises..."

**How then, can your employer compel you to provide information on your second job?** Even worse, how can it tell you that you can't run a seasonal tax service, or work for a contractor, or own a neighborhood ice cream store during your free hours?

The answer is that the courts have *also* found that employers – especially those managing the public's money -- have the responsibility to ensure that their employees are not doing anything that might conflict with, take advantage of, or do damage to the interests of the public. This has been interpreted to mean that they have the right to ask

questions about what you do outside the job and establish policies (which are negotiable, by the way) to restrict the possibility that you could do damage.

“Damage” has been pretty carefully defined. It doesn’t mean “reputational damage.” (The courts have upheld the right of an elementary teacher not to be fired, although she was moonlighting as a stripper.) But it can mean wasting the public resources, including the “resource” of your time. Most “moonlighting” policies retain the right to restrict outside employment only when it either does, or holds the potential to:

- 1) Detract from the employee's ability to perform the employee's job with the city; or**
- 2) Present a conflict of interest with the employee's position with the city; or**
- 3) Involve the use of city resources.**

Under these circumstances, the courts have upheld the termination of a state auditor conducting an auditing business on the side, and upheld the City of Glendale’s right to compel all employees to fill out a “collateral employment” form. The employer has the absolute right to make sure that you are not performing outside work that could influence your decision-making in your City job. This includes work where a “leak” of information could ultimately do damage or influence the political process. This is obviously why City employees can’t work for contractors who might bid for public contracts, can’t do private work for public officials, can’t work for competitor agencies, etc. But it also applies to people who might have access to staff reports or “inside information” about the doings of the City Council.

**Section 96(k) also allows employers to take disciplinary action when the non-work activity causes the employee’s work performance to suffer.** This means that an outside job which takes time away from your City job, or may leave you too tired to perform that City job, can be cause for suspicion. It’s not unusual for an employer to discover that an employee has an outside job, for example, only after he files a workers compensation claim. One of the reasons for the prohibition on some jobs is that the City does not want to pay for your time off and medical bills incurred in your line of duty for another employer. (It is not illegal, by the way, for your employer to follow you, or even videotape you, on days that you claim to be sick or injured to see if you are actually going to another job...)

### **What questions can the City ask? What right do YOU have to defend yourself?**

In most cities the policy on collateral employment is spelled out in the Personnel rules. It usually explains that employees must report and request approval to engage in non-City work. Sometimes, an actual form is provided to each employee, during the orientation period – but usually not. The form may ask you to give the name of the employer, to describe the duties, acts and functions to be performed, and the hours you expect to be working. It usually requires you to agree that you will not do outside work on City time or use City resources.

Some employers’ rules say that you must fill out such a form *before* taking any collateral employment; some only ask you for information at the point of discovering that you’re *doing* another job or already have an outside business. If you’re supposed to fill out the form *before* you take an outside job, and fail to do this, you can be disciplined. So, it’s a good idea to be proactive: tell your department if you’re planning to work a second job. Unless there’s some obvious conflict of interest, you’ll have every right to conduct this “lawful activity away from City premises.”

On the other hand, if there *has been* (or obviously might be) some conflict between your public job and your “collateral employment,” the City has the right to tell you that you must terminate the outside job – or face termination from the City. Under these circumstances, if you refuse, you do have the right to due process. This means that you may go through the hearing process attempting to explain how the outside business does *not* interfere with your time on the job or doesn’t jeopardize impartial decision-making or confidential information. In other words, you do have the right to defend yourself in front of a “reasonably impartial” hearing officer and, quite possibly, to argue that you are not jeopardizing the interests of the public in any manner.

You should know, though, that it's not a particularly useful defense to say, "everyone knew" about your side business or that "other people haven't been required to sign any forms." There's no legal obligation, on the employer's part, to make sure that everyone reports his/her collateral employment. In fact, it's probable that a great deal of outside employment is undetected – until something goes wrong.



## WHAT TO DO WHEN YOU'RE INJURED

By Brian Ramsey of Rose, Klein & Marias, LLP



If you are hurt on the job, *whether it causes you to miss work or not*, the first thing to do is to report the injury. Notify a supervisor immediately, and ask for a "DWC-1" form, also known as an "Employee Claim of Work Injury" form. This is a simple, one page form that kick starts the workers' compensation process.

Even if you think the injury is minor, *report it*. If you fail to report, and then find yourself in pain later, your employer may reasonably suspect that the injury didn't take place on the job. It is much better to "err on the side of caution" even with a minor accident.

There is no downside to letting the city know you were hurt – even if you don't need to go to the doctor.

### Workers Compensation is the "Exclusive Remedy"

When you report an injury, you are potentially filing a claim with the City for workers' compensation benefits. In California an employee who is hurt on the job doesn't need to sue his employer in civil court. The workers' compensation system replaces this and is your "exclusive remedy." It is important to know that injured employees are entitled to benefits **regardless of fault**. The system doesn't really care how the injury occurred.

It is possible, however, that you may ALSO have the basis for a claim against the manufacturer of equipment or chemicals – or the driver of a vehicle – that may have caused you injury.

### Benefits Provided

If you're hurt on the job and DO need medical care, the law requires your employer to provide medical care. This is true whether you are full-time or a part-time employee, and whether you have other medical insurance provided by your employer. If the injury is so serious that you aren't able to work for a period of time, you will also be provided with "wage replacement:" usually two-thirds of your normal salary. When you're unable to work, you are considered "temporarily totally disabled," and may collect TDD payments for up to 104 weeks.

If the outcome of the injury is that you permanently lose the use of any body part, you will be owed a permanent settlement to compensate for this disability. If also lose your job because the disability leaves you "unable to perform," the essential duties of the job, the amount of the settlement will be considerably higher.

**If your injury is so serious that you end up with a permanent disability that results in job loss, YOU WILL NEED A LAWYER.** You need someone to help navigate the system, AND you need an advocate who will make sure that you are fully compensated for the permanent loss of your livelihood!

Workers' compensation law differs from almost all other kinds of law because the attorneys do not charge "up front" fees. Your lawyer's fees will be a percentage of your total disability settlement, and by law, that amount is fixed at 15%.

## When Should You Call a Lawyer?

A simple rule of thumb is that you should call a workers' compensation attorney whenever you believe your employer is not taking proper care of your injury. When you are first hurt, your employer has 90 days to decide whether or not to accept the claim. During this initial time period, you may be required to use your own sick leave or see your own doctor. Once the claim is accepted, your leave will be restored and your medical costs will be reimbursed.

In the majority of cases, work injuries are minor, will require only a few visits to the doctor, if any. However, in some cases, especially when you may be under the care of your employer's medical clinic, you may NOT get adequate care, or will be told to return to work before you are ready. In this case, it's crucial that you establish what the lawyers call "medical control." In other words, you need to be treated by someone who is not only a qualified physician, but is a worker-friendly one. If you have pre-designated a doctor with the city in the case of injury, you will be sent to that doctor. If you have not pre-designated anyone, you may need to retain an attorney to make sure you are sent to a supportive doctor.

If your injury is temporary, you don't have difficulties securing medical treatment, and you don't end up with a serious disability -- or end up losing your job -- then you probably do NOT need a lawyer. Your Human Resources Department or Association staff can probably answer most of your questions about the workers' compensation system.

However, if the injury does result in a disability, especially one that jeopardizes your livelihood, you probably do need to be represented. There is a wide range of options available at the point of settling a permanent disability, and not all attorneys are equally hard-working, attentive or reputable. Further, if your job is not in jeopardy, you want to make sure that your attorney doesn't exaggerate the extent of injury for the sake of a big settlement. This could cause you to lose your job!

It is a good idea to call your staff at CEA *before* calling a lawyer. They will help you determine whether you do need one and, if you do, will make sure you are sent to a reputable attorney in your area.



## Yes, Virginia, there IS a Strike Clause....

Although city employees rarely turn to the strike as a response to unfair bargaining, it IS perfectly legal for public employees to strike. That right was established in 1985 in *Los Angeles Sanitation Workers vs. the City of Los Angeles* - and it accomplished its goals: a much better contract for some of the lowest paid employees in the state. Throughout the 80s and 90s, teachers and nurses (both groups that engender public sympathy) also made use of their strike clauses.

Even if you have a "no strike" clause in your MOU (and most do...) your union gains the right to strike if the MOU has expired. It is one of the very few provisions in a public sector contract which "wears off" at expiration. This is deliberate, so that the strike, as an employee-side tool, becomes accessible when negotiations may be reaching an impasse.



In September of this year, employees in the city of Lincoln, California, voted to strike over the City's attempt to impose some major "takeaways" in their benefits package: the requirement that employees pay 10% of their own medical premiums, a lower retirement plan for all "new hires," and the requirement that they pay the entire (7%) employee contribution, a freeze on current employees' merit increases, elimination of all vacation cash-outs, and a much tougher "management rights" clause.

Refuse workers, mechanics, and maintenance employees voted 27 to 3 against the City's "last best offer" and notified the Council that they were going on strike. The City responded by hiring contract employees to pick up the trash – at a cost that was 25% higher than the cost of City employees, even with full benefits!

At the time of this writing, the employees are still on strike, and the Council is still trying to decide what to do about this.

### **New Law Prevents PERB from Imposing "Strike Penalties"**

SB 857 has just been signed by the governor. It prevents the Public Employment Relations Board from awarding damages to employers resulting from an employee strike. In the past few years, several employers have sued public employees' unions on the grounds that their strikes have cost the agencies money. This, of course, is part of the power of the strike.

Although strikes in the public sector are still extremely rare, this bill removes the threat of a large financial penalty against unions that encourage their members to take collective action.



## **LABOR RELATIONS UPDATE**

**The following are significant legal decisions that further the rights of public employees in California. Please keep in mind that each case is unique. If you have a specific legal question or problem, contact your Board Representative or our Professional Staff at (562) 433-6983 or [cea@cityemployees.net](mailto:cea@cityemployees.net).**

### **Court Says Last Chance Agreement Doesn't Cancel Out Employees' Due Process Rights**



In *Walls v. Central Contra Costa Transit Authority*, the Ninth Circuit Court of Appeals has ruled that an employee terminated for violating a last chance agreement was entitled to a pre-termination (Skelly hearing) even though he agreed that failing to comply with the agreement would result in "immediate and final termination."

The employee, Kerry Walls, was a bus driver, who received a termination notice in early 2006. During the appeal, he agreed to a last chance agreement which included a week's suspension and administrative time off until March. When he requested to take FMLA leave on March 3, however, the Transit Authority denied the leave, charged him with an unexcused absence and then fired him without a hearing.

Walls sued, arguing that the Transit Authority was violating the FMLA and depriving his right to due process, as required under the constitution. The Court agreed, and ordered the transit Authority to give

him a hearing. The Court made clear that the right to a full hearing is a basic right of all permanent, public employees and cannot be waived even as a “deal” under threat of termination. Walls was, therefore, entitled to notice of the charges against him, to see the employer’s evidence against him, and to an opportunity to tell his side of the story before being fired.

### **District Can’t Interfere with Employee’s Constitutional Rights because it Suspects Disloyalty**

Kathleen Nichols was an administrative assistant to the General Counsel of the Washoe County School District. She worked for years with a particular Administrator, had a friendly relationship with him, and sat with him at a hearing before the School Board where a decision was made to terminate him. The next day she was told that she could not return to her job because the Board has seen her sitting with her (now terminated) supervisor and had questions about her loyalty. She was offered the option to demote to a previous position, with salary frozen, or take an early retirement. She retired.

Nichols filed a lawsuit, claiming that the District had violated her right to free association by punishing her for sitting next to her boss at a public meeting. The District initially argued, successfully, that its interests in workplace efficiency outweighed Nichols’ interest in free association. Nichols went to the Court of Appeals, and eventually won her case.

In cases where employees argue that employers have interfered with their right to free speech or association, the Courts apply a “balancing test,” measuring the possible disruption that the employee has caused to the employer’s operation against the employee’s right to make his or her public statement. The test examines the employee’s interests “as a citizen in commenting upon matters of public concern” against the interests of the employer “in promoting the efficiency of the public services it performs.” The employer’s interests will win out if the employee’s conduct “impairs discipline or co-worker harmony, has a detrimental effect on relationships in which loyalty and confidence are necessary, or interferes with employees’ performance or the operation of the entity.”

In the case of Nichols and the Washoe County School District, the court found NO disruption at all. Further, it did not see how the District Board’s suspicion that Nichols was loyal to her boss could be any reasonable predictor of disruption. It found no evidence that her association with her boss impaired the operations, interfered with anyone’s job performance, or interfered with her ability to get along with co-workers. It commented that Nichols could not be forced from her employment “simply because her employer raised the specter of disruption.”

### **Social Workers Are Not Exempt From Overtime Pay**

Last year the social workers for the State of Washington filed a claim with the Fair Labor Standards Act to challenge their “exempt” status. The state had classified Social Workers as “learned professionals” in order to avoid paying them overtime, as hourly employees.

The federal Secretary of State explained to Washington that in order to qualify for the “learned professionals” exemption the employees must hold positions that require a “prolonged course of specialized intellectual instruction.” The social workers, on the other hand, can qualify for their positions by holding a B.A. degree from any department within the social sciences. The state was directed to begin treating its social workers as hourly employees – and begin paying overtime after 40 hours in a week.

This case may be a precursor for other FLSA challenges from professional employees who have been improperly designated exempt...

## EEOC Cases Remind Employers to Comply With the ADA

The Equal Employment Opportunity Commission has recently filed more than dozen lawsuits on behalf of employees against employers which have failed to accommodate their disabilities. One case was about a diabetic employee terminated for eating at her cash register. EEOC alleged that the employer was wrong for firing her because they were aware of her disability and should either have allowed her to eat at her register or to take a break long enough to enable her to eat. In other words, the employer failed to accommodate this employee's disability

Another case was against a bakery, which fired an employee who had seizures. After an attack on the job, the doctor had cleared him to work, but the employer changed his work shift and reduced his hours, resulting in much lower pay. When the employee complained, he was fired. The court ruled in favor of the disabled employee, agreeing that the bakery's actions were retaliatory. The Court reminded the employer that a change in the work conditions for disabled employees can be suspect, and must be for legitimate, non-discriminatory business reasons.

## CalPERS Goes After the Big Spikers

In the last few months, PERS has slashed the benefits of dozens of top-paid government officials, mostly in the cities. This is part of a review prompted by the benefits scandal that came to light in the city of Bell.

Speaking of Bell, the former City Administrator Robert Rizzo, will now be receiving about \$50,000 per year, instead of the \$650,000 he was set to receive on his \$1 million-plus salary. His female assistant's benefits have been slashed from a projected \$250,000 to \$43,000. Several of the previously-overpaid Councilmen in Bell are now paying money back to the PERS system.

Right now, Vernon's former city administrator receives the highest pension of any public official in California: \$500,000. This is despite the fact that he was convicted of public corruption. PERS is specifically auditing Vernon's top officials, including the city attorney, who seem to have received public safety pensions. (Normally these are available only to police and firefighters.)

PERS has created a whistle-blower hotline for the public and says that it is now in the process of reviewing all current and retired employees who earn more than \$245,000 in salaries.



Costa Mesa Employees File Creative Legal Challenges -- as City Continues to Contract Them Out

The Costa Mesa City Council set off a battle last March by sending notices to over 200 of its 472 employees that they would be laid off effective September 17. The council decided it could save money, not only on labor, but on long-term pension costs, by contracting out city services.

Costa Mesa's employees, represented by the Orange County Employees Association, first offered to reopen their contract to respond to the city's alleged fiscal crisis. But the city refused to negotiate. In May the union requested injunctive relief against the city. It argued that Government Code Sections 37103 and 53060 prevent general-law cities from contracting out any services that are not special services. "Special services" include accounting (except for payroll,) engineering, legal, and administrative services that require special training and experience.

This law has not been tested against any recent municipal efforts at contracting out. The outcome may well set a significant precedent. In July, the court did grant the union a preliminary injunction that barred

the city from contracting out “any services currently performed by City of Costa Mesa employees represented by the Plaintiff Association.” The injunction also blocked the layoffs. Despite the court order, the city began to explore outsourcing 18 services, but bids for animal control, video production, and building inspection had to be withdrawn when the union threatened further legal action. In early September, the city appealed the injunction order, and a hearing is scheduled for this month. The City says it now anticipates implementing the layoffs on November 19. We shall see what happens next....



## Questions and Answers About Your Job



Each month we receive dozens of questions about your rights on the job. The following are some GENERAL answers. If you have a work-related problem, feel free to talk to your Board Rep or Association Staff at (562) 433-6983 or [cea@cityemployees.net](mailto:cea@cityemployees.net).

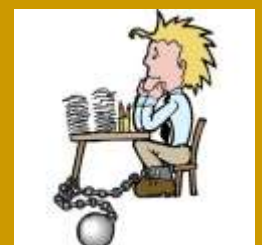
**Question: I work in an office where there used to be four full-time staff. Now there are two full-timers and one part-timer. Almost all of the work is falling on me. I want to know if there’s anything I can do about this.**

Answer: Public sector workplaces everywhere are becoming seriously understaffed. There are two kinds of responses: the legal and the strategic. Legally, the City is probably violating your union’s MOU by using part-time labor in bargaining unit positions. So, you should, at minimum, bring the issue of the part-timers to your Board’s attention. They should decide how they want to address the problem, either by insisting that the City fill the jobs properly or by agreeing to allow the temporary employees to fill these full-time jobs for a period of time.

Strategically, you should probably talk to your Management about the workload problem, asking them to help you prioritize tasks. Your association staff person can go with you if you’d like. This will help everyone understand that you are not a bottomless pit of energy, that the work needs to be distributed fairly – and that some work may need to go undone.

You probably take pride in your work, but in today’s world, this can set you up for being exploited. Sadly, you should probably be thinking in these terms: you shouldn’t care any more about your work than the City seems to care about it. Your employer made the choices that put you in this situation – you did not.

There are a few kinds of “violations of rights” that you should be aware of. If these occur, you should think about taking action. For example, if you are performing the work of a higher paid position, you have the right to higher-class pay or to be reclassified. If you are being harassed or threatened because someone thinks you are not being productive enough – and you are certain that you ARE – you should get this



straightened out. If you are suffering with illnesses caused or exacerbated by the stress at work, you should let the City know, and if they don't relieve the stress, consider filing a workers compensation claim.

If you're working through lunch, working excessive overtime (or told to work extra hours or take work home without reporting the extra hours...) the situation should be addressed. The same is true if you're unable to schedule time off or encouraged to come to work when you're sick, or need to take care of a sick family member.

It's always a bit of a "judgment call" when you try to distinguish between hard work and abuse. Individuals have widely varying tolerance levels. But keep in mind that the more you allow your employer to take advantage of your good nature, the more an exploitive situation may become the norm – and the more they will expect you to be able to do.

**Question: I am off the job on FMLA time, but my office is calling me almost every day with questions. I want to know first, whether this is legal; and second, whether I shouldn't be paid for this time.**

Answer: There's really nothing "illegal" about your office's bothering you at home when you're sick. If it's truly a bother, or they are interrupting your ability to recuperate, you should tell them this (or ask your union staff to tell them.)

But the law DOES require you to be paid for all work that you perform – wherever you perform it. If you are using accrued leave, or have gone into unpaid status during the time off, you should cease from giving up accruals for the amount of time that you are bothered with work and you should go "back on the clock." Also, an equivalent amount of time should not be charged against your twelve weeks of protected leave.

**Question: I am off the job due to an injury from a car accident, not work-related. My problem is that I have just been denied disability pay because the City reported that I am a 38-hour employee – which the insurance company considers part-time! I am NOT a part-time employee; my hours are being cut, involuntarily, due to furloughs! What can I do about this? This insurance will be my ONLY source of income until I can return to work.**

Answer: This should be considered a simple technical error, which you should ask the City to correct by talking to the insurance carrier. You are still a full time employee unless you were given a personnel action form changing your status from full time to part time. When the city implemented furloughs, they simply redefined the full time work week as 38 hours. If the City isn't helpful, call your union rep for assistance.

**Question: I have been taking high-dosage ibuprofen for pain after some dental surgery. I told my boss about this. He told me not to drive the truck, but assigned me to use another piece of equipment that I'm not really familiar with. Should I go ahead and do this?**

Answer: You should do what your boss tells you to do. However expressing your concerns about your unfamiliarity with the equipment (even if you weren't taking pain killers) is certainly appropriate.

**Question: I was in a car accident on the job. I was taken to the emergency room but later released. My pre-designated doctor says that I need to take at least a month off, but the City's doctor says there is nothing wrong with me and that I need to go back to work on Monday. What am I supposed to do?**

