



HPAE

LOCAL 5135 Newsletter

A NEWSLETTER FOR THE
MEMBERS OF HPAE LOCAL
5135 AT UCHC

THE CORRECTIONAL CONNECTION

April 2017

Message from the President



I would like to congratulate **Dawn Raabe** on her new position as Union Representative at Edna Mahan Correctional Facility.

There are currently vacant Union Representative position at Southwoods, Southern State, Mountainview, and JJC-Jamesburg. Anyone interested in becoming a Union Representative should contact HPAE Staff Representative Bryan Nelson at 732-640-0894 ext. 417 or email bnelson@hpaе.org. Eligible candidates must be members in good standing and receive petition signatures from at least five fellow members. Training will be provided for all new Union Reps.

Our next regularly-scheduled Labor-Management Committee Meeting is set for June 15th. The Labor-Management Committee is comprised of five representatives from HPAE Local 5135 and members of UCHC Administration. The Labor-Mgmt. Committee meets quarterly to discuss issues that affect the membership but that are not necessarily subject to negotiations or the grievance process. If you have any issues that you feel should be discussed, please contact your Union Rep (see list below) and we will add it to the agenda. We are also putting together a Staffing Subcommittee. If you're interested in serving on the Staffing Subcommittee, please contact me or your site representative.

Members should email me with any specific questions about the contract so that we can discuss these issues during the site membership/ general meetings. I can be reached by email at sbrovr@aol.com. My home phone # is 732-502-0048 and my cell # is 848-459-6588. I can also be reached at A.C. Wagner at 609-298-0500 ext. 1451 Monday – Friday.

In Solidarity ,
Sabrina Brown-Oliver
President, HPAE Local 5135

Union Rep List by Facility

Northern State -	Medical: Denise Johnson	A.C. Wagner - Sabrina Brown-Oliver
	Mental Health: Elizabeth Ilukwe	
East Jersey State -	Rae Bennett	Mountain View- Vacant
ADTC -	Edith Feldmann	Garden State - Jane Aldershoff
NJ State -	Medical: Carol Milroy	Southwoods - Medical: Vacant
	Mental Health: Lucia Otti	Mental Health: Doreen McKishen
Edna Mahan -	Medical: Dawn Raabe	Bayside - Joe Bentivegna
	Mental Health: Ulric Kelly	
Southern State -	Vacant	JJC Bordetown - Lorna Beaumont
JJC Jamesburg -	Vacant	CRAF - Vacant

Grievance Update

Class Action Grievances:

- ♦ On January 12th, 2017, Local 5135 filed a class action grievance alleging that the University violated the contract and Federal Regulations governing meal times by failing to completely relieve employees from duty for the purposes of eating regular meals, and failing to compensate employees for this time. There was Step II Grievance Hearing on this matter on March 16th and we are currently awaiting the decision.
- ♦ On March 24th Local 5135 filed a class action grievance over the University assigning mandatory overtime to essential employees due to inclement weather without having declared a Level 4 Weather Emergency. We are currently awaiting scheduling of the Step II Grievance Hearing.
- ♦ On November 4th, 2016 HPAE filed grievances on behalf of all three Rutgers Locals over the multitude of payroll errors that resulted from the UMDNJ/Rutgers payroll migration project. Errors in regular pay, overtime pay, differentials, uniform allowances, mileage reimbursement and payroll deductions were reported. If you have any unresolved payroll issues, please contact Staff Representative Bryan Nelson at bnelson@hpae.org.

Contractual Grievances:

- ♦ On February 15th Local 5135 filed a grievance over the layoff rights of Staff Nurse and Union Rep Dawn Raabe. The University had eliminated Dawn's first shift position and is attempting to deny her contractual rights by classifying the action a reassignment. A Step II Grievance Hearing was held on March 16th and we are currently awaiting the decision.
- ♦ On March 28th Local 5135 filed a grievance alleging that the University violated Article 13.01 of the collective negotiations agreement when it failed to inform employee of her right to have a Union Representative present for a disciplinary investigation and instead circumvented the contract and Weingarten by demanding a written statement. We are currently awaiting scheduling of a Step II Grievance Hearing.

Disciplinary Grievances:

There is currently a huge backlog of disciplinary grievances that have been filed but not yet scheduled for a hearing. As a result of charges we filed against the University, Rutgers Labor Relations is currently reserving at least one day per month to conduct grievance hearings for Local 5135 grievances. Please contact your Union Rep immediately if you are subject to either a UCHC disciplinary or DOC/JJC investigation and remember the following:

- ♦ You are entitled to a Union Representative for any meeting/conference that you reasonably believe could result in discipline. This includes DOC/JCC investigations. Make sure you assert your Weingarten Rights!
- ♦ In addition to your rights under Weingarten, public sector employees have additional rights including Loudermill (your right to a pre-termination hearing), and Garrity (your right to plead the 5th Amendment in matters involving potential criminal charges).

STORY OF

UNION FAMILY PROGRAMS



AT&T DISCOUNTS

Exclusive Wireless Savings, Just for Union Members*



CREDIT CARDS

Designed to Meet the Needs of Union Members**



MORTGAGE PROGRAM

Protections and Benefits You Can't Find Anywhere Else



CAR RENTAL

Get up to a 25% Discount on Car Rental Rates



*Available only to current members of qualified AFL-CIO member unions, other authorized individuals associated with eligible unions and other sponsoring organizations with a qualifying agreement. Must provide acceptable proof of union membership such as a membership card from your local union, a pay stub showing dues deduction or the Union Plus Member Discount Card and subscribe to service under an individual account for which the member is personally liable. Offer contingent upon in-store verification of union membership status. Discount subject to agreement between Union Privilege and AT&T and may be interrupted, changed or discontinued without notice. Discount applies only to recurring monthly service charge of qualified voice and data plans, not overages. Not available with unlimited voice plans. For Family Talk, applies only to primary line. For all Mobile Share plans, applies only to monthly plan charge of plans with 1GB or more, not to additional monthly device access charges. Additional restrictions apply. May take up to 2 bill cycles after eligibility confirmed and will not apply to prior charges. Applied after application of any available credit. May not be combined with other service discounts. Visit UnionPlus.org/ATT or contact AT&T at 866-499-9008 for details.

**Certain restrictions, limitations, and qualifications apply to these grants. Additional information and eligibility criteria can be obtained at UnionPlus.org/Assistance. Credit approval required. Terms and conditions apply. The Union Plus Credit Cards are issued by Capital One, N.A., pursuant to a license from MasterCard International Incorporated. Capital One N.A. is not responsible for the contents of this message and/or any other third party products/services mentioned. The MasterCard Brand Mark is a registered trademark of MasterCard International Incorporated.

Visit unionplus.org/aft





HPAE Local 5135

PETITION TO BECOME A UNION REPRESENTATIVE

As a member of HPAE Local 5135, I am petitioning to become a Union Representative. I understand and am ready and able to perform the duties and responsibilities of the position.

Name _____
Job Title _____
Employer _____
Department _____
Mail Location _____
Office Phone _____
Cell Phone _____
Email _____

We the undersigned, being members in good standing of HPAE Local 5135, support the nomination of the above member to act as our Union Representative:
(A minimum of five are required)

Print Name	Signature	Department
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

This petition will be acted on by the members of the HPAE Local 5135 Executive Board (LEB).

Approved by LEB on: _____



Mandatory Overtime

Article 5.05 of the HPAE Local 5135 contract says that “The University will follow all New Jersey statutes and regulations regarding mandatory overtime. UCHC will agree to follow the New Jersey statute on mandatory overtime, provided that it is able to do so consistent with Department of Corrections or Juvenile Justice Commission rules, regulations and protocols.” Please contact your Union Rep immediately if Management is 1) using Mandatory Overtime to fill holes left by chronic short-staffing, 2) if they are failing to exhaust reasonable efforts to obtain staffing, and/or 3) if they are failing to provide you time to arrange for childcare/eldercare when mandated.

N.J.A.C. 8:43E-8.1 et seq. DEPARTMENT OF HEALTH AND SENIOR SERVICES - MANDATORY OVERTIME REGULATIONS

SUBCHAPTER 8. MANDATORY OVERTIME 8:43E-8.5 Overtime procedures

(a) Except as provided for in (b) below, an employer shall not require an employee involved in direct patient care activities or clinical services to work in excess of an agreed to, predetermined and regularly scheduled daily work shift, not to exceed 40 hours per week. The acceptance by any employee of work in excess of this shall be strictly voluntary. The refusal of an employee to accept such overtime work shall not be grounds for discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the employee.

(b) The requirements of (a) above shall not apply in the case of an unforeseeable emergent circumstance when:

1. The overtime is required only as a last resort, and is not used to fill vacancies resulting from chronic short staffing; and
2. The employer has exhausted reasonable efforts to obtain staffing. However, exhaustion of reasonable efforts shall not be required in the event of any declared national, State or municipal emergency or a disaster or other catastrophic event which substantially affects or increases the need for health care services or causes the facility to activate its emergency or disaster plan.

(c) In the event that an employer requires an employee to work overtime pursuant to (b) above, the employer shall provide the employee with necessary time, up to a maximum of one hour, which may be taken on or off the facility's premises, to arrange for the care of the employee's minor children, or elderly or disabled family members.

(d) On-call time shall not be construed to permit an employer to use on-call time as a substitute for mandatory overtime.