



CEA's "Know Your Rights" Library

What Are Our Rights As Public Employees in California?

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QUESTIONS AND ANSWERS ABOUT YOUR RIGHTS

QUESTIONS AND ANSWERS # 2

1) "I hurt myself on the job. Doesn't the County/City have to provide modified duty?" 2) "My boss accused me of stealing. What are my rights?" 3) "Can the County/City force me to do work that is dangerous?" 4) "I was told that I couldn't talk to the Association about a problem until I had gone, alone, to my boss. Is this true?"

QUESTIONS & ANSWERS # 6

1) "What can I do about my boss accusing me of things I didn't do?" 2) "I'm doing the work of a higher-paid job. If I file a grievance, will I get back pay? Will my boss be mad?" 3) "Can I be forced to transfer?" 4) "If I promote, but don't pass probation, can they fire me or can I go back to my previous job?"

QUESTIONS & ANSWERS # 9

1) "What can I do about a boss who screams, throws tantrums, uses foul language?" 2) "What is mediation? How does this differ from arbitration?" 3) "Can I be forced to take a drug test?" 4) "I hurt myself on the job, but the County/City seems to be questioning the injury. I've filed a claim and have been using my sick leave and vacation while I'm off the job and waiting for the case to be settled. My time is almost used up. Doesn't the County/City have to continue to pay me? If not, what can I do?"

QUESTIONS AND ANSWERS # 11

1) "I have been off the job with a serious illness and my supervisor is threatening to terminate me. Could this really happen?" 2) "The County/City just informed me that they have been overpaying me, and are going to take money out of my upcoming paycheck! Can they do this?" 3) "After several years of doing the work of a higher classification, I'm finally transferring. Now the job is being upgraded! Can I get any back out-of-class pay?"

QUESTIONS AND ANSWERS # 14

1) "My Merit Step evaluation was fine, don't they have to make the corresponding pay increase retroactive?" 2) "I was in an accident which wasn't my fault, and I'm about to go to an investigation meeting with our County/City's Accident Review Board. Am I allowed to have a representative?" 3) "Two of my co-workers have left the County/City and their jobs are being filled by 'part-timers' (who actually work full time, but get no benefits...) Doesn't the County/City have to fill these positions with permanent workers?"

QUESTIONS AND ANSWERS # 15

1) "I'll be retiring in a few months and the County/City is trying to force me to use up my accrued leave, rather than paying me off. Can they do that? 2) "I had a run-in with a neighbor over the weekend, unconnected to my job. Can the County/City discipline me for this? 3) "My Workers Comp claim has been settled and my doctor says I can return to work. But the County/City fired me and filed for my PERS Disability Retirement. What should I do?" 4) "My supervisor put things in my Performance Review that are a complete lie! What can I do?" 5) "I've been told that I could be sued, as in individual, if a member of the public was not happy with my conduct. Is this true?"

QUESTIONS AND ANSWERS # 16

1) "I disagree with several things that my boss wrote in my performance review. Do I have the right to file a grievance?" 2) I was given a letter of reprimand, but not told that I had the right to appeal it. Don't they have to tell me? (In fact, don't they have to tell me that they are considering discipline *before* giving it?") 3) "The County/City eliminated my supervisor's job several years ago & gave me many of her duties. I got a small raise and a new job class, but it wasn't nearly enough. Is there anything else I can do?"

QUESTIONS AND ANSWERS # 18

1) "I have an old sports injury which has been made much worse by my job. Recently I lost days at work because I could hardly walk, and I've had to spend \$250 on an orthotic. Should these be covered by Workers Comp?" 2) "I've developed a hand and shoulder problem from the console I work at. The doctor has said that I need a different chair and desk. The County/City SAID they'd get these months ago, but haven't. What can I do?" 3) "I've worked the night shift with the County/City for many years. When a position opened up on days, I asked for it, but they gave it to a new employee. Shouldn't I have first choice?" 4) "Years ago my supervisor started assigning me work of a lower-paid class. Now they want to reclassify me downward and lower my pay! Can they do this?"

QUESTIONS AND ANSWERS # 19

1) "Last year I was given more responsibilities but not upgraded. I asked my supervisor about being reclassified, but he said no. When I said I would grieve it, he said it was too late because I'd been doing the new work for so long! Is this true?" 2) "One of my co-workers overheard my supervisor making personal comments about me to another employee. What should I do?" 3) "When I try to get non-members to join the Association, they say, 'why should I? I get the same benefits as members, anyway.' Is this true?" 4) "I have a locker at work with my own lock on it. My boss wants to put a County/City lock on it. Can he do this? Can he get into my locker without my permission?"



QUESTIONS AND ANSWERS # 20

1) "If I'm eating my lunch at my desk, and someone comes to the counter needing help should I go and help them even I'm not on the clock?" 2) "My boss says I have a drinking problem and that he wants me to see a doctor. Do I have to go? Can he get information about me from the doctor?" 3) "My new supervisor sent out a memo asking us for 'any information you feel is important regarding your education , work background, outside interests or other items which may affect your working life.' Isn't this an invasion of privacy?" 4) "I am thinking about taking a second job on weekends. Can the County/City stop me?" 5) "My supervisor called me into a meeting. Do I have to go?"

QUESTIONS & ANSWERS #21

1) "I've been seeing my doctor for a work-injury. Can County/City now force me to see their doctor?" 2) "Can I be fired for refusing a drug test? 3) I'm frequently called to speak Spanish on the job, but I've been denied bilingual pay. Does this mean that I don't have to translate now?" 3) "What should I do if I'm directed to do something illegal?" 4) "Can I get in trouble for speaking at the City Council meeting?"



QUESTIONS & ANSWERS #22

1) "I hurt my back at work. The County/City sent me to their doctor, but I am not happy with his treatment. Do I have right to see my own doctor?" 2) "My boss gave me a letter saying I abuse sick leave and am a bad example to others. He threatened me with discipline. I've truly been sick and have always brought in doctor' slips. Isn't this harassment? What constitutes sick leave abuse? 3) I had a major injury at work and now I go to physical therapy twice a week. The County/City has been using up my sick leave when I'm off. Shouldn't this be Injured-on-duty time?"

QUESTIONS & ANSWERS #23

1) "Can I be compelled to wear a beeper? Can I get extra pay for this? 2) "Shouldn't I be paid for time spent at night working on the phone handling work problems?"

QUESTIONS & ANSWERS #25

1) "I use toxic chemicals on the job, and I just found out that I'm pregnant. My doctor says I should stop using these chemicals until the baby is born. Can my boss force me to either do my job or to go home "sick" for the rest of the pregnancy? 2) I hurt my shoulder at work. The County/City sent me to their doctor, who said I should return to work without using that arm. My doctor advised me to stay off work. I stayed home for four weeks, and then I found out my sick leave bank was almost wiped out! Shouldn't this be paid, injured-on-duty time? 3) I've been off the job for five months on a major injury that happened at work. The County/City has just informed me that it's no longer going to pay for my monthly medical plan. Isn't this illegal?"



QUESTIONS AND ANSWERS #26

1) "If I promote, but don't like new job, can I return to my old position?" 2) "What about if I don't pass probation in the new position? Can I be fired." 3) "My Co-worker wears perfume that I have an allergic reaction to. What should I do?" 4) Can I be compelled to wear a beeper? Can I get extra pay for this? 5) I am a Building Inspector and was told, indirectly, by my supervisor, to "look the other way" at building code violations by a particular member of the public. Now the violations have resulted in problems and the County/City is being sued. Can I be sued personally? Would the County/City have to defend me? 6) Shouldn't I be paid for time spent at night on the phone handling work problems?"



QUESTIONS AND ANSWERS #27

1) I was involved in a car accident during working hours. My insurance company paid for the damage to my car, but I had to take about four hours during the day to meet with a lawyer. My boss says that I have to use my vacation time for this. I think the County/City should pay me. Who's right? 2) What can I do about my boss's changing of my lunch hour or starting time whenever it's convenient to him? 3) Can my employer force me to be clean-shaven? 4) I want to check myself into a 10-day detox clinic, but I don't want my supervisor to know about it. Am I required to tell them? 5) I had a minor stroke and I will be returning to work after six weeks off. The doctor says that I can only work 4-5 hours per day. The County/City says they only have full-time work available. Don't they have to accommodate me?"

QUESTIONS AND ANSWERS #29

1) "Can my employer listen to my private conversations on the telephone?" 2) Can comments I made about my supervisor to a co-worker on the phone be used against me on the job?"

QUESTIONS AND ANSWERS #30

1) "I had an argument with my boss & said I was quitting. Later that day, I realized this was a mistake & told him I was NOT quitting. He said I was too late & had lost my job. What can I do?" 2) "I told a co-worker that our boss was keeping a private file on him. My boss found out and chewed me out. What should I do? Could I be disciplined?"

QUESTIONS AND ANSWERS #31

1) "I just told the County/City that I'm pregnant. They told me that I can't do my job any more and that I'll have to stay off the job until my baby is born. Can they do this?" 2) "I have a weekend job that has nothing to do with the County/City, but my boss says I have to provide information about my other job. Is this true?" 3) "Our office is all pitching in extra hours, some of them "off the books." I objected to this, so they are changing my schedule constantly to avoid paying overtime. Is this legal? 4) "For three years, I wasn't charged to put my baby on the medical plan. Now they say I owe a back \$900 and want to take this out of my check!"

QUESTIONS AND ANSWERS #32

1) "Our supervisor had us vote on what would be a "fair absenteeism policy," which set a number of hours, over which somebody could be considered abusing sick leave. The hours are less than the number provided by the MOU. Isn't this undercutting our MOU? Can we be disciplined if we violate this new policy? 2) If I have a random drug test, do I have the right to see the results?"

QUESTIONS AND ANSWERS #34

1) "The County/City has introduced uniforms for people who do our jobs. They provide the shirt but I have to provide black pants and shoes. Don't they have to pay for these? 2) I was reclassified, but the new position doesn't pay as much as I think it should. Do I (or the Association) have any control over this? 3) Do I have a right to see medical information the County/City has about me?"

QUESTIONS AND ANSWERS #35

1) "Can I be disciplined for refusing to speak to co-workers?" 2) "What kinds of information can go on a performance review?" 3) "What can I do about a boss who doesn't do his work and then blames *me* when the job isn't done right?" 4) "Once a year we have to get uniforms at a local store. Do I have the right to be paid during this time?"

QUESTIONS AND ANSWERS #36

1) "The State has established a new licensing requirement for my job. The County/City is forcing us to pay for the license out of our own pockets. Doesn't the County/City have to pay for the license? Can I get extra pay for holding this license?" 2) "Can I be required to answer questions, to help a co-worker, on phone from home?" 3) "My co-worker and I reported our boss for conducting personal business on County/City time, using County/City property, and falsifying time cards. Management promised us something would be done, but he's still here, as if nothing happened. What should we do?" 4) "Can I have a non-family member as my PERS beneficiary?"



QUESTIONS AND ANSWERS #37

1) "If I get laid off, but resign instead, can I still collect unemployment? 2) "My supervisor sent me a memo requiring me to sign in and out during breaks. Other employees don't do this. Do I have to comply?" 3) "If the County/City suspects that someone is stealing cash at the counter of our department, can they install video cameras to watch us? Do they have to tell us? Could something we do or say, not related to the cash issue, be used against us? Does the public have to be told?"

QUESTIONS AND ANSWERS #38

1) "I have been laid off, and am on the "reemployment list." I want to look at my personnel file. Can I? 2) My supervisor said the County/City is instituting a use-it-or-lose-it policy on vacation. Can they do that? 2) "I am off the job on workers compensation, and my County/City is going through layoffs. I've heard that I can't be laid off. Is this true? 3) I have two little children who need to be picked up right after work. Lately, my supervisor has been pushing me to work overtime. Can I get in trouble for refusing?"

QUESTIONS AND ANSWERS #39

1) "A number of my co-workers receive federal (CDBG) funds to do work like graffiti removal. The problem is that the County/City is eliminating *other* jobs and using *these* employees to do other work. Isn't this illegal? 2) "I am a supervisor, in the same bargaining unit as my subordinates. Who does the union represent if we have grievances against one another? 3) My co-worker puts religious stuff on the bulletin board at work. I know other people don't like it, but I'm the only one who seems to object. Do I have the right to demand that he take it down? 4) We're assisting in a campaign for a few promising Council candidates. How much money can we contribute? Do we need to form a Political Action Committee? Does any of this activity jeopardize our jobs?"

QUESTIONS AND ANSWERS #40

1) "I was told that if I resigned from my job, I'd lose my PERS benefits. Is that true? Is it true that I can only collect PERS for as many years as I worked? 2) The County/City told me we could pay our own PERS, then have the dollars added to paychecks. What's the advantage of this? 3) I was told that the County/City has to provide health benefits for retirees under the PERS medical system. Is this true? Can the medical plan for retirees be changed after I retire?"



QUESTIONS & ANSWERS #41

1) "I was involved in a car accident during working hours. My insurance company paid for the damage to my car, but I had time off from work to meet with a lawyer. My boss says that I have to use my vacation time. I think I should be on work time. Who's right? 2) What can I do about my boss's changing of my lunch hour whenever it's convenient to him? 3) Can my employer force me to be clean-shaven? 4) I want to check myself into a 10-day detox clinic, but I don't want my supervisor to know about it. Am I required to tell? I had a minor stroke and I will be returning to work after six weeks off. The doctor says that I can only work 4-5 hours per day. The County/City says they only have full-time work available. Don't they have to accommodate me?"

QUESTION AND ANSWERS #42

1) "Can County/City require me to take a drug test a part of a return-to-work physical after an illness? 2) If I quit my job, can I still pursue a grievance? 3) If I quit my job, can I collect Unemployment Benefits? What if I'm terminated? 4) Can the County/City deny me the right to serve on jury duty?"

QUESTIONS AND ANSWERS #43

1) "The County/City says I need hearing aid, but I don't think so. Do I have to go along with their request? Would they have to pay for these? 2) I take garlic pills, and apparently some of my co-workers were upset about the smell. Rather than tell me, they went to our supervisor, who said I needed to go home until the smell wore off. He said I could use sick leave to cover this time. Can they do this? 3) My department doesn't have money allotted for overtime, and they are asking us to volunteer to help with an upcoming public event. Can I be compelled to "volunteer?"



QUESTION AND ANSWER #44

1) "I'm a crew leader, but lately I've been given more and more supervisory responsibilities. Supervisors make 20% more than I do! Do I have a right to higher pay -- or to refuse to do this work?" 2) I have work-related injury and am restricted from lifting more than 20 pounds. But I can do most of my normal job. The problem is that the County/City says they have no "modified duty" for me. I know they have arranged modified duty for other people. Isn't this discrimination? What should I do? 3) My supervisor criticizes everything I do, and is making me miserable. I'm a good employee and I always got good reviews in the past. I've never been disciplined or even reprimanded, but nothing I do can please him. What should I do?"

QUESTION AND ANSWER #45

- 1) Some employees are allowed to park in the County/City parking lot, while some of us are told we can't. Isn't this discrimination?

QUESTIONS AND ANSWERS: #46

1) I'm a working supervisor and have just been told that my job class is being made "exempt" and I won't be receiving overtime pay anymore. Does this mean that when I'm called out in the middle of the night to oversee an emergency, I won't get Call Out pay anymore?

QUESTIONS & ANSWERS: #48

1) I was sexually harassed by a co-worker to the point of being made ill and losing time from work. I filed a worker's compensation claim, I was off the job for two months. Now I'm back on the job, but I still have to work with the person who was harassing me! Is there anything I can do? 2) My normal workweek is Monday through Friday. I went to a four-day training program last week, which ran Wednesday through Saturday. I took Monday off that week so that I could take care of business that I knew I wouldn't be able to get to on Saturday. My boss now says I won't be paid for Monday! Can he do this? 3) I spoke up once at "gripe session" at work and now my boss takes every opportunity to punish me. His most recent action was to change my days and hours of work. Can he do this?

QUESTION AND ANSWER #49

1) I've heard that the County/City Manager is creating several new positions in our department for "at will" employees. I think the jobs will be similar to mine; can he just do this? What's to stop my job from going "at will?" 2) I'm in the middle of a grievance about the County/City's failure to provide me step increases for the last two years. I've also just been offered a better job in another County/City. If I leave here, do I lose my right to pursue my grievance? 3) I reported a co-worker for having sexually explicit materials on his screen saver at work. Management deleted the screen saver. I think he knows I'm responsible because he won't speak to me at all now. He gives all his work to another person in the office now and I sometimes see him staring at me. What can I do?



QUESTIONS AND ANSWERS: #50

1) I'm about to retire and just found out that I have accrued more Vacation Leave than the maximum allowed in our MOU. The County/City is telling me now that they don't have to pay me for my time above the maximum. I thought my right to be paid for unused vacation was covered by the law. Who's right?

QUESTIONS AND ANSWERS: #51

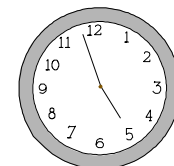
A female co-worker has accused me of sexually harassing her. At what point do I need representation? 2) I've been bothered at work by a male co-worker, who won't seem to take "NO!" for an answer. I mentioned it to my supervisor, asking that he say something to the guy. I clearly stated that I did NOT want to file any complaint and wanted the whole thing kept confidential. Now a County/City Attorney has called me to an interrogation about my Complaint! What should I do?

QUESTIONS AND ANSWERS: #52 RIGHTS OF PROBATIONARY EMPLOYEES

1) I had been working for the County/City for 5 months when I was involved in a car accident that left me unable to work. I applied for and used up my FMLA leave time. I just received a notice I did not pass probation and they are letting me go. I think it is because of the accident and not my performance on the job. Can I do anything?

QUESTION AND ANSWER: # 53

1) I'm a supervisor in the Parks Department and I had a run-in with one of the employees in the Water Dept. He became so angry that he actually hit me. I the incident & now our Personnel Dept wants me to give him a letter or reprimand. He is not my employee ...Shouldn't his own supervisor give him the discipline? 2) My load at work has gotten so out of control that I've broken out



reported



with a rash and my doctor says that it is because of the stress. I've tried talking to my boss about controlling the workload he just ignores me. 3) Our County/City is requiring **all** maintenance workers to obtain a Class B drivers license and we don't even have any vehicles that require a Class B license. Can they do this?

QUESTION AND ANSWER: # 54

1) I work nights and weekends and work a lot of overtime. I can take my "OT" in the form of pay or use as "comp time." My problem is that if I want to use comp time, I'm told I have to find my own replacement, which is often difficult. Whose responsibility is it to make sure my shift is covered – mine or theirs? 2) How is the new law on "overtime after eight hours" going to affect my job?

QUESTIONS & ANSWERS #55

1) I spray insecticides and herbicides as a regular part of my job, and have recently been diagnosed with a liver ailment. I have had to take quite a bit of time off. The County/City has just sent me to their doctor, who has said that the chemicals I use could worsen my condition, and I should no longer do my job! The County/City has told me they have no other work for me, and I am worried that they are going to fire me. What should I do? 2) My doctor says I am disabled and I want to retire, but the County/City has denied my application for a PERS Disability Retirement. I went through the appeals process, which was in front of the County/City Manager. H also denied it. Do I have any recourse?

QUESTIONS & ANSWERS #56

1) I was scheduled to work eight hours of Overtime on a holiday, but after two hours, I was sent home. Don't they have to give me pay for the full eight hours? 2) I have been in a County/City internship program for the last nine months and am now returning to my regular job. My supervisor just informed me that I have to take a drug test before I can return to work. Is this legal?



QUESTIONS & ANSWERS #58

1) I have been taking medication for a psychological problem for more than 20 years, but have never told the County/City about it. Recently, I've had some temper-control problems at work. I am going back to the doctor for a possible change of medication but I'm worried that I may be receiving some discipline. Should I tell the County/City about my medical condition? 2) I've heard that probationary employees can't join the Association. Is this true? 3) Question: I

know that one of my co-workers once had tuberculosis. She is now coughing a great deal and I am concerned about contagion. She sits quite close to me. Do I have the right to ask that the County/City makes sure that she is not contagious now?

QUESTIONS & ANSWERS #59

1) I heard about this new law that requires the County/City to allow me to use half of my sick time to take care of sick family members. When I asked my human resources department about it, they said I could only use 48 hours per year. Who is right? 2) My co-worker and I are the only two people in our office during the day. We have always had a half-hour lunch period, but now our new Department Head wants us to take a full hour. He says he wants us to have the same length of lunch as 'everyone else' in City Hall - although our jobs are completely different. Do we have any recourse?

QUESTIONS AND ANSWERS #60

1) My co-worker was upgraded when the department was reorganized, but I wasn't. What can I do? 2) Do I have the right to see my results from a promotional exam? 3) "Is my employer responsible for my health coverage following my retirement?" 4) "Can my medical benefits be bargained away or reduced after I retire?" 5) Do I have to report a misdemeanor conviction on a job application? 6) My leadsman has started acting like he's a supervisor. How much authority does a leadsman really have?

QUESTIONS & ANSWERS #61



1) Can the County/City change the medical plan without a vote of the membership. 2) Does the agreement to meet and confer over some job classes during the term of the MOU open up the rest of the MOU? 3) Can the County/City impose new state required certifications without bargaining?

QUESTIONS & ANSWERS #62

1) I am a Customer Service Representative with a problem back. I am now ready to return to work, but my doctor gave me a restriction on lifting. Since I don't really do any lifting on the job, I didn't expect a problem, but the County/City has refused to allow me back on the job. They say they have "no modified duty!" What should I do? 2) I am being given the "opportunity" to cross train at supervisory position, in another bargaining unit. The job is normally paid 20% more than I'm paid, but I haven't been offered any additional pay. What should I do? 3) I am often scheduled to come in on my day off to do maintenance work on the County/City's water system. I have been paid from the moment I leave my house until I return back home. Last week, my boss said I would only be paid from the time that I arrive and leave work. Can they do this?

QUESTIONS AND ANSWERS #63

1) What do I do about my workload while I'm on Jury Duty? 2) Help! They just assigned me to work around chemicals that aggravate my medical condition! 3) "What Can They Put in My Personnel File?" 4) What about the notes my supervisor keeps in his desk drawer?



QUESTIONS AND ANSWERS #64

1) I have been off the job for 6 months with a serious medical problem. I just had surgery, though, and am expected to recover. My problem is that the County/City is threatening to terminate me if I don't come back to work by next week! What can I do? 2) My last performance evaluation was negative & I was denied my step increase. The MOU says that performance evaluations are not grievable, though. Isn't there anything I can do?

QUESTIONS AND ANSWERS #65

1) I am going to be retiring soon and will be moving to another state. Can you tell me how I will be taxed on my PERS benefit? 2) Will I pay California taxes or the taxes of my new state? 3) I heard there is a built-in Cost of Living Adjustment to my PERS allowance. What is it? 4) Does it fluctuate or is it negotiable?

QUESTIONS AND ANSWERS #66

1) I was told at 3:30 in the afternoon that I had to be at a "mandatory" meeting in the council chambers at 7 the next morning. This creates a huge problem: I have no way to get my kids to school! Could I be disciplined for failing to attend the meeting? 2) Are my union dues tax deductible? 3) I am temporarily working in an "acting" capacity as a supervisor, and the County/City is telling me that I can no longer be on the bargaining team for my employees association! Is this true or is this just harassment?

QUESTIONS AND ANSWERS #67

1) Should I sign discipline I don't agree with? Is not signing insubordination? 2) I was in a car accident while I was on work time. Does workers compensation cover me? 3) Is there anything I can do if I'm terminated while still on probation? 4) I found out that my supervisor has started a file on me but not anyone else. Is this discrimination?

QUESTIONS AND ANSWERS#68

1) Can my employer force me to take a polygraphed 2) I've always worked Mondays through Fridays, but now my supervisor wants me to start working Saturdays. Can they do this? 3) My job has always been Mondays through Fridays, but my boss just told me that we are going to start working on weekends. Can we be forced to switch to weekends? Can we ask for extra money? This is going to be a major inconvenience for my entire family! 4) I was told in January that I'd been picked for a promotional position,

but the County/City did not move me to the new job until May. Don't they have to give me the pay for the position from the date I was selected?

QUESTIONS AND ANSWERS #70

1) I have been taking time off intermittently under the family Medical Leave Act to take care of my mother, who has a terminal illness. The week of Thanksgiving I worked one day, took two FMLA days, and then was off due to the holiday for two days. The County/City counted the holidays against my FMLA time. Is this legal? 2) Does a call to someone's home to help with work, while on vacation, constitute a call out? 3) I am signing a resignation agreement instead of being terminated from my current job. Can potential employers have access to my file or find out why I left? 4) I will be having chemotherapy treatments for the next six months and expect to be off the job for a good part of this time. I'm on my wife's medical plan, and receive a monthly benefit of \$550 "in lieu." Does the County/City have to continue paying this to me while I'm off?

QUESTIONS AND ANSWERS #71

1) The County/City is rewriting my job description to include higher level duties after I complained about having to do them. Can they do this? 2) I perform water testing for the County/City and there was an incident with fecal matter floating in the County/City pool. I advised staff of the proper steps to take, but they did not do anything. What should I do? 3) My MOU says I get two hours of Overtime for a callout. One recent weekend I was called out five times, but the County/City only wants to pay me for one time. Can they do this? 4) I was reprimanded for leaving the job site while on my break, can't I do anything I want on my break. 5) My husband surprised me with tickets to Hawaii, but the County/City denied my vacation request. Can they do this?

QUESTIONS AND ANSWERS #72

1) Can employees be forced to retire after age 70? 2) I have diabetes and the medication makes me hot. The recent power crisis caused the County/City to raise the thermostats and it is making me miserable. Can I be accommodated or what if I go off on medical leave. 3) Can the County/City require bilingual skills in a job posting? 4) Co-workers have talked to me about concerns about others who are not pulling their weight. We don't want to get them in trouble – but do not want to do their work either. What should we do? 5) I received a reprimand from my supervisor. What do you think about talking to her informally before filing an appeal? 6) I just found out that my supervisor does not have the degree required for his job, should I tell upper management?



QUESTIONS AND ANSWERS #73

1) I was a part-time employee for several years and a portion of my income was paid to me in cash out of the County/City's sports fund. Is this legal? What are the consequences? 2) The County/City sent me to a worksite that they knew was hazardous. They completely failed to tell me, and I was injured. Now I have a permanent disability. Can I sue? 3) I am in the middle of a grievance about harassment from my boss. Today, I came into work and found that all of my past e-mails have been erased! Of course, this includes some of the information involving my grievance. What should I do? 4) One of the "perks" in our MOU, is that each employee receives \$150 for work shoes. The County/City decided to put the \$150 on our paycheck, so it is taxed as earnings -- which means now we only receive about \$85- \$100. Is this legal? What can we do?

QUESTIONS AND ANSWERS #74

1) What about part-timers and the 1000 hours threshold for PERS? 2) My pay adjustment was given two months after my evaluation, shouldn't it be retroactive? 3) Can I be disciplined for not crossing a picket line? 4) Can my employer change my shift to avoid payment of overtime? 5) Doesn't the County/City

have to continue to pay my “opt out” fee if I go on FMLA time? 6) I often work a few minutes of overtime and my supervisor keep track of them as “funny minutes,” but can they do this?

QUESTIONS AND ANSWERS #75

1) When I was hired, there was no special drivers license requirement for my job. But now I’m being told I have to get a class B license. Is this legal? If I don’t get the license, can I be fired?

QUESTIONS AND ANSWERS #76

1). What’s the PERS long term care program? 2) Management says we cannot represent confidential employees? What is the definition of a “confidential” employee? 3). Can I be forced to stay in the office at lunchtime? The County/City does give us comp-time for this... 4). I’m unhappy with my current job; could the County/City fire me if I were to request a voluntary demotion? 5) What IS the CPI? What is a COLA? 5) I have been off the job for 5 weeks, due to some emotional problems. The County/City is now sending me for a “fitness for duty: exam. What does this consist of? Could I lose my job?



QUESTIONS AND ANSWERS #77

1) I gave the County/City the form my association provided to us regarding “designation of doctor” in case of work-related injury, but the County/City says they will not accept this form. What should I do? 2) I work at the Building Counter. Last week one of the Council people came to counter and had the 2 of us videotaped while I assisted him. Then this was played on cable TV. I did not give my permission! Do I have any rights here? 3) I was falsely accused of doing something criminal on job and went through a court trial. I had to hire a lawyer and asked County/City to pay for this, but they refused. I was found innocent, but spent \$6,000! Shouldn’t the County/City have paid for my defense? 4) My co-worker has been assigned to a position that is normally much higher in pay. Shouldn’t she receive acting pay? I should mention that she’s still on probation...

QUESTIONS & ANSWERS #78

1) What does the law say about Supervisors interrupting our lunch to talk shop or hold meetings? Do we have the right to ask to be left alone?

QUESTIONS & ANSWERS #79

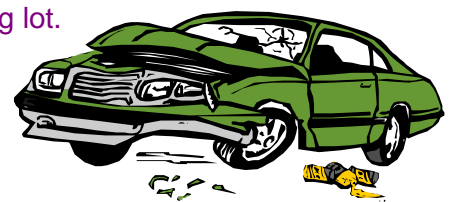
1) My supervisor is doing things to subtly sabotage my work. For example, he’ll send me to do a job, then when I get there, someone else had already done it. I heard him telling another supervisor that I’m a bad worker, but this is completely untrue. What should I do? 2) I broke my finger at a County/City-sponsored softball game during the work day. Is this covered by workers comp? 4) Can the County/City make someone your direct supervisor whose job description does not include any supervisory duties?

QUESTIONS & ANSWERS #80

1) We have a vacant clerical position which the County/City is not filling. Although I’m a Senior Account Clerk, I’m being given many of this job’s clerical tasks. Please let me know what my rights are. 2) Can Management assign a supervisory employee (from one bargaining unit) to do a subordinate’s job (in another bargaining unit) just to keep from paying the lower employee’s overtime? 3) Can Management discipline an employee in one bargaining unit, using work rules agreed to by a different bargaining unit? Also, are Department rules for non-supervisory employees applicable as work rules for the supervisory employees? 4) Our maintenance workers have been instructed to tell any troublemakers who show up at the park to leave the premises. Last week, some bikers became angry when they were told to leave, and rode around the employee in a circle, threatening him. Can the County/City really force us to “police” the parks? 5) I was told to lift some large tree limbs. They were too heavy for me, but I did it anyway, and hurt my shoulder. I want to know if I have the right to refuse to do work when I know it’s dangerous.

QUESTIONS AND ANSWERS #81

1) Several of us had our cars vandalized while parked in the library parking lot. The County/City has told us that this is not their responsibility...I don’t



understand why the County/City can't be held responsible. 2) On Saturdays we are short handed and I am often asked to stay in the building at lunch in case something happens. The County/City gives me comp time later. Is this a violation of the law? 3) I was just told that our entire crew will be required to work on the Christmas Eve. This is a holiday in our MOU. In the past, work on holidays was always voluntary. Can they force us to work? 4) I have pre-designated my own doctor in case of injury but would like to know: does this mean that if I have an injury and go to my own doctor, it is this under my regular medical plan? Does my insurance company go after workers comp pay for it? Also, if I had a serious injury, would I go to my doctor or the hospital for treatment?

QUESTIONS AND ANSWERS #82

1) I've been told that the County/City can legally listen in on my phone calls at work, but not tape record me. Is this true? 2) Can my supervisor get a record of my phone calls? 3) Is my e-mail private? 4) But our employer's electronic mail system has an option for marking messages "private." Are you saying that these are not really private? 5) Everyone in County/City Hall is suddenly being required to sign in and out from work when we leave the building. Don't they have to bargain to make this kind of change? 6) I am a Librarian II at the top step in my salary range and have been at this level for 15 plus years. There doesn't seem to be anyplace else to go. What do other employees do in similar circumstances?

QUESTIONS AND ANSWERS #83

1) My husband will be undergoing surgery next month. Am I allowed to use sick time on the day he is in surgery? Once he is released I will need to care for him. Can I use sick time for this? 2) Several employees have asked me if they have the right to take time off as "no pay" leave. Do we? 3) I just finished taking a test for a promotional position that had very little to do with the job. I believe the test was skewed to make one candidate look like the best person. What can I do about this? 4) Does your supervisor have the right to require you to complete 150 hours of training per year? Can they require as many hours of training as they want? Can they penalize an employee if he/she doesn't reach the goal? 5) One of our Councilmen has asked the City Manager to provide a report on all the sick leave and vacation time used by everyone in our bargaining group. Can they do this?

QUESTIONS AND ANSWERS #84

1) What actions are considered work for the purposes of call-back pay? 2) My schedule has changed to reduce my hours from 80 to 72 a pay period. How will this affect my PERS contributions? 3) Does the County/City have the right to tell us what we can wear or how we style our hair? 4) Our manager screams, yells and kicks things. We complained to HR, but they turned our complaint into questions about our own work habits. Do we have the right to representation when management starts questioning us?

QUESTIONS AND ANSWERS #85

1) If I am home sick and am called to answer work questions on the phone, shouldn't that time be considered work time? 2) Can the County/City maintain separate folders on employees, i.e. departmental and Human Resources, and not have the same information in both? 3) Do all of our years under PERS go with us if we go to work for another agency under the PERS system?" 4) If management is going to change our work from a 5-8 schedule to an alternative workweek schedule, don't they have to let us vote on it? 5) A co-worker was recently told by human resources staff that the only way she can use FMLA time is after she has depleted her vacation time. Is this true?

QUESTIONS AND ANSWERS #86

1) Can the public see my personnel files? 2) What can I do if I think my boss has interfered with my getting a promotion? 3) My manager says that getting involved with our employees association would take up too much of my time. Can he keep me from participating in our association?

QUESTIONS AND ANSWERS #87

1) Can you tell me if there is any law that states if one works for an "agency shop", and the MOU has expired, the "agency shop" is still in effect during the new Contract negotiations? 2) One of my co-workers has been constantly calling in sick and I have to cover her job. She



will write out a leave request on Monday saying that she knows she is going to be sick on Wednesday. How can she do that? How can we monitor if she is really sick or she just doesn't want to work? 2) Will Management employees ever receive pay for being required to carry pagers/beepers when off duty? 3) Can my employer terminate me after filing a claim for workers' compensation benefits? 4) Can I return to my job after filing a workers compensation claim?

QUESTIONS AND ANSWERS #88

1) I've been told that it's illegal for the County/City to contract out jobs without negotiating with our Union. Is this true? 2) Does the County/City have the right to tell me I can't wear a stud in my lip? 3) I've been fired and intend to sue for wrongful termination. Do I have to go through the County/City's hokey Civil Service process first? 4) We have just been told that we're not going to be able to change out of our uniforms until the shift is over. I thought that time spent changing in and out of uniforms is considered paid work time. Please let me know by citing the law. 5) We are moving into a new building and the County/City has handed out new rules regarding what you can do; when you can do it etc. Can they do this? Don't they have to bargain over new rules? 6) If I were to leave the County/City in September, could I request my PERS funds reimbursed to me in January, 2005 for tax purposes? I will have only two years of service.



QUESTIONS AND ANSWERS #90

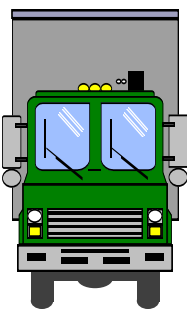
1) The City Manager met with all the employees last week to tell us about the about the budget shortfall. We are in the middle of a contract, but want to know if the City can take any of these actions: 1) Put us on a four day work week to limit overhead costs, 2) Take a percentage of our present income, 3) Leave positions vacant when employees leave or retire? 4) I just heard a rumor that our new department head may require that we all be evaluated quarterly. I think they might want to give us negative evaluations as a basis for layoffs. Is this legal? 3) Can the County/City change my job duties without my agreement? Our receptionist has retired and my supervisor wants me to start answering the phones. I do the payroll and I can't concentrate when I have to constantly answer the phones. Is there anything I can do about this?

QUESTIONS AND ANSWERS #91 1) My work hours are 7:30 to 5:30 p.m. and my supervisor expects the office to be "fully operational" during this time period. My problem is that in order to be operational, my co-workers and I have to come in 5 to 10 minutes early and stay 5 to 10 minutes late. My supervisor refuses to pay overtime. What should I do? 2) Can I get in trouble for speaking at a council meeting about the way the County/City is handling budget cuts? 3) Our Association Board reps are being told that we are not allowed to meet with City Council

members during work time. What is the law on this? 4) I was just informed that a classification analyst will be meeting with our work group tomorrow to get our input on our job descriptions. We have complained about doing a lot of work that's outside the scope of our job. 5) Can my employer terminate me after I file a workers' compensation claim?

QUESTIONS AND ANSWERS #92

1) Can you tell me what an "at will" employment means? 2) If an employee is on standby duty, can this time be banked as comp time instead of taking the pay? 3) The field operations people were told that they could not change out of their uniforms until after the shift was over. I believe that changing into and out of uniforms is paid work time – right? 4) Employees who are on stand by duty drive their personal vehicles into the yard to pick up a work truck when they are "called out." Can they put in a claim to the County/City for mile reimbursement?



QUESTIONS AND ANSWERS #93

1) Our County/City doesn't have separate categories for vacation and sick leave. We have something called "General Leave." I was just told that if I quit, I will lose all my General Leave. Is this legal? 2) If a person works 7:30 - 5:30 Monday through Friday, and then is required to come back at 7:00 p.m. to take minutes at a meeting, the MOU says that they

should be compensated with 4 hours minimum hours work. Can the Department Head tell them they will only be paid for the actual hours worked, even though the contract says otherwise? 3) Can the Department give an individual an early performance evaluation? 4) Can the County/City eliminate a vacant position without bargaining? 5) We never see one of our co-workers any more. Do we have the right to know what happened to him? Does the County/City have to inform the Association if he is terminated or quits? 6) Can a Water District have several different MOU's at the same time?

QUESTIONS AND ANSWERS #94

1) Can probationary employees join the Association? 2) What does 'hostile work environment' really mean?

QUESTIONS AND ANSWERS #96

1) I have a Class A License and do the truck driver training for my County/City. I was wondering about how I would be affected if the student driver I was training got into an accident or a received ticket while I was in the cab with them. Would I take points on my driving record? In the case of an accident, who pays for the damages? 2) I have a Class A driver's license because it is required on my job. I know that the legal maximum alcohol content for my class A License is 0.04 mg/l. But what are the requirements when I am driving my family car? Am I still held to this standard?

QUESTIONS AND ANSWERS #97

1) I sometimes receive packages at work of things I've ordered. The County/City has started opening them. Can they do that? Does it matter that I work in the Police Department? 2) The County/City is saying that I have to exhaust all accrued leave, including my vacation time, before I can go on FMLA time. Is this true? 3) I just heard on the radio that the "gender gap" in pay is worse than now than 20 years ago. Is this true? I thought it was illegal for people to be paid differently on the basis of gender!

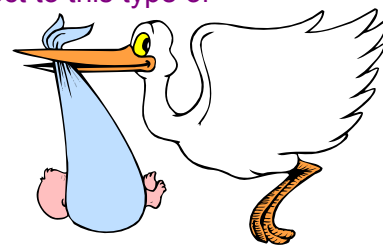


QUESTIONS AND ANSWERS #98

1) What can I do if my supervisor schedules me in a way that restricts my access to resources that I need to perform my job? 2) We have had a long standing practice here that we can arrange to leave early on certain days by not taking lunch. One (newer) employee went to HR and complained that he is only getting one hour of comp time for working through lunch and he should be getting 1½ hours. This started an investigation, with the City Manager's direction that NO ONE may skip lunch and go home early now. Can they simply change a past practice this way? Second, can't an employee simply choose to take his lunch at the end of the day and leave early that way? 3) If an employee takes ten minutes out of their work day to change clothes this is considered work time - right? 4) My department has hired a part-time secretary and many of my regular duties are being handed off to her. I know my County/City is considering layoffs and I am worried they are going to target me. What should I do?

QUESTIONS AND ANSWERS #100

1) I am a Senior Librarian and have been told that I can no longer give "outstanding" reviews to my staff on performance evaluations. How should I respond? 2) There is a recall going on for one of our Councilman. I want to know if there is any reason I cannot sign a petition or be active in the campaign. What about my Association—can they take a position? 3) My co-worker needs to leave today from 12:30-5:00pm, so my manager needs someone to cover her desk. She is going to make me take lunch from 11:30-12:30 PM, instead of my usual 12 to 1 p.m. Is this allowed? Also is it acceptable to leave an employee alone at the counter? 4): Management is adding a new category to our performance evaluation system entitled "support of the City's Mission Statement and to the goals of the City Council." This is in addition to another new measure called "Cooperation and Teamwork." Can we object to this type of language?



QUESTIONS AND ANSWERS #101

1) I had a baby, have been on Family Leave for ten weeks and am not planning to return to work. I let the County/City know I wouldn't be back and they told me that if I did not return to work I would have to repay the money they spent on my medical insurance while I've been off. Is this legal? 2) When the County/City creates a new administrative regulation does our Association have the right to look at it and approve it? 3) At the last Council meeting, they passed a resolution dealing with a "fingerprinting policy." Is this something employee associations can have input in - or does homeland security override any rights of the employees? 4) Last week, when our community was on fire, everyone except for people on emergency crews were told not to come to work for a day. Now they are telling us that we have the choice between using our vacation or our sick leave for that time. Shouldn't we be paid?

QUESTIONS AND ANSWERS #102

1) Another employee verbally attacked me. I complained and she was assigned to work in another building. Now she is being transferred back. I have expressed my concern, but my supervisor just says this person hollers at everyone and that I am too sensitive. Is there anything I can do? 2) Are there any regulations about lunch breaks? Are they supposed to be taken within a certain amount of hours from the start of the workday? 3) I want to know if a supervisor can demote someone because he is angry that the employee failed to show up to work on a Sunday. 4) Can the County/City videotape me, and then show the tape without my permission? 5) There is an employee in my office who uses a lot of foul language. What is the best way to stop this behavior?

QUESTIONS AND ANSWERS #103

1) I work in a nice, well-lit office with a window and am now being told I will be moved into a former storage area. It's like a dungeon. Can they force me to move? 2) In April, I put in my request to have the week of Thanksgiving off, but I received no answer. Now it is October, so I just e-mailed my boss. He e-mailed me back and said he's "thinking about it." What can I do to try to get an answer? I need to make plans with my family... 3) What should I do about a co-worker who I know is using drugs? I don't want to get the guy in trouble, but I don't want to work with him, either. 4) I was off the job for more than a year with a work-related injury. I'm back now, but my problem is that the City failed to make any PERS or social security contributions on my behalf for the year. Is this legal? What should I do? 5) Isn't there a law that says employees have to be paid double time after 12 hours straight?

QUESTIONS AND ANSWERS #104

1) Our department has three supervisors, one of whom will be off the job for the next two months due to a work injury. I have been given the responsibility of running his crew. Am I entitled to a pay differential for the added duties? 2) Our MOU states; "For each assigned period of standby duty employees shall be provided two (2) hours of pay per day." I want to know whether this two-hours per day can be banked & taken as time off, or whether it must be paid? 3) I am a professional employee and I put in many hours of (unpaid) overtime. This morning I called in to say that I was going to need to stay home until a plumber arrived, and I was told that I needed to use my vacation to "cover" this time. Doesn't the County/City have to allow me some flexibility?

QUESTIONS AND ANSWERS #105

1) One of my co-workers was arrested Thursday morning for assault with a deadly weapon. He's out of jail, but the County/City has put him on administrative leave. Is the County/City allowed to keep him off the job? 2) I need some clarification as to what our MOU allows in terms of using sick leave to stay home with my wife and newborn. Is there a limit as to how much you can use? 3) I'm about to retire and have about 960 hours of sick time on the books. How can I cash this time in? 4) Does a Police Aide who wants to work part-time as a dispatcher violate any FLSA regulation? 5) On March 11, 1994, an Interoffice memo was issued by the Records Division Administrator stating that a meet and confer was negotiated, changing the current shift rotation from two months to three months. On November 30, 2004 and e-mail was issued by the new Records Supervisor, notifying us that the current shift rotation was



going to be changed from 3 months to 4 months. effective 09-07-03 to present. Isn't this a violation of our MOU?

QUESTIONS AND ANSWERS #106

1) My father died suddenly in another state. Do I have the right to use Family Medical Leave time to stay on to help my mother settle his affairs? 2) I do not get along with my supervisor and have complained about harassment to the Personnel Department. The result is that they have called someone from the Employee Assistance Program to meet with us. Do I have the right to a representative in this meeting? 3) If an employee is fired for drug abuse, don't they have to pay him off his sick leave and vacation? 4) My dept head is re-writing my job description and says I am going to have to take some accounting classes. Can they do this?



QUESTIONS AND ANSWERS #107

1) The new Family Leave Law indicates that I can take off up to 6 weeks paid family leave for the birth of my child. However, I'm being told that since the County/City doesn't pay into some insurance fund, we are not eligible to participate. 2) I am a librarian and am often alone in one of the branches. We have had problems with a local resident who has actually almost been violent on a couple of occasions. I'm concerned about my safety. What should I do? 3) I am a childcare teacher and have been told that I can be required to stay on the job, indefinitely, and without overtime pay, in the case of an emergency. Is this true? 4) I hurt my back at work and have a 27% permanent disability rating. I work at a desk and have no restrictions except "no heavy lifting." The County/City says they need to know exactly how much weight I am allowed to lift. My doctor says he can't give it an exact number. What should I do? 5) I hurt my back at work and filed a workers compensation claim. I was off the job for about 2 weeks, and have returned to work without any restrictions. The problem is that my back goes into spasms sometimes causing me to have to take a day or two off once in a while. The County/City is now threatening that if I "continue to abuse sick leave" I can be discipline. Is there anything I can do?



QUESTIONS AND ANSWERS #108

1) I am a professional employee but often work very long days. Do I have the right to take time off to compensate for this? 2) In our County/City, when someone crosses 48 hours of sick leave use, he is penalized either by reprimand or by a statement on a negative performance evaluation. If we earn 96 hours a year of sick time, so when we are sick, shouldn't we be able to use this time without reprisals? Can we address this as a "class action" grievance? 3) Since my last evaluation, the relationship with my boss has deteriorated. He keeps asking when I am going to retire and I think he is planning to downsize my position. I don't trust him and don't know what he may be telling his supervisor behind my back. I am concerned about what will happen with my next evaluation. Should I ask a representative to sit in with me? My concern is that he may he may be setting me up so that it will impact my salary or retirement income. 4) Isn't there a law that says the County/City must conduct periodic salary surveys – or at least pay wages that are similar to the other cities in the area? I know my position is way underpaid in relation to the surrounding area, but the County/City doesn't seem to be doing a thing about it.

QUESTIONS AND ANSWERS #109:

1) I am being assigned to train a new co-worker. I am not a supervisor or even a lead worker. I've asked for extra pay for this function and have been denied. Can I decline? 2) Can anything done about employees speaking another language at work? I find it rude because I don't know what they are saying, and suspect that they are talking about me. 3) Some people in our office are required to bring in a doctor's slip when they are out sick, and others are not. Isn't this discrimination? What about my privacy rights?

QUESTIONS AND ANSWERS #110:

1) My new boss says I have to get the physical for my Class A license on my own time, rather than on work time. Is this true? 2) Don't I have the right to use my sick leave when I need it? 3) Can the



County/City require as many hours of training as they want? Can they penalize an employee if he/she doesn't reach the goal? 4) I have a Class A License and do the training for my County/City. I was wondering about how I would be affected if the student driver I was training got into an accident or a received a ticket while I was in the cab with them. Would I take points on my driving record? In the case of an accident, who pays for the damages?

QUESTIONS AND ANSWERS #111:

1) There is a lot of conflict among people in our division, so the County/City is bringing in a "team builder" from Employee Assistance. Can I be compelled to participate? 2) I'm a smoker and would like to know what I can do about my need to take a quick break for a smoke a few times a day. 3) One of my co-workers was fired several months ago. He never filed an appeal, because there was no one to help him. Now that we have legal help, can he go back and fight the termination? 4) Last July I became ill, was in hospitalized and ended up taking 8 weeks off work. The HR department insisted that I be on Family Leave, although I didn't request this and had more than 900 hours of sick leave on the books. Now I'm going to have surgery on both knees so I might be out for several months.. I still have over 700 hours of sick leave but have used most of that FMLA time. Do I need to get special leave permission from the County/City Council? Am I in danger of losing my job?



QUESTION AND ANSWERS #112:

1) What are my rights if I want to take a leave from work? 2) How to deal with direct complaints from a Councilman about my work. 3) Promises, Promises... I have been working out of class for two years but keep getting put off when I ask for the promotion.

QUESTIONS AND ANSWERS # 113

1) My supervisor just gave us a dress code for work. Can they just make up a dress code and what is reasonable? 2) I was terminated from the County/City and have applied at a grocery store for work. I put the County/City down as my last employer. What can the County/City say about me to my prospective employer? 3) I took a lot of time off to care for a sick family member and they said I used too much sick leave on my evaluation. Now I understand I should have put in some kind of letter to protect myself. What exactly is this "letter"? 4) Can I use Family Medical Leave for the adoption of a child?

QUESTIONS AND ANSWERS # 114

1) I was at a party with friends and two police officers who work for the same County/City got into a fight. Now I am being called in as a witness by the County/City. Do I have to testify? 2) I am a dispatcher working nights and have a workers comp injury. The County/City is telling me I have to use my own time for physical therapy appointments. Don't they have to pay me? 3) Do they have to reimburse me for mileage to and from my doctor's appointments for a workers comp injury? 4) I recently resigned from the County/City. Don't they have to give me my final paycheck within 72 hours? The labor law I looked up on the Internet said they did.

QUESTIONS AND ANSWERS #115

1) My crew works four 9-hour days per week, not including our one-hour lunch. The County/City pays us for a 40-hour week, but if we work overtime we're told that the first four hours are at straight time. I wouldn't mind except that we're required to keep our radios on during lunch, and are frequently called out during lunch. Shouldn't ALL of our overtime pay be at the overtime rate? 2) I have filed a lawsuit against the City over their mis-handling on several personnel matters. One of my co-workers told me that the lawsuit is now being attached to the City Council agenda! I consider this a major breach of confidentiality. What should I do? 3) I am a job share employee, working only 20 hours per week, so I can stay home with my baby. The County/City just informed me that I need to work on a Wednesday which is usually one of my days off. I have been unable to arrange childcare. Do I have the right to say I can't work that day?

4) My department is going to have a psychologist come in to conduct 'team building' meetings. I am concerned about invasion of privacy; Can I be forced to participate? 5) Last Friday I turned in a doctors slip for a week off, starting this Wednesday I'm going to be under doctor's care. Today my supervisor asked me if I could reschedule the time off because my surgery is an elective procedure. I told him I would look into it. This afternoon he told me I HAD TO reschedule the operation and work this Friday. Can they do this?

QUESTIONS AND ANSWERS: #116

1) I know cannot campaign on work time, wear buttons, or use work resources, but can I campaign on my own time ? 2) Can you grieve temporary assignments to a lower position? 3) I have heard that I can take up to 12 weeks of FMLA time for the adoption of a baby. Is it possible to take off a full month at first and then use the remaining days when needed? 4) Isn't the County/City supposed to provide a break room for the employees? 5) Question: does County/City need to provide rest periods between work shifts for emergency employees who may have worked all night?

QUESTIONS AND ANSWERS: #117

1) Someone broke into the Public Works yard and stole a good number of tools. I had nothing to do with this, but somehow the County/City suspects me. They've asked to search my house. Do I need to cooperate? 2) My co-worker uses the County/City truck to go to lunch. Today he was in a pretty serious car accident. Is this covered by workers compensation? 3) : The County/City puts on our evaluations the number of hours of family sick leave that we use. For me, it did not effect my evaluation or my raise, and nothing was actually written in the text. The question is, should it even be on the evaluations at all? 4) What is 'premium pay' & what is 'incentive pay.'? 5) What are my rights to take time off at the adoption of a child? What about after I come back from leave and I feel I need additional time off?

QUESTIONS AND ANSWERS: #118

1) I retired in December, while contract negotiations were still going on my association settled on a 4% pay adjustment, retroactive to July. Am I eligible for the retroactive pay for that time period? 2) I am a bus driver and was the victim of a person on the street who threw water on me. The County/City said I could go home for the day, but told me to use my own sick leave or vacation. Is this right? 3) My co-worker has been accused of a felony and is awaiting trial. The County/City called him in and told him that he was being "summarily terminated" and had no right to a hearing. Can they do that? 4) Our Department is changing the way we submit, and our granted approval, for vacation time. which we think this is cumbersome and ridiculous. We've complained to our manager who says she has the right to deny any annual leave and, since we have no Civil Service, she can change anything she wants. Is this true? 5) : I work in a small department with only a few full time positions. For the last two years our department has been severely understaffed. This has resulted to an increase in everyone's workload and stress level. Can you offer some advice?



QUESTIONS AND ANSWERS: #119

1) I'm at home with work injury and my co-worker has just called to ask for the password to my computer. There are some things in my computer that I wouldn't want her to see. Can I be required to give her my password? 2) An employee is accused of misconduct (non-criminal). The employer wishes to interview the employee, but the employee declines. Can the employer order the employee, under the threat of termination, to attend the interview? 3) Is it illegal for me to have a drink at lunch? 4) When we originally went to union I signed up to pay a fee - nonvoting. But I've decided to change that status, so I can vote. How do I do this? 5) Our department just had a meeting about the new Dress Code. We are being required to sign a document saying we have read the Dress Code, but the punishments for NOT following the Dress Code are NOT written in this code. Should we refuse to sign till this is provided? 6) The County/City says I have a hearing problem. Can they force me to get a hearing aid? If so, must they pay for this?



QUESTIONS AND ANSWERS #120:

1) What should I do if documents are missing from my personnel file? 3) Is responding to alarms on the County/City computer at home considered work and should I be paid? 4) While in acting duty for my supervisor, I've concluded that either he or the Department head have been involved in fraudulent behavior. Should I be a whistle-blower?

QUESTIONS AND ANSWERS #121:

1) I'm a probationary employee whose wife is six-months pregnant. Am I entitled to any time off when our baby is born? 2) To what extent can employers use sick leave usage as an evaluation parameter? 3) What state and federal labor laws apply to public employees? 4) Does the County/City have the right to rehire me even if I left a department that marked my final papers with "do not rehire"? 5) Do I have to supply my employer with my cell phone number so they can call me when I am out on an injury -- even though I call in every day anyway?

QUESTIONS AND ANSWERS #122:

1) Can I refuse to perform out-of-class work? 2) Are bonuses considered "PERSable" income? 3) What is the Association's obligation to represent non-members? 4) If I come in for a scheduled overtime shift on the weekend but they send me home after a half an hour, shouldn't I be eligible for my 2 hours call-back pay? 5) We have an employee being asked to pay back salary that Human Resources says he was overpaid. Does he have to comply?

QUESTIONS AND ANSWERS #123:

1) The County/City requires Water Operators to take their trucks home each night, but does not allow children to ride in them. I must pick up my kids from school! What can I do? 2) Does Personnel have to notify an employee if a Department head looks at his file in the Personnel Department? 3) Is it a conflict of interest if an employee owns stock in a company that the County/City is considering hiring? 4) Can employees document their daily observations? 5) Do we have the right to demand to be paid by check versus direct deposit? 6) Why are desk audits done at all if the only outcome is that the County/City "revises" the current job classification? 7) Can the County/City change our work hours whenever it wants to? 8) Is there a time limit as to when annual reviews need to be given to an employee when their anniversary has already come and gone?

QUESTION AND ANSWERS #124:

1) I retired in December, while negotiations were still going on. Now, two months later, I understand that my association settled on a 4% pay adjustment, retroactive to July. I was on the job for six months of that time. Shouldn't I receive some of the retroactive adjustment? 2) I am a bus driver and was the victim of a person on the street who threw water on me yesterday. I was too wet to continue driving. The County/City said I could go home for the day, but told me to use my own sick leave or vacation. Is this right? 3) My co-worker has been accused of a felony and is awaiting trial. Can the County/City "summarily terminate" him with no hearing? 4) Can our manager change the way we are granted approval for vacation requests? 5) What can I do about chronic 50 to 55 hour weeks? 6) I had an argument with my boss and said I was quitting. Later the same day, I realized this was a mistake, and I told him I was not quitting. He said I was too late and had lost my job. Is there anything I can do? 7) I was on vacation out of the country and was unable to get back to work on time. I missed two days. The County/City said this was the same as resignation, and I had lost my job. Can they do this? 8) Does the County/City have to pay me for vacation time I've accrued above the maximum cap? 9) My co-worker keeps putting up religious stuff on the bulletin board at work. Do I have the right to demand that he take it down?

QUESTIONS AND ANSWERS #125:

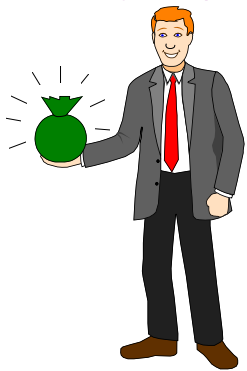
1) Is there a difference in the benefits if someone is laid off as opposed to retiring? Can the County/City withhold medical coverage to the person who is laid off? 2) What kinds of "punishments" are there for not following the dress code? Shouldn't the discipline be spelled out in the



policy? 3) If I were asked to be in charge of the Department because all of our management employees were taking the same day off, could I decline without being accused of insubordination? 4) Shouldn't the County/City be paying my medical premiums while I'm off work on disability? 5) Question about accumulation of vacation days when "day" changes from 8 hours to 9 hours. 6) The County/City did a salary survey and found that my position was way underpaid in comparison to the surrounding cities. How much compensation should I expect? 7) Can the County/City deny a vacation day request that is going to be used for family medical purposes? 8) Can the County/City tell me that I can't use bereavement time to go to my ex-husband's funeral? 9) I heard that the County/City is talking about taking away our right to sit on a jury. Is this legal?

QUESTIONS AND ANSWERS #126:

1) A Supervisor is being harassed by her subordinate- what recourse does she have? 2) Every two years I have to get a physical in order to "recertify" my Class A driver's license. I want to see my own doctor and have pre-designated him for emergencies. Can the County/City force me to see their doctor? 3) My performance review says, "Tom uses his sick leave as fast as he receives it." What can I do about this slander? 4) I was off the job for more than a year with a workers comp injury. I'm now back on the job, but just found out that the City failed to make any PERS or social security contributions on my behalf for the entire year. What should I do? 5) Isn't there a state law that says employees have to be paid double time after 12 hours straight? 6) Do I have right to shave my head? (by the way, I'm a woman...)



QUESTIONS AND ANSWERS #127:

1) Can I get in trouble for looking for a job while I'm on sick leave? 2) If I am called in for questioning about an incident I witnessed between a co-worker and a member of the public, do they have the right to tape record my answers? 3) The County/City says I have to maintain a Class A driver's license even though I've been promoted and haven't driven a truck for 6 years. Is there anything I can do about this? 4) When I was out sick for two days, a co-worker who was filling in for me rearranged my whole desk. Is there anything I can do about this? 5) Can I be barred from direct communication with the City Council, even if I'm acting as the head of a Department? 6) Is there any guarantee that my retirement payments will continue to be made after I retire, even if my City later leaves PERS and/or PERS health care? 7) Can our supervisor refuse to pay us with comp time instead of pay for overtime worked?

QUESTIONS AND ANSWERS #128

1) Isn't there a difference between a merit increase and a cost of living increase? 2) I wanted to know how an employee might be protected against harassment from a resident of the community. 3) I work in a nice well-lit office with a window, but I am being moved into a former storage area that is being remodeled. Can they force me to move? 4) I'm a Community Services Coordinator, which is a general job class. But I have always been in charge of softball. Today I was told that all the CSC's are going to get new assignments so the County/City can cross-train us. I don't know anything about the other divisions, such as childcare or aquatics! 5) Apparently our department is hiring a contract employee to be able to supervise some the General Employees. Hiring an outside contractor to oversee permanent employees just doesn't seem right I am wondering what you think about this.



QUESTIONS AND ANSWERS #129:

1) I am going off the job for a hernia operation. I believe that the injury is work-related and I've filed a workers compensation claim. The County/City's workers comp administrator is telling me that I need to release ALL of my personal past medical records for them to review. Is this true? 2) I resigned from my job because of problems with my supervisor. Immediately after this, I found out that my offer of a job from another County/City had been withdrawn. I believe this is the result of a conversation my boss had with the Department Head in the other County/City. What can I do about this? 3) Can Management change schedules to avoid the payment of overtime? 4) One of my co-workers was hurt last week, taken to the clinic the County/City uses and had a dozen stitches put in the top of his head. When he went back to have the stitches removed before returning to work, the nurse made him give a urine sample for a drug test, as "part of protocol." I can't believe that this is legal! 5) I want to file a grievance against a co-worker who has been harassing me. Do I start with his supervisor or with mine?



QUESTIONS AND ANSWERS #130:

1) What should I do about a co-worker who I know is using drugs? I don't want to get the guy in trouble, but I don't want to work with him, either.... 2) I've been told that if I'm on a cell phone that is paid for by my employer they have the right to listen to my phone calls. Is this true? 3) I'm a supervisor and am not eligible for overtime pay. I want to know whether an exempt employee can be docked pay for lateness? 4) All of the people in our job class are being encouraged to come, voluntarily, to a County/City event. I think we should insist on being paid. What does the law say? 5) I am a custodian and, because I go into all the County/City buildings, I have been assigned to check the functioning of all the defibrulators in the departments. Checking these machines is way outside my job assignment. I'm worried about being held responsible if something malfunctions in an emergency. Can I refuse to do this? 6) Can my department head keep a file on me without my knowledge?

QUESTIONS AND ANSWERS #131:

1) I was held up at gunpoint on the job, and have been experiencing psychological repercussions. Shouldn't the County/City be responsible for letting me have time off for therapy? 2) In August I asked for a day off in January. My boss said he couldn't approve the time off because my co-worker, who is out on disability, may not be back by then, or might need that time off. Is there anything I can do? 3) Last year I purchased two years of service credit to apply toward my future PERS retirement. At that time, we were under the 2% @ 55 plan. The County/City has now upgraded their the 2.7% @ 55 plan. I want to know if my two years' additional service credit will now be counted under the 2.7% plan? 4) What privacy protections of our medical history do we have under HIPAA?

QUESTIONS AND ANSWERS #132:

1) I have been terminated, unjustly, and am awaiting a hearing before an arbitrator. If the arbitration goes in favor of the County/City, will I still be able to sue for wrongful termination and mental distress on my own or will I lose my right to sue? 2) How many times can my supervisor threaten to write me up, when I'm not doing anything wrong? Isn't this harassment? 3) I am a programmer and am about to lose my drivers license for 30 days due to a "DUI" (driving under the influence.) Do I need to tell my employer about this? Does the DMV automatically tell them? 3) I am supposed to work a 9/80 schedule, but sometimes they have me work unusual hours or days because I am available and dependable. I'm a team player, but really feel like the County/City is taking advantage of me. 4) The County/City is altering our vacation request forms to say, "All vacation request approvals are provisional based on operational needs. Your days off may be modified to ensure least interruption to Operations." Is this legal?

QUESTIONS AND ANSWERS #133:

1) I'm one of five people eligible for standby pay. We serve for a week at a time, and have always been able to trade amongst ourselves. Some people want the extra money, but some don't; it's always been voluntary. Our new manager says we can't trade any more and can't refuse to do standby time if we're assigned. Is there anything we can do about this? 2) Some job descriptions say "journey" "professional" or other skill levels. Is there a complete definition list you could provide for me? 3)



My supervisor made comments on my performance review about a conversation I had with a former employee in a restaurant after work. She said that my comments “reflect negatively upon the department.” I think I should be able to say whatever I want about my job on my free time. Can she do this? 4) I was involved in a car accident while on the job and have been going to physical therapy three times a week. My new supervisor doesn’t believe this is necessary and keeps questioning where I’m going, when and why. She has even called my doctor to find out about my condition and to try to change my appointment times. Is she allowed to do this? 5) I work in the parks and I am mostly alone in the field. My manager asked me to sign a memo saying that I will notify him any time I leave my assignment, even if it is only to take a rest room break. Can I be required to sign this? Can I be disciplined for taking a break without calling him if I sign it?

QUESTIONS AND ANSWERS #134:

1) Can the County/City make me be on standby ALL THE TIME? 2) Is it true that I can be required to bring a doctors note every time I use sick leave under the FMLA? 3) I have so much work, I can barely keep up. It’s not unusual for me to work 50 or 55 hours a week. I think this is abusive, but my boss is kind of a jerk and I’m afraid that if I speak up, I’ll get fired. What can I do? 4) My supervisor has posted all of our leave balances on a bulletin board to promote better attendance. He says it’s public record. Is that legal? 5) Can I be compelled to clock off for an hour and a half between the end of my work day and the start of our Planning Commission meeting twice a month? 5) I’m a lead worker, 56 years old, who has been assigned to paint numbers on curbs. After doing this for eleven months, my knees are hurting chronically. I think I should go to a doctor and possibly file a workers comp claim. I’m worried, though, that the doctor will say I can’t do this kind of work any longer. Could I possibly lose my job?



QUESTIONS AND ANSWERS #135:

1) I'm going to be under a doctor's care, and yesterday, my supervisor asked me if I could reschedule the time off (because it is an elective procedure) for a week or two. Can they make me reschedule the operation? 2) How many days does an employee have to respond to management about statements made on performance evaluations? 3) We have always counted vacation and sick leave, used in the middle of the week, as “time worked” toward the calculation of overtime. Now, management is saying that this is a mistake and that sick leave and vacation will be considered time off, so we only get overtime after *working* 40 hours. Can they do this? 4) Can I take time off under FMLA to care for my daughter who will be having twins? 5) I heard that my Association Board has met with the County/City to modify our Bilingual Pay policy. My question is: is this considered a modification of our MOU? Don't the members have to vote on this? 6) I am being told that I can't apply for a position (graffiti abatement) because I don't speak Spanish. Is this legal? It sounds like reverse discrimination to me. 7) It appears that the County/City will soon begin opening our library on Sundays. I am wondering if employees can be compelled to work on Sundays when scripture clearly says otherwise. (Exs.20, verses 8-11).

QUESTIONS AND ANSWERS #136:

1) If I know my boss is “bending” some rules, to what extent am I obligated to report him? 2) I am a supervisor with an employee who constantly files false grievances against me. What can I do? 3) Our planning Commission meetings starts at 7pm. I'm the Commission Secretary and I start setting up at 6 p.m. Shouldn't I be paid for the hour that I am setting up? 4) My supervisor handed me an information sheet on a PERS seminar for people who are thinking of retiring. Could this be considered age discrimination? 5) I am a Senior Analyst and have been assigned to my position for two years. The County/City just told me they are going to be opening my job to be filled as an Analyst 1, and that I can apply. It would be a 10% loss of pay! If I don't want the job they said I can transfer, do I have any recourse? 6) Is a letter of “counseling” considered discipline? Do I have a right to appeal if I disagree with a letter I was given? 7) I am an office specialist, but I work in the Recreation Department. My boss just told me I need to wear the County/City's shirt with their logo, can I be forced to do this? 8) My employer made a mistake on my W-2 two years ago causing our PERS benefit to be viewed as a private retirement plan by the IRS. I was audited and the IRS now says that I owe \$900! What can I do about this?

QUESTIONS AND ANSWERS #137:

1) If an employee falls on the stairway in the employee parking structure, is the County/City liable? Should they file a workers comp claim? 2) Can part-timers buy PERS airtime? 3) I had a family medical emergency and had needed to leave, but he never answered me, and shooed me away. I also sent an e-mail to my Director saying I



to leave work immediately. I told my supervisor, in person, that I before I left explaining the situation. Now I have heard that they are abandoned my job and left without permission! What should I do? Can I be disciplined for inciting an employee strike or sick out? If terminated, could I collect unemployment? 5) One of our employees was just offered a promotion and Personnel is requiring him to take a physical. I don't believe any one else who has been promoted has had to do this. Is this legal? I should mention that this employee does have a disability: he only has one eye.



QUESTIONS AND ANSWERS #138:

1) For over a year, one of my co-workers has been complaining about our perfumes, lotions, and other personal items as a problem to his health. He claims to have allergy problems and has even shared a doctor's note with managers. What are the County/City's policies and the employee rights on this issue? 2) If I was hired before the County/City required Sunday work. Can I now be required to work Sundays? 3) Can my boss require me to give him my personal cell number? 4) Our supervisor calls people at home who are sick to ask if their problem is a work-related injury. Also, after returning to work from one or two days' illness employees are being sent to the company doctor to be cleared. Is this legal? 5) I have a home-based business and have just been given a policy to sign about "collateral employment". I was instructed to write a brief memo to the City Manager regarding my outside business and attach this to the signature page. Does the County/City have the right to single me out to provide information about my private business?

QUESTIONS AND ANSWERS #139:

1) My co-worker and I were having a smoke, on our break time, in one of the County/City parks. Our Department Head saw us, didn't like it, and put out a memo saying "employees can't smoke on any County/City property at any time." Can they do this? 2) Since the state of California has allowed for medical marijuana, what is the County/City's policy regarding this issue? 3) I've been asked by a member for a clarification regarding the use of the County/City's e-mail for union activity. 4) I am our Association's secretary and was asked, by one of the Department Heads, to give him a copy of the sign-in sheet from our last membership meeting. Do I have to comply with this? 5) I am on probation and will be resigning next week. Will I lose my vacation? I've been there 11 months. 6) I'm an accounting supervisor and am being directed by my Department head to give Acting Pay to one of my subordinates, who are NOT in an acting capacity. It's a "political necessity," he says. This violates my ethics. What should I do?



QUESTIONS AND ANSWERS: #140

1) I am a job share employee. I work 20 hours a week, so I can stay home with my baby. The County/City just told me I need to work on Wednesday next week, which is one of my days off. Will I get in trouble if I tell them I can't work that day? 2) The County/City has put a document in place entitled "Health benefits for terminated employees." It provides a very good benefit, but it is not in our MOU. Does this mean that it cannot be enforced? 3) I have an FMLA letter on file to care for my father, who was critically ill. Yesterday, he died. Do I have to go back to work or can I continue to use some of the time? 4) I was told by my Department Head due to time I took off for paternity leave, my anniversary date has changed. This new date has delayed my pay increase! Is this legal? 5) Can one department have a dress code which is different from the rest of the County/City? 6) Our Senior Code

Enforcement job used to be a promotional-only position. The Council has added more duties and training requirements -- and has opened recruitment to the public. Is there anything we can do about this?

QUESTIONS AND ANSWERS: #141

Our local vendors sometimes give me small gifts. Can I accept these? 2) I am often called in for overtime, but the income is not being added to my highest year's pay for PERS. How can I fix this? 3) My dog died and I was very upset, so I called in sick that day and the day after. When I came back to work, my boss said I'm not going to be paid for work those days. Can they do this? 4) I am sometimes called at night to deal with emergency situations. I DO receive call-out pay, but the County/City has refused to put me on the standby list so I can get Standby Pay. Can I tell refuse to come in when they call? 5) I have a class A license, but haven't driven a heavy vehicle for years. Today, one of our drivers gave notice and our boss says he's going to give me the job. I really don't want it. Can I be forced? 6) Our supervisor makes belittling remarks about everyone and seems a little paranoid. He says he can't talk to anyone because he's afraid of being sued and that the County/City is out to get all white males. He gives low performance reviews, so he can't be sued for "overrating" employees. What can we do about this? 7) I am secretary to our Civil Service Commission and am required to go to lunch with the Commissioners. The County/City picks up the tab, but I do not receive a personal lunch hour. Doesn't the County/City also have to give me an hour "off the clock?" 8) If you get a call from your employer on your day off, aren't you supposed to get two hours of pay for that call?

QUESTIONS AND ANSWERS #142

We work in the Police Department and we all have lockers. The County/City has suddenly told us that we need to give them copies of our keys, or combinations. They also said they may be taking the lockers away. Can they do this? 2) I work in a department that normally has five employees but, due to vacations, maternity, and injuries, three have been out most of the last month. I have been left to handle a huge volume of work and have not complained. But this weekend my hands were cramping and sore. I feel that I can do my job, but not everyone else's. What should I do? 3) I was off the job, having surgery, when my crew signed up for this year's vacations. When I came back, my boss said I had to take the slots that were left over "because you were sick." Isn't this illegal? 4) Can I be forced to cross a picket line in order to perform my job?

QUESTIONS AND ANSWERS #143

1) If a supervisor suspects that an employee has sustained a work-related injury, but failed to report it, does he have the right to inquire about the employee's medical condition? 2) Can I be forced to come into work on my day off? 3) Can my boss require me to give him my personal cell number? 4) My job description says "Schedule Crossing Guards and make sure all crossing intersections are covered; Check and total time cards." My new supervisor says I also am also supposed to observe and "evaluate" the crossing guards. I am not a supervisor (and have never been a crossing guard) and don't feel I am qualified to do these "evaluations." I told him this, but he is insisting that I proceed. Do I have to comply? Shouldn't I receive higher pay for this duty I think is a supervisor's job? 5) If the employer suspects that someone is lying about being sick, can they call his doctor? Can they hire an investigator for surveillance purposes? 6) Can employees be denied the right to review their personnel files?

QUESTIONS & ANSWERS, #144

1) My co-worker wants to take a vacation but doesn't have enough vacation time. She wants to take absence without pay and has also offered to give up her health benefits for that time period. Management has told her if she does this, they will write her up. Can they do this? 2) Is there anything we can do about the County/City's using "consultants" in the I.T. Department? Every time someone leaves, they bring in a consultant instead of filling the job. 3) Can my boss call me at home to talk about work? 4) I am president of our Association and the County/City just sent me the job descriptions of two new classes they intend to create. What should I be doing about this? 6) The County/City has switched to a vendor for the processing of the parking tickets. This means that I am now required to monitor the vendor and have to learn how to use this new system. I was wondering if that qualifies as an opportunity to "meet and confer?" 7)



the City Manager wanted to institute a “meritorious performance” bonus system, but our Association opposed this. Why shouldn’t we support it?

QUESTIONS & ANSWERS, #145

1) I am a Building Maintenance Tech and I carry a beeper and am sometimes called to handle middle-of-the-night repairs. I have asked for standby pay and been denied. Can I refuse to handle the emergencies? 2) I am a Recreation Assistant, working in aquatics. Our custodian quit and my boss told me to start cleaning the toilets and urinals. I refused. He gave me a letter saying I could be required to do “other duties as assigned,” was insubordinate, and would be terminated if I didn’t comply. Must I cooperate? 3) I’m leaving my job and my last day is tomorrow. I’ve been told that I’ll get my check next week. Don’t they have to pay me on my last day? 4) I’m a new employee and I hurt my knee on the job in my first week of work. I didn’t report it, and continued to work, which made the injury worse. Six months later I hurt it again, pretty badly. I had to have surgery and take six weeks off, mostly without pay. My doctor and co-workers convinced me that I should file a workers comp claim, which I did. Now I am being called in for an investigation for possible fraud! What should I do?



QUESTIONS & ANSWERS, #146

1) Do you know of any law that says the workplace should provide a place for women to lie down (due to a medical condition?) 2) Under what circumstances can an employee be demoted? 3) Last year in August I was supposed to get a 2.5% step raise. Since my supervisor’s position was eliminated, I took over most of those responsibilities. The Director decided to hold off on my raise so he could reclassify me and increase my pay by 5% (instead of the 2.5%). This reclassification will go into effect this month, but what about the time between August and next month? My questions are: a) Since I was entitled to a raise as of last August, am I entitled to my new rate of pay retroactively? b) If they do give me the 5% raise next month, am I entitled to another raise this August, or will I have to wait a full year?

QUESTIONS & ANSWERS, #147

1) Can management tell us who we can or can’t go to lunch with? 2) Our boss (female) has an annoying habit of checking us (females) out when speaking to us. She literally looks you in the eyes and then her eyes run down the length of your body to your feet and up again. I don’t mean to suggest it is sexual in nature but it does make us uncomfortable. Is there anything we can do? 3) Can the County/City require that all floating holiday time be used by June 21 because it’s more convenient since the next payroll is divided between fiscal years? In the past, we have always had until June 30 to use this time. 4) Is there a limit on how hot a workplace is allowed to get?

QUESTIONS & ANSWERS, #148

1) Management has told me that the 5% additional pay I will get this year wouldn’t count for my PERS if I don’t stay for a whole year. Is this true? 2) I’m about to retire and I have noticed that my hearing is getting worse. I’ve been working around chain saws and jackhammers for years. Should I file a workers comp claim? Should I postpone my retirement until this is settled? 3) I need to know how to respond to a letter my supervisor gave me, which accuses me of making a serious error on the job. I didn’t make the error – my supervisor did it, and he is trying to blame me. I’m on probation and I’m concerned about angering him. What should I do? 4) I was putting up the County/City flag, but my boss told me to take it down. I told her that I’m a veteran and I have a son who’s fighting in Afghanistan. She said “if you don’t do what I tell you, I’ll fire you.” Isn’t the County/City required to fly the flag? Don’t I have the right to put it up? 5) Can I be compelled to wear a headset? 6) What are our rights concerning campaigning for Council members? What if there are complaints against a particular Councilman? Can we divulge them?



QUESTIONS & ANSWERS, #149

1) A part-time employee here cut off his thumb using a chain saw. He’s not an Association member and does not have any medical plan. Does he have any rights? Also, when OSHA came out and inspected, the County/City discontinued all use of equipment in the Parks Department until further notice. Does this mean that they can

send us home for lack of work? 2) I have been with the County/City for 10 years, have a great track record, and have been promoted several times. I now supervise five other employees. But my new manager, who has been here 4 months, tells me that I am not doing a good job and that I am missing supervisory skills. I'm concerned about my upcoming performance review. Could he deny my adjustment or demote me? 3) The County/City just sent me a form, requiring that I provide my PERSONAL auto insurance information. Must I comply with this? 4) For years the County/City has been paying two different guys to be on emergency standby each night: one from Water and one from Public Works. Now they want to save money by discontinuing Public Works standby, and having the Water guys cover this work. This could be repairing a park door or unplugging a toilet or picking up tree limbs. The Water Department personnel don't want to do this. Can they be forced to? 5) I just found out that classified employees in my County/City have access to the Civil Service System but Unclassified employees do not. I would like an explanation of the difference in the two kinds of employees and why one has access to Civil Service, but the other doesn't. I never heard of this distinction in my previous job, which was also in a County/City.

QUESTIONS & ANSWERS: 150, Blogs, Tattoos and DUI's

1) Do I have to tell a prospective employer about my past workers compensation claim? 2) I got a DUI (driving under the influence) over the weekend, and have reported it to my department. Could I lose my job? (I should mention that this is my 2nd DUI...) 3) I heard that the City Council wants our personal information. Not just our names, photos from our security photo ID and employee numbers, but our home addresses and home phone numbers, and who knows, maybe more? Now what? 4) Our new dress code says that employees cannot have visible tattoos. I DO have tattoos on both my arms – and the County/City knew this when I was hired. Could I be fired? 5) Can I be disciplined for something negative I say about my workplace on my OWN PERSONAL BLOG. Doesn't this interfere with my right to free speech?



QUESTIONS & ANSWERS: 151

1) I'm going off the job on Family Medical Leave to take care of my mother for six weeks. I know our County/City is having terrible economic problems and may be laying people off. I was told that I could not be laid off while on FMLA leave ...is this true? 2) I have been taking off time to care for my father in another country and have used up three months' leave. I need to go back in another month, but they say I could lose my job. Is this true? I still have 100 hours of vacation time on the books. 3) My supervisor will be going on a three-month disability leave at the end of this month. Rather than giving the "acting" supervisor's job to me, the lead man, they are giving it to an employee in another division. The guy they're giving it to is in Maintenance – and we're in water. He doesn't know anything about our work. Can they do this? 4) We are a 5-person committee which meets with the City Manager once a month to discuss employee problems or morale-boosting programs such as the Awards banquet. We have always received comp time for this hour, which is at lunchtime. Now I'm told I won't be getting the comp time any longer. Isn't this committee considered work? 5) Can my manager give me an evaluation while I am on workers comp? 6) I hit a man with my vehicle as I was pulling out of the driveway at work. He was hospitalized and died. I saw a psychiatrist, who took me off the job for five weeks. I was found innocent and not disciplined. BUT, I just found out that the man's family is suing the County/City, and I think they are going to sue me. Do I have to hire an attorney or will the County/City defend me? 7) What can I do about a boss who doesn't know how to do his own job and then tries to blame me? 8) Once a year we have to get uniforms at a local store. Do I have a right to be paid during this time?

QUESTIONS & ANSWERS: #152

1) I'm being subpoenaed to testify at a criminal hearing against a co-worker and I know the County/City will not like some of what I will be saying. How can I be protected against retaliation? Specifically, I believe they will try to show that I'm a less-than-perfect employee and that the County/City will then try to discipline me. 2) I work a 9/80 schedule and would like to take a part-time job on my alternate Fridays. Can I do this? 3) The Maintenance Department just sent



all our members for hearing exams. One person failed the exam and is being sent for a follow-up appointment with a specialist. They told him he needs to use his own time for the appointment. Is this true? Also, if he fails the exam again, could they fire him? 4) I have information that the City Manager and one of the Department heads are having an affair. Both of them are married. What should I do? 5) Can Management prohibit the carpooling between a confidential employee and a general employee? I have been carpooling with one of our Personnel Analysts, and I have just been told that this carpooling is not appropriate. 6) The other girls in my office are on the 9/80 schedule, but I work five days per week, eight hours a day. This is my preference. Sometimes the City Manager allows everyone in the department to go home at 5 p.m., which means that they only work 8.5 hours, instead of 9. This means that I'm often putting in a longer week for the same amount of pay. What can I do about this? 7) I would like to know if I can use my deferred compensation fund to make mortgage payments. My husband just lost his job and we are in danger of losing our home. Alternately, is it possible for me to borrow money from my PERS account?

QUESTIONS AND ANSWERS: #153

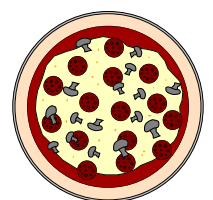
1) The County/City is closing down during the week between Christmas and New Year's, and that employees may use their own vacation time, if they want to be paid. Can they just do this? There are some new employees here who don't even have enough vacation time yet! 2) It is 92 degrees at my desk and only 1:30 in the afternoon. The air conditioning in our building has been "under repair" for a month! I have checked with my co-workers and EVERYONE is uncomfortable. One employee with a medical condition fears that she will become VERY ill if this isn't fixed soon. What can we do? 3) I am off the job, recuperating from surgery caused by a work injury. I just received a letter from the County/City saying that I have used up six weeks of my FMLA time! Do they have the right to use up my FMLA time when I'm on workers comp? 4) One of our members requested vacation today for this coming Friday. Her supervisor denied her request. There is no precedent for vacation being denied in the past. In fact, there have been times that I've been granted time off with only one day's notice. I would like your opinion on this issue. 5) On Saturday the County/City truck was broken into while I was on duty. My purse and all of its contents were stolen. Does the County/City have to reimburse me? 6) My department head saw me talking on the cell phone while driving and he called me into the office after work. He said he was giving me a verbal warning about the new law. I think that only the police can enforce the law... What right does the County/City have to do this?

QUESTIONS AND ANSWERS: #154

(1) My boss is giving my duties to people in other (lower) job classes. I think he may be setting me up for a layoff. What can I do about this? (2) My department is sending me to a psychiatrist because I'm having some problems (shakiness & falling) as a side-effect of medicine I'm taking for a disability. Do I have the right to be represented in this meeting? If the psychiatrist says that I cannot perform my job any longer, can they terminate me? (3) My Department is advertising an opening for a job that I have been performing (in acting capacity) for more than a year! Shouldn't I be the person who's promoted to this position? (4) When a mid-manager is on probation and has been receiving excellent performance reviews, does the County/City have to give him 'just cause' prior to termination? What if everyone knew that the release was due to an affair he was having with one of the managers? (5) Two employees at City Hall told me they were told to work overtime and then, afterward, were told there was no money to pay them – that they would have to take comp time. Is this legal?? (6) Our MOU says that we get 48 hours of "family care leave." I have a child with asthma, have used up my 48 hours, but STILL needed to take off with him this week. I wanted to use vacation leave, but the County/City said I would have to be UNPAID. Can they do this?

QUESTIONS AND ANSWERS: #155

(1) Our County/City's disability plan is terrible. I think our Association should try to negotiate coverage by the State Disability system in our next contract. If the County/City were to use SDI, however, I know that some employees would not want to participate. Or is it an "all or nothing" program? (2) Do I have any entitlement to a "regular" work schedule as stated in the MOU or can they tell me to work 8-5 one day and 2-11 the next? (3) Last time we voted on a new MOU, the members only saw a summary of changes, not the entire contract. I want to know if this is legal and how I can make sure it



doesn't happen again. I need to know what I'm voting on before the vote. (4) How should I approach my employer about getting reimbursed for personal belongings lost while on the job? (5) Our County/City has just implemented a hiring freeze as well as a freeze on overtime. Some employees have already worked overtime in this pay period and now are being told they have to adjust their schedules so there is no overtime expense. Is this legal?

QUESTIONS AND ANSWERS: #156

(1) I'm in the process of adopting a child who is deaf. I've been taking time off for court hearings; meetings with social workers and appointments that accompany a child with disabilities. Should I have something on file in the event the flexibility should cease at some point? (2) After the County/City hired me, my Department realized that I had a California Journeyman Electrician Certification, so they made it a requirement that any County/City electrician needed to be certified. My certification renewal is due in March and the fee is \$100. I am told by H.R. that the County/City does not reimburse me for this. Shouldn't this be reimbursable? (3) May a part-time employee who works from 8 a.m. to 4 p.m. take a 30-minute paid break? (4) I'm a librarian, and will be leaving for maternity leave soon. My department transferred me to a new worksite a month ago, which is very difficult: lots of "street people" and students with no place to go. I'm so stressed that I've actually started losing weight when I should be gaining. Is there anything I can do? (5) I am one of four supervisors in my department, but I'm the only one regularly scheduled to work Sundays. I need to take a Sunday off later this month, but my manager says I cannot do this unless I find my own replacement. No one is willing to do this. Do I have any recourse? (6) Our boss wants to initiate a sign in and out sheet.. Right now, we have no sign-in-or-out procedures. Is this something they have to meet & confer about?

Questions and Answers #157

(1) My co-worker's ex-girlfriend called the County/City to say he's a drug user. They are now telling him he has to go for a drug test. This doesn't seem right to me... (2) I'm on probation and have been with the County/City only 11 months. I met with my superintendent to tell him about some of the abusive and racist statements my boss has made. This afternoon I was given a termination notice. Isn't this retaliation? (3) I work with a probationary employee. She has no sick or vacation time accrued; she was charged \$69 for one day's worth of her benefits when she called in sick. When we asked HR about it they said, "It's not written anywhere, it's just the way it's always been done...". Is this legal? (4) Our Board of Directors agreed to a change in our holiday schedule without consulting with our membership. Is this legal? If not, what can we do about it? (5) In the 10 years that I have worked here, there has been a very obvious "caste system" in my department. Out of 14 employees, only four of us are NOT managers. Is it EVER appropriate to have a department that is THIS top heavy with managers? Is it appropriate for managers to bring down the morale of the four lowly clerical people in such blatant ways? (6) We have an employee who refuses to take lunch. Sometimes she is too busy, doesn't want to lose her parking space, or doesn't have anything better to do since she eats at her desk throughout the day. Is there anything we can do? I'm her supervisor.

Questions and Answers #158

(1) The County/City provides my only cell phone. At the end of each month, I pay the County/City for any personal calls I've made. Now I am off with a work injury, and the County/City wants me to turn in the phone. If I do this I either won't have a cell phone at all, or I'll have to establish a long-term contract to get one. Isn't this discrimination against me because of my injury? (2) If a person retires at the end of 2008, then in January 2009, their Association gets an upgraded retirement plan (the 2.7% at 55) does that person get the higher retirement benefit? (3) My parents own a restaurant and catering business in the County/City. They sometimes cater events sponsored by the chamber of commerce, which are attended by County/City officials. Is this a "conflict of interest" for me. I sometimes work for my parents on my days off. (4) I got a DUI arrest (driving under the influence) on Saturday night. I wasn't on the job. Should I tell my supervisor? My court case is coming up in three weeks and my license is suspended until then. (5) If my director calls a staff meeting, to be held during lunchtime, but no lunch is provided, is staff



supposed to be provided with their own lunchtime later? With the tight budgets, the Departments have all stopped providing food for their meetings. (6) Our Association is supporting a local ballot measure to raise our utility user's tax. There's a rally at noon today. We want to demonstrate our support to the Council. Is there a problem with our attending on our lunch hour, and with some of the guys being in uniform? (7) The County/City is changing our job specification to delete several of the duties. How will this affect my job? (8) I am recuperating from knee surgery and need to go to the doctor occasionally. My boss just asked me to change two of my appointments in order to accommodate another employee's need to go to a training class! Can they do this?

QUESTIONS AND ANSWERS #159

(1) Who I am allowed to call as a representative the next time the County/City wants to call me to a meeting. I think I need a professional. (2) The supervisor is bragging about getting a promotion when all other hiring in the County/City is being frozen. What about the huge financial crisis? They created a whole new job class for him! Is this legal? (3) I have always received Acting Pay when my boss goes on vacation. This year they have re-written her job duties to give her supervision over another area, and I will not be performing ALL of her duties when she is gone. Should I get Acting Pay for the duties I DO take over? (4) Can I be transferred to a different department against my will? (5) I am on the Board and trying to help a co-worker. She hurt her hand at home, not at work, but she took time off to go to the hospital to have it checked out. She turned in a "Leave Time Request," asking to use vacation for the time off. Does her supervisor have the right to deny her use of vacation time, and say she has to use sick leave. (6) Does my supervisor have the right to ask what I am going to do on my vacation days? Can he refuse to grant the time off on the basis of what I'm going to do with the time? (7) I told my supervisor I wanted a labor rep when said I was going to a meeting to receive a letter of reprimand. He told me that no. I went alone and stood there, saying nothing, while our superintendent read the letter to me. Since I was denied a rep, can I now have the letter overturned? (8) My performance evaluation and step raise are more than ten months overdue. My MOU doesn't say anything about timing. How long can they wait?



QUESTIONS AND ANSWERS #160

After a subordinate accused me of sexual harassment, I went through a humiliating, detailed investigation. I want to take legal action against her for slander or defamation, but my Manager is telling me that this would be retaliation. Is there anything that I can do? (2) Does the City Council have the right to look at my personnel file, and do I need to be notified if this occurs? (3) My district is starting a "Class and Comp Study." If my position requires a higher certification than I hold, could I be in danger of losing my job? (4) If you are an hourly employee and are to attend a meeting, seminar, etc. that takes your lunch time, should you (a) be paid overtime or have the option to (b) leave an hour or a half-hour earlier depending if you have an hour or a half hour lunch? (5) As an Inspector, I was told I need to attend CPR classes. This is not in the job requirements. Can our Department just decide to make me attend? Are they required to meet & confer if they want to make this mandatory? I feel that with this swine flu going around this is not a good time to make people learn CPR. I have attended these classes in the past, but I was never told that they are mandatory. (6) My co-worker has been smoking in our office despite the County/City's no smoking rule. I've now developed a lung problem and have been off the job for more than a month. I've filed a workers comp claim, but the County/City denied it. Since I believe that the County/City knew he was violating the rules and took no action, should I file a separate action?



QUESTIONS AND ANSWERS # 161

(1) Performance Improvement Plan with no final review; (2) On standby with an ailing parent an hour away; (3) Is the County/City required to provide its employees with a break room; (4) Do County/City employees have the right to collect unemployment or disability benefits; what happens if we get laid off or fired; (5) Is the minimum increment that the County/City is required to pay on overtime 1.5 times your normal pay for each hour worked and the time worked can be as short as .25 hours; (6) Is it legal for the County/City to force me to give up overtime when they require me to take a course for certification; (7) New hires were never told about new policy that was NOT noted in the Personnel Rules or changed on the County/City's website.

QUESTIONS AND ANSWERS # 162

1) Is a regular, full time employee required to train a contract employee? If a contract employee is specifically hired to do the mail, could an Admin Assistant be required to train the contract employee on HER desk? 2) If I am called in to work during my vacation, do I receive overtime pay? 3) When I was injured at work and hospitalized, I designated my personal doctor as my medical professional, and the County/City acknowledged this. The County/City's insurance carrier sent me a letter directing me to see their doctor. Can require me to do this? Will I be using my own time, or will this be considered paid work time? 4) I think my supervisor is targeting me for layoffs. He's giving all of my responsibilities to one of my co-workers. What can I do? 5) I was threatened with discipline for spending too much time on the internet. I won my appeal, but now the County/City has taken away my computer! Previously, I communicated with my boss by e-mail if I needed supplies or needed to ask about time off. How should I handle these things now? 6) I'm a working supervisor and have been told that my job class is "going exempt" and I won't be receiving overtime pay anymore. Can they just do this? Don't I, or my union, have any say?



QUESTIONS & ANSWERS # 163

(1) Do you have to be the same gender to get domestic partnership benefits? (2) Should we be receiving a higher pay rate after 12 consecutive hours when we work around the clock? (3) I pulled a back muscle on the job and took time off. I'm being required to fill out a lot of forms. Can I just drop the claim now? (4) When my supervisor was out on vacation, I was doing the bank deposit for her. I was trained to do this job for her. She tells me I am not eligible for move-up pay because I was not doing ALL of the duties a supervisor normally does. (5) My husband may be dying. I work swing shift and have asked for a change in schedule to attend a caregiver's meeting one night a week and also be home an additional night. I will have to take the time out of my sick leave or vacation bank, which will be depleted soon. I want to know if I have the right to insist on this change of schedule as an accommodation under the FMLA? Also, if I take two nights a week off, can the County/City change my status to part-time employee? (6) If I eat lunch in the office, is there any reason that I can't close the door or not answer the phone? it's my time and I am not at work. (7) I am on the Association Board and have been in on some very tough negotiations. I heard management laughing and making fun of us, so I e-mailed a report to other members of our team and Board. The e-mail ended up in my supervisor's hands. My review is in a couple of weeks and I am due a step raise. I want to know if he can use this e-mail I sent against me in my evaluation? (8) Can potential, future employers have access to my file or find out why I left if I sign a resignation agreement instead of getting terminated? (9) Does the County/City have to pay me "in lieu" payments while I am having chemotherapy treatments for the next six months and off the job? (10) I told my boss that I was doing more duties than are on my current job description. The County/City is now adding these duties to my current job description! Can they just do this?



QUESTIONS & ANSWERS # 164

1) My co-workers play a religious radio station very loudly all day at work. What can I do? 2) Regarding employee time sheets: if a change is made to an employee's time sheet without his knowledge, is the supervisor or payroll supposed to notify you? 3) Two years ago I was allowed to come to work late, 9 a.m. instead of 8 a.m., on Tuesday mornings. I have always made up that hour by skipping breaks and taking a ½ hour lunch. I was informed that I have to be at work at 8 "every single day." Is this an un-negotiated change in work conditions? 4) I'm about to have surgery and learned my County/City does not participate in the SDI (disability) system! Isn't this a legal requirement? I'll be off the job for two months. 5) We will be starting negotiations soon. Can we refuse to open the current MOU for negotiations? Can we go in stating that we want to extend the contract for an additional three years, disallowing them to open the MOU for changes? 6) Employers seem to give raises with one hand and take them away with the other. How do we fight back when we cannot strike and when Management can impose a contract if we reach an impasse in bargaining? 7) I worked for the County/City for two years as a "contractor" before being hired fulltime. I read your article about contractors' rights to get their PERS benefits if they can prove that they were actually employees. I pursued this case and won two years of service credit! Now I'd like to know what steps to take to retrieve my past vacation and seniority benefits. 8) One of my employees will be going to a



training seminar on a workday, four hours from here. I need to know whether I should pay him overtime for the driving time. 9) More than three months ago, I requested two weeks off at Thanksgiving to visit my family in Texas. Now it is nearly November and I have never received an answer. Don't I have the right to a timely answer?

QUESTIONS & ANSWERS # 165

1) I was called in for questioning about a "negative interaction" with a member of the public. We went through a two-hour questioning period several months ago. When will I find out the outcome? 2) Can I get in trouble for taking a nap at lunchtime? 3) We have a gentleman in our office who clearly is wearing women's clothing. This is a distraction. We're afraid we'll have a dress code imposed if we complain. What should we do? 4) I was in an accident on the job more than a year ago. The driver of the other car sued the County/City, but lost – so now he is suing me! My insurance company won't handle this because the accident was on the job. What can I do? 5) Please advise if any restrictions apply to my supervisor's right to access my computer without my knowledge. 6) I have an ongoing medical condition and need to see the doctor every few weeks, only for about ½ hour. I asked my supervisor to allow me to go to lunch half-an-hour early (at 11:30, rather than 12), so I don't need to use my sick leave for the appointment. I use one hour for lunch; I just go a bit early. My previous supervisor had no problem with this, but my new supervisor won't allow it. Don't they have to accommodate me?



QUESTIONS & ANSWERS # 166

1) The County/City wants to make some changes to job descriptions for our clerical positions. Shouldn't this be done as part of negotiations? (2) One of my co-workers was in a car accident while driving a County/City vehicle and was not found at fault. He is NOT a heavy vehicle driver and doesn't carry any special license. The drug test came out negative, but he was sent for another drug test. Does he have to cooperate? (3) If the County/City's Police Department calls me into work after-hours to resolve a problem, I am compensated for a minimum of two hours, even if the job and commuting took only 30 minutes. But, if they call me at home and I spend half an hour talking the person on duty through a technical problem, my boss is saying I will only be paid for half an hour! Shouldn't I receive the two hours' minimum call out pay? (4) Our personal home telephone numbers and cell numbers were distributed to everyone in our office. This is more than 40 people! Do they have the right to share this info with everyone? (5) Can my Association agree to a change in my job description without my knowledge or agreement? (6) I take care of reservations for all parks and facilities in the County/City. Almost every night and all through the weekends, I receive cell phone calls at home from staff that are working the rentals. Am I supposed to be compensated to do this work on my days off? (7) My boss just called me in to tell me that "someone" in our office said I smelled like marijuana and that I'm going to be sent for a drug test. Can they do this? (8) I am a Librarian. I ran a report that showed that our patrons owe more than \$300,000 in fines and fees. I know the County/City is having financial problems, so I did the ethical thing and reported the finding to my supervisor, who followed the chain of command and gave the information to our Director. I received an almost immediate "thank you" e-mail from the director, followed soon after by a message from my supervisor saying that I was not to use the report generating software any longer because I might break it! I think this is retaliation because the Department Head was embarrassed by my discovery. What should I do?



QUESTIONS & ANSWERS # 167

1) If an employee volunteers to take an training class that happens to occur on our Friday off, should she be paid? It's not a required class, but it is recommended for our position. Everyone else in the job has taken the class, and been paid...2) When we start our MOU discussions next year, I think we should try to tie our Cost of Living Adjustments to an index because of the inflation factor. It looks as if the CPI is going down right now, rather than up. What indexes would you suggest that we use? 3) I got a DUI (Driving Under the Influence) on Saturday night. Do I have to tell the County/City about it? Will my license be restricted? I DO drive a truck on the job. 4) I work at the County/City's firing range and must have my lead levels tested annually. The last time I went in for a test, they also made me take an alcohol and drug test. Is this legal? 5) I'm thinking about retiring and have more than two months' vacation time on the books. Do I have the

right to stop working and use my two months' vacation before I retire 6) My performance evaluation, which should include a step raise, is more than two months late. If I retire and they have never given me my evaluation, will the step increase be included in my base pay for PERS calculations? 7) I was forced to retire because my supervisor made my job intolerable. Now I'm being denied the federal COBRA supplement. Don't they have to agree to allow me to access this program? 8) My co-workers and I want to know about bumping rights. How do they work?



QUESTIONS & ANSWERS # 168

(1) We were told all the guys at the Public Works Yard have to attend a special lunch meeting with the new Director from 12 to 1 p.m. We were told to bring our lunches with us. I think this should be considered paid time. Am I right? Don't they have to provide us with a free lunch hour? (2) Our County/City's Finance Director used employee timesheets from our department as an example at a training program. The sheet showed approximately 20 staff members' names, social security numbers, salary, and accruals, including sick leave. He handed these out to at least a dozen people. I did not give the Director consent to share any of this information! I would like to know if there are any violations here. (3) The County/City has given us a new policy that says we are not allowed to use our cells outside of break time and lunch. Can we be forbidden to use them, and actually disciplined if we do? What about family emergencies? (4) As a money saving measure, our Department is pushing everyone to take comp time instead of pay, when we work overtime. However, we are only allowed to "bank" 80 hours of comp time. What happens when I hit the cap? Do I just stop accruing, even though I've worked the time? (5) I was recently told to move to another County/City department, although I've worked in the same department for 26 years. Others with less seniority were allowed to stay in their positions, but I was forced to move. Did I have any rights? Are they allowed to just move me like this?

QUESTIONS & ANSWERS #169

1) I was in an argument with a vendor, and he hit me. Witnesses saw it wasn't my fault. The County/City is going to try to discipline ME. What can I do? 2) I work at the Police Department in a special program. My boss says I have to go to City Council once every few months. This is not on my job description. Can he require me to do this? 3) My Manager says I must discipline a subordinate. I think the discipline is excessive and inappropriate. Can I get in trouble for refusing to do this? 4) I supervise an employee who appears to be disturbed. She loses her temper and has been known to scream and throw things. Her co-workers have expressed a LOT of concern about continuing to work with her. What can I do? 5) I have a physical disability and have been accommodated at work under the Americans with Disabilities Act. I want to know if the employer can ever take that accommodation away. 6) For several years my boss made inappropriate sexual remarks to me, and I reported this to HR. There was an investigation, the harassment stopped. We are on speaking terms, but he constantly nitpicks my work and has just given me a negative performance review. What should I do? 7) My management requires me to bring a doctor's slip every time I use ANY sick leave. Co-workers are not required to do this. This is an example of racial discrimination. What can I do about it? 8) My department has launched two investigations about me started by disgruntled subordinate employees. Both investigations showed no wrongdoing on my part. I have never received a document that has confirmed that I am innocent. Am I entitled to read these reports or receive something in writing? 9) I spoke to HR about my supervisor's foul language on the job. Now he takes every opportunity to punish me. His most recent action was to change my work shift. Can he do this?



QUESTIONS & ANSWERS #170

(1) My Department is requiring me to get a special certificate from the State in order to keep the job. Can they just make this change without asking anyone? Can I request extra pay for carrying this certificate? What if I don't pass the test... could my job be in jeopardy? (2) I'm a



civilian Police Department employee, non-management. I'd like to know whether I am entitled to an uninterrupted lunchtime. I work a 9-80 schedule. Am I entitled to a one-hour lunch and two 15-minute breaks? (3) A man has come to our public counter and has used his cell phone to record conversations and video staff. Is this something that is permissible, or do we have the right to tell him to stop this? The man was issued a citation by Code Enforcement and is not a happy camper. (4) I have been on a jury for three weeks, and will start my 4th week on Monday. The County/City just sent me a notice saying that I have to use 40 hours of my own vacation time to cover the last week for the time which ran past the 10 days provided in my MOU. Is this legal? Do I have grounds for a grievance? (5) I have been performing my supervisor's job (which is vacant) for more than four months. I have been receiving "out of class pay," which is 5% more, but the position actually pays more than 20% more than my job. Aren't they required to fill the job properly at some point? Is there any way to force them to give the job to me?

QUESTIONS & ANSWERS #171

(1) My co-worker and I were in a County/City car that broke down. We called to have the car towed, but our boss said there was no budget. He told us to push the car down the street. Can I be forced to do such a thing. (2) Our department offers light duty to some people when they're hurt, but not to others, like me. What can we do about this discrimination? (3) Can management tell me that I can't take vacation unless I find my own replacement? (4) If a member of the public wants to know who works for the County/City and what they earn, does the County/City have to provide this? (5) We have a member going out on maternity leave. Her boss asked her when she was coming back. She talked to him, but really didn't answer his question. What would be a good reply? (6) I heard a rumor that the City is going to move us back to the PERS 2% at 60 plan! Can they do this? (7) We are being furloughed and paid for a 36-hour week. Twice a month I take notes at the Planning Commission. Will I still receive overtime pay for this? (8) I am being laid off, but I do have bumping rights. My previous position was eliminated from the County/City's budget. What can I do? (9) If a Recreation Leader has been working for the County/City for several years consecutively and a Senior Recreation Leader position in the same classroom becomes available, can the County/City fill the position with someone else who has no experience in the classroom?



QUESTIONS & ANSWERS #172

(1) What happens if a person cannot pass an HAZMAT exam; (2) Our County/City runs a summer job-training program for youth in the community. The guidelines for the program changed so relatives of County/City employees are not eligible. Is there anything we can do about this? (3) I hurt myself at work and have filed a workers' compensation claim. The County/City hasn't accepted it yet. I'll be off the job for the next month and they are using up my sick leave! Do I have the right to tell them to stop? I would rather be unpaid until they accept the claim. (4) I had to leave work early to pick up my son at the nurse's office at school. When I came back the next day my supervisor said "You need to have someone else do this. It is not good for your job." I consider this a threat. Don't I have the right to pick up my sick child without being threatened? (5) Our department head made recommendations for people to attend a class on how to get along better with co-workers. Human Resources sent an e-mail to everyone scheduled to take the class, AND all of our supervisors and Department Heads. Now half the County/City knows who's being sent to this class! It looks to me as if I've been singled out as someone who can't get along with my co-workers. What can I do about this invasion of privacy?

QUESTIONS & ANSWERS #173

(1) Can the County/City change our Family Medical leave policy, or the forms we use to request to go on FMLA time, without bargaining? (2) The County/City has bought some new mowing equipment and is requiring me to learn to use it. At the same time, they're giving some of my duties to co-workers in a lower job class. Can they do this? (3) Can someone be denied bereavement time because "the bills need to go out." My co-worker and I will be taking bereavement leave at the same time. The third person in our office retired more than six months ago, but the County/City has not filled the position. (4) A few people in our City have been offered PERS "Golden Handshakes" but most have not. Is this legal? (5) I was a



passenger in a County/City vehicle with a partner who went into “road rage” and started chasing a local resident. The resident reported us, and I was called in for an interview. I told the complete truth: that my partner is a dangerous driver. He has had anger problems in the past, and I think he is now being disciplined. He has made several threatening remarks to me. What can I do? (6) I have so many vacation hours piled up that I am constantly at the “cap.” In our County/City, if you go beyond the cap, the County/City stops giving you hours, so I told my boss that I will take a week off. She denied me! She says our office has too much work to do and that I can’t take a vacation for at least two months. Don’t I have any rights here? (7) Does an employee have a right to know what action, if any, has been taken against an employee if s/he files a harassment complaint against that employee?

QUESTIONS & ANSWERS #174

(1) Our former supervisors have become co-workers and our new supervisors are Police Officers. They have never performed our jobs and don’t have the same POST certification. How are they going to be able to evaluate us? (2) I was called out in the middle of the night to work on a water main. When I got there, I was told that the problem was fixed. I’m told that I won’t be paid for that “call-out.” Is this legal? (3) My supervisor is going on an extended leave. I want to know if I can be forced to do her job while she’s gone. (4) We got a memo saying employees are no longer able to use the County/City’s phones or e-mail for personal communications. Can they just do this? (5) My evaluation says I had had a “mutually heated interaction” with a co-worker. A co-worker and I did have a disagreement about how to do a task, but no one raised their voice or got angry. Is there anything I can do about these comments? (5) For many years our whole office has been working a 10-hour day, which has included a paid lunchtime. We were informed we need to add one hour to our shift, so we have an hour of UNPAID time in the middle of the day. I know that if they allow you to do something for years they cannot then change it. It becomes policy. Does this situation fit into that rule?



QUESTIONS & ANSWERS #175

(1) Does management have the right to change our lunchtime from a half hour to one hour, and lengthen the workday? (2) I’ve been working for the County/City for 28 years and am an exemplary employee. This year, however, I was sick several times and used up all of my 12 days of sick leave. I’m in “warning status” for sick leave abuse and must bring in a doctor’s note for any day that I’m ill. I think this is ridiculous, if not illegal. What should I do? (3) I am off the job with a back injury that happened at work, and I am about to have surgery. My County/City is looking at layoffs and I am “low man” on the seniority list. I know that I can be laid off, but I won’t be able to work for months! What will I do for income? (4) Our MOU states that we are not to take breaks at the beginning or end of either half of our work day. If an employee comes in at 8:25 a.m. and takes a break at 9:00-9:15, does this go against our MOU? (5) I have been taking FMLA time intermittently when I need to get chemotherapy. When I return to work, my supervisor is vocal about her annoyance with me. Most recently, she told me that the time off (and my need to sit down frequently) places a burden on my co-workers. I already feel awful. Is there anything I can do about this? (6) When an employee is given an oral reprimand, do they have to sign a written document that indicates what was discussed? If so, doesn’t this make it a WRITTEN reprimand? (7) When an employee is given an annual evaluation that they don’t agree with, are they required to sign it? What if it’s full of misinformation?



QUESTIONS & ANSWERS #176

(1) I go to physical therapy on Fridays for a work-related injury. My regular schedule is Monday thru Friday. Is it legal for the County/City to change my work schedule so that I work on Saturdays and have to attend physical therapy my day off, which is now Friday. I don’t live anywhere near the doctor that they are sending me to. (2) I was in a car accident on the job in a County/City car. The other driver was at fault and I was injured. Should I be suing the other party or will the County/City be doing it for me? (3) My work day ended at 4:00 p.m. I want to know if I will be paid overtime. I was in a car accident on the job. The County/City wanted me to go to the doctor immediately after the accident. It’s now 5:30 p.m., and I have been waiting for two hours to see a doctor. (4) I’m on our Association Board. I told an employee on probation there was nothing we could do about her termination. I understand she is suing the County/City and has threatened to sue our Association! Was I

wrong in this advice? (5) I work in a largely Spanish-speaking community. I didn't grow up speaking Spanish, but I speak it well enough to do my job – or at least I thought so. A member of the public (who was not happy because I was giving him a citation) complained that I didn't explain the violation to him well enough in Spanish. Can they write me up? I am receiving bi-lingual pay. Should I give up this up, so I don't get in trouble for not being fluent? (6) We've got a problem co-worker. He's out on vacation or sick leave all the time (or outside having a smoke) and doesn't carry his part of the workload. He doesn't follow department protocol, loses his temper, and lowers morale for the rest of us. He was fired once, but the union got his job back. Now he seems to be "protected," but no one knows why. Isn't there anything we can do?

QUESTIONS & ANSWERS #177

(1) I've got a hearing loss problem, most likely caused by job, and I am about to retire. I've never filed a workers' compensation claim, and I wonder if I should now. Should I take a disability retirement instead of a service retirement? (2) My boss is requiring all subordinates to submit a daily activity sheet giving minute to minute reports of what we have done. In order to avoid accusations that he is discriminatory, he's making ALL of us, including clerical staff, fill out these ridiculous reports. Is there anything we can do? (3) Someone stole some tools from our tool bin at work. Management forced us all to open our toolboxes for a search. When nothing was found, they made us all open the trunks of our cars. Is this legal? (4) We are short-staffed and our secretary's position is vacant. I am an account clerk and my boss is giving me most of her duties. It's a higher-paid job, but I've never been offered any higher pay. Further, I don't want to do it! Do I have the right to refuse? (5) How can I go about reporting gambling (a football pool) that one of my co-workers is conducting on the job? (6) Can the County/City ask for proof that I have a driver's license? I don't drive a vehicle on the job. (7) I want to know if the County/City doctor had the right to take a blood test when he did my DMV physical? The County/City knows that I am diabetic and the doctor knows this also. I have never been forced to do this test in the past. Isn't this an invasion of privacy?



QUESTIONS & ANSWERS #178

(1) I was out with a work-related injury for 10 months and have just discovered that I did not receive service credit on my PERS account during this time. What can I do about this? (2) Can the County/City take over \$800 out of my next paycheck to cover my medical plan's "full family contribution"? They failed to deduct my share for over four months after a recent addition to the plan. (3) After I signed the "Satisfactory" performance review from my supervisor, the Department Head changed it to "Needs Improvement". Can they change the review once it's signed? Can I appeal? (4) If an employee comes in 4 or 5 minutes after their expected arrival, and works 4 or 5 minutes after their expected dismissal, does this constitute an infringement of our MOU? Does this depend on each supervisor? (5) Our Department Head asked me to issue a permit to someone without having the plans approved. I did it, though, I know I should not. We had problems a few years ago which involved the County/City Attorney. He established some strict procedures for issuing permits. What should I do if asked again to do something like this? I am afraid that refusing could affect my evaluation or even my job security. (6) I am doing the work of two jobs, which management recognizes. They have agreed to pay me 10 hours of overtime a week for this on a regular basis, but they want it to be comp time. Is there a limit to how much comp time I can accrue? I've got over 300 hours. (7) There was a discrepancy between the amount I was given in petty cash to run an errand for my department and the receipt and cash that I turned in. I have always asked my supervisor to sign a paper stating the amount of petty cash and the amount on the receipt that I am turning in. Today, however, my supervisor refused to sign the paper. What can do? Can I refuse to run these errands?



QUESTIONS & ANSWERS #179

(1) I am on administrative leave because I tested positive for marijuana after having a minor accident on work time. I don't drive a truck for the County/City. Do I need an attorney or does the association represent me? Will they fire me? (2) I am leaving the County/City for another job and I'm worried that the County/City is going to try to take furlough days, which I haven't used, out of my final paycheck. Can they do

this? (3) I work in the Water Department. Because we are short-staffed, it looks as if I will have to go underground tomorrow. I don't think I've been properly trained for this work, and I don't think the County/City has the right safety equipment. What should I do? (4) My director humiliates staff in front of others, sometimes co-workers, sometimes members of the public. HR has done nothing about it. What can we do? It is bordering on harassment. (5) I have a new supervisor who won't let me work the schedule I've been working because of a medical condition which leaves me nauseous in the mornings. Do I have the right to refuse or appeal? (6): Our Association Board reps are being told that we are not allowed to meet with City Council members during work time. What is the law on this? (7) Human Resources says that a classification analyst will be meeting with our work group tomorrow to get our input on our job descriptions. We have complained about doing a lot of work that's outside the scope of our job. Any suggestions about what we should say?

QUESTIONS AND ANSWERS # 180



(1) Doe the County/City have the right to interrupt my lunch time to have me take a DOT substance test? (2) Can my boss go to my desk when I am not in the office, go through my files, and remove files from my desk? (3) Can I count on my Floating Holiday Cash Out Time as part of my last year's salary for retirement. (4) I was feeling nauseous and dizzy at work and had pain in my left arm. I made an appointment to see my doctor at 6 p.m. I live 65 miles from work. I told my supervisor I felt very sick and would need to leave early (at 4:30 instead of 5 p.m.)

She said that once my work was completed I could go. I finally finished the job at 5:30 p.m. and missed my doctor's appointment. Did she have the right to force me to stay? What should I do if this happens again? (5) Can the County/City give our dispatchers a raise, although no one else in our association has gotten a raise for two years! (6) Do I have the right to use the County/City's truck when I go to workers' comp appointments? (7) I used 15 sick days last year, mostly taking care of my wife, who has been in and out of the hospital. The County/City gave me a "letter of warning" about my "apparent sick leave abuse," but I brought in a doctor's slip every time I was off. Don't I have the right to use a certain amount of sick leave to care for family members? (8) Is there a Homeland Security Law that says that the name on the Driver's License and Social Security Card must be the same?



QUESTIONS AND ANSWERS # 181

(1) I was in terrible pain in the middle of my bus driving shift and felt like I was going to pass out. When I got to the station, they called an ambulance for me. At the hospital they found that I had a burst appendix. This emergency was mishandled: I could have died or hurt someone. What can I do? (2) I'm our Association president. Our records clerk has approached me about a learning opportunity as a dispatcher in the Police Department. She would be able to promote when there's an opening. The County/City wants us to agree that she isn't due any additional money during this training period. She really wants to do this and is willing to take the job at her regular pay. Does the Association have any role? If we do, should we agree to it. (3) I was written up on my performance review for "using too many days for doctor's appointments." Several of my appointments were for treatment for a worker's comp injury and for a chronic digestive problem that I've already told my supervisor about. Is there anything I can do about this? (4) Risk Management has decided they want us to wear hard hats. I want to know: can the employees be reprimanded if they fail to follow this directive? (5) I want to know whether an outside consultant can be assigned to function as my supervisor. (6) My boss put things on my performance review which are very subjective and, frankly, not even true. How do I go about getting this straightened out?

QUESTIONS AND ANSWERS # 182

(1) I was promoted to a new job. Today is my last day at the old one. My supervisor came to me and asked that I forward all of my email from the last three years to her. Some of it is a bit personal. Do I have to comply? (2) One of our members asked if their manager can force them to come in on their 9/80 day or on the weekend. No one in our bargaining group receives overtime. (3) I used to be friendly with an employee who quit



and is now suing the County/City. I'm going to be interviewed by the County/City about things she said to me while she was here. They have asked for personal communications, such as my PERSONAL email. Do I have to give this to them? (4) Some of our members were laid off, but may be rehired later. The County/City is trying to lower our retirement formula for "new hires." If we agree to this, would the rehired employees have to come in under the lower formula? (5) I'm taking time off the job to care for my wife, who has cancer. The County/City says that I must use my sick leave first, but I want to use my vacation. Don't I have the right to make this choice? (6) Part of my daily job duties is to drive the company car from the bus yard to the transit store and back at night. This takes an additional 20-30 minutes per day. Am I entitled to be paid for this time? (7) I am currently on family leave (as I had a baby 4 months ago) but am working intermittently. The County/City is going through reorganization and my boss's position is likely to be eliminated. Does family leave protect me at all? Am I protected less because I am working part time? (8) I was laid off several months ago and wasn't able to afford the COBRA payments, so I let my medical plan lapse. Now I'm having back problems and can't get insurance (it's a pre-existing condition.) In truth, part of the problem with my back was caused by my work.

QUESTIONS AND ANSWERS # 183

(1) Shouldn't I be paid overtime if I am forced to work through lunch? (2) Does workers comp cover an injury that occurred in the vanpool? (3) Can a supervisor be required to be on standby without compensation? (4) Must I conceal my dyed purple hair at managements directive if the dress code does not mention it? (5) How should I tell management I need time off to care for a relative undergoing surgery? (6) Can my supervisor tell me not to eat lunch with another employee? (7) Can management put a letter about the removal of a document from my personnel file in my personnel file? (8) If my position is made exempt then can I no longer receive call out pay?

QUESTIONS AND ANSWERS # 184

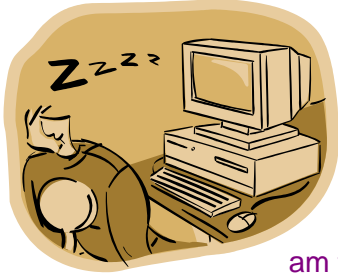
(1) Should I be paid from the minute I leave my house if I am on standby? Would a car accident be covered by workers compensation? (2) I am an exempt employee so no overtime pay. We receive 10 days (or 80 hours) of administrative leave per year. They won't let me cash out some of this time. What good is this benefit if I'm never allowed to use it? Doesn't the law say that they MUST allow me to cash it out? (3) Can positions be cut from our department without a meet and confer with the union? (4) Is there anything we can do to stop a reorganization of our Code Enforcement division being moved under the Police Department. (5) What can I do about an employee I supervise bypassing me and the department head and going directly to HR? (6) There is talk about reclassification of employee positions. Is that something that the County/City can do with no union involvement?

QUESTIONS AND ANSWERS # 185

(1) Can a Supervisor choose to pay for overtime in the form of pay rather than comp time? (2) A subordinate claims she is allergic to the foods we bring in to share (birthdays, potlucks, etc.). When I tell her not to eat it, she says she feels "excluded" and she claims discrimination. Is this discrimination? (3) Does the County/City have to hold up a promotional exam for an employee who is on military duty. (4) I'm going off the job for 2 weeks for a medical procedure. I want to know if the County/City can force me to use the FMLA. (5) We've always worn shorts in our department. Now the new manager is telling us that we must wear long pants. Is there anything we can do about this? (6) I was talking to a co-worker about the difficulty of my new job, that I was really stressed, and thinking about resigning. Our Human Resources Director is sending me to a MANDATORY medical exam. I believe this is a form of harassment. (7) Does the County/City have to give me my paycheck immediately or at least within 72 hours of my last work day? Payroll says they won't have my check till the end of the pay period. (8) I used my association's form for "designation of doctor" in case of work-related injury, but the County/City says they will not accept this form. I want to pre-designate my doctor! What should I do? (9) I was accused of a crime while at work, went through a court trial, and spent a lot of money on a lawyer, and was found innocent. I asked the County/City to provide a lawyer for me and/or to pay for mine, but they said no. Shouldn't the County/City have defended me?

QUESTIONS AND ANSWERS # 186

(1) Should I file a workers compensation claim for my varicose veins? (2) Can I be called at home on a sick day and told to go take a urinalysis test? (3) After a fitness for duty exam the County/City doctor has asked if he can contact MY doctor, to look at my records. Do I need to cooperate with this? (4) I'm an exempt supervisor in the Water Department. I've been told that I must do standby duty and call-out, like my subordinates. I may work many hours without any extra pay! Can I do anything about this? (5) I am a Code Enforcement Officer who is aware of some significant code violations by one of our councilmen. I know I should be citing him, but the City Manager has told me not to. What should I do? (6) I am on modified duty due to an injury. I only work six hours a day. I'll be taking two vacation days next week, and the County/City wants to take 18 hours from my vacation bank (based on the normal 9-hour day) instead of 12. Is this right? (7) I've been performing the duties of another job for several weeks and believe I deserve out of class pay. My boss says he would like to give this to me, but that our Department Head won't allow it. Who has the authority to grant this benefit?



QUESTIONS AND ANSWERS # 187

(1) How should I handle the question "Have you ever stolen anything on the job?" (2) What is the relationship between CalPERS Health & CalPERS Retirement? (3) Since I am the only person who knows Spanish and how to run the whole office, the County/City is denying me my vacation time. What can I do about this? (4) I am going to be transferred out of my job because another employee, who is so overweight he cannot climb a ladder, can move into it! Don't I have any rights here? (5) What can we do about a co-worker who falls asleep and snores so loudly that it is annoying? If she is laid off, she would be able to bump one of us. (6) I used up all of my sick leave taking care of my husband. The County/City never told me that I could use FMLA time. What can I do about this now? (7) I was working overtime and passed out from heat exhaustion. I spent six hours at the hospital, then was released. They refuse to pay me my overtime for those six hours! What can I do about this?

QUESTIONS AND ANSWERS # 188

(1) There used to be four full-time staff. Now there are two full-timers and one part-timer. All the work is falling on me. (2) I am off the job on FMLA, but my office is calling me almost every day with questions. Is this legal? Shouldn't I be paid for this time? (3) I am off the job due to an injury from a car accident, not work-related. I have been denied disability pay because the County/City reported that I am a 38-hour employee – which the insurance company considers part-time! My hours are being cut, involuntarily, due to furloughs! (4) I have been taking high-dosage ibuprofen for pain. My boss 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? (5) 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 County/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?

QUESTIONS AND ANSWERS # 189

(1) The County/City gave me a letter of warning about my apparent sick leave abuse, but I brought in a doctor's slip every time I was off. Can't I use sick leave to care for family members? (2) I am friends with one of the vendors at work and recently borrowed some money from him. Can I be fired for this? (3) If an employee has a chronic illness and fills out the proper forms to be protected by the FMLA, can the County/City deny the request? (4) Can the County/City require us to see their doctor for the medical checkup related to our commercial driver's license renewals? (5) The County/City is finally filling the out of class job I have been doing for ten months. They say I did not pass the exam, which was nothing more than a subjective interview, nothing technical. Is there anything I can do about this? (6) I'm off the job for a 30-day detox program, using my own sick leave and vacation. Is it legal to not pay me for the 2 holidays this month? (7) We have a co-worker who seems pretty unstable. He loses his temper and threatens people physically. Is there anything we can do?



QUESTIONS AND ANSWERS # 190

(1) A co-worker is keeping track of how long I spend at jobs and when I'm on break. What can I do about this? (2) I'm considered a Confidential employee, but I don't do any "confidential" work. I would like to be in the employees association. Is there a way I accomplish this? (3) I'm a planner and am required to attend the next Council meeting to answer questions about one of our projects. The last time I did this, one of the Councilmen was accusatory and insulting to me. Do I have a right to bring one of my Association staff with me to the meeting? (4) Our Manager said that from now on we will have to pay our entire 8% PERS payment. Don't they have to negotiate that? (5) I'm a Maintenance Supervisor and I found out one of my employees has been working here for 15 years under a false identity and social security number. Is there a legal requirement that we terminate him or take some other action? (6) I do a lot of repetitive movement on the job and have developed a chronic hand and shoulder injury. The doctor has said that I need a better chair and different desk. Six months ago my department SAID they would make these changes, but haven't. What can I do? (7) I work the night shift and have been with the County/City for 20 years. A position opened up on days and I asked for it, but they gave it to a much newer employee. Shouldn't the person with the most seniority get his choice of shifts? (8) A few months ago my supervisor started assigning me work that was part of a lower-paid job classification. I didn't argue. Now they want to reclassify me downward and give me take a pay cut! Can they do this?

QUESTIONS AND ANSWERS # 191

(1) Does retiring interfere with receiving unemployment insurance? (2) I need to take time off to take my son to the doctor. Does my supervisor have the right to tell me that I can't use vacation time and that I must use sick leave? (3) Is CEA, or our Association, doing anything about Governor Brown's attempt on changing our retirement plan? (4) If there is an open position, is the County/City required to post the opening or can it be filled without anyone's knowledge? If it's a promotional job, don't they have to "hire from within?" (5) The County/City says they've been overpaying me (I didn't know this.) I refused to use the payment schedule they wanted, so they garnished my check. Can they do this? (6) Can I get my old shift back after I return from surgery?

QUESTIONS AND ANSWERS # 192

(1) I have an FMLA letter on file with the County/City for recent surgery and chemotherapy treatments I am receiving. A few days ago I told my boss I was feeling sick and needed to go home. She agreed, but was obviously annoyed. When I came back to work there was a letter from Human Resources saying am being sent to a doctor to determine my ability to work! Can they do this? (2) When I received this year's review, my supervisor tried to go back and criticize me for something that happened nearly three years ago! Can they do this? (3) My supervisor put a memo in my file about tardiness. How long does that memo stay in my file? (4) I was in my own car, driving from one County/City office to another, when some debris flew off a truck and did about \$600 damage to my car. The County/City is refusing to pay for this. Don't they have to? (5) My job is being eliminated and I am being bumped to a much lower-paying position. I want to know if I have a right to be paid off for my vacation. I've got more than 500 hours and I am worried that the County/City will want to value it at the lower rate. (6) I am a bus driver and was the victim of a person on the street who threw a bottle of liquid at me. This was not only upsetting, but left me too wet to continue working. The County/City said I could go home for the day, but told me to use my own sick leave or vacation. Is this right? (7) Can I take time off under FMLA to care for my daughter who will be having twins? (8) I heard my Association Board has met with the County/City to modify our Bilingual Pay policy. My question is: is this considered a modification of our MOU? Don't the members have to vote on this?



QUESTIONS AND ANSWERS #193

(1) Our Department requires us to attend mandatory training. What about those of us who work graveyard shift. If we are scheduled to work the night before training, but we must take some time off to sleep, since the classes start early in the morning, the department forces us to burn our own leave time. Shouldn't the department be allowing us some time off the night before? (2) Am I required to show the address of a Jury Summons to my immediate boss? (3) I'm an exempt employee and don't collect overtime. The County/City has always paid me "straight time" for my hours over 40 in a week. They now

say this practice is going to be discontinued: no pay at all any more for work over 40 hours. Can they just DO this? (4) My work station is near my supervisor. I was on a break and I made a 10-minute call to the bank about an error in my account. In the past, employees have always had the ability to use their phones on breaks. I do understand that I'm required to tell him I'm taking a break. But am I required to tell him who I'm talking to and what it concerns? (5) I work in accounting and have been told that one of the Councilmen will be asking me for the password to our payroll records. These records include a lot of private information about employees. Does the Council have the right to look through these? (6) I am a 3/4 time clerical employee, receiving benefits and paying my association dues. But I also work as a recreation supervisor in another County/City. Recently, my boss has been sending me to work in recreation in this County/City, overseeing one of the childcare centers. Although I'm able to do this work, it's obviously outside my job description, and I don't really want to do it. What should I do?

QUESTIONS AND ANSWERS #194

(1) One of our members, who works in the jail, is being sued by an inmate who says he was mistreated. I'm on our Association's Board of Directors and need to understand our role. (2) At the first meeting of the bargaining team and our County/City, the County/City made us sign an agreement that we will not share any information about what is happening in these negotiations. I objected, but was overruled. Did we have to agree to this? (3) Our Association's Board seems to be meeting with the County/City over contract negotiations but they rarely tell us (the members) what is going on. Shouldn't they be reporting to us on a regular basis? Can they make agreements with the County/City without going to the members?



(4) Last year the County/City "imposed" its last, best offer at the end of negotiations. We are bargaining again now, and I would like to know if this can happen again. The County/City cannot impose a contract for longer than a year; is this true? (5) I hurt myself on the job a year ago and because I've been limping around, my other leg and foot began to hurt. The doctor has had to modify my work assignments. I might have to have surgery. Will this be covered by workers comp? (6) I have evidence that our department head is using money from the budget for personal expenditures. What should I do? (7) Although we all work for the same County/City, I've just discovered that some people have higher health care costs, under PERS health than others, based on where they live. Is this legal?

QUESTIONS AND ANSWERS #195

(1) I'm rejecting a promotion because I heard I will lose the health plan under my new MOU! Should I do that? (2) Can the County/City legally offer a retirement incentive only to select groups of employees? (3) The County/City has taken care of my skin cancer under workers' compensation, but now they won't. (4) I need to go to physical therapy twice a week due a back injury that happened at work. Do I have to go on my days off or after work? (5) I need a hearing aid because my hearing loss is affecting my job. Do I have a right to ask the County/City for assistance? (6) Since the County/City is talking about layoffs doesn't this new law (AB646) present the opportunity to declare impasse in our contract negotiations? (7) Can I say no to training a new hire? (8) Our County/City is going through layoffs and we seem to have conflicting procedures. Shouldn't I have bumping rights? (9) How long after an event at the office can a person be reprimanded – especially when they weren't even involved?

QUESTIONS AND ANSWERS #196

(1) My supervisor doesn't appreciate my hard work and gives low reviews. What should I do? (2) I am a part-time employee. Am I covered by the Family Medical Leave Act? (3) A co-worker told me about a serious medical problem. I am now being reprimanded by the County/City for telling someone else. Is this an actual violation? (4) Can my supervisor require me to provide him with information about how much leave I have on the books? (5) Do I have to answer when my supervisor asks me why I'm going to so many medical appointments? (6) If Management has the "absolute right" to carry out layoffs, what good does it do for our Association Board to meet with them about this? (7) Our manager told a woman who was inappropriately dressed to go home and change. She left and didn't come back. Now what happens? (8) When I told my supervisor the step was broken on one of our big trucks, he said "Why should I fix it; you guys will only break it again." What should I do? (9) Can the County/City make Sunday work mandatory?

QUESTIONS AND ANSWERS #197

(1) The County/City overpaid me \$50,000 and they want the money back. Do I have to agree to this? (2) Does everyone have to be given the same notice when the County/City announces layoffs? (3) Does my management have the right to know the reason for my 30-day leave of absence? (4) What exactly is the employer's "burden of proof" in a discipline case? (5) Can I be told that I must wear only navy, black or grey colored pants or skirt? (6) Do at-will employees have any rights? Are they covered by our employees' association? (7) Could I have an harassment claim if I start holding my staff more accountable?

QUESTIONS AND ANSWERS #198

(1) Can I see the file my boss keeps on me? It's different from the HR file. (2) The County/City changed the requirements for my job based on a really old job description and not the one I was hired under. Is this legal? (3) I have 15 years in my current job. What will happen to all the retirement time I've put into the system at THIS job when I get a different job with another County/City? (4) I am the last remaining full-time employee in my office. When the part-timers and temps make errors, I get blamed because I had to train them. Is there anything I can do about this situation? (5) Recently I was in the car with my boss on the way to an off-site meeting and he began staring at me and definitely touching his "privates." I need to know what to do. (6) I keep a knife in my drawer to cut fruit; my boss said to take it home. Can they force me to do this? (7) The County/City has told the secretaries to the Planning Commission and the City Council they no longer need to attend night meetings. They will each lose about \$2,000 a year in overtime pay. Isn't the County/City required to have someone take notes at these meetings? (8) Does the County/City have the right to tell me that I am not allowed to eat at my desk, when they let other employees eat at their desks? (9) Our County/City uses an outside attorney to do supervisors' training. If we violate the policy he has trained us on, he then represents the County/City in the discipline process. Isn't this a conflict of interest? (10) I am a supervisor in the same Association as my subordinates. Who will the Association represent if one of them has a grievance against me? What if I have a grievance against them?

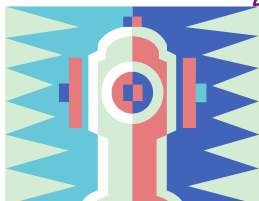


QUESTIONS AND ANSWERS #199

(1) Is it legal to move an employee who works a 4/10 week Monday-Thursday to a 5/8 Wednesday-Sunday? (2) Can the County/City write a job description for a new class so that a specific individual meets those requirements? (3) Our County/City closes down on furloughs during Christmas and New Year's and employees are required to use their own vacation or comp time in order to be paid. Some of us were told we must continue to be "on call" during this furlough period to deal with water department emergencies and they expect us to do it for free. Is this legal? (4): I was called in for questioning that was very formal and tape-recorded. I have received no information at all. How long should I wait for management to get back to me? (5) If we disagree with a policy, are we still required to sign it? (6) Can your supervisor force you to take time off, so you use up your comp time on the books? (7) I put in for three hours of medical leave and my supervisor asked what it was for. I don't want to tell her that I'm being treated for depression. Do you have any suggestions for another explanation? (8) Does the City HAVE TO provide health benefits for retirees under the PERS medical system. Is this true?

QUESTIONS AND ANSWERS #200

(1) Can my boss make me bank any hours over 40 in a week, then not pay me for overtime? (2) If an employee goes out on CALPERS disability retirement, what happens to his sick leave and vacation time? (3) A member was seen after work at a restaurant by the City Manager. The department got an e-mail saying "Do not go anywhere after work with your uniform on, or any item of clothing with a County/City emblem." Can the County/City enforce such a policy? (4) I was called out in the middle of the night to work on a water main problem, then I was told that the problem was fixed. They say I won't be paid for that "call-out." Is this legal? (5) My supervisor is going on an extended leave, and I think they are going to force me to do her job. I don't want the extra pay. Her job is awful. (6) Our Department Head put out a memo saying employees are no longer able to use the County/City's phones or email for personal communications.



Can they just do this? (7) Our lunch break is being changed after many years of following the same procedure? Can they do that? (8) At a team building day at a local park my co-worker and manager referred to me as "the cripp." My manager said I was too sensitive when I complained. I want an apology, but they refused. (9) I was assigned to do work in an attic of an old building which I believe was full of asbestos. My boss ordered me to do the work now and analyze later. What should I do?

QUESTIONS AND ANSWERS #201

(1) The County/City just hired a completely untrained, unqualified guy (the son of a friend of the County/City Manager) to function as our lead man. I have to train him. Can I be forced to do this? (2) Is there a maximum amount of time a member should be forced to wait for a review before he gets a raise? (3) I have a chronic medical condition and need to use several weeks of time, intermittently, this year. My manager bothers me about this all the time and denied me a week's vacation "because you are already losing too much time on the job." I want to know if this is considered discrimination or retaliation. I DO have the time on the books. (3) My son works for a small company that has no sick leave policy. He has been off the job due to a car accident and is worried about being fired because of the time lost at work. Could this happen? (4) My recent evaluation includes an untrue statement saying that I had a "mutually heated interaction" with a co-worker. Is there anything I can do about these comments? (5) Can I refuse to work with a co-worker who smells of body odor? (6) I want to know if my leftover vacation is added to my pay when I retire. Is this considered part of my "base pay" for PERS calculations?



QUESTIONS AND ANSWERS #202

(1) Our staff in the Parks has always been able to wear shorts. Today the County/City says after September they can't. Can they do that? (2) Does FMLA leave apply to probationary employees? (3) This year the City Manager is making attendance mandatory at the holiday luncheon, and they are telling us that if we don't attend, we must use an hour of vacation time. Can they do this? (4) The City Council voted to implement a hiring freeze based on our "fiscal crisis" without mentioning whether the freeze was temporary or what conditions would allow it to be lifted. What about the vacant positions? Isn't the County/City required to meet with us to discuss impact on our working conditions as a result of these vacancies. (5) I have been terminated and I am awaiting an appeal hearing. I want to know if I can collect unemployment. (6) Can members of our Association supervise one another?

QUESTIONS AND ANSWERS: CONTRACT BARGAINING

1) "Can the County/City change the pay level of a class, in the middle of a Contract? 2) "What happens if the current Contract expires before we agree on a new one?" 3) "If bargaining breaks down, can the County/City discontinue our medical plan or other benefits?" 4) "What is Impasse? What happens when impasse procedures are implemented?" 5) "I thought it was illegal for public employees to strike in California. Has this changed?"

QUESTIONS AND ANSWERS: THE RIGHT TO PRIVACY

1) Can my supervisor monitor my e-mails and voice mail? 2) I was out on leave and my supervisor went through my desk and files? Can she do this? 3) I have several letters from my supervisor that I don't want anyone to see. Are personnel files available to the public? 4) I have a Workers' Compensation claim. My employer, or its administrator, has asked for all of my medical records. Do I have to comply? 5) Can my supervisor require me to let him see what I have in my purse or briefcase before I leave work? 6) Can my employer require me to tell them what I do "off the job"? 7) I drive a bus. Do I have to submit to a drug test on days I am off work? 9) Can I be fired because of a drunk driving charge on the way home? 10) Does the County/City have a right to know if I got into a fight at a party on the weekend?

QUESTIONS AND ANSWERS: YOUR JOB AND THE MILITARY

1) What happens if I join the service while I'm working for the County/City? Do they have to give me my job back? 2) What about reserve duties? Do I lose benefits? 3) Can I get



PERS retirement credit for my military service?

QUESTIONS AND ANSWERS: WHAT ARE MY GRIEVANCE RIGHTS?

1) What is the difference between a grievance and a “disciplinary appeal”? 2) Is there a “statute of limitations” for disciplinary actions?

QUESTIONS AND ANSWERS: FAIR LABOR STANDARDS ACT

I am eligible for overtime, but my employer has not paid me for it. What can or should I do?

QUESTIONS AND ANSWERS: INJURED ON THE JOB

When I’m injured on the job whom shall I call first? How does the “workers comp” system work? How can I tell if my employer is treating me appropriately? At what point do I need a lawyer?

QUESTIONS AND ANSWERS: INJURIES

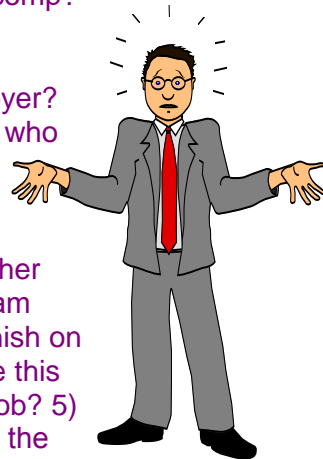
1) I hurt my back at work. The County/City sent me to their doctor, but I am not happy with treatment. Do I have right to see my own doctor? 2) My boss gave me a letter saying I abuse sick leave, that I am a bad example to others and threatening me with further disciplinary action. 3) I hurt my back at work and have been going to physical therapy appointments. Shouldn't this time be covered by workers comp?

QUESTIONS AND ANSWERS: RETALIATION

If I complain about a safety issue at work, can I be protected from retaliation by my employer? What if I am a "whistleblower" about a violation of law occurring at my job, or a co-worker who is committing a crime?

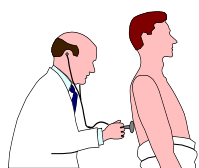
QUESTIONS AND ANSWERS: BILINGUAL PAY

1) Last week, our supervisor posted a policy prohibiting us from speaking any language other than English while at work. Is this legal? 2) What is a “business necessity,” anyway? 3) I am bilingual, but my County/City doesn’t provide bilingual pay. Can I be *forced* to speak Spanish on the job? Don’t public agencies *have to* provide bilingual pay if they want employees to use this talent? 4) Can the County/City REQUIRE someone to be bilingual in order to apply for a job? 5) My County/City provides bilingual pay, but only to one person in each department. I’m not the “designated” bilingual speaker, but I’m still called upon to translate. Can’t I refuse or don’t I have the right to insist on getting Bilingual Pay?



QUESTIONS AND ANSWERS: PERS

1) How is my retirement income calculated? 2) Can military service be counted as CalPERS prior service credit? 3) How does CalPERS provide for my spouse and children if I die before I retire? 4) How does CalPERS provide for my spouse and children if I die before I retire? 5) Q: What is the significance of "final compensation" and how is it determined? 6) I understand that PERS has lost millions in the stock market. Who does the investing? 7) Is there a mandatory retirement age in CalPERS? 8) What are the minimum requirements I need to meet in order to retire? 9) Does CalPERS provide a Cost Of Living Adjustment to my pension after I retire? 10) If employee retires out of state will he still be responsible to pay California state income taxes on his PERS income? 11) Can the employee raise his/her monthly percent of benefits after retirement begins? 12) When we negotiate our MOU, the City “charges” the yearly PERS contribution rate against our pay increases. How is the employers' contribution determined?



QUESTIONS AND ANSWERS: CHIROPRACTORS

1) The County/City has circulated a form to pre-designate a doctor for my treatment. They say that I can no longer pre-designate my chiropractor as my treating physician. Is this true? 2) I belong to a medical group under an HMO medical plan and I seldom see the same doctor when I go in. Can I simply designate the medical group as my primary treating physician?

QUESTIONS AND ANSWERS: CONFIDENTIALITY OF YOUR MEDICAL RECORDS

1) Can a potential employer ask me about my past injuries or workers' compensation claims? 2) Can an employer ask "third parties" questions about my workers comp history? 3) May an employer give psychological examinations to applicants? 4) Can medical information be kept in an employee's regular personnel file? 5) May an employer ask whether an applicant can meet the employer's attendance requirements?

QUESTIONS AND ANSWERS: WORKERS COMPENSATION

1) Can I return to my job after filing a workers compensation claim? 2) Can my employer terminate me after filing a claim for workers' compensation benefits?