

AFSCME DISTRICT COUNCIL 47-LOCAL 810

**AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA-COURT OF COMMON PLEAS PROFESSIONAL EMPLOYEES
1606 WALNUT STREET PHILADELPHIA, PA 19103 (215) 893-3754
Bob Zimmerman President Louise Carpino Vice-President Jeffrey Delago Treasurer Lisa Poe - Dickens Secretary**

March 8, 2007

Marc Flood, DPA/HR

Dear Marc,

Local 810 is increasingly concerned with issues concerning our members, most specifically in the areas of:

- (1) Sick Leave Policy**
- (2) FMLA Interpretations and Implementation**
- (3) Repeated Delays in Promotions**
- (4) Indiscriminate Implementation of the "Red Line" System**

SICK LEAVE POLICY

Local 810 sees the present FJD Sick Leave Policy as unnecessarily punitive in nature and arbitrary and capricious in dissemination and use. As you know from our numerous communications with you on this subject, Local 810 members come in close physical contact on a daily basis with a segment of the population that in many instances carry serious disease. Homeless individuals, HIV infected addicts and prostitutes, mentally ill individuals with exceptionally poor hygiene and sociopaths unconcerned with the spread of their diseases are examples of these types. As a consequence, Local 810 members run a greater risk of contracting illnesses than FJD employees confined to administrative positions. Nevertheless, FJD administrators have carved out a convoluted, complex sick leave policy that runs counter to and conflicts with all other sick leave policies for city employees who also are working with the same population (police, firemen, social workers, mental health workers, prison guards, etc.). Local 810 wants to know why our members are being treated differently than these other city workers when we are all exposed to the same kind of risks. Local 810 also wants to know why there is insufficient explanation disseminated about how this punitive and confusing policy is to be implemented. For instance, nowhere in the policy does it explain how to use non-consecutive non-FMLA sick days for the same illness without racking up countless "occurrences".

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Several months ago we submitted to you a Sick Leave Policy proposal that mirrored the city policies. These policies have been in place for over 13 years without change. You dismissed out of hand our proposal and never even allowed the AGB to be made aware of it. You did, however, later agree to forward our policy to the AGB if we requested, albeit with the disclaimer that you would NOT recommend it. WHY NOT?

FMLA INTERPRETATIONS AND IMPLEMENTATION

Consistently and persistently there are disagreements, denials, appeals and general mass confusion surrounding how Local 810 members can submit an FMLA form to Human Resources that will meet their ever changing requirements. In an effort to remedy this mass confusion, Local 810 asked Human Resources to conduct trainings for our members to clear up the issues and teach them how to fill out the forms to meet their requirements. This request was flatly denied. Instead, Local 810 was told that Human Resources had trained the supervisors (only at 1401 Arch Street location) and that the employees were to ask their supervisors for direction. However, and further proof of the complexity of the forms, the supervisors do not know how to fill out these forms and regularly send the employees to a Local 810 representative for guidance. Human Resources recently declared that they do not want to talk to Local 810 representatives about members' questions any longer. What are the members to do? Our members are being victimized and are severely frustrated and stressed out over this double bind. All of these problems surrounding the form were created when Human Resources switched from a one page form that they had been using for years and that the employees were familiar with to a 3 page form. This switch was done without any education of the employees and as stated above Human Resources refuses to train the employees on how to fill out the forms. Members are also burdened with having to have the same form filled out by the doctor a number of times until it finally becomes acceptable to Human Resources. Some doctors charge the members when they have to fill out these forms over and over again. Human Resources has also begun accusing members of altering or falsifying the forms when the member fills out a portion of the form and the doctor fills out the rest. This practice was always acceptable in the past and no member was given notice that the forms could no longer be filled out in this way.

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FMLA is a federal law intended to protect employees, not make them spend inordinate amounts of work time trying to fulfill unclear requirements. It was not the intent of FMLA to victimize employees and to create anxiety and emotional stress for them while coping with their physical illnesses. Local 810 members want to know why they cannot be trained to fill out the forms properly or, in the alternative, why the 1 page form that worked well for so long cannot be used again.

REPEATED DELAYS IN PROMOTIONS

On a frighteningly regular basis, Local 810 members do not receive promotions and increments in a timely manner. Months and months and months after these promotions and increments are due, the members are still not being paid. Human Resources summarily dismiss our concerns with the retort that all monies will be received “retroactively”. This is an absurd defense of dereliction of duty. Human Resources’ administrative tasks are being performed in an inefficient and slovenly way and Local 810 members are being made to suffer as a result. Local 810 is confident that administrators and management staff are not forced to wait for promotions and increments in this manner and demand that this double standard be eliminated.

INDISCRIMINATE IMPLEMENTATION OF THE “RED LINE” SYSTEM

Local 810 wants to know what the “red line” signifies and why it is only used sometimes in some locations, all the time in other locations, and none of the time in yet other locations. Again, what is the policy? Can everyone representing Human Resources agree to what the policy is? And after agreement is reached, can the policy be consistently implemented and promulgated properly? Does Human Resources know whether they consider our members salaried employees or hourly employees? What relationship does Human Resources claim that the “red line” has to whether our members are exempt or non-exempt employees? There is now no “red line” at 1401 Arch St. (although there was for years). There is a “red line” at 34 S. 11th St. There is a “red line” in some units at 1801 Vine, but not in others. There is no “red line” in Human Resources. Can someone please tell Local 810 what is going on and why?

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Local 810 members are also being subjected to a double standard regarding their base salary. In the 15 largest counties in the United States, our members' salaries rank number 10, while FJD administrators' salaries rank number 4. Our members are on the front lines working hard every day to keep our communities safe, while FJD administrators' are working to make our job even harder than it is by demoralizing our members through unreasonable, punitive policies and at the same time collecting proportionately higher salaries.

In closing, Local 810 would appreciate a timely and comprehensive response to this communication.

In Appreciation,

Bob Zimmerman, President
AFSCME Local 810
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