

UCA Meeting Minutes

07/15/2015

CWA Local 1180 Offices, Retiree Kitchen, 97 Hudson Street, New York, NY 10013

Meeting began at 7:30

Introductions – For new and returning members.

REPORTBACKS:

Working Conditions Success Story

Earlier this year, one of our contract attorneys was working on a project where management set forth a host of rules which included the instruction that there was to be no talking at work, regardless of whether or not the discussion was work-related. This, understandably, contributed to a climate of fear in the workplace. Some of the foreign-language contract attorneys on this project, who felt that they might have more leverage than others, approached management about this. Prior to the meeting with management, the attorneys agreed to leave the job if management was not amenable to doing away with the rule. During the meeting, management agreed that the contract attorneys would be allowed to talk at work within reasonable limits, but subsequent emails to the entire group of contract attorneys reminding them of the rules still included the restriction on talking while at work.

Shortly after these incidents, the UCA went public and appeared in the press, such as the Wall Street Journal. In one WSJ article, the restriction on talking was specifically called out by one of our members. Since this time, management at this agency has not repeated its request that workers not talk to one another while at work. It seems incredibly likely that this is a result of the concerted effort by the assertive contract attorneys at this agency combined with the public knowledge that there are attorneys organizing for better workplace conditions. Together, we can recapture our dignity and reduce the sense of fear we all face from time to time as temporary contract attorneys.

Health insurance

After a committee of three contract attorneys worked on this project, we have discovered that it is legally impossible for contract attorneys to come together and obtain a group rate for health insurance under the current law. Other "group plans" (such as those offered by the state bar) are not actually group plans -- they are just discounts available to members.

On a more positive note, one health insurance agency is putting together a list of individual plans for us, and we will continue to meet with them to determine if they will meet the needs of our member contract attorneys. We do know that health savings accounts can be opened in conjunction with these plans, and that they would be portable as they are not tied to an employer. We also still believe that we can work with ADP as the payroll processor to have payment for these plans taken out of our paychecks before taxes. A question was raised as to how intermittent work and pay would affect billing via ADP, and whether deductions could be taken out weekly.

Riseup listserv

As part of our efforts to facilitate discussion among our members directly, we are currently looking into setting up a secure listserv at riseup.net. We hope to have more information and a possible proposal regarding the listserv by the next meeting.

Mailing address

The CWA (where we hold our meetings) has graciously agreed to allow us to use their address for the purposes of sending and receiving physical mail. The address is: United Contract Attorneys c/o Ryan Bruckenthal, CWA Local 1180, 6 Harrison St, 4th Fl, NY, NY 10013.

Decision making

The UCA now has a formal process in place for making decisions as a group. After a detailed proposal was submitted before the group, with demonstrations and discussion, we have formally adopted a modified consensus process to help build solidarity. Please see the attachment regarding that proposal for more information.

Epiq/NLRB Complaint

We are awaiting a final response to the FOIA request we sent to the NLRB regarding a recent case brought by a contract attorney against Epiq Systems. According to an interim response, we should have more information by the end of July. A question was raised as to whether the FOIA request specifically asked for information on the distribution of the settlement notice to employees, and what constitutes an employee according to the NLRB given the temporary nature of the industry.

We have received news that people who were working for Epiq on June 5 did not receive the Notice to Employees regarding the settlement in the NLRB case even though it was supposed to be sent to all employees. One member contacted the NLRB about this, but the NLRB response was unsatisfactory. We will be issuing a call to action to our members to contact the NLRB for clarification regarding who is an “employee” under the terms of the settlement agreement reached between the complainant and Epiq in this case, advocating for broadening that definition to given that many contract attorneys juggle projects at more than one agency in a given year in order to maintain consistent work.

Epiq employment agreements

We have been told that Epiq is asking contract attorneys on their projects to sign certain agreements as part of their temporary employment. If anyone has any questions or concerns about these documents, or if you have had a similar experience at other agencies, please let the UCA know.

Overtime rule

The Department of Labor has proposed new overtime regulations which would extend overtime protections to workers who are not currently covered, increasing the base salary for qualification. The UCA intends to analyze the proposed rule and prepare a position statement which we will submit as a comment as well as circulate for signing amongst other workers' rights organizations, law firms and individuals, to continue to broaden our coalition, educate, and garner more support. One idea proposed by a member was to carve out an exception to the exemption for temporary attorneys, thus sidelining the practice of law question. If anyone has any feedback or would like to assist with the drafting of our position statement, please let us know.

The new proposed rule and form to submit individual comments to the DOL can be found here: <http://www.regulations.gov/#!docketDetail;D=WHD-2015-0001>

Next Meeting: Our next meeting is Wednesday, August 19th at 7:30pm in the retiree kitchen.

The general meeting adjourned at 9:00pm