

UCA Meeting Minutes

08/19/2015

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

Meeting began at 7:30; wraps, salad & chips were served

Introductions – For new and returning members.

NYC PTO/Sick Time Success Story

A reviewer was fired by a staffing agency from a Spanish project for asserting sick leave rights in September 2014. The reviewer was eligible for at least 20 hours of paid sick leave and requested 16. The agency denied the request by unilaterally deciding that the reviewer was only entitled to 14 hours based on an average of the reviewer's daily hours. The reviewer immediately contacted the Department of Consumer Affairs (DCA) to verify if this was true, to which DCA replied that this was not an enforceable policy. When the reviewer relayed this to the agency, they immediately recanted, claimed a misunderstanding of the law, and then stated they would grant the 16 hours as an "exception." The reviewer replied that they weren't looking for an exception but rather compliance with the law.

One day after the reviewer returned from taking sick leave, they were fired from the project without explanation. The reviewer immediately filed a complaint against the agency and sought assistance from United Contract Attorneys. A UCA member provided a supporting witness affidavit that corroborated the reviewer's claims with the advice of a volunteer labor lawyer. The DCA investigated their actions and eventually found, after reviewing the agency's correspondence and the supporting affidavit, that the agency's actions were in fact retaliatory. The agency agreed to a financial settlement that included restitution and penalties and an amendment to their sick leave policy.

The law was designed to help people such as contract attorneys, and it's unacceptable that temp agencies feel entitled to withhold this benefit that we are legally entitled to by firing and threatening reviewers. While the investigatory process can be long, it is well worth it if it sets the tone that such reprehensible behavior will not be tolerated by contract employees or the DCA.

If you have experienced retaliation for asserting sick leave or feel as though your rights have been violated, you can file a claim with the DCA. You can do so by visiting this link at <http://www1.nyc.gov/site/dca/about/paid-sick-leave-employees.page>. For the complaint form, please visit: <http://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeave-ComplaintForm-English.pdf>. You may also seek assistance by contacting United Contract attorneys. Your agency is required by law to furnish you with a copy of the official city sick leave policy.

Agency Policies and Agreements

The story above lead to a discussion of the importance of obtaining all of the agency's policies and any document a contract attorney must sign when beginning an assignment with a new agency.

Riseup listserv

As part of our efforts to facilitate discussion among our members directly, we are setting up a secure listserv at riseup.net. More information is coming soon.

Credit Checks

A member brought up that there would soon be new rules regarding the use of credit checks when making employment decisions. [You can read more HERE](#). It is unclear whether contract attorneys would fall under the exemption in the new credit history law for "Non-clerical positions having regular access to trade secrets, intelligence information or national security information."

Confidentiality

A member suggested that it might be good idea to have an explicit policy regarding confidentiality in order to facilitate better communication and protect individual contract attorneys.

It was then decided that the email signature for the UCA email, united.contract.attorneys@gmail.com, would include the footer which already appears on the website: "Under the National Labor Relations Act, it is ILLEGAL for employers to spy on peaceful work-related organizing activities and gatherings."

Press Coordinator

Valeria Gheorghiu offered to serve as the press coordinator for the UCA. Press inquiries can be directed to united.contract.attorneys@gmail.com or valerialexia@gmail.com.

Overtime rule

The Department of Labor Wage and Hour Division proposed new overtime regulations which would extend overtime protections to workers who are not currently covered. One member gave an overview of the overtime comments, having read and analyzed them in their entirety. Another member proposed to help draft a targeted and more effective comment to be distributed to the email list for the purpose of encouraging other attorneys to submit comments to DOL (WHD), pending the UCA's final comments submission, before the Sept 4 deadline. Discussion ensued and the proposal was approved. The UCA sent out a call to action and drafted a position statement which we then submitted to the DOL WHD. [You can read the entire position statement here.](#)

Organizational Structure

The Organizational Structure Committee scheduled a committee meeting to take place via conference call to discuss our organizational structure, and they plan to report back with a proposal at the next meeting.

Next Meeting: Our next meeting is Wednesday, September 16th at 7:30pm in the retiree kitchen.

The general meeting adjourned at 9:00pm