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A NOTE FROM THE VP OF PROFESSIONAL STAFF AND LIBRARIANS

Members

As our summer days get shorter, and vacations draw to a close I want to welcome each one of you back to the campus and to our AFT Local 1839 community. I sincerely want to thank those who elected and voted for me to serve as your in-coming AFT Vice President of Professional Staff and Librarians.

It pleases me to see our university growing in so many ways. Our new dormitory on our West Side Campus is now occupied. Some of our buildings like Vodra hall and the Science Building are being renovated to meet on-going campus needs.

Because change is constant and inevitable, beginning now, I want to inspire by asking you to keep three sure-fire union things in mind.

- Our AFT Union Local 1839 is STRONG
- Our Aft Union Local 1839 is SUPPORTED
- Our AFT Union Local 1839 is GROWING

As a union of solidarity, we must work together; therefore I further encourage us to

- KNOW your rights
- ATTEND all AFT meetings

Let me express CONGRATULATIONS to our AFT Members who received their promotion this year. If you want to share your goods news, please let us know. I strongly encourage all others to start putting their promotional portfolio together.

“Let our change for our good.”

My Best,
Naomi Wright
VP Professional Staff & Librarians
American Federation of Teachers
Local 1839

ON THE LABOR FRONT

The United States Supreme Court said this spring that public employees who are demoted for political beliefs (whether they hold them or not) have the right to take their bosses to court and seek damages. The case grew out an incident in 2006 when a Paterson detective was demoted to patrol officer for posting a campaign sign for the mayor’s political opponent on his mother’s lawn. The detective posted the sign at his sick mother’s request, but the mayor incorrectly saw posting the sign as backing his opponent.

In a 6-2 decision, the high court said “[w]hen an employer demotes an employee out of a desire to prevent the employee from engaging in political activity that the First Amendment protects, the employee is entitled to challenge that unlawful action under the First Amendment, even if, as here, the employer makes a mistake about the

employee's behavior." Lower courts had ruled in favor of the city, saying the detective weren't violated because he wasn't exercising his right of free speech, just putting up the sign for his mothers. Labor law attorneys had feared that if the Supreme Court ruled in favor of the employer that public employees could have faced retribution for even associating with people or political groups. (*The Record*. April 27, 2016)

LABOR NEWS OF NOTE

RECORDING DEVICES AT WORK

The National Labor Relations Board (NLRB) is telling employers they're not allowed to implement work rules that forbid employees from recording company meetings and co-worker conversations unless there is a legal or business justification for the policy. The decision came out of two cases dealing with Whole Foods.

The company had a policy that forbade recording conversations unless the worker had obtained the green light from their store manager, a regional manager or higher ups. Whole Food's rationale was that recording conversations had the potential to "inhibit spontaneous and honest dialogue, especially when sensitive or confidential information are being discussed."

But the NLRB rejected Whole Food's reasoning, saying that employee recordings or photography are protected activities under Section 7 of the National Labor Relations Act. In announcing its decision, the NLRB said protected activities under the law including recorded images that document hazardous work conditions or "inconsistent application of employer rules." In that case, the recordings could serve as evidence later on.

SECURITY MANAGEMENT-American Society for Industrial Security-April, 2016.

SOCIAL MEDIA POLICIES

Employers do not have the right to tell employees they must remove social media postings from their personal accounts if those postings are critical of conditions at work, according to an NLRB judge. The case stemmed from an incident in Pennsylvania where the National Director of Social Media for the Chipotle restaurant chain came across complaints by a worker. The company's social media policy said that their social media team was solely responsible for all Twitter and related activity. Among other things, the prohibited disclosing confidential information, making false or misleading statements about the company taking photographs or videotapes of activities that occur in the non-public sections of the restaurant. Violators faced actions, up to and including termination.

The employee in question was required to delete the critical posts from his account. He complied but then was fired a week later. His Union (Pennsylvania Workers Organizing Committee) filed suit on his behalf. The judge ruled that an employer cannot prohibit employee postings that are false or misleading, unless they rise to the level of "malicious motive" which means the statements were made with the knowledge they were false and that the complainer acted with "reckless disregard" for whether they were true or not.

The judge also said that Chipotle's statements about confidentiality were too general and could easily be construed to restrict workers of their rights under the National Labor Relations Act. Chipotle was ordered to tell its employees at 9 locations that the company could not tell employees to delete their social media postings about wages or working conditions and it couldn't do so "in the first place."

SECURITY MANAGEMENT.....July, 2016

Employers do not have the right to tell employees they must remove social media postings from their personal accounts if those postings are critical of conditions at work, according to an NLRB judge.

GOOD TO KNOW

“THE END OF PERFORMANCE REVIEWS?”
SECURITY MANAGEMENT (August, 2015)

Whether they happen yearly, every other year, or even every few years, performance evaluations are a source of aggravation. In most cases, employees spend time trying to capture the essence of what they accomplished since the last evaluation, while supervisors have to evaluate 12 or more months of work, in many cases, for multiple employees. So it becomes a matter of “who did what, where, and when?”

According to an article written for the *American Society for Industrial Security* (ASIS), it gets worse. The formal structure of the reviews, it says, makes it hard for workers and bosses to have an open dialog. “...most of the time, performance evaluations feel like a sit-down grilling of employees based on what mistakes they’ve been making throughout the year.”

Finally, the playing field is not level. You might get superior ratings from your current boss. But if a new manager comes in and what had been superior is only average, or worse. Or the boss may spend time down-playing what you consider to be your accomplishments. In other words, a type of management by “gotcha.”

The *ASIS* article says though, these types of evaluations may be on the way out in favor of a coaching model that works with employees to build up their strengths. At ADP, the payroll processor, for instance, they’ve turned the 80-20 evaluation ratio of weaknesses to strengths upside down. Managers are urged to spend 80% of their time working with employees to strengthen what they already do well and working on fixing weaknesses the remaining 20%.

FOOD FOR THOUGHT

EDITOR’S NOTE:

The following is an excerpt from the President’s Message from NJ State PBA President Patrick Colligan entitled, “Dear Trenton: a race to the VERY Bottom” which appeared in the April, 2016 issue of *NEW JERSEY COPS*. His full message is about his unhappiness with the recent financial bailout legislation for Atlantic City.

But it also speaks to a more crucial point for all public sector workers who form the backbone of the middle class and who provide the services necessary for society to function effectively. Public sector jobs used to be the gateway to the middle class, but as PBA President Colligan notes, these jobs, and our society, are in jeopardy because of privatization.

I was born and raised in this great state. I grew up squarely in the middle class. I grew up when a turnpike toll collector made enough with some overtime to own a home, own a couple cars and put some kids through college. The turnpike still somehow booked plenty of cash. Same thing with a parks supervisor and ditto for someone in a trade or warehouse.

These were great days. Food stamps were unheard of and hidden when they were used. Section 8 was the section on a test after Section 7. WIC was how you lit a candle.

Now we have this race to privatize. Let’s roll through the greedy public sector and abolish those making a livable wage picking up the trash, cleaning a park building and give it to a private company. The last of the middle class will be offered a job with the company awarded the contract. Fairly awarded of course: \$8.38 an hour with no pension or benefits...

...We will create an entire state of Walmart greeters who all need public assistance. How come nobody ever calculates the cost of state and federal housing when these things are done? Is the state suddenly flush with welfare cash? Is Medicare trying to blow all its extra money? Do landlords donate their property for free to the feds? Are hospitals doubling their ‘Charity Care’ budgets? Can somebody PLEASE figure out what the real costs are?

There was a time when public sector jobs were sought after and respected. High school student government and/or class presidents aspired to jobs as teachers or in public service. But now, public sector workers are demonized when they seek living wages.

The same unfortunate circumstances also prevail in higher education. New Jersey’s state college and state university system has made it possible for countless residents to achieve their goal of a college degree, many times becoming the first members of their family to earn a Bachelor’s Degree. But over the years, the percent of the state budget devoted to higher education has shrunk while politicians have jumped on a bandwagon that blames middle class university employees as the cause of higher education’s problems.

Just a bit of food for thought: Has anyone noticed that the campaign against “greedy” public employees is being financial and directed by millionaires?