



DMLSA Newsletter

Spring, 2023

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Treasurer's Report

Current checking: \$12,742.77
Savings: \$267,118.20
YTD Income 2023: \$26,287.79
YTD Expenses 2023: \$22,134.96
YTD NET Income 2023: \$4,152.83



Martha Ballinger at the WAGE
Conference in Tucson, AZ

FMLA and ADA – What are they, and how do you use them?

While many people use these two terms interchangeably, they are two different programs with different goals, rules, and methods of implementation. Some situations qualify for both, but many other situations can only use one of these programs.

FMLA is the Family Medical Leave Act, which allows you to take leave and protects your job when you have the need to take extended time off work due to a serious health condition of yourself or a qualifying family member. Your job is protected when you use up to 480 hours of leave (pro-rated for part-time) per rolling year period. This leave will be paid leave if you have sick leave or vacation time available, or unpaid leave if you have exhausted your PTO, or a combination of the two. During unpaid leave, you are responsible for paying your portion of the library's health insurance plan premiums if you are enrolled in that program.

In order to be eligible for FMLA from the Library, you must meet two criteria – you must have been an employee of the library for at least 12 months, and you must have **worked** at least 1250 hours during the previous 12 months prior to date of leave requested (vacation and sick leave hours do not count). A serious health condition may include inpatient care, continuing treatment for incapacity (of three days or more), chronic conditions, pregnancy and childbirth/adoption, or conditions requiring multiple treatments (in person doctor visits). Qualifying family members for whom you may request this leave in order to provide care for them include spouse, parent, minor child, or older child incapable of self-care.

In either case, whether it is for your own health needs or those of a family member, an FMLA form needs to be filled out by you and the health care provider indicating the nature of the need, the amount of leave needed, and whether the leave needs to be continuous or intermittent. Intermittent leave typically needs to state average frequency of incidents and length of occurrence (for example, two times per month for one or two days at a time). The library may request additional information from the provider, and they may also request a return to work certification at the end of the leave.

ADA is the Americans with Disabilities Act, which protects people with disabilities from discrimination. Many laws and rules are in place for businesses and government buildings to provide accommodations to make their facilities accessible to those with disabilities, including use of service animals, handicap parking spots, restrooms which can accommodate wheelchairs, ramps or elevators provided rather than only stairs, etc. These laws protect members of the public as well as employees of these organizations. There are also Ohio State laws regarding disability discrimination, which may differ from Federal laws.

In the context of employment, someone can request an ADA Accommodation if they have a disability or chronic condition which causes an impairment preventing them from being able to fully perform the duties and responsibilities of their job. This does not include any requirement of length of time worked at the Library prior to the request. A request for this accommodation needs to include documentation from a doctor indicating which specific aspects of the job are not able to be fully performed, and the doctor or the individual then suggests possible accommodations which the library could provide that would allow them to adequately perform those duties. For example, for someone who is unable to stand for an extended period of time, an accommodation might be to provide a chair or stool to use at service points where co-workers might normally stand. Or, for

someone whose condition means that they are unable to work an 8-hour day, an accommodation might be to work a reduced-hours schedule.

How to request and use –

Proper paperwork must be submitted to HR (JBrookshire@daytonmetrolibrary.org) to request either FMLA Leave or ADA Accommodation. Please feel free to get in touch with DMLSA first and, if you request our assistance, we can help you figure out which form you need and give you advice on filling it out properly. Also, after you have submitted the form, if there are follow-up meetings required with HR regarding your situation, we will be glad to accompany you to those meetings if you like.

An ADA accommodation request may require several meetings and discussions to develop a reasonable accommodation(s) that is acceptable to both parties.

If you are approved for FMLA, you need to be clear whenever you are requesting time off whether it is FMLA related or not so that they can properly track your usage. HR can also provide you with information regarding your FMLA usage status.

-Lori Rotterman, DMLSA President

Calamity Pay & Accident/Incident MOUs

Two different Memorandum of Understandings (MOU) have been negotiated between the Library and DMLSA since our last edition of the newsletter. Both MOUs provide additional benefits to bargaining unit staff than what were prescribed in the Collective Bargaining Agreement.

The first MOU in regards to calamity pay was signed off back in November, 2022. Article 26, Paragraph D has been amended as follows:

Bargaining unit members whose facility is closed due to any emergency or calamity as a result of issues beyond the Parties' control will be sent home and paid for their full day's pay. Bargaining unit members who are to report later in the day will be notified in accordance with Paragraph A and will not be compensated if a closure or delay does not result in missed hours.

The language about bargaining unit members being reassigned to another location or department during the closure has been deleted.

The second MOU in regards to Accident/Incident Pay was signed off on April 14th, 2023.

The parties agree as follows:

1. In the event an employee is injured or otherwise impacted by a workplace incident, the employee may request "Workplace Accident/Incident Pay" as described herein. Such pay will be provided at the discretion of management. In the event of an accident or incident in the workplace and if the employee believes that the employee is not able to continue to perform the employee's duties, the employee shall communicate the desire to leave work for the remainder of the employee's shift to the employee's supervisor or manager. The supervisor or manager will contact the HR Director, the Deputy Executive Director, or their designee who shall make the decision regarding compensation for the remainder of the shift based on the nature of the accident/incident.
2. In the event management agrees that such an accident/incident has impacted the employee's ability to continue to do the employee's job for the day, the employee shall

receive “Workplace Accident/Incident Pay” for the remainder of the employee’s shift on that day. In the event the pay request is denied, and the employee still wishes to leave for the day as a result of an accident/incident, the employee may leave and use accrued paid time off for the remainder of the shift. The Library’s decision whether to grant such compensation is subject to the grievance process contained in the CBA up through and including Step 2 only.

An example of how the Accident/Incident Pay is as follows: Mr. Baldwin has an incident with Ms. McGillicutty after Mr. Baldwin asks her to leave for the day because she didn’t pick up her trash in the Quad she was using. Ms. McGillicutty proceeds to spit in Mr. Baldwin’s face as she’s leaving the library. Mr. Baldwin goes to the staff workroom to fill out an incident report and forwards the incident report to his supervisor. Mr. Baldwin is visibly upset after the encounter and asks his supervisor if he can leave for the rest of the day and be paid the Accident/Incident Pay. Mr. Baldwin’s supervisor reaches out to the HR Director requesting Accident/Incident Pay for Mr. Baldwin after explaining what happened with Ms. McGillicutty spitting in his face, as well as forwarding a copy of the incident report. The HR Director approves the request and the Accident/Incident Pay is added to Mr. Baldwin’s timesheet in Novatime.

Please contact Lori Rotterman or Jared Baldwin if you have any questions about either MOU.

-Jared Baldwin – DMLSA Vice President/Chief Steward

United Healthcare Motion Program

I walk my dog every day, several times a day. We get up early each morning and do our stroll- him sniffing all poles, trees, and mailboxes, and me just hoping he’ll hurry up and poop! Walking him around my yard is over 1,000 steps each time.

Now with the new Motion app through our UHC insurance, I can actually get paid for taking my dog outside. To sign up go to myUHC.com and log in with your username and password. Go to Additional Health Resources and select Motion: Move More, Make More. Once you sign up to be part of the motion program you automatically receive \$55 in your account. You can use this money to purchase a Fitbit directly from the site or you can leave it in your account.

There are 4 different ways to earn up to \$3 a day just by exercising:

Frequency- take 6 brief walks a day an hour apart. These walks must be over 300 steps in five minutes or less.

Intensity- Take 1 brisk, airport-paced walk. (3,000 steps within 30 minutes, averaging 100 steps/minute) or track at least 30 continuous minutes of your favorite workout activity on your activity tracker.

Tenacity- Take at least 10,000 steps in a day. (The activity tracker will reset at midnight.)

FIT- You could earn up to \$1,095 in a year just for walking!

Participation- As a reward for syncing your device each day, you will be credited \$0.25 each day that you log at least 2500 steps. If you go on to achieve either your F, I, or T goal, this \$0.25 credit will be rolled into the first goal you achieve in a particular day.

So far, I have earned over \$70. When you sign up you can choose to have your earnings paid to you in gift cards or rolled into your HSA account. To change where you want your money to go, after you log in go to your account information in the top right corner of the webpage. Click on settings and then click on Motion Incentive Distribution. Amounts are paid out quarterly.

Participating in the Motion incentive has encouraged me to get up and walk because now I have a great enticement- I like earning money! A bonus to participating in the Motion program is it also makes me healthier.

Let's get moving!

-Christy Trent, DMLSA Treasurer

WAGE Conference in Tucson, Arizona

I had the privilege of attending the WAGE (Working Assembly of Governmental Employees) Convention in Tucson, AZ on March 9-11th. The conference started on Thursday with a spirited Board of Directors meeting, where we discussed the location of the next conference for October. The next day, we had opening remarks from Marshall Terry, the WAGE President, and others. Then we had a presentation about holding critical conversations, and the importance of listening and framing your words very carefully when having these discussions. A good part of the day was then the presentation of the affiliate reports, from the Virginia Governmental Employees Association, Las Vegas City Employees Association, Dayton Metro Library Staff Association, Glendale City Employees Association, Carson City Employees Association, San Luis Obispo County Employees Association, Washoe County Employees Association, and California Association of Psychiatric Technicians. Many representatives of WAGE affiliates talked about their challenges during COVID and difficulty hiring and retaining workers. A motivational speaker, Jean Steel, made remarks about managing change and finding resilience. Ronald Lira, from the Glendale City Employees Association, provided a presentation about generational differences in employee recruitment and retention strategies. Turns out, every cohort from Gen Z on up wants different types of encouragement from their employers. There was a social event and overall, a very successful conference.

-Martha Ballinger, DMLSA Secretary

SERB Academy

In December of last year, Jeanette Dohner and I were given the opportunity to attend the annual SERB Academy. SERB, or State Employee Relations Board, is responsible for administering the Ohio Public Employees' Collective Bargaining Act. It's a great resource for those of us in the public sector who participate in collective bargaining.

Last year's SERB Academy was a two day program, during which we heard from SERB Board members, mediators, lawyers who specialize in labor law, and more. On the first day of the Academy we heard a great presentation on what actually counts as an unfair labor practice under the law, we learned the steps that need to be taken before a labor force can participate in an authorized strike, and, the portion of the day that I found most interesting, we participated in mock bargaining

agreement negotiations. This last exercise was quite eye-opening. The majority of the attendees were Human Resources professionals, so it was interesting to see their approach to negotiating.

The first day of the Academy was certainly informative, but it was the second day that I found to be the most illuminating. The primary focus of the day was the resources available to us when entering into bargaining agreement negotiations. SERB compiles contracts from public sector organizations throughout the state. When we go into negotiations next year, we'll be able to ask SERB for data on the raises, bonuses, and benefits that other Ohio public employees are set to receive. There are 3,519 contracts currently filed with SERB according to the information packet I received in December. That's 3,519 contracts at our disposal, giving us the information we need to create fair and reasonable requests when it comes to negotiating our own bargaining agreement. I'm certainly looking forward to utilizing this resource in the future.

The SERB Academy may not be everyone's idea of a good time, but if you're interested in becoming more involved with the union or with the contract negotiation team, I would highly recommend it. Please feel free to reach out to the Executive Council if you'd be interested in attending this year's Academy.

-Chelsea Yergens, DMLSA Membership and Communications Officer

WAGE SCHOLARSHIP OPPORTUNITY



Because DMLSA is a member organization of WAGE, there is an opportunity for a scholarship of \$500 for one of our members or their children who will be attending a college or university.

Each union can submit one application each year for consideration. DMLSA will evaluate all applications we receive and forward the best candidate to WAGE for their consideration. If awarded one of the scholarships, the funds would be paid directly to the institution in the name of the student. The deadline for submitting the completed application to us is **June 1st, 2023**.

In addition to completing the application form, the applicant would also need to include 2 written references from non-family members, the most recent school transcript, and a one-page essay on why this scholarship is important to them. The scholarship form can be downloaded from: <https://wage.net/scholarship-information/>

After completing the application, please send the application form and all of the other required materials to Lori Rotterman in the Special Collections Department through inner-office mail. Applications which are not complete cannot be considered. Please feel free to get in touch with lrotterman@dmlsa.org if you have further questions.

The following information is from the WAGE scholarship guidelines.

Scholarship Procedures - The Working Assembly of Governmental Employees (WAGE) Board of Directors has established an annual scholarship fund for award to a WAGE affiliate that has qualified nominees. Two scholarships of five hundred dollars (\$500) each to be used in the ensuing school year will be awarded. Eligible nominees shall be a member of, or a first-degree dependent of, a member organization in good standing of WAGE. Each member organization of WAGE shall be allowed ONE nominee as representative of the organization. Such nominees shall be qualified under the rules outlined in the scholarship application. All nominees shall be valued in the following areas:

- Character
- Leadership qualities
- Service to others
- Financial need
- Scholastic ability
- Initiative.

-Lori Rotterman, DMLSA President