

Vice Presidents Report
August 2009

Submitted by Craig Dameron

CWA Members prevail in Washington State Department of Labor Complaints.

My report this month will center on the Washington State Department of Labor's final disposition of their investigation of complaints against Qwest Communications regarding violations of the Washington Family Care Act.

Between February 2003 and December 2004 multiple CWA Local 7800 members filed complaints with the Washington DOL, alleging that Qwest Communications had violated their rights under the Washington Family Care Act – RCW 49.12.270.

The Washington Family Care Act re-enforced the Federal Family Medical Leave Act, insuring all Washingtonians that they would be covered by the provisions of the FMLA, no matter what the Federal Government did. At the time we were under an anti labor administration that was trying to eliminate Federal FMLA like they had done with the Ergonomics.

In addition to the provisions of the FMLA, the WFCA also allowed employees to utilize their earned ill time to care for family members with out being disciplined.

The complaints filed by CWA Local 7800 members, ranged from being forced to utilize entitlement time to being disciplined for using ill time under the WFCA.

In 2005 Bargaining we saw Qwest's first reaction to the complaints. Qwest pushed to change the language in Article 12 of the CBA from Sickness Payments First Week of Absence to Illness Absence – Wage Replacement.

Qwest was hopeful that this language change would alleviate them from their responsibility to the WFCA. This language has yet to be tested through a complaint.

On July 29th, the Washington State DOL closed two (2) of the complaints, after issuing citations to Qwest for failure to comply with the Washington State DOL Regulations. Qwest appealed those citations, and each was ultimately upheld for procedural reasons. Qwest paid the fine of \$250.00 stated on each citation.

The Washington State DOL continued to attempt to negotiate with Qwest in order to restore benefits to employees listed in the citations and reverse any disciplinary measures taken based in part on protected family care absences. This would have included restoring entitlement time to employees forced to use

such time in lieu of receiving pay under Article 12 for family care absences, as well as removing written warnings from employee's personnel records.

Qwest was unwilling to take such actions.

Based on the current language of the statutes and regulations, the Washington DOL felt that they lacked sufficient authority in this case to compel Qwest to restore benefits and reverse disciplinary measures.

Four (4) of the complaints still remain open and are in the process of legal proceedings.

Grievances that were filed at the time of the complaints were placed in abeyance with the company pending outcome of the Washington DOL investigations and legal proceedings.

Now that two (2) of the complaints have been closed, District 7 Staff Rep, Rick Sorenson has contacted Qwest Labor Relations, with a request to re-open two (2) of those grievances.

It has been a long 6 years, the system is slow, but in the end justice does prevail. Remember anything worth having is worth waiting for.

Respectfully Submitted,

Craig Dameron
Vice President
CWA Local 7800