



THE SEAGULL POSTSCRIPT



The Official Newsletter of the Collier County Association of Educational Office and Classroom Assistant Personnel (CCAEOCAP)

Affiliated with the Florida Education Association/NEA/AFT

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YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCED NOTICE AND MEDICAL CERTIFICATION

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable".
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan".
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.

- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For additional information, contact *Dan Davidson at 377-0001*.

SAVE DAYS - SAVE MONEY!

It's the middle of April. Your last real day off seems like months ago. Family is visiting from out of town. It's an early release day, so it's not much of a day for you at work anyway. You decide on the spur of the moment to take the day off to clear your head and enjoy your family. You did not plan for this, so you can't take a personal day. You decide to call in sick.

Most of us have at least considered doing this given the circumstances above. You have contractual sick days and personal days and you are entitled to every single one of them. However, consider the ramifications of this decision: For those of us who did make the call and took the day, this day off could end up costing a lot of money in the future.

If you made this decision as a first-year employee at Level A on step A 13 years ago, you were paid your hourly rate of pay for this contractual sick day (\$85.84). If you left CCPS this year after 13 years in the district, you would have been paid \$146.40 for that sick day you took 15 years ago.

If that employee started at Level A on step A 30 years ago, saved just five sick days per year, and left the district today at the top of the scale, he/she would cash out with \$25,560 (\$170.40 per day for 150 days). Not a bad way to begin your retirement!

Here's the contract language (please see Article 12.03 for the complete provision):

Section 12.10 Terminal Pay: Effective July 1, 2004, Terminal Pay will be paid to an EMPLOYEE (or his beneficiary if service is terminated by death) in accordance with the following conditions:

(Cont on Page 2)

(Cont from Pg 1)

(a) Years of service:

- (i) During the first 3 years of service, the hourly rate of pay multiplied by 35 percent times the number of hours of accumulated sick leave.
- (ii) During the next 3 years of service, the hourly rate of pay multiplied by 40 percent times the number of hours of accumulated sick leave.
- (iii) During the next 3 years of service, the hourly rate of pay multiplied by 45 percent times the number of hours of accumulated sick leave.
- (iv) During the next 3 years of service, the hourly rate of pay multiplied by 50 percent times the number of hours of accumulated sick leave.
- (v) During and after the 13th year of service, the hourly rate of pay multiplied by 100 percent times the number of hours of accumulated sick leave.

Again, sick and personal days are there for you to use if you need them and you should not feel bad about taking them – it’s your contractual right! However, if you’re on the fence about really needing that day off, our advice is to try your best to hold on to that day and make it work for you later!

CALENDAR OF EVENTS	
3/9 - 13	SPRING BREAK
3/13	OFFICE CLOSED
3/16	NO STUDENTS
3/19	TIGER Roundtable 4:30pm Assoc. Office
4/9	OCAP Monthly Meeting 5:30pm Assoc. Office

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United States
Census 2020

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The Seagull Postscript is the official publication of the Collier County Association of Educational Office and Classroom Assistant Personnel located at 6710 Lone Oak Blvd., Naples, FL 34109.

Office Hours: 8:30am - 4:30pm Monday - Friday
Phone: (239) 592-7773 **Fax:** (239) 592-6484
E-mail: collier@floridaea.org
Website: www.ccea-ocap.com

Connie Steed President/Editor
SteedCo@collierschools.com

Jonathan Tuttle Executive Director
Jonathan.Tuttle@floridaea.org

Lyle Farmer Member Rights Advocate
Lyle.Farmer@floridaea.org

Rhonda Shimel Office Manager
Rhonda.Shimel@floridaea.org

MEMBERSHIP DRIVE

WIN A FREE 65" TV

The Membership Drive ends on May 8th. The Winner will be selected in a random drawing at the May 14th OCAP Meeting.

Get entries into the drawing by:

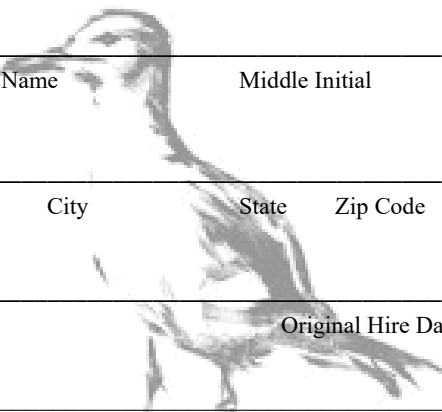
- ◆ Recruiting OCAP Members
- ◆ Attending Monthly OCAP Meetings

Recruiters of new* members will receive a \$50 bonus in addition to the contest entry. (*Not previously enrolled in OCAP.)

Collier County Association of Educational Office & Classroom Assistant Personnel (CCAEOCAP)

MEMBERSHIP ENROLLMENT FORM

Last Name	First Name	Middle Initial
Mailing Address	City	State Zip Code
Phone	Original Hire Date	
Home E-Mail Address:		



Employee ID: _____
School Worksite: _____
Payment Plan:
___ Cash [Check # ___]
___ Payroll Deduction
FOR OFFICE USE ONLY
DB: _____
CCPS: _____
RB: _____

I hereby authorize the District School Board of Collier County, according to arrangements agreed upon with the CCAEOCAP, to deduct from my salary and transmit to said Association such dues as annually certified by said Association. I hereby waive all rights and claims to said monies so deducted, except as noted below, in accordance with this authorization and relieve the School Board and all its officers from any liability therefor. This authorization shall remain in full force and effect for all purposes while I am employed by this school district or until revoked by me upon thirty (30) days advance written notice to the School Board's Business Office and said Association. The annual dues payments earmarked for the Collier County Education Association may be deductible as a miscellaneous deduction for federal income tax purposes.

Employee Signature _____

Date _____

Recruiter's Name _____

Date _____