

SBUT ANNOUNCER

South Bay United
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PREDESIGNATE!!!

and other Workers Comp information

If you suffer an injury at work and wish to see your own doctor for care, you must have **pre-designated** your physician prior to the injury.

It is not enough that you submit a name of a doctor you would like to see, you must have actually *been seen* by the doctor.

A pre-designation form can be found on the www.sbut.org website at the "resources" link.

Give a copy of the form to the Human Resources Department, and keep a copy for your records.

Workers Compensation legal firm *Gordon, Edelstein, Krepack, Grant, Felton & Goldstein* share 10 Tips to Protect Yourself in the event of an injury at work:

1) The California Labor Code allows employees to pre-designate a physician prior to an industrial injury. By doing so, the employee has the right to be treated by that physician from the date of injury until treatment is concluded. That doctor must be the employee's regularly treating physician who maintains the person's medical records and who is willing to treat him or her in the event of an industrial injury.

2) It is extremely important to keep a copy of your physician pre-designation form for your personal records in the event that you are later injured on the job. Do not as-

sume your employer will keep a copy of it.

3) Report your work-related injury or illness, regardless of the nature or severity, to your supervisor immediately. Request an "Employee's Claim for Workers' Compensation Benefits" form from your supervisor. Fill out the "Employee" section of the claim form accurately and return it to your supervisor as soon as possible. Be sure to indicate all the parts of your body you feel may be affected or hurt by the work-related injury or illness.

4) Keep a copy of the completed claim form as your receipt. Request that your employer return the claim form to you with the "Employer" section filled out. According to the law, your employer has 24 hours to return the completed form to you.

5) You will undoubtedly be asked to be evaluated by a state panel Qualified Medical Examiner. If you ignore the process, the employer will pick the physician for you. If you participate in the process, you have a say in which doctor evaluates your injury; this evaluation impacts your treatment and monetary compensation. (Call the office for a referral to an attorney who can help with this process).

6) Not all workplace injuries are orthopedic in nature. Hypertension, high blood pressure, diabetes, respiratory illnesses, skin cancer, toxic

exposure and stress injuries can result from employment. If you have such symptoms, it is important to consult with your physician. Further, if you believe your symptoms are work-related, you have an absolute right to file a Workers' Compensation claim for them. Some conditions may be merely aggravated by employment. This still qualifies as an industrial injury and you have the right to file the claim for the aggravation of a pre-existing injury.

7) Keep accurate records of the following:

- Days off work
- Dates of all medical treatment
- All round-trip mileage incurred for the medical treatment
- Receipts for all out-of-pocket medical and prescription costs

8) Write down all facts about any injury or illness you suffer at work.

9) Review the facts of any work-related injury or illness as soon as possible with an attorney who specializes in Workers' Compensation law. New laws have shortened many deadlines, and early missteps can seriously affect your rights.

10) Do not abuse the Workers' Compensation system. Injuries or illnesses that are not work-related should not be reported. All statements and facts that you provide must be accurate and true. Filing a false or fraudulent Workers' Compensation claim is a felony under California law.

All Is Not Always Fair in California Public Schools

If you are working in a school you like with a principal who values your input and ideas and you feel like a partner in the workings of your school or office, you may not ever feel like you are being treated unfairly. Some of your colleagues, however, have experienced treatment that *is* unfair—some of it rising to the level of violating the law.

California school districts and the educators who work in them have bargaining law called the Educational Employment Relations Act or EERA—also known as the Rodda Act after the state senator who authored it over 40 years ago. EERA contains the rules by which your Union is recognized as the Exclusive Representative and what can be or what *may* be negotiated. It also sets the standard for the business relationship between the District and your Union.

Under EERA, both sides must negotiate in order to arrive at a Collective Bargaining Agreement or CBA. This Agreement puts in

writing things like salary schedules, benefits, calendars, class size, and hours of work among other things. Your Union is the Exclusive Representative as far as bargaining a contract for certificated staff in your school district. No individuals in the bargaining unit (everyone for whom the contract applies) are permitted to go in with administration to bargain for themselves. The District has a duty to give information over that is requested by the Union if it is relevant to negotiating a fair contract—and what isn't? If school districts do not provide the information requested, or if they refuse or delay bargaining or if they don't send a team with the authority to bargain or if they interfere with the Union's business with the membership, they may be found guilty of unfair labor practices.

There are other ways a District can be guilty of unfair practices—retaliating against members or rewarding those who don't support the Association

could land a district in hot water with PERB—the Public Employee Relations Board—the entity responsible for enforcing EERA.

A violation of bargaining law (EERA) is treated differently from a contract violation. When any bargaining unit member feels there has been a violation of the contract, either the individual or the Union may initiate the grievance process. An unresolved grievance could end up in mediation or in being heard before a third party arbitrator. Her or his decision would be binding to all parties.

Needless to say, if there are disputes between the Union and the District, it serves everyone to be able to work through them before escalating to an Unfair Labor Practice Charge or a grievance that goes to arbitration. Such actions are time-consuming and can be costly and can also drive deep wedges between the District and its employees.

Keep in Touch!

Does the office have your cell phone number and a good home address? Send us an email from your private (not school) email address to make sure we are current.

Congratulations to school board members Daniel Urrutia and Gloria Ramos in Centinela Valley. This is Daniel's first term and Gloria's third. Let's wish them well as they start their new terms this month.

As we close out this year, the officers and staff of South Bay United Teachers wish you and yours the happiest of holiday seasons and health and prosperity in the new year.

CTA/NEA: Are you a member?

If you've joined your local union—Centinela Valley Secondary Teachers Association (CVSTA), Manhattan Beach Unified Teachers Association (MBUTA), Palos Verdes Faculty Association (PVFA) or Redondo Beach Teachers Association (RBTA), the answer is YES! By joining your local Association, you also join the California Teachers Association and the National Education Association. Here's just a small sampling of some of the benefits of membership:

NEA—Membership in the largest Union in America—really. NEA has over 3 million members ranging from preschool teachers to college professors working in every state. As a member of CTA and your local, you have a voice in National discussions on issues that impact education. The NEA Representative Assembly (the RA) is held once a year around Independence Day. In 2016, the RA will be held

in Washington D.C. If you are interested, keep an eye out for the Election Notice in the spring.

Just a few of the benefits of CTA/NEA membership are:

NEA Click and Save

Go to <http://www.neamb.com/shopping-discounts/nea-click-and-save-retail-discounts.htm> and click on NEA Click and Save. From there you can create a login (if you haven't already) and take advantage of free magazine offers, send flowers at a discount; access the services of tax preparers and much more.

Your CTA membership provides you with many discounts on shopping, amusement parks and travel as well. More importantly, your Union membership assures you that you will not stand alone if there is some situation which threatens your employment.

Your local officers and reps will make certain you are well represented. If there is a Reduction in Force, your Union will make sure you have legal representation—something non-members do not receive.

As a member of CVSTA, MBUTA, PVFA or RBTA, you are free to take advantage of our notary service. Our office staff—Elise and Lissa are both notaries and their services are free of charge for our dues-paying members.

Not sure you're a member? **You must have completed an enrollment form.** (A paycheck deduction does not necessarily signify membership). Your site rep will be checking in with you over the next few weeks or feel free to call the SBUT office to be sure (310) 921-2500.

Governor Signs Maternity and Paternity Leave Bill

Governor Jerry Brown has signed Assembly Bill (AB) 375 (Campos, D-San Jose), which provides certificated employees with differential pay for maternity or paternity leave.

Currently the Education Code provides for up to five months of differential pay—the difference between the employee's salary and the cost of a substitute—when a certificated employee has exhausted all available sick leave and continues to be absent because of an illness or accident. AB 375 adds Section 44977.5 to the Education Code, which adds up to 12 weeks of differential pay to certificated employees who are absent due to maternity or paternity leave under the California Family

Rights Act. "Maternity or paternity leave" is defined as leave for the birth of a child of an employee, adoption of a child by an employee, or foster care of a child by the employee.

The California Family Rights Act (CFRA) already provides for 12 weeks of unpaid leave for this purpose. Under the CFRA maternity and paternity provisions, the employer is not required to pay for the employee's portion of health benefits. With the passage of AB 375, an employee who had exhausted all of their accumulated sick leave will now be compensated at a differential rate of pay rather than having the leave be unpaid and because they will continue in paid status, the employer will be obli-

gated to continue their contribution to the employees' health benefits.

AB 375 will be in effect beginning January 1, 2016. The provisions of the new law will not apply to any certificated collective bargaining agreement in effect before this effective date and that contains conflicting provisions. The provisions of AB 375 will take effect upon the expiration or renewal of the agreement.

This is brand new legislation, so there will be undoubtedly be questions still to answer, but if you have a birth or adoption in your near future, be sure to check with your HR department for your options.

CTA SCHOLARSHIP & AWARD OPPORTUNITIES

The CTA Scholarship for Dependent Children offers up to 35 scholarships in the amount of \$5,000 each to a dependent child of an active member of CTA, CTA/NEA-Retired or deceased CTA member.

The Del A. Weber Scholarship for Dependent Children offers one scholarship in the amount of \$5,000 to a dependent child of an active member of CTA, CTA/NEA-Retired or deceased CTA member who is attending or attended a continuation high school or an alternative education program

Visit the website for criteria & eligibility information. Deadline to apply is Friday, February 5, 2016

Martin Luther King Jr. Memorial Scholarship

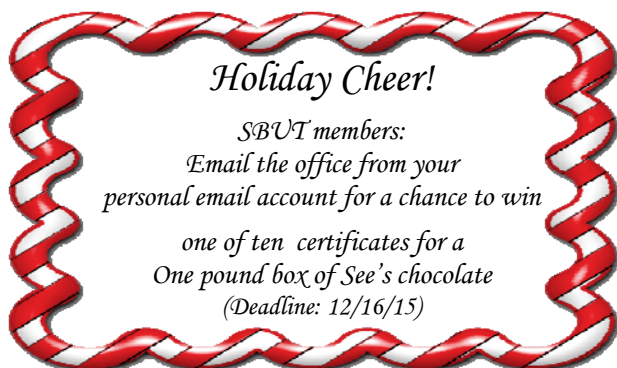
Applicant must be an active member of CTA, a dependent child of an active member of CTA, CTA/NEA-Retired or deceased CTA member or an active member of Student CTA (SCTA).

Visit the website for criteria & eligibility information. Deadline to apply is Friday, February 19, 2016.

CTA César E. Chávez Memorial Education Awards Program

This awards program provides recognition for teams of students and their teachers who demonstrate an understanding of the vision and guiding principles by which César Chávez lived his life. The recipients will receive up to \$550 and their work will be recognized by the posting of visual art and written essays online and in various CTA publications. Deadline for submissions: January 15, 2016.

Find information on all these programs at
<http://www.cta.org/scholarships>



NEA Grant Opportunities

The National Education Foundation awards close to 200 grants to support educators' efforts to close the achievement gaps, develop creative learning opportunities for students, and enhance their own professional development.

Learning & Leadership grants provide opportunities for teachers, education support professionals, and higher education faculty and staff to engage in high-quality professional development and lead their colleagues in professional growth. The grant amount is \$2,000 for individuals and \$5,000 for groups engaged in collegial study.

Student Achievement grants provide \$5,000 to improve the academic achievement of students by engaging in critical thinking and problem solving that deepen knowledge of standards-based subject matter. The work should also improve students' habits of inquiry, self-directed learning, and critical reflection.

Find information on these programs at
www.neafoundation.org/pages/grants-to-educators



California Casualty has partnered with education associations for more than 60 years. We understand the growing financial strain on our public schools, and we want to help our friends in the education community.

The California Casualty Thomas R. Brown Athletics Grant was established to provide support to public high school sports programs negatively impacted by reduced budgets.

Awards will be granted to select public high school athletics programs. Awards must be used to help subsidize school sports programs in ways such as purchasing new equipment or paying for competition travel costs. The grant cannot be used for individual student awards.

January 15 is the deadline for grant consideration in the current school year. Applications received after January 15 will be considered for next year's grant program.

For information, visit
www.calcas.com/
2015-thomas-r-brown-athletics-grants