

## IUOE Unit 12 Files FFCRA Grievance Against CDCR – April 29, 2020

On Tuesday, April 28<sup>th</sup>, IUOE Unit 12 filed a grievance against CDCR for denying our members benefits provided under the federal Families First Coronavirus Response Act (FFCRA).

The Act went into effect on April 1, 2020 and provides up to an additional 80 hours of sick leave to be used in certain COVID-19 situations and up to 12 weeks of 2/3rds pay, which can be supplemented with existing leave credits to get a full check, for employees who must stay home to care for their children because of school and child care center closures.

The federal law states in part, The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of title 5, United States Code- (1) to exclude certain health care providers and emergency responders from the definition of employee, by allowing the employer of such health care providers and responders to opt out of this benefit. This means an employer can exempt/exclude employees from this benefit if they fall in either of these two categories of employment.

Several state departments have taken it upon themselves to determine who is exempt/excluded from the benefits and who is not and that is why we filed the grievance against CDCR. They have unilaterally and arbitrarily decided who is and who isn't covered without any input from our Union. They have essentially excluded all of our BU 12 and 13 classifications from this benefit, which is a gross misinterpretation of the law.

We will be filing identical statewide grievances against all departments who are excluding our members from this benefit. In addition, we have sent a demand letter to CalHR to meet and confer over this matter.

We will keep you posted.

**UNION STRONG!**

Steve Crouch  
Director of Public Employees, and Chief Negotiator for IUOE Unit 12