



## **CWA State of Emergency Update**

What follows is an update and instructions regarding outstanding issues involving the No Layoff Memorandum of Agreement with the State of New Jersey:

CWA locals and the National Union have been working overtime to address various issues arising from the implementation of the No Layoff MOA, including ensuring that furloughs were scheduled to minimize loss wherever operationally feasible. Our membership rose to the occasion and has continued to work under extremely difficult conditions. Local and national leadership and staff continue to press departments and the State to resolve outstanding issues and problems.

**State Worker Pensions - Furloughs and Deferred Salary Increase:** We have confirmed that pension payments are being handled in the same way that they were handled in our 2009 negotiated furlough agreement, and in accordance with the recent legislation on furloughs. Furloughs in lieu of layoffs under CWA's agreement do not count against pension service credit. In addition, our pension benefits (including final average salary) will be calculated AS IF the raise was in effect on July 1, 2020. In both cases, we do have to pay the pension rate as if the raise were in effect and as if there were no furloughs – but that protects our members from losing that time and that higher rate of pay in their pension calculation.

**Carryover of Vacation Time:** There has been some confusion about the right of workers to carry over vacation time that they have been unable to use due to the pandemic. Some Departments have given erroneous information that no matter what, vacation time that was carried over from **2019** cannot be carried over to 2021. This is **NOT ACCURATE**. If employees were not able to use their carried over 2019 time due to

furloughs or due to working during the pandemic (which is still ongoing), the MOA with the State applies, meaning that requests to carry over vacation time in such circumstances cannot be unreasonably denied. CWA is addressing the mis-information that was provided by Departments.

**HOWEVER**, please be advised that although it is not true that you can be categorically denied the right to carry over 2019 vacation, you can only carry over this time if you are “unable” to use the time due to furloughs or the pandemic. You can’t carry over 2019 time solely by choice. It has to be that you were unable to use it or denied the option of using it. (For example, if no one was allowed to use vacation time during the spring, because of the pandemic, and then you intended to use it in July, but couldn’t because of furloughs, and then you went out on sick leave because you could finally have elective surgery and you stayed out for the remainder of the year recuperating, that is an example of being “unable” to use the time. Another example would be that you asked to use the time, and you were denied the right to use the time.) You do need to try to schedule your 2019 and 2020 vacation time. The MOA does not permit you to simply carry over two years of vacation, instead of only carrying over one year. Please don’t sit on 2019 vacation time that you would be allowed to use. The right to carry over the time under the MOA applies if you are unable to use the time or denied the use of it – not because you wanted to save it.

**Exemptions from Presidents’ Day and the Day After Thanksgiving Furloughs:** If you lost more than 3 days of pay and up to 4 days of pay (after unemployment benefits) while taking furloughs, you can be exempted from taking Presidents’ Day 2021 as a furlough day. If you lost more than 4 and up to 5 days of pay (after unemployment benefits), you can be exempted from taking Presidents Day 2021 and the Day After Thanksgiving 2020 as furlough days. The No Layoff MOA requires Departments to notify you if you are eligible to waive either of these holiday furloughs. Some agencies issued a blanket notice that you “may” be eligible to be exempted. This blanket notice is a MOA violation and we have been addressing this with the State. However, our advice to members is the following:

If you received this notice, OR if you didn't receive it but you lost more than 3 days pay while taking furloughs, ***you need to submit a memo no later than September 1st to the Human Resources office of YOUR Department that you want to be exempted from the furlough days.***

Here is an example of what you can submit to be exempted from those Holiday furlough days, if you are eligible:

*To: Human Resources*

*From: Name*

*Date: PRIOR to September 1, 2020*

*Subj.: Exemption from Holiday Furlough Days*

*As a result of the July furloughs, I lost more than (3) (4) days of pay. I am, therefore, requesting to be exempted from (Presidents' Day) (both Presidents' Day and the Day After Thanksgiving).*

*Please acknowledge receipt of this memo and that I have been exempted from the furlough days in this memo.*

**Unemployment Benefits for Furloughed Members:** We had over 2,000 CWA members ask for assistance with getting their unemployment. Shop Stewards from Locals 1037 and 1038 came off the job until mid-August and did an amazing job, voluntarily assisting over 1660 delayed claims get processed. Special thanks to **Lydia, Mildred** and **Jermania** for your hundreds of hours of service to your coworkers and union!

Local leadership and staff have worked non-stop since furloughs began to give the best guidance on how to apply for and collect unemployment benefits. Unfortunately, the massive number of unemployment claims, a DOL computer system from the 1970s, short staffing, and the agonizing DOL phone system delayed the processing of our claims. We are hopeful all claims are being resolved within the next few days.

If you still have a pending claim or other unresolved UI issues, rest assured you will receive the \$600 CARES benefit for each week you are eligible for UI. All CWA furloughs were served during the eligibility period for the CARES \$600.

Our UI specialists were unable to get back to some CWA members who returned to work before they could be reached. We are in touch with the Department of Labor and we know that groups of outstanding pending UI claims are being processed this week. If you were unable to speak with a UI specialist and/or you need assistance, what follows are the direct lines to the Unemployment Regional Call Centers.

- Northern NJ Region: 201-601-4100
- Central NJ Region: 732-761-2020
- Southern NJ Region: 856-507-2340
- Out of State claims: 888- 795-6672 (you must call from a phone with out of state area code)

We know how frustrating this continues to be. Using the Regional numbers should help and we know that entire weeks of the backed-up claims are being processed now.

***Attention State College employees*** Some colleges did NOT submit the payroll amounts of wages correctly to unemployment and the information had to be re-submitted to the Department of Labor. That has caused the delay in unemployment. The fault for this delay is not the backlog from Unemployment – it is the mistake made by your College. When we learned of this, CWA met with the impacted schools and made sure that they resubmitted the information and we also contacted the Unemployment Division at the Department of Labor to confirm that the payroll information was finally correctly submitted and that the unemployment claims are being processed. If you were from one of these schools, and you contacted the UI Specialist volunteers and they were unable to help you, that was because your school had not submitted the correct information – not because they did not seek to assist you. We are

continuing to monitor this problem and we have confirmed that these unemployment claims are now being processed. We will continue to monitor this until we are sure that you are getting your checks and your Local will keep you informed.

**Pension and Health Benefits Contributions from the Furlough Period:** If any member's paycheck during the furlough period was not enough to cover contributions for pension and health benefits, these deductions will be taken from a subsequent paycheck. We are working with the State in an effort to have back pension contributions taken from different paycheck than healthcare contributions. However, some of our members may have already had back deductions take from recent paychecks. Again, we are doing our best to minimize the impact of these back deductions on your pay.

**Emergency FMLA Leave:** If your child's school is providing remote classes, you may be eligible for 12 weeks of leave under the Emergency FMLA, which was passed as part of the Families First Coronavirus Response Act. The first 10 days of the leave are unpaid, but you can use paid vacation leave for those days. For the next 10 weeks you will receive two-thirds of your regular pay up to a maximum of \$200 per day. In the aggregate you will receive up to a maximum of \$10,000. This leave is in addition to your other paid leave entitlements.

- You may be eligible to take Emergency FMLA leave on an intermittent basis, but your department will have to agree to that and how the leave will be taken.
- Certain employees may be exempted from the requirements of Emergency FMLA leave, including healthcare providers and emergency responders. If you are told that your position is not eligible for Emergency FMLA leave, you should contact your Local.

**Budget:** We had fantastic response in supporting the Governor's Legislative effort to get approval for federal borrowing in order to prevent a collapse of public services during COVID. The Governor is now presenting a budget that will cover October through June 30, 2021. Because of our MOA and the work we have done, we know that our jobs are secure through 2020 and 2021. But we still need to support the Governor's

efforts to have millionaires pay their fair share and to have the pension funded properly.  
[You can find the CWA statement on the budget here.](#)

**Elections:** CWA will be sending out a list to our members of Local Legislative-Political Action Team recommended endorsements for this all important upcoming November election. Every Registered Voter will be receiving a ballot and you can vote by mail or in person. Please make sure that you read all the way down the ballot, because in addition to the Presidential race, one Senate race, and all of the Congressional Races, there are several special elections, local races AND the Constitutional Amendment on marijuana legalization. In addition, if you or a family member is eligible to Register to vote, but you are not Registered, New Jersey will provide for online Registration.

We will keep you updated as matter progress. Thank you for your dedication to our State and for your continued support.

In Solidarity,

John Rose, President CWA Local 1031

Patrick Kavanagh, President CWA Local 1032

Gaye Palmer, President CWA Local 1033

Adam Liebttag, President CWA Local 1036

Ken McNamara, President CWA Local 1037

Shawn Ludwig, President CWA Local 1038

Carolyn C. Wade, President CWA Local 1040

## **CWA New Jersey**

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**Text D1NJ to 69866 to Join Our Text List**

Communications Workers of America, AFL-CIO, CLC.