



UNIT #8950 PLEASE POST

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Howard Baul
CSEA-LRS

March 20, 2015

It has been brought to the attention of CSEA that some of its union members may be working through their breaks and their lunch times.

Although it is never acceptable to work through your breaks and lunch hour, on occasion, it might be necessary and unavoidable due to an extenuating circumstance and work load to work additional hours. All overtime must be preapproved by the department head or supervisor. CSEA is concerned that ignoring our break and lunch times will ultimately create a toxic work environment for its clinicians, caseworkers, and anyone else involved in this practice. This sets up a false and unobtainable "productivity standard bar". When our members skip breaks and lunches to remain competitive, the quality of our work will suffer, our services to our clients will degrade and ultimately our Union Membership can most certainly expect "burn out" in our jobs. Further we are concerned with regard to how this would be documented in the time sheets. CSEA members who work during lunch hour and scheduled breaks could lead to accusations of billing fraud.

Please Respect and Protect the favorable work environment that your Union has fought so hard to create. It will benefit everyone - you, your clients, and The County - to do so.

See memo below:
From Jim Farina director of employee relations
Dated 10/ 14/ 08

A matter of grave concern has been brought to our attention, which requires immediate action by every Department within the County.

It has been alleged by CSEA that employees are knowingly being allowed to sign in prior to the start of their normal work day, work through lunch, and sign out after the end of their work day, without being compensated for this additional work. This practice must cease immediately! Unless authorized to work the additional hours before or after the work day or through their lunch, employees must be directed to sign in and out at their regularly scheduled hours. Allowing employees to work the additional hours without compensation is a violation of the Fair Labor Standards Act and may subject the County to severe consequences. Under FLSA, employees who work through lunch, come in early or stay late doing compensable work with the knowledge of the employer although they may not record it on their time sheets, are entitled to compensation. Employees who continue to sign in or out, outside their normally scheduled hours despite being directed to do otherwise, should be disciplined under NYS CSL Sec 75 as per the CSEA contract. Likewise, employees who come in early, stay late or work through lunch, doing compensable work although not recording their time, must also be directed to adhere to their regular schedule unless authorized to work the additional hours, failure to follow those directions should also result in disciplinary action. Unfortunately, the FLSA does not permit volunteer work by employees and all compensable hours must be compensated by the employer.

Please discuss the above with your supervisors and insure that your employees only work the hours they have been authorized to work and that they are compensated for all authorized hours of work.

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