

AN  
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## Secretary Update

With only two weeks left as Secretary in the Inlandboatmen's Union of the Pacific-Alaska Region (IBUP-AK) office, I wanted to take a moment to express my gratitude to the hundreds of IBUP-AK members who have over the years sent me notes and given me gifts of halibut, salmon, smoked salmon, candy, flowers, coffee, lunches, coconut water, dried fruit and candy from the Philippines, etc. to show appreciation for the work I've done. I've never worked anywhere where I was shown such ongoing appreciation for my work and I am truly grateful.

A particular joy of mine has been members who bring in their little ones to visit with me, chatting and becoming friends with many of you, especially the ones who stop in who work in the Southwest system that I would not normally get to meet.

As a union sister I take "an injury to one is an injury to all" to heart and put my union family ahead of my own needs to the point that only a handful of times in 5 ½ years have I ever taken my Office and Professional Employees International Union (OPEIU) contractual morning or afternoon breaks and frequently gave up my lunch hour to be of assistance to members who had what they considered to be an emergency need.

I stopped counting my 2017 IBUP-AK volunteer hours on October 23, 2017 when I reached 1,000 hours. Most of those hours were spent packing up our old office and setting up our new office during non-business hours with Regional Director Joshua Stephenson (who paid for all the paint in our new office out-of-pocket as a donation) so as not to disrupt our assistance to members. In 2018, I've already logged 24 hours. As an OPEIU member, I choose to volunteer those hours as a union sister because the IBUP-AK Region lacks approximately 100 volunteers for positions needed to keep the region running strong and efficient. Our office frequently handles issues that would normally be handled by executive board members, ship's delegates and department representatives on vessels, and committee members. The union should be supported as a pyramid, from the bottom up. Please remember, the union is not a physical office; you are the union. Please call one of your elected union officials today and ask what you can do to assist.

For over a decade, the IBUP-AK Regional Directors, starting with Regional Director Darryl Tseu, who coincidentally is now our interim Director, have been dealing with the problematic way the State of Alaska calculates the federal Family Medical Leave Act (FMLA) work weeks. I appreciate the prior work on this issue Regional Director Darryl did, but as I didn't start working for IBUP-AK until Regional Director Ricky Deising took office, I can only directly speak of what I was involved with as Secretary.

The full narrative of the journey the regional office has taken to having the United States, Department of Labor filing a legal complaint in Federal District Court against the State of Alaska, Department of Transportation includes over 100 pages of emails from our office, countless hours in discussions with harmed members, numerous phone calls, meetings, research, and legal consultations. I will share a very brief synopsis:

In May 2013, Regional Director, Ricky Deising filed a formal complaint with the Department of Labor, Wage and Hour Division stating we believed the State of Alaska was incorrectly calculating FMLA, resulting in the premature administrative separation of employees.

Between 2013-2015, the United States Department of Labor, Wage and Hour Division, had several staff turnovers, that made follow up on our case difficult, as not once were we directly contacted with information that our case was now in a new staff members hands without us first emailing a reminder that we wanted an update on our case. During this time, Regional Director Ricky

Deising met with the State of Alaska several times to discuss the legal differences between what we understood FMLA law to be compared to their interpretation of what they believed Congress intended.

The more I witnessed Alaska Marine Highway System employees being separated due to their FMLA time prematurely expiring, the more time I spent volunteering weekends and evenings researching FMLA and related labor law court cases across the country.

When Regional Director Ricky Deising retired, I continued following up with the United States, Department of Labor, Wage and Hour revolving door of staff, repeatedly sending each new one the packet of over 100 emails pertaining to our case as nothing seemed to be passed on to each new staff member.

Of great significance is a phone call I received from the United States Department of Labor, Wage and Hour Investigator on June 5, 2015. The Investigator informed me that the investigation did not support IBUP-AK's allegation. I shrugged my shoulders and said, "Ok", hung up the phone and went on with my day. Of course, anyone that's been in our office knows I would never give up on our members in that way because I live out "an injury to one is an injury to all" and treat each situation as if it was happening to me with great empathy and consideration.

What really happened is I asked the Investigator whom she interviewed? I rattled off several members' names that had lost their jobs because of the way the State of Alaska calculated FMLA. She asked me how to spell their names. Since these were names I had provided in the formal complaint filed by Regional Director Ricky Deising there was no reason for her not to know how to spell their names. I asked about information included in the 100 pages of emails I had submitted and the Investigator had no idea what I was talking about because apparently the "investigation that did not support our allegation" never took place. We were back to square one. I insisted she not close the investigation and actually investigate all of our materials. She then requested I send her all the information I had previously sent so she could add it to our case file and continue the investigation that had never been started.

For the next several months I continued sending the Investigator more information on members having their FMLA calculated as consecutive 12 weeks, instead of only the weeks they would have been scheduled to work.

In February 2016, the Investigator called to inform us that she had concluded the investigation again and this time agreed our complaint was valid, and the next step would be our case would be forwarded to the United States Attorney's Office. The Investigator then informed me that the federal attorney's seldom take Wage and Hour complaints to court, not to expect anything from it, and it was no longer in her hands.

In August 2017, a reporter called and asked if any of our members were involved in the federal court case recently filed. With all the various issues our office is involved with I wasn't certain what it was about. The reporter said he would email me the case. That's how I found out the United States, Department of Labor, Secretary of Labor; R. Alexander Acosta had taken our case: <https://goo.gl/43C8oN>

Our two-person office in Juneau, Alaska had successfully and against all odds, had our case accepted. If I had accepted the Investigator's initial conclusion, we would not be in a place where our case could be the decision that prompts the United States, Department of Labor to give a nation-wide directive on how FMLA for all rotational employees should be calculated:

<https://www.stridingthequarterdeck.com/can-twelve-turn-twenty-four-calculation-fmla-leave-vessel-based-employees/>

On January 17, 2018, United States District Judge H. Russell Holland filed an Order denying the State of Alaska's Motion to Dismiss: <https://goo.gl/VQb5b1>

My favorite quote within the Order is:

*"Plaintiff's interpretation of Section 2612(a) as it applies to rotational employees is reasonable. Thus, plaintiff has stated a plausible claim for relief."*

The case could continue on for quite some time with back and forth motions until trial. It is my greatest hope that employees who were harmed by the FMLA miscalculation will be made whole, whether that is financially or with the return of their employment status.

Assisting with FMLA issues was only one small part of my overall duties, but in sharing the narrative I hope you can understand the breadth of what happens behind the scenes in the regional office. Secretaries do not just sit around waiting for someone to call us to ask for their dispatcher's phone number. This

may come as a surprise to some people, but professional executive secretaries have a broad scope of complex assistant duties, unlike a receptionist who has a much narrower scope of simple duties. For our members in other Region's, please stop by with a gift of appreciation for your secretary today!

My last official day is February 26. I will continue on as a casual volunteer for as long as possible to keep the office transitions running smoothly and to assist my IBUP-AK brothers and sisters.

I frequently ride the ferries and take photos as a professional photographer, many of which can be found on [www.kmperryphotos.com](http://www.kmperryphotos.com). A few of my photos are currently on our Alaska Region website and I am in the process of editing several more to add soon. I look forward, as always, to seeing each of you on my ferry travels.

My memoir, Secrets of My Mountain ([www.secretsofmymountain.blogspot.com](http://www.secretsofmymountain.blogspot.com)) will hopefully be released next year. As you can imagine, I also now have more than enough material to write a book about my part in our fight for a fair calculation of FMLA weeks, not only for our members, but also for all rotational employees in the United States.

**An injury to one is an injury to all.**

In Solidarity Always,

Karena Perry  
Secretary  
OPEIU – Local 8  
Inlandboatmen's Union of the Pacific, Alaska Region