



## How to Write an Effective Grievance

Even in the best of situations, something can go wrong. Your employer can make a bad decision regarding the terms of your employment and you need to stand up for yourself. That being said, know the terms of your contract of employment and how to file a grievance. Some contracts require it in written form, others only have a verbal discussion. As a UPSEU Unit Officer or Steward, you need to know the bargaining agreement and the union's process for filing a grievance.

### Step 1

The first step to writing an effective grievance is to have an issue that really is grievable. You don't want to make yourself look like a frivolous complainer, so only write a grievance when you really have to do so. Make sure that your complaint is worthy of writing. Can your issue be resolved informally? If so, a grievance is not the way to go. Call your UPSEU representative to discuss the best route to take for your situation.

### Step 2

Write down all the facts of the grievance. Make sure you have the details of who, what, where, when, and how. If you have witnesses, make a list of them as well and their contact information.

### Step 3

Determine the applicable part of the contract or bargaining agreement that was broken or not applied appropriately. If there is more than one section, list them. If you are listing from a memorandum of agreement or written contract, list the section or article number for easy reference. Don't forget to list the grievance procedure too.

### Step 4

Determine what resolution you want from this grievance. Be reasonable and make sure the remedy is applicable to the situation at hand. If you have more than one resolution you'd be happy to receive, make a list in priority order.

### Step 5

Now that you have done all the preparation, you are ready to actually write the grievance. Stick to the facts of the case at hand. Explain what the problem was, how it violated the terms of your contract or bargaining agreement, and your proposed resolution(s) to the situation. Keep the grievance simple, using proper spelling, grammar, and punctuation.

Sample Language:

Since on or about (insert date) the employer violated the collective bargaining agreement including but not limited to Article (insert all articles and sub-sections).

This grievance is being filed under (insert article which has grievance procedure).

(Short description of how the agreement was violated)

Remedy sought: (state your remedy and to be made whole in every way.

### Step 6

File your grievance within the time limit. File it with whomever is listed as the first step. In some situations and bargaining agreements, if you do not file the grievance within a specified timeframe, it can be rejected as untimely. Keep all your notes and any evidence so you will be prepared to present your case when the grievance is heard by an administrator.

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## Legal Implications of Snow and Ice Removal

Morici and Morici, LLP

From nor'easters, to slush puddles, to the screech of snowplows, New Yorkers are no strangers to harsh winters. While we haven't had the snow and ice we are used to thus far, it is always important to be prepared and proactive during the icy season.

Having the requisite snow removal equipment in your home and car are certainly the first steps to remaining safe, but another important consideration is knowledge of your locality's snow removal laws and procedures and your duty as a landowner.

Depending on where you live, you may be liable for failing to remove snow within a certain period of time after the end of a storm, or improperly removing snow or ice. Failure to properly remove the snow in accordance with the law, ordinance, or code could lead to legal liability, fines, or other unwanted circumstances. If someone slips or falls, crashes, or otherwise is injured due to an icy condition on your property, you also could be liable for personal injuries resulting from your negligence. If you shovel, scrape, and sand yourself, or pay for a snow removal service, be sure to both familiarize yourself with local regulations and make sure that your efforts are thorough and effective.

In some localities, there are specific procedures regarding snow removal, some of which set out where the removed snow can be placed and/or by when it must be moved.

Because of the complex network of cities, towns, villages, and counties in the New York metropolitan area, it is best to call your locality's clerk and request information regarding your duty as a landowner. You could also refer to the clerk's website for information regarding snow removal laws.

Another snow related legal issue, is the duty of respective localities to remove snow and ice from roads, parking lots, and other public spaces. Law firms regularly handle snow related personal injury cases against local governments. One of the most important issues in these cases is often whether the locality had legal notice of dangerous conditions and failed to correct those conditions. Legal notice can mean several different things: either someone reported the dangerous condition; the locality was aware of the dangerous condition; or the locality should have been aware of the dangerous condition.

If you notice a dangerous condition, including an icy road, obstruction, unsafe snow banking, or any other precarious weather related problem, it may be in your best interest to report it to the respective locality. Depending on whether the condition appears on a city, town, or village roadway, you should call the respective transportation and/or public works agency (listed on the locality's website), and request that the condition be remedied.

Finally, during the winter season it is also important to be aware of changes in parking, sweeping, and standing rules. Spaces that are available at other times during the year may be suspended in response to storms or icy conditions or simply unavailable during the winter. The last thing that you need this time of year is an unnecessary parking ticket.

Our firm handles a wide range of cases that have resulted from snow and ice removal. One of our more interesting cases involved the liability of a municipality for plowing and piling snow in a manner which obstructed a driver's view of the road resulting in an accident. We've also handled countless cases involving slip and falls on snow and ice both during the course of employment, and in other settings. For example, we've handled several cases involving delivery drivers who have slipped on snow or ice in driveways, pathways, or doorsteps.

If you have been injured, or are harmed by a dangerous condition resulting from wintery conditions, have suffered damage to a vehicle or other article, or are involved in a motor vehicle accident, or other personal injury matter, please contact MORICI & MORICI, LLP at (516) 873-1902, (212) 687-6050 or (718) 946-0111 so we can advise you regarding your options. As always, you are entitled to free consultations with MORICI & MORICI, LLP regarding your legal rights for personal injury actions and related matters. Therefore, you are encouraged to call our firm for any questions you may have. Even if your case is handled in a mass tort, our attorneys will work with you individually and devote personal attention to your case.

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Note: The above is intended to inform, and not to advise. No one should attempt to interpret or apply any law without the assistance of an attorney

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# Protecting Yourself from Business Scams

Of course, there are scam artists who target those who want to start their own home based business, but there are also scam artists who target average computer users around the world. These scam artists are adept at creating web sites that look and feel just like the web sites that you commonly use. For example, they can make an exact duplicate site of your banks web site, in an attempt to trick you into providing them with your username and password, or other sensitive data, such as your account number or credit card number.

In home based business scams, however, things work a bit differently. In this case, the scammer simply wants you to give him your money, in exchange for a load of lies and unfulfilled promises. He doesn't need your bank account information, he just needs payment, which inexperienced hopeful people will happily give him. He will take your money knowing that he is crushing your dreams and draining your bank account - and he won't care.

So, how can you protect yourself from these scammers? The first step is to use good, sound common sense. As always, if something sounds too good to be true, it probably is. Learn to recognize hype, and to avoid offers that are 'hyped.' Hype means that outlandish promises are being made. For example, a scammer might promise you that you can make tens of thousands of dollars in just a few short days, with little or no work. That is a common ploy used in scammy home based business advertisements.

## Research the Company

Before you invest your hard earned money in any business opportunity, you need to fully research the company. Check with the Better Business Bureau first to see if there are any negative reports. You can also pay for a basic background check, which generally costs less than twenty bucks. A great deal can be learned from such basic information.

## Personal Information

Use a post office box, instead of your home address, and never give out personal details if you can avoid it. However, when doing business online, many times you will need to provide personal information.

**\*\*\* When doing so over the Internet, make sure that the site is secure by ensuring that the web site address in your address bar begins with <https://>, instead of just <http://>.**

Article written by Shelley Lowery  
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## Read the Fine Print

Read everything, including the fine print, and make sure that you don't pay for anything until you have read all agreements and such. You should know exactly what you are paying for, before you send that payment. If possible, ask to talk directly with other people who have invested in the business opportunity, and verify who they are. Note that a scammer can put people up to telling you anything that they think that you want to hear, but often, when asked for references and such, a scammer will move on.

## Common Sense

Once again, use good common sense in all transactions, and trust your instincts. If it feels wrong, it probably is. If it sounds too good to be true, it probably is. If you are unsure, do not move forward until you are sure. The right business opportunity will come along, but by paying attention, and knowing what to be on the lookout for, you won't spend a great deal of time or money investing in business scams.

# UPSEU Member Benefits



## Entrust America Low Cost Identity Theft Protection

Entrust America was created by law enforcement for the use of law enforcement and other municipal employees. We guarantee that, should a member become a victim of any form of identity theft, we will restore them to pre-theft status.

- 100% guaranteed recovery
- No restrictions
- No loopholes
- No monetary limitations
- Never any additional costs

Protect you and your family today with the nations only law enforcement backed identity recovery service.

Further information is available on our website [www.upseu.org](http://www.upseu.org) or at [www.entrustamerica.org](http://www.entrustamerica.org) (enter promo code: upseu)



## North American Insurance Trust Low Cost Voluntary Group Term Life Insurance through Cigna

Guaranteed issue  
Spouse & Dependent Insurance Available  
Portability  
Disability waiver prior to age 60  
Accelerated death benefits  
Common carrier provision

The window for up to \$50,000 without a physical is January 15th to April 15th. Before or after the open enrollment period, a physical would be required for this insurance.

For more information visit our website at [www.upseu.org](http://www.upseu.org) under Member Benefits or click on the Cigna logo on our homepage.

For questions, call Dave Cohen at 631-293-5100



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