

HIGH-TECH WORKERS EMPLOYMENT GUIDE

Today, with the information boom turned bust, the “new economy” doesn't seem too new. Job security, health care, and pay are on our minds more than ever. With all the layoffs, a big question is, why doesn't the law protect me?

At WashTech, we hear from thousands of workers, and meet with hundreds on a one to one basis every year -- wanting to share their concerns, and get answers to questions about their legal rights. That is why we created this guide. Think of it as your online GPS for your rights and resources. In navigating your way through the guide, you might be surprised to learn that while things can be unfair, that does not make them illegal.

It doesn't have to be this way. People like you are joining and supporting WashTech because we believe that in this industry everyone has a right to be treated fairly.

Whether it is helping thousands of Microsoft permatemps win improved benefits, fighting with Amazon.com employees for better severance packages, raising our voices in Olympia, or offering the latest in training – WashTech is bringing tech workers together to make sure this industry works for all of us.

After reading this guide, you may want to begin asserting your democratic workplace rights. Call us, we are ready!



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KEY FACTS AND FIGURES ABOUT THE STATE OF THE INFORMATION-TECHNOLOGY INDUSTRY IN PUGET SOUND

The Evans/McDonough Company and the Worker Center, AFL-CIO, on behalf of WashTech, conducted two separate surveys of Seattle-area Information-Technology workers and employers. The purpose of this project was to evaluate the current state of IT worker training from the perspectives of both groups, and probe into some of the issues workers and employers face in the industry. Specific interest was paid to future industry demand, requirements and expectations for training, and the experiences of both groups in the industry.

EMPLOYERS AND WORKERS AGREE THAT DEMAND FOR IT WORKERS WILL INCREASE OVERALL BUT NOT AT THEIR COMPANY

Employers and workers were asked about demand for IT workers in a series of questions.

- Both groups say that demand for “IT workers in general” will increase in the future (67% Employers / 60% Workers).
- But when employers and workers are asked whether there will be an increase in demand at their own company, the two groups see less increase in demand (32% Employers / 39% Workers).

The employer survey was conducted by telephone, and interviewed 100 managers of IT workers. The worker survey was conducted via the Web, and interviewed 280 workers in the Puget Sound. The surveys were conducted from March to May of 2002.

THE TOP IT OCCUPATIONS

Workers and employers were asked to name specific job titles where there will be an increase in demand.

- Both groups mentioned network administrators and Web/software developers as the top job titles for future increase.
- Third on both lists are programmers, and fourth are database administrators.

“ROUGH SEAS” FOR IT EMPLOYMENT

There has been significant flux in worker employment in the last six months in all categories; the currently employed and the unemployed. More than a third (37%) of workers in the survey have been out of work at some time in the last six months.

- More specifically, a third (31%) report that they are currently unemployed. Of this third, almost half (45%) were laid off in the past six months, further evidence of the severity of the recent downturn in the industry.
- The additional 6% comes from workers who are currently employed full- or part-time; nearly one in ten (7%) of those who are employed full-time and almost a quarter (22%) of those who are employed part-time were out of work in the last six months.

THE TOP ISSUES FOR WORKERS

Workers were asked to rank a set of issues on a scale of one to seven, where one means that issue is the least important to them, and seven means it is the most important. The chart below shows the top three issues.

Item	Mean Ranking
The importance of the pay you receive for your work	5.96
The importance of health benefits paid for by your employer	5.84
The importance of having a secure job	5.81

The top three issues approach a “6” on the mean ratings scale, showing that workers put a great deal of importance on these issues.

AGENCY WORKERS WHO DON'T WANT TO BE

In the worker survey, agency workers were identified and were asked questions unique to their working status.

- Despite some reports to the contrary, more than two-thirds (68%) of agency contract workers say they would prefer to have a permanent position if they could get one.
- The desire for full-time employment is echoed in the experience of full- and part-time workers; almost half (43%) of these workers say they worked for an agency at one time. This is another signal about agency work; these workers got a taste of agency work and chose not to stay.

THE TRAINING DILEMMA

Employers and workers are not in agreement as to where the responsibility for training should be. Workers say they don't have access to the training they need.

- Employers strongly agree (77% Agree; 25% Strongly / 48% Somewhat) and workers somewhat agree (51% Agree; 9% Strongly / 42% Somewhat) that the responsibility for training should be on the worker.

- Workers understand that training is important. Almost three-quarters (72%) of workers agree that the certificates, degrees, and training they have give them greater freedom to choose their career path. Yet, half (55%) of workers also agree that they do not have the training or certificates they need to move into a different position. This is especially true for workers making less than \$45,000 per year; three-quarters (78%) of these workers agree that they don't have the training or certifications they need to move to a different position.
- However, a strong majority of workers can't count on their employer to provide this training. Three-quarters of workers (74%) say that employers are not offering adequate training on the latest technologies.
- Finally, when asked if they have the time, money, and resources they need to learn and get training on new technologies, an overwhelming 89% say they only sometimes or definitely do not have the time, money, or resources to get the training they need. Even though two-thirds (66%) of employers say they offer a tuition reimbursement program, only a third (37%) of workers report having used it.

Three helpful job finding tips:

Employers see an increase in the future for employees with certificates.

Managers have the opinion that an IT worker becomes more valuable through multiple projects. An IT manager, not an HR manager, is more likely to look at demonstrable experience when making hiring decisions.

It seems clear that many workers are looking for training to advance their careers, but just don't feel they can get it. This disconnect has huge implications for the future of IT. The results give us a strong sense that workers need more and different opportunities and access to training to meet both the needs of employers and their own careers. While workers as a group will probably find a way to "get by," the danger for the future of IT is if workers aren't able to keep up with new technologies many IT workers and our economy could get left behind.

A COLLEGE DEGREE IS NOT THE ONLY WAY INTO IT; DEMONSTRATED EXPERTISE AND EXPERIENCE CAN BE A BIG HELP

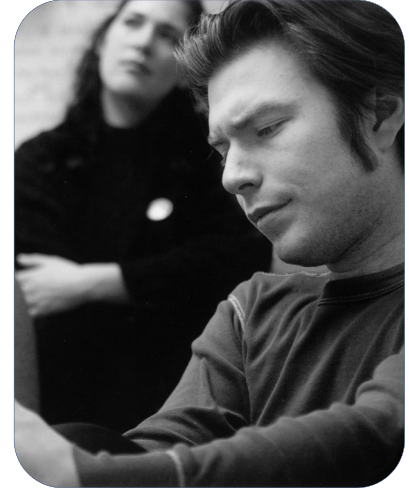
Workers in the IT industry do not all have to have a college degree to be hired.

- A third of employers (29%) say they require a four-year college degree in hiring, while a quarter (24%) say they require a certification exam or some other type of certification.
- Demonstrated expertise is key to employers, particularly for IT managers. An overwhelming 85% of IT managers say that "as long as an IT worker can demonstrate expertise in an application or job setting, I am willing to hire that worker regardless of their educational or training background."

This is also good news for workers that do not have a degree. Demonstrated expertise can open doors, particularly if that worker can get their resume in front of an IT manager as opposed to an HR manager. To see the full survey results go to www.washtech.org.

A GUIDE TO YOUR EMPLOYMENT RIGHTS

Whether you are an independent contractor, a temp worker or have a real job, you have certain rights guaranteed by the law. The following outlines your specific legal rights, as well as those things that are not illegal but still unfair.



YOUR LEGAL RIGHTS

Most labor and employment laws apply equally to all workers. Under these laws, joint employer status can be established in order to hold both the temp agency and worksite employer responsible. Unless otherwise indicated, people who are properly classified as independent contractors are not covered.

PAY

- You are entitled to at least the minimum wage, \$5.15 per hour, or the higher state minimum wage, and to 1.5 times your regular hourly rate for all hours worked above 40 hours per week. However, some technology employees are legally exempt from earning overtime pay.
- “Living wage” laws may cover temps/day laborers working under contracts or for public agencies.
- The agency must pay you at least the rate you agreed upon at the start of the assignment.
- The agency cannot pay you less than other temps doing the same work on the basis of gender, age, disability, race, religion, or national origin.

ASSIGNMENTS/TERMINATIONS/DISCIPLINE

- The agency cannot fire you for engaging in concerted activity with others to improve your working conditions. Therefore, always make demands with at least one other person.
- An agency cannot discriminate in assignments based on gender, age, disability, race, religion, or national origin.
- An agency cannot fire you based on gender, age, disability, race, religion, or national origin.
- If you work for a company where 500 or more employees have been let go within 30 days, the company must conform to the federal WARN act and give you 60 days’ notice and 60 days’ pay.
- If you are not covered by a union contract you may insist that a coworker of your choice be present during all meetings or discussions with any manager or supervisor if you believe the meeting can be related to or lead to discipline. These are commonly referred to as Weingarten Rights. It is also a violation of law for the company to retaliate against the coworker for acting as a witness.

- If you are over 40 years old and have been terminated from your position, please file an age discrimination complaint with the Equal Employment Opportunity Commission (<http://www.eeoc.gov>). This is particularly important if your company has many new college hires.

FEES

- Some states have a cap on the amount that an agency can charge a worker for transportation to the worksite.
- Most states restrict the amount an agency can charge if the worker pays the agency directly.

HEALTH AND SAFETY

- The Occupational Safety & Health Act covers most private employees. Employees of private temp/day-labor firms who work for public agencies will be covered. In addition, at least half the states have laws that cover public sector workers.
- Temp workers and day laborers are covered by workers' compensation. They are also covered by state disability insurance in states that provide it.

PUBLIC BENEFITS

- Eligibility for unemployment insurance varies by state. In over 20 states, temporary employees are covered only if they report to the agency at the completion of a job and take almost any job the agency offers. Part-time workers are also often denied coverage.
- Temps, day laborers and independent contractors may be eligible for federal Earned Income Tax Credits (EITC), and state credits where they exist. To claim the EITC, you must be work authorized with a valid social security number.
- The Family and Medical Leave Act (FMLA) provides up to 12 weeks of unpaid leave to employees who have worked for an employer for at least 12 months and for 1,250 hours within the past year. To be covered, the employer must have at least 50 employees within a 75-mile radius.
- Low-wage workers may also be eligible for food stamps, Medicaid, subsidized childcare, and Temporary Assistance for Needy Families (TANF).

UNFAIR BUT NOT ILLEGAL

In addition to the employment rights described in this pamphlet, there are a number of areas where temp workers lack rights. The following are examples of temp agency practices, which are unfair, but in most states, not illegal:

JOB DESCRIPTIONS

- The agency does not have to give you a written job description for any given assignment.
- The agency does not have to give you a job description that matches the job duties on the assignment.

PAY

- The agency can change your rate of pay from assignment to assignment without prior notice.
- The agency can change your hours without notice or require you to work different hours from what you normally do or from those agreed upon at the start of an assignment.
- The agency can pay you less than what's earned by permanent workers who perform the same job.
- The agency can require you to pick up your check at a check-cashing establishment.

BENEFITS

- The agency does not have to give you any sick time.
- The agency does not have to give you any vacation time.
- The agency does not have to pay you for vacation time if you quit or are fired, unless prohibited by state law.
- The agency does not have to give you the opportunity to participate in a retirement plan or earn a pension.
- The agency does not have to require the client company to give you break time, unless required by state law.



ASSIGNMENTS/TERMINATION

- The agency does not have to give any notice before terminating an assignment.
- The agency can fire you without cause, unless the firing is based on discrimination or protected activity, such as organizing as a group for your rights or whistle blowing.
- The agency can require you to accept an assignment without consideration for transportation, travel time, childcare, skill level or pay.
- The agency can send you to a site where workers are on strike.

FEES

- The agency can require you to pay a fee for transportation to and from the worksite (although some states have a cap on how high the fee can be).
- The agency can require you to have safety equipment and to pay for it yourself.
- The agency can require you to register with only one agency.

PERSONNEL POLICIES

- Many personnel policies in nonunion firms are not binding.
- In Washington, you have the right to request a copy of your personnel file and make a rebuttal to that file for up to two years after you leave that firm's employment.
- The agency does not have to provide you with copies of all documents you sign.
- The agency does not have to give you access to your personnel file, unless required by state law.

WHAT YOU CAN DO TO INCREASE YOUR RIGHTS

Seek solutions inside the agency. Talk to your supervisor at the temp agency and if this is unsuccessful, talk to her/his supervisor.

GET IT IN WRITING

If the agency doesn't give you written confirmation of a decision or policy affecting you, such as requiring a fee for transportation, ask them to do so. Document their information with any additional facts such as the date, time, name, and address of the temp agency and name of the staff person that informed you. It is also a good idea to keep all letters of praise from supervisors, other department heads and customers of the firm and anything else that commends the work that you do.

LOOK FOR SUPPORT

Ask others at your worksite if they are having similar problems. Work together as a group. You may be able to find some people to support your efforts.

FREQUENTLY ASKED QUESTIONS ABOUT UNEMPLOYMENT INSURANCE

WHAT IS UNEMPLOYMENT INSURANCE?

Unemployment Insurance (UI) is designed to assist workers who find themselves unemployed through no fault of their own. UI is 100% funded by employers through payroll taxes. It is not based on financial need. Although weekly benefits are not meant to completely replace your regular earnings, the benefits can help you meet expenses until you find a new job. You are encouraged to apply during the first week you are laid off or your hours of work are reduced.

WHERE DO I APPLY FOR BENEFITS?

Apply for benefits by phone through an Unemployment Claims TeleCenter. The phone numbers are:



King County/Seattle TeleCenter
206-766-6000
Pierce County/Tacoma TeleCenter
253-396-3500
Spokane TeleCenter
509-893-7000
From all other areas
800-362-4636
Hearing or speech impaired (TDD)
800-365-8969

At a minimum, you will need to have at hand your social security number and the name, mailing address (including zip code), phone number, and the dates you worked for each employer in the past two years.

Call an Unemployment Claims TeleCenter Monday through Friday from 8:00 a.m. to 5:00 p.m. except for state holidays. Your claim is effective the week you call. You may also apply for benefits online at <http://www.go2ui.com>.

HOW MUCH WILL I GET?

Your earnings during a “base year” determine your weekly benefit amount (WBA) and the maximum benefits payable (MBP) on your claim. Your base year is the first four of the last five completed calendar quarters when you file your claim.

You must have 680 hours of work during your base year to be eligible for benefits. If you do not have enough hours in the regular base-year period, an “alternate base year” period of the last four completed quarters can be considered.

HOW LONG CAN I GET MY BENEFITS?

Your claim is established for a “benefit year” which is 52 weeks beginning with the week in which you file your application. You cannot file a new claim with Washington as the paying state until your benefit year is over, even though you may have collected your maximum benefit payable. If you claim full benefits, the maximum length of time your benefits would last is 30 weeks.

CAN I GO TO SCHOOL OR GET TRAINING AND STILL GET BENEFITS?

If you are attending or plan to attend full time training, you may be eligible for Commissioner Approved Training (CAT). You need to apply for CAT. You may be eligible for CAT if jobs for which you are qualified do not exist or are decreasing in your labor market. The training must be for an occupation or skill for which there are reasonable job opportunities when you complete the training. You can get additional eligibility information and request a CAT application from the Unemployment Claims TeleCenter. If you are not eligible for CAT but attend classes which do not conflict with your ability to seek and accept full-time work, you may be eligible to continue receiving benefits. Contact your Unemployment Claims TeleCenter.

WORKSOURCE: JOB SEARCH AND EMPLOYMENT CENTERS

WorkSource centers are federally funded employment centers designed to help you find new employment, do career planning, and inform you regarding where to get the latest in training.

Three locations exist in King County and they all offer:

IAM CARES

Assistance to obtain and keep jobs for people with disabilities

King County Dislocated Worker Program

Job search assistance

Career planning

Scholarship opportunities

P.A.C.E.

Reemployment assistance for the economically disadvantaged, long term unemployed, and under employed

Washington State Employment Security (ES)

Access to Unemployment Insurance

Job search assistance

Job listings

Veterans' resources

Partnership Network

We work with other community partners to provide the best services to meet your needs.

In King County:

WorkSource North Seattle

12550 Aurora Ave N
Seattle, WA 98133-8036
206-440-2500
206-440-2464 (TTY)

WorkSource Bellevue

13133 Bel-Red Rd
Bellevue, WA 98005-2635
425-990-3700
425-990-3808 (TTY)

WorkSource Renton

919 S.W. Grady Way, Ste 125
Renton, WA 98055-2942
206-205-3500
206-205-3508 (TTY)

HIGH-TECH TRAINING OPPORTUNITIES

Training in this industry means constant training. You have tremendous pressure to try and stay ahead of the technology curve. However, if you feel that is getting harder and harder to do, you are not alone.

Consider some of these key trends employers told us about training in our survey:

- Almost half of companies require workers to have some kind of training for their IT positions.
- A quarter of businesses require a certification exam or some other type of certification. Furthermore, businesses in the future see an increased demand for workers with certifications.
- Almost a third of businesses require a four-year college degree.

Now here is what you told us about training in our survey:

- Strong majorities of employees (74%) say employers are not offering adequate training on the latest technologies.
- Strong majority of workers (89%) say they don't have the time, money, or resources to get the training they need.
- In training, you valued industry professionals as instructors, short-term intensive and multi-week formats.

At WashTech, we believe that workers can train each other in the latest technologies, pass along the skills actually used on the job, and in the end build a training system that will be accessible to all workers in this industry.

We provide training in the latest technologies in multi-week evening and weekend formats. Classes are kept small to insure one-on-one attention. All instructors work in the industry. Discounts are available.

To learn more about WashTech training classes, go to:

<http://www.washtech.org/wt/training/>

Community colleges are also an excellent source for ongoing training and certification. To learn more, go to:

<http://access.wa.gov/education/awctc.asp>

NEW WASHTECH MEMBER SIGN-UP SHEET

WHY ORGANIZE?

We all know that glossy magazines, media hype about megasalaries and investor reports don't tell the whole story about what its really like to work in the high-tech industry. Health insurance, paid leave, job training, and retirement plans are often not part of the package. Employment status changes and termination can come at any time. That's why we have organized WashTech – to provide a strong voice that works for us.



When you join WashTech you are helping to support:

- The State's only organization dedicated to building a network of techies for information sharing around our issues.
- Support our legislative efforts both in Washington State and Washington, D.C..

Benefits to membership

- Discounted training
- Networking opportunities through socials.
- Access to an organizer to answer your questions.
- Opportunities for involvement in the organization.

You have the fundamental right to form, join, or assist a union. You also have the right to organize to form a union for the purposes of collective bargaining. There is power in numbers. When you join together with your colleagues and speak as a unified group, you can make a difference.

IS IT LEGAL FOR HIGH-TECH WORKERS TO ORGANIZE?

Yes! Under Section 7 of the National Labor Relations Act of 1947 (NLRA), all workers have "the right to self-organization, to form, to join, or assist labor organizations." Furthermore, the same act states that employers are not allowed to "interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7."

HOW DO I KNOW THAT MY EMPLOYER WON'T RETALIATE IF I JOIN WASHTECH?

First of all, your membership is known only to you until you decide to tell other people. We share no lists outside the organization. If you do choose to publicly declare your membership or your involvement with WashTech, you are protected under federal labor law from any retaliation from your employer.

CAN I DISCUSS HOW MUCH I MAKE WITH MY CO-WORKERS?

Discussing your compensation is one of the fundamental rights under the National Labor Relations Act of 1947. Labor courts have said, "It is essential for the full exercise of those rights that employees be able to discuss wages."

JOIN US

You can get involved in WashTech in two ways.

1. Subscribe to the WashTech News:

The WashTech News, a free digest of news of the Washington Alliance of Technology Workers, is delivered via email bi-monthly or whenever issues warrant. We believe that information is power in the high-tech industry and we strive to consistently and accurately inform our subscribers about news that will affect them.

<http://www.washtech.org/wt/contact/subscribe.php>

2. Join as a WashTech Member:

For only \$11 a month you can become a member of WashTech and help support our efforts at making sure we can have improved job security, better health care, more training, and a voice in important legislative issues. WashTech is a non profit labor organization.

<http://www.washtech.org/wt/join/>

USEFUL CONTACT NUMBERS, WEB SITES AND E-MAIL ADDRESSES

WashTech Office Contact Information

Phone (206) 726-8580

Fax (206) 323-6966

Mailing Address

WashTech/CWA

2900 Eastlake Avenue East

Suite 200

Seattle, WA 98102

General E-mail Address

contact@washtech.org

Basic Health Plan, Washington

<http://www.wa.gov/hca/basichealth.htm>

Communications Workers of America

<http://www.cwa-union.org/>

Department of Labor, U.S.

<http://www.dol.gov>

Department of Labor and Industries, Washington

<http://www.lni.wa.gov/>

Employment and Labor

<http://www.lectlaw.com/temp.html>

Equal Employment and Opportunity Commission, U.S.

<http://www.eeoc.gov>

Employment Security Department, Washington

<http://www.wa.gov/esd/>

IT Workers Alliance

<http://itworkers-alliance.org>

King County Labor Council

<http://www.kclc.org>

National Alliance for Fair Employment

<http://www.fairjobs.org>

Washington Alliance for Technology Workers (WashTech)

<http://www.washtech.org>