Going for Another Retro

HAMPShIRE HOUSE – President Francis Martin: “I’m not satisfied that we got Year 3 retro. I’m not satisfied that we got Year 2 retro. I will not rest until we have Year 1, the last retro, in our pockets. Whitmore said we’d never get a penny of retro. Many of our members were doubtful. We deserve that money and we will get it.” Francis Martin and Randy Boivin helped lead the state-wide charge to get retro monies for higher education workers. They have made innumerable calls to key legislators. They taken many trips to Boston to push on our behalf. Both have put in a lot of time on their own time. Francis has spoken before a legislative committee regarding the payraise (and been told that his speech was one of the most effective heard on Beacon Hill). Our union has a commitment that Year 1 of the payraise will be paid out in 2006. As soon as we get word that the time is right, we will take the steps that got us retro for years two and three.

Classism and Grievances

This month Spirit of 1776 spotlights both issues of classism and recent grievance developments. The issues are interrelated: When people are treated disrespectfully on account of their class it’s no surprise that grievances arise. You would think the University would realize that a lot of time is lost and wasted cleaning up after uncalled for and nasty behaviors. You don’t have to be brain surgeon to know that if you treat people decently they will do better on the job. And all of this is class-based. You can count the number of grievances filed by professors on the fingers on one hand. Meanwhile every year scores and scores of grievances are filed by the workingclass members of Local 1776.

Mediation

AMHERST - Last month, frustrated that no progress was being made at the bargaining table, the Union opted to go into mediation. The Union bargaining team and the University bargaining team met with the mediator in early December to set up ground rules. The first mediation session, scheduled for December 9, was postponed on account of a snow day. The Union is now set to meet with the University and a mediator on December 30th. Says Treasurer Randy Boivin, “We felt that the money being offered was minimal and because of that we asked for better language for our members. When that too was rebuffed we had no option but to seek mediation to settle our differences. After our first session my impression was that the mediator was fair but I’m still not optimistic that our needs will be met.”
Unions exist to empower workers and to give voice to the voiceless. What follows is a voice that needs to be heard. It says something about UMass that this member cannot use their own name.

Classism and what I experienced at the University when I first started working here

Classism when I first started working here, I would be working for auxiliary services, which is food service, and I started working there. I remember it was like the first weekend to a supervisors/management meeting. They classified themselves as better than me.

I remember one time, this lady always thought she was better than everybody and she wasn’t even my supervisor from the kitchen. I got steam-burned one day so bad, they said if I went to the infirmary, I would be fired. “You want a job here, you stay here and do the job!”

I got the burn from a defective plastic pan. It was cracked in half. When you went to pick it up to change the pan, out of the hot, boiling water, it folded and burned the skin right off my arm. So I had to stay there because they said if I left, I was fired. And she could, she could make it as I was fired. And I thought that was wrong. And she goes, “You leave, you’re fired. I guess you don’t want this job.”

So I stayed on the job with the burn on my arm with a paper towel around my arm with masking tape for a bandaid. Then when I got off work at 7:30 (when I got home it was probably 8:30), I had to go to the emergency room to have it checked. You know, have the emergency room people take care of my arm.

The next day I came into the dining service with my arm bandaged up. Evidently somebody was there who witnessed it and notified EH &S. They came over and they looked at me. He goes, “What happened to your arm.” I goes, “You can see it’s bandaged.” I removed the bandage and I showed him how it was burned. And he goes, “That’s like a…”

“It’s a second degree burn I got,” I go.

He goes, “How did that happen?”

I go, “Plastic pan. It was broken and it folded in. When I went to lift it up, it’s full of water and vegetables and it blew. You know, the steam underneath it and it folded in half and blew the hot steam. Took the skin right off.”

“You didn’t go to the infirmary?”

“They told me, if you go to the infirmary, I would be fired. I wouldn’t have a job. I had to stay here the rest of the night, suffering in pain and a paper towel with masking tape holding it on.” And the lady, they talked to her, but she got away with it. She never got reprimanded as far as I know. She never apologized.

And there was another time, they had food loaded with MSG in it. I got an instant migraine headache. I said, I go, “That stuff’s got MSG in it.”

She goes, “It does not. I’m a cook. I should know.”

All this, and you know what? Come to find out, the next day she looks at me, “You’re right, it did have MSG in it.” Cause everybody else started complaining about headaches... the student were. But she wouldn’t take my word for it.

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In Memory of the following Union Members who will be sorely missed:

Russ Thompson
“When the going gets tough, punch out.”

Neal Grise

Henry Bouffard

Larry Meunier
Loving Husband of Alicia Meunier
“You ought to know that we’ve resolved a lot of problems in Custodial before they even got to the grievance stage,” says day shift Chief Steward Dick Zaluga. Dick and Hermann report...

- A grievance concerning the fair distribution of overtime during commencement has been worked out.
- That earlier this year a grievance concerning excessive workload for the library crew was resolved.
- A grievance that claimed that Sharon Longley was bypassed for a transfer has been resolved. The grievant received her remedy requested.
- The Union favorably settled a seniority bypass case on behalf of Debbie LaGrant. As a result of the settlement Debbie was placed into a temporary Maintainer II position with the option of making a lateral transfer into a permanent position as soon as a Maintainer II position opened and as long as Debbie met the qualifications for the position. Says Dick Zaluga, “I understand that Debbie is doing a wonderful job in the temporary Maintainer II position.”
- A 2004 grievance on behalf of Kathleen Varady who claimed that the University failed to pay her for working out of title was resolved upon receipt of the owed money.
- A 2003 excessive workload grievance concerning a union member was resolved favorably.
- A 2003 grievance over the termination of union member was resolved favorably.
- A combination grievance was filed by the Union on behalf of Mark Kosloski; it looked like we had a settlement. Now the problem has resurfaced and the Union is working on the issue again. Mark had been doing out-of-title work (cleaning up electrical waste) without out-of-title pay.
- Similarly, a grievance filed by the Union on behalf of Wendi Burton was also settled favorably, and again the problem has resurfaced. Wendi had been doing out-of-title work (cleaning up electrical waste) without out-of-title pay.
- The Union filed a grievance on behalf of Michael Nourx, claiming that his cleaning schedule was getting larger and larger. The Union asked that Mr. Nourx be given additional help. The grievance was resolved favorably. Since that grievance decision Mr. Nourx resigned from the University.

Steward Joe Broussard reports...

- That a 2003 grievance filed on behalf of a union member who received two disciplines for the same issue was resolved favorably.

“There’s a definite concern that trades management in the Plant is failing to hold timely hearings on grievances filed,” says Trades chief Steward George Dragon. He reports...

- That a grievance filed on behalf of Dave Mitchell concerning replacing a battery in the high voltage switch gear was resolved with an agreement that future work like this would be assigned to the utility crew.
Vice-president Whitey Sovinski reports...

★ That the Union grievance on behalf of George Dragon concerning denial of sick time was resolved favorably last spring.

Treasurer Randy Boivin reports...
★ That the Union settled a grievance concerning overtime not offered to Mike Townsend. Says Randy, “Because Mike was bypassed for overtime, the University agreed that he would be offered the next available overtime.”

Grounds
Chief Steward Jim Slocombe
Stewards John Skutnik, Mike Kolemba, Glenn Gagne

Chief Steward Jim Slocombe reports...
★ That grievance filed on behalf of Ed Kendall was successfully settled. Ed claimed that the University had placed him at an incorrect step rate which did not credit him for previous services in another state unit.
★ That the Union won a grievance filed on behalf of Grounds Zone 2 employees who had worked the snowstorm of January 17, 2005, but were not properly compensated.
★ That we’re still waiting to hear several grievances at the third step level concerned with progressive discipline, including grievances filed on behalf of Don Wakoluk and Jimmy Recore et al.

Auxiliary Services
Chief Steward Carol Taylor
Stewards Holly Gorey, Dean Kent, Dottie Taillon
Steward Ed Patterson

“Although we have many grievance wins in Food Services, it can be discouraging fighting for the same issues over and over,” says Chief Steward Carol Taylor. She reports...
★ That the Union was successful in helping a dining commons employee use sick time to cover an illness. The University had been denying this employee the needed sick time. I submitted a grievance on behalf of the employee. And several union reps including Francis Martin, Mike Foster, and myself lent a hand to see that justice was served in this case.
★ That the Union was successful in helping Donovan Morris use time on the books to cover two days that the University had taken him off payroll.

“Although the process took too long, the final result in my case was good and worthwhile. I’d like to thank all the union reps and staff who helped me, particularly Mike Foster.”

Ed Kendall, member
The Union favorably resolved an older grievance concerning failure of the University to give proper layoff notice.

The Union won a grievance filed on behalf of Joe Ligus whose workshift had been changed without the required 12 day notification as stated in Article 10 of the Contract.

The Union won a grievance filed on behalf of Geping Xu who was denied a transfer without just cause.

The Union won two grievances filed on behalf of two union members who had been taken off payroll despite calling in.

The Union won a grievance filed on behalf of all employees at Berkshire Dining Commons who had been losing breaks because of speed-up.

The Union won a grievance related to singling out one employee for wearing a special uniform.

The Union settled a grievance claiming that called for communication skills training for supervisors.

The Union settled grievance filed on behalf of a HVAC union member who was denied overtime when the University assigned compressor work to an 03 employee.

The Union won a grievance filed concerning a lack of hot water and excessive heat at Berkshire DC.

The Union won a grievance concerning the rotation of work in a fair manner.

A resolution was reached in the grievance filed in November 2004 claiming that the Housing Trades overtime policy was not applied correctly.

A grievance concerning the non-posting of yellow sheets at the time clock was resolved favorably in March 2005.

Housing Services

Chapter Chair Al Beaulieu
Chief Stewards Steve Mushenski, Herve Dion
Stewards Joe Malinowski, Bill Forrest,
Stewards Mark Grabiec, Stan Ciukaj, Kevin Kruk
Steward Chet Holubecki

Says Chapter Chair Al Beaulieu, “We are making a major effort to resolve grievances in Housing Services, including grievances that go back a ways.” He reports that...

A grievance filed when the University failed to pay Jim Wysocki time and a half for two shifts worked was resolved when Jim was compensated for the overtime.

Chief Steward Herve Dion reports...

A grievance on behalf of John O’Hara’s upgrading is now resolved; John received an upgrading.

A grievance filed on behalf of Maintainer I Dorothy Cook was settled favorably. The Union grieved that Southwest South was not properly following the seniority list when awarding overtime. The Union asked that the list be changed to reflect who has worked overtime.

Steward Joe Malinowski reports...

That a discipline grievance filed on behalf of a union member in June was resolved favorably.

“Given my past victories, I’m looking forward to settling a grievance concerning call-back time. Francis Martin has been a great help to me, showing me how it’s done.”

John Hawley, Steward
GRIEVANCE NEWS
FROM AROUND THE LOCAL

Former Steward Kerry Naumowicz reports...

★ That a September 2004 grievance concerning excessive workload for all concerned employees in Northeast Sylvan was settled favorably.

Security and EH&S
Chapter Chair Brandon O’Connor
Chief steward Dave Kellogg
Steward John Hawley

Chapter Chair Brandon O’Connor reports that there have been no major grievance settlements in Security or Parking in a while.

Arbitration-level Wins

★ The Union favorably settled a grievance on behalf of members who had been laid off and then discovered that their bumping rights had been undermined. Says Staff Rep Mike Foster, “Our win was that the layoff procedure should not put a worker out of work if they have options to bump.”

★ Earlier this year, the Union won a favorable money settlement for Grounds workers who had been denied proper compensation for stand-by work. Says Staff Rep Mike Foster, “These workers who come in at any hour to do work in bad weather deserve the compensation that we achieved.”

★ Earlier this year the Union won a favorable settlement for Herb Bryan. Herb received a money settlement. Says Staff Rep Mike Foster, “I’m happy that Herb was recognized for working in a higher classification.”

★ A mediator ruled in favor of the union on an issue that arose in Food Services. The parties agreed that grievances can be processed and filed on company time.

Arbitration-level Settlements

★ This year the Union settled a case on behalf of one of our members. As part of the settlement, the University took steps to make sure that just cause was applied correctly.

★ This year the Union settled a grievance on behalf of an employee who had been laid off but denied the right to use accrued time. As part of the settlement, the grievant was allowed to use accrued time on the books.

★ The Union was able to cut through the redtape surrounding monies owed Jeannine LaBossiere for working in a higher-graded position. The Union claimed that Jeannine was never paid properly for working in the higher grade. As a result of the settlement, Jeannine received the monies she was owed.

Prohibited Practice-level Settlements

★ As a result of a prohibited labor practice filed by the Union on behalf of Dave Kellogg, a written warning and other materials were removed from his personnel file.

Here’s to an upcoming year that is filled with just desserts, owed retros, fair wages, safe conditions, decent treatment, dignified work... for each and every one of our brothers and sisters.
Classism continued from page 2

But then this keeps on going. I’d see new people hired. The Asian community came in there. And how they would scare them, you know, and bully them all around into doing things. You know, like they would make them stay late, you know, and they would be off the clock. You know, you’re paid to work 11:30 to 7:30. They would be there til 8 o’clock. They’d have em work through lunch and stuff like that. And their breaks. You think they’d get it? They would give them, instead of their 15 minute break, they’d give em like 5 – a bathroom break.

I started complaining and explaining it to the workers, “You know, you’re giving em 30 minutes free every day. And that comes out to two and a half hours every week of free time they mooched off you.” The Asian people didn’t know. They thought they were still getting paid. I told them, “No, when you punch out you’re off the clock. You’re not getting paid. You punch out, you go home.”

But they (management) would make em stay later. They would do that. Finally when they learned they weren’t being paid they started going home. But you know, the thing is, they should be paid. I even mentioned it to the supervisor, who ’s like, “Well, they don’t know, so what they don’t know don’t hurt them.”

I thought that was bad. And then they’re, like, “They’re stupid enough to work late for it.”

I said, “They don’t know. They don’t understand English.” I go, “ How would you like it? How would you feel if you went to their country? They could take some serious advantage of us! Cause we don’t know. Cultures are different. I go, “They should be reimbursed.”

Other times they even stopped this lady from going to the bathroom. They wouldn’t let her go to the bathroom. And she (the supervisor) goes, “They’re stupid enough to work like that.” And the manager stood up for the supervisor and all that.

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In Memory of the Mother of
Glenn Gagne
Classism continued from page 7 But the only time I seen em back down was when I told her, “Get the union involved. Call the union.” She – it was an Asian lady – and she finally went over and she got the union involved. And then they’re all apologetic about it because they had the union involved. But they still… it still goes on.

Another time I was feeling really sick and was on the serving line. I was ready to vomit and they said, “You can’t go. You’ve gotta stay. You have to stay on the line and keep changing the pans.”

I go, “I’m sick, I’m gonna… Look I’m about to vomit!”

They would say, “You have to stay there.”

It got so bad that I took a trash can that was behind the line and I walked a few feet away from the line, behind a wall, and I started vomiting into the trash can. Then they finally took me off the line.

They told me, “Go downstairs. Have some ginger ale. Come back in about five minutes.” I was still sick, but I had to finish off the shift. The next day I called out sick, because I was sick. And then when I came in the next day, they were, like “I hope you have a doctor’s note.”

I go, “I believe it’s 3 days before you have to produce a doctor’s note.”

They go, “We want a doctor’s note.”

I go, “Well, I’m going to talk to the union.”

And we had to have the union come up. “It’s 3 days,” they said.

And then they said, “No, it’s 2 days now.” Then, “Now it’s 1 day.”

But I found out from the union it’s 3 days. But they would, like, bend the rules.

They would do the power thing, the notion of power over you to scare you to do anything.

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The Spirit of 1776 is a publication of AFSCME Local 1776. We aim to be a voice of the membership. More, our goal is to advocate for the membership. We believe that communication between members is a means to that end. To be effective, we need your participation. How can you participate? Send us ideas for stories. Angry? Write us. Someone deserves congratulations? Write us. Read something of interest to members in a magazine or newspaper? Clip it, and send it in. Original articles, editorials, news items, cartoons, criticism, and praise are always welcome. All materials should be forwarded to the Union office. We strive to publish four times per year. If you are interested in writing, reporting, cartooning, editing, typing, or layout, please contact us. Empower yourself. Empower us.