**Grievance Scheduling Breakthrough**

WHITMORE – There is an old saying in the labor movement: Justice delayed is justice denied. Well, for too long justice has been denied those of our members seeking a third step remedy from Whitmore. There have been inexcusable delays in getting decisions handed down at the third step level. For example, it has not been out of the ordinary for a grievant to wait six months or more between the time of filing a grievance to third step and the scheduling a hearing at third step. And then comes another wait... the wait for an answer at third. It has not been unusual for a grievant to wait not one week or two for a response from Whitmore. Try instead six months or eight months. And those are the lucky grievants. For many grievants there is simply no answer issued from Whitmore. In our office we have files of more than thirty union members who have waited more than a year for an answer from Whitmore. It is unlikely that these members will ever receive the simply

> continued on page 8

**Alterations MisFires**

PHYSICAL Plant – On Monday, September 26 Alterations, out of the Physical Plant, hands out six lay-off notices to AFSCME electricians. Our Union leaders immediately set into motion actions to save the jobs of the electricians affected. Meetings are held. Important calls are made. “Why these cuts when UMass is swimming in money?” “Why wasn’t the Union notified way in advance as promised.” “Why didn’t even Whitmore know what was happening?” “What the Hell is going on here?” Grievances and bumping forms are prepared... just in case.

Cut to Tuesday, September 27. 12:15 PM. Management calls a “confidential” meeting with the electricians. Management expects to exclude the Union. The Union attends anyway. All lay-offs are retracted. Each electrician receives a letter of apology from the head of Facilities Planning.

**Fire Alarm Layoffs Averted**

PHYSICAL PLANT – According to Treasurer Randy Boivin the Physical Plant has come up with enough money to fully staff the Fire Alarm Shop this year, despite Housing Services contracting out these services to Simplex. Vice-president Whitey Sovinski reports that earlier this summer Plant Management had been meeting with zone supervisors concerning different budget scenarios earlier and asking for feedback. The Plant has been hoping that after seven to eight years of suffering budget cutbacks, funding would improve this fiscal year.
President’s Report
by Francis Martin, Jr.

You know, when a big grant is awarded to campus, the University extends a line of credit to the professor who oversees the grant. That way the professor can make sure that payroll is met. Money flows even before the actual contract is signed between UMass and the grant funder. Isn’t strange then that we have to wait months and months for our retro pay raises. I’ve been told by Whitmore that all they have to do is push a button and you and I receive our retro monies. “But we have to wait, Francis, until the money arrives on campus before we push the button.”

What is the problem with paying the retro’s immediately?

Why? The Legislature has enacted the funding legislation. Is Whitmore suggesting that the Commonwealth is not to be trusted with coming through on the money? What is the problem with paying the retro’s immediately? All the time the University extends millions of dollars in credit to grant projects. Why the double-standard? It can’t be that University employees are a low priority... can it?

I want you to know that our Union is preparing for our next contract negotiations. Our current contract ends on June 30, 2007. We will ask to bargain with the University in January. I floated a suggested list of bargaining team members to the Executive Board on September 28th. We will have a bargaining team in place by the end of October. Soon, you will receive a bargaining survey. I encourage you to fill it out with your ideas and send it back in.

Congratulations to Herve Dion for a job well done! Happy Retirement!

Contracts & Contract Surveys
HAMPshire HOUSE – Stay tuned for copies of our current union contract. We’ll send out a flyer when ready. Also, keep an eye for our upcoming bargaining survey.

To Whom It May Concern,

I was a counselor this summer with the group EFY (Especially for Youth) and was thoroughly impressed with your wonderful cafeteria staff. Having spent weeks on other university campuses, your staff was the most outstanding of all. The workers were all pleasant and happy to help. One of them even wished me a happy birthday upon hearing a co-counselor mention it was my birthday. Please tell your staff how wonderful they are and how much I appreciated their smiling faces!

Sincerely,

Amy Smith, EFY Counselor
Gahanna, Ohio

Contracting Out Undercover: What Really Goes On

AMHERST – UMass is suppose to operate under the confines of state law. Specifically, UMass contracting out practices should be in compliance with the major state statute on contracting out of state services: the “Pacheco Law.” Is UMass in compliance? We are getting reports from across our bargaining unit that cast doubt on the appropriateness of University actions when it comes to contracting out. Quietly, in hushed groups, members are talking how this administrator is on friendly terms with this contractor, and lo and behold this contractor soon receives a contract for services. Members are talking about the waste of state monies involved when contractors charge huge hourly rates and then fail to perform the job they were hired to do. Members are talking about being called in by Management to clean up after contractors or being called in to fix something that the contractor promised to fix, but can’t fix. Members are talking about being asked by Management to keep an eye on contractors... Management does have a legitimate concern about the quality of contractor’s work. One example: Contractors are called for emergency repair on an automated system. Our techs go back the following morning and make the repair permanent. The contractors received hundreds of dollars; our members receive nothing near that to make the permanent fix. Noting examples like this one AFSCME member in the trades says, “The contractors typically address some short-term situation. In the long-run UMass loses.” There are also whispers about the campus providing contractors with supplies and other materials that contractors should really be drawing from their own budgets. All of this is costing the Commonwealth money. It’s also costing the UMass administration something just as important as money... it’s costing employee morale, employee goodwill, and employee productivity.
International Watch
Union/Student Coalition
Triumphs in France
PARIS – This spring a modern French Revolution rolled across Paris, Lille, Marseille, Bordeaux and scores of other French cities and towns. In dispute was a new law enacted by the conservative Government which would make it easier to hire and fire young workers. In response to this attack on young worker rights, hundreds of thousands of protesters packed the streets of French cities and stalled the transportation system.

Opinion polls showed almost two-thirds of French people opposed this new law. On one day alone in March French unions launched 135 rallies across the country. Police said they would be out in force because of fears that violence could flare, as it did during protests last week when cars were burned.

On March 28, opponents of this labor law, convened a fourth national Day of Action against the law, including strikes, demonstrations and university occupations across France. On March 28 the union/student coalition disrupted rail and air transport, public education and mail services while 2.71 million marched against the law.

By April 10, French President Chirac had enough. He caved to the demands of the union/student coalition and scrapped the law.

National Watch
Hunger Strike at University of Miami in Support of Janitors
MIAMI – This spring there was a 18-day hunger strike waged by janitors at the University of Miami in support of a campaign to unionize janitors at the campus. The University subcontracts all janitorial work to UNICCO. According to SEIU, the union trying to organize the workers, UNICCO’s response to the janitor’s effort to win safer workplaces and better jobs by forming a union was an unprecedented crackdown on janitor’s civil rights. Over the course of 8 months UNICCO threatened, fired, spied on, and coerced workers they suspected of supporting the union, frequently targeting leaders for reprisals. Several national leaders voiced support for the strikers, including John Edwards, the Democratic Vice-

presidential candidate in 2004. Ten janitors began the hunger strike, which was ended by a symbolic offer of food from Father Rich Mullen of St. Augustine’s Catholic Church. One janitor suffered a stroke while on the hunger strike. Throughout the spring, according to the New York Times, strikers contrasted the luxury lifestyle of UMiami president Donna Shalala with those of the janitors. Most janitors make less than $17,000 a year, while Dr. Shalala earns $516,904 a year, lives in the University’s 9,000 square foot presidential residence, has a 29-foot motorboat and a dog, Sweetie (who enjoys four dog beds). Since the hunger strike began janitors have received payraises and healthcare benefits. But the struggle is not yet over.

Beacon Hill Watch
Attack on Our Pensions
BOSTON – In early June Lieutenant Governor Kerry Healy, the Republican candidate to replace Mitt Romney in this November’s Governor’s race, rolled out a plan to radically change our state retirement pensions. The Lieutenant Governor is proposing to do away with guaranteed pensions amounts in favor of a system where stock market prices would determine the size of our pensions. In effect the State would wash its hands of all the risky ups and downs of the stock market. Instead all the market risk would be transferred over to you and me.

Attack on Health Insurance
BOSTON – This spring the Romney/Healy Administration again tried to derail our health insurance coverage. They proposed increasing the amount we pay for health insurance by up to 33% percent. If Romney and Healy even had a handful more support in the Senate and General Court their veto of our current rates would be upheld.

Labor/Management Workplace Education Offerings
GOODELL – As we go to press our LMWEP program is in the middle of its fall 2006 recruitment drive. This year the program offers expanded offerings in computer courses, an additional section of workplace ESOL for night shift workers (funded by the Physical Plant), and more Next Steps offerings. More than 200 employees have signed up for courses. Many courses have waiting lists at this point. Look for upcoming news on the LMWEP Trust Fund.
How UMass Treats 03 Workers
Technically, 03 workers are suppose to be temporary workers hired by the campus to address urgent and short-term situations. Let’s say in October for unexpected reasons several thousand additional students were assigned to campus. Dining Services might have to rush out and hire some 03’s to meet the food service needs of these students.

But emergencies of that type are pretty rare. Instead what we have seen for a long time is an institutional-sanctioned use of non-benefitted workers on campus. For example year in and year out Dining Services hires hundreds of 03 workers. At this point in time any competent planner could anticipate need for additional workers. There is no legal reason to hire non-benefitted, non-union workers to meet these anticipated needs. But the University flaunts the purpose for 03.

How Many 03's on Campus?
You may be surprised to learn that UMass employs over six hundred 03 workers. Some are retirees, with retirement benefits. But the vast majority are workers without benefits.

The AFSCME Campaign to Organize Blue-collar O3's on Campus
The University has been abusing the use of 03's for a long-time. For too many years the work that should be going to our members has instead been assigned to either 03 workers or outside contractors. We estimate that UMass employs some three hundred non-retiree 03 workers on campus doing AFSCME Local 1776 bargaining unit work.

Several years ago the Union decided to make a concerted effort to organize these unorganized workers into Local 1776. Campaign 1: To that end union leaders here on campus collected a significant number of sign-up cards from these 03's. To trigger a vote for unionization you have to have cards from at least 30% of the workers you’re trying to organize. Local 1776 sent well over the 30% number. In a pretty deceptive maneuver UMass countered at the Labor Commission that the total number of 03’s on campus exceeded 600... and therefore AFSCME did not submit the required 30% of the 600. The University’s argument was misleading in that they included 03’s doing clerical work and retiree 03’s. UMass followed this under-handed trick with a proposed a settlement to AFSCME: You can unionize a small segment of 03’s and settle for putting them into another union local. Our Union told UMass, “Shove it.”

Campaign 2: We’ve collected the cards again. But we are holding the cards. In August we petitioned the Mass Labor Relations Commission for a ruling that would fold these workers directly into Local 1776. Currently, we are awaiting a decision from the Commission. Should the Commission rule against the petition, our AFSCME will again submit sign-up cards to organize these workers. We are in this campaign for the long-haul. We aim to win.

03’s deserve to be organized. UMass needs to be called on their employment practices. Justice will be served.

Why It’s in Our Interest to Organize 03’s
There are many reasons for us to help organize the 03's on campus.

• First, it’s the decent thing to do. 03 workers, just like us, and just all workers, are entitled to a fair wage with fair benefits. Currently, most 03’s on campus are not paid a fair wage and are without benefits. No vacation. No sick leave. No health insurance. A pretty rotten pension deal.
• Second, organizing 03’s into our union puts a brake on the University’s efforts to undercut our wages with lower paid workers.
• Third, incorporating 03's into our union makes us a bigger, a stronger union.
The Organizing Campaign

My Experience as an 03 Worker on Campus
CAMPUS – I worked at UMass as an 03 for more than four years. I really didn’t have any say in the work I did. I worked really hard to make money for my department. But it seemed like it was never good enough. The more I did the more they wanted.

I felt very unappreciated. No one ever said, “thank you,” for doing a good job. Managers made you feel like you could be replaced at any time. In general, I wasn’t treated very well.

Working at UMass as an 03 is very stressful. Both mentally and physically. I worked the night shift; I was constantly moving.

I have four children. My children knew that I was stressed. My kids are quiet. But full of concern they’d say to me, “What’s wrong, mama?” They’d offer to give me shoulder massages.

Eventually I quit UMass. I quit because I saw my manager harassing and discriminating against an employee who had a hard time speaking English. This employee worked really hard. The manager fired him. When I heard the news it broke my heart. I almost threw up.

Would I have joined the union if I had a chance back then? I would’ve jumped at the chance.

What You Can Do to Help
Talk to 03 workers.

a) Let them know the benefits union workers receive on campus.

b) Offer your support to them.

c) Make it clear that we are upset with the University for abusing 03’s; we are not upset with 03 workers themselves.

Romney: Insurance for the Uninsured
BOSTON – Earlier this summer the Romney administration rolled out a plan to insure the uninsured in the Commonwealth. Like the plan or not, and many critics found the plan wanting, a key Romney talking point was... We’re going to put more pressure on employers to make sure that their employees are covered by insurance. Ironic isn’t it, then, that UMass, one of the largest employers in the state, provides no health insurance coverage to hundreds of its 03 employees. It’d be nice if the Romney administration led by example, rather than by rhetoric.

UMass and Wal-Mart
Two Peas in a Pod?
HADLEY – Is UMass adopting some employee relation ideas from neighboring Wal-Mart? If you’re an 03 employee on campus you might think so. Let’s see.

- Well, you can’t file a union grievance at Wal-Mart and if you’re an 03 worker at UMass you can’t file one either.

- Bad health insurance coverage at Wal-Mart? Well, UMass 03’s get no health insurance coverage at all.

- No negotiated pay raises at Wal-Mart? None for campus 03’s either.

- Fired in the blink of an eye at Wall-Mart? You’ve got it... 03’s on campus have no job protection, period.

So, what, really, is the difference between UMass and Wal-Mart? Anti-Wal-Mart activists might want to take a walking tour of this campus.
Environmental Health & Safety
According to Chief Steward John Hawley, the Union is filing a demand to bargain with the University concerning the decision by Environmental Health & Safety to unilaterally to take away all AFSCME overtime at the Mullins Center.

Custodial Services
According to Custodial Days Chief Steward Dick Zaluga, “There are no major news happenings on our shift. It’s been pretty quiet for a while. Although we are short 11 people, workload issues seem OK for now. We are waiting on a number of third step answers.” Dick also reports that the Union has two new stewards: James Younger represents the second and third Custodial shifts in the Campus Center. Pete Kelly represents Zone 1 Days (Physical Plant).

Chief Steward for Nights, Kevin Scanlon, reports that Mike Guzik is the new steward for Zone 2 Nights.

Plant Trades
Vice-president Whitey Sovinski reports that the Executive Board has appointed Art Goodhind Chapter Chair of Unit 1 (which covers all of the Plant)... Also, according to Vice-president Whitey Sovinski, “We have Plant Plumbers who are upset about upgradings. They’ve seen other trades upgraded in the last five years, including some unlicenced trades workers. They thought they had a commitment from management to support an their upgrading, but management backed off of that support at the bargaining table. Housing Services is reviewing the possibility of upgrading its plumbers. I’ve talked with Pat Daley and asked him to contact John Findley concerning a campus-wide reallocation for plumbers... The Power Plant has been supporting employee efforts to upgrade their skills to prepare for the new Power Plant. It’s expected that eventually coal yard workers will be absorbed into various Grounds zones... There are reports that favoritism is an issue at the Power Plant as is overtime... Chapter Chair Art Goodhind reports on-going abuse of Laudermill Hearings throughout the Plant. Linked to Laudermill abuse are violations of our Weingarten Rights [more in next Spirit]...

Housing Services
Chapter Chair Al Beaulieu has identified:
★ nine Housing grievances that are awaiting a hearing at arbitration,
★ thirteen Housing grievances that have been heard at third step but no answer was ever received from Whitmore, and
★ seven Housing grievances that are awaiting a hearing at third step...

According to Chapter Chair Beaulieu the Executive Board has appointed Housing Trades Chief Steward Steve Mushenski to serve as interim Chief Steward for Housing Maintainers... Chief Steward Steve Mushenski reports that four Housing Stewards: Leann Robinson, Mike Soja, Tom Dworkin, and Eugene Alexander participated in a grievance-writing session sponsored by the Local. Steve also reports that long-time Orchard Hill Central Steward Kevin Kruk has temporarily stepped down. His interim replacement is Debbie Thornton. In late August new Central Area Steward Tom Dworkin transferred to Northeast/Sylvan. Also this summer new Northeast Area Steward Jonathan Grant transferred to Sylvan... We have been told that there is a maintenance budget built into the construction of the new North Area Dorm residence. One AFSCME member will be assigned to each of the four dorms; North Area dorm residents are expected to clean their own rooms.

Dining Services
Chapter Chair Charlotte Chandler- Laroe reports that the uniform change was implemented at Berkshire Dining Commons with no input from the Uniform Committee... Also there is the issue of summer pay scales; it’s a big problem in Auxiliary Services... Chief Steward Carol Taylor reports that the new steward for Worcester first shift is Alex Peterkin.
Grievance News

Grievance Officer
At any one time the Local has dozens of grievances and reallocations going. Since a number of these are class-action (more than one unit member involved) a lot of us have a direct stake in these actions. In addition, many of us are affected by grievances filed by other members. What follows are some recent grievance/reallocation developments.

Some Grievance Resolutions
HAMPShIRE DINING COMMONS – The Union filed a grievance on behalf of all AFSCME workers at Hampshire Dining Commons claiming that the workloads were so excessive at Hampshire that workers were regularly missing their breaks and lunches. The grievance was won. The University agreed to provide more help at Hampshire to make sure breaks and lunches could be observed.

WHITMORE – The Union filed a grievance claiming the University was breaking Article 6 of the contract when it failed to provide monthly membership reports. The Union won the grievance.

Housing Overtime Case
THOREAUS – Chief Steward Steve Mushenski reports that the Union won a grievance filed to overturn the SWN management practice of denying AFSCME members in SWN the comp time option for overtime worked. At the grievance hearing both sides hammered out a workable solution: Management would regularly post overtime and any restrictions on comp time usage.

Housing: Union Interference & Hostile Work Environments
BAKER – The Union has filed a grievance claiming that the University is actively interfering in union activities. Management is harassing union representatives and creating a climate of fear and mistrust at the workplace.

BAKER – In late spring a Class Action ACE grievance was filed on behalf of union members at Orchard Hill and Central protesting demeaning work procedures that were never properly negotiated with the union. The grievance also protests violations of employee Weingarten rights (the right to have a union representative present at meetings as determined by both a Supreme Court decision and further underscored by language in our Union Contract).
Recently Scheduled Third step Grievances

The information below accompanies the article on Grievance Scheduling Breakthrough on page 1. Here are recently scheduled third steps.

- August 22nd, four scheduled including three discipline-related Custodial grievances, and one Plant discipline grievance. Please note, this set of grievances had to be rescheduled.
- August 24th, five Parking grievances scheduled including three disciplines, one retaliation, and one failure to post a position.
- August 24th, also this same day five Dining Service grievances are scheduled, including two disciplines, one seniority bypass, one class action concerned with shirts, and one class action concerning schedules.
- September 14th, five Housing grievances scheduled including a class action overtime case, a sick leave case, two disciplines, and a stand-by case.
- September 28th, five EH&S grievances are scheduled including four overtime cases (two of which pertain to meal breaks), and a work detail grievances.

Grievances continued from page 1: courtesy of a response... whether that response be positive or negative. There is contract language intended to prevent these delays. “If the grievant elects to proceed to this Step [Step 3], then within seven (7) days of receipt of the step 2 decision he/she shall send a notice of his/her appeal to the CEO. The CEO shall meet or arrange to meet within five (5) days with the grievant for review of the grievance (such arranged date not to delay the meeting more than fourteen (14) days)... The CEO shall render a written decision within ten (10) days of the date of the meeting.” Early this summer, this less than desirable situation began to change for the better. At the urging of AFSCME and several other unions on campus, the University hired another administrator to help process these grievances. Adding that person, Don Teres, has made a positive difference. Third steps are now being answered and answered in a timely manner. Even if the responses are negative (and not all have been), the delays have stopped. We are moving towards a time when there will be a very short waiting list for third step grievances. See sidebar at left for a breakout of twenty-four scheduled third step grievances.

In the next Spirit of 1776: a photo-spread of our 2006 Union Picnic.