



# SPIRIT OF 1776 NEWSLETTER



UMASS EMPLOYEE'S LOCAL 1776 - COUNCIL 93 / AFSCME, AFL-CIO - 545-2831  
116 HAMPSHIRE HOUSE - AMHERST, MA. 01003

October 2007, VOLUME 42, NUMBER 2

## “SICK” ‘N TIRED OF HARASSMENT?

CAMPUS – Here’s the overall picture... First, you’ve earned your sick time. Second, when you’re sick, no boss should make it hard for you to use that sick time. Third, harassment has no place here on campus. Fourth, there are steps you can take to protect yourself. Fifth, you should be aware of what the Union is doing on this issue to protect your rights.

### Your Right to Earning & Taking Sick Time

Each of our members on payroll earns one and quarter days (15 days per year) of sick time per month... full-time people earn full-time days, and part-timers earn part-time days. How you earn sick time is laid out in Article 11 of our Contract with the University. And how you can tap into your earned sick time is also described in Article 11. It boils down to this:

When sick you are free to make use of earned sick time. If your boss “has reason to believe that sick leave is being abused,” (Article 11, section 1E) the boss can *in writing* request medical documentation. Also, if you have to take ten or more sick days in a row, the boss can *in writing* request a doctor’s note. And that’s a reasonable request. But minus a reasonable suspicion of abuse, your boss should not in any way harass you over your usage of sick time.

### Protecting Your Rights

So you think your boss is harassing you over usage of sick time. But, maybe, you’re not quite sure. You should file a grievance with the help of your union steward if your boss does any of the following:

- singles you out for grief when you take sick time
  - makes any kind of disparaging comments when you take sick time
  - demands a doctor’s note even if there is no reasonable suspicion that you are abusing sick time
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### Uniform Survey in Auxiliary Services

CAMPUS CENTER – In August the Union surveyed members in Auxiliary Services to find out what people thought about uniforms in the Dining Commons and in Cash Operations throughout campus. Uniforms has been a contentious issue because there is a labor/management committee set up to make decisions on uniforms, and yet upper management bypasses this committee when making uniform decisions. In the survey we asked how well current uniforms fit, about heat issues, sleeve preferences, and cloth preferences. Here is what Union members are saying.

- 95% prefer a uniform that is 25% cotton and 75% polyester
- most prefer a short sleeves uniform

As we go to press it looks like the University will be disregarding the both survey results and the joint uniform committee. In response we will be filing charges against the University at the Labor Commission for bargaining in bad faith.

# President's Report

by **Francis Martin, Jr.**

Yesterday five union members (Al Beaulieu, Patty Dushane, Don Chapdeleine, Gerry Ouimette, and myself) testified in front of the Legislature. We know that by age 55 people in trades positions like electricians and plumbers often have physical and mental (stress) difficulties performing their jobs. The bill we testified for would allow these workers a Category 4 Retirement (retirement at age 55 if you have the years in). Six different retirement bills, each addressing different occupations, were before the Committee. The Committee will be conducting a cost analysis, and as a result not all of these bills may be approved by the Legislature. We have no way of knowing how this will eventually turn out. It will be a long process. The Committee is accepting new evidence over the next two weeks. Then a bill will be crafted to allow a vote. The bill faces revisions at every step of the approval process. Given the large number of occupations that could move into Category 4, no quick decision is expected.

An increasing amount of my time is taken up with defending unions reps who, it appears, are being singled out and targeted for their union activities. Many of these management actions border on Unfair Labor Practices. To remedy we are seeking advice from our Legal department.

As we go to press, we are again attempting to get a Trust Fund in place for Lab/Mgt Workplace Education to protect our allocation of negotiated monies. A Trust Fund would also allow us to carry money forward across fiscal years. Our intent is to address the commonality of interest among all classified workers on campus for a career ladders system that links education (across the board transferable skills education as well as job specific training) to advancement and promotions.

## Fall 2007 Labor/Management Workplace Education Courses

### FOUNDATION COURSES

Spelling, Reading, Writing, & Email  
Workplace ESOL (5 sections)

### NEXT STEPS COURSES

It's About Time  
Stories From The Field  
Social Justice/Diversity Radio  
Workplace Conflict and Stress  
Writing for Work and Beyond

### COMPUTER COURSES

Computers for Everyone  
Advanced Ms Word  
Workplace EXCEL (5 sections)

## 1 Year Contract Ratified

As you've already probably heard... 96% of members voted in favor of ratifying the new contract. We expect the Governor and Legislature to fund it by December.

## Sick Time > continued from front page

- sends you a letter asking for a doctor's note... but nowhere in the letter does your boss outline exactly why you are accused of abusing sick time

You should also call the Union to check out how FMLA and the American with Disabilities Act can protect you when you are sick.

## Your Right to a Workplace Free of Harassment

Under our Union Contract you have a right to an harassment-free, an abuse-free workplace. Period. The Preamble of the Contract reads, "All parties are committed to the creation and maintenance of a work environment where employees and supervisors treat each other with dignity, respect, and civility." Certainly harassment is a violation of that contract language. In another section of the Contract (Article 8, section 1) the language reads, "The terms of this agreement shall not be applied in an arbitrary or capricious manner." That means your boss can not single you out for different treatment at the workplace. And unless your boss harasses every single person in your area, then when your boss harasses you he or she is applying the agreement in an arbitrary or capricious manner.

The contract does **not** read, "Toxic supervisors please harass AFSCME members." But, it seems you'd never know that. Of late, some toxic bosses have become increasingly emboldened. These toxic supervisors are harassing union members around taking earned sick time. That is pretty disturbing. That these bosses are applying this harassment with the support of their departments is even more troubling. Ultimately, the question arises: Who in Whitmore is encouraging departments to harass union members? Who in Whitmore is turning a blind eye to the harassment that our members confront on the job?

## What the Union is Doing

The Union is preparing a case to go to the Labor Commission claiming that the University is acting in bad faith when it agrees to Contract language for sick time and then knowingly undermines that language by turning a blind eye to bosses who harass union members who need to legitimately make use of sick time. More on actual case examples of harassment on our next newsletter.

# Boris Pavlushkin Interview

– My Experience in Getting a Trades License in America –

*Boris Pavlushkin was born in the Soviet Union, in Uzbekistan. In 1932, during the height of Stalin's Purges, Boris' grandfather escaped from Russia and emigrated to Uzbekistan. At the time both Russia and Uzbekistan were part of the USSR. His grandfather, a Christian and not a Bolshevik, sought refuge in Moslem-dominated Uzbekistan.*

*Boris and his family grew up in Uzbekistan. Boris attended schools for eight years, then four years of college. In 1972 he graduated college with an electrical technician's degree. In 1989, during the last years of Gorbachev's leadership, Boris moved to southwest Russia, to a city in the Black Sea region, Krasnodar.*

**Boris, many of our members are immigrants from other countries. Some, like you, were licenced in your country of origin. How does a union member who has earned a trades licence in another country get a licence in this country?** I obtained my electricians licence in Russia many years ago. When I came to the USA I discovered that my Russian licence no longer applied. I was told that I had to go through the American process for an electrician's licence.



**Boris Pavlushkin**

**So what did you do?** I opted to go to a private trades school in Chicopee for the licence. At the time it cost me \$9,000 for a concentrated one year course of study. I have since heard that the cost is up to at least \$25,000. However, I was able to get waived the apprenticeship practicum requirement on account of my many years of electrical work in Russia.



**Boris Pavlushkin**

**Was that waiver easy to obtain?** No. I had to obtain copies of my original licence. I had to provide a copy of my workbook. I had to get letters that documented my work history in Russia. Many of these papers I had to get translated from Russian to English. It took some time.

**Are there cheaper options? \$25,000 is a lot of money.** I went to the school in Chicopee because they offered concentrated study. I could either take daytime classes and finish in nine months or take classes two days a week after work for 12 months. I started with the day classes, picked up a day job, switched to nights, and finished in about 11 months. Alternatives include Greenfield Community College. I believe GCC charges around \$1,200 a semester for a four year plan of study (this is not counting any required apprenticeship time).

**Boris, can people talk to you if they want more information on your experience.** Yes, definitely.

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*In Memory of*

**Harvey Chandler**

*Father of Charlotte Chandler-LaRoe*

# Hoang Nguyen Interview

– Fighting for Health with the Sick Leave Bank –

*Hoang Nguyen is a long-time AFSCME member. She and her husband Giang Tran work in Custodial Services, night-shift. Two years ago Hoang developed cancer. She underwent a long recovery process. Hoang has been cancer-free for about a year now.*

**Hoang, how are you feeling?** I feel OK. Once in a while I'm in pain, stomach pain, Sometimes now some foods bother me. I can't eat anything fatty.

**Tell me about your illness.** When I first had pains it was in my abdomen. So after a week or two I thought my stomach had problems so I went to the doctor. Then the doctor did ultrasound on my stomach. And he must have seen something. He sent me to a gastro-enterologist, a specialist. At Cooley-Dickinson, that doctor took a look inside me. He found a tumor on the head of my pancreas.



Hoang Nguyen



**What were you thinking when he gave you that news?** When I heard about the tumor I was very sad. I've had a very healthy life. I'm active. I eat right. I haven't done anything bad. It was

Hoang Nguyen

hard for me to understand why I had a tumor. The specialist sent me to Baystate for surgery... Cooley Dickinson couldn't do this type of major surgery. Over at Baystate I got a second opinion. This doctor saw the tumor on a big computer screen and also recommended the operation. He worked with a surgical doctor and they scheduled me for surgery within the month. But because of the severe stomach pains I was experiencing they moved up the surgery to April 15, 2005.

**How did the surgery go?** The surgery went very well. They cut away the tumor. They had to cut a little bit of my stomach and my intestines as well. I was operated on for seven hours. After that I stayed in the hospital for ten days and then I came home. I recovered from the surgery in about a month. And then I was put on chemo and radiation to kill the cancer that had infected my lymph nodes. I was not expected to live.

**It must have been a pretty stressful time.** Very stressful. It changed my life. Upside down. It changed everything. I was just waiting to die. But my spirit was very strong. I think that the reason that I am alive today is because my spirit is very strong and I had always try to be healthy.

**How did you cope with your cancer recovery?** I stayed home for over a year. I was lucky when I originally signed up for the sick leave bank... Back then I never gave a thought about getting sick. I just wanted to donate some time to someone else who was sick. If it wasn't for the Sick Leave Bank it would have been financially very hard for me. I was so ill at home. I couldn't work. I couldn't do anything.

**Was it hard to sign up for the Bank?** No, it wasn't. First, I had to use all my saved up time (about six months worth). Then I went to apply for the Sick Leave Bank in Whitmore. I went to see Francine Phelps. She was very helpful, a very good lady. Also, I really want to thank the AFSCME members that help oversee the bank– they were very helpful to me. I brought in a doctor's note as required. I was given three months of sick Leave Bank time. After three months I was still ill, I came over to speak with Francine again. I got an additional one more month of Sick Bank time. Then, because I was still pretty sick, Francine referred me to Labor Relations to fill out a an Extension of Sick Leave application. For Extension of sick Leave you have to be off payroll for a full week to apply. I got a call two or three days later saying that I got the Sick Leave Extension for another 3 months. So, I

eventually patched together six months of my own time, four months of Sick Bank time, and three months of sick Leave Extension. At the end of these thirteen months, I was feeling better so I returned to work in May 2006.

**Most AFSCME members have opted not to join the Sick Leave Bank. What would you advise?** My advice: Everybody should sign up for the Sick Leave Bank because you never know what's gonna happen to you in your life. Even if you don't need it, it's a good thing to do because it helps your friends, your co-workers like me... you could help people like me. We appreciate it very much.

**I have a friend who works in a non-union place. She got cancer. She's finding herself with hardly any financial resources. You can't imagine how hard it is to stay home and have no money coming in. It's horrible.**

**Hoang, what other supports got you through the illness?** Because of the treatment at the D'Amour Cancer Center at Baystate I had access to a social worker. She socialized with me. Cancer is a very stressful disease. When we get cancer it can create a lot of anxiety. Cancer patients need to talk. It was great to be able to connect with a therapist who had experience dealing with issues like cancer, death, disease, everything. She helped me in a number of ways. Even financially. I was finding it really hard to pay for the expensive cancer treatment medicine. So my therapist helped me to connect with a research project that gave me money for my participation – money helped cover the cost of the drugs (I found that my insurance covered only some of the cost of the drugs).

**Sounds like you got a lot of help. Yes. I did. I appreciate the help from the Union, Whitmore, Cooley-Dickinson, Baystate, the therapist, and the cancer research people.**

**Why is the sick Leave Bank important. It's good thing to do to protect yourself, and it's a good thing to do to help others.**

**Any last words?** I really want to especially thank Francine Phelps and the Labor/Management Sick Leave Committee.

*UMass Amherst*  
**PHENOM Council Meetings**  
Alternate Tuesdays each month. If interested in learning more contact Ferd at 7-4121 or Aggie at 5-2383.

# Ferd Wulkan

## Interview

### – Talks about PHENOM –

*Ferd Wulkan is a staffperson for the Massachusetts Society of Professors. Previously he was staff for the professional employee union on campus. Ferd is married to Leslie Lomasson. They are proud parents of Hannah. Ferd is an internationally-competitive tiddly winks player.*

**Ferd, tell us about PHENOM. There's a lot in the press lately about PHENOM.** PHENOM is a statewide coalition that brings together students, staff, faculty, and community members who care about public higher education in Massachusetts. As far as we know it's the first coalition that is so broadly based and that is trying to become an effective lobbying force on Beacon Hill, and also a real grassroots organization that can mobilize people. In its very short existence we have accomplished quite a bit and laid a foundation for really mobilizing public support for public higher education. Unlike some efforts it's not focused solely upon improving funding for public higher education, although that is certainly part of the goal. PHENOM is equally concerned with making college equally accessible and affordable for all Massachusetts residents.

**How did PHENOM start?** It started when Deval Patrick was running for governor and some groups on the UMass Amherst campus felt like it wasn't enough to just endorse him, but we should use his candidacy and his election to put forward a progressive vision for higher education. So, we planned a summit on this campus for December 1 2006. To our surprise Deval Patrick attended (just a few weeks after his election). When he came it was clear that he had read the road map, a document that used a lots of facts and figures and anecdotes to illustrate five principles for public higher education:

1. Better funding
2. Affordability
3. Accessibility
4. Increased hiring of faculty and staff
5. Democratization of the institution

**What does democratization of the institution mean?** It means a number of things. It means honoring the collective bargaining process and paying raises that were bargained, paying those negotiated raises on time. It also means giving more power to governance groups like the Student Government Association, the Graduate Student Senate, the Faculty Senate and the unions in the areas that they should have purview over. We also talk about the UMass Board of

Trustees where the only seats that are elected are the student seats... but most of these student seats don't have a vote. Other states do this very differently.

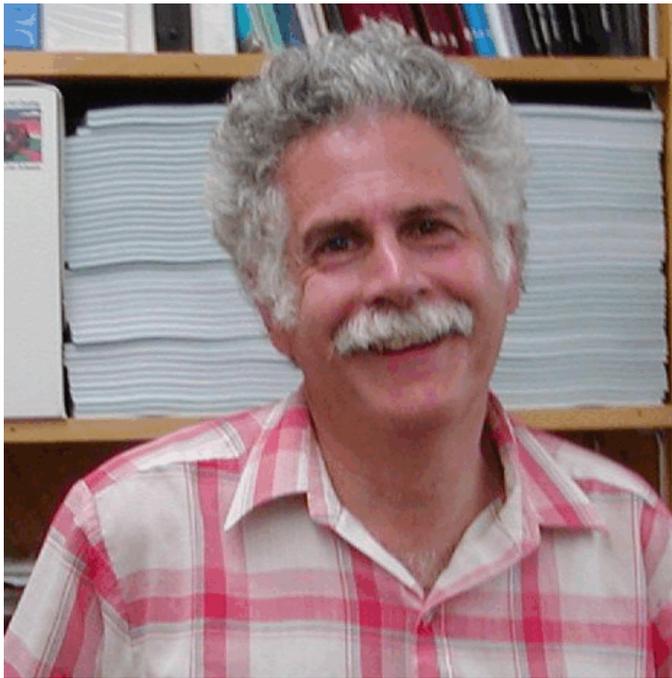
**What does PHENOM hope to accomplish? Short-term? Long-term?**

Short-term: a legislative program of bills that we're working on, including a capital bond bill that would allow the state to borrow money to deal with our crumbling buildings and would make it possible that the campuses wouldn't have to take money out of their operating budgets for building repair. Second, a large and complicated bill that comes out of a Senate Task Force two years ago. The guts of it... a \$400 million funding gap. Our public higher education is underfunded by \$400 million a year. This bill would, over a seven year period, close that gap. A third bill has to do with affordability. Senator O'Leary has proposed loan forgiveness legislation. It's a step in the direction of free community college. Besides advocating for increased state funding for the campuses, we are also looking for more funding for MassGrant (a source of need-based financial aid). There are other elements of the legislative package but these are the items with priority.

... Students, staff, faculty, and our families represent over a half million people in Massachusetts... the sleeping giant of Mass politics. So if we are going to wake up that sleeping giant we need all of us working together.

**And long-term?** We want to build an organization that has a presence on each of the 29 campuses in the state... an forums organization that can mobilize people for rallies, meetings with legislators, and other forums both around campus-specific issues and a statewide program.

**It seems like PHENOM builds bridges between faculty, staff, and students. Why are those bridges important?** The major reason is that no one of our constituencies is strong enough by itself to achieve the kind of changes that lots of people want to see. Together, though, we as students, staff, faculty, and our families represent over a half million people in Massachusetts... which we call the sleeping giant of Mass politics. So if we are going to wake up that sleeping giant we need all of us working together. This doesn't mean that the different constituencies might not disagree about some things, but we think it's better to work out those differences within a coalition rather than each of us go our separate ways. So, for example, PHENOM just rallied at the Statehouse on April 25 and brought post cards signed by over 5,000 people to the Governor and to every state senator and state rep from their own constituency. One union by themselves could not have done this. One student



**Ferd Wulkan**

group alone could not have pulled this off.

**What was the response?** People interestingly were pretty impressed. PHENOM is definitely on the map. Legislators know what PHENOM is and what we stand for. But this is just the first step. We know we need to build off of this momentum so that next year we can file our own legislation, hold events on every campus, and start getting support from community organizations.

**Ferd, you are at the heart of PHENOM. PHENOM, not surprisingly, is a very creative initiative. What's the connection between creativity and union work?** MSP had the creativity and the vision to give me, as their employee, the time and space to do the organizing for PHENOM. It's important that unions concern themselves both with working conditions and wages for our members but also with the quality of our product. In our case it's the quality of education that students get. In terms of creativity and union work, our unions are strongest when a portion of our membership feels excited, energized, and empowered. This requires not only winning good contracts and protecting our members at the workplace, but also inspiring people, tapping into who they are not just as a worker but as a person, and having fun. So, for example, some of the unions have started talking about doing regular outings. We went to a union play recently. There's talk of going bowling. And I know AFSCME does a lot in this direction with worker art, the picnic, and Workplace Education.

**Ferd, you've been active in the labor movement for many years. What keeps you going?** I don't even know [laughs and stretches]. Good people. Winning things. Seeing people change and grow. > continued on next page



**REMEMBER!**

**AFTER 30 DAYS  
EMPLOYMENT,  
YOU ARE RESPONSIBLE FOR  
EITHER UNION DUES OR  
AN AGENCY SERVICE FEE.  
TO AVOID BACK PAYMENTS,  
CONTACT YOUR STEWARD  
OR THE LOCAL OFFICE  
545-2831.**

**OFFICE HOURS**

**MON, TUES, WED, THURS,  
and FRIDAY 9 am to 4 pm**

## 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.*

### Grievance Won

CAMPUS CENTER – President Francis Martin reports that the Union was able to have a formal written warning letter removed from the file of a union member, a cook. The issue: usage of a personal cell phone at work.

### Part-timers Grievance Won

CUSTODIAL – Chief steward Dick Zaluga reports that the Union won a grievance at the third step level. The grievant was Marilyn Canon, who had applied for a voluntary transfer. Initially Marilyn had been told that part-time Maintainers could not transfer into a full-time Maintainer position. The third step decision reaffirmed the right of part-timers to transfer into full-time positions of the same title.

## Housing Overtime/Contracting Out

BERKSHIRE HOUSE – Chief Steward Mike Soja reports that the Union has filed a grievance to third step over the fact the Housing Services is contracting out work normally done by AFSCME members. This is particularly occurring in Northeast/Sylvan, but is widespread across Housing Services. Housing Services has offered to work better at sharing information with the Union, but this not good enough. We are looking out for the interests of our members who don't earn a lot of money and for whom overtime is quite important.

## Wulkan continued from previous page

**What inspires you?** Seeing union members recognize their own power. Seeing members of different unions building trust and working together on issues of common concern. I get renewed energy when I see new people “get it” about how important the union is, or when a group of people support each other to overcome their fears and confront someone responsible for their misery or oppression, and most of all – when we win!

I am inspired by individuals who are strong honest democratic role models. I am inspired by examples of solidarity, when workers recognize they have more in

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# A Few Words about Fred Bailey

by Elaine Kostek, *Administrative Assistant, New Students Orientation*

Our Department runs Orientation for entering Fall and Spring students. We also run other recruitment programs throughout the year which require the help of “moving services” since all of these programs are held in other buildings on campus. Therefore, we had gotten to know and rely on Fred. On all Service Requests I submitted for the “movers” I always requested Fred be assigned. He would stop in to see me a few days before any “move” job to get any necessary updates, etc. Our largest move takes place each year in May. Our dept. moves our operation to another area of campus for the duration of Summer Orientation (approximately 9 weeks). We always move over to the summer area the day after Memorial Day and move back to our permanent quarters in the Mather Building later in July. Even though Fred would have worked all weekend for “commencement” we could always count on him and his assistant to be ready and willing to move our operation that Tuesday beginning at 7 a.m. That move entails furniture, equipment and lots of boxes. It takes the better part of a day. Our department always provided some students to help the Moving crew and Fred was always so appreciative of that. He knew my students by name and they were so willing to help him and his assistant. Up until last summer, our program always took place in the Northeast Residential Area of campus.

However, last summer, we threw Fred a “curve ball,” and our Summer Program was moved to the Southwest

Residential Area to the James Residence Hall. But Fred took it in stride. Before the “move” date, he took it upon himself to go down to Southwest to meet with the Area Operations Director to scope out the job. He determined what would be the best access road to James, where the elevator was, etc. And, needless to say, our move on that Tuesday, after Memorial Day, went smoothly. We would always treat him and his assistant to a pizza lunch which he so looked forward to, as did we. Our move back to Mather Building in July is usually a hot, muggy day but, again, Fred was always ready and never complained.

Fred was truly a pleasure to work with and we are deeply saddened by his passing.

He was a perfect example of a stellar UMass employee.

## **Wulkan** continued from page 7

common and can cut through the divisiveness the bosses encourage. And I notice and am inspired when I see what truly angers and motivates people is not usually the fight for another nickel but the fight over principles – like UMass giving a war criminal like Andrew Card an honorary degree.

**Inspirational labor moment?** In our endless fight for one of the contracts, when union members came up with the idea of “Bulger Bucks” (and “Finneran Bucks”), printed them up, and found such creative ways of “spending” them.

### **AFSCME Local 1776**

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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.**