EH&S Refuses to Pay Call-Back

World Series Scandal Hits Campus

CAMPUS – It’s Monday, October 15, Day Three of the American League Championship Series. Monday is the regular day off for AFSCME member and Unit 4 Chapter Chair John Hawley. Hawley ends up working 8 to 11 pm that night. That’s four hours call-back with overtime, right? Not according to EH&S. In a bit of fiddling with the books reminiscent of the 1919 World Series, EH&S has declared that Day 3 of ALCS was scheduled overtime and therefore exempt from the four-hour call-back minimum. Should workers lose their four-hour call-back minimum on account of scheduled overtime? Hawley doesn’t think so, “There is no difference between overtime and call-back time. What EH&S is doing violates the Contact, violates past practice, and violates common sense. Even a recent mediator rapped the knuckles of the University for trying to foist this line of supposed reasoning.” Says Union treasurer Randy Boivin, “In baseball it may be three strikes and you’re out, here at UMass you get paid for four.”

Arbitrator to UMass: Pay Call-back, Security Members Been Waiting Years

WHITMORE – On July 23, 1999, 1999 as in 1999 of the last millennium, AFSCME members in Security filed a class action grievance to get their owed meal break time monies restored. The University had been failing to observe meal time for workers on four hour overtime shifts. At every management level on campus hearing officers stonewalled these AFSCME members in Security. The Local sent a case that should have ben resolved on campus to arbitration. According to Local 1776 President Francis Martin, “Well, we’ve had a litany of first the Police Department not finding records related to this arbitration and then, suddenly, finding those records. The justice owed these workers has been ignored far too long. This case needs to be settled. To that end, we’ve brought the arbitrator back into this case.”
President’s Report
by Francis Martin, Jr.
You should know that AFSCME is waiting to hear word back from the Office of Employee Relations Office in Boston concerning revising AFSCME job descriptions on campus. The reason for revising these descriptions? Since 1987 the work that our members do on an everyday basis does not always match up with some of these antiquated descriptions. For example, the job orders of many of our members in the Plant are now on computer. The jobs have changed and will continue to change. We want to identify situations in which salary levels have not kept pace with changing job duties. Once identified we can then work to either upgrade or revamp these positions. When our members take on additional job responsibilities or when jobs call for additional skills, our members need to see that in their paychecks.

On a parallel track we have provided the Labor/Management Workplace Education Program (a joint partnership between UMass, USA/MTA, PSU, and us) monies to research what skills are really needed for each AFSCME position on campus. This will allow us to offer additional courses to target these skills. This research will also benefit the University, employees, and our union by laying the groundwork for a career pathway system on campus that connects union workers to real promotional opportunities.

October Membership R.T. Gaffe
PHYSICAL PLANT – AFSCME members who work Night-time custodial got their own special Halloween surprise on October 31, the night of the AFSCME General Membership Meeting. Members expecting release time to attend the 7 pm Membership meeting were told by their supervisors: No release time. As a result no night-time custodial employees attended the meeting. Of course, AFSCME had requested release time for members to attend. And that request had been granted. The next morning, Treasurer Randy Boivin explained what had happened to Pam Monn. Pam apologized and viewed to provide release time to any Custodial employee who wants to attend Membership meetings from now on.

Fighting for Electricians
What follows are excerpts from a Chapter Chair Al Beaulieu’s testimony at the statehouse last fall, concerning a change in retirement group for several UMass titles who routinely perform hazardous work.

What was it like testifying at the Statehouse in favor of the bill that would put workers at UMass who do hazardous work in a different retirement category? A little bit nervous. It was definitely a learning experience.

Advice for union members who may be thinking of testifying? Except for doing this kind of thing a bunch of times, do your homework, gather your facts.

I read your speech and was struck when you said, “As I’m sure you all know today’s college campuses are like cities unto themselves, often providing services that no municipalities could dream of providing to its residents. We are responsive for providing most of not all of the light, heat, housing, telecommunications, safety and security for campuses. We maintain, repair, and update these systems in buildings ranging form housing to experimental labs as part of our daily retinue. We work in the power plants, switch gear rooms, steam tunnels, and mechanical rooms of these facilities.” It’s a very visual argument. Do you think it reached legislators? I’m not sure did. But, at least, we put this information out there in front of them.

What do you think the chances are of this bill passing? I’m afraid not very good; but I still hold out hope.

In Memory of J.J. Dushane
Son of Patricia Dushane
Management continues to misinterpret the sick leave language in our Contract leading to unnecessary harassment of our members.

Randy Boivin, Treasurer

Management’s insistence on using a numeric basis for sick time discipline is incorrect and is having an extremely deleterious effect upon workers, physically as well as mentally.

Mike Foster, AFSCME Council 93 Staff Representative

Usage of Sick Time at UMass

What follows on the next couple pages are interviews with several AFSCME members who report having experienced harassment from their bosses over the issue of taking sick time. It’s telling that in each case the AFSCME person interviewed requested anonymity. Clearly there is a fear that the harassment would worsen if name were out to story. In order to protect the privacy of these AFSCME workers certain aspects of their interview may have been camouflaged (e.g., gender, work location). Also included is a side bar of themes that link each of the stories... issues of harassment, patient confidentiality, violation of Weingarten Rights, and respect & dignity.

For a department to come up with their own sick leave policy which is in opposition to the Contract is ridiculous. And we’re not going to violate the Contract.

Francis Martin
President

The Sick time Policy here on campus sucks.

Al Beaulieu
Chapter Chair

Instead of harassing workers who are using sick time, bosses should be hiring more workers to replace those who have left UMass. Otherwise, bosses are always going to have trouble getting the work done when workers call in sick.

Patty Dushane, Sergeant-at-Arms
**Chronic Infection**

*What follows is an interview with an AFSCME member who prefers anonymity rather than face additional harassment.*

Recently you were sick and had to take sick time. **How did that go?** I was pretty sick with an infection. If I hadn’t taken sick time the infection would’ve gotten three times worse. As it was I could barely function at work. Couldn’t concentrate at all. My boss begrudgingly left me go home. During that week I tried to contact my doctor to get a doctors note to verify my infection.

**How often do you have to take sick time?** I have a recurring illness that affects me on average of six-seven times a year. Each time I could be out as little as one or two days, or up to five days.

**Is your illness predictable?** No, it’s triggered by environmental factors, and unless I get medical attention quickly, it gets worse before it gets better.

**How is your supervisor coping with your illness?** My immediate supervisor can be OK to my face, but I don’t necessarily trust him... he can one thing to my face and another behind my back. His bosses are not kind. Even though I make sure to get a doctor’s every time that I’m out sick, the higher bosses call me into meetings and imply that I’m exploiting the system. They are not willing to work with me to help fix some of the things at work that cause my illness.

**Do you enjoy being treated this way? What solution would you prefer?** It’s very uncomfortable. It doesn’t make you want to work when you supervisor is not working with you.

**Are you singled out for this treatment? How are other workers in your area treated?** I’m not singled out. We’re all treated this way in my area.

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**An Abuse of POWER**

*What follows is an interview with an AFSCME member who prefers anonymity rather than suffer additional harassment.*

Recently you were sick and had to take sick time. **How did that go?** Not good.

**How often have you been taking sick time recently?** Four times over the last four months: two days for myself and two days for family sick leave.

**Were these sick times legit?** Absolutely. I brought in a doctor’s note for the time I took for myself. My family member is on FMLA.

**Is your illness predictable?** No, it’s unpredictable at the moment. But reoccurring. And it might possibly be work-related. My illness is serious enough that I would endanger myself and others if I reported to work. I do believe that I will be fully recovered within the month.

**How is your supervisor coping with your illness?** Well my requests for sick time go through my supervisor like paper machê... they seem to go directly to her higher ups for approval. It leaves me wondering who is actually objecting to my sick time.

**Did your notes satisfy your boss?** No. In fact, I’ve been told that for a certain period of time I have to bring a doctor’s note every time I’m out sick.

**So, no one has ever found you guilty of feigning sick time, of abusing time sick and yet...** That’s right, I’m being harassed not for abusing sick time, but for using sick time.

**Do you enjoy being treated this way? What solution would you prefer?** God no. It’s stressful. I don’t enjoy taking it out on my dog at home.

**Are you singled out for this treatment? How are other workers in your area treated?** My boss is very good at treating everybody the same on this issue, she makes sure of that.
**FMLA Protection?**

*What follows is an interview with an AFSCME member who prefers anonymity rather than face additional harassment.*

Tell me about your situation. I get questioned about sick time all the time. Especially the first week of the month. That’s when my boss gets a printout of how much sick time workers are using. If you use eight hours of sick time in a month he starts questioning you. I can’t comprehend if you get awarded ten hours a month of sick time, why you get questioned if you use eight hours a month. That’s not even your allotted amount.

Do you have a recurring illness of some sort? I’m on FMLA. I have to make visits to the doctor’s... at her convenience. My doctors visits can be as much as three-four times a month at most, although there are many months when I don’t have any doctor’s visits.

Sounds like you’re going through a lot. Is your boss understanding about your situation? How does he treat you? I really think that when my boss questions me it’s from higher up: My boss keeps questioning me because his boss keeps questioning him.

*She gets grilled a lot for taking sick time on the same day... as if it’s a pattern of sick time abuse, rather than a pattern of treatment for a terminal illness.*

So even though you provide medical documentation that explains your use of sick time and even tough you’re on FMLA, you still get harassed? Yes.

What’s the effect on you? I take it to heart. I’m getting kicked around even though I’m on FMLA... it’s not suppose to work like this.

Are you being singled out for this treatment? Somewhat, yes. I do know a co-worker, though, who has a terminal illness, and who has medical appointments scheduled on Fridays. She gets grilled a lot for taking sick time on the same day... as if it’s a pattern of sick time abuse, rather than a pattern of treatment for a terminal illness.

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**Issue: Harassment**

In theory the University does not condone harassment. But given the widespread prevalence of harassment around the use of sick time for AFSCME members, somebody upstairs is clearly turning a blind eye to what is going on around campus. And just as possible, somebody powerful is actually encouraging this very sort of harassment. In any case, know that harassment violates the contract and if your supervisor, or anybody, harasses you in a manner described in the last Spirit, don't hesitate to call the Union. Harassment is that kind of behavior that tends to continue until you say, "Enough. Not anymore!" We can help you stop harassment.

**Issue: Patient Confidentiality**

All of us are entitled to doctor-patient privacy rights. Some bosses respect that right, others don’t. If you are asked to provide a doctor’s note, the doctor merely has to note that you are sick and under a physician’s care. The doctor should not be detailing your illness for your boss or anyone else. If your boss has a problem with your right to medical privacy contact either your union steward or the union office (5-2831) without delay.

**Issue: Weingarten Rights**

The US Supreme Court has ruled that union members have a right to have a union rep present whenever the possibility of discipline might arise in a discussion between a supervisor and an employee. Our union Contract goes even further: Your supervisor is obligated to let you know that you have a right to union representation in such circumstances. We are hearing of many situations in which a boss calls in a union member for a conversation around usage of sick leave time – with a veiled threat (and not always veiled) that the union member could be disciplined for taking sick time. If this happens to you and your boss did not tell you about bringing in your union steward for this conversation, call the union office immediately at 5-2831.

**Issue: Respect & Dignity**

Ultimately, it all boils down to issues of respect and dignity. We're all adults. We're not children in elementary school who need a bathroom pass, a hallway pass, a parent's note... Yet too often toxic bosses treat us like children. You would think that the University would confront toxic bosses.
LOCAL 1776 SUPPORTS THE CAMBODIAN WATER PROJECT

HAMSPHIRE HOUSE -- On January 24th, the Union presented long-time union activist Sokha Mao with a donation to support his critical efforts to provide clean water and sanitation to rural villages in Cambodia. Said Sokha, “Thank you. We really appreciate the support. We will actually mark a well that we build in Cambodia with a plaque that says this happened because of AFSCME Local 1776.”

360° EVALUATION:
An Idea Whose Time Has Come

What is 360° Evaluation? 360° Evaluation is a type of evaluation at the workplace where not only do bosses evaluate workers, but workers have a chance to evaluate their boss. In other words evaluations from all angles and perspectives. Imagine for a moment if that system were in place at UMass. What such a system might mean for you.

Don't you think bosses might treat workers with more respect... especially if a boss knew that you’d have a chance to talk about your bosses good points and bad points. So why on earth would any organization make use of 360° evaluation? Well, one reason has to do with the different levels of management. At UMass there might be five to seven levels of management above you (e.g., your boss, your boss’ boss, your department head, the vice-chancellor for your area, the chancellor for the campus). Now a department head receives only the information that the bosses below him or her send up the ladder of command. Along the way, embarrassing information just happens to get lost. 360° evaluation gives bosses at the top a peek into what’s really happening at the workplace... not just what’s happening according to your boss. The results could be eye opening.

STUCK IN YOUR JOB?
NEED ADVICE?

GOODELL – This spring AFSCME members will have access to career coaching and counseling services provided by the Labor/Management Workplace Education Program. These services are underwritten by AFSCME career ladder monies in the Contract. Long-time L/MWEP educator, Leslie Fraser, will be providing these services. Leslie has years of counseling experience, including counseling union members on campus.

BURNED OUT OF MY HOME

Randy Boivin is the union treasurer. On Monday, January 14th, his apartment complex was hit by a serious fire, a woman in the apartment directly upstairs from Randy was killed.

Randy, what happened? Monday, January 14th, I worked snow removal for the University. I left my house Sunday night in Ware at 9 pm, slept in the union office until 2:15 a.m. Went to work for Grounds Zone at 3 a.m. Later that day I left campus and headed back to Ware, planning to stop at Friendly’s for a hotdog and coffee. On my way to Friendly’s, the cops called me on my cell and told me that there had been a fire at my residence, and could I get there immediately. You have to realize that my house is 50 feet behind the Ware Fire Station. When I turned the corner onto my street, all access was cordoned off. I first noticed my bed on the front lawn and I saw that both my living room and bedroom windows were smashed. The police alerted me that there had been a fatality in the apartment directly upstairs from me. And, actually, twenty years ago, I lived in that same apartment with my ex-wife.

How did the fire start? It was an electrical fire that started between floors due to a system overload caused by the upstairs tenant having space heaters, electric blankets, and hot plates plugged in.

Your first reaction? First thing I thought of were my three leather jackets. Next came the sentimental stuff... like the flannel shirt I had given my father for his last Christmas. Comically the state fire inspector's first comments to me were, "Your clubs are OK."
OFFICE HOURS
MON, TUES, WED, THURS, and FRIDAY 9 am to 4 pm

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.

In Memory of MARGARET COACH
Mother of Dick Coach

In Memory of former AFSCME member BOB VERCHOT

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.

Discipline Case Settled Favorably
BERKSHIRE HOUSE – Chief Steward Mike Soja reports that a grievance was filed in February 2006. At that time a Maintainer claimed that he was disciplined for reporting violations of Housing policy. This grievance is now resolved. The one day suspension has been revoked and the grievant made whole.

Reprimand Grievance Settled
CUSTODIAL – Dick Zaluga reports that a discipline grievance was resolved favorably. The letter of reprimand in question was taken out of the grievant’s personnel file.

Work Change Grievance Settled
PHYSICAL PLANT – Chief Steward George Dragon reports that a grievance concerning the University’s failure to notify in writing a union member of a shift change has been resolved at a Whitmore third step hearing.

Seniority Bypass Grievances Settled
WHITMORE – Recording Secretary Jim Wysocki reports that two Housing and Residence Life trades employees recently received monetary compensation for seniority bypass grievances that were initiated in 2004.
Amherst Schools Worker asks: WHERE IS OUR SOCIAL JUSTICE?

To the Editor: As a resident of Amherst, a taxpayer, a voter and a cafeteria manager of one of the town's elementary schools, I am appalled and disappointed at the School Committee's vote to delete the town's cafeteria workers' jobs and hire a management company.

This move will supposedly save the schools' operating budget. How much will the town actually save? The superintendent and the School Committee would like you to believe that it is more than it actually is. I have talked to many teachers who say not to accept school budget projections at face value. These teachers say this is just the start. If this succeeds, the next to go private will be the aides and the janitors.

We have been offered a very poor severance package to leave at the end of this year. The cafeteria workers must be seen as the low-hanging fruit for the schools to save some money. Is this the best cost-saving measure the schools can come up with? The cafeteria workers are a group of mostly long-term employees who work 10 months a year. Over half of them work fewer than eight hours a day. For many of these women, this has been a lifelong career.

What are you going to tell the children next year when they come to get their lunches and see people who have no concern for them, or take no pride in how the food tastes and looks? We have developed relationships with many of these children. We take time to get to know the children by name when they come through the breakfast/lunch line.

Am I worried that I am losing my job? Of course I am, but I am also extremely saddened to leave a school that I have worked for many years and watched my children graduate. A school where the children smile at me and say "hi" when they see me out and about with my family. I know that others have had similar experiences.

What sort of image is this giving our young children? That people can put decades of their lives to work for a town that doesn't care about years of service? A town that is known for being traditional yet nonconforming, and yet jumps on the bandwagon of corporate America.

Where do we draw the line? How do we justify telling women who have poured years of their lives into the children of this town that they no longer have jobs? These women who were expecting to retire from their schools. How do we start over? How do we move on from here? Where is our social justice?

Cynthia H. Rhodes, Amherst

Look for interview with Cynthia in next Spirit