President’s Corner

USA Members,

The election is over and, while we may not have elected the education-friendly United States President we need, John Kerry is still our senator and he has been an excellent supporter of public education. The news is not all bad. In Massachusetts’ elections we did extraordinarily well. I plan on working with our state Senators and Representatives to fight for the necessary funding needed for this University and I would love your help. Not only do we need to talk about our retroactive monies but we need to talk about funding positions here on campus, as well as the health and safety issues we face daily. Adequately funding this university is an investment in our future, an investment our legislators need to get behind. If you are interested in being a part of the legislative committee please contact me at djohnson@english.umass.edu. I welcome the help.

I have been in contact with the MTA and they are scheduling meetings with the new Speaker of the House Sal DiMasi and Senate Leader Travalini to discuss the retro payments and when we can expect them. Rest assured that everyone is still on board with paying us the retro we now need to nail down the timeline. I promise you that I will not let up on this issue until we have been paid every red cent we deserve. As soon as I have any concrete information I will let you know.

As the holidays round the corner I would like to take a moment to thank all of you for what you do for the students, for the university, and for the USA. I would also like us to take a moment and thank those around us and those off fighting the war in Iraq this holiday season. I give thanks also to the families whose loved ones are away and for the sacrifices you endure. As your President I am proud to work with and for all of you, the hard working, dedicated clerical and technical workers of this university. Have a safe and happy holiday season.

In solidarity and peace,

Donna Johnson
President USA

Know Your Contract--Insubordination

Bob Whalen, Uniserve Rep.

Insubordination: The American Heritage Dictionary defines “insubordinate” as the “failure to recognize or accept the authority of a superior.” While this may not sound like such a bad philosophy of life in these trying times, in the employment context being accused of “insubordination” or of “being insubordinate” will likely result in some form of discipline to the employee. The Black’s Law Dictionary definition is more consistent with these terms in the employment arena – “insubordination” is defined as the “willful or intentional disregard of the lawful and reasonable instruction of the employer.” Porter v. Pepsi-Cola Bottling Co. of Columbia, 247 S.Ct. 370.

Unfortunately, in my experience, the term “insubordination” has become a “catch-all” term used by employers to threaten or justify discipline when an employee questions an order or instruction. As you will note in the Black’s Law Dictionary definition, the instruction must be “lawful and reasonable” in order to constitute “insubordination.” There are some instructions that clearly do not meet this threshold of “lawful and reasonable” – for instance, if you are asked to lie or fabricate or destroy documents. In other circumstances the line may be more ambiguous.

If you are instructed by a supervisor(s) to perform a task that you feel does not “lawfully or reasonably” fit into the duties of your position, contact your USA steward immediately to discuss the situation. You are within your rights to inform your supervisor that you do not believe that their instruction meets these criteria. However, if you are ordered to perform the task, DO NOT REFUSE. Your refusal could be considered insubordination.

The best policy is to perform the requested instruction and then contact your steward to file a grievance challenging the instruction as “unlawful or unreasonable.”
BALLOT RESULTS
David A. Litterer, Athletics Department

The results of the Fall 2004 USA election for constitutional changes are as follows:

There were 250 total valid votes cast, and 7 invalid ballots.

Question 1: (Extension of term limits to 3 terms)
Yes--202; No--36; Blank--0
Question 1 PASSES.

Question 2: (Encouraging regular attendance at meetings by Executive Board members and stewards)
Yes--205; No--17; Blank--6
Question 2 PASSES.

Question 3 (Expansion of Vice Presidential Duties)
Yes--234; No--10; Blank--6
Question 3 PASSES.

Question 4 (cleanup of language and grammar in several places)
Yes--231; No--9; Blank--0
Question 4 PASSES.

Why I decided to join USA/MTA
Karen Papageorge, DuBois Library

As a building monitor in the library, it was part of my job to make sure the building was safe and secure for library users. My supervisor asked me if I wanted to be on the library health and safety committee. I decided to volunteer. Pat Hardnett asked me if I would consider joining the USA/MTA health and safety committee as well. I thought I would learn a lot about health and safety by being on both committees and so joined the union. I concluded it would be worth the extra expense to be a union member.

I soon learned that the library H&S committee was expected to pass on information to the staff and that’s all. Whereas the USA/MTA H&S committee received a large binder of the health and safety laws and codes for Massachusetts and were expected to tour their assigned buildings and look for building problems such as moldy carpet and leaking pipes. The library has had all those problems for a long time and finally received funds to replace the leaking library deck which was the source of many of the building problems.

When I explained these things to Donna Johnson, our union president, and told her of the construction schedule and that jackhammers would be used on the deck above staff offices, she immediately said that workers should be moved from under the construction area for safety.

She relayed this information to union members as well as the to the management staff at the library. Library management was assured by facilities planning that everything would be perfectly safe. So library management staff chose to ignore Donna’s warning about the safety of the workers being in jeopardy.

Donna and Sarah Gibson, the union lawyer, toured the library and personally warned workers under the jack hammering of their potential hearing loss due to the noise and the possibility of an accident happening over their heads. And that’s just what happened. A jack hammer loosened some concrete and the result was a hole in the ceiling with concrete and water coming down into the magazine and microfilm area the main floor just about 20 feet away from a worker.

Since then I have concluded our library management was too trusting of facilities planning assurances. Also that management at this university placed getting the construction done ahead of the safety of its workers.

Why Am I Involved in the Union?
Jim Plaza, Communication Department

I’ll answer this question with another question “if not me, then who?” I began my involvement with USA in 1997 by filling a vacancy on the Executive Board. Though I had never held a position in a union other than as a dues paying member, I believed that I could learn something and hopefully make a contribution. I do not regret my decision.

As a union activist I witness the impact of collective action vis-à-vis our contract, preserving and insuring members’ rights in their jobs and protecting them from arbitrary treatment and abuse. Unfortunately members are sometimes subjected to harsh or disrespectful treatment by supervisors (and colleagues too) who feel they have no redress to the situation. The availability of trained staff and volunteers to meet with the individual, hear their complaints or concerns, and advocate on the employees’ behalf can only happen where a strong union contract exists. And participating in the empowerment of that individual I find richly rewarding.

Union involvement has provided me with insight into the plight of others and how I can help. On local community, national, and global levels, I’ve become aware of issues affecting the lives of workers, and how unions are able to effect change in a positive
way. While union activity is only one of a number of ways to address societal inequities, it is readily available to me, and for that I am grateful.

**Pencils for Springfield Elementary Schools**  
Sylvia Snape, English

Thank you for responding to the campaign to help the Springfield elementary schools buy pencils for their students. It’s unbelievable to me that the public schools are so neglected by our state government. In this small way we can make a huge statement of our commitment to quality public education. On January 6th we hope to be on the agenda of the Springfield School Committee to make our donation. We collected $240 and have purchased one case of pencils with $160 in cash left over. A check for the that amount will be given to the Springfield Education Association President, Tim Collins, who will make sure it goes to the elementary schools to help purchase classroom supplies. Once again, USA is leading the campus toward a solution for public education. Thanks for your generous contributions.

**Eye On Romney**  
Andy Steinberg, OGCA

There have been 3 more five-year-each appointments by Romney to the UMass Board of Trustees. The most famous one is Julius “Dr. J” Erving, NBA legend. 6’7” Erving left UMass in 1971, but did return and complete his bachelor’s degree in 1986, and also received a UMass honorary doctor of law. Erving lives in Florida but is not required to live in Massachusetts to serve on the board. The other appointments are Janet Pearl, town of Wellesley, pain management center co-director at Caritas-St. Elizabeth’s Medical Center, and John Armstrong, town of Amherst, retired vice president of IBM. Board member W. Brian O’Connor of the UMass Faculty Senate and Amherst Democrat Senator Stan Rosenberg are pleased with the new appointments.

**THE FOUR STAGES OF LIFE**

1) You believe in Santa Claus.  
2) You don't believe in Santa Claus.  
3) You are Santa Claus.  
4) You look like Santa Claus.

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If you would like to serve on a committee, be a steward, a building rep, or contribute articles to the Newsgram (!), please contact the USA office at 545-0165.