**PRESIDENT’S CORNER**

Dear USA members,

As we approach the new school year I would like to update you on what’s happening. The first third of our retro has yet to be funded in a supplemental budget but we still have the word of Speaker Finneran and Senator Travaglini that this will still occur. I am in contact with the MTA daily and I will keep you updated. Many issues at the local level, such as health and safety, classism, and a reclassification study, are being worked on in committees. The fall semester brings bargaining, getting our retro, and the Presidential election to name a few issues. I hope everyone is registered to vote and will encourage your friends and relatives to do so in November. Your vote is your voice and you can make a difference. I ask that you take the time to inform yourself on the issues and to remember that having education-friendly representatives representing us at the state and national levels is a win-win situation.

I hope everyone had a great summer and is rested and ready to face the incoming students. Please remember that our workday is 7 1⁄2 hours and that you should take your breaks and lunches. You should not be doing work outside your job description or outside your union without being compensated. Please call your steward or the union office if you have any questions or if you see anything happening in your work area that violates our contract.

The Union begins with U so please consider serving on a committee or becoming a steward. If you are interested in being a part of the team please call me or the union office for more information.

In solidarity,

Donna Johnson

**HEALTH & SAFETY, by Don Taylor**

Recently a group of USA members in the DuBois library contacted USA president, Donna Johnson, with some building safety concerns. As a result USA has reorganized its Health & Safety Committee, with support through MTA from the Law Office of Sarah Gibson, who specializes in workplace health and safety issues. She has introduced us to the many issues and procedures we will use to protect USA workers’ health on the job here at UMass.

Our initial committee activity was a survey of the worst problem buildings on campus: Herter Hall, the Student Activities Office in the Student Union, and the DuBois library. As we observed these sites we encountered the all-too-familiar leaking ceilings and windows, mold and mildew on surfaces and in rugs, excessive noise, and rodent and cockroach infestations with plentiful evidence on workers’ desks. We also heard testimony from numerous workers of headaches, respiratory problems and more, most frequently occurring during their work hours or work week. Workers at UMass-Amherst have become so used to such problems that our own group had to develop a new perspective to realize the full impact of the conditions we were seeing. Sarah Gibson’s informed and incredulous comments were a wakeup call for us and for all USA workers.

In the Student Activities Office an industrial air conditioner is mounted down inside the office, not up on the roof as it should be. The result is loud noise, improper drainage and mold, and poor air quality. Workers there reported respiratory problems that occur most often during the workday. Environmental Health & Safety has insisted for years that the university repair this problem but no action has been taken. As we left that site, Donna Johnson exclaimed, "My God, they’re killing us!" This office is one of the first sites we will make the university fix.

With Sarah Gibson’s guidance we have begun to focus on the initial actions we must take to improve conditions here. Her first warning was that there are very few state or federal laws that specifically protect state workers in state buildings. She told us that "fact based shame" will be as important a tool as the other legal and contractual ones we will use. With this assessment from an expert in the field, it is obvious that we have our work cut out for us. Fortunately, Sarah has begun providing us with advice and documentation that we can use to fight for our workers’ rights to a healthy workplace. On the other hand success will be a slow and labor intensive process. Our committee has few members so far and
we’ll need many USA members and workers from across the campus to stand up and join us if we are to prevail.

WE MUST become familiar with building conditions across this campus. To do so we are recruiting a group of USA members who can be our eyes, ears and (yes!) noses in their buildings: a USA building-contact team. WE MUST formally request information from the administration on building engineering and safety studies. With that information we will create a risk assessment for each building that can be presented to workers.

WE MUST help members file various forms using this information. One such form, First Report of Injury (see contract appendix) is for workers who have been exposed to unsafe conditions that might affect their health later in life. It is filed with the state Retirement Board. Workers who are currently experiencing health problems take a different path. Using the building information we gather, they can consult their doctor to help assess whether their health problems are work related.

WE MUST monitor building conditions over time to record changes, notice problems when they begin, and keep track of upcoming events such as building upgrades and construction.

WE NEED YOUR HELP. WE NEED more members on the Health & Safety committee to help us organize and carry out this important work. WE NEED a network of workers in every building keeping us aware of conditions there. And, most of all, WE NEED our workers to stand up for themselves when workplace conditions are making them sick. We can help you, but you must come to us with your questions and concerns. Don’t sit back and take this institutional abuse. JOIN US and help us make your life and those of our fellow workers safer.

For more information on how you can help, or if you suspect you are working in unsafe conditions, or if you think you have developed a work-related illness, get in touch with me: Don Taylor 545-3308 taylor@chem.umass.edu.

Thank you for all you do for our state and our students. We want to make sure you don’t get sick doing it!

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NEA Representative Assembly 2004
Washington DC, by Dave Litterer

Over 9,000 National Education Association (NEA) delegates converged on Washington, DC, on July 1-6 2004, to attend the 141st annual meeting, including six delegates from U. S. A.: Donna Johnson, Jim Plaza, Rosemary Riley, Frank Olbris, Jim Kierstead and Dave Litterer. The event was exhausting yet exhilarating.

It’s hard to describe the breadth and scope of the Representative Assembly (RA), from the 4-day long business meeting to the innumerable caucuses, fundraising events, keynote speakers, resolutions, legislative programs, the dealer exposition, and the rare times for sightseeing.

Although much of the RA focused on public schools and the teaching profession, an ever-growing portion of NEA membership consists of educational support professionals (such as USA members), and our voices were heard, strong and clear, on issues such as health care, salary equity, workplace safety, adequate funding for higher education and job security.

The most pervasive issue at the convention was the continuing implementation of the so-called “No Child Left Behind” act. Although many of the goals of the NCLB are laudable and supported by the NEA delegation, there were major issues about the lack of funding provided for these mandated programs, and the punitive and fallacious testing programs being forced on the schools to measure student progress. “Teaching to the test” is the method many teachers are forced into, yet that is totally contrary to the goal of providing our kids with a well rounded, meaningful education. Tune in next year; this issue will be with us for a long time yet.

On a more positive note, a bill is now in congress to start the process of eliminating the Government Pension Offset and the Windfall Elimination Provision, which both penalize couples where one spouse earns a state pension, and one or both spouses also earns social security. It also punishes individuals, who have worked both in the public and the private sector, by drastically reducing their retirement earnings. Public servants in several states are effected by severe reduction of their retirement pensions as a result, and the fight will not be over until GPO and WEP are completely abolished.

The NEA endorsed John Kerry for President and we were treated to a visit by Hillary Rodham Clinton, who reminded us that compassion is not just a slogan. The next day there was a live telecast with John Kerry and John Edwards. If they win, things will be very different for those of us in the Education field! Someone was heard to remark, “We need to get a John in the house so we no longer have to use the bush!”

Our past USA President, Rosemary Riley ran for a seat on the NEA Executive Committee, the nine member board that serves as the top administrative board for the NEA. Dozens of USA and MTA
delegates converged and put on a stellar rallying campaign for Rosemary, plastering the concourses with signs and cheers as delegates walked the gauntlet to vote. Unfortunately, Rosemary lost in a heartbreakingly close race, falling short by 51% to 49%. But she earned over 4,000 votes against an established incumbent and will be running again. Next time she is sure to win!

A major celebratory event at the RA was a rousing celebration of the 40th anniversary of the Brown vs. Board of Education court decision which outlawed the segregation of public schools in 1964.

During one of the rare moments of free time, on July 4 the MTA delegation took a riverboat cruise down the Potomac River to watch the fireworks – surrounded by hundreds of pleasure boats. They were spectacular! We were glad we didn’t have to drive home afterwards!

There is SO much going on at the RA that you can’t take part in all of the events. However, it is always memorable and we can accomplish important things, and work to really make a difference. I encourage U.S.A. members to consider running to be an NEA/RA delegate next year.

An Excerpt from
UPDATE ON SOCIAL SECURITY OFFSETS,
Jo Ann Fitzgerald, MTA Governmental Services

From an email sent on August 4th on Government Pension Offset (GPO) and Windfall Elimination Provision (WEP). Keep in mind that some of our members may be affected adversely by WEP and GPO, not just teachers. SS

Terry Hickman, President of the Nevada State Education Association, testified on behalf of NEA at a July 20 hearing before the House Subcommittee on Social Security in support of legislation to address the unfair WEP.

NEA supports the bipartisan Public Servant Retirement Protection Act (PSRPA, H.R. 4391/S.2455) as a first step toward repeal of both the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO).

Mr. Hickman used his own story to illustrate the harsh impacts of the WEP. As a young teacher, Mr. Hickman chose to take a second job to help purchase a home and enable his wife to attend college. However, the Social Security he earned in his second job will be reduced dramatically by the WEP. He shared with the subcommittee the concerns he hears daily from Nevada educators subject to the WEP and GPO. …Mr. Hickman urged Congress to take immediate action to pass the PSRPA, and to continue to work toward full repeal of both the GPO and the WEP. His full testimony is available at www.nea.org/lac/socsec/072004test.html.

At the conclusion of the hearing, Chairman Clay Shaw (R-FL) promised to do all he could to secure passage of the PSRPA this year.

WHY I DECIDED TO BE A USA STEWARD,
By Irene Dzioba, District 9

About fifteen years ago, one of the reasons I decided to become a steward for USA, was because of my search for objectivity in my workplace. I saw that there was much give and take between the employees and professional managers; therefore I wanted to learn about criteria used in making the final decisions about what was right and just for both parties concerned.

Another reason was that I knew being a steward would be educational because of the excellent support and encouragement that I received from my steward at the time, Joanne McKay. When I felt I was being treated unjustly in my workplace and sought out the help of my Union, I learned about the importance of my Union in my own working life. Since then I have wanted to share my knowledge by supporting USA members who may find they need the help of their Union in sorting through dilemmas in the workplace.

My experience as a steward continues to enrich my work life and benefits me professionally.

WE’RE JUST PEOPLE, by Dave Korowski

I was asked recently to come up with some examples of classism on campus. It didn’t take me long to remember a few vivid ones.

I can recall one in particular when I went on an interview for a clerical position. Before I went, I asked a grad student I knew about my interviewer, the professor for whom I would be working in the job. The young man had had a class with him.

“Brian, what is he like?” I asked.
“He’s old school,” he told me.
“What do you mean?” I asked.
“Arrogant,” Brian replied.
“Okey-dokey.” I said before I left.

When I arrived for the interview, I was immediately told that the first thing I was to do when I got to the office each morning was to check the bathrooms for toilet paper and make the coffee. My thoughts at that point consisted of mostly four letter words that won’t get printed here.

Other examples. There’s the professor who asks a clerical staff person to watch his kids for several hours
while he goes to a meeting. And there’s the professor who’s meeting with several clerical people in his office to discuss their problems. He takes a phone call in the middle of the meeting, and tells them to keep talking—while he is talking on the phone. Being a UMass professor, he can do two things at once. Unbelievable stuff that really happened.

Then there was the less amusing situation many years ago when I was trying to get my graduate degree. There was a class that I had to take that was critical to obtaining my degree. My supervisor would not allow me to take it because I needed to stay and answer the phone in the afternoon—even though there were four other people in the office who could cover incoming calls when I was away for that hour and a half. I never got the master’s degree. I’m sure that people reading this won’t have any trouble thinking of more examples.

What we have here almost amounts to a master/slave mentality, where the master is so much wiser and more powerful than the slave—and the slave is in no position to change anything. And I’m sure that it won’t take any of you too long to figure out the we-uns ain’t the masters. I can assure you that this analogy is not all that farfetched.

Most people working here are from the northeast and have only a vague idea about slavery and its devastating impact historically on Black people America. I got to learn about it up close and personal when I worked in the South. I was a white minority in a black world, and I came to know first hand what centuries of oppression had done to these people.

Black people rarely talked about slavery because its ugly impact was generally understood and needed no discussion. And different people reacted differently to what it had done to them. A few, both young and old, had a seething hatred of white people generally. But the vast majority had a more philosophical attitude and a patient faith that things would get better.

I remember well over 20 years ago standing outside a union hall in a circle of people where I was the only white person. Everybody would glance over every once in a while at the very large sign that said “No Alcohol on the Premises” as we passed around a bottle of gin in a paper bag. A guy to my left made a racial remark about white people, and another guy on the opposite side of the circle said: “Hey, we don’t want any of that stuff here—we all just people.” I always remembered that.

We all just people. Nobody is better or worse than anyone else and we should all respect one another. It always heartened me to see this positive attitude prevailing among the majority of black people—even though the dark material remnants of what they had gone through still remained: like the slave auction block standing in the center of Augusta, GA, that a friend pointed out to me was just a few blocks down from the KKK headquarters.

But let’s look at the master/slave mentality, as it exists here. There are a lot of faculty and administrators who simply dismiss lowly clerical folks like us. And I’ll bet that a few of them would like to have a few of us taken out behind the woodshed and beaten for being too uppity. And so people ask: ‘What can we do? When is it going to change?’

Well, don’t hold your breath. It’s not going to change any time soon. There are still too many people making obscene salaries who think that they are above the poorer folk—and in a lot of cases, that they are above the law. For us it’s a long, slow journey. We have to keep trying. We have to continually confront those who treat us unfairly, and we have to be active in our Union.

There is no other way. We need the strength that comes from numbers; we need to maintain faith and solidarity. We need to work together and never give up. And we need to always remember what I learned in Georgia a long time ago: we all just people.

**EYE ON ROMNEY, by Andy Steinberg**

Friday, June 11, was declared to be a state holiday by Governor Mitt Romney, to honor President Ronald Reagan, who died of Alzheimer’s disease and pneumonia on Saturday, June 5. He was 93. Some state departments and agencies, like the Hadley Registry of Motor Vehicles and UMass Amherst, were not sure even as of Wednesday, June 9, if they would be open or closed. UMass had commitments that could not be canceled, and so treated June 11 as a “floating holiday” with some staff working and some off. I took Monday June 14 off as a matter of my own conscience, partly because Reagan destroyed the air traffic controller’s union as one of his first actions as President, the biggest union-busting ever done by the federal government. The Division of Employment and Training, the Franklin and Hampshire Career Center, U.S. stock markets, and federal offices were closed. The state government’s legislative branch stayed open. Jane Lane, spokeswoman for the Democratic Party, said that Romney’s action was “entirely appropriate”.

Lt. Governor Kerry Healey, speaking on behalf of Governor Romney, said that Democratic senator John Kerry should resign as senator because he has missed too many roll call votes, 98 out of 112 according to the Associated Press, while running for President. Kerry has no intention of resigning. If he did, Romney
could lawfully appoint an interim senator until autumn’s statewide elections. Kerry’s senatorial term ends in 2008. If Kerry wins the Presidency, his senatorial replacement could be picked by a special election, not by Romney, because of a Senate vote (of 32 for and 8 against) if the House also approves this bill next.

President Bush did not give up being Texas Governor while running for President in 2000, and spent most of that year out of state. Also in 2000, Connecticut senator Joe Lieberman ran as the Democratic vice presidential candidate while he was also running for Senate re-election. If Lieberman had resigned as senator, Governor Rowland could also have named a Republican replacement. Lieberman did not become vice president, but did keep his job as senator.

On Monday June 29, Senator John Kerry refused to cross Boston Police Patrolmen’s Association union informational (non-strike) picket lines, and so did not speak at the US Conference of Mayors. At that point the BPPA had been picketing against Mayor Menino for 4 days (with the Democratic National Convention just a few weeks away), the BPPA has had no contract for over 2 years and are seeking a raise, which Menino refuses. A pleased BPPA president Thomas Nee said that Kerry’s “actions speak louder than words”. Governor Romney spoke in Kerry’s place, saying “I wanted to indicate my support for Mayor Menino. You always want to support labor and the efforts of labor ... but our first responsibility is to the people. You report first to the people, not pickets”. Menino insisted that Romney’s speech was done out of tradition, not invitation. Some of the over 200 mayors attending the Conference supported Kerry’s choice; some did not. Menino later sent letters to DNC candidates urging them to ignore BPPA picketing.

On June 17, 2003, Bunker Hill Day, Romney dissolved the 20-year-old state Office of Affirmative Action with an executive order, which was rescinded after outcry and a rally by the Massachusetts Alliance to Save Affirmative Action and United for Justice and Peace. The state administration also made a 16-person council to examine the new policy and make a decision within weeks.

In my (adopted) hometown of South Hadley, the (relatively) meager $100,000 of funds to assist the June/July 2004 Women’s US Open, were approved by the Legislature and then vetoed by Governor Romney. Lt. Governor Healey attended the Open.

Governor Romney has vetoed an additional $1 million for the PVTA, while increasing the MBTA budget for the new state fiscal year which started July 1. This will lead to some fee increases and more severe PVTA route cutbacks and eliminations, less service for students and workers, it will even negatively impact senior vans service. Democratic state Representative Joseph Wagner of Chicopee is trying to overturn the veto.

KNOW YOUR CONTRACT: WHAT IS A GRIEVANCE? by Bob Whalen, MTA Consultant

This question may seem like it should have an obvious answer, but in the context of a collective bargaining agreement sometimes that answer may not be as clear as one would think. Most labor contracts, including the USA contract, provide a specific definition for the term “Grievance” as it applies to that contract – a definition which has been agreed to by the parties through the collective bargaining process. Some contracts define “grievances” more broadly, some more narrowly. Therefore, to determine if a grievance exists, one must be sure to reference the specific definition in their contract.

Article 27, § 2 of the USA contract provides the following definition, “Grievance shall mean an allegation by the grievant(s) or the Association that an express provision of this Agreement has been breached in its application to him/her/them.” (emphasis added)

Probably the most common and clearest example of a “grievance” would be disciplinary action taken against a USA member. Discipline can include anything from a formal written warning to a suspension, demotion, and the ultimate disciplinary sanction - termination. Article 26 of the USA contract requires that any such disciplinary action must be supported by “just cause.”

The term “grievance” under the USA contract, however, has a broader application. The USA contract is your resource for the guaranteed rights and benefits that make up the terms and conditions of your employment at the University. For instance, compensation, vacation accruals, sick leave accruals, personal days, etc. Equally important, the collective bargaining agreement establishes procedures to which the USA and the University have agreed to implement these rights and benefits. For instance, the grievance procedures, evaluation procedures, and vacancy posting and promotion procedures--just to name a few.

A breach, or failure to follow, the terms of most the 34 Articles of the USA contract to the detriment of a member(s) or the Association will constitute a grievable issue. There are a few Articles in the USA contract, however, that are not grievable. Articles 20 and 21 (Reclassifications and Reallocations) are not grievable. Also, the substance of an evaluation is not...
grievable unless it results in a “negative action.” (Article 29, § 7). Other articles, like the Health and Safety provision (Article 25), are not grievable through arbitration. These Articles have specific language that exclude or limit them from the grievance process. Articles will be excluded from the contractual grievance procedure only where there are other statutory or legal mechanism by which to challenge them.

A grievance can be the failure to abide by one of the procedures in an Article (i.e., improper notice of a layoff) or the failure to abide by the specific terms of the Article (i.e., an improper reason for a layoff), and quite often will include both. Members need to keep in mind that for something to be grievable, it must be part of the USA contract. As always, the best advice is to contact your USA steward whenever you have a question or concern.

!!LATE BREAKING NEWS!!

There will be an attempt to pass the retro piece in the upcoming weeks BUT if the Governor vetoes this then it will have to wait for the next formal session to begin. I will continue to work with the leaders of MTA to push this issue with Speaker Finneran and Senator Travaligni but we need your help. Continue to call, email, or write your legislators and remind them that we are still waiting. I know many of you have given up hope but I implore you to turn their inaction into your willingness to take action. I will continue to update you as quickly as I am updated. Thanks for all you have done and keep up the good work. If you have any questions or concerns please feel free to contact me. –Donna Johnson

Excerpt from MTA email, 8/6/04:

The Legislature will meet weekly in informal sessions to the end of the calendar year. In informal sessions, only bills that have agreement will move forward, and no roll calls are permitted.

The supplemental appropriation bill was going to be one of the last bills considered in formal session this year. Legislators had lined up to offer many amendments to the bill that would have made it impossible to get agreement between the branches and ultimately pass. In addition, the Republicans were determined to offer Romney’s tax cut proposal and force a roll call to use in the fall elections against Democrats.

The leadership has indicated its commitment to seek agreement to pass a supplemental bill in the next few months that will include the UMass and APA retroactive payments. If a bill is passed but vetoed by the governor, the veto cannot be overridden for the remainder of the session because the session is informal and no roll calls can be taken. In the event that the governor vetoes this retroactive payment, the Speaker said that the bill would be refilled and passed early in the next session, which begins in January 2005, and if necessary, override a second veto.

In the closing days of the formal sessions, MTA, and other lobbyists, vigorously pushed to ensure commitments for funding of the retroactive pay. Legislators, including the leadership, made clear that they were keeping the commitment made eight months ago to appropriate the monies that the governor has refused to include in his budgets. The legislative commitment to fund this retroactive payment is still there; the timing has just changed.

U.S.A. Calendar

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<td>Stewards Council Meeting</td>
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<td>Health &amp; Safety Training</td>
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<td>August 26</td>
<td>Membership Meeting</td>
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<td>USA Bargaining Committee</td>
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MTA BENEFITS: A Testimonial,  
by New Member, Richard Caiander

Richard recently became a member of USA after being an agency fee payer. One reason he decided to become a member was to take advantage of MTA’s mortgage program. He recently bought his first home, with his wife, and below is his testimonial. --SS

We bought our new home with the assistance of Howard Silverman, of MTA affiliate, Greenpark Mortgage. As a first time homebuyer, I can't tell you how difficult it was to sift through the options for choosing a mortgage company. With Howard's help, we were able to get the job done easily. We were able to obtain the best financing we could find anywhere. Howard Silverman worked very hard, was available when we needed his assistance, and guided us along at every step of the way. We even saved big on closing costs. Overall, I would highly recommend Greenpark Mortgage to other MTA members.