



# The 93 Beacon

We Make Northern New England Happen!



## Arbitration Win Nets Promotions and Back Pay for Local 298 Members

A pair of impressive arbitration wins against the City of Manchester, NH has led to the promotion of two AFSCME Council 93 members and a combined total of 33 months in back wages.

Thanks to the hard work and high quality representation of their union, Local 298 members Walter Madej and William Cote have both been promoted to supervisory positions in the city. Madej will take on the job of highway supervisor in the department of public works while Cote will serve as a shift supervisor at the wastewater treatment plant.

The decisions, handed down recently by arbitrator James S. Cooper, reaffirm the strength of seniority language in collective bargaining agreements and send a strong message to management officials who may try to bypass the seniority process.

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Walter Madej, (left), pictured with local president Dennis Bourgeois in April.

### AFSCME's Heart Bill Would Provide Maine Corrections Officers With Income Security

Council 93 is pushing for passage of new legislation in Maine that would provide state and county corrections officers with well-deserved worker compensation benefits in the event that the stress of their dangerous jobs results in heart disease or hypertension.

The bill (LD 777) was filed at the request of AFSCME by State Representative Ralph Tucker (D-Brunswick). The proposed law would create what is known as a "rebuttable presumption" that any heart disease or hypertension suffered by a corrections officer was caused by the difficult work they do. In other words, the burden would be on the state to prove the illness was caused by other factors. If the state is unable to do so, the officer would be entitled to workers compensation. In the event an officer dies from the illness, his or her

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### Grievance Win and \$6K in Back Wages leads Vermont Member to Join Union

Liam Farrell never thought much about the benefits of joining a union. "I wasn't anti-union," said the 43-year old clinician at the Howard Center in Burlington, VT. "In fact I consider myself a kind of 'fight the power' guy. I guess I just never thought about it much and never really saw the reason or the need for it."

But thanks to some strong support and representation from Local 1674 Steward Alex Prolman and Council 93's Vermont Office Coordinator Vinnie O'Connor, Farrell is now a full dues-paying member and a voluntary contributor to our political action fund - [the PEOPLE Program](#). Most importantly, he's a true believer in the power of AFSCME and stands ready to convince his colleagues that they should follow his example.

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## Heart Bill

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family would also be entitled to a death benefit. A public hearing on the bill was held March 23, by the legislature's Joint Committee on Labor, Commerce, Research and Economic Development. In testimony submitted in person and in writing to the committee, Council 93 highlighted the experience of Local 2968 member Phil Newth, a 20-year veteran officer at Maine State Prison in Warren. The 45-year-old Newth suffered his first heart attack at age 32. A second heart attack followed in 2015 requiring Newth to undergo open-heart surgery at Massachusetts General Hospital in Boston.

Because he did not qualify for worker's compensation, Newth exhausted all accumulated sick and vacation time, including 81 additional hours donated by his fellow officers. The ordeal pushed Newth and his family to the brink of financial disaster. While recovering from his 2015 heart surgery, he was forced to go to court in an attempt to stop foreclosure proceedings on his home. At the time, Council 93 was in the process of working with the legislature to successfully override Governor Paul LePage's veto of AFSCME legislation that provided all corrections officers with a \$2.00 per hour wage increase. While Newth did not have the additional money in his paycheck at the time of the court hearing, the promise of it coming was enough to convince the judge to give him more time to save his home. Fortunately, Newth was able to keep his home and continue on the road to recovery. He is now back to work and will be working with the Council to gain support for the new legislation in the coming months.

This isn't the first time Newth has worked with Council 93 on legislative issues. In 2012, he agreed to be interviewed for a series of radio commercials sponsored by the Council, which helped stop attacks on pensions and other benefits. Although they aired several years ago, the message is still relevant today. Follow the links below to listen to the commercials.

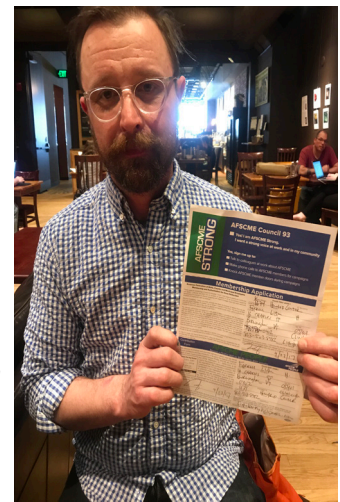
[Radio link 1.](#)

[Radio link 2.](#)

## Grievance Win

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The road to Farrell's change of heart began on cold winter day last February. After a difference of opinion with a supervising clinician, Farrell, a father of two children, was instructed to leave work for the day. Shortly after arriving home, he received an email from management asking him to "confirm" his resignation. The trouble was, Farrell never resigned. He simply left work as he was instructed. Farrell immediately called and emailed the manager to make it clear that he had not voluntarily left his job. He would make several calls over the next few days, but never received a call back – just another email stating it was the position of management that he had quit. That's when he reached out to a union steward and filed a wrongful termination grievance under the just cause provision of the contract. At step three of the grievance procedure, Farrell was offered his job back, but without back pay. The offer was rightly rejected by AFSCME.



Liam Farrell

In April, the union moved the grievance to Step 4 where the Howard Center's human resources director agreed not only to restore Farrell's job, but also to provide him with all back pay, leave accrual and other benefits they wrongfully stripped from him. The back wages alone amounted to nearly \$6,000.

"Originally, the union wasn't that important to me," Farrell recalled. "That's kind of where I was at until I needed assistance and someone to have my back. And that's exactly what the union did."

As for those who may think they don't need a union, Farrell has this to say. "Management does not always act in the best interest of employees. That's been a good lesson to me. My main message to any prospective union member is make sure you have someone on your side. You need that support and the union is the only one that can provide it. I needed someone to have my back. And that's exactly what AFSCME did."

## Arbitration

*Continued from page 1*

The cases started in the summer of 2015 when the vacant positions were first posted. Cote and Madej were among a number of applicants for the positions and both possessed the skills and experience needed to perform the job. But the pair also had something else that no other candidate could claim- seniority. Despite the fact that both Cote and Madej had skills and experience equal to or better than the other applicants and despite clear seniority language in the contract, the city opted to give the promotions to two other candidates. Grievances were subsequently filed by AFSCME and after more than a year, both matters were placed before independent arbitrator for a binding decision in accordance with the contract.

After hearing the arguments and viewing evidence presented by both sides at the hearings, Cooper ruled in favor of the union and ordered the immediate promotion of Cote and Madej. He also directed the city to make both workers “whole for loss of pay and benefits retroactive to the date of the grievance.” Madej will receive 15 months of the difference between his current pay and the promotional level pay. Cote will be compensated for 18 months of the difference in pay.

In his written decision Cooper sharply criticized management for their actions calling the system used to deny Madej the promotion “a façade of objectivity designed to provide the department a basis for promoting the department’s favored candidate.” But Cooper’s strongest language came at the end of the Madej decision which read, “perhaps someday, (the other candidate) will enjoy the application of this standard when he has seniority and ability to perform the job and some hot shot new employee tries to edge him out of a promotion. Seniority means something and in this case, it means Walter Madej should have been promoted.”

The arbitrator’s decision translates into a well-deserved pay day for Madej and Cote but the cost doesn’t stop there for the Administration of Manchester Mayor Ted Gatsas. Due to language in the contract stipulating the loser in arbitration pays the full cost of the arbitrator’s services, the Gatsas Administration is also responsible for nearly \$13,000 in arbitration costs.

## Privatization Halted In Its Tracks

A few months ago, the privatization of school cafeteria services in Georgetown, MA seemed all but set in stone.

Following a public bidding process that started in February, management officials had set their sights on awarding the contract to Whitsons Culinary Group, a New York based corporation with more than \$162 million in annual revenues.

But that all changed on May 3rd when members of Local 939 joined forces with Council 93 and concerned parents to defeat the proposal at a public hearing before the school board.

After an exhaustive review of the Whitsons proposal by Council 93 staff, the union was able to convince the committee that the deep wage and benefit cuts Whitsons planned would result in the loss of virtually all of the current staff in the school system. The union’s analysis of the proposal also exposed Whitsons’ plan to shift a significant portion of their costs back to the taxpayer by directing their workers to apply for unemployment benefits during school vacations and the summer break. Council 93’s research also revealed that all but two of the current staff would be eligible for health insurance and other benefits under Whitsons, with the only two eligible workers facing a 90-day waiting period for coverage and higher out-of-pocket costs.

The Council’s fact-based arguments were bolstered by the appreciation and respect that parents and students have for the current team of dedicated workers, who played a key role at the public hearing by offering a number of creative ideas that would reduce the program’s modest deficit and increase student purchases of lunch and breakfast meals.

School board members acted in an exemplary manner, listening carefully to what all interested parties had to say and providing everyone with ample time to ask and answer questions. After a three-and-a-half hour marathon meeting that included a presentation and strong push from Whitsons executives, the committee voted unanimously against privatization.

“I honestly think management was going to try and quietly sweep this under the rug and expect us to go to work for the private company,” said Ruth Freitas, a cook manager at Georgetown Middle High School. “But once we started working with the Council and pushing for information, things started to turn around. They had no idea how strong our union is when we fight.”

# 11th Annual Memorial Scholarship Golf Tournament!

On July 10, 2017, the Council 93 Memorial Scholarship Fund is hosting the 11th Annual Memorial Golf Tournament at the Olde Scotland Links Golf Course in Bridgewater, Massachusetts.

All proceeds benefit the Council 93 Memorial Scholarship Fund, which helps AFSCME families meet the high cost of a college education. The \$600 foursome fee includes:

- 18 Holes of Golf
- Continental Breakfast
- Golf Cart
- Use of Driving Range and Practice Green
- Lunch
- Gift Bag
- Prizes will be awarded for: (1) 1st Place Team, (2) Closest to Pin, (3) Longest Drive.

For a [registration form](#) and information on sponsorship opportunities, email [info@afscme93.org](mailto:info@afscme93.org) or call (617) 367-6015.



We look forward to seeing you on July 10th!

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