

# The 93 Beacon

We Make Northern New England Happen!



## Council 93 Executive Board Makes Endorsements in MA, NH, and VT Races

**Portland, ME**-During the June 11, 2022 Executive Board meeting in Portland, ME, AFSCME Council 93 leaders voted unanimously to endorse in the critical 2022 statewide primary races in Massachusetts and Vermont, as well as in the general election in New Hampshire.

The Council's endorsement process began more than four months ago, starting with lengthy in-person discussions, virtual meetings, and phone conferences with more than a dozen candidates for various offices. These meetings included in-depth conversations on issues that specifically and in some cases uniquely impact public and private sector workers represented by AFSCME Council 93. In Massachusetts, these issues include the long-standing problem of short staffing in state human *(Endorsements on pg. 2)*

*(Above) AFSCME Council 93 Endorsed Candidates- Maura Healey for MA Governor, Eric Lesser for MA Lt. Governor, Diana DiZoglio for MA State Auditor, Bill Galvin for MA Sec. of State, Tom Sherman for NH Governor, and David Zuckerman for VT Lt. Governor*

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## Council 93 Wins Permanent Wage Increases for Essential MA Workers

**Boston, MA**- AFSCME Council 93 is delighted to announce that we have come to agreement with the Commonwealth of Massachusetts on providing significant, permanent wage increases for critically important state employees. These employees include more than 5,000 human service workers in the Departments of Developmental Services, Mental Health and Youth Services, all of whom provide direct care services to the State's most vulnerable populations throughout the Commonwealth. *(MA Raises on pg. 3)*

# Endorsements

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services facilities and group homes as well as the ongoing problem of recruiting and retaining direct care human services workers. We also discussed in detail with candidates the Commonwealth's over-reliance on hundreds of private non-profit human services providers and the tens of millions of dollars spent on non-profit executive pay within these non-profits.

In addition to these substantive discussions, candidates also had the option of submitting written responses to a questionnaire covering these and other issues.

Finally, Council 93 leaders also considered past experiences with these candidates and their actions as current or prior office holders. Based on all of the above, the following Massachusetts candidates were endorsed:

- Attorney General Maura Healey for MA Governor
- Massachusetts State Senator Eric Lesser for MA Lt. Governor
- Massachusetts State Senator Diana DiZoglio for MA State Auditor
- Massachusetts Secretary of State Bill Galvin for Re-Election

In addition to the above endorsements, leaders of AFSCME Council 93 also voted unanimously on June 11 to endorse **State Senator Tom Sherman for Governor of New Hampshire** and former **Lt. Governor and State Senator David Zuckerman for Lt. Governor of Vermont**.

"We are very proud of the in-depth process that led to these endorsements, and we are confident that our board has made the right decision in all of these races," said Council 93 Executive Director Mark Bernard. "Over the past several months, we have made tremendous progress in our ongoing effort to educate candidates on our issues and we believe that the candidates who earned our support will finally give these issues the attention and action they deserve. Unfortunately, candidates rarely

discuss most of these issues on the campaign trail, despite the fact that they are vital to our members and to the individuals and families who rely on our members for quality, compassionate care. In the coming weeks and months, we will be working hard to continue to raise awareness about these issues and elect the candidates who have pledged to address them."

In addition to all Democratic Party candidates in Massachusetts, Republican candidate for Governor Chris Doughty also met individually with Council 93 leaders and returned a completed questionnaire, as did Republican Anthony Amore, candidate for State Auditor.

"We are very grateful to Mr. Doughty and Mr. Amore for actively seeking our support and we were very impressed by their level of engagement in the process," said Bernard. "While neither candidate was able to secure our endorsement, we were encouraged by their positions on some of our key issues, their willingness to talk with us, and most importantly to carefully listen. Given the current political climate and deep divisions between the two major parties on a national level, it's more important than ever for individuals and groups on both sides to continue to talk and find common ground whenever and wherever we can."

**The Vermont primary election is Tuesday, August 9th, while the Massachusetts primary election is Tuesday, September 6th. The general election for all states is November 7th.**



[afscme.org/action/register](https://afscme.org/action/register)

## MA Raises

(continued from pg. 1)

"If nothing else, the COVID-19 pandemic laid bare the critical nature of the work done by these essential workers. At no point during the pandemic were these employees able to work from home. Their work is in person, every day, face-to-face, exposed to a wide variety of risks even beyond the COVID virus," said AFSCME Council 93 Executive Director Mark Bernard. "On top of all that, these jobs are not very well paid, which is why recruiting and retaining these workers is and has been such a challenge. This new agreement is a significant step forward in addressing the low pay issue and hopefully in recruiting and retaining qualified, dedicated and compassionate employees to continue serving those in the state's care and/or custody."

On June 5, 2022, existing Disability Services Workers, Mental Health Workers and Nursing Assistants received raises of 13.86%. LPN staff received increases of 9.41%. Youth Services Group Workers received raises of 10.35%. On July 3, 2022, all bargaining unit members also received a 2% COLA adjustment. In addition, from July 17 through September 11, 2022, eligible employees will continue to receive 50% of the incentive pay they've been getting for approximately the last 18 months. Incentive pay differentials, weekend and shift, will be discontinued effective September 11, 2022.

The bottom line is that this agreement provides these essential workers with permanent pay increases that more appropriately reflect the value of the work they do, the risks they run, and the care they provide. "There is, of course, still more to do to improve the wages and working conditions of this critical group of employees," said Bernard. "But this agreement puts this essential part of the public sector workforce significantly closer to where it needs to be!"

"This agreement would not have been possible without the hard work and persistence of the Unit 2 Presidents and Eddie Nastari, Director of Field Services and Organizing," said Bernard. "Congratulations to all of you, and thank you for your dedication and grit!"

## Council 93 Dispatchers in Chelmsford Honored



*Local 1703 Dispatchers and Chelmsford Police Officers  
(Photo courtesy of the Lowell Sun)*

**Chelmsford, MA-** On April 13, 2022, AFSCME Local 1703 members Shawn Brewer and Rich Demers were honored in a Chelmsford Police Foundation ceremony in Chelmsford, MA. Shawn and Rich were honored for their outstanding work as police dispatchers during an incident in August 2021 when a teenager was hit by a train.

AFSCME Local 1703 President Gerry Mills, a police officer himself, said, "The role of police dispatchers is central to the effectiveness of police and to saving lives. I've always said that dispatchers play a critical role in emergency and other situations and don't always get the recognition they deserve. All of us at AFSCME are so proud of Shawn and Rich."



*Council 93 Staff Rep. Bobby Jones spoke at a May Day Rally in support of a \$15/hr minimum wage for all public sector workers in Manchester, NH.*



## Victory for Corrections Officers in Maine

**Augusta, ME-** On April 25th, AFSCME Council 93 was able to achieve a long-sought victory in the state of Maine by securing funding for the so-called Heart Bill for Maine State Corrections Officers.

This legislation creates what is known as a “rebuttable presumption” that any heart disease or hypertension suffered by a state Corrections Officer is a line-of-duty injury and renders the officer eligible for either short-term or permanent disability pay. This is not a slam dunk for Corrections Officers with heart disease by any means. It simply shifts the burden of proof from the individual employee to the state. In other words, the job is guilty of causing the heart disease unless proven otherwise. Given that Corrections Officers suffer heart disease at among the highest levels of any profession, this is an entirely appropriate benefit. It’s also an unusual one. According to the AFSCME International Research Department, only six other states in the country (one of which is Massachusetts) provide this benefit.

The bill’s path to passage has been a long and circuitous one. The bill received initial passage by the Maine House and Senate in June of 2021, but it was among many bills that had to compete for a limited amount of funding at the end of the session by a joint House/Senate Appropriations Committee commonly referred to as “The Table.”

The Table is charged with dividing up funds that remain after general budget appropriations. So while the Heart Bill “passed,” it wasn’t funded. That changed in late April, when funding for the bill was included in The Table’s recommendations, and on the final day of Maine’s two-year legislative session, the House and Senate voted for enactment.

It’s worth noting that this is the third major piece of legislation that Council 93 has passed during the legislative session in Maine. One such bill was the Taxpayer Protection Act (known as the Pacheco Law in Massachusetts), which creates appropriate taxpayer safeguards before privatizing public services. The second bill also impacts Corrections Officers by closing the loophole in the 1998 law that lowered the age of retirement for Corrections Officers from age 62 to age 55, except for those hired before 1998. The retirement age for Corrections Officers in Maine is now consistent regardless of date of hire, as it should be.

Particularly critical to this latest victory was lead sponsor and champion of the Heart Bill, Senate President Troy Jackson. Senator Jackson fought not only for initial passage last year, but also for funding from The Table. Indeed, Senator Jackson was also the lead sponsor of the Corrections retirement bill passed earlier this session and was crucial to getting all three of these bills passed and funded. He has been a consistent champion and defender of public sector workers in Maine, and we are grateful for his leadership.

The Heart Bill was transmitted to Gov. Janet Mills where she quickly signed the legislation into law.



### AFSCME Council 93 21st Biennial Legislative Conference

- September 9 to 11, 2022
- Danvers, MA

Registration packets have been mailed out to all Locals and are due back by August 30th!

## Your Rights as a Union Member: Just Cause

*In this space we will focus on your rights and protections under the law as a union member. This issue we will look at "Just Cause"*

The basic underlying principle in discipline cases is that management must have "just cause" for imposing the disciplinary action. Many contracts state that discipline will only be given "for just cause." A common test for determining whether just cause existed was developed by arbitrator Carroll Daugherty in a 1966 case. This standard has come to be known as the "Seven Tests of Just Cause." To meet the standard, management must be able to answer "yes" to the following seven questions:

- Was the employee adequately warned of the probable consequences of his/her conduct?
- Was the employer's rule or order reasonably related to the efficient and safe operation of the job function?
- Did management investigate before administering the discipline?
- Was management's investigation fair and objective?
- Did the investigation produce substantial evidence or proof that the employee was guilty of the offense?
- Has the employer applied its rules, orders and penalties evenly and without discrimination?
- Was the amount of discipline reasonably related to the seriousness of the offense and the employee's past service and record? Did the "punishment fit the crime?"

A "no" answer to one or more of the questions indicates management's action was arbitrary, capricious and/or discriminatory in one or more respects. The union can argue that management did not have just cause to take the disciplinary action.

## Council 93 Legal Victories

AFSCME Council 93 Legal Staff won an arbitration case for a Massachusetts' Public Works member who was suspended for three days and lost over two months of paid time off accruals for refusal of a work assignment. The member did not intend to be insubordinate, but felt unsafe performing their work assignment because the commercial vehicle he was to perform the work in was in poor condition and unlikely to pass a safety inspection. The suspension was handed down without the member being allowed to state his side of the story, which a neutral arbitrator found was a violation of one of the fundamental tenets of Just Cause- Due Process. The employer's failure to conduct an investigation and offer the member an opportunity to state his side of the story mandated a reduction in discipline. The member was made whole and recouped all of their lost time and wages.

Recently, Council 93 filed a charge of prohibited practice against McLean Hospital at the National Labor Relations Board for failing to provide information sought after an Information Request by the union for purposes of negotiations. The



Union twice requested employee wage information and was denied both times by McLean Hospital management. Council 93 Legal Staff filed charges at the NLRB claiming that management violated Section 8(a)(5) of the National Labor Relations Act (NLRA). The NLRB found in favor of Council 93 and issued a Complaint of Prohibited Practice. As a Settlement Option, management was to provide the information requested and post a notice of its violation in common areas of the Hospital where employees could see it. While the information was given to Council 93, the notice of violation was posted in very limited locations with low visibility. When Council 93 Legal Staff learned of the limited posting, a request was made to the Regional Director of the NLRB that the notice be posted on every unit. The Regional Director agreed and McLean management was forced to repost the notice at all locations requested by Council 93.

# Council 93 at the 45th International Convention in Philadelphia

**Philadelphia, PA-** Over 125 delegates, alternates, officers, and staff representing Council 93 were in Philadelphia from July 10th-15th for the 45th AFSCME International Convention.

Council 93 was well represented at the convention, with delegates on a number of important committees that will help shape the direction of our union for the future. The Appeals, Constitution, Election, Federal Policy, Health Care, Organizing, Resolutions, Rules, and Sergeant-at-Arms committees all had Council 93 members serving on them.

International President Lee Saunders even mentioned Council 93's part in growing our union during his keynote address. Pres. Saunders highlighted the successful organizing drive at McLean Hospital to give registered nurses, mental health specialists and community residence counselors a voice on the job!



# ALL TOGETHER

AFSCME 45<sup>TH</sup> INTERNATIONAL CONVENTION • PHILADELPHIA



## Local 680 Settles Hard Fought Contract with Town of Arlington

**Arlington, MA-** The members of AFSCME Local 680 in Arlington have reached an agreement with the Town of Arlington. These were challenging negotiations, with the Town demanding – not negotiating, demanding – concessions and offering little in terms of compensation.

However, the members were undeterred, engaged, and ready to stand up for a fair contract. With assistance from Council 93 Field Services and Membership Mobilization staff, the Local developed a coordinated plan to bring their issues to the Arlington Board of Selectmen. Local 680 President Bobby Noviello and his leadership team led the Local in a campaign to generate calls to the Selectmen. Within two days they generated an overwhelming number of calls. The contract settled about two weeks later, providing a roughly 11.35% increase over three years and double time for snow/ice overtime.

This victory shows the strength and power of our membership when they are engaged. **When we fight, we win!**



*Some of the newest members of AFSCME Council 93 - Burlington, VT School Clerical Workers!*

## Burlington, VT School Clerical and Soteria House Workers Unionize with Local 1343!

In late June, Burlington School clerical workers unanimously voted to unionize with AFSCME Local 1343. Workers at Soteria House, a residential facility in Burlington, also unionized with 1343 after achieving voluntary recognition from their employer (Pathways Vermont) after all facility workers signed union cards. Both groups will now move towards bargaining their first union contract.

# UNION YES!



## Jerry McEntee: 1935-2022

Council 93 joins our brothers and sisters across the AFSCME family, and the greater labor movement, in celebrating the life and mourning the death of AFSCME President Emeritus Gerald "Jerry" McEntee.

President McEntee passed away on July 10, 2022. Simultaneously a lion of the labor movement and a regular working class guy, President McEntee's passion and shrewd strategic sense were central to making AFSCME the powerhouse union it is today.

We will miss our union brother - Rest in Power.

## Member Benefit Highlight: Pet Insurance



Save up to 90% on eligible vet bills! With AFSCME Advantage pet health insurance for dogs and cats you can get reimbursed up to 90% on eligible vet bills. Protect your four-legged friend with a Union Plus Pet Insurance plan, powered by Pets Best.

As an AFSCME union member, you get up to 10% off monthly premiums. Pets Best offers flexible coverage options, with no annual or lifetime limits. In fact, the cost-conscious Accident Only plan is only \$6/month for cats and \$9/month for dogs. [Learn More Today-  
https://www.unionplus.org/benefits/insurance/pet-insurance?union=AFSCME](https://www.unionplus.org/benefits/insurance/pet-insurance?union=AFSCME)

## Vermont Locals Ratify New Collective Bargaining Agreements

A number of locals in Vermont recently settled contracts that provide for wage and benefit increases without concessions. Below are the highlights of several of these recent contract victories.

In early June the members of AFSCME Local 1343, South Burlington city workers, ratified a new three- year Collective Bargaining Agreement. The new contract, among other things, provides:

- 6.76% average total raises in year one via slotting into a new and improved step grid;
- A \$20/hour minimum rate of pay for all (which translates into 7%+ raises in year one for less senior DPW workers);
- Year two COLA floats with CPI up to 4%, plus a guaranteed 1.5% step raise (thus combined raises up to 5.5%);
- Year three COLA floats with CPI up to 3.5%, plus a guaranteed 1.5% step raise (thus combined raises up to 5%);
- The few senior workers off the step grid to get an annual 1.5% bonus in years 2 & 3;
- No meaningful concessions

Congratulations to Local 1343 Chapter Chair Todd Gregory, the Bargaining Team, and the members in securing this new contract!

Not to be outdone were the members of AFSCME Local 1201 in Fair Haven, who ratified a contract with average raises of 7% in year one through a number of major reclassifications, targeted raises based on market adjustments, and a minimum raise of \$1 an hour (with raise re-openers in years two and three). Congratulations to the leadership and members of Local 1201!

Finally, on June 10th the members of AFSCME Local 490, Town of Bennington DPW workers, unanimously ratified a new five year agreement that brings their wages from the current \$23/hour to a minimum of \$30.50/hour over five years.

Not unlike the Local 1343 contract, this CBA includes provisions designed to address the current high level of inflation. Specifically, if the CPI (Consumer Price Index) is higher than the agreed upon raises in years 2-5 of the contract, employees get the higher CPI rate as their raise. The contract also includes Juneteenth as a new paid holiday and NO concessions.

This agreement will make **our members in Bennington the highest paid DPW workers in the State of Vermont**, thus setting a new standard for the Green Mountain State. Congratulations to Local 490 President Dan Cornell, his leadership team, and all the members of Local 490!

# Local 2948 Members Make Sure the Fish Are Biting

**Sandwich, MA-** If you are one of the thousands of Massachusetts residents or visitors who enjoy the thrill of catching trout, know that before that fish ended up on the end of your line, it was the hard work of dedicated AFSCME members with Local 2948 who helped put it there. While the MassWildlife Technicians cannot reel it in for you, their hard work and dedication makes sure that the fish are there for the public to enjoy.

Several dozen Wildlife Technicians employed by the Massachusetts Division of Fisheries and Wildlife work 365 days a year to hatch, raise, and stock nearly 500,000 Brook, Brown, Rainbow, and Tiger Trout in waterways across Massachusetts. Five state-run fish hatcheries in Sandwich, Palmer, Belchertown, Sunderland, and Montague operate year round to make sure that the fish are properly cared for and their fragile habitats maintained. Beginning in early March and lasting throughout May, these prized game fish are released in freshwater lakes, reservoirs, ponds, streams, and rivers across the state for the public to enjoy.

**Check to learn where MassWildlife stock trout in waterways near you:**

**<https://www.mass.gov/service-details/massachusetts-trout-stocked-waters-list>**

If you are over the age of 15, you need to have a fresh water fishing license. License fees are used to support conservation efforts, stocking of waterways, and improved access to fishing areas for all residents.

**Learn more: <https://www.mass.gov/how-to/buy-your-freshwater-fishing-license>**

*Right - Local 2948 members in action stocking lakes and streams and the Sandwich Fish Hatchery*



# NH First Responders Redefined

**Manchester, NH-** In mid-June, Senate Bill 325 was signed into law recognizing AFSCME frontline heroes working in public works and public health as first responders when it comes to preparing for emergencies. This bill is long-overdue recognition for the unsung work members do to keep our communities safe and functioning during times of crisis.

The bill amends existing state law to allow the state and municipalities expanded options when it comes to seeking federal grant funding by allowing for the inclusion of public works and public health related projects as part of preparing for and responding to emergencies.

AFSCME members, locals, and staff strongly advocated for the bi-partisan legislation by testifying at the State House and contacting elected leaders in support of the several hundred Council 93 public works employees and public health nurses across the state who will be impacted by this legislation.

Local 298 President Dennis Bourgeois, a vocal supporter of the legislation, commented "we have always been here, and will always be here- ready and available to help in an emergency. Police and fire cannot get down a street unless an AFSCME member clears it. We work hand in hand with other first responders and this legislation recognizes that."

Lead sponsor Sen. Kevin Cavanaugh (D-Manchester) and key co-sponsor Republican Senate Majority Leader Jeb Bradley (R- Wolfeboro) recognized that public works and public health professionals are a vital component of New Hampshire's ability to effectively respond to emergencies of any kind and more often than not, are the first to respond. They, along with a broad coalition of legislators from across the political spectrum, helped guide the legislation through the State House.

Sen. Cavanaugh, on sponsoring Senate Bill 325, said "our Health Department in Manchester was side-by-side with our police and fire departments running one of the first testing facilities in the country at the start of the pandemic. I truly am most proud of this bill out of all the legislation I have worked on during my career because it was for working people and recognizing their work."

Jim Durkin, Council 93 Director of Legislation and Political Action, noted during his testimony that Senate Bill 325 "makes for sound public policy and if it's one thing we have all learned over the past few years in particular, we can never be too prepared for emergencies."

In addition to access to increased funding and inclusion in emergency management planning, Senate Bill 325 gives long-overdue and well-deserved formal acknowledgement of the essential role that public works professionals and public health nurses play in responding to emergencies, as well as the dangerous nature of their jobs. In fact, AFSCME Local 298 public health nurses in Manchester staffed one of the first COVID-19 testing sites in the state during the early days of the pandemic in Spring 2020. (LINK <https://www.afscme.org/blog/this-is-what-we-are-called-to-do-inside-a-drive-up-covid-19-testing-facility>)

Council 93 Executive Director Mark Bernard commented on the passage of Senate Bill 325, "these workers have always been first responders- they are the ones out in the middle of the night during a snowstorm and they were the ones setting up and running testing sites during the height of the COVID-19 pandemic while everyone else was safe at home. Whatever our communities need, they are always there."

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