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UNITED PUBLIC SERVICE EMPLOYEES UNION

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# THE ADVOCATE

*Making a Difference in the Workplace*

Spring 2011

## Two Registered Nurse Units Vote for UPSEU

This spring, the registered nurses of Hicksville Public School District and the Harborfields School District voted to be represented by UPSEU. "The units came for the same reasons, but by different paths," remarked Regional Director Kim Nowakowski. "Both groups called other registered nurses units to confirm that what we claimed to offer was what we in fact do provide," continued Nowakowski.

The Hicksville Public Schools registered nurses have had a history of changing unions and most recently were an independent association represented by a lawyer. These eighteen RNs found that their previous unions had not met their needs and the lawyer, as well, did not provide the level of service that was necessary to meet their day-to-day needs.

"We were quite impressed by the introductory meeting; a number of the nurses called to say that it was very informative and since that meeting we have seen Kim in action in our district working for us and expediting matters which had lingered. We're excited about moving forward," commented Unit President Donna Mazzeo.



### UPSEU WELCOMES HICKSVILLE PUBLIC SCHOOL NURSES

*First row L to R:* Unit President Donna Mazzeo, Vice President Gail Hunker, Secretary Veronica McFeely, Treasurer Dorothy Fanslow. *Row 2:* Deborah Weintraub, Frances Venezia, Christine Kani, Eileen Puerta, Sharon Tenenbaum. *Row 3:* Mary Schneider, Joan Welsh, Angela Schoenstein, Monica Carloni, Nancy Danowski, Marisa Orlic. *Not pictured:* Laurell Caputo, Evelyn Eberling and Lori Cardillo.

The Harborfields School District is a smaller district with only four nurses. "Most unions wouldn't represent a group fewer than twenty five, since it's not cost effective, but we view all workers as having the right to quality representation by a union, regardless of the unit's size. We've represented units as small as two and upwards to over fifteen hundred," stated Nowakowski. This group of four was non-union and concerned in these difficult times about what would happen to their benefits and other entitlements.

UPSEU has represented a number of registered nurse units both in school settings and nursing homes. "School nurses have unique issues, particularly with the medical needs changing for today's diverse student body," remarked UPSEU Labor Relations Representative Amanda Barker. "We keep ourselves informed on State Education Department regulations, the implications of the Nurse Practice Act, and as well performing wage and benefit analysis, which provides the ammunition we need in bargaining," echoed Regional Director and negotiator Kim Nowakowski.

## Our Mission

United Public Service Employees Union is committed to being the preeminent labor organization representing public sector employees by providing professional, on-site representation, superior negotiations, and adherence to democratic principles which maintain the integrity of the Union for the benefit of our members and their families.

*“We are making a difference in the workplace”*



Officers of UPSEU

Kevin E. Boyle, Jr.

*President*

Gary M. Hickey

*Executive Vice President*

Kimberly Nowakowski

*Vice President*

Randy Tillman

*Secretary/ Treasurer*

James Gangale

*Recording Secretary/ Trustee*

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Linda Pickwick, *Editor/Design*

## Table of Contents

President's Message	2
UPSEU New Units	3
Spotlight on CT	4,5
Negotiation News	6
More News	7
Working for You	8
Making a Difference	9
Member News	10
Mailbag/Benefit	11
Identity Theft	12

# President's Message



**UPSEU President**  
Kevin E. Boyle, Jr.

We have all watched the ongoing issues in the Midwest where governors in Wisconsin, Ohio and Indiana proposed and implemented significant changes in legislation directly affecting middle class public sector workers.

While blaming public employees for the financial problems in their state and the country as a whole, each has delivered tax cuts to the wealthy and their corporate friends.

We here in the northeast have taken collective bargaining for granted and many believe that what is happening in the Midwest won't have an impact here; think again. We only need to look to the north where New Hampshire is attempting to implement a right to work law and New Jersey is looking to take healthcare off the bargaining table.

The fact is that there are some in our legislative bodies that do in fact want to destroy public employees. Their intentions are the same as legislators that voted to eliminate the millionaire tax in New York while cutting education aid, voted to eliminate it in New Jersey, want to grant tax cuts to the wealthy and consistently vote to grant additional tax cuts to their corporate friends.

One cannot read a newspaper or visit a news web page without reading an article trashing public employees. The travesty that occurred in Wisconsin and Ohio is an affront to the middle class; the working class.

The same pundits who stated that restoring slightly higher tax rates on those making \$250,000 or more was an attack on the middle class as they were "just getting by," are the same pundits who now say that those earning between \$40,000 and \$50,000 a year as public employees are destroying this country.

To be clear, in plain English, this is a bunch of crap!

The one thing those who implemented the near elimination of collective bargaining rights for 175,000 public employees in Wisconsin and 300,000 in Ohio were successful in doing, was re-energizing the labor movement. Talks of a national strike and other actions can now be heard.

The same legislators who called upon our government to assist those in standing up for their rights for democracy in the Middle East, now support stripping workers of their democratic rights right here in this country.

Shame on them! Yes, their day of reckoning will be at the ballot box, if not before. If they continue to vote to destroy workers rights to collective bargaining. Who knows what the middle class in this country will do!

The fact is that public employees deliver fiscally responsible services to the public and are not the individuals who put this country in the position it finds itself in. Over the past several years, it's those that continued to receive the tax breaks, evaded corporate taxes, and provided the campaign funding to those who promote these actions and activities, that were the cause of our current economic circumstances.

One thing is for certain, whether the easy way or the hard way, justice will prevail.

# UPSEU Welcomes New Units

## PVSC Employees Vote UPSEU Over IBEW

Passaic Valley Sewage Commission White Collar employees voted to join UPSEU in a PERC election recently held. The unit is made up of seventy five White Collar unit employees.

The previously unrepresented unit had three choices on the ballot: IBEW/AFL-CIO, UPSEU or no union. The majority of the unit voted for UPSEU, despite the IBEW's representation of PVSC's Blue Collar employees for many years. The IBEW challenged the process of the election by filing frivolous charges with the Public Employee Relations Commission. After an investigation, the New Jersey PERC rejected the IBEW's charges and formally certified UPSEU.

The PVSC had been under attack from the Governor of New Jersey and UPSEU has already filed charges at the PERC regarding some of the Commission's recent actions.

UPSEU has now put together the shop steward network, and is securing proposals from the unit in preparation for bargaining. UPSEU welcomes PVSC White Collar employees! We certainly have our work cut out on behalf of the unit, but we're looking forward to rolling up our sleeves!

## Mahopac Monitors Vote Overwhelmingly to Boot CSEA/ AFSCME

In a NYS PERB conducted election, Mahopac Central School District Monitors voted 43 to 1 for UPSEU. In a story that former CSEA members are all too familiar with, this group had enough years of *no representation*.

"Representing two other units in the District gave these employees a chance to see first hand that our style of representation is second to none," said Executive Vice President Gary M. Hickey who led the organizing drive, along with Labor Relations Representative Rich Cormier. A hearty welcome to UPSEU's newest union members!

## UPSEU Continues to Grow in CT With 2 Victories over NAGE/ SEIU

Just this past March, the unionized members of the Waterford Board of Education voted to leave the National Association of Government Employees (NAGE/ SEIU) voting unanimously in favor of UPSEU.

The School Custodial and Maintenance employees and Cafeteria employees participated in two separate elections which resulted in two new victories for UPSEU.

"UPSEU/ COPS was certified in 2010 as the exclusive bargaining representative for the police officers of Waterford and have since secured a new strong collective bargaining agreement for the officers," stated UPSEU Regional Director Ronald Suraci. "We are ready to hit the ground running, working hand in hand with our new members of the Waterford Board of Education," Suraci went on to say.

## Massachusetts Holyoke Water Dept. Dumps AFSCME to Join UPSEU

In a Massachusetts State Labor Relations Board election held on May 10, 2011, Holyoke Water Department voting in a secret ballot election, chose UPSEU over their existing union, AFSCME. Their now former union, AFSCME received ZERO votes in the election.

While the unit is different, the story with AFSCME never changes. Lack of representation and communication, dues increases without a vote and lackluster negotiations. These were just a few of the issues that led the Holyoke Water Department to vote to join UPSEU. UPSEU commends the group for standing together for better representation in the workplace!

We welcome the Holyoke Water Department to the UPSEU family and look forward to serving them!

## UPSEU Welcomes 4 New Herkimer Units

UPSEU welcomes the following four new town highway yards from Herkimer County to our family: Danube, Fairfield, Little Falls and Salisbury.

Due to the current assault on working class benefits, the highway employees in the towns of Danube, Fairfield, Little Falls, and Salisbury have organized with UPSEU to protect and preserve basic benefits that were being threatened.

"Labor Relations Representative Phil Sedlock again did a great job organizing the units," said Gary M. Hickey, Executive Vice President/Regional Director. As of this writing, we have reached a tentative agreement with the Town of Little Falls and are in the negotiating process with Danube, Fairfield and Salisbury.

## Southington Water Department Employees Leave AFSCME and Join UPSEU

UPSEU is pleased to welcome another bargaining unit previously represented by AFSCME. In a Connecticut state run election, the unit which had been represented by AFSCME Council 4 for many years, decided they no longer wanted AFSCME as their union. 94% of those voting, voted in favor of UPSEU. We welcome Southington to the UPSEU family.

## City of Hackensack Leaves Teamsters and Votes in UPSEU

After years of Teamster representation, the supervisory unit of the City of Hackensack has voted unanimously for UPSEU. The unit determined that they were not being represented by the Teamsters and wanted new representation. Welcome aboard City of Hackensack Supervisors!



# Spotlight on Connecticut

## Monroe BOE Secretaries and Nurses Vote UNANIMOUSLY to Join UPSEU from IFPTE

In a Connecticut State election held on February 15, 2011, the twenty five member Monroe Board of Education Secretaries Unit, voting in a secret ballot election chose UPSEU over their existing union, IFPTE/ AFL-CIO. Also, on the same day, the seven member Monroe BOE Nurses Unit voting in a secret ballot election chose UPSEU over their existing union. In both elections, UPSEU won with **100%** of the votes!

A lack of representation, lackluster negotiations and poor communication were just a few of the reasons that led Monroe BOE Secretaries and Nurses to vote for UPSEU.

UPSEU Labor Relations Representative Matt Geer commented, “The secretaries and nurses in the Monroe Board of Education have seen first-hand the exceptional representation that UPSEU has provided to the Monroe BOE Custodial, Maintenance, Security, Food Service and Paraprofessional employees already represented by UPSEU. This alone was enough to inspire the groups to join UPSEU as well.”

**UPSEU welcomes the Monroe BOE Secretaries and Nurses Units to the UPSEU family and looks forward to serving them.**



### MONROE BOE SECRETARIES

*(Seated l to r) Unit President Carolyn D’Andrea and Treasurer Barbara Soper. (Second row) Vice President Linda Smeraglino and UPSEU Labor Relations Representative Matt Geer. (Not pictured is Secretary Helen Esposito)*



### MONROE BOE NURSES

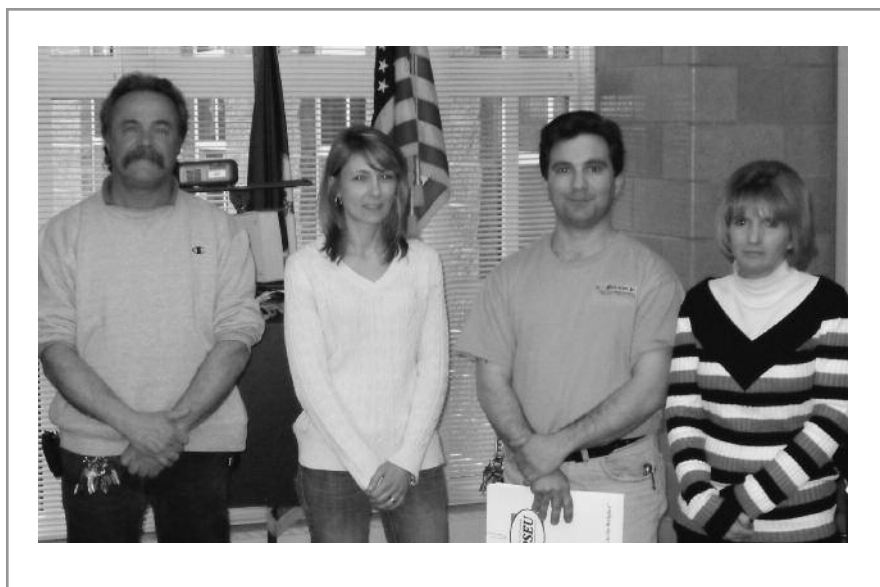
Unit Co-President Patty Severson, UPSEU Labor Relations Representative Matt Geer and Co-President Cathy Radlinski

## UPSEU Wins Landslide Victory Over CSEA/ SEIU in Connecticut Region 16 Election

By a vote of 79 to 13, Region 16 BOE Clerical, Operations and Maintenance, Custodial, Paraprofessional and Food Service employees represented by CSEA/ SEIU voted to join UPSEU in a March 3, 2011 state run election. The unit is made up of 112 employees, with an overwhelming 86% voting for UPSEU.

Workers were dissatisfied with the representation CSEA/ SEIU was providing and determined that a new union was needed. United Public Service Employees Union Labor Relations Representative Matt Geer headed up the organizing campaign. Geer stated, “CSEA/ SEIU put forth their typical campaign of lies, false propaganda and intimidation tactics. Region 16 employees were just fed up with the lack of respect and CSEA/ SEIU’s failure to provide them with the representation that they so rightfully deserve.”

**United Public Service Employees Union welcomes Region 16 BOE employees!**



### REGION 16 UNIT OFFICERS

Unit Vice President Carl Samela, Treasurer Robin Hankey, President Steve Martoni and Secretary Michelle D’Amico



## Bethel Dispatchers/Clerical Employees Vote UNANIMOUSLY to Join UPSEU from NAGE

United Public Service Employees Union is pleased to welcome another bargaining unit, previously represented by NAGE/SEIU.

In a Connecticut state run election held on February 22, 2011, the unit which was represented by NAGE/SEIU, decided unanimously that they no longer wanted NAGE/SEIU as their union.

**UPSEU welcomes the Bethel Dispatchers/Clerical employees to the UPSEU family!**



### BETHEL DISPATCHERS/CLERICAL UNIT

Unit Secretary Ferdinand Miller, Jr., Treasurer Linda Kavallines, President Sandra Cortopassi, and Vice President Jason Shuttleworth



### BERLIN BOE FOOD SERVICES

Unit President Rosalba Marrocco, UPSEU's Matt Geer, Vice President Maria DeFrancesco, Secretary Maura Hagert & Treasurer Edeltraud Ferguson

## Double Hitter for UPSEU Over AFSCME

In a February 9, 2011 state run election, the employees of the Winchester Department of Public Works banded together and voted nearly unanimously to leave AFSCME Council 4. "I guess the proof is in the pudding; the service that UPSEU has provided to its members speaks for itself," stated UPSEU Regional Director Ronald Suraci. "Barbara Resnick, our representative in Winchester has done a terrific job. I believe that the employees of the town feel secure knowing that they have both Barbara and UPSEU in their corner!" Suraci went on to say.

UPSEU now represents four separate bargaining units in the Town of Winchester. In just the past four years unionized members from the Police Department, Town Hall, Emergency Dispatcher and Animal Control, and now the Department of Public Works employees have all become part of the UPSEU family.

On the same day, employees of the Berlin Board of Education Food Service Unit voted unanimously to leave their current union, AFSCME to join UPSEU. The unit follows in the footsteps of the Berlin BOE, who just last year also left AFSCME, seeking a higher level of representation. UPSEU Labor Relations Representative Matt Geer praised the group for standing together to achieve better representation in the workplace!

**Welcome aboard Winchester Department of Public Works and Berlin BOE Food Service Members!**

## UPSEU Welcomes Yet Another Unit of AFSCME Members

In a Connecticut State Labor Relations Board election held on February 16, 2011, the forty two member New Canaan BOE Secretaries unit, voting in a secret ballot election, chose UPSEU over their existing union, AFSCME. UPSEU won the election with an overwhelming 88% of the total votes.

While the unit is different, the story with AFSCME never changes. Poor representation, lack of communication, never ending dues increases without a vote, and lackluster negotiations, were just some of the issues that led New Canaan BOE Secretaries to vote to join UPSEU.

UPSEU Representatives, Matt Geer and Roger Stolen, both commended the group in standing together for better representation in the workplace! This New Canaan unit joins three other units that have already voted in Connecticut State run elections this year to leave AFSCME for UPSEU.

**UPSEU welcomes the New Canaan BOE Secretaries to the UPSEU family and looks forward to serving them!**



### NEW CANAAN BOE SECRETARIES

Unit Vice President Lisa Pernek, President Jennifer Van Degraff, and Treasurer Floriana Jones



## Three Village Clerical and Maintenance and Operation Units Approve New Agreements

Annual wage increases and a retirement incentive were included in a new agreement covering UPSEU's Three Village School District clerical members. The membership overwhelmingly approved the agreement by a vote of 89 to 4. Special thanks to the leadership of Clerical Unit President Debbie Garnier and the work of negotiating team representatives Phyllis Stockton and Donna Pesapane.

A new agreement for Three Village Operation and Maintenance unit will provide annual wage increases and a retirement incentive for employees retiring before August 31, 2011. The agreement was approved by a vote of 66 to 2. Special thanks to the negotiating team led by Mike Bartell and team members Thomas Johansen, Stephen Cordovano, Frank Moscatiello, Charles Murray, Larry Aupperlee and David Luhrs.

## Town of Gardiner and Highway Department Reach 3 Year Agreement

Under the leadership of Chief Shop Steward Matt Aube, Shop Steward Brian Stiscia and Chief Negotiator/ Executive Vice President Gary M. Hickey, UPSEU members and the Town of Gardiner agreed on a three year contract.

In the first year of the contract, members will receive a call out incentive for a responding to snow and ice removal. In addition to annual wage increases, all highway department members will receive a paid leave of absence for one week designated by the highway superintendent. The Town will also provide employees with another new benefit; a winter work jacket reimbursement.

## Westbury School District Reaches Agreements with UPSEU



**WESTBURY SCHOOL DISTRICT NEGOTIATING TEAM**

(L to R) Chief Shop Steward Leon Sutton, John Garrett, Carlton Harris, Assistant Chief Shop Steward Harold Cotton and Thomas Filomena

On the heels of a successor agreement reached for the Operations and Maintenance bargaining unit which provides better than average salary increases while protecting their benefits and entitlements, UPSEU reached a similar agreement for its Clerical bargaining unit. Both units overwhelmingly ratified the contents of the tentative agreements. Each agreement contained retroactive wage increases dating back to the first day of the expired agreements. Congratulations to both negotiating teams and UPSEU negotiators Organizing Director Randy Tillman and UPSEU President Kevin E. Boyle, Jr.

The clerical unit negotiating team was comprised of Diane Cohen, Cathy Arena, Nanci Volino, Darlene Raffetto and Laura Botka. The operations and maintenance unit negotiating team consisted of Shop Steward Leon Sutton, Assistant Shop Steward Harold Cotton, Thomas Filomena, Johnny Garrett, Johnny Rudolph and Carlton Harris.

In addition to the outstanding successor agreements, Regional Director Kim Nowakowski and Randy Tillman negotiated a retirement incentive agreement for both units. "In today's times, to negotiate wage increases in addition to step movement, while protecting the rest of the expired contracts is a testament to the strength and perseverance of not only UPSEU, but both of the negotiating teams as well," remarked President Boyle.



## Madison Town Hall Votes UPSEU

In a recent election, Town Hall employees in Madison, Connecticut voted 23 to 12 to be represented by United Public Service Employees Union. UPSEU is now the certified bargaining representative for the town hall employees.

"UPSEU had already hit the ground running and is currently working with new members to prepare for the negotiation of wages, hours and the conditions of work for the town hall employees. Some employees haven't received raises in years and this is a main concern for these employees," according to UPSEU Regional Director Ron Suraci. Ninety nine percent of town employees have a union, and this is one of the last areas that didn't have any representation. UPSEU attorney Barbara Resnick, who assisted in the organizing campaign stated, "They have already elected their new executive board and everyone is excited to begin the negotiation process." We would like to welcome the Madison Town Hall employees into the UPSEU family and look forward to working for them.

# More UPSEU News

## UPSEU Member Speaks Out

*Dear Mr. Boyle:*

*After a four year struggle, the police officers in Windham, New York now have a contract. We signed on with UPSEU in January 2007. When our members decided to organize, we knew from the beginning that we were in for a long haul because of the local leaders we would be dealing with.*

*As the process continued, the town leaders fought us at every turn. There were essentially no negotiations, because the leaders simply would not negotiate. Mediation was fruitless for the same reasons. Finally, arbitration was the only alternative.*

*I would like to thank UPSEU and specifically Labor Relations Representative Jack Rogers and Executive Vice President Gary Hickey. Gary was with us and guided us from the beginning. About halfway through the process, Jack came on board with UPSEU. Fortunately for us, Jack "jumped in with both feet" from day one. Jack was in constant contact with us and made every effort to do whatever possible to expediate the process and finalize a fair contract. Any time I reached out to Jack he was there to answer any questions or discuss whatever needed to be discussed. Jack traveled to Windham frequently to meet with us and help us to keep a positive attitude during what at times, tended to be a little discouraging. UPSEU reps stood strong through the entire process and we owe our success to their determination and expertise.*

*Thank you to UPSEU, Gary Hickey and Jack Rogers for a job well done. Thanks to their efforts, Windham Police Officers have our first collective bargaining agreement. Equally important, we also continue to have the support and protection of UPSEU as we go forward.*

*Greg Thorp  
Windham Police Officer*

## Town of Windham Police Achieve Contract

UPSEU and the Town of Windham Police unit finally have a collective bargaining agreement. After two plus years of negotiations and mediation, concluding with an interest arbitration award, the members after much dedication and patience have the contract they deserve.

The arbitration panel consisted of Gary M. Hickey, Executive Vice President/Regional Director for the employees, Elayne Gold, Esq. for the employer and Sumner Shapiro, public member and chair person. Labor Relations Representative Jack Rogers presented the case for the union. The result is a four year contract. During deliberations the parties authorized extension of its jurisdiction to encompass the two subsequent calendar years namely, the years commencing January 1, 2011 and January 1, 2012 respectively. This is the first collective bargaining agreement for these police officers. The agreement includes retroactive pay, shift differential, clothing allowance, as well as other guarantees these members never had before.

## Borough of Park Ridge White and Blue Collar Units Join UPSEU



**BOROUGH OF PARK RIDGE OFFICERS**  
Blue Collar Unit President Rich Solimando and  
White Collar Unit President Liz Maggio

Clerical employees in the Borough of Park Ridge, New Jersey, previously represented by their own association, decided they needed the support of a union to provide the day to day representation they required. UPSEU filed a petition with PERC, New Jersey's Labor Board and the association disclaimed interest in the unit. PERC certified UPSEU as their representative on May 16, 2011.

Blue Collar employees covered under a separate agreement but part of the same association joined with their white collar counterpart and joined UPSEU as well. UPSEU welcomes these two new groups of members.

## Town of Ephratah Achieves 4 Year Contract

Considering the difficult economic times we are facing, UPSEU and the Town of Ephratah were happy to reach a four year agreement. This agreement included wage and longevity increases, as well as improvements in call-in pay and new comp time language.

The Negotiating Team of Duane Gallt, Jeff Christman, Alan Cretser, Larry Brandt and Rodney Duesler led by Labor Relations Representative Phil Sedlock worked together to achieve a good contract for their co-workers.

# UPSEU - Working For You

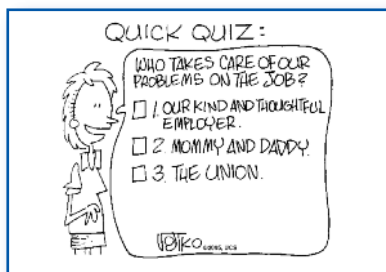
## Another Win For Columbia County Employees

An arbitrator has issued a decision sustaining UPSEU's grievance that the County violated the contract when it unilaterally consolidated the Facilities overtime roster, thereby stripping certain employees of their building assignments and their rights to overtime.

"We are thrilled at this decision," said Kathy Wright, Regional Coordinator. Wright had filed a grievance on behalf of certain Facilities employees who had not been offered overtime pursuant to the contract and who had their building assignments stripped from them.

The arbitrator agreed with the UPSEU that the language of the contract defines a 'subdivision' in the case of the Facilities Department, as a building assignment and therefore, has ordered that the County reinstate the old overtime rosters by building.

"This means two things," said Wright. "Number one, henceforth, any overtime in a specific building that an employee was assigned to in 2008/2009 must be offered to the assigned employees first. Number two, any employee who was assigned to a building in 2008/2009 and who had their building assignment stripped from them and ordered to report to a consolidated Facilities location, will have to be paid for all of the overtime they should have been given over the past three years," Wright continued. This victory comes off the heels of three other recent UPSEU decisions pertaining to the Facilities and DPW departments wherein the County was found to have violated the law by disregarding workers' rights.



## UPSEU Helps Make Walking to Work Safer and Easier

Rensselaer County Department of Social Services employees found it a little easier to walk into the Raddock Building this winter.

UPSEU Assistant Chief Shop Steward Vickie Halse contacted UPSEU Regional Coordinator Kathy Wright regarding the unsafe conditions of the sidewalks into the Raddock Building, after departmental requests to the building owners went insufficiently addressed. The significant snowfall this year with the constant freezing and melting made the parking lots and sidewalks almost treacherous because the building maintenance didn't shovel properly. "You felt you were onboard a ship trying to walk over the center mound from one end of the walk to the other," said Halse. Some employees had fallen and it had reached a point where people had to decide whether to risk getting hit by a car by walking in the road or attempt the sidewalks and fall.

Wright reached out to the Deputy County Executive for assistance after receiving Halse's call and within 24 hours, a machine was brought down and the walks were cleaned up. "The employees were very appreciative of the union's assistance and the County's prompt response," said Halse.

## Civil Service Commission Agrees with UPSEU

The Rensselaer County Civil Service Commission recently handed down a decision that supported UPSEU's grievance filed on behalf of a UPSEU member.

"I was contacted just prior to the New Year holiday by a Sewer District employee who was told, under the threat of discipline, to perform an extensive and complicated automotive repair that was clearly outside of the scope of his job duties and position requirements," said Kathy Wright, UPSEU Regional Coordinator. UPSEU tried to convince the department they were in error by making the assignment, but they would not relent. "They left us no choice but to file a grievance. This was a big safety issue," Wright stated.

The UPSEU/County Joint Grievance Committee addressed the grievance at their January 6, 2011 meeting at which time the County representatives stated they would put the matter before the Commission for their review and would direct the department in the interim to refrain from directing any more auto repair work be done by this employee or like-titled employees. "We were pleased with the Commission's determination and I know the employee felt vindicated and relieved," Wright concluded.

## Town of Colonie Member Granted Personal Service Time Request

UPSEU and the Town were able to resolve a grievance just prior to being filed so an employee could enjoy her requested leave. "We were contacted by the employee and told she would not be able to take her full vacation because three days of it had been denied," said Regional Coordinator Kathy Wright.

UPSEU Labor Relations Representative Randy Helt contacted the employee's department and Human Resources with the issue and advised that the union was prepared to file a grievance if a settlement wasn't reached. "We were very pleased to get a call within two days telling us all of the time had been approved and the employee could take the requested leave. To say the employee was ecstatic would be an understatement," said Helt.

## PERB Orders Columbia County to Include Seasonal Laborer

A New York State Public Employment Relations Board Administrative Law Judge issued a decision on March 10, 2011 ordering that seasonal laborers be placed in the UPSEU bargaining unit. This decision was a result of UPSEU Regional Coordinator Kathy Wright filing a clarification petition with PERB in late December 2007. "We became aware that the County was hiring full time laborers in the Highway Department to work during snow and ice season," said Wright. She went on, "The County was bringing them in at a different rate of pay than the workers they would be working side by side with and they were not provided any benefits or contract protections."

The County ignored the decision by an arbitrator ordering they be placed in the unit so UPSEU went one step further and asked PERB to order the County to put the seasonal position in the unit; a decision they cannot ignore. "We are very pleased by the judge's determination and it actually came at an opportune time since we are beginning the negotiation process," concluded Wright.

# Making a Difference

## PERB Finds Columbia County Violates Taylor Law, Again

The New York State Public Employment Relations Board Administrative Law Judge issued her decision February 15, 2011 wherein she found the County of Columbia violated the law by transferring bargaining unit work to a non-bargaining unit employee and taking away an employee's assigned vehicle.

In the early part of 2008, the County DPW Commissioner unilaterally took away the assigned vehicle of the Working Maintenance Foreman Joel Race and also transferred his responsibilities to coordinate snow and ice removal for the Facilities Division of DPW to a position that was created for a friend of the administration. "The department had to justify the creation of this new position and they tried to do so by taking some of our bargaining unit work - work that enabled this new employee being able to rapidly accrue discretionary time off immediately," said Kathy Wright, Regional Coordinator. She went on, "Aside from the fact that this was a despicable way to treat a twenty five year plus employee, it was also illegal and I filed a charge immediately." PERB held hearings in October 2008 and February 2009.

The Administrative Law Judge states in her decision, "The record shows that the working maintenance foreperson had performed these duties outside the unit for many years. When the position was moved into the unit, the duties moved with it. It was, therefore reasonable for unit members to believe that the duties would continue to be performed by the unit." This being the case, the judge has ordered that the duties be taken away from the assistant director and returned to the appropriate employee(s) in the unit. She has also ordered that Joel Race be made whole for any and all wages, regular and overtime, lost as a result of him not performing these duties which will most likely result in a significant cost to the County.

The judge also stated in her decision regarding the assigned vehicle, "The use of an employer's vehicle to commute to and from work is, however, generally a mandatory subject of bargaining because it is an economic benefit to the employee. That benefit was unilaterally discontinued by the County in violation of the 209-a.1(d) of the Act..." In consideration of this violation, the judge has also ordered Joel be compensated for the monetary value of the loss of the truck for commuting.

"We are very pleased that the judge saw the injustice that Joel and the bargaining unit had suffered and that the County is being held accountable for their illegal actions," said Wright.

## Dental Bill Gets Paid

A Rensselaer County UPSEU member's wallet is slightly fuller after UPSEU intervened on her behalf to get a dental bill paid.

"Our Assistant Chief Shop Steward Sue McAvoy urged the member to give me a call because she wasn't getting anywhere trying to get a dental bill paid for one of her plan dependents," said UPSEU Regional Coordinator Kathy Wright. The member did contact Wright and explained that the County was refusing to pay the bill because they claimed her dependent wasn't added to the plan at the time of service.

"She was told it was going to be paid and then all of sudden it wasn't going to be paid; she was rapidly getting frustrated," stated Wright. UPSEU immediately contacted the County, provided them with the information and even had the employee provide a copy of their identification card to prove coverage of the dependent.

Within a day of UPSEU stepping in, the County had addressed the issue and called to advise UPSEU that they would reimburse the employee the money she had to put out to pay the bill. "I called Sue and let her deliver the good news to the employee," stated Wright.



## County Pays Meal Ticket

According to the contract, a Columbia County UPSEU member gets paid his meal tickets while working overtime on snow and ice removal.

UPSEU was contacted by a DPW employee who had questioned why he had not received a meal ticket as provided for in the union contract. "I contacted the department head immediately and she asked to have a day or so to check into it on her end," said UPSEU Regional Coordinator Kathy Wright. The department head called back in no time and provided her assurance that the employee would get paid for the meal tickets had been denied.

"I was very appreciative of her promptness in addressing the matter and so was the employee," said Wright.

## UPSEU Scholarships Available

Every year UPSEU has scholarships available to UPSEU members and their dependent children under the age of 23.

For eligibility requirements and an application, go to our website at [www.upseu.org](http://www.upseu.org) under Member Benefits or call the UPSEU office to request one. If you are registered on the UPSEU website, you may complete an application form online.



**Annual Application Deadline is July 1st**

# UPSEU Member News

## Two UPSEU Advocates Suffer Untimely Deaths



### UNIT CO-PRESIDENT RETIRES

Regional Director/ VP Kim Nowakowski (R) gives Margaret Anderson a UPSEU recognition plaque upon her retirement from Westhampton Beach School District. Margaret served in various union capacities on behalf of her co-workers, including serving most recently as Co-President of the unit.

Larry De Perno, a long time advocate for UPSEU and his co-workers in the Utica Transit Authority, succumbed to cancer, passing on February 9, 2011. Larry was not only instrumental in assisting his co-workers in joining UPSEU many years ago, he was as well a staunch advocate for his co-workers as a Chief Shop Steward for many years. He had also served on numerous negotiating teams. Larry will be missed by his co-workers and UPSEU.

Dennis Mulcan who recently assisted his co-workers in changing unions to UPSEU in the Town of Islip, as well suffered an untimely death due to a heart attack on February 10, 2011. Dennis was an advocate for his co-workers as well, always standing up to management in the defense of his co-workers rights.

Our hearts go out to Larry and Dennis' families during this difficult time. UPSEU President Kevin E. Boyle, Jr. commenting on both Larry and Dennis' efforts stated, "We are better for having known both of these fine individuals. They will be missed by UPSEU, our staff and their co-workers who they advocated for."

## UPSEU Member Advocates for Co-Worker



Westbury Assistant Chief Steward Jennifer Doyle thanks Assistant Chief Steward Harold Cotton for a job well done on their new contract.

A member of the Sachem Central School District clerical bargaining unit, recently went to bat for her co-workers when the District announced the proposed layoff of two attendance aides. Through her repeated efforts, and with assistance from UPSEU Regional Director Kim Nowakowski, the district chose not to lay off any attendance aides.

"Most members will stand up when it's their job on the line, but few will stand up and be heard when someone else's job is on the line; and that is exactly what Felicia did," commented Kim Nowakowski.

Felicia attended multiple school board meetings and spoke about the work performed by the attendance aides, the hardship it would bring to those who would be laid off, and the difficulties the department would have sharing the work of six aides among four. "I just did what I tell my kids to do and stand up for what is right," remarked Felicia. "The administrators and board of education are not aware of what goes on in our offices, with all the interruptions, the crises, and the never-ending expectations of parents, administrators, and the state," she continued. Felicia presented the board with a clear picture of what the aides responsibilities are and was able to bring the cold budget figures to life.



SACHEM CLERICAL UNIT MEMBER  
Felicia Demsen

"I brought to the Board the experience of other districts, and Felicia brought them the experience of their own district. Together, we convinced them to save one attendance aide's job and will continue to advocate for the one abolished vacant position brought about by the resignation of the other," stated Kim.

As the school year rolls out, UPSEU will be monitoring the attendance aide offices and report any problems with running one short to management. Hopefully they will translate budget numbers to reflect the important role as safety nets that these attendance aides play in the educational process. "It's like Dwight Eisenhower said, 'Farming looks mighty easy when your plow is a pencil and you're a thousand miles from the cornfield,'" remarked Kim.

Special thanks again to Felicia for standing up for what was right!



### CONGRATULATIONS OFFICERS!

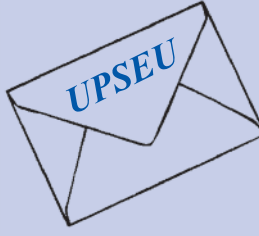
UPSEU Town of Islip Park Rangers Officer Thomas Snyder and Officer Sioban Cullington were recently presented with a citation from the Town of Islip for their heroic actions in saving the life of a woman in critical danger. Their "actions speak to the very best that the community looks for in its law enforcement officers, and we thank them for their dedication and service."

# UPSEU Mailbag/Member Benefit

Dear Kathy,

*I want to thank you for what I consider an outstanding contract you and the team put together for us at the Town of Colonie! I appreciate what we got in such hard times and was very surprised! I also want to state that I and all that I talk to are very pleased with the Guardian Dental coverage. With the former CSEA I was paying about \$1,000 a year in co-pays: now since my dentist is a member of Guardian, I pay next to nothing. The vision should be comparable since I used Empire Vision before. I am yet to meet anyone who has tried it and is dissatisfied. I have two children plus my spouse on the plans.*

*Tom McCormack  
Town of Colonie*



Dear Mr. Boyle,

*Thank you so much for allowing Matt Geer to remain our union representative. Your willingness to listen and quick action was greatly appreciated. Although we have only been a part of UPSEU and known Matt for a short time, we already think of Matt as family. He has been absolutely the best union representative we have ever had! Matt is hard working, responsive to our needs and requests and has a broad knowledge base. I find him to be pleasant yet firm, a very hard line to successfully walk. He has handled himself admirably in difficult situations with both management and members alike. Matt is a terrific asset to our local and to UPSEU as a whole. I hope he continues to be our representative for many years to come.*

*Thanks again!*

*Cindy Wall  
Southington Municipal*

To Whom it May Concern,

*A note of thanks is the least Eric and I can do to express our appreciation to be selected as one of the recipients of the UPSEU Children's Scholarship Awards. With college costs being as absorbent as they are, the funds are greatly appreciated and will be put to good use.*

*Thank you again.*

*Denise and Eric Lavin  
West Hempstead UFSD*

*I would like to thank Wayne and Matt for the great job they did in defending the MPP that I filed in regard to the hours of work. The case was successfully won by UPSEU. I'm grateful that unions still prevail when the case has merit.*

*Thank you.*

*Patti Riccitelli  
Town of Hamden Supervisors*

*Thank you to UPSEU of Long Island and Kevin E. Boyle. Your heartfelt sympathy and the beautiful bible is greatly appreciated as we continue to remember my father during this holiday season.*

*Donna Holt Robinson  
Westbury School District*

*I would like to thank Matt Geer and UPSEU for prompt attention to an issue that had not been resolved by my previous union. In brief, I took a position which I was told was a parallel position, meaning I would retain my current pay grade. What actually happened without any notification, was my pay grade had been lowered. Whenever I questioned anyone they would say, "Oh I hope that's not true." With our previous union, I didn't feel they were approachable mainly because I was never given any contact information nor was I ever directly contacted by them. I tried to navigate through the process myself and finally gave up. Now that UPSEU is our union, I mentioned it to Matt Geer, thinking that he could rectify the issue from this point on. He immediately went into action, meeting with the superintendent and human resources. He was not intimidated nor did he back down. He not only had my pay grade corrected, within a few weeks I received retro pay for the past years for which I was underpaid. Matt hadn't made me promises regarding the retro pay, he said he'd do the best he could. I really appreciate the timely work and the outcome of course, but I also appreciate the honesty.*

*Thank you Matt Geer and UPSEU.*

*Carmen Mancuso  
Monroe BOE Paras*

## UPSEU Partners with National Safety Council for NY and NJ Insurance Reduction Program



UPSEU has partnered with the National Safety Council's New York and New Jersey Point and Insurance Reduction Program.

This program not only offers you valuable knowledge about how to become a more defensive driver but also gains you access to the most engaging and interactive online course using state of the art animations, videos, and graphics.

Completion entitles you to the following personal benefits as well:

Up to 10% discount on your vehicle collision and liability insurance premiums each year for three years. (Applies to the base rate of your automobile and motorcycle insurance premiums providing you are listed as the principal operator)

Up to four (4) point reduction on your driving record with the NYS Department of Motor Vehicles. (May be taken once every 18 months for point reduction.)

You must be registered on the UPSEU website to access the code for our discount rate of \$25.50. This benefit is available for UPSEU members, spouses and dependent children residing with you.

To register go to [www.upseu.org](http://www.upseu.org) to the Member log-in and click here to sign up.

**Unfortunately, Connecticut State law does not require insurance companies to provide a discount as a result of taking the approved course.**

# Identity Theft: A Nightmare You Can Avoid

Do you have a bank account? How about credit card? Have you ever received junk mail or spam email? If so, you are vulnerable to identity theft. Just about everyone living in our modern society is in at least one and usually dozens of company databases. The sad fact is that your information is not as safe as you may assume; every day we hear about another data breach where thousands or even millions of records containing people's personal information has been compromised.

Most people think of identity theft as someone stealing a person's credit card number to make purchases, but unfortunately it is much more than that. The Federal Trade Commission has identified over forty types of identity theft including credit, mortgage, medical, employment, driving, tax and identity cloning. On average, it takes a victim of identity theft over 600 hours of stressful, frustrating work over months or even years to recover his identity once it has been stolen. Many victims never fully restore their good names and are still dealing with the fallout years later.

How identity theft can show up:

- Imagine that you are at work one day and when you are ready to go home, you find that someone is repossessing your car, even though you are current on your payments. An identity thief has taken out a loan in your name and defaulted on the payments.
- Imagine you are at a family function when police arrive at the door and arrest you for a violent crime committed two states away. A criminal who bought your identity gave your name, address and Social Security number to police when questioned.
- Imagine that you receive a notice in the mail from the IRS that they are garnishing your wages for unpaid tax debt, even though you faithfully file and pay your taxes. An identity thief using your name and Social Security number failed to pay taxes on his income.
- When in the hospital, you are told that your health insurance maximum payout has been exceeded and you will need to pay cash for your care. An identity thief has been making claims against your policy without your knowledge. Even worse, identity theft could result in dangerous surgical or medicinal mistakes from having your medical records mixed up with a stranger's.

There are different companies claiming to protect you from ID theft, but before you choose one, remember that there are important distinctions that, should you become a victim, can make the difference between a nightmare and a minor annoyance.

First, does the service actually help you protect your identity from being stolen in the first place? Most companies give you basic advice like "don't give your passwords to anyone" and "shred your bills." **Entrust America** gives you a proprietary privacy redaction process, developed by undercover cops for undercover cops. It is customized with your information and provides you with a detailed process to make your identity as safe as possible.

Second, because no identity can be 100% protected, if your identity is stolen, does the company actually help you get your identity back? Most companies give you a checklist and wish you luck, while you are left to struggle to recover your own identity. **Entrust America** competes the recovery work for you, using specially trained law enforcement officers. In addition to completely reversing all damage caused by the theft, **Entrust** works with local and federal authorities to arrest and prosecute the identity thieves.

When it comes to protecting your most important asset, don't mess around with ineffective services such as credit monitoring or identity insurance.

Get the real deal: **Entrust America.**

New Benefit for UPSEU Members

## Law Enforcement Grade Protection for Your Most Important Asset: Your Identity

Protect yourself and family from:

- Financial identity theft
- Credit identity theft
- Mortgage identity theft
- Medical identity theft
- Identity cloning
- Employment identity theft
- Tax identity theft, and more



### ENTRUSTAmerica™

1. Make your identity as safe as an undercover police officer's.
2. If your identity is stolen, we will get it back for you with minimal time and stress
3. \$2 million lifetime service guarantee

Special discounted price for members of the UPSEU. Go to the UPSEU members area at [www.upseu.org](http://www.upseu.org) and click on the Entrust America link. Also, you can visit [www.entrustamerica.com](http://www.entrustamerica.com) and enter the promotional code "UPSEU" at the top of the page.



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\$4.95 month individual or  
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UPSEU price

