

Graduate Employee Organization Steward's Guide



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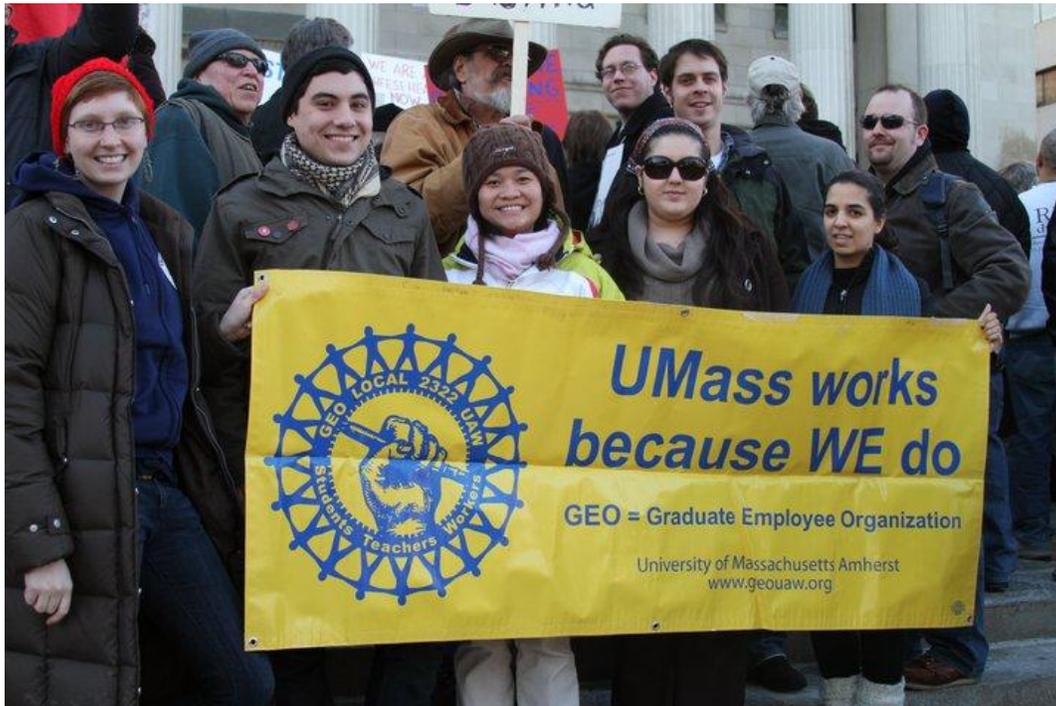
Introduction: The Multiple Roles of the Steward

Thank you for volunteering your time as a steward! The following manual aims to assist you in this vital role.

LIAISON. Stewards are the most basic and vital points within the communication network of our organization. A steward is essentially a liaison connecting the membership of their academic department to GEO committees, leadership, and staff. Primarily through informal, day-to-day communication, they listen to people's concerns, inform them of their rights and benefits, and encourage them to participate in their union. Moreover, stewards keep GEO committees, leadership, and staff informed of the concerns of the members within their particular department.

REPRESENTATIVE. A steward is also an elected representative of their academic department who votes on important matters affecting the direction of the union. One becomes a steward after being elected by a departmental vote, the procedure for which is generally decided by the graduate student employees of the individual department (departmental elections are generally not highly formalized affairs). According to GEO's bylaws, each department can have one steward per 25 grad employees. Once elected, stewards may then vote in the Assembly of Stewards which meets approximately twice per semester.

BACKBONE. Stewards are truly the backbone of GEO – the eyes and ears in departments, bringing knowledge and a perspective that the union staff doesn't have!



About GEO & UAW Local 2322

BASIC OVERVIEW

The Graduate Employee Organization (GEO) is a unit of United Auto Workers Local 2322 (UAW 2322), representing Research Assistants, Teaching Assistants, Teaching Associates, Graduate Assistants, Project Assistants, Interns, Trainees, Assistant Residence Directors, and Working Fellows at the University of Massachusetts Amherst. GEO was organized in 1990 and we won our first contract in 1991. There are about 17 shops within UAW 2322, including two others here at UMass: Resident Assistants and Postdoctoral Researchers. The Local's other members include workers in a variety of higher education and human services positions such as housekeepers at Mount Holyoke College, faculty at Goddard College, clinicians at Providence Hospital, and counselors at ServiceNet.

GEO is an activist, democratic, and volunteer-run organization where graduate employees come together to improve our wages and working conditions. The collective action of GEO members, organized as a union, is responsible for many of the concrete benefits that graduate employees now enjoy. Over the last several years, victories have included tuition waivers, health benefits, and child care reimbursement as well as a powerful grievance procedure to protect our rights, transparent hiring processes, and standard setting non-discrimination contract language. Graduate employees across the country look to GEO as an example of what can be accomplished when we work together.

GEO works closely with our Local union UAW 2322 to enforce and expand the collective bargaining rights of graduate employees on our campus and throughout the state. Through the UAW, GEO is affiliated with: American Federation of Labor and Congress of Industrial Organization (AFL-CIO), The Hampshire/Franklin Central Labor Council, and The Pioneer Valley Central Labor Council, as well as numerous other higher education unions in the UAW representing graduate employees, postdoctoral researchers, maintenance staff, and other higher education workers. We are also members of the Coalition of Graduate Employee Unions (CGEU), an organization of unions and organizing drives for student workers in the U.S. and Canada.

GOVERNANCE STRUCTURE

Both GEO and Local 2322 are structured democratically, with members having the highest authority.

UAW Local 2322

The highest decision-making body in the Local Union is the **membership meeting**. But membership meetings don't happen every day, so between meetings of the membership, the **Joint Council**, which includes representatives of each shop, makes decisions for the Local. GEO's Joint Council Representatives are elected at our membership meetings. Between meetings of the Joint Council, the elected **Executive Board** makes decisions, and the elected President makes decisions on a day-to-day basis.

GEO

GEO's structure is similar to that of our Local's. The highest decision-making body is the **membership meeting**, with the lesser of 10% of the membership or 35 members constituting a quorum. The next highest body is the **Assembly of Stewards**, composed of one steward for every 25 graduate employees per department (or one steward per fraction in departments/areas with less than 25 employees). In addition to the stewards themselves, the elected officers and the chairs of certain committees are entitled to a vote in the Assembly. On a day-to-day basis, GEO is governed by the **Steering Committee**, which consists of the three elected officers, two members at large elected by the membership, and two members elected by the stewards.

Only members in good standing can vote in GEO elections. To be a member in good standing, you must pay dues (not agency fee) and you must be currently employed in a bargaining unit position.

Steward Job Description

*A member-run, democratic union relies on having a strong stewards' assembly. Stewards build the union through **communication, representation, and organizing**:*

COMMUNICATION

- Be available to people in your department, letting them know when and where you are available.
- Know the GEO contract (summarized in this manual) and be able to answer basic questions members may have on GEO-related matters. Make sure that members in your department have their own copy of the contract (contracts are available in print at the GEO office or online on our website). Convey the concerns and potential grievances of people in your departments to GEO leadership, staff, and/or the Assembly of Stewards.
- Update GEO bulletin boards in your department.
- Spread the word on GEO-related events via informal conversations, departmental meetings, flyering around department and campus, departmental email listserv, or any other avenues available.
- Forward concerns people in your department have regarding the performance of GEO.
- Attend meetings of the Assembly of Stewards to aid in GEO's decision-making process and help coordinate initiatives. Much of this coordination will be based on knowledge of how your department is organized, and how GEO can best mobilize these members.

REPRESENTING WORKER/MEMBER RIGHTS

- Make sure that all members of your work department know of their legal right to union representation, known as their “Weingarten Rights”. If a member is ever asked to meet with a supervisor, and has a reasonable belief that this meeting could lead to discipline, a change in working conditions, or any other adverse consequence, the member has the right to request union representation. If this situation ever arises, have them read the Weingarten Statement on p. 7 of this manual
- Make sure that all members of your work department know of their right to grieve unfair working conditions. A grievance is a violation of the GEO contract, state and/or federal labor law, the employer’s policies, past practice, or fair treatment. The grievance procedure outlined in Article 31 of the GEO contract is the process the union initiates to remedy any such legal violation.
- Know the contract so that you can spot potential grievances in your department.
- As a steward, familiarize yourself with the grievance procedure. Prepare to file a grievance and, to give advice to members on grievance proceedings by attending the UAW 2322 Advanced Stewards’ Training on Grievances. If you have not attended the UAW 2322 training on filing grievances, put members with a potential grievance in touch with the GEO Grievance coordinator.
- Even though the same grievance procedure applies to all departments, in actual practice the grievance process often varies by academic department. Therefore, be familiar with your departmental policies regarding such things as appointment/reappointment, etc. You should also have a thorough understanding of the structure of your department. Who is the direct supervisor for each TA/TO/RA in your department? It does not hurt to have knowledge of the past practice of these supervisors, and to know their politics regarding graduate employees and labor issues.

ORGANIZING

- Make sure that your department is well-represented at GEO actions, events, and meetings.
- Collect contact info of people in your department who seem interested in being more involved in GEO matters (this could involve a phone tree or email list).
- If necessary, schedule departmental or building-wide meetings where GEO representatives can come and update people in your department on GEO and campus-wide issues.
- Continue to bring graduate employees into GEO. This means making sure that everyone who is eligible for union membership is both aware of their eligibility, and pays union dues, rather than the agency fee.

Representing Worker/Member Rights—in depth

GEO has bargained a contract with the university that allows for substantial workers' right. There are three primary ways though which we insure these rights are upheld: use of the **Weingarten Rights**, the ability to formally or informally **grieve contract violations** and most importantly, **informing our members of these rights!**

Employers and or supervisors are not required to inform workers of their rights, and many supervisor—professors—in the UMass context don't know about our rights! So the burden to inform workers of this right falls to the Union, and stewards are the most direct line for that communication!

In this section we discuss **Weingarten Rights** and the **grievance procedure** in depth.

Weingarten Rights

Adapted from *The Union Steward's Complete Guide 2nd Ed.* Edited by David Prosten

The 1975 Supreme Court Case, *NLRB v. J. Weingarten, Inc.* firmly established a worker's right to union representation when called in by a supervisor or boss. Having a steward or other union representative as the worker's advocate during meetings with management ensures the worker's rights, as established by the union contract, are being upheld!

THE WORKER'S RIGHTS TO UNION REPRESENTATION

For a worker to have the legal right to have a union representation under Weingarten, the following conditions must be met:

The Meeting is an Investigatory Interview

“This means that the employee is expected to answer questions in connection with an inquiry into possible wrong doing” (Prosten 2006, p. 213).

Disciplinary Action *May* Result from the Meeting

Workers have the right to union representation if the possibility of disciplinary action from management exists. This means workers have the right to representation even if the management did not actually intend to take disciplinary action.

The Employee Reasonably Believes that Disciplinary Action May Result

The law generally only requires that the employee has a reasonable belief that they may be disciplined. Since this is a subjective call, look to the context in which the meeting is being called.

EVOKING THE RIGHT TO REPRESENTATION

For their own protection, workers are encouraged to read the Weingarten Declaration when asking for union representation. Note that employers are NOT legally required to inform workers of their right to union representation.

The Weingarten Declaration

“If the discussion I am being asked to enter into could in any way lead to my discipline or termination or affect my personal working conditions, I ask that a union steward, representative, or officer be present. Unless I have this union representation I respectfully choose not to participate in this discussion.”

YOUR RIGHTS AS A UNION REPRESENTATIVE

When you serve as a union representative you have the following legally protected rights:

The Right to Learn the Nature of the Investigation

You have the right to be informed beforehand as to what the questioning is going to be about.

The Right to a Pre-Interview Consultation

You and the worker have the right to consult prior to the meeting. Use this time to familiarize yourself with the background facts and to provide the worker a quick briefing on how to conduct themselves during the meeting.

The Right to Participate

While the employer can insist that the employee give their own account of what happened, you have the right to be a full participant in the meeting, asking clarifying questions, object to improper questioning, and represent the worker’s rights as per the GEO contract and labor law.

The Right to Take Notes

This is very important! You have the right to, and *should*, document the meeting to avoid disputes later about what was said and/or agreed upon.

Grievances

The most important thing you can do as a steward in relationship to grievances is to know the contract, and to be in communication with the members of your department about their working conditions so that you can spot potential grievances.

Please see the description of the grievance procedure the contract basics section of the manual (p.14)

Organizing—in depth

The strength of our union depends on a large and informed membership base. A large union provides more leverage at the bargaining table and an informed union increases the likelihood that worker rights will be upheld and that we can push for the changes the membership want to see on campus. Organizing—bringing new members into the union—is key to enlarging and informing the membership base. In this section we provide resources for organizing—the **anatomy of an organizing conversation** and a “how to” **for creating an organizing plan for your department**.

Anatomy of the Organizing Conversation

Adapted from the, “GEO Stewards Handbook,” University of Michigan, Ann Arbor Graduate Employee Organization IFT-AFT Local 3550

The following steps describe a tried and true method to building an active, democratic, member-run union from the ground up. The union is built one person at a time. While not every conversation adheres to a set path, your conversations with graduate employees should include most of the following:

1. Introduction – catch the employee’s attention

- Introduce yourself as a fellow graduate student and identify yourself as a GEO steward. Make sure to catch their attention quickly so they are motivated to continue the conversation.
- Mention some catch words or phrases like: "we're working to win better health care and pay for grad employees," or "we're the ones who brought you free vision and dental care," etc.
- Keep it short; we don't want to lose them right at the beginning before we even get to the issues.

2. Identifying Self Interest – LISTEN to the employee’s concerns

- Get to know the person you're talking with. Find out what issues are important to them. **This is the most important part of the conversation.**
- Ask questions. Topics can include their work, research, teaching, advisor, familiarity with GEO, why they're at UMass, spouse, kids, etc. Something to say: "If you had the power to change one thing in your department or at the University, what would it be?"
- Listen closely and remember what you hear so you can use it in your conversation and write it down later.
- Let them do most of the talking here. If you find yourself dominating the conversation, then something is wrong. These are their personal issues, not ours. For them, the issue might be something you don't expect or is different from your own. That's good! Find out about it.

3. Unify on issues – turn personal problems in to collective issues

- Don't miss an opportunity to unify on an issue. Each issue deserves a response. Find out what they think it will take to win the things they want.
- Some things to say: “What are the changes you would like to see?” “What do you think it's going to take to win these things?”
- Be sure people know that their issues are important.
- Be animated when responding to their issues. No one wants to talk to someone who doesn't seem like they are taking what's being said seriously.
- Expand their issues from being personal ones to problems more universally felt by all-giving them a feeling of inclusion or unity with the group ("Everyone" feels the same

way). Share GEO's vision of where we are going. This should be the climax of the conversation and should prepare you to ask for a commitment.

4. Inoculation – dispel anti-union myths

- If the employee did not bring up any questions or concerns during the conversation, take an opportunity to ask if there are any questions for you. If not, make sure to leave a GEO brochure that they can read over. If it comes up, make sure you know how to answer questions about common anti-union myths relate to dues, strikes, etc.

5. Commitment – move the employee to action

- Build from where we were before we started organizing to what we've done so far to what we're doing now to the ultimate question of: "Does that sound like what we need to be doing?" And when they say "YES", then you have your opening to tell them how they can get involved. ("Great! Well, here's what everyone is doing...")
- Be ready to give examples of past GEO victories.
- Use some time-honored, still true, clichés like "we have power in numbers," "together we can win," etc.
- The goal is to give them the idea that organizing is the best and only way we have to increase pressure on the administration. We need to organize not only to keep what we've won already, but to win even more in the future. The Union is the answer!
- Find a commitment that is appropriate for them: becoming a dues payer, tabling with you in the department or in the Campus Center concourse, getting you a list or other information, distributing literature in the department for GEO, setting up meetings with other individuals in the department, volunteer night, etc.
- Convey that joining the union, attending an action, or getting involved is natural. You can say something like: "Earlier you said that you cared about healthcare. Well this is what everyone is doing to achieve that..." OR "Everyone is filling out their dues form--here, you can fill out yours."

6. Assessment and Follow-Up – keep the door open

- Take a minute after the conversation to write down their key issues and make an assessment. Is this person a potential member or anti-union? Is this person a possible activist? Make sure either you or someone else properly follows up.
- If they want to think about it, then let them, but get the right to return. ("We should talk again sometime, I'll give you a call, o.k.?") And have good follow-up--don't let it end there.
- It often takes several contacts before a non-member will join and several more before they becomes active. Good follow-up is key.

It is Simple!

1. Introduce yourself
2. Listen to them and figure out their interests
3. Unify on the issues they bring up
4. Address any anti-union myths or fears
5. Ask for a commitment
6. Assess and follow up

Developing an Organizing Plan for your Department

Adapted from the, "GEO Stewards Handbook," University of Michigan, Ann Arbor Graduate Employee Organization IFT-AFT Local 3550

1. Make a Plan. Get a list of employees in your department from the GEO office and spend an hour developing a plan of action. Feel free to ask union staff or experienced stewards for help with this.

- Identify members in your department that are likely to help you.
- Identify tasks that need to get done (are you going to put flyers in mailboxes? Can they be part of a department phone tree? Do you need to research contact information?)
- Identify priorities. What GEO events are coming up? Are there individuals in your department who have never been spoken to about the union? How can we reach out to them?

2. Recruit organizers. If there are members in your department you can start with them.

- Recruiting a member to get active in the union is similar to signing up a new member. You can start by introducing yourself as the new steward and ask if the member has any advice on how to build the GEO in the department. If possible take these ideas and ask them to help make it happen. Or you can identify an issue concern and think of a way that they can help on that specific issue.
- Sometimes a member doesn't want to help with the tasks you have listed. You should actively listen to identify possible volunteer tasks.

3. Implement a plan for building 100% membership.

- Give people a small manageable task: can you spend an hour visiting offices with me? Can you help me call the department for this upcoming GEO event?
- Whenever possible, recruit someone to an ongoing task: can you be part of phone banking for GEO events? Will you help talk to 2 non-members per week?
- Start small and build up. It takes a lot of time following up with volunteers and keeping them active, but it's important that the work gets done.

4. Build a GEO culture

- Attend department events or create GEO department events, spend a week getting all the members to post door cards, have an issues forum, organize social events, create a GEO bulletin board, pass out GEO buttons, stickers, etc.
- Make an effort to get people to talk about the union on a regular basis with fellow graduate employees. Take every opportunity to empower and involve members in the union. Is there a steward election coming up? Well, that's an opportunity to talk to people about what they want their union to do. This is a good way to overcome apathy.

Contract Basics

Our rights as GEO members are set by our contract with the university. It is key to know the contract basics because spotting a contract violation is the first step to resolving that violation. This section provides a brief discussion of how we arrive at a contract and then we provide an overview of some of the most useful articles of the contract.

HOW WE ARRIVE AT A CONTRACT

The working conditions of graduate employees on this campus are governed by a legally binding contract negotiated between GEO, UAW Local 2322 and the University. This contract is hammered out in an oftentimes tense series of negotiations. On our side of the bargaining table is a Bargaining Committee that is elected by the membership. In addition, UAW Servicing Representatives supplement the Committee. On the University's side is a bargaining team composed of UMass administrators. After meeting to exchange proposals and bargain a contract – a process which can take months or even years, the two sides reach a tentative agreement and the contract goes to the GEO membership for a ratification vote. If approved by the membership by a simple majority, the two sides sign the contract and the document goes to the UMass President's office for approval. Once the President signs the contract, it is "executed," meaning it is funded and legally binding.

IMPORTANT CONTRACT BASICS

The full contract is available on the GEO Website at www.geouaw.org and in print for each member at the office. Below we have outlined some of the most important articles to know as a steward.

GEO-Eligibility

Articles 1 & 2

GEO represents all graduate assistants working for the University, including Teaching Assistants (TAs), Research Assistants (RAs), Teaching Associates (TOs), Project Assistants (PAs), Assistant Residence Directors (ARDs), as well as working Interns, Trainees and Fellows. Anyone whose contract describes their position with one of these titles is covered by the GEO contract and is eligible to be a GEO member. Our contract does *not* cover non-working fellows.

The original source of the funding does not affect whether a position is covered by the contract. For instance, people who receive funding from foundations, the governments of their home countries, and so on, are still covered by the GEO contract so long as their work involves one of the titles mentioned above *and so long as the university cuts their actual paycheck*. The exception is people who receive their checks directly from their outside funding source; since they are not paid by the University, they are not GEO-eligible.

On November 7, 2003, Continuing Education instructors voted to join GEO, bringing a highly publicized two-year GEO campaign for union recognition to an end. After intense rounds of negotiations in 2001 & 2002, Con Ed instructors gained recognition and were fully integrated into the GEO bargaining unit in the subsequent series of negotiations in 2004 and 2005. In 2012 we successfully bargained to increase the pay for continued education course, to ensure that *all* GEO employees are paid \$500.00 for course preparation if their scheduled course does not run, and courses with 2 to 7 students now have the option to run under purview of the Director of Division of Continuing and Professional Education, the sponsoring department, and the graduate student employee scheduled to teach the course.

GRANT-FUNDED EMPLOYEES AND GEO

As detailed above, graduate student employees with privately-funded positions are also protected by the GEO contract. Why is this, one might ask? In short, foundations don't generally have their own payroll departments to administer the people employed by their grants. Thus, they rely on Universities for payroll administration, which is why most privately-funded RAs and PAs here receive paychecks from UMass.

When faculty put together a grant proposal that involves graduate student labor, they must submit the proposal to the University, which tells them whether or not the grad positions in their plan meet the GEO minimums. If it does not, the proposal is sent back to the faculty drafters for revision.

Workload

Article 22

HOW MANY HOURS ARE WE ALLOWED TO WORK?

The GEO contract does not set a maximum on the number of hours anyone works; your individual contract stipulates the number of hours for which you are hired. This is the contract you signed with your department of employment. However, federal law prohibits students from working more than 40 hours per week at a single job, and most international students are here on visas which do not allow them to work more than 20 hours per week (the 20 hour maximum has been rigidly enforced since the passage of the PATRIOT Act). The administration vigorously enforces the 40 hour rule at UMass – they will check to see that grad employees have no more than 40 hours-worth of appointments per week. In their calculations, they will also count each credit hour of coursework you are taking as one work hour (though exemptions are common). Many departments, however, have policies which prevent students with outside appointments from getting appointments within their department.

HOW MANY HOURS IS MY APPOINTMENT?

Teaching a 3-credit course is considered at *least* a 10-hour position; most departments pay more for teaching a course, (typically 20 hours). The number of hours you were hired for will always be listed on the contract you signed with your department (also known as GFAF).

Tuition Waivers

Article 33

Graduate employees get a full year's tuition and fee waiver if they work 20 hours per week in either semester. They get a one-semester waiver if they work 10 hours per week in a semester. In other words, working one 20 hour appointment per year will exempt you from tuition and fees for a whole year, working one 10-hour appointment per year will exempt you from one semester, and working one 10-hour appointment in the fall and one 10-hour in the spring will also exempt you for a whole year.

These waivers are retroactive: If someone does not earn enough to get a waiver in the Fall, but then earns enough for a full-year waiver in the Spring, they get their tuition and curriculum fee payments from the Fall refunded. These provisions apply **only** to work done in a given academic year. Earnings in spring of one year don't help you get a tuition and fee waiver the next Fall, and earnings in the Fall won't get you a refund for any tuition you paid last Spring.

Summer work **does** count towards benefits. It counts toward summer tuition fee waivers if they are needed and for health fee waivers for the following year. Graduate student employees are entitled to summer tuition waivers for thesis and dissertation credits if they receive a stipend that is at least 18.5% of the minimum full-time stipend.

Health, Vision, Dental, and Family Benefits

Article 35

HEALTH INSURANCE

The student health fee funds all University Health Services operations. The Student Health Benefit Plan (SHBP) is an insurance policy which covers students on and off campus. Off-campus providers are only covered if UHS refers you to them. Enrollees cannot be denied services because of pre-existing conditions.

Eligibility

Anyone eligible for a tuition waiver also gets Basic health care coverage. Employees get 95% of the fees for Basic coverage waived for that six-month period. Check the UHS website to see the current coverage periods. In addition, you get supplemental coverage (or SHBP) for the entire calendar year. For most people, this means that working one 20 hour appointment per year will give you Basic and SHBP coverage at a dramatically reduced rate for the entire calendar year. Working one 10-hour appointment per year will give you 95% waivers for Basic and SHBP fees for one 6-month coverage period only, and working one 10-hour appointment in the fall and one 10-hour in the spring will earn you waivers for Basic and SHBP fees for the whole year.

Most eligible employees are automatically enrolled in the health plan - one doesn't have to fill out any special forms. **However, if you are taking fewer than five credits worth of classes or are on program fee, you must go to UHS in person before the add/drop period of each semester to sign up for health coverage. THIS IS VERY IMPORTANT. Every year, many grad students who are eligible for health coverage don't get it because they don't realize they have to go to UHS in person.** Otherwise, eligibility for health coverage does not depend on how many credits you are taking.

Fall Semester Coverage: August 1- Date determined at the end of the fall semester

Spring Semester Coverage: February 1- Date determined at the end of the spring semester

FAMILY / DOMESTIC PARTNER COVERAGE

The University offers dependent coverage for spouses, children and same-sex domestic partners. Graduate student employees with dependents receive a 90% waiver of the cost of health insurance.

VISION AND DENTAL PLANS

The GEO dental and vision plans run from October 1st to September 30th. Enrollment in both plans opens in early September and **you have to re-enroll each year**. When enrollment is open, emails go out to all eligible graduate employees asking them to fill out their online enrollment forms.

If you or someone you know signed up and has had problems getting their benefits, they should contact Leslie Edwards, the Benefits Administrator for our Health and Welfare Trust, at (413) 345-2156. She is also available by email uawdental@external.umass.edu or on Skype at healthwelfaretrustfund.

The GEO dental plan is free to individuals, and \$100 per year for families. Payments can be made via check or Paypal at the time of enrolment or by University Payroll Deduction (fall semester only). The Vision plan is free for both individuals and their families.

More detailed information on the plans, as well as lists of available dentists and vision-care providers, are accessible through links on the [Delta Dental](#) and [Eye-Med](#) websites and at the GEO office.

CHILD CARE REIMBURSEMENT

The Health and Welfare Trust fund distributes a total of \$45,000 each year in reimbursements to eligible graduate employees for their child care costs for on or off campus licensed child care.

Basic Eligibility

1) Applicants for the Health & Welfare Trust Fund childcare reimbursements must be GEO-eligible, according to the guidelines for dental & vision and health insurance, available at <http://www.hwtrust.geouaw.org/eligibility>

2) Applicants for the Health & Welfare Trust Fund childcare reimbursements must use licensed child care or afterschool care that they can provide receipts for. Licensed care means that the State of Massachusetts' Office of Early Education & Care has provided a license for your provider to operate. You can find out if your provider is licensed at <http://www.eec.state.ma.us/ChildCareSearch/EarlyEduMap.aspx>. Please check with your provider as well, as some are exempt under the EEC guidelines.

The full eligibility requirements and guidelines for how we determine child care reimbursements are available for download at <http://www.hwtrust.geouaw.org/families>.

SUBSIDIZED CHILD CARE

For those with qualifying incomes whose children attend the University's Center for Early Education and Care (CEEC), there are free slots in the Flex-Care classroom, paid for by the Health & Welfare Trust Fund. Get on the waiting list as soon as you can for one of these slots by calling CEEC at (413) 545-1566.

BREAST FEEDING ROOM

The Health & Welfare Trust Fund has purchased a breast feeding glider chair for the breast feeding space operated by the Office of Family Resources (OFR), Rm. 428 Student Union Building. We'd like to encourage graduate student mothers to use the space!

All of these benefits are available because of the bargaining power afforded by your membership and participation in GEO!

Grievances

Article 31

A grievance is a violation of the GEO contract, state and/or federal law, the employer's policies, past practice, or fair treatment. The grievance procedure is the process the union initiates to remedy any such legal violation. The first step - and usually the last step in the process - is an informal meeting with a union representative, the grievant and the grievant's supervisor. More often than not, the grievance can be settled this way. Often, the employer is unaware of contract the contract provision and will follow it once informed by a union representative, or the employer understands they've been "caught," and quickly backs down as soon as they are contacted by the union. Often, some mutually agreeable compromise can be worked out. Most grievances do not end up being confrontational, as the union staff are familiar with University policy and practice so most potential and even serious grievances end up being solved by staff members simply helping the graduate employee to get through administrative hurdles and the labyrinth of University policy and workplaces.

If this informal process doesn't end up with a successful resolution, a meeting with the Dean (step one) and the Chancellor or Associate Provost (step two) is set up, during which the grievance coordinator, the grievant and the administrator attempt to find a solution to the problem. If no solution can be found by the end of the second step,

the union can decide to take the case to an outside arbitrator for a hearing. The arbitrator is like a judge; he or she will listen to both sides and then decide who is right. The decision of the arbitrator is legally binding, and if the arbitrator decides in the grievant's favor, the arbitrator's decision will be implemented. A more detailed description of this process is outlined in Article 31 of the GEO contract.

EXAMPLES OF PAST GRIEVANCES

One of the most frequent grievances is known as misclassification. Usually, this means someone working in a GEO eligible job – one that should be covered by our contract, earning the GEO minimum plus benefits – has been “misclassified” as not eligible for union membership. All graduate students working regular hours in a job that involves professional skill/qualification – typically teaching or research – should be GEO eligible. GEO has won step 1 and step 2 grievances for graduate students working service jobs in the Campus Center, for technical writers working for University offices, and research assistants being grossly underpaid by their departments. Generally speaking, this kind of grievance is easily solved by the GEO grievance coordinator, and doesn't lead to arbitration. Other common grievances include:

- A graduate employee was fired because he “wasn't doing his job,” according to his employer. Turned out, the employee fell ill and the employer wouldn't grant sick leave. GEO won his job back.
- A graduate student was charged \$700 by University Health Services. GEO got her money back.
- A graduate student was promised a job on arrival from her department. When she arrived, the job never materialized. GEO got her job back.
- A graduate student RA was never paid by a professor she worked for, and the contract she signed was invalid. In the meantime, she was administratively withdrawn because she couldn't pay her bills. GEO got her reinstated to the University, got her back pay, and even secured her a new job.

Nearly all the grievances that occur on campus are lost. Not because GEO loses them – GEO wins nearly all of the cases it hears. Most grievances are lost because no one steps forward to let GEO know about them and the graduate students goes on jobless, earning less than they should, or in a dangerous or threatening workplace. As a steward and as someone aware of the union, you have an opportunity to ensure that people feel comfortable defending their rights, and that grad employees are protected by law. Retaliation on the part of employers (professors, etc.) is illegal and graduate student employees (including stewards!) are protected at the university level through working with the Ombud's office to insure the overlap of paid work and academic work is clean.

Sexual Harassment

Article 18

Graduate employees who have been sexually harassed have multiple channels available to them in redressing this grievance. They may go through GEO's grievance procedure, the grievance procedure of the University, or seek legal action. Using one route does not preclude using others – you can seek redress through several procedures simultaneously.

Our contract defines sexual harassment in the terms laid out by the 1964 Civil Rights Act, which is as follows: “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, humiliating, or sexually offensive working environment.”

Our contract further states that sexual harassment includes but is not limited to “unwelcome kissing, patting, touching, fondling, sexual remarks, or the display of sexually offensive or degrading posters, pictures, cartoons, or other images.”

Report Sexual Harassment to the GEO grievance coordinator and to the UMass Equal Opportunity & Diversity Office: 243 Lederle Lowrise: (413) 545-3464

Harassment

Article 19

GEO members are fully covered by the Affirmative Action and Non-Discrimination Policy of the University, which protects students and employees from discrimination and harassment on the basis of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, or sexual orientation and expression, genetic information, and any other class of individuals protected from discrimination under state or federal law in any aspect of the access to, admission, or treatment of students in its programs and activities, or in employment and application for employment. Furthermore, university policy includes prohibitions of harassment of students and employees, i.e., racial harassment, sexual harassment, and retaliation for filing complaints of discrimination. GEO members are also protected against harassment for union activities.

Contact the GEO grievance coordinator if you are experiencing *any* form of work place harassment. This could be harassment from a supervisor, a coworker, or a student. We will work with you to determine the most effective channels for a grievance—GEO, the Office of Equal Opportunity and Diversity, and or the Ombud’s Office.

Inquiries concerning applicable laws, regulations, and policies should be addressed to the Office of Equal Opportunity and Diversity, 243 Lederle Graduate Research Center Lowrise, tel. and TTY (413) 545-3464; email address: eod@admin.umass.edu.

Vacation and Personal Time

Article 37 and Article 38

GEO members working 20 hours per week receive 40 hours of vacation time each semester while those working 10 hours per week receive 20 hours. Graduate students employed as TAs or TOs are required to take vacation during the winter and spring breaks unless they have worked out an alternative schedule with their departments. All other graduate students may take vacation at any time with the written permission of their supervisor.

In the contract, vacation time is defined in terms of hours, which can be confusing. The technical details on this are as follows: anyone working 20 hours a week (i.e. full-time) gets 4 hours per month of vacation time, plus 24 hours per semester of personal/sick time. This works out to 40 hours per semester. If you work 20 hours per week, your working days are four hours long. This means that 40 hours of vacation works out to 10 days. If you work more or fewer hours, your working days are longer or shorter, and the number of vacation hours you get goes up or down by the same amount. For instance, if you work 10 hours a week, your working days are two hours long, and you get 20 hours of vacation each semester.

Intellectual Property

Article 49

All graduate students working at the University must sign Participation Agreements. These agreements define the rights of the University and the employee over any intellectual property – i.e., work that can be patented or copyrighted, or “tangible research materials” like tissue samples. This can also include work done on your own. Under the University’s current policy, it is up to the creator to decide whether to commercialize his or her work. If the work is commercialized, the University’s IP policy determines how the revenues are divided. Right now, the creator receives 30% of the revenues.

Academic work, including published papers and dissertations, are exempt from this policy. However, the University has the right to publish one copy of your thesis.

If you want to know more about the University’s IP policy for graduate students, you can find the policy at http://www.umass.edu/research/system/files/Grad_Student_PA_9-2012.pdf.

The policy for all UMass Amherst employees can be found at http://www.umass.edu/research/systems/files/Intellectual_Property_POLICY_UMA.pdf.

Appointment and Re-appointment

Article 23

Our contract requires all departments to have a written appointment and reappointment procedure for each job classification (TAs and TOs, PAs, RAs, Fellows and Trainees, and ARDs and Interns). This written procedure is expected to govern all decisions about:

- (a) requests by graduate students for funding,
- (b) who will receive funding,
- (c) notifying people that they will receive funding,
- (d) posting of job possibilities available to graduate students both from inside and outside the department,
- (e) assignment of TAs and TOs to courses and
- (f) notice of assignment.

In addition, this procedure is required to be readily available to graduate student employees in their department and to be posted on the University’s website. Departmental appointment and reappointment procedures are currently posted on the Graduate School’s webpage and linked from the GEO website.

Family and Medical Leave (including for the birth, adoption, or foster care of a child)

Article 44

Graduate student employees are entitled to up 12 weeks during any *calendar year* for family or health related reasons—birth, adoption, or foster placement of a child, providing care to spouse, parent, or other family member, or due to the employee’s own serious illness. To be eligible, graduate student employees must have been employed in a position covered by a GEO contract at least 4 consecutive months prior to the start of the leave or for 4 consecutive months in the previous academic year for those whose appointment began in the fall semester.

To receive leave, inform your department and they will provide you with a leave application and your department will forward your application to the Graduate School.

While the baseline of this family and medical leave is unpaid, you can overlap this unpaid family/medical leave *paid* vacation leave and *paid* personal leave. For example, if you have accrued three weeks of paid leave, you can use this receive pay for the first three weeks of your 12 week family leave.

Note that if a graduate student employee and their spouse are both eligible for leave under this article, then they can only take a combined total of 12 weeks if the leave is for the birth, adoption, or placement of a foster child, or to care for a family member with a serious medical condition.

Parking

Article 45

GEO members, as University employees, are entitled to parking at a discounted price. To get parking permits at GEO rates, you must present Parking Services with documentation showing that you are working in a GEO-eligible position: either a copy of your Graduate Fellowship and Assistant Form (GFAF) or a letter from your Graduate Program Director. However, if you don’t have documentation, you can buy the permit at the full rate; Parking Services will reimburse you after you bring in the documents (this is not recommended, however – reimbursement can be slow).

Useful Information

Successful organizing often requires sharing the successes of other unions and drawing on their examples. In this section we provide quick facts about graduate employee unions and provide a list of useful links.

Quick Facts about Graduate Employee Unions

- There are 35 campuses with unions of graduate employees in the U.S. They are UW-Madison, U Michigan, U Oregon, U Florida, Florida A&M, U South Florida, UMass-Amherst, UC-Berkeley, UC-Irvine, UC-San Diego, UCLA, UC-Davis, UC-Riverside, UC-Santa Barbara, UC-Santa Cruz, SUNY-Buffalo, SUNY-Albany, SUNY-Stony Brook, SUNY-Geneseo, SUNY-Oswego, SUNY-Potsdam, UW-Milwaukee, UMass-Lowell, U Kansas, U Iowa, Wayne State, Oregon State, UMass- Boston, Temple, Michigan State, Rhode Island, Illinois-Urbana, Illinois-Chicago, Rutgers, and CUNY.
- There are several campuses where there is either an organizing campaign or a union without bargaining rights: NYU, Yale, Brown, Columbia, University of Pennsylvania, and the University of Maryland.
- The oldest graduate employee union is the Teaching Assistants Association the University of Wisconsin Madison, founded in 1969.
- The two institutions that grant the largest number of PhDs, UW-Madison and UC-Berkeley, have graduate employee unions.
- Graduate employee unions affiliate in the greatest numbers with the United Auto Workers, the American Federation of Teachers, and the Communication Workers of America. Some unions have also affiliated, either singly or jointly, with the American Association of University Professors, the National Education Association, and the United Electrical Workers.
- Most graduate employee unions are stand-alone units, but some are part of either faculty (e.g., at Rutgers) or faculty and staff unions (e.g. at CUNY).
- The National Labor Relations Board denied graduate employees at private universities the right to collective bargaining in 2004. This decision, based on a case brought forward by the administration of Brown University, overturned a 1998 decision granting collective bargaining rights to graduate employees at private universities. Region 9A of the United Auto Workers - our region – has been one of the key groups fighting to overturn this decision.
- State employee labor law grants graduate employees the right to collective bargaining in many states.

Other Resources

Stewards can make use of experienced stewards, staff, and Steering Committee members to find out more. We also have an extensive lending library for stewards in the office. Finally, you can also use the GEO website as a resource as well as the following websites:

University of Massachusetts Amherst Graduate Employee Organization: <http://www.geouaw.org/>

UAW/UMass Health and Welfare Trust Fund: www.hwtrust.geouaw.org

United Auto Workers Local 2322: <http://uaw2322.org/>

United Auto Workers: <http://www.uaw.org/>

The Coalition of Graduate Employee Unions: <http://www.cgeu.org>

Pioneer Valley AFL-CIO: <http://www.pvun.com/>

Hampshire/Franklin Labor Council: <http://www.massaficio.org/central-labor-councils>

Women Institute for Leadership Development: <http://www.wildlabor.org/>

Thank you for your leadership in GEO!

Join us in creating a vibrant, challenging and democratic Graduate Employee Organization!

“We have to create a model of decision-making and accountability that reflects the kind of change we are pushing for at the University. Otherwise, our efforts will be superficial. We have a responsibility to challenge what is wrong with the labor movement by correcting these problems within our own organization.”

--Jennifer Fasulo, former GEO Organizer and Vice President (1996-98)

While GEO Vice President, Jennifer was involved in the implementation of significant progressive changes on our campus, including an Affirmative Action Fund for students of color and low-income students. She continued to be active in the labor movement and other progressive causes after graduating from UMass. Her passing in 2010 was a great loss to the labor movement and the activist community as a whole.