



Solidarity Now!

The Award Winning Newsletter of CWA 4730

Organize Educate Mobilize

Communications Workers of America

Poplars 331, 855-7929 or 855-8508

<http://www.indiana.edu/~cwa/>

April - May 2005

Volume 22, Number 2

IT'S GOOD TO BE KING

by Peter Kaczmarczyk

Quote of the day:

"Her job is what she's told to do, she's support staff."

There are too many little fiefdoms on this campus, small enclaves, entrenched and set in their ways, desperate to keep the world out and to preserve their way of life. They are everywhere, and every day I have this job I learn about more of them – supervisors who think they are above the rules, who do as they please while the staff become cowed and complacent. It gets ugly sometimes, and it happens more than many people realize.

A college campus is inherently prone to this kind of situation. Educators at this level are very specialized, and they are separated into their own departments, and further into their own specialties. Administration is no different, as each academic department requires that at least some of its administrative needs be handled internally. This creates administrative fiefdoms within the academic ones – more little kingdoms and more opportunity for corruption.

The system of Responsibility Center Management (RCM), under which this campus has labored for almost 20 years, definitely does not help the situation. While the idea of each RCM being responsible for its own budget has potential to increase accountability, it has serious drawbacks that negatively impact campus. I have talked before about how this creates the rich department/poor department situation that so adversely affects staff pay and morale, but it a more basic aspect of the RCM system that most encourages the fiefdom mentality. Simply put, the RCM is institutionalized encouragement for all departments to put themselves and their own needs above the greater needs of the university, to be separate from the university and to not think of the university as one big family, but rather as a number of small ones.

Even without the RCM system, fiefdoms would still be a problem, and they will continue to be one until they are aggressively attacked and brought down. Those may sound like fighting words and perhaps don't reflect the attitude of cooperation I try to bring to my dealings with the university, but the fact is that some of these fiefdoms have operated above the law for a long time, and just grumbling about them is not going to make them go away.

What will it take? We need staff that will speak up; if you don't tell us about these situations we won't know about them.

Further, you the staff member must be willing to see it through. Too often things are reported to us, but when we try to pursue them the staff member backs down, hoping we can handle it without them. We can't; we need your help if we are to help you. Finally, we need more hardworking, committed stewards who are willing to put in the time and face the heat of taking on these fiefdoms. All the complaints in the world won't go anywhere if we don't have union stewards who won't be scared off or intimidated. If we have these things, and we all pull together, we can bring down these fiefdoms and make the campus a better place for all of us.

AN INJURY TO ONE IS AN INJURY TO ALL

by Bernadette Robinson-Kinzer

A recent email set alarms ringing in my head. Indiana University is a public facility, so we may feel that conditions should always be safe for employees, students and visitors. Inclimate weather can have unexpected effects on even the best maintained facilities. A couple of years ago a violent thunderstorm caused a tree in the Jordan River to be struck by lightning and to fall onto the newly completed limestone stairwell leading up to the back entrance to the Neal-Marshall Black Culture Center and the Lee Norvelle Theatre and Drama Center. The block of limestone struck by the fallen tree trunk was severely damaged, and what had been a smooth clean piece of limestone became a jagged edged block in a few seconds time. This act of nature created a danger for everyone using the steps until the block was replaced.

Recently an ice storm created a problem in a parking lot on campus. What is normally a safe surface for drivers and pedestrians became a slick and precarious surface of smooth ice. Those employees who first arrived on campus had difficulty making it to their offices without falling. But when they did, they promptly forgot about the situation and did not report it to Risk Management. While no one was actually injured that the Local is aware of, someone could have been seriously injured. If you come across an unsafe situation that RM may or may not know about, call them to report it. If you are the first one to report it, you have perhaps saved another employee from injury and you've helped IU at the same time. If you are aware of an unsafe situation on campus, it is your responsibility to notify RM so they can act on the information and take the needed steps to protect everyone's well being before an accident or injury occurs. Remember: an injury to one is an injury to all.

Contact the Office of Risk Management by calling 855-9758

ME AND MY CELEBREX

by Linda Harl

The first hint of changes to come in our drug coverage was in the open enrollment period for IU insurance. We were told then that we might be forced into a state-wide drug program that could affect the price of our prescriptions, and a brief mention was made of a possible formulary that could affect availability of some drugs.

Then in January, we got a packet explaining that Anthem was now handling the drug portion of our insurance. It did say that all refills would be honored by Script up to Jan. 1, but since my packet came after that date, this piece of information wasn't very useful. The booklet did list various drugs that a person might have trouble getting, but frankly – silly me – I thought that an existing prescription would be filled. I was wrong.

Sometime later in January I got a letter from Anthem saying my arthritis drug Celebrex was subject to a step therapy, and I was referred me to a web site for further information. Note that this letter was signed by a registered pharmacist, not a physician. The web site said I would have to verify that I had taken other listed drugs within 180 days of getting the prescription filled. A call to the customer service number for Anthem revealed that my doctor had to write a letter verifying that I had done these steps, or that I had some other reason for needing this particular drug. Note that I wanted a refill – by definition indicating that I been on the drug for more than 180 days.

Emails of protest to the IU benefits folks found that the Indiana Aggregate Prescription Purchasing Program (IAPP) is to blame, and that IU couldn't do anything about it. They asked if I knew that the other drugs were cheaper, and that Celebrex was one of the cox-inhibitors that might increase the chance of heart attacks. I explained that indeed I knew all this, but that's why I went to my doctor, i.e. to get the best medical advice for my particular situation.

Next I called my doctor and talked to his nurse. She called the drug company too and eventually learned of a form granting a one year override of the step rule. But she was told I had to request it. So I called Anthem back, only to learn that the doctor's office had to call with some sort of medical registration number, and then the form would be sent. Note that the customer service lady I talked to told me she had been there several years and had never heard of this form. But she was nice enough to check it out for me, and I got the information to the nurse. Finally, I got the year's extension.

The poor nurse told me she'd done little else for about two weeks but handle situations arising from patients who had gotten letters similar to mine, and that at times, the phone lines were so jammed with these folks that patients who really needed a doctor couldn't get through.


Granted, the IAPP may save all involved some money, but at what hidden costs? Is it good medicine to have plan administrators, even those who are pharmacists, second guessing

doctors? Is straightening out patients' already written prescriptions a good use of a nurse's time? The obvious answer to both questions is NO.

State Senator Vi Simpson, one of the architects of the bill mandating IAPP, says that all drug plans have formularies now. She says we were just lucky if we didn't have one before, and that had we stayed with Script, one would have been introduced or drug prices would have sky-rocketed.

She certainly knows a lot about insurance costs, so I'm willing to believe her. What I am wondering is why this had to be dumped on everyone all at once. If Indiana University was able to postpone implementation twice, could they have insisted on some sort of phased in system? Something like "we'll honor one refill as written, but from now on, you have to do X to get anymore." That would have spread the problem out over several months, possibly saving everyone from Anthem to the patient a lot of panic and hassle.

But – silly me again – I keep trying to apply logic to situations where I know it's hopeless. Monoliths like insurance companies and even universities rarely use a logic that is comprehensible to the common person. Meanwhile, I'm hoping that my Celebrex refill actually shows up in the mail soon.

LOCAL 4730	
Communications Workers of America, AFL-CIO	
	I hereby request and authorize the deduction of dues from my pay as established by Communications Workers of America (C.W.A.) of which I am a member. These will be paid to the Treasurer of C.W.A.
NAME (print) _____	
University ID # _____	
Department _____	
Work Phone _____	
Work Address _____	
Room # _____	
Email Address _____	
Home Address _____	
City/ST/Zip _____	
Home Phone _____	
Signature _____	
Date _____	
Received by: _____	

REDUCTION IN FORCE: COULD IT HAPPEN TO ME?

by Bernadette Robinson-Kinzer

Following are excerpts from a letter written by a former member of Local 4730 and my responses to her questions. I hope the following information is helpful to everyone, as our Governor's budget cuts to deal with the economic state of Indiana could have an impact on Indiana University in the form of increased numbers of Reductions in Force.

"I used to be a CWA member a long time ago, during the early Barb Lentz period.... I hope you don't think (it's) terrible of me for writing for advice when I am not a member of your union. I just can't afford the union dues, even though they are very reasonable. I have had to do a lot of cutting back since I am a single mom and have not made it to mid range in my classification (F) after almost 21 years of service at IU (adjusted time).

Here is my story. I have always considered working at IU a good thing, and I never worried about job security until a few weeks ago. It has taken me many years, but I am finally really happy with my position and with the place that I work. Things seemed to be going well, and then word came down that our office was going to be reorganized or 'restructured.' I am scared of what will happen to my job and, mostly, my salary. If our office is not totally dissolved, there is a good chance that I will be able to keep my position within the new, reorganized office. I am not sure of anything these days! What rights do I have concerning my position and seniority? I have been (in my current unit) continuously since 1989. Would I lose my occupational seniority in a new, reorganized department or would I retain my current occupational seniority? More importantly, can they force me to take another lower position or reduce my salary in any way, or, worse, RIF me? In my department, I have more seniority than all of the clericals and most of the PA's (except the Director, Associate Director and one Senior Coordinator), but if they completely dissolve a unit what good does that do me?

Doesn't my 21 years of dedication and loyalty to IU mean anything, or is this just a sign the terrible economic times?"

A former member

My reply follows:

"It is always good to hear from a member (former or current). I am sorry to hear about the possibility of restructuring in your unit. The university reserves the right to restructure units as it sees fit. They have this right, and nothing will change it. Seniority is not a guarantee of job retention. If three clerks are employed and management can divide 1 clerk's duties between the other two, usually the clerk with the lowest seniority will be rified. However, if the clerk with the least seniority is responsible for a duty that no-one else is qualified to handle without extensive training, a clerk with greater seniority can be rified. Over the years Local 4730 has successfully bargained for improved employee rights when facing a RIF.

The most significant changes were in 1993:

<http://www.indiana.edu/~hrm/policies/ss/Appendices/1993.pdf>

1995: Items 13 and 14.

<http://www.indiana.edu/~hrm/policies/ss/Appendices/1995.pdf>

And 1996: We traded the consequence of item 2 for the benefits in item 3.

<http://www.indiana.edu/~hrm/policies/ss/Appendices/1996.pdf>

Before 1996 many employees who were rified and then rehired by another department within a few months time at the same level or higher discovered their benefits had been adversely impacted. The negotiated changes help the majority of rified employees when they are rehired in another department. CWA works with IUHR and individual employees when they are rified to assist them in understanding the RIF Policy and their available options when Reductions in Force occur. Aggressively applying for other IU positions is key and can not be understated.

Local 4730 is here to fight for your rights and negotiate the fairest policies for all support staff on a consistent basis. Reductions in Force at IU are never pleasant for anyone, but when they are necessary, the RIF policy has been written to be as fair to all staff employees as possible."

UNION JOBS MEAN



A BETTER COMMUNITY

PAST PRACTICE DOES NOT TRUMP

POLICY (OR AGREEMENT LANGUAGE)

by Bernadette Robinson-Kinzer

An interesting thing happened during a steward's defense of an employee for a disciplinary hearing this month. An HR departmental manager on the Bloomington campus tried to convince a steward that policy is trumped by past practices. This HR manager also tried to convince the steward that IUHR had met with the CWA Local 4730 Executive Board before his (the steward's) tenure with CWA, and the two parties had come to an understanding that past practice would trump policy.

An oft cited article by Arbitrator Richard Mittental entitled "*Past Practice and the Administration of Collective Bargaining Agreements*," 59 *Michigan Law Review* (1961) covers this subject. Written over 30 years ago, it is still considered authoritative. Arb. Mittental's definition of past practice is "a course of conduct that is the understood and accepted way of doing things over an extended period of time, and thus, mutually binding and enforceable."

While arbitrators have decided over the years that past practice is enforceable where the contract is silent on a subject, past practice does NOT trump "clear contract language." It is not the arbitrator's role to rewrite a bad contract or agreement. It is the arbitrator's job to read the contract and remain faithful to its meaning. Arbitrators will also render decisions based on rules or "concepts of justice." If any HR representative were to successfully "hoodwink" a steward into believing that the CWA Executive Board would agree to this type of departure from standard, national practice, the Local would file a grievance, and if needed, take it to an arbitrator with the argument that our steward had been deliberately misled to take advantage of his/her inexperience. Our further argument would be that such behavior is unethical and a violation of concepts from common law principles.

A good example is the IU past practice of allowing employees to go home early for the winter holiday but indicate on their time sheets they had worked a full day. While this was the practice in a simpler time, and many support staff became angry with CWA when we did not argue the point when it changed officially in 2003, it clearly runs contrary to more than one IU policy. While the past practice was quaint and keeping with the spirit of the season (Bob Cratchit would certainly approve), the union could not reasonably argue that past practice trumped other policies. The idea is laughable.

So be aware: If your HR manager or HR representative tries to convince you that any IU policy does not apply in your area, because your unit has established a separate procedure through an extended period of "doing it our way," contact your steward or IUHR immediately. Some policies are written by IU administrators to apply to all staff at IU. Other policies are negotiated with CWA to apply to all support staff at IU. In either case, while individual departments and units can write

policies and procedures to supplement IU's official policies, they can not contradict official IU policy. Departmental policies and procedures should always agree and/or uphold university-wide policy.

TALES FROM THE PRIVATE SECTOR

by Peter Kaczmarczyk

This is the story of two companies, or perhaps it is the story of one company. It all depends upon who's looking at it. Most of you are probably familiar with communications giant Verizon; possibly you get your cell phone service through them. However, I bet you didn't know that Verizon is, in the eyes of executives at least, made up of two companies, Verizon Communications and Verizon Wireless. Why the distinction? Verizon Communications is represented by the CWA, allowing 66,000 employees bargaining rights and a contract. However, Verizon Wireless is not, and executives at the company want to keep it that way, so that Wireless employees don't get the same benefits that Communications employees do.

This alone is not terribly surprising; a company trying to break themselves into smaller units to keep unions out is nothing new. What is so disturbing and wrong about this situation is the fact that while employees at Wireless are told not to expect the same benefits as those at Communications, the same does not apply to the executives. Verizon Wireless CEO Dennis Strigl wasn't happy with his benefit package, so he was allowed to negotiate a legally binding contract with the company, as Communications executives had. The company says this change was made to "align Mr. Strigl's benefits with those of other executive officers of Verizon." This is all well and good, if they were willing to do the same for the rank and file employees of the company, but they are clearly not.

Verizon clearly has two different sets of standards, one for executives and one for employees. One moment they say that Wireless offers 'high earnings potential' and 'terrific' benefits for employees; the next moment they acknowledge that these benefits are not good enough for executives, and that Mr. Strigl had to go on the Communications payroll to get the same perks as his fellow executives at Communications. Verizon denies employees the right to do the same, despite the fact that what they are after is far less than the \$5.2 million given to Mr. Strigl in salary and benefits, plus another \$12.6 million in stock options.

It's obvious that Wireless employees should not expect help from company executives in their quest for better wages and benefits. The executives are too busy taking care of themselves to be bothered to help the folks who do the work. It is only through bringing in collective action that Wireless employees can hope to get the fair share they deserve, and that means the need to be allowed to unionize.

Tales from the Private Sector Update

Around the time the last issue of *SN* went to press J.E., star of [Tales from the Private Sector](#) in the Feb/March issue, got fed

up and quit his job. Despite being treated like dirt and a disposable commodity, she agreed to stay on until her replacement could be trained. It has now been over a month, and she still sees no sign of her replacement being hired, let alone trained. J.E. has been forced to give a spring break deadline, or she fears she will be kept on indefinitely while the company drags their feet. J.E. has handled herself in a classy manner and has gotten little or nothing in return.

Is SOCIAL SECURITY BROKEN?

by Jane Goldsmith

The Social Security Act was enacted in 1935, establishing a 1% payroll tax on employees and employers to fund a guaranteed income for seniors. It was set up so that current workers would fund the payments being made to seniors and others eligible for Social Security benefits. Anticipating the drain the baby boomers would make on a "pay as you go" system, a bipartisan committee appointed by President Reagan in 1983 recommended the establishment of a trust fund to accrue monies in advance of this demand on the system.

Currently earnings up to \$90,000 are taxed at 12.4%, half coming from the employee and the other half from the employer. In 2002, \$627.1 billion was paid into Social Security by workers and their employers. Social Security paid out \$461.6 billion, leaving a surplus of \$165.5 billion. This \$165.5 billion was added to the Social Security Trust Fund. The Trust Fund has been invested in non-negotiable US Treasury bonds which, in 2004, paid almost \$80 billion in interest into the Fund. The current balance in the Trust Fund is \$1.4 trillion and growing.

The Bush Administration asserts that there is a crisis brewing in the Social Security Program. According to the Social Security Board of Trustees – which includes the Secretaries of the Treasury, Labor and Health and Human Services, the assertion is made that without a major overhaul in Social Security, by 2018 the cost of current benefits will exceed the amount of money being collected. This does not mean that benefits will be cut. It only means that the interest from the Trust will be used to help pay benefits. This is projected to last until 2042 when the Trust Fund runs out of money. Even at that time, the amount of payroll taxes coming in would pay 73% of the current benefit level.

The solution the Bush Administration has suggested to "fix" Social Security is to offer younger workers the option of diverting an unspecified amount yearly into a private account, while not cutting the benefits of workers 55 and older. This will effectively make Social Security run out of money faster, because the money will not be going into the Trust Fund. But the "private account" will not be without cost to the younger worker. Since they are diverting part of the amount they would currently be paying into social security, the benefits they do get from social security will be lower. There is the investment risk (am I choosing the right fund to put my money in?) and the costs of administering a private account. Currently Social

Security calculates your income according to a formula, and there are no administrative costs. There is no investment related timing risk. The "private account" will have to be converted into an annuity at the time the employee retires, and the employee may have to wait to retire to get the optimum amount of money from his "private account." The "private account" does not address what happens if a person becomes disabled, or what kind of benefits the survivors would receive in the case of early death. Nor does it address the cost of an inflation-adjusted annuity that would need to be purchased at the time of retirement. And since the "private plan" is aimed at the employee only, there is some confusion about survivors' benefits at all.

The proposals being made by President Bush have been tried other places. Under Margaret Thatcher, the government pension fund in Great Britain switched to a plan very similar to the plan being proposed by President Bush. After 20 years, the UK plan has been deemed a dismal failure. The administrative costs have reduced the size of retirement benefits up to 30%, and many of their retirees have ended up in poverty. Paradoxically, they are eyeing the setup of U.S. Social Security program as a possible solution to their flawed program. In 1999, Sweden also enacted a plan where 16% of their payroll tax goes into a defined program and 2.5% into a mandatory private account. The employee could choose which company he wanted the private account invested in or let the government decide. When the bottom fell out of the market in 2001, most people lost money and have not recovered. Since then, the percentage of people choosing their own accounts has dropped dramatically.

One thing that everyone agrees on is that Social Security needs some adjusting to keep it financially solvent. One of the suggestions is that the income cap on taxes and benefits be lifted. This would eliminate 90% of the funding shortfall and would increase Social Security benefits to high-wage earners. Another suggestion is to not make the Bush tax cuts permanent and roll back just one third of those savings into Social Security.

If you don't think Social Security should be changed as dramatically as the Bush Administration is insisting it should be, contact Senators Bayh and Lugar and contact your U.S. Representative. You need to make your voice heard. The union stand is that we need to keep "Security" for all in Social Security.

WEBSITES OF INTEREST

TAKE ACTION! SAVE COLLECTIVE BARGAINING RIGHTS
http://www.unionvoice.org/campaign/dod_cwa/g55wn217b6wwn

STATE EXPERIMENTS WITH PRIVATE PENSIONS ARE A FLOP
<http://www.unionvoice.org/ct/z7zCqP11kP4Y/>

NIOSH: PROVIDING LEADERSHIP TO PREVENT WORK-RELATED ILLNESSES AND INJURIES
<http://www.unionvoice.org/ct/S7zCqP11kP4F/>

CWA LOCAL 4730 CALENDAR OF EVENTS

April 2005

Thursday, April 14, 2005

Executive Board Meeting
Poplars – Room 331
5:30-7:00 p.m.

Weeks of April 4-15

Steward Area Group Lunches
Check with your Chief Steward
For time and place

Thursday, April 28, 2005

Members Meeting
IMU-Sassafras Room
5:30-7:00 p.m.

Wednesday, April 27, 2005

WRCLC Meeting
840 West 17th Street, Suite 9
7:00 pm
Bernadette Robinson-Kinzer –Representative

May 2005

Thursday, May 12, 2005

Executive Board Meeting
Poplars – Room 331
5:30-7:00 p.m.

Weeks of May 2-13

Steward Area Group Lunches
Check with your Chief Steward
For time and place

Thursday, May 26, 2005

Members Meeting
IMU-Walnut Room
5:30-7:00 p.m.

Wednesday, May 25, 2005

WRCLC Meeting
840 West 17th Street, Suite 9
7:00 pm
Bernadette Robinson-Kinzer –Representative

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