



# UE LOCAL 170 NEWSLETTER

WEST VIRGINIA PUBLIC WORKERS UNION  
FALL - WINTER 2012

## UE Local 170 Members Elect Officers and Trustees; Make Plans for the Coming Year at Sixth Annual State Convention

Delegates attending the sixth annual UE Local 170 state convention, held in Charleston, WV on August 4, elected the local's officers and trustees and made plans for organizing and political action in the coming year. The Local 170 statewide officers nominated and elected for the coming year were Donna Morgan, President; Chris Wolford, Vice-President; Melanie McCartney, Secretary-Treasurer; Cathy Miller, Recording Secretary; and Jamie Beaton, Chief Steward. David Marple, Nola Lilly and Nelson McCloy were nominated and elected as the local's three trustees.

After discussion, the delegates also voted to approve the local's political action goals for 2013, which include a substantial pay raise for West Virginia state workers, reform of the West Virginia public employees' grievance system, seniority rights for state workers, meaningful caseload standards for DHHR program areas, full funding for West Virginia OSHA, safe staffing levels and an end to mandatory overtime at the state hospitals and nursing homes. Prior to the convention, the local's seven chapters nominated and elected their rank-and-file delegates and adopted their chapter's legislative policy recommendations.

"You have made a real difference for West Virginia state workers during the short time you have been in existence," said Bruce Klipple, UE President, who brought greetings on behalf of the national union. Klipple encouraged the local to "continue to fight for fair wages for West Virginia state workers; continue to challenge the unfair WV grievance system; and continue to stand up for the rights of WV state hospital employees."



UE President Bruce Klipple swears in newly elected Local 170 officers and trustees.

John Hovis, retired UE President, traveled to West Virginia with his wife Sharon to attend the convention in order to present the first annual \$1,000 "John Hovis Scholarship" to Britani Chambers, whose father is a DOH member from Wood County. In keeping with the local's tradition, Elaine Purkey, a native West Virginian labor folk singer, kicked off the convention with several labor folk songs, including "Public Workers." Delegates and guests observed a moment of silence in memory of Ray Greenwood, recently retired DHHR Chapter President, who passed away unexpectedly earlier in the week. Greenwood was an active member of the local and was a member of the local's executive committee and a past member of the UE Eastern Regional Council Executive Committee.

### John Hovis Scholarship

UE Local 170 has established a scholarship in honor of our former national president John Hovis. A scholarship in the amount of \$1,000 will be awarded annually at our state convention.

Requirements for consideration are that the student be the child or grandchild of a Local 170 member and a senior in high school. The student must be a current resident of West Virginia and have a minimum GPA of 3.00 and 21 on the ACT.

Applicants must complete the application and return it to the UE Local 170 office in Charleston by May 15, 2013 for consideration. You can download an application at the Local 170 web site: [www.uelocal170.org](http://www.uelocal170.org).



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## Rank-and-File Political Action Gets Results

This year has been fairly successful in getting some of UE Local 170's initiatives passed in the legislature. We were successful in getting a funding increase for state OSHA protection for state workers. We also participated in two legislature committee meetings during the interim meetings, which you can read more about in this newsletter. We were also successful in getting DHHR to implement the caseload standards statute with the strong support of Delegate Bobbie Hatfield. We have also had success in turnout of members at our lobby days over the past year, demonstrating to the legislators our determination to keep our issues before them.

We will continue this effort as we head into the next legislative session. We will continue to seek adequate funding for state OSHA protection, work to develop meaningful caseload standards, fight for just working conditions for state hospital workers, work to obtain seniority rights for state workers similar to those enjoyed by public school teachers, continue our fight for changes in the grievance system, and make it known that we need a just pay increase. I encourage all members to attend at least one of these lobby day events to demonstrate our determination to see progressive changes in our working conditions. To be heard we must be seen. Thanks to all of you for your hard work. Let us not stop or surrender!



Local 170 members and UE Director of Organization Bob Kinglsey (on left) with Delegate Meshea Poore.



Local 170 members and UE Eastern Region President Deb Gornall (on left) with Delegates Mike Caputo and Dan Poling.



Local 170 members who work at the VA Nursing Home with Delegate Richard Iaquina

## UE Local 170 Making Plans for Chapter Reorganization

In an effort to make it easier for our members to participate in our chapters, UE Local 170 will be reorganizing our chapters in the coming year. The local's seven current chapters (Capitol Complex, DHHR, DOH 1, DOH 2, Parkway/DOH, Statewide Hospitals and Lakin) are either too small to function or have grown to include members in much larger geographic areas, making it more difficult for most members to attend chapter meetings. The local's four original chapters (Capitol Complex, DHHR, DOH, and Parkways) were largely organized as single agency chapters, except for the Capitol Complex Chapter which included members from different agencies who work at the Capitol Complex and surrounding area.

Our chapters play a critical role in a members-run, rank-and-file union, like UE. The chapters are where our members come together on a monthly or regular basis to exercise democratic control over our union. Chapters elect their own officers and trustees. The chapters' officers report to their members at chapter meetings and are accountable to their members. The chapters' presidents are also members of the Local 170 Executive Committee, the highest decision-making body of Local 170 between state conventions.

Since our founding in 2007, UE Local 170 has grown to include over a thousand members across the length and breadth of our state – which is good. Our chapter structure needs to change to better reflect our growth. What we are looking at is going to chapters in smaller geographic areas, which will include all the members – regardless of which agency they work for – in that area, or local area chapters.

In addition, Local 170 will have conferences which will unite members who work for the same agency, or who do similar work, i.e. DEP, DHHR, DOT, state hospitals and nursing homes, etc. The conferences will meet at least once a year, or however often the members want to meet, so that the members can come together to discuss similar issues and concerns and build unity and strength in their agency.

In the coming months, Local 170 will be reaching out to our members to get your thoughts and concerns on the reorganization. We look forward to your input and involvement as we move forward together.

## Stewards Council News

Over the past year, UE Local 170 stewards have been busy defending and mobilizing their members around workplace issues and grievances. Stewards have also engaged their members and co-workers in support of our political action goals. And just as important, stewards have been getting their co-workers to join the union, building more union power in their workplaces. In a members-run, rank-and-file union, like UE, stewards are the “backbone of the union.”



At DHHR workplaces, stewards are engaging their members and co-workers in the fight to develop reasonable caseload standards. At DOH garages, stewards are busy getting their co-workers to sign petitions, calling on the DOH to develop a fair wage structure. At state hospitals and nursing homes, stewards collected hundreds of signatures on petitions to the DHHR Secretary, demanding that DHHR respect their rights.

In one of the biggest ongoing fights, stewards at William R. Sharpe, Jr. Hospital in Weston got over one hundred of their co-workers to sign onto a mass grievance over DHHR’s new “right to representation” guidelines, which greatly restrict employees’ statutory right to representation. If DHHR, the largest state agency, is able to restrict their employees’ right to representation, it won’t be long before other state agencies try the same.

While we are making progress in getting more members to step up to be stewards, we still need more members to become stewards at their workplaces. Over the past year, dozens of members have taken steward training classes (see below).

In the coming year, the Stewards Council will organize additional steward trainings. If you are interested in becoming a steward and would like more info, contact UE Local 170.



Dozens of members took part in steward trainings in Weston and Charleston over the past year which were organized by UE Local 170’s Stewards Council. The trainings were conducted jointly by UE staff and West Virginia University’s Institute for Labor Studies.

## Grievance Update

A longtime DHHR social services worker was fired for an alleged conflict of interest in approving benefits for a client. When the agency's action against the employee was proved to be ungrounded speculation, she was restored to her position with restored benefits plus backpay and interest.

A certified nursing aide was fired when accused wrongly of taking a resident's belongings. The only infraction she committed was taking a single trash bag from the hospital without permission, and she was restored to her job with backpay and interest and full benefits.

After an employee of a county health department was put back to work with backpay & interest & restored benefits, it was found that the agency, in violation of the employee’s right to file grievances and constitutional guarantees under the first and fifth amendments, was disciplined and fired yet again. The Board reversed this disciplinary act of retaliation.

In terminating an employee of a state psychiatric facility based on a medical visit after her drink was spiked at work, an employee was restored to her job because the agency relied on an improper drug test to fire her.

A highways employee was falsely accused of lying to investigators concerning an accident and illegally denied representation in a meeting with management, and his suspension was accordingly reversed by the Board.

Since the formation of Local 170, fifteen firings of employees (one of them twice fired, making it 16) have been reversed by either settlement or Board decisions.

## Standing Up for the Rights of West Virginia State Hospital Employees

West Virginia state hospital employees, members of UE Local 170, brought their complaints to the headquarters of the West Virginia Department of Health and Human Resources (DHHR) in Charleston on July 17. The state hospital employees work for the West Virginia Bureau for Behavioral Health and Health Facilities (BBHFF), part of the DHHR. UE Local 170 has nearly four hundred members at six of the bureau's state hospitals and nursing homes, located around the state.

Chanting, "What do we want? Dignity! When do we want it? Now!" the state hospital employees picketed outside the front doors of DHHR's headquarters at lunchtime. The state hospital employees' action received extensive media coverage, including news articles in the Charleston Gazette and Charleston Daily Mail.

Earlier this year, UE Local 170 members at the state hospitals launched a campaign called "Stand Up for the Rights of West Virginia State Hospital Employees," which included leafleting and petitioning their co-workers. As part of their campaign, and to show solidarity with one and another, the state hospital employees are wearing red wristbands which say "Standing Up for the Rights of West Virginia State Hospital Employees." The state hospital employees are also meeting with their legislators to make them aware of the problems at their facilities.



As a result of the campaign, DHHR Secretary Rocco Fucillo and BBHFF Commissioner Victoria Jones agreed to meet with Local 170 representatives in late August, where they were given the petitions with hundreds of signatures. The DHHR officials acknowledged the ongoing problems and said that they were trying to address them, but said that it will take time. They also said that they were willing to continue to meet in an effort to resolve the problems. In the meantime, state hospital employees will continue their campaign until their fight is won.

## UE Local 170 Works With Mountain State Justice to Get Circuit Judge to Force WV DHHR to Comply With 2009 Court Order Giving Direct Care Employees at the State's Two Psychiatric Hospitals Over \$500,000 in Pay Raises

In a huge victory for direct care employees at the state's two psychiatric hospitals – Mildred-Mitchell Bateman Hospital in Huntington and William R. Sharpe, Jr. Hospital in Weston – UE Local 170 worked with Mountain State Justice, a non-profit public interest law firm, to get Kanawha Circuit Judge Duke Bloom to force the West Virginia Department of Health and Human Resources to comply with a 2009 court order giving direct care employees at the two hospitals over \$500,000 in pay raises.

Judge Bloom ordered DHHR to give the pay raises after he heard testimony during a hearing on October 17. The hearing was meant to update Judge Bloom on the so-called Hartley Case, a 1981 case that remains open and centers on the treatment of mental health patients in the state. The intent of giving the pay raises was to be able to retain and attract direct care employees at the two psychiatric hospitals, which have been historically plagued by understaffing due to high employee turnover and unfilled vacancies.

Jamie Beaton, UE Local 170 chief steward and a direct care employee at Sharpe Hospital, testified at the hearing on behalf of the employees. Beaton testified that Health Service Workers, Health Service Assistants and LPNs, had not received the full \$2,000 pay raise as called for in the court order. Beaton also testified to the hospitals ongoing use of mandatory overtime and its affect on employees and the patients that they provide care for.

In the coming month, UE Local 170 will be organizing shift meetings at the two hospitals to inform the employees of the Judge's decision and how it will affect them.

## West Virginia Division of Highways Employees Say, "It's Time for a Fair Wage Structure."

In a presentation before the West Virginia Legislature's Joint Committee on Government and Finance, UE Local 170 made the case that it's time for the West Virginia Division of Highways to develop a fair wage structure for DOH employees. The Joint Committee on Government and Finance meeting was on August 15. The presentation received news coverage around the state.

Highways employees have complained for years that very few employees ever move up in the pay grade for their classifications. A Freedom of Information Act (FOIA) request, which UE Local 170 received from the West Virginia Department of Transportation in January 2012, shows that most DOH employees are at the bottom of the pay grade for their classification, causing a high turnover among DOH employees across the state.

The average hourly rate for DOH employees in the Transportation Worker 2 classification, the largest DOH classification, is \$10.80 an hour. Workers in the private sector with similar skills earn two to three times that amount.

In its presentation, UE Local 170 proposed that the DOH develop a wage structure, like the West Virginia Parkways - which also falls under the WV DOT - with step wage increases based on years of service.

DOH members are circulating a petition to DOT Secretary Paul Mattox, asking the DOH to develop a wage structure like the WV Parkways with step wage increases based on years of service.

UE Local 170's presentation before the Joint Committee on Government and Finance is an important development for WV state workers. Usually, it is only the heads of state agencies or their representatives who appear before the committee. This may be the first time that representatives of WV state workers appeared before the committee.

### UE Local 170 Files Mass Grievance for WV DEP Inspectors Over Salary - WV DEP Raises Base Pay for Inspectors by \$4,000

In May 2012, a group of environmental inspectors at the West Virginia Department of Environmental Protection (DEP) began filing grievances on word that the agency would be hiring new inspectors for oil and gas at a \$35,000 starting salary. Other inspectors, some with many years of tenure, were being paid in the \$31,000 range. Shortly after the number of grievants reached two dozen, DEP announced that base pay for environmental inspectors was being raised to \$35,000.

Rather than just relying on filing individual grievances, UE Local 170 approached the fight around the DEP inspectors' salary as a political fight. Since the booming Marcellus Shell gas industry was in the headlines and was spurring the need for more environmental inspectors, the union sent out a press release - highlighting the inspectors' salary grievances - which was picked up by the media across the state. UE Local 170 rank and file members, who work at the DEP, also raised this issue with Senate President Jeffrey Kessler and Speaker of the House Richard Thompson during the June Legislative Interim meetings.

Like other West Virginia state agencies, the DEP has been plagued by high employee turnover and unfilled vacancies due to a wage freeze imposed under the Manchin Administration. A recent WV Legislative audit of the DEP revealed that the agency is not able to carry out its responsibilities in a timely manner because of the unfilled vacancies.

What the DEP inspectors' victory demonstrates is that even though West Virginia public workers are denied collective bargaining rights, West Virginia public workers can still win victories through collective action if they're organized in a union that is willing to take on their fight.



UE Local 170 members, including DEP members, meet with Senate President Jeffrey Kessler.

## Nearly Twenty UE Local 170 Members Attend First Meeting of the WV DHHR Caseload Standards Workgroups

Nearly twenty UE Local 170 members attended the first meeting of the West Virginia Department of Health and Human Resources caseload standards workgroups in Flatwoods on October 16. UE Local 170 was instrumental in getting DHHR to comply with the caseload standards statute earlier this year.

At the meeting in Flatwoods, UE Local 170 DHHR members came together with nearly 100 other DHHR employees, who are members of the caseload standards workgroups. Douglas Robinson, Commissioner of the Bureau for Children and Families and Garrett Jacobs, Commissioner of the Bureau of Child Support Enforcement, addressed the DHHR employees, voicing their support for the success of the workgroups.

The DHHR employees also heard from John Thompson, UE International Representative, who thanked them for taking on this important work. Thompson also said that UE Local 170 was fully committed to supporting their work on developing reasonable caseload standards. Sam Hickman, Chief Executive Officer of the West Virginia chapter of the

National Association of Social Workers, also addressed the employees. The NASW worked with UE Local 170 in getting the DHHR to implement the caseload standards statute.

The caseload standards statute had been on the books since 1997, but DHHR never complied with the statute to develop reasonable and achievable caseload standards for its program areas. However, due to the persistence of UE Local 170 members, and with the strong support of Delegate Bobbie Hatfield, Vice-Chair of the House Health and Human Resources Committee, and the NASW, DHHR agreed to finally comply with the caseload standards statute earlier this year.

The workgroups will continue to meet in the coming months with the goal of developing caseload standard recommendations to present to the Secretary of DHHR and the West Virginia Legislature by June 30, 2013. In July 2013, DHHR will begin

developing caseload standards for employees who work for the Bureau for Public Health and the Bureau for Behavioral Health and Health Facilities.

For updates on the caseload standards workgroups, visit the Local 170 web site: [www.uelocal170.org](http://www.uelocal170.org).



Nearly 20 UE Local 170 members, including those pictured here, participated in the first meeting of the WV DHHR caseload standards workgroups.

## John "Ray" Greenwood, Retired DHHR Chapter President, Remembered

John "Ray" Greenwood, past president of the DHHR Chapter, passed away unexpectedly on July 30 from heart failure at his home in Charleston. He was 65 years old. Ray retired at the end of May as an Economic Service Worker. Ray joined UE Local 170 shortly after getting hired at the Kanawha County office and was very active in the union, assisting his members and co-workers with workplace problems throughout his time there. In addition to being the DHHR Chapter president for past two years, Ray was also a member of the UE Local 170 Executive Committee and a member of the UE Eastern Regional Council Executive Board. Ray spent his life helping the oppressed and exploited.



Ray Greenwood addresses delegates at the April UE Eastern Regional Council meeting.

stifling class system there only to find an equally exploitive class system here. When he earned his law degree in the 1970s, Ray worked first for the Florida Justice Institute, researching issues of prisoners' rights. By the 1980s, he was representing Haitian refugees in political asylum hearings and working for the Haitian American Community Association of Dade County, FL, providing legal assistance to Miami's Haitian refugee community.

After leaving Miami, Ray moved to West Virginia, where he met his partner and future wife, Jeri Hunt, both of whom shared a similar passion for fighting oppression and standing up for the exploited. UE Local 170 made a donation in his

Born in Liverpool, England, Ray left England in the late 1960s to come to U.S. for adventure and to escape the

memory to Labor Notes, one of Ray's favorite labor publications. Cheers, Brother Ray! You will be missed.

## UE Local 170 Members Attend Southern Workers Assembly

On September 2 & 3, 2012 UE 170 President, Donna Morgan; UE 170 Recording Secretary, Cathy Miller and Hospital Chapter Steward, Nola Lilly, gathered with over 300 Southern workers in Charlotte, North Carolina for participation at the Southern Workers Assembly. The purpose of the Assembly was to discuss, plan, organize and build a southern labor movement.

President Morgan was invited to be a guest speaker as part of a panel addressing public sector issues. She presented a rousing speech encouraging workers to organize, unionize and fightback.



Donna Morgan speaks at a panel on public sector issues.

All three members were also part of a three mile, "March on Wall Street South", joining 2,500 people representing southern unions, workers, unemployed, civil and human rights groups, community organizations, and immigrants. The march took the group through downtown Charlotte.

All our Local 170 members need to take the time to contemplate the importance and value of this collaborative effort to build a powerful Southern workers movement.



Nola Lilly and Cathy Miller hold the UE Local 170 banner during the "March on Wall Street South."

If you would like to show your support, we invite you to log on: [southernworker.org](http://southernworker.org) or to become more involved in union activities, please visit the Local 170 website: [www.uelocal170.org](http://www.uelocal170.org) or contact us by phone: 304-699-4401.

## West Virginia Legislative Committee Takes Up UE Local 170 Grievance Study Resolution during October Interim Meetings – UE Local 170 Members Pack Committee Meeting Room

UE Local 170 members packed the meeting room of the Joint Committee on Government Organization's Subcommittee B when the committee took up the local's grievance study resolution on October 8 during the October Interim meetings. The legislative committee meeting coincided with the local's rank-and-file members' lobby day and the legislators couldn't help but notice the UE Local 170 members in their bright yellow t-shirts.

UE Field Organizer Gordon Simmons made a presentation on behalf of Local 170 with recommendations for improvements to the grievance statute.

The West Virginia Education Association (WVEA) joined UE Local 170 at the committee meeting and voiced support for the UE Local 170 proposals. In the coming months, UE Local 170 will be working with our legislative allies to draft

legislation to incorporate our proposed changes to the grievance statute.



UE Local 170 members pack the committee meeting room.

*UE Local 170 Calendar of Events*

- February 18**      Presidents' Day Rally  
11 a.m. - Capitol - Lower Rotunda
- April 13**      DHHR Conference Meeting  
12 p.m. - UE Local 170 Union Hall
- April 26 - 27**      UE Eastern Regional Council Meeting  
Monroeville, PA
- August 3**      UE Local 170 Annual Statewide Convention  
T.B.A.
- August 25 - 29**      UE National Convention - Chicago, IL



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