



# THE MAINE STATER

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## MSEA Charges State With Unfair Labor Practice

The June *Stater* had a cover story illustrated with cartoons which questioned the salary and benefits package — including extras — handed to management and confidential employees by Governor Joseph E. Brennan. The Governor's legislation granted all the economic gains won by MSEA through the struggle of contract negotiations, plus a **bonus** of basic life insurance premiums paid by the state as of July 1, 1980, and a special management disability insurance program paid for by the state. MSEA members expressed rightful anger at this extra "reward" to certain state employees for **not** being members.

MSEA has filed a complaint with the Maine Labor Relations Board charging that the state has engaged in a Prohibited Practice — pursuant to Section 979-A of the State Employees Labor Relations Act, and Chapter 4 of the MLRB Rules and Procedures.

The substance of MSEA's charge: On May 22, 1980, Legislation covering economic items in the contract was approved by the Legislature. On the same day, the state asked for and received approval of Legislation for management and confidential employees excluded from MSEA bargaining units which provided parity with respect to wages and benefits negotiated for MSEA members.

The State Legislation in addition, provided for **more favored treatment** with respect to other benefits, part of which had been the subject of MSEA contract negotiations. This means that management and confidential employees were not only granted parity with respect to wages and benefits negotiated by state employees, but were accorded a **more favored status**.

A word about "parity". According to MSEA Assistant Director Joseph Mackey, "the state is restraining free collective bargaining with the union by granting a parity arrangement to these employees". Parity arrangements assure that everything is **equal** between two or more groups of employees. State employees justify their contract demands based on value of work being done and performance. Management and confidential employees were not required to justify anything; the state simply took it for granted that they deserved to get what MSEA members worked for.

"It's bad enough that this kind of parity situation is allowed to exist," Mackey said, "since it directly influences the bargaining process between an employer and the union which must negotiate the pattern-set-

ting agreement. But it's worse that the state has set up a special category of employee slated for extra benefits at the same time it would like to consider these employees automatically deserving of equal treatment given to others who bargained hard for contract gains."

MSEA is requesting that the Labor Relations Board order the State to:

1. Cease and desist from providing parity with negotiated wages and benefits to managerial and confidential employees, from providing managerial and confidential employees more favored status in relation to negotiated wages and benefits, and from otherwise interfering with, restraining and coercing the em-

ployees in the exercise of their representation and collective bargaining rights and from refusing to bargain collectively with the Maine State Employees Association.

2. Rescind and take all steps necessary to rescind and cease paying and providing to managerial and confidential employees the wage and salary increases and benefits granted pursuant to the above;

3. That the State and its representatives and agents post notices at all locations where notices to state employees are normally posted that the State, its representatives and agents have been found to have committed the alleged prohibited acts and will comply with the orders of this Board with respect thereto.

## Sick Leave Grievances

by Shawn Keenan, Staff Counsel

Employees denied sick leave or vacation leave as a result of the work actions which occurred April 24 and 25, 1979, will have their grievances upheld within certain limits established by the State Employees Appeals Board.

During the Board hearing, MSEA argued that employees were wrongfully denied the use of sick leave or annual vacation leave because the Governor (Joseph E. Brennan) changed the rules after the fact.

The Board's decision, however, failed to adopt MSEA's argument: "We do not find the Governor's action in this regard to be arbitrary, discriminatory, or retaliatory... The Governor's Office issued clarifying memoranda regarding work action excuses and these memoranda clarified existing state policy. It was a reasonable and justifiable course of action under the circumstances."

But while the Appeals Board would not overrule the Governor's general policy in dealing with the work actions, it **did** recognize that the various State departments handled employees' grievances "with various degrees of fairness".

The Board went on to say: "We are concerned that all employees who were entitled to sick or vacation leave under the guidelines of this opinion received their proper sick leave or vacation leave credit. We are not willing to jeopardize the rights of those employees in the interest of expediency."

The Board, therefore, has resolved the following order:

(1) employees who obtained vacation leave in the proper manner and were granted vacation leave under terms of the Personnel Rules and Policies shall be upheld in their grievance whether they participated in the work action or not;

(2) appeals of employees who obtained sick leave for the primary purpose of joining the work action will be denied;

(3) all employees who were actually sick or on vacation and had obtained permission in the usual manner from their department shall be entitled to their sick leave or vacation time;

(4) appeals shall be denied in those instances in which the employee obtained permission in the usual manner for sick leave but did so for the purpose of participating in the strike action.

The Board has placed the burden on employees to show the legitimacy of their absences. Grievants alleging that they were properly granted sick leave and did not use that time for the primary purposes of participating in the strike action, may present those facts to the Board **in the form of a short affidavit**. Grievants who obtained vacation leave in the accepted and usual manner **regardless** of their participation in the

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### NEW CONTRACTS

Copies of the new contract will be mailed out to members starting in two weeks. The contracts are being printed by bargaining unit; as soon as a unit is finished, the printer will send the copies to MSEA headquarters for mailing to the membership. Don't be surprised if some people receive copies of their bargaining unit contract before other unit members.



## OFFICERS

**President**  
Albert C. Willis  
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Oakland, 04963

**Vice President**  
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15 Lambard Road, Apt. 6  
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RFD #5  
Augusta, 04330

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Norma H. Arnold  
RFD #5  
Augusta, 04330

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Box #5  
Farmington Falls, 04940

Harold West  
Kansas Road  
Milbridge, 04658

Robert Ruhlin  
P. O. Box 18  
Kenduskeag, 04450

Arnold Beleckis  
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Winthrop, 04364

Anna Stanley  
144 Eastern Avenue  
Augusta, 04330

Frank Johnson  
8 Riverton Street  
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**Membership**  
Barbara Chaffee

# Workers' Compensation



by  
Harry N. Starbranch  
MSEA General Counsel

## The Reason For Worker Compensation

This article deals with the **reason** for workers' compensation, in order to give State employees background as to how the system of Workers' Compensation developed and why. I will discuss how the system works to the benefit of the employer as well as to the benefit of the employee.

All too often in the ten years that I have handled workers' compensation cases, I have heard comments and complaints from Department heads and/or Deputies to the effect that workers' compensation only benefited the employee, and I have seen decisions by Department heads and/or Deputies to resist workers' compensation claims made through ignorance of the workings of the law and the system.

The test to the right of workers' compensation benefits essentially is whether or not there is a work-connected injury. The question of whether or not the employee was negligently at fault for his or her injury is not an issue and can **never** affect the liability of the employer for workers' compensation. Unfortunately, I have found that some State Department heads and/or Deputies will sometimes take the position that Workers' Compensation should not be paid if they feel that the employee's negligence was a part of his or her injury. This attitude is wrong and contrary to the law.

The father of workers' compensation is generally acknowledged to be Otto VonBismarck. As Chancellor of Germany in the late 19th Century he initiated workers' compensation for the purpose of primarily protecting the **employer** and only incidentally for the protection of the employee. His intent was two-fold. The first objective was to prevent employees from being able to sue employers for damages due to injuries because of the negligence of the employer. By allowing a limited workers' compensation payment, injuries could more easily be managed by the employer and insurance coverage obtained. The second objective was to fight against the increasing strength shown in the German elections at that time by the party which later became the Communist party. The

initiation of workers' compensation was definitely not for the sole benefit of the employee.

Through the years, however, the Workers' Compensation system has improved greatly for the benefit of the employee, although workers are still barred from suing his or her employer for negligence, no matter how great the negligence of the employer might be. This is a significant advantage to the employer. It limits the employer's liability and allows the employer to plan for the future by following a well-administered self-insurance plan or by purchasing insurance from a commercial carrier.

Today, the State employee (as well as workers in private industry) enjoy improved benefits. As I have described in previous articles, the employee is entitled to receive a weekly pay benefit, the payment of medical bills related to the job connected injury, vocational rehabilitation, and a permanent impairment payment, if appropriate. Today we have a compromise between employer and employee. The system is better for the employer than before the days of workers' compensation, but it is also better for the employee who is injured at work or has a problem that is aggravated by working conditions.

Now that you are more familiar with the history of workers' compensation, let's talk about what is in store for State employees in the immediate future. On September 1 of this year, a professional administrator will begin the administration of the State of Maine workers' compensation system (hopefully for all Departments of the State) and I am anticipating that a better State system will be the result. The beneficiaries will be the employees as well as the State of Maine. The new administrator will hopefully also begin an education program so that the Department heads and Deputies — who even at this time, often feel that workers' compensation is solely for the benefit of the employee — will view workers' compensation from a more balanced perspective.

## Dues Increase Clarification

Members have called MSEA with questions about the dues increase effective July 1, 1980. Based on the "overall percentage of salary increase" to the nearest 5 cents, the dues increase is 15¢ per week. Overall percentage of salary increase for all state employees who received the raise (\$14 or 7%, whichever greater) is 7.3%. This figure is the one used to calculate dues increase.

HELP US FIGHT FOR YOUR LIFE

# Exercise

# Regularly

The American Heart Association   
WE'RE FIGHTING FOR YOUR LIFE

The Maine Stater  
(USPS 709-700)  
is published monthly for \$1.80 per year by the  
Maine State Employees Association, 65 State  
Street, Augusta, ME 04330. Second-class postage  
paid at Augusta, Maine and additional mailing of-  
fices.  
POSTMASTER: Send address changes to The  
Maine Stater, MSEA, 65 State Street, Augusta, ME  
04330.



# Women's Caucus

The MSEA Women's Caucus Steering Committee has held two meetings which have further defined and developed the focus of the Women's Caucus, according to Chairperson Diana White.

The Steering Committee has issued a statement of purpose:

*The MSEA Women's Caucus has been formed to provide focus for union business as it affects women workers. The purposes of the caucus are:*

- (1) to bring to the attention of the union, the special and specific needs of women;
- (2) to assist women seeking leadership positions with the union;
- (3) to advocate for issues in the negotiating process which will help working women. These issues may include: daycare, comparable worth, flex-time, and job-sharing.

(4) to serve as a voice for women in the union concerning **all aspects** of union business;

(5) to provide a mechanism by which women can raise and promote issues at the chapter and area level.

The Steering Committee will send information out to women who indicate interest in participating in the Women's Caucus in their area, or wish to form a caucus within their own chapter. Please complete and return the form below; your area representative will be in touch with you.

### STEERING COMMITTEE LIST

Chairperson — Diana White

- Area I — Mary Tennant (tel. 989-4902)
- Area II — Patty O'Connell (tel. 737-8067)
- Area III — Shannon Eaton (tel. 772-6682)

Upcoming events of interest to women:

**August 23** — The Fourth Annual Walk-a-thon to raise funds for ERA, sponsored by the Maine National Organization of Women. Five-mile walk in Bangor. For more information, contact Joanne Dauphinee. tel. 942-2830.

**September 13** — "Women Organizing for the 80's," a labor conference sponsored jointly by MSEA, the Maine Teacher's Association, the AFL-CIO and the Maine Commission for Women. An all-day event in Augusta at the South Parish Congregational Church. Registration is limited to 150 people — **pre-registration required**. For more information, contact Ginger Jordan Hillier. tel. 622-3151.

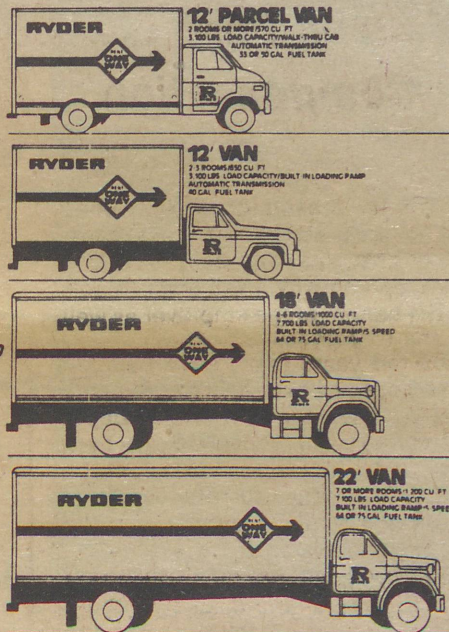
## THE RIGHT SIZE TRUCK, THE MOVING AIDS TO MAKE IT EASY.



Best maintained fleet in the world.



Ask how we can help you.



WITH THIS COUPON  
10% DISCOUNT ON ANY LOCAL OR ONE WAY MOVES  
Your local RYDER TRUCK Rental Dealer  
90 Western Avenue  
South Portland, Maine  
(207) 775-8351

The MSEA Membership Benefits Committee is pleased to announce a new discount program with Ryder Truck Rental, Inc. **A 10% discount on all local or one-way moves is offered.** Twenty-six Ryder Rental locations across the state will continue this offer through December 31, 1980. Clip the ad and bring it to your Local Ryder Truck Rental dealer with your MSEA membership card to take advantage of this discount program.

Belfast Sunoco	Belfast	049771	Tom	1-338-2583
Bob's Truck Rental	Lewiston	042111	Bob	1-783-3304
Cowan's Service	Brewer	044411	Phil	1-989-8841
Dick's Texaco	Houlton	047227	Dick	1-532-3783
Doug's Sunoco	So. Paris	042365	Doug	1-743-9087
Ellsworth Truck	Ellsworth	046989	Cooper	1-667-9357
Elmer's Texaco	Rockland	048333	Elmer	1-596-6800
Farmington Shell	Farmington	049484	Larry	1-778-3757
Dave's Sunoco	Portland	041366	Dave	1-772-8141
George's Chevron	Waterville	049210	George	1-873-1600
Hamlin's Sunoco	No. Windham	040215	Dick	1-892-6598
Maggie's Sunoco	Freeport	040357	Elaine	1-865-4952
Millcreek Mobil	So. Portland	041368	George	1-799-5703
P & S Auto	Rumford	042220	Gordon	1-364-8811
Pine State Mobil	Wells	040311	John	1-646-2737
Reggie's Texaco	Augusta	043314	Gerry	1-622-1008
Riddle's Service	Sanford	040220	Tom	1-324-1234
Shapiro Oil Co.	Biddeford	040219	Elaine	1-284-6254
Taylor Rental	Brunswick	040378	Dave	1-725-7062
Taylor Rental	No. Conway	038123	Ron	1-603-356-5767
Taylor Rental	Presque Isle	047777	Adolph	1-764-1559
J. D. Thomas	Calais	046850	Carl	1-454-8872
Wood's Service	York	039225	Dave	1-363-2855
Portland RTR	Portland	041399	Tony	1-775-6351
Bangor RTR	Bangor	044399	Chuck	1-942-4166
Lewiston RTR	Lewiston	042399	Rick	1-784-6981

## Women's Caucus

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CHAPTER \_\_\_\_\_

BARGAINING UNIT \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_

WE'RE  
FIGHTING FOR  
YOUR LIFE

# Don't Smoke

The American  
Heart Association



# Convention Registration

Everyone who plans to attend the annual MSEA Convention on October 17, 1980 — delegates, chapter presidents, other participants, interested members, and spouses — must complete a registration form and return it to Association Headquarters by **September 25**.

Elected delegates and chapter presidents must indicate whether they desire the meal package. The meal package includes both lunch and dinner on Friday and Saturday and will be paid for by MSEA. **Delegates and chapter presidents must pay for their own hotel accommodations at check-out. They will be reimbursed for lodging and mileage** by submitting vouchers after the convention.

All other members and spouses must include a check or money order with their registration form.

Hotel accommodations must be made **directly** with the Holiday Inn in Portland before September 25. All reservations must be made by mail and must include an MSEA Room Reservation Form which will be available from chapter leaders or MSEA Headquarters.

**Please note:** A \$5.00 registration fee to cover the cost of beverage breaks is required for all person attending the convention who are **not** delegates, chapter presidents or participants.

### REGISTRATION FORM

Maine State Employees Association  
Annual Convention  
October 17-18, 1980  
Holiday Inn-Downtown  
Portland, Maine 04111

NAME: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_ CHAPTER: \_\_\_\_\_  
NAME OF SPOUSE (if attending): \_\_\_\_\_

Please check your status, and if necessary complete the meal registration form:

- ( ) Delegate
- ( ) Chapter President
- ( ) Participant-Committee Member
- ( ) Guest
- ( ) Staff

Please check the following box if you are a delegate or chapter president and desire the meal package - - - - -

### MEAL REGISTRATION

If you are a non-delegate, please complete the following. Note that no refunds will be given after October 10, 1980.

\_\_\_\_\_ Registration Fee (\$5.00 per non-delegate) - - - - - \$ \_\_\_\_\_

\_\_\_\_\_ Friday Luncheon Tickets (\$6.00) - - - - - \$ \_\_\_\_\_

\_\_\_\_\_ Friday Dinner Tickets (\$9.25) - - - - - \$ \_\_\_\_\_

\_\_\_\_\_ Saturday Luncheon Tickets (\$8.25) - - - - - \$ \_\_\_\_\_

\_\_\_\_\_ Saturday Annual Banquet (\$11.50) - - - - - \$ \_\_\_\_\_

Total Amount Enclosed - - - - - \$ \_\_\_\_\_

### ENTREES

- Friday Luncheon  
Special Sandwich Plate
- Friday Dinner  
Boneless Chicken
- Saturday Luncheon  
Luncheon Buffet
- Saturday Annual Banquet  
Roast Top Round of Beef

PLEASE NOTE: Check the following box if you desire daytime daycare service.   
If so, this registration form must be returned to Association Headquarters prior to September 2.



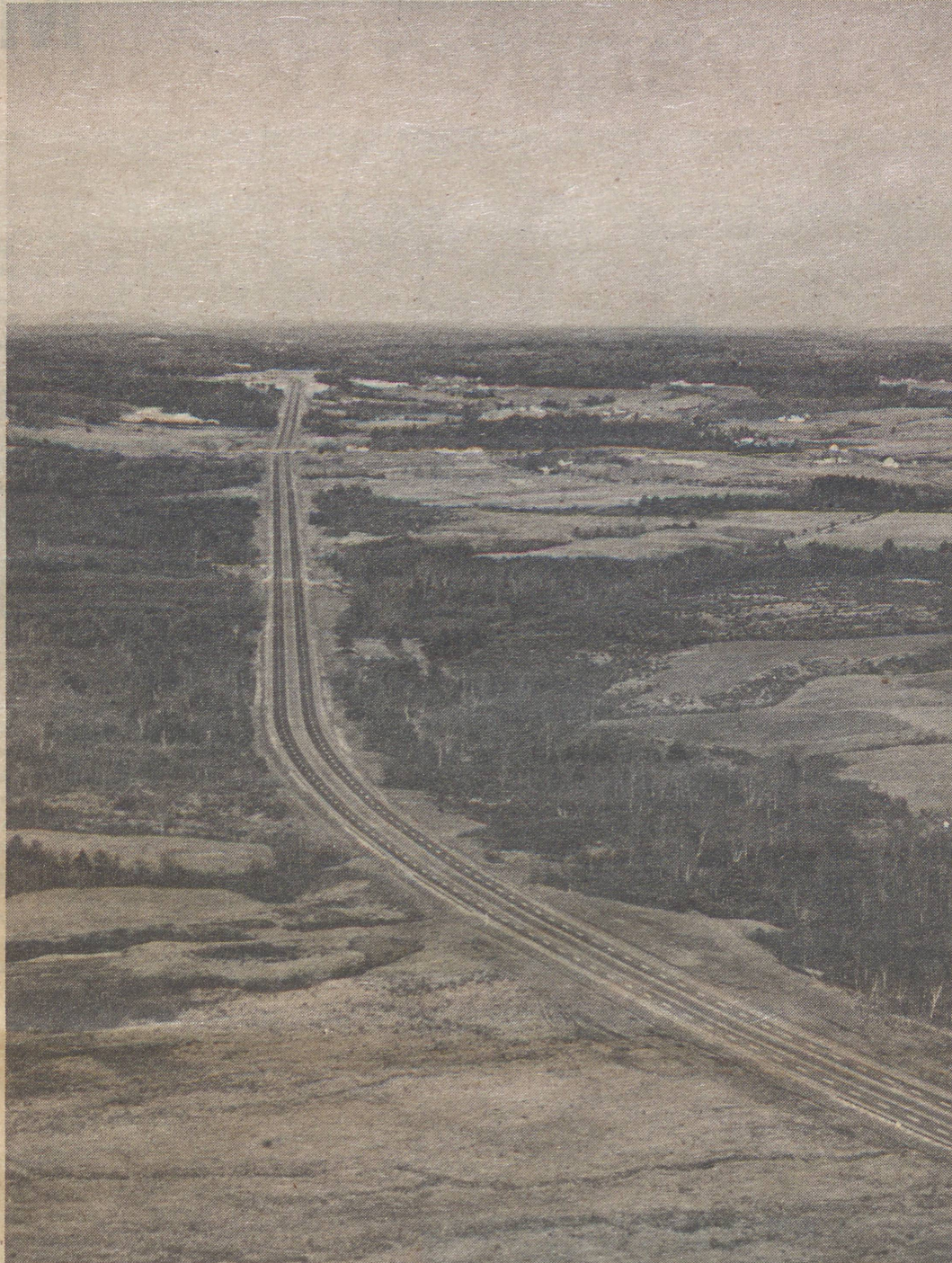


Photo: Maine Turnpike Authority

## The Maine Turnpike System: Paying Its Way In Hard Times

The Maine Turnpike takes care of itself.

Well, that isn't strictly true. Credit for efficient operation and maintenance of the 100 miles of superhighway stretching from York County to Augusta goes to the Maine Turnpike Authority — and especially to its employees. For the 26 years of its existence, the express toll highway has provided a convenient route of clear, smooth sailing for Maine industry and recreation while remaining comfortably in the black. Maintenance and service by Turnpike employees — over

220 of whom are MSEA members — has been paid for by a toll system which collects more than **50% of its revenue from out-of-state travelers.**

The fact that the Maine Turnpike Authority is easily repaying the bond debt originally incurred to build it, in addition to paying its own ongoing costs, is important. After the bond debt is fully retired over the next few years, potentially **millions of dollars** could be contributed by the present toll system — with heavy out-

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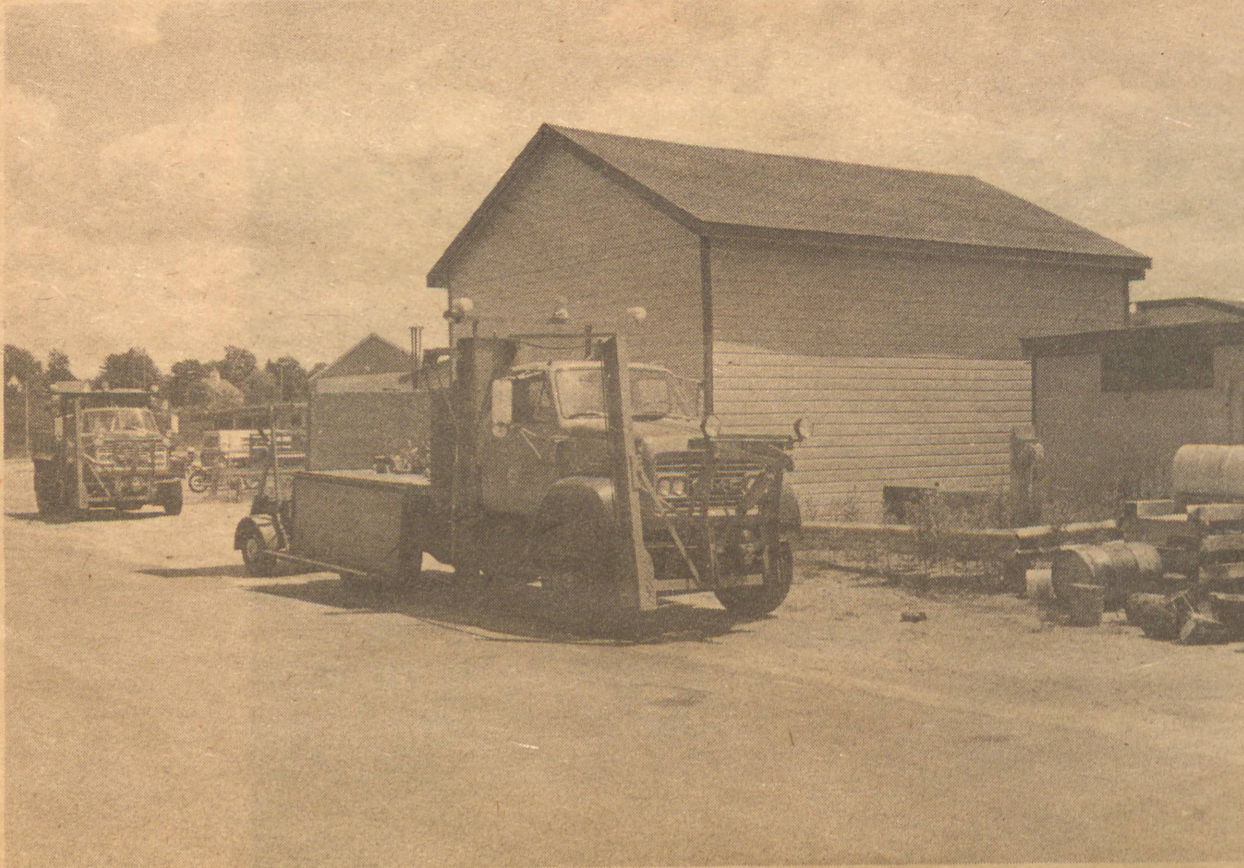
### 1980 TURNPIKE AUTHORITY BUDGET

Estimated Gross Revenue	\$15,080,000
1. Administrative and General Expense	\$1,763,556
2. Accounts & Control	168,810
3. Maintenance of Roadway and Structures	1,488,709
4. Garages, Shops and Equipment	734,684
5. Fare Collection	2,064,498
6. Patrol and Radio Operation	861,858
7. Sign Shop and Building Maintenance	322,821
<b>Total</b>	<b>\$7,404,936</b>
Reserve Maintenance Fund	\$4,000,000
Amount of Bond Debt paid off in 1980	\$3,752,000



# Maine Turnp

Continued from



Gray Maintenance Center

of-state contributions — to Maine's Highway fund. However, the Legislature has currently chosen a "barrier" toll system to replace interchange tolls. Revenue from the four barrier tolls would only cover operations and maintenance costs of the Turnpike. The state would be foregoing millions of revenue dollars in an inflationary era.

MSEA Turnpike employees are having a hard time understanding current plans to place the Turnpike in the hands of the Maine Department of Transportation when the bond debt is paid off. Revenue from the current toll structure pays for 100 miles of well-maintained road and superior services. The DOT is facing a fiscal crisis and possibly millions of dollars in deficit over the next two years. Money from the state gas tax which the DOT relies on is rapidly declining; consumption of gas has dropped and will continue to do so as the price of a gallon of gas rises.

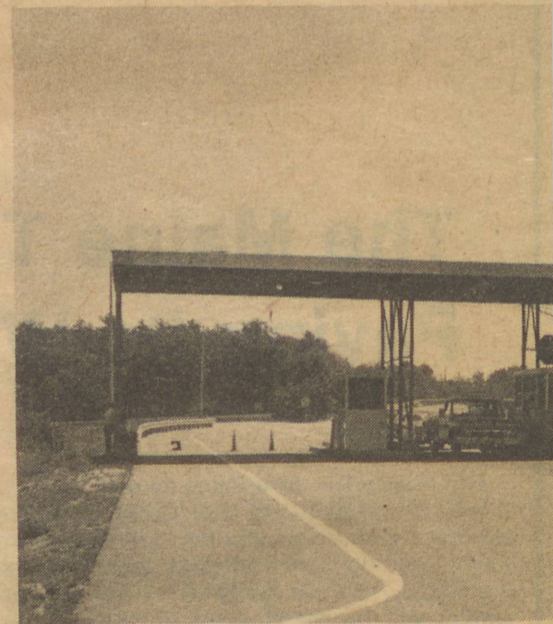
Funds and equipment to adequately take care of the Turnpike exist right now. The job is being done **right now**. Making sure that the quality of Turnpike service remains high is just as important as having sound fiscal structure. Highway Maintenance and improvement; snow and hazard removal; state police patrol and winter patrol; travel information, road and food service; all of these are **part of the present turnpike system**.

Consider the following comprehensive services provided by Turnpike employees on a regular basis:  
 modern equipment maintained and repaired from Turnpike funds;  
 radio communication from each toll house to all ve-

Continued o



College Students Work At Tollhouses During The Summer



Falmou



# Turnpike System:

in Page 5

vehicles, service areas, and the state police if emergency service is required;

toll collectors at each interchange supplied with information and maps about Maine Travel.

Snow removal in winter. Turnpike workers have a reputation for keeping the highway always clear — even after heavy snow — allowing access to shopping centers, industry, airports and community centers.

Winter night patrol. In 1978, Special Services Supervisor Leon Arsenault put together a crew of three men and two trucks to patrol the Turnpike from 9:00 p.m. to 5:00 a.m. **seven nights a week.** Each truck covers 50 miles of highway, servicing motorists who may need help, checking road hazards, and supplying maintenance workers with a running description of road conditions and weather changes. Each patrol carried 2 gallons of free gasoline for stranded travelers. The men are dedicated to their work, and in Arsenault's words, "the amount of service rendered by this patrol fully justifies the expense incurred".

Troop G of the State Police. The Turnpike pays **entirely** for a state police unit assigned the exclusive patrol of the Maine Turnpike. Troop G has one Lieutenant, two Sergeants, twenty Troopers, and twenty-three vehicles. The 1979 budget for Troop G, including payment for uniforms and vehicle maintenance, was \$690,000 — paid for by tolls.

30-40 college students hired each summer as toll collectors. Increased tourist traffic between June and early September means opportunity for temporary work on all three shifts.

MSEA passed a resolution at its 1979 Convention

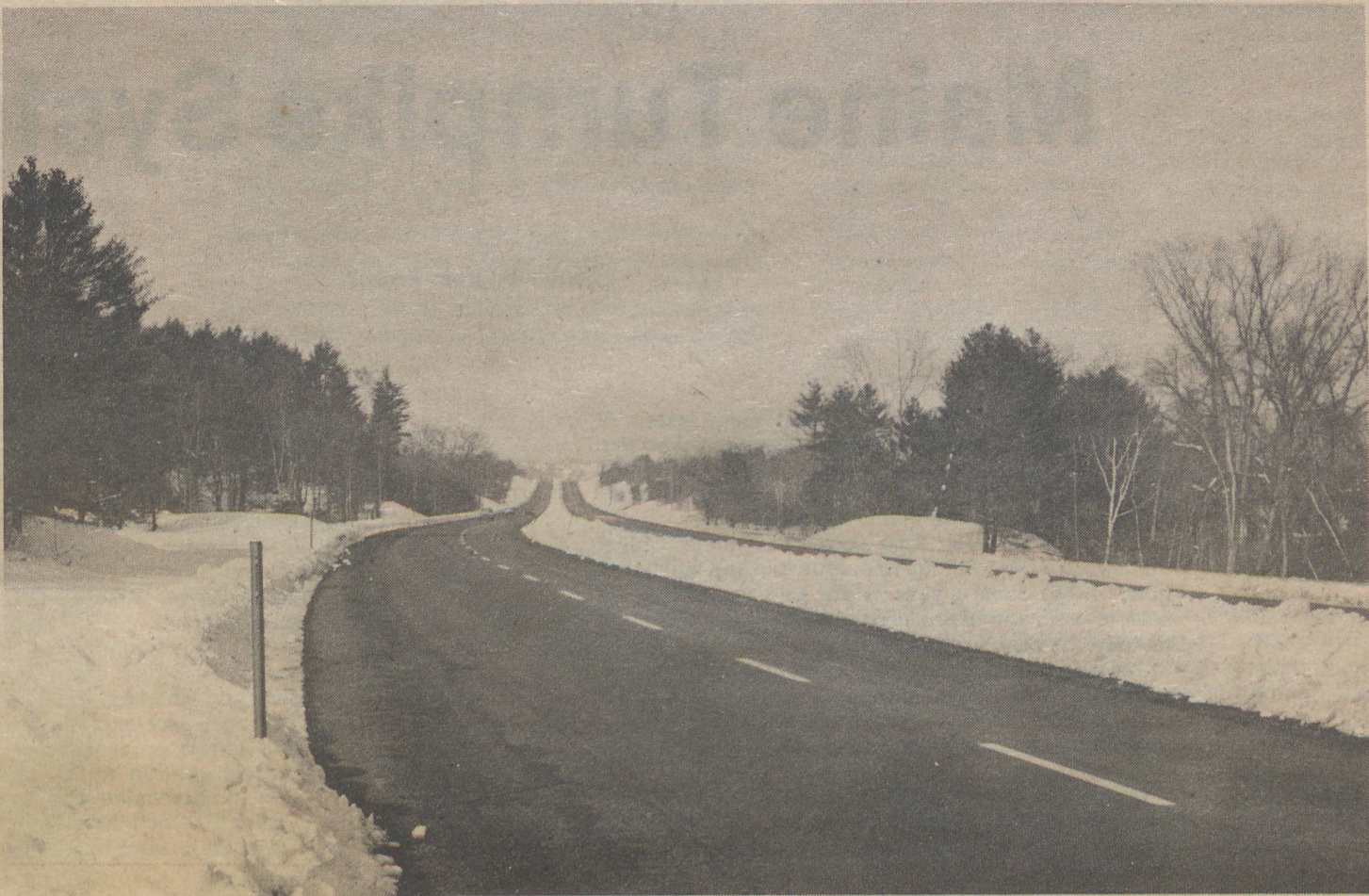
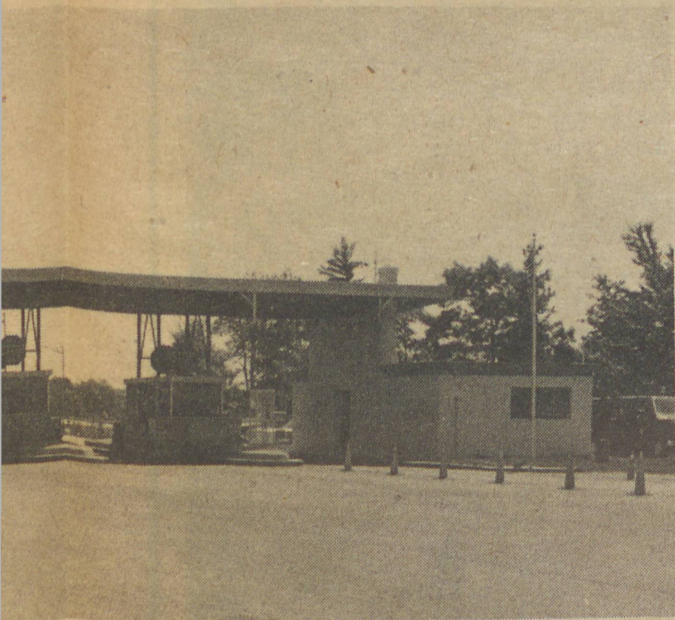


Photo: Maine Turnpike Authority

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th Toll

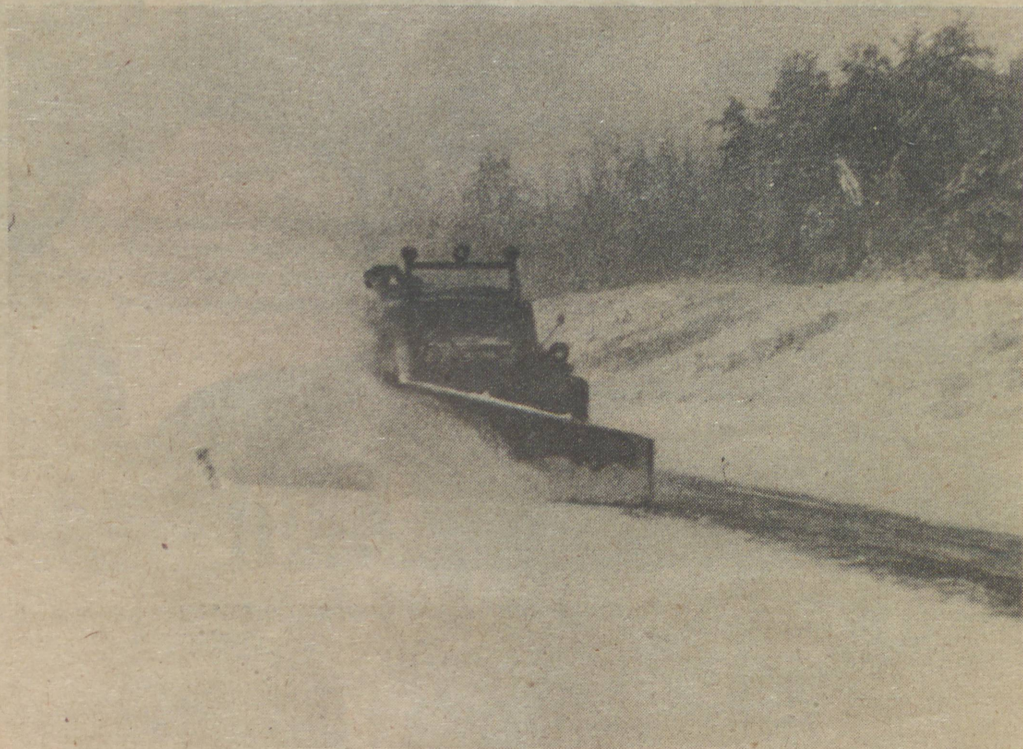


Photo: Maine Turnpike Authority



# Maine Turnpike System:

Continued from Page 7

strongly in favor of continuing the present system of Turnpike tolls which read in part: *"Be it resolved that MSEA promote and support Legislative efforts, on both the state and federal levels, to maintain the existing toll system on the Maine Turnpike"*.

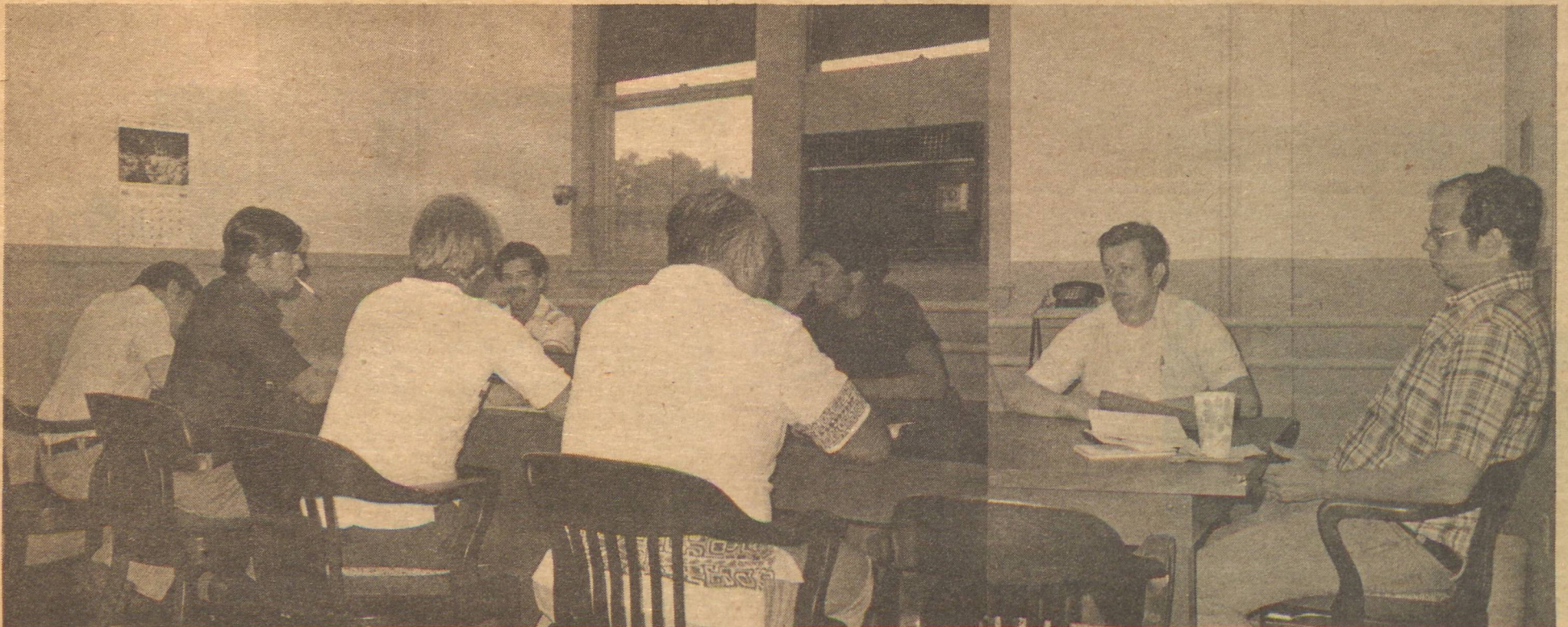
Executive Director John Oliver has made it clear that MSEA will "continue to pursue this as a legislative goal" in the coming year. Oliver said that MSEA will seek to work with a coalition of interested Legislators to keep the current toll system as a necessary source of revenue. A significant part of the Legislative package MSEA hopes to see developed will be a commuter ticket system for Maine residents living near the Turnpike enabling them to have regular use at reduced or eliminated cost.

MSEA Turnpike employees have also taken action. At a July chapter meeting, a special committee was formed with the purpose of getting important informa-

tion about the Turnpike System to Maine Legislators and seek support to keep the existing structure — which works well — firmly in place.

Members of the Special Committee are: Chapter President Ron Ahlquist; Chapter Vice-President David Bolz; Arthur Hayward, Jr.; Fournier Reynolds; Dan Aucoin; Charles Andrews; Don McGoff; Cliff Bagley; Wally Grove; Mike Tardiff; and Robert Layton. (See photo below).

Toll tickets handed out, tolls collected, travel information provided, and 100 miles of beautiful countryside and well-kept highway; this is how the average Turnpike user experiences the Maine Turnpike. But this simple process barely scratches the surface. It takes a well-run, financially solvent day-to-day operation and dedicated work by hundreds of employees to insure that the Maine Turnpike can take care of itself. Which is what Maine has right now.



*Turnpike employees' special committee meets with MSEA Rep. Roger Dunning.*



# MSEA NEWS

## Permanent Arbitrator

Tim Bornstein, Professor of Law and Industrial Relations, University of Massachusetts at Amherst, has been selected by mutual agreement of MSEA and the State as permanent arbitrator to handle reclassification and pay grade assignments now on appeal from the Commissioner of Personnel.

The permanent arbitrator was provided for in the first MSEA Contract (1979), Article XXVIII — Reclassification.

Professor Bornstein is a graduate of Harvard Law School with twenty years' professional experience in law practice, industrial relations law, mediation, and arbitration. He has been an arbitrator extensively for private sector industry and federal, state and local government. He is a member of the National Academy of Arbitrators; the American Arbitration Association; Federal Mediation and Conciliation Service; and the American Bar Association, among other organizations. His publications include a book on the National Labor Relations Board with Frank W. McCulloch, and among many articles, "Interest Arbitration in Public Employment", 1978.

The first orientation meeting with Professor Bornstein took place at 9:00 a.m. on July 30th. Arbitration meetings are scheduled for one or two days per month from now until early next summer.

## NEW STAFF LAWYER



Ann Gosline

Ann Gosline is MSEA's new staff legal counsel. She fills the vacancy left by Nancy Spieczny's departure for extensive travel in Latin America.

Ann was most recently Program Director for a Title III Elderly Program in conjunction with Greater Boston Legal Services and was a member of the Legal Services Attorney's Union. She handled cases specific to the elderly as well as casework involving public and private housing and government benefits.

She was previously Deputy General Counsel for the Massachusetts Department of Public Health for two years.

Ann received her law degree from Northeastern University. She participated in the law school's Cooperative Education/Employment Program which provided her the opportunity to represent clients, prepare briefs, and work on trial preparation with several organizations, including a Boston labor union.

Ann will most immediately be involved in reclassification arbitrations.

## Valpey Retires

Research Analyst Arthur Valpey retired from full-time work with MSEA at the end of July. Art has been with MSEA for ten years, starting as an employee representative. As part of his wide-ranging research job, Art devoted many invaluable hours to development of contract proposals and contract negotiations.

He will continue association with MSEA on a part-time consulting basis.

Stephen Leech, recently an MSEA employee representative for Aroostook, Piscataquis and northern Penobscot Counties, is our new Research Analyst. Steve has extensive union research experience gained in his former job of research director and negotiator for the Amalgamated Clothing and Textile Workers, which includes gathering and interpreting of wage/benefit data and costing of contracts. With contract negotiations around the corner, Steve's experience will be crucial.

## LABOR/MANAGEMENT COMMITTEE ON EDUCATIONAL LEAVE

MSEA is looking for three people to satisfy terms of Article XX of the new contract:

"There shall be established a Labor-Management Committee comprised of three (3) members appointed by MSEA and three (3) members appointed by the state. The committee will have the responsibility for documenting the present practices which exist with respect to educational leave. The committee shall make recommendation to the parties on this subject six (6) months prior to the termination of this agreement."

Any MSEA member may apply. Those interested should send name, address, and work telephone number — along with a brief statement indicating their qualifications for participating on the committee and why they wish to serve — to MSEA Headquarters, c/o Ginger Jordan Hillier.

Administrative leave time will be granted to committee members to attend meetings. MSEA will pay travel costs of committee members attending meetings.

Applications must be received no later than August 22, 1980. MSEA's Board of Directors will make the appointments shortly thereafter.

## MUSIC ORGANIZATION

MSEA members who play a musical instrument or have singing experience and are interested in participating in a state employees musical organization, should fill out the survey questionnaire below.

Possibilities for organizations include: choral groups, Glee Club, Band, Orchestra or small ensembles. Should enough interest be shown by state employees in forming a musical organization, further planning and development will be coordinated by Mr. Virgilio Mori, Music Consultant of Educational and Cultural Services for Maine's Department of Education.

Mr. Mori is presently a violinist with the Portland Symphony Orchestra. He has extensive experience teaching music and organizing and directing music festivals throughout New England, and is Chairman of the Maine Alliance for Arts Education.

Questionnaires should be filled out and returned by Tuesday, September 9 to:

Mr. Virgilio Mori  
Music Consultant  
Maine State Department of  
Education and Cultural Services  
Education Building/State House Section #23  
Augusta, Maine 04333  
289-2033 (work)

1. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone(home) \_\_\_\_\_ (work) \_\_\_\_\_

2. Instrument(s) that you play: \_\_\_\_\_

Voice: Soprano Alto Tenor Bass (Circle One)

3. Write a brief summary on separate sheet concerning your musical training and experience along with the musical organizations that you have participated in the past and present.

# Grievances

## MERIT INCREASE GRIEVANCE

An MSEA employee of the Maine Sardine Council has recently won two retroactive merit increases in an unusual grievance situation. The employee, a Clerk Stenographer II, appealed a performance appraisal and denial of merit increase. MSEA employee representative John Graham found in processing her grievance that the performance appraisal took place 7 months after her anniversary date!

Since the Maine Sardine Council is a small agency, MSEA felt it would be impossible for the employee to get an objective hearing and sought to have an appeals committee comprised of employees from state agencies and departments other than the Sardine Council. A Human Services Appeals Committee was formed with "full power and authority under the Administrative Services Contract and procedures for Agency Appeals" to resolve her grievance.

The Appeals Committee quickly established that there had been no employer compliance with **Personnel Bulletin 10.4** which requires that "employees denied increase...be notified not later than three weeks prior to the anniversary date". The committee recommended that the employee be granted her 1979 merit increase retroactive to May 20, 1979.

In addition, the committee recommended that she be granted a 1980 merit increase retroactive to May 20, 1980, since her employer was already in violation of that time limit as well.

The committee further suggested that further measures be taken by the Commissioner of Personnel to insure among other things that Maine Sardine Council supervisory staff receive "the required training in the Performance Appraisal Process".

## PARKS & RECREATION

A laborer at Mt. Blue State Park won a grievance which arose from the Department of Conservation's failure to comply with Article XXIV (Seniority) of the contract by laying him off improperly.

The grievant worked year-round at Mt. Blue State Park in two seasonal positions. After receiving notice of December 1979, layoff from the Park's snowmobile division — where he had been employed 16 weeks each winter for the past several years — he later discovered that a less senior laborer had been kept on.

His grievance was determined to have merit at the Commissioner's level, and he received payment for wages and benefits lost from December 17, 1979, to April 5, 1980.

## SICK LEAVE GRIEVANCES

(Continued from Page 1)

strike action may set forth that fact in a brief affidavit for the Board. In each case, a copy of the affidavit shall be sent to the respective department.

The department will have the opportunity to file a counter-affidavit in each case and the Board will then either (a) decide the individual case on the basis of the submitted affidavits, or (b) set the matter for an evidentiary hearing if deemed appropriate or necessary.

MSEA is mailing affidavit forms to all employees whose grievances are still unresolved. Affidavits should be completed, signed, and returned by employees who feel they meet the Board's guidelines.

Signed affidavits should be returned to MSEA **postmarked no later than August 20, 1980**. Any employee who has not received an affidavit or who has any questions should call MSEA Headquarters and request the assistance of a staff person.



Art Valpey getting "roasted" by MSEA at his retirement party.



# Maine Labor News

## Report of Penobscot County Board of Review

County employees in Maine can look forward to good news next year. The Penobscot County Board of Review, established this year to "study salaries, health insurance and uniform maintenance allowances for county employees," has made recommendations to City and County Commissioners.

The commissioners will include Board recommendations (or a minimum of 10% of them) in 1981 Budget proposals to go to the Legislative delegation. After delegation approval, they will be implemented retroactively to January 1, 1981.

Board Members were: MSEA Chief Counsel Jack Finn, appointed by the employees concerned; Earle D. Stevens, appointed by the Commissioners; and Kathryn Goodwin, Director of the Bureau of Public Administration, University of Maine at Orono — chosen by mutual agreement of the other two members.

The Board examined data from other Maine counties, municipalities, the state, and the private sector for comparative information. It found that Penobscot County employees' wages and working conditions compared unfavorably to all other groups studied, even to other Maine counties where pay is low.

The Board recommended that effective January 1, 1981, there should be:

- (1) a 15% County wage increase across the board;
- (2) payment by the County of the full cost of health insurance for employees and their families;
- (3) a \$200 yearly uniform allowance.

Also suggested was time and one-half pay for overtime work.

Finally, the board recommended **collective bargaining rights** for county employees, though it acknowledged that this would be a matter for the Maine Legislature.

## RELIEF FUND

The Maine AFL-CIO is sponsoring a relief fund for tradespeople and paperworkers involved in a labor dispute at Scott Paper Co. in Winslow, Maine.

Contributions of non-perishable food items would be greatly appreciated. No money, please.

Contact: Stan Wallace at the International Brotherhood of Electrical Workers (IBEW) Hall, 22 Kendall Street, Augusta. Tel. 623-9158.

## Lockdown At State Prison

Continued from page 11

fourth tier to keep any rising smoke moving out through the windows.

When prison officials announced the lockdown, pandemonium broke loose in East Wing as angry inmates reacted to the news. Furniture was broken up and pieces rained down from cells into the corridor. Toilets were torn loose from walls and pipes or were kicked to pieces. Light fixtures inside cells were smashed and scattered. Ceiling lights outside cells above each catwalk were broken; the block was left in semi-darkness and littered with refuse. Several windows were shattered.

Food from meals brought to confined inmates—and human feces—were thrown against the walls and at prison personnel. Buckets provided for cells with ruined toilets were emptied onto catwalks. Inmates had to be moved from unusable cells; clean, usable cells were at a premium.

Every day during this stressful period, squads of officers escorted prisoners into the corridor in order to clean out and keep sanitary their cells. Walkways had to be cleaned of refuse, walls hosed down. Inmate harassment of guards increased dramatically during the lockdown.

As we moved down a fourth tier catwalk, lunch call came and inmates piled out of cells, jostling by us on the way downstairs and out of the block. Although maintenance workers and guards have requested installation of safety screens to close in catwalks along the top tiers and the stairwell leading down to the corridor, no definite date has been set by the Corrections Department. The catwalk railing is waist-high; the drop to the block floor from the top tier is over 30 feet. This creates a special safety hazard for guards, maintenance employees, and inmates. Several years ago, an inmate was killed in a fall from the fourth tier.

There is also a 2-foot high crawl space — wide enough for someone to climb up into and hide — between the top tier of cells and the building's ceiling. Prison personnel strongly feel that this unsecured area should also be screened in. During a difficult period like the lockdown, employees and inmates have the right to feel secure from potentially hazardous conditions.

### Hospital, Kitchen, Laundry

We left East Wing and visited the prison hospital, staffed by a doctor, a dentist, nurses, two psychologists, and other personnel. MSEA members Patty Parkes, Tony Taylor, Don Ciminy, Carol Wood, and

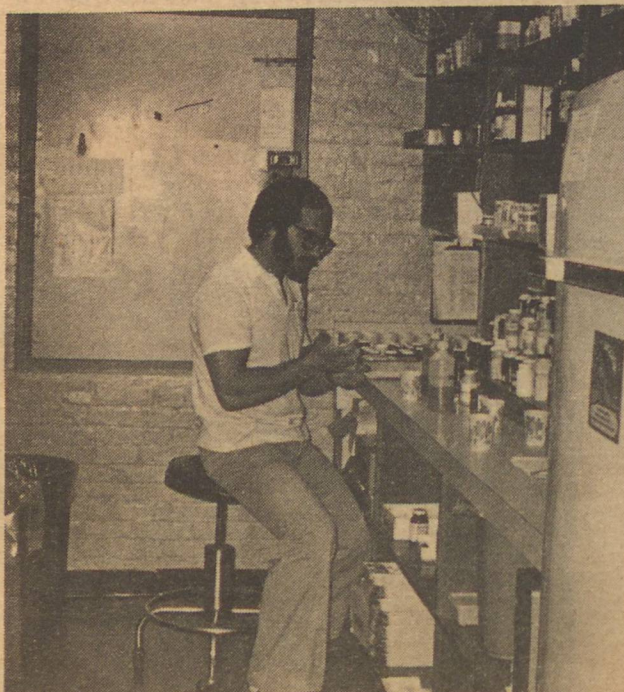
Cecilia Winchenbach were there in the newly-won lunchroom area to talk about the lockdown.

Patty Parkes was at home when the April 16th call came.

"I was awakened at 3:25 a.m. and told to report to the officers training room," she said. She was informed with others at the meeting that "something heavy was coming down". Employees were told that they should be alert, ready to listen. A briefing session which included Acting Warden Don Allen, Commissioner Cannon, and federal officials followed. Employees were informed that inmates would not leave their cells.

The LPN job immediately underwent drastic changes. Prescribed medication had to be delivered to inmates at cell coors, and the staff found themselves walking from one end of each cell block to the other, often down darkened corridors and catwalks with light fixtures broken.

Paperwork doubled, and the number of inmates



MSEA member Don Ciminy at work in the prison hospital.

brought in for emergency purposes — including self-inflicted wounds — increased immediately. Sick call tripled; complaints were often magnified by inmates anxious to leave their cells. Heightened tension of the lockdown led to an increase in the daily average of 15-20 hospital visits to 40-50 visits.

Tony Taylor, in charge of hospital staffing and scheduling during the lockdown, said that "short notice was the first problem. The staff rallied wonderfully". He added that "it's the first time in recent years we have received any credit" from the Corrections Department.

After lunch, we crossed the yard to a separate complex of buildings comprising the woodshops, library, a chapel for inmates, classrooms, the kitchen and the laundry area.

The kitchen area includes a long, open hall with a red-tiled floor, bright blue walls, and rows of tables and plastic chairs. It overlooks the prison's main yard, which is an old, filled in quarry with high rock walls. 100 years ago, prisoners at hard labor broke the quarry rock; now inmates play softball there.

All employees ate meals in this kitchen hall during the lockdown, and many took turns working in the kitchen preparing inmate meals. Usually staffed with inmates to help the cooks, the kitchen was manned by guards and other employees for long, 18-hour days.

MSEA Laundry Supervisor II Howard Whitcomb is in charge of the laundry, dry cleaning and tailor shops below the kitchen. Ordinarily, he works with a staff of between 13 and 20 inmates. Under lockdown conditions, he and two other officers ran all laundry services for inmates.

Work in the laundry under usual circumstances isn't easy. Temperatures rise to 120°F. in the dry-cleaning area, and the constant whirring and roaring of 200 lb. washers, dryers, and presses makes noise a major work factor. In addition to his other duties, Whitcomb also supervised the cleaning and hosing-down of all shower areas in the prison while the lockdown continued.

### Maintenance

After visiting the woodshops, we came to a large building at the rear of the yard which housed an inmate basketball court and the maintenance department. Len Olsen works out of here as an electrician's helper under Chief John Graf.

We talked upstairs above the maintenance office where there are several dark rooms filled with tools, materials, equipment in need of repair, and new supplies. A small corner workplace is hemmed in by tables on top of which rest several deep-green fish tanks. In one, a lone goldfish swims endlessly back and forth. The tanks are the property of an inmate serving a life term who works in the maintenance shop.

Chief Graf, an MSEA member of long standing, described the costs and labor involved in putting the cell blocks back into working order. Company bids have indicated that thousands of dollars will be necessary for screening around cell block catwalks and stairwells such as those in East Wing. New toilets are being installed. New, "unbreakable" plastic lights at \$23 each will replace those destroyed. Electrical wiring and plumbing repairs are always needed. His maintenance crew of five (including himself) and four boiler operators work an extremely busy schedule maintaining all buildings, elevators and sprinkler systems — and making installations. They also maintain several houses outside the prison (such as the Warden's), the nearby state police barracks, a sewage treatment plant in the minimum security prison farm down the road, and the pre-release prison in Bangor. They draft and update prison blueprints.

Chief Graf would like to expand his total crew to thirteen, adding one boiler operator and three maintenance mechanics to cover the large volume of ongoing maintenance work in Maine State Prison. Len Olsen told MSEA that he and the master electrician had to put in a 600 amp electrical outlet and hook up machinery at the minimum security unit at night because they were too busy to leave their day work at the main prison.

Our visit ended about 3 o'clock after a tour of the prison print and upholstery shops. Cecilia Winchenbach and Mae Benjamin both had work to go back to.

The lockdown was a trying period for employees and inmates alike in Maine State Prison. There has been little recognition for the working conditions endured and the task completed. A period of tension, long forced hours of overtime, exhausting work, and absence from family life outside the walls is ending for MSEA workers employed at the prison, but policy changes made promise more hard work in the months ahead. The employees at Maine State Prison proved during the lockdown — and every other day — that they are union members whose workplace rights are well worth fighting for.



# Lockdown At Maine State Prison

Continued from page 12

and Search". After meeting with Governor Joseph E. Brennan and Corrections Commissioner Kevin Cannon, the Bureau of Corrections Director ordered the lockdown because "the climate and condition of the facility" jeopardized a "safe, sanitary setting" in which inmates had to live and work. At the same time, the State Fire Marshall ordered that a growing number of potential fire hazards had to be corrected immediately.

The lockdown was to continue until "the entire facility had been thoroughly searched and put into reasonable fire/safety-code compliance". Inmates were assured that they would be provided with all "the necessary services such as food, clothing, showers, mail and medical care". Visiting was suspended, but was to resume at the earliest possible date.

A departmental memo was sent to employees the same day explaining the lockdown. It stated that "several prison administrations have been placed in the unenviable position of having to create or maintain programs and changes with minimal or non-existent resources . . . inmates at Maine State Prison have gained some control over areas previously controlled by staff". The lockdown was initiated, continued this memo, to meet fire regulations and to "regain staff control over several areas, restructure and redirect programs, and immediately move toward developing new concepts, opportunities, jobs and programs at the prison". A search was underway to remove "potentially dangerous items and contraband".

The memo to employees ended by stating that "during this state of emergency, your daily assignments and hours will be subject to change and extension to meet the needs of the situation".

Deputy Warden Smith told MSEA that the formal lockdown ended July 5th and "things seem to be moving quite smoothly", but that an "emergency situation" still existed.

Things are cooling down," added Deputy Warden of Care and Treatment L. V. Hendrikson. His job during the lockdown included direction of the classification process — which primarily involves inmate work assignments — and making sure Corrections Department policies were complied with during development of new programs for inmates.

Vacations are again being granted to some employees; one day off per week (instead of the usual two) allowed to guards (two days off for those who continue to work 12-hour days); and the 12-hour shifts worked by most employees during the lockdown are now scaled down. Payment for the enormous amounts of overtime logged by some workers — including supervisory personnel — is still an issue. From Deputy Warden on down, State Prison workers averaged more than 300 hours overtime between April 16th and mid-July. Negotiations are underway with the Corrections Department to get reasonable overtime pay for some employees who have so far received — nothing.

Unusual conditions prevailed in each prison workplace while the lockdown lasted. For instance, clerical workers in the Administrative Office were understaffed and severely burdened with excessive paperwork throughout the lockdown. Employees were faced with maintaining existing prison rules, procedures, and services — and coping with new circumstances. Each section of the prison had workers with stories to tell.

## Control Center, Deputy Warden's Office, East Wing

MSEA Steward Len Olsen, a considerate and cheerful man well-acquainted with the workings of the prison, guided MSEA throughout the day. We left the Administrative Office and entered the Control Center. Most employees who work in the prison pass through the Center's heavily-barred, electronically-locked doors. A master control panel behind a large window allows regulation of traffic flow to and from the prison yard. Car keys are passed through a slot under the window and stay there until visitors leave for the day.

In the Control Center is the visiting room. Families coming to see inmates must undergo a thorough (but courteous) search procedure before the visiting hour begins. Visits suspended during the first days of the lockdown were resumed on a limited basis by the end of April to allow inmates "helpful contact and communication" with families and friends.

Gary Hyvarinen is an Assistant Classifications Officer working in the Control Center. His job is to receive new inmates into the prison, assign them to a cell, and begin the process of classification for work. New inmates were still entering the prison after the lockdown began, but they had to be placed directly in a cell under the same conditions as inmates already there. Since job reclassification for inmates already in Maine



Sergeant Winchenbach in the Deputy's Office.



The Control Center

State Prison was a fundamental task under the lockdown, Gary Hyvarinen's work doubled. He and other officers shifted to a work schedule of seven days a week (and hundreds of hours overtime) classifying new inmates and carrying out policy designed to restructure jobs and opportunities for the existing population. Gary received time-and-a-half pay for overtime work. He commented that "staff cooperation has been high . . . everybody pitched in" — working weekends in the kitchen, for instance, to maintain food services on a continuous basis.

We passed through a locked door and down a flight of metal-grill stairs to the yard below. Inmates milled about, talking and eyeing visitors with interest. A few steps away is a blockhouse known as the Deputy Warden's Office. From here, daily activity in the prison is coordinated according to schedule and strictly by the clock. Guards and their officers gather in the "Dep's Office" throughout each shift. When the lockdown began, the Deputy's Office emptied out; personnel were assigned to supplement guards in the cell blocks.

As conditions eased up in June, a strictly supervised schedule for movement around the prison was developed. Each day began with an "institutional count" at 7:00 a.m.; inmate kitchen and recreational crews were escorted to their respective work areas; inmates not segregated from the general population were then escorted to breakfast from each of four separate cell blocks; next, inmates were escorted to morning work assignments or to "free time" in the yard recreation area. Medical services and medication for those who required it were provided during this time. The process continued through lunch, the afternoon work/recreation period, and dinner until at 5:05 p.m. "all inmates were secured in cells," security doors were locked, and the day's "formal" count taken. A final count at 8:30 p.m. ended the thirty-four step routine for the day.

Guards Scott Jones, David Curtis and Dick Wellington discussed the lockdown's 12-to-18 hour days with mixed emotions. All agreed that the 6-week lockdown period was "a pretty tense time". Hours were long, personnel were tired and overworked. Everyone now looked forward to more time off in the near future; during the lockdown, there were no days off per week instead of the usual two. After July 5th when things had "cooled down", guards were permitted one day per week off; that's how it still stands if they work a regular 8-hour shift.

Lieutenant Colonel Donald Jacobson, a 24-year veteran of the prison system and Chief of Security, confirmed that "it was a lot to ask of guards to get the coverage" during the lockdown. He himself put in an extra 400 hours from April to July. Change in inmate mood — especially at the loss of night recreation — had an impact on all prison employees. The summer heat wave didn't help. The comprehensive "shakedown" of buildings and search of every cell, and processing of inmate property (with State Police and Probation and Parole staff help) was well-organized but stressful for all concerned.

"The guards have done a tremendous job," Lt. Co-

lonel Jacobson said. He hoped out loud that a return to "two days off" would be soon, but saw no definite date in sight.

Joann Cook, an MSEA social worker first hired under CETA contract, stopped in at the Deputy Warden's Office. She said that her job was much busier and more "structured" during the lockdown. She was responsible for handling family, marital and individual counselling for inmates, and worked with the classification committee on all prison matters. She was the prison's only social worker until another came on in June.

In the lockdown's first days, Joann experienced a significant increase in crisis counselling. Because no inmates left their cells, she found it necessary to "correspond by mail with inmates in cell blocks". She also did her best to respond to family concerns about inmate welfare.

The Deputy Warden's Office mobilized for a prisoner count just before lunch, so we moved on to East Wing. A cell block which houses just over 150 inmates — some of whom are reputed to be the prison's most unmanageable residents — East Wing experienced considerable stress and destruction during the initial phase of the lockdown. It is a stark place.

Entering through the cell-block door, we first passed by a small, empty auditorium. Before the lockdown, weekend movies were shown there, and it often served as a recreation area for East Wing's inmates. Card games went on from 4:30 to 8:30 p.m.

Just beyond, the cell block itself is another world. A long corridor painted institutional green runs like a narrow canyon down its length, divided in half by a cage-strength screen and door. Rows of slightly opaque windows barred on the outside rise to the roof on the right; rows of cells four tiers high rise up to the left. Halfway along the corridor are the ever-present metal stairs, leading to a second-level guardhouse. Sergeant Linwood Williams and several guards sit crowded in with desks, file cabinets, a control panel, and a large chart on the wall. It shows the layout of cells with occupants names in red, light blue, and black ink.

The 30 or so names in red ink are prisoners under "administrative segregation" — voluntarily confined to their cells. Names in light blue belong to those confined for disciplinary reasons.

Sgt. Williams looks tired as he recalls the lockdown in East Wing. Inmates were allowed to exercise one hour each day in the corridor; the rest of the time they spent in their cells under the supervision of sixteen officers — four for each level. Guards worked seven days a week during the lockdown, and a fire marshal was quartered in the auditorium to monitor fire safety conditions. Small fires became a problem in the cell block.

Because of the potential danger of fire to inmates locked up in East Wing, a 1½" hose and airpicks were kept close at hand. A 1½" hose will soak everything in a small cell in seconds. A stratofan was placed on the

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Warden's-eye view inside Maine State Prison from the Administration Office.

# Lockdown At Maine State Prison

## Employees' Perspective

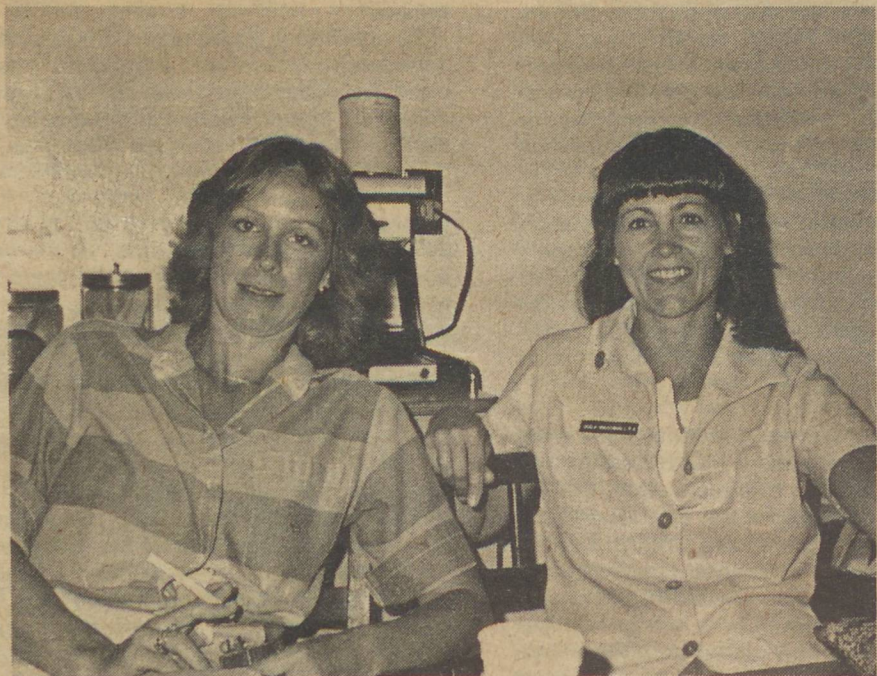
You think you have a tough job, maybe you do. Employees at Maine State Prison in Thomaston know they do. On-the-job pressure is a way of life in the State Prison system; under the much more severe pressure of lockdown conditions for six weeks — inmates confined to their cells 24 hours a day — State Prison employees have performed exceptionally well. MSEA is proud of the job done by its union members and other prison employees at Maine State Prison as well.

The ordeal at Thomaston is almost over. Inmates are returning slowly but surely to the less stringent pattern of prison life. For the more than 230 employees whose work lives pass "inside the walls" in service to the inmate population and to the outside community, return to an 8-hour work day and resumption of normal family life has yet to fully come about. Institutional life for inmates during the lockdown has been difficult; their welfare and rights must be of foremost concern to the Department of Corrections. The lockdown has also meant long hours of hard work, patience, and dedication for employees.

MSEA visited Maine State Prison late in July to see conditions first-hand and talk with workers about their jobs during the lockdown and the current winding-down phase. A complete tour of all buildings and workplaces inside the maximum security facility was made available by Acting Warden Don Allen and Deputy Warden Joseph Smith.

The State Prison is a red brick complex covering several acres located in the heart of the Thomaston community on Route 1. There is no mistaking the long, iron-barred windows and high walls for anything else.

At the lobby desk, an information officer inquires as to the purpose of each visit. He calls inside if the visi-



Steward May Benjamin and Chapter President Cecilia Winchenbach.

tor has an appointment to have an escort come out. MSEA Chapter President Cecilia Winchenbach and Vice-President and Steward Mae Benjamin were on hand to provide information and plan a worksite tour. Cecilia is a licensed practical nurse in the hospital, Mae a Human Services Aide III.

Included in the tour were: Administrative Office; the Control Center, Visiting Room and Deputy Warden's Office; a cell block — East Wing; the prison hospital, kitchen, library and shops; the laundry; and the maintenance department.

### Lockdown

First stop was the Administrative Office at the front of the prison. Deputy Warden Joseph Smith described the basic conditions of the lockdown, which began suddenly last April 15th late at night and continued in full force and effect until July 5th. He also provided information and memoranda suggesting the purposes of the lockdown.

A memo dated April 15th was issued to all inmates from Acting Warden Don Allen. Subject: "Lockdown

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