

# AFUM UPDATE

<http://afum.info/>

1/11/2018

## UPDATE: AFUM Wins Summary Judgment:

**Update:** UMS filed a "Motion for Reconsideration" asking the Court to reconsider the summary judgment in favor of AFUM members. On January 10, the Court denied the University's motion. The Court's next action is to rule on our request for liquidated damages.

The original story continues below.

AFUM, with support of MEA (Maine Education Association), and argued by Donald F. Fontaine, Esq., was awarded summary judgment in Maine Superior Court.

13 USM tenured professors who were retrenched in January 2015 were denied payment for salary previously earned. AFUM took their case to arbitration and each member was awarded an additional 1&1/3 month of salary and retirement contribution.

UMS refusal to pay the back wages when due and when demanded by AFUM violates Maine wage payment law. The penalty is *double* damages and our attorney fees. AFUM and MEA still paid arbitration fees from member's dues.

Summary judgement is given when the question is a matter of law and a side prevails as a matter of law. This ruling says that our members are entitled to statutory remedies (double damages and costs). Some more steps need to be taken to convert this victory to a Court order to pay our members their liquidated damages.

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Negotiations Continue: A path to reaching an agreement has opened. Updates to follow.

“An employer who elects to refuse payment based on a dispute needs to be right, or will face the statutory penalties. That outcome is consistent with the remedial purpose of the statute.”

Justice A.M. Horton