

# Engineers News

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OPERATING ENGINEERS LOCAL UNION NO. 3

ALAMEDA, CA

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## ***Dredging comeback***

**With several new disposal sites  
nearing approval, S. F. Bay  
prepares once again for  
full-scale dredging**

*(See stories pages 4-7)*

### **Important Notices Inside**

See page 21 for important information regarding the election of the Local 3 Election Committee. See page 22 for the schedule of Grievance Committee and Geographical Market Area Committee elections. Also, March 1 is the deadline for the Local 3 Scholarship Contest (page 10).

**Photo by Steve Moler**



## FOR THE Good & Welfare

By Tom Stapleton  
Business Manager

**"We're not anti-environment, but we may be anti-environmentalist."**

The Operating Engineers and other construction trade unions are frequently accused of being anti-environment. That is inaccurate. I would estimate that the vast majority of our members love the outdoors. They camp, they fish, they ride horses and enjoy the many benefits this country provides. Most want to do their part to preserve the wilderness.

But if you ask me if we are anti-environmentalist, I'd have to think on that one a while. The truth is, I'm becoming more anti-environmentalist the older I get.

Why? Because, many so-called environmentalists are nothing more than no-growth activists who are quick to use environmental laws as their quill of arrows to shoot holes in legitimate development. They are not so concerned about the environment as they are in getting rid of the kind of residential and commercial growth that is needed to fuel our nation's economy.

I will never forget the fight Local 3 had back in the 70s to build Warm Springs Dam in Sonoma County. The environmentalists came out in droves and did everything possible to torpedo this project. We fought fire with fire. They would come to the public hearings to oppose the project, and there they would find our members filling the room, clad in hard hats and work boots.

They put an initiative on the county ballot designed to hold the project up. We produced thousands of pamphlets supporting the project. In the end, the dam was built.

What has happened since its construction? There has been major flooding in the Russian River three times. All three times the water level stopped short of wiping out Guerneville and other communities along the river bank – thanks to Warm Springs Dam.

After six years of drought, when the rest of the state was on severe water rationing, Sonoma County residents still enjoyed ample water supplies – thanks again to Warm Springs Dam.

Only an idiot would look back and say that Warm Springs Dam should never have been built. And that's where I put these extremist "no-growthers" who call themselves environmentalists.

We used to think it was bad when they just smoked dope and carried signs. Now they wear suits, carry law degrees and occupy positions in government where they can do significant damage to working men and women.

A recent editorial in the *Wall Street Journal* shows just how bad it can get.

Brandt Child, a property owner in Utah has a 500 acre desert oasis which has been rendered useless. He bought it in 1990, planning to build a campground and golf course near its three lakes. The next year, the Fish and Wildlife Service told him he couldn't use

his property because the lakes were inhabited by some 200,000 thumbnail-sized Kanab ambersnails, which differ from other snails only because of their golden color.

A few months later, Mr. Child discovered that someone had abandoned 10 domestic geese near his ponds. He dutifully notified federal officials, who told him that if the geese had eaten any snails he faced a fine of \$50,000 per snail. A state wildlife agent and a Highway Patrolman arrived on the property with a shotgun. They planned to shoot the geese and remove their stomachs to find out how many snails had been eaten.

They were foiled by Jeannie Hunt, a reporter for the *Southern Utah News*, who showed up to tell them she would take pictures of their massacre. "They backed off, saying it would be bad PR to see the agency portrayed as killing innocent geese to save some snails," Ms. Hunt said.

Leon Colborn, a Fish and Wildlife biologist, justified the attempt at the time: "I don't think we could assess how many snails they have eaten unless we kill them." Nonetheless, the government settled for forcing the geese to vomit. No dead snails were found.

The geese may be safe, but Mr. Child says he's out \$2.5 million because he can't use his property. The Nature Conservancy has offered to buy 300 acres for about half the market value, but a stubborn Mr. Child isn't giving up. He's put up signs warning locals away: "Snails at Work." Last month, the Mountain States Legal Foundation filed a lawsuit claiming the government has effectively taken his property without compensation.

When President Richard Nixon signed the

species act into law in 1973 it was primarily intended to protect threatened bears, eagles and wolves. Court rulings and bureaucrats have expanded its scope to include nearly everything bigger than a microbe, including many varieties of beetles and rats. The list of endangered species now tops 800. Another 4,000 species are nominees for the list.

The *Wall Street Journal* apply states: "At this rate, there will soon be only one species that will have no protection at all: Human Property Owner."

It gets no better closer to home. Out in San Joaquin Valley, a planned community called Mountain House is in limbo – partially because no-growthers say there is a rare and endangered fox out there in the grass somewhere – and we can't mess around with its habitat.

We are finally working on a major interchange in Walnut Creek that was delayed for a long time because no-growthers convinced a judge that this construction project would somehow increase air pollution. That project is well underway, but there are others in the East Bay that still have not begun for the same reasons.

If you add up all the worthwhile projects that are held up because of no-growth activists, the total is staggering. Those stalled projects represent lost jobs. They represent unpaid mortgages and repossessed trucks. They represent lost tax income and huge deficits that Governor Wilson doesn't know how to handle.

Californians are leaving this state in droves. Why? One major reason is that California is becoming too hard to live in – unless you're wealthy or don't mind living on welfare.

Working people can't work in a state that doesn't want business. Construction workers can't build in a state that makes it impossibly expensive and restrictive to build.

Economists who want to turn this state's economy around better wake up and realize that there is a very real connection between the no-growth environmentalists who are running the government and the businesses that are pulling up stakes and leaving town.



## Engineers News

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# House clarifies ERISA, allows state prevailing wage laws

The U.S. House of Representatives, by a vote of 276-150, has passed legislation, HR 1036, that would exempt state laws covering prevailing wages, apprenticeship standards and mechanics' liens from being preempted by the Employee Retirement Income Security Act (ERISA).

When Congress enacted ERISA in 1974 to regulate pension, health and welfare benefit plans, the law was intended to prevent conflicting regulations by state and local authorities by putting the benefit plans exclusively under federal law. Congress never intended, however, to preempt the states from setting the terms under which they contract for public works and other goods and services.

But non-union contractor groups successfully persuaded federal courts in the late 1980s to interpret ERISA quite differently. Two federal appeals courts in California and New York ruled in 1989 that ERISA preempted state laws regarding state prevailing wages and apprenticeship standards. In other words, states could no longer regulate certain aspects of apprenticeship nor impose prevailing wage requirements on public works projects.

The AFL-CIO Building and Construction Trades Department moved swiftly during the 1991-1992 congressional session, the 102nd Congress, to sponsor legislation that would clarify the confusion regarding ERISA. The bill, then called HR 2782, passed overwhelmingly in the House but because of election-year politics was never acted on by the Senate.

A similar bill, HR 1036, was immediately introduced in Congress at the beginning of the current congressional session that began last January and was passed in the House on November 9 by almost a 2-to-1 margin.

Rep. Howard Berman (D-Calif.), the bill's sponsor, said during debate on HR 1036, that he had been "amazed to learn" the range of state laws invalidated "in areas where Congress has never purported to legislate. Relentless efforts have been made to overturn an array of state laws establishing labor standards and other protections for workers."

HR 1036 clarifies the intent of ERISA and restores the rights of states to act in three major areas affecting workers:

- Require payment of prevailing wages.
- Establish minimum standards for apprenticeship and training programs.
- Allow multi-employer plans to use state mechanics' lien laws to col-

lect delinquent contributions to employee benefit funds.

## State prevailing wage law

In the New York case, *General Electric Co. v. New York State Department of Labor*, the Second Circuit Court of Appeals ruled that New York's public works prevailing wage law was preempted, or invalidated, by ERISA. The state's prevailing wage law required employers to provide the prevailing level of employee benefits or their cash equivalent on public construction projects.

Organized labor unsuccessfully argued that the court's decision seriously weakened state government efforts to regulate wage standards, protect workers from unscrupulous construction employers, and maintain a level playing field for contractors who engage in the competitive bidding process that's part of any public works project.

Under HR 1036, states now would be able to reinstate or pass prevailing wage laws without federal interference. Thirty-two states, including California and Nevada, already have enacted state prevailing wage laws that require contractors and subcontractors on publicly funded projects

to pay workers at least the dollar value of cash wages and employee benefits prevailing in the project's area.

## Apprenticeship standards

Since the enactment of the National Apprenticeship Act in 1937, the promotion and protection of apprenticeship has been a joint state-federal responsibility. Under that law, sometimes referred as the Fitzgerald Act, 27 states, including California, plus Puerto Rico and the District of Columbia, have chosen to regulate apprenticeship on a state level through comprehensive state apprenticeship laws. These laws, like prevailing wage laws, require contractors on public works projects to meet state requirements concerning the employment and training of apprentices.

But a federal appeals court, the Ninth Circuit in California, in *Hydrostorage Inc. v. Northern California Boilermakers Local JAC*, ruled in 1989 that ERISA preempted the California public works apprenticeship standards, and that non-union contractors need not comply with those standards in order to perform on a state public works project.

HR 1036, which the Clinton administration supports, stipulates that state apprenticeship laws are not preempted by ERISA and will allow states to set standards for certification or training of apprenticeships on publicly funded projects without being subject to pre-emption under ERISA.

Anti-union organizations such as the National Association of Manufacturers and the Associated Builders and Contractors had opposed HR 1036, claiming that by allowing the state prevailing wage laws to stand, non-union companies that want to train workers will have to join union apprenticeship programs or be denied the ability to train workers.

Non-union contractor groups filed the original suits in California and New York because state prevailing wage laws, they claimed, discriminated against non-union apprenticeship plans, and that unions exerted too much influence over state apprenticeship councils, blocking out other programs.

## Mechanics' lien laws

HR 1036 would also exempt state mechanics' lien laws from ERISA preemption. Mechanics' lien laws, which date back to the late 19th century, grant individuals or companies who perform services a lien on property to secure payment of their work. These laws are an essential tool used by labor-management, multi-employer pension, health and welfare plans in the construction industry to collect delinquent, collectively bargained employer contributions.

But a federal appeals court in Louisiana in 1990 and the California Supreme Court in 1991 ruled that ERISA's preemption provisions bar benefit plans and workers from using state mechanics' lien laws to collect employer pension health and welfare contributions. But HR 1036 makes these laws available once again to workers and their benefit plans by clarifying ERISA's preemption provisions.

The struggle for ERISA clarification is not over yet. The Senate must also pass its version of the bill. Labor will push for passage of SIS80 when Congress returns from its holiday recess.

You can get involved in the ERISA debate by writing to your two senators urging them to support legislation that would exempt state laws covering prevailing wage, apprenticeship and mechanics' lien laws from being preempted by ERISA.

## Significant statistics

### Pay equity?

Earning \$3.8 million in 1992



1 CEO



447  
minimum-wage  
workers

The "average" chief executive of a blue-chip corporation raked in \$3.8 million last year. It took 447 workers paid at the federal minimum wage to match that amount. The \$4.25-an-hour minimum wage has not been raised since April 1991, while CEO compensation soared 56 percent just in 1992.

Consumer price index  
September no change

Real weekly pay  
September -0.9 percent

Housing starts (annual rate)  
September 1.35 million units  
Change +2.8 percent

Industrial production  
September +0.2 percent

Capacity utilization  
September 81.6 percent

Trade deficit  
August \$9.7 billion



# Bay dredging comeback

*Several promising new disposal sites could clear way for Port of Oakland to begin dredging its harbor to 42 feet by this fall*



The Port of Oakland, the third busiest container operation on the West Coast, needs to dredge its harbor to 42 feet to stay competitive with ports in Southern California and the Pacific Northwest.

**By Steve Moler**  
**Assistant Editor**

**J**ust a year and a half ago, San Francisco Bay dredging was hopelessly stuck in a huge mud hole. Today, thanks in large part to organized labor, bay dredging is poised to make a major comeback.

In the past two years since a dredge moratorium halted virtually all dredging inside San Francisco Bay, significant progress has been made towards resolving disputes that stopped the dredging in the first place. These settlements among environmental groups and federal and state regulatory agencies have allowed several dredging projects to finally proceed and others to move closer to final approval, including the all-important deepening of the Port of Oakland from 38 feet to 42 feet.

This past fall, for instance, the U.S. Navy won approval to dredge the aircraft carrier pier at the Alameda Naval Air Station from its present 42 feet to 50 feet and dredge the Oakland Naval Supply Center's harbor and approach channel from 38 feet to 41 feet. The Port of Oakland, meanwhile, just completed dredging 200,000 cubic yards at its new Mitsui terminal at Berth 30.

**Importance of bay dredging**  
Bay Area ports, particularly Oak-

land, desperately need to dredge their channels to accommodate the new generation of container ships, which have a loaded draft of about 41 feet. Until recently, though, environmental lawsuits and government agency turf wars have kept dredging of the bay's relatively shallow shipping channels at a virtual standstill.

Prior to Oakland's 38-foot deepening project in late-1992, dredging anywhere in San Francisco Bay, with the exception of some small maintenance dredging, ceased for a period of more than a year while just about every group with an interest in San Francisco Bay bickered over how to safely dispose of the dredge spoils.

As litigation dragged on, the Port of Oakland, once the number one container port on the West Coast, started losing business to rival ports in the Pacific Northwest and Southern California because fully loaded container ships could enter and leave the port only at high tide. Oakland's West Coast ranking has since fallen to third behind the ports of Los Angeles and Long Beach.

To put the importance of bay dredging in perspective, if Oakland and other bay ports can't dredge their channels, water depths at all these locations would shrink to less

than 28 feet within five to seven years, halting virtually all major shipping operations in the bay and devastating the local economy.

The Bay Area would immediately lose \$3.3 billion in shipping-related economic activity, 26 percent of its recreational marine berths, 1,422 jobs in the shipping industry with a \$58 million payroll, and \$40 million in annual revenue in the ship repair industry. The economic impact would also extend far beyond the maritime industry, to sectors like heavy manufacturing, which relies extensively on shipping to receive parts and send products overseas.

## **Labor's contribution**

The recent surge in bay dredging activity is the result of months of hard work by the Bay Dredging Action Coalition, an organization of business, labor and community groups that has worked closely with environmental groups, the U.S. Army Corps of Engineers and the Bay Area congressional delegation to help find short- and long-term solutions to the dredging crisis. Building trades and Local 3 officials have attended numerous meetings and provided valuable input on how to deal with the crisis and put union members to work.

The coalition has placed a top pri-

ority on the timely completion of the corps of engineer's Long Term Management Strategy, which, when completed this fall, will lay the foundation for the federal government to develop common regulations to handle the disposal of dredge materials for the next 50 years. Most importantly, the LTMS will identify environmentally acceptable and economically feasible disposal sites.

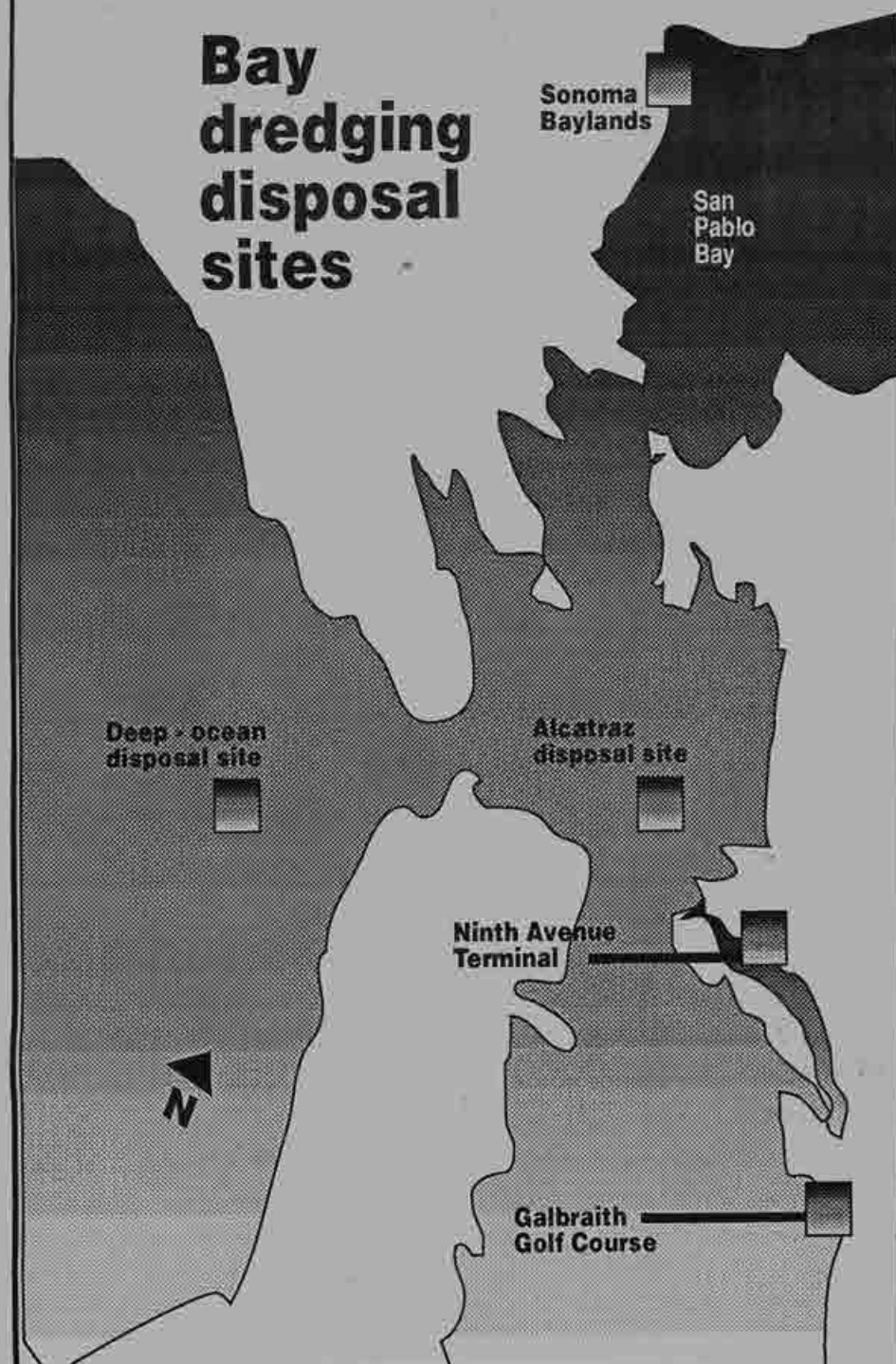
For years the only open disposal site was near Alcatraz Island. But in July 1991 the National Marine Fisheries Service closed the site after it contended that the Chinook salmon population had drastically decline allegedly because of toxins in dredge spoils deposited at the site. The fisheries service subsequently stopped issuing dredge permits throughout San Francisco Bay until the suspected problem could be studied further.

## **Labor moves into action**

It was the closing of the Alcatraz disposal site that moved organized labor into action. Northern California central labor councils began meeting in fall 1991 with the Bay Area congressional delegation to find ways to cut through all the regulatory red tape. The meetings paid off. Back in Washington D.C., Rep. Ron Dellums, D-Oakland, a longtime labor supporter, attached to the



## Bay dredging disposal sites



federal dredging authorization bill, an amendment that provided \$2.7 million for the corps of engineers to begin its LTMS.

Since the LTMS got underway, several promising disposal sites have been identified and proposed. The Alcatraz dump site has been studied and reopened for limited dumping. Because sediments have been dispersing quite well at the site, the corps is now allowing up to 400,000 cubic yards of maintenance dredging material per month to be placed there.

### Deep-ocean disposal site

The Environmental Protection Agency approved in January 1993 a "deep ocean" dump site about 55 miles west of the Golden Gate just beyond the Farallon Islands. In its draft environmental impact statement, the EPA said the site, which is 9.5 square nautical miles with depths of up to 9,000 feet, could handle a hefty 400 million cubic yards over the next 50 years without posing a major threat to fish and other

marine life.

At press time, EPA had given the U.S. Navy approval to dump 1 million cubic yards of spoils at the deep-ocean site from its Naval Supply Center project. However, EPA is expected, perhaps as early as February, to give the site a "multi-use" designation, meaning anyone will be able to use the site after obtaining EPA approval. If this happens, bay ports will finally have a disposal site capable of handling significant volume.

The only major drawback to the deep-ocean site, in addition to its relatively long distance from shore, is that users will have to perform on-going monitoring and site evaluation of how dredge materials are affecting the ocean floor, a requirement that could add significant cost to future dredging projects.

### Galbraith Golf Course site

The newest disposal site, approved by the Oakland City Council November 16, is the 18-hole Lew F. Galbraith Golf Course on Doolittle

Drive near the Oakland International Airport. The Port of Oakland, which owns the land, wants to cover the course with up to 900,000 cubic yards of spoils unsuitable for ocean disposal, then have the course redesigned by a world-renowned golf course architect and reopened by 2000.

The port wants to begin dumping at the site as soon as possible provided it can avert any lawsuits and wins approval from Alameda County and the Regional Water Quality Control Board. Because the golf course was originally built on a garbage landfill in the 1970s and is located so close to the bay, environmental groups no doubt will carefully scrutinize the project.

### Sonoma Baylands

Another small, but very important, upland disposal site is Sonoma Baylands located on San Pablo Bay at the mouth of the Petaluma River near Sears Point. Up to 3 million cubic yards of dredge material will be hauled to the 330-acre site to create wetlands. Congress, the California Legislature and the corps of engineers recently agreed to fund substantial portions of the project. If several more million dollars in funding can be found, construction on building the tidal salt marsh could begin in June.

What makes this site so promising is that environmental groups general support the project because it will provide habitat for at least two endangered species. The only problem remaining is that the U.S. Fish and Wildlife Service wants off-site mitigation for the loss of 56 acres of seasonal wetlands caused by construction of the tidal marsh. The cost of such mitigation would be substantial and not covered under current funding.

Another upland disposal site under serious consideration is the Montezuma Wetland Project in Solano County. This 2,000-acre site, a joint venture between property owner Catellus Development Corp. and Levine-Fricke engineers, could accommodate about 20 million cubic yards of dredge material. The project's draft environmental impact statement has been completed, and construction is scheduled to begin in October.

### Oakland's 42-foot project

When all of these sites are approved and funding appropriated, the Port of Oakland will be able to proceed with its 42-foot dredging project, perhaps as early as this fall provided all the permits can be obtained that soon. A mid-1995 start date is more likely, though.

Of the 5.6 million cubic yards to be dredged over about 18 months, 2.6 million will be taken to the Sonoma Baylands Wetlands Restoration

Project at an estimated cost of \$21 per cubic yard, 1.7 million to the deep-ocean site at about \$10 to \$11 per yard, and 1.3 million to the Galbraith Golf Course at \$18 to \$20 per yard.

Roughly 100,000 yards of "unsuitable" material will be dried at the port's Ninth Avenue Terminal and trucked to a sanitary landfill in Livermore. "Unsuitable" material, by the way, doesn't contain any toxic or contaminated material, just traces of hydrocarbons that make the spoils unsuitable for aquatic disposal.

The deepening project and subsequent accommodation of larger cargo vessels will open the door for additional modernization and expansion, projects that will put operating engineers and other construction trades to work for years to come.

### New Mitsui terminal

The port, in a \$78 million joint venture with the Japanese shipping company Mitsui, recently completed its first new terminal in 10 years, a job that at its peak employed as many as 40 operating engineers. The port is also lengthening the dock at Howard Terminal near Jack London Square an additional 300 feet to handle the newest generation of container vessels.

In the design stage is another major port modernization plan to build a \$150 million "super-intermodal" cargo facility. Lines from Southern Pacific, Union Pacific and Santa Fe railroads, along with truck arteries, would converge near the container docks to speed handling of cargo. The new facility would pump an additional \$500 million a year into Northern California's economy.

### Naval Supply Center conversion

On the distant horizon are plans to obtain up to 80 percent of the Oakland Naval Supply Center and convert it for maritime use. The plan, which would nearly double the port's size, includes building six new container cargo berths, additional trucking facilities and storage areas. The expansion could add more than 4,000 jobs to the region, \$187 million a year in personal income and \$500 million in business revenue.

The Navy has already agreed to lease to the port an 80-acre supply center parcel next to the Oakland inner harbor and Union Pacific Railroad yard for \$1 a year for 50 years. The port's short-term plan is to tear down five of the six existing warehouses to give Union Pacific more capacity and clear the way for new storage space. The port will probably lease the sixth warehouse to a trucking or warehouse company.



# Dutra dredges at new Mitsui cargo terminal

Dutra Construction Co. Inc. recently completed a 200,000-cubic-yard dredging project at the Port of Oakland's Berth 30. The project involved deepening portions of the port's outer harbor at Berth 30 from 35 feet to 43 feet so that the new generation of container vessels, with 41 feet of draft, can dock at the new Mitsui terminal.

For the past year and a half, prime contractor Obayashi America has been constructing the \$78 million Mitsui terminal, a joint venture between the Japanese shipping company and the Port of Oakland. The maintenance dredging was needed so that container ships can dock at the new terminal at high and low tide.

Dutra's dredge, the Derrick Barae 24, using a 9-yard clamshell, loaded the silt and mud into the 3,000-yard barge Scow 3, which dumped the spoils out at the nearby Alcatraz disposal site. Local 3 member Andy McBride was at the controls of the DB 24.

Completion of the Mitsui facility marks the first time the Port of Oakland has built a new terminal in 10 years. During that same period, the ports of Los Angeles and Long Beach developed 795 acres of new terminals and Seattle and Tacoma developed 196 new acres of container ship terminals.

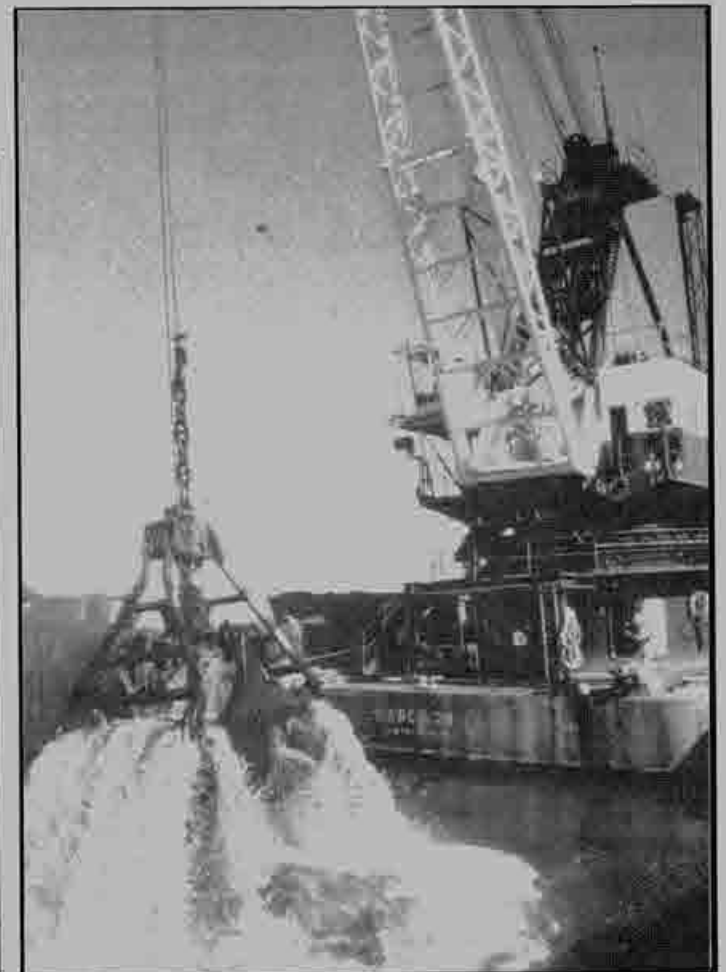
Over the past decade, the Port of Oakland has continually lost business to those other West Coast ports because it has the shallowest harbor of any major port in the world. Fully loaded container ships have to sit, at a cost of \$1,000 an hour, off the Golden Gate waiting to enter the port at high tide. Frustrated shippers have simply taken their business to competing facilities in Southern California and the Pacific Northwest.

Ten years ago, Oakland had 35 percent of the container shipping business on the West Coast. Today, it has slipped to 15 percent, primarily because the new generation of super cargo container ships sailing between North America and the Pacific Rim could no longer dock safely at Oakland.

However, with completion of the Mitsui terminal and the likelihood that Oakland will be able to proceed with deepening its harbor to 42 feet as early as this fall, raises hopes that the port could once again regain its old glory.



The crew of the Derrick Barae 24 is from left: Deck Engineer Jeff Center, Scowman Michael Trisby, Deckhand Manuel Simas, Welder Tirso Mendoza and Captain Greg Holder. Not shown is dredge operator Andy McBride.



Dutra's dredge, the Derrick Barae 24, with Local 3 member Andy McBride at the controls, pulls mud from the depths of Oakland's outer harbor at Berth 30, where the new Mitsui terminal was recently completed.



The Derrick Barae 24's 9-yard bucket pulled up 200,000 cubic yards of sediments during the project.



Deckhand Manuel Simas applies a coating to the deck of the Derrick Barae 24.

# Dutra also dredging at Oakland Naval Supply Center

While Dutra's dredge, the Derrick Barae 24, was pulling up mud and silt from the bottom of the Port of Oakland's outer harbor at Berth 30, another Dutra rig, the Paula Lee, was being used at a dredging project next door at the Oakland Naval Supply Center.

The U.S. Navy has embarked on a \$10 million dredging project to deepen channels at the supply center and Alameda Naval Air Station to allow aircraft carriers and other large ships to move freely in and out of their berths at all times. Like the Port of Oakland's container vessels, navy ships must wait for high tide to dock. The aircraft carrier U.S.S. Enterprise ran aground in 1983 as it attempted to dock at the carrier pier.

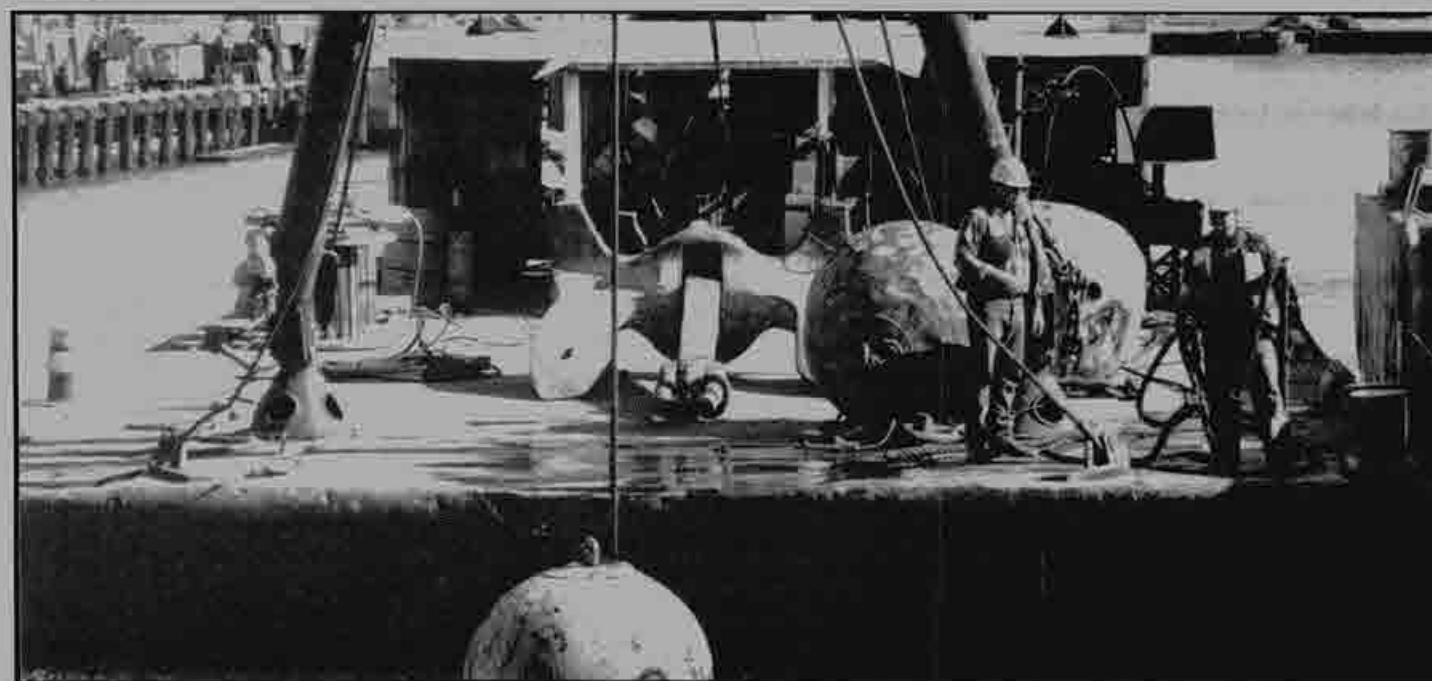
The project will be the deepest dredging ever of San Francisco Bay. It involves deepening the carrier pier and turning basin at the naval air station from its present 42 feet to 50 feet and the naval supply center's harbor and approach channel from 38 feet to 41 feet.

The project's 1.2 million cubic yards of spoils will be taken out to the new "deep-ocean" disposal site 55 miles southwest of the Golden Gate. The Paula Lee, using a 10-yard clamshell, is digging up about 700,000 cubic yards from the naval supply center, while the rest is being dredged from the naval air station. The Paula Lee crew is dredging about 3,200 yards a day. Dredging is currently on temporarily hold from December 1 to early March to allow for the breeding of herring.



Above: The crew of the Paula Lee is from top Deck Engineer Tony Mana, Deckhand Robert Edwards, Scowman Jim Dieu and Leverman Roger Hilton.

Top right: On the deck of the Paula Lee.



Bottom left: Leverman Roger Hilton.

Bottom right: Dutra's dredge, the Paula Lee, with Local 3 member Roger Hilton at the controls, at the Naval Supply Center.





# Despite NAFTA, labor fares well in 103rd Congress

When the gavel dropped to begin the 103rd Congress a year ago, organized labor felt cautiously optimistic that, with the election of Democratic President Bill Clinton, labor's legislative agenda would finally be heard after 12 years of benign neglect and hostility from the Reagan and Bush administrations.

With the exception of passage of the North American Free Trade Agreement, labor's legislative objectives fared remarkably well during the first half of the 103rd Congress. What's even more encouraging is that the second half is expected to produce even better results.

President Clinton and Congress have been able to break through the legislative gridlock that gripped Washington during much of the Reagan-Bush era to produce one of the most fruitful first years of a congressional session in decades.

The 103rd Congress got off to a fast start when the House and Senate both overwhelmingly approved the Family Medical Leave Act in early February. The bill, which allows workers to take unpaid leave of up to 12 weeks for the birth or adoption of a child or the serious illness of the worker, child, spouse or parent, was vetoed twice by President Bush.

## "Motor voter" speeds into law

In May, Congress passed—and President Clinton signed into law—the "motor-voter" bill that allows citizens to register to vote when applying for a driver's license. Republican lawmakers opposed the legislation out of fear that more Democrats than Republicans would take advantage of the new registration process. President Bush vetoed the bill during the 102nd Congress.

Almost 20 years after it was first proposed, Hatch Act reform aimed at lifting many of the political restrictions barring federal employees and postal workers from fully participating in electoral politics, finally made it through both houses. The bill has been a key item on labor's legislative agenda for years and marked the third time Congress had approved such legislation, the first two being vetoed by President Ford in 1976 and Bush in 1990.

## Striker replacement bill

Without doubt the Workplace Fairness Bill, which would prohibit employers from permanently replacing economic strikers, has been labor's primary focus. The House passed its version of the bill, HR 5,

June 15 by a vote of 239-190, but the Senate version, S 55, is still pending because Republican lawmakers have threatened a filibuster. Democrats are two to four votes short of the 60 votes needed to achieve cloture and allow the bill to go to the full Senate.

During the second half of the 103rd Congress, Senate Democrats want President Clinton, particularly in light of the American Airlines flight attendants' walkout just before Thanksgiving, to use the same strong approach he employed to gain passage of NAFTA to win the few votes needed to end the striker replacement debate and bring it to the Senate floor.

Most of labor's success or failure in the 103rd Congress will depend on what transpires in the second-half session. Much of the AFL-CIO's legislative initiatives are still pending in the House and Senate and will likely be considered some time in 1994.

## Health care reform

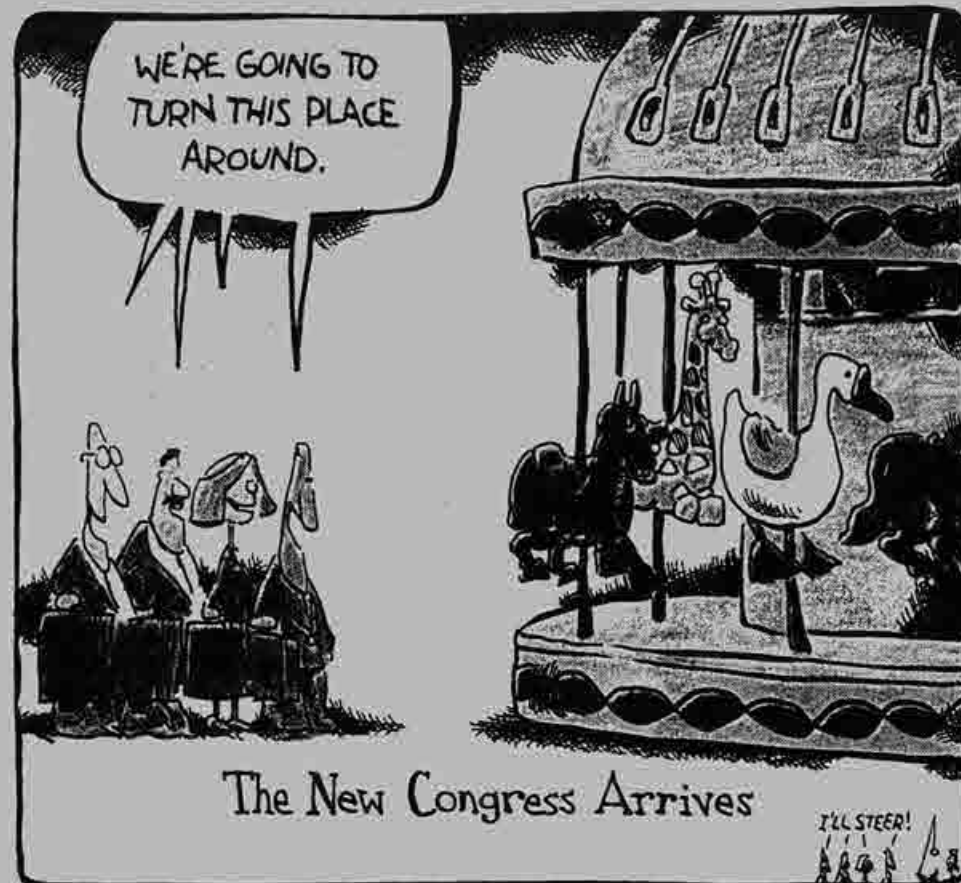
The biggest test will be passing President Clinton's ambitious health care reform, the Health Security

## Striker replacement bill has been labor's primary focus.

Act, HR 3600 in the House and S 1757 in the Senate. The AFL-CIO has endorsed the president's plan and launched a major lobbying and education campaign to ensure that the act makes it through the arduous legislative process relatively intact.

Many lawmakers see health care reform as a make-or-break issue, not just for organized labor and President Clinton, but also for Congress, which is trying to regain public confidence in its ability to manage the nation's business.

Some in organized labor, however, fear that Clinton's 1,342-page health reform package will overwhelm Congress and overshadow other important pieces of labor legislation. Still pending are several bills of great interest—both pro and con—to organized labor.



One of the most bruising battles brewing will be over the proposed constitutional amendment requiring a balanced federal budget. The AFL-CIO opposes such an amendment because it would cause massive tax increases and require huge cuts in social programs. House and Senate resolutions are in the respective judiciary committees.

The Senate resolution is likely to be taken up first. Similar efforts were defeated in the 102nd Congress and in 1982. But the chances of passage appear to have improved this time around. A constitutional amendment needs a two-thirds vote in each house—67 in the Senate and 290 in the House—and then must be ratified by three-quarters of the states.

## OSHA reform

Another piece of legislation vital to the construction trades is OSHA reform, HR 226 and S 481. These two bills would essentially be the first major overhaul of OSHA since it was enacted 23 years ago.

Among some of the bill's major provisions are to:

- Establish within OSHA an office of construction safety, health and education headed by a deputy assistant secretary.
- Require that each construction project with two or more workers have a "project constructor" responsible for establishing a written safety and health program and that a coordinator implement the program.
- Increase record-keeping provisions, including a mandate that OSHA be notified before "highly hazardous" construction projects

begin and that constructors keep injury records for each project.

The legislation would also overturn the U.S. Supreme Court's decision in *Gade v. National Solid Waste Management Association*, which restricted a state's ability to regulate worker safety in areas where the federal government has existing regulations. The bill would also allow states to require increased training and certification for workers. OSHA reform legislation plowed its way through committee hearings last summer.

The bill received a boost when Labor Secretary Robert Reich endorsed key elements of OSHA reform. In a letter to Sen. Edward Kennedy, D-Mass., and Rep. William Ford, D-Mich., the sponsors of the measure, Reich expressed support for provisions in the bill concerning whistle-blower protection for workers, expansion of OSHA coverage, safety and health programs and committees and criminal sanctions for employers. In OSHA's 23-year history, amazingly only 22 people have been prosecuted for criminal violations of the act.

## What you can do

If you want to participate in the legislative process, the slow winter months are a good time to write your congressional representatives concerning these important labor bills. You can find the addresses and phone numbers of your elected officials in the white pages of your telephone book under the official's last name. Write or call to let them know what you'd like done during the second half of the 103rd Congress.



# Labor law reform heart of labor's future agenda

**D**uring the Reagan and Bush administrations, labor focused most of its legislative energy on a single labor law reform issue — banning the permanent replacement of economic strikers.

But with a Democrat in the White House for the first time in 12 years, striker replacement — along with other reforms labor is pursuing in the 103rd Congress — is just the beginning of a more comprehensive, ambitious labor agenda for the future.

At the core of this program, which probably won't fully emerge until the 104th Congress convenes in early 1995, is reform of the National Labor Relations Act, the primary federal statute that governs private-sector union-management relations.

Labor leaders argue that one reason for declining union membership over the past two decades is that recent National Labor Relations Board actions, made primarily by Reagan and Bush appointed board members, have stifled labor's ability to organize new members and have weakened unions' strength at the bargaining table.

To give you an example of how the Republican-dominated NLRB can thwart the will of workers, consider what happened last June in a United Mine Workers organizing campaign at a small Pennsylvania mine. After the NLRB-supervised election, corporate lawyers representing the mine were able to wage a costly legal battle for four long years to prevent the counting of 13 contested ballots. The NLRB finally agreed to open the 13 challenged ballots last June 22. All the ballots, by the way, went to the union. Still, the company's challenge and NLRB foot-dragging were a huge waste of time and money.

Even when workers win union representation, NLRA rules allow companies to stall endlessly to prevent the workers from getting a contract by requiring arbitration or other means of settling a first contract.

To counter what union leaders call a slanted and toothless federal labor law, the AFL-CIO and its affiliated unions are calling for a review and eventual overhaul of the NLRA. Among the reforms they suggest to protect workers' rights to organize and collectively bargain are the following:

- Amend the National Labor Relations Act to provide unions with greater access to workers, shorten or eliminate representative campaigns by requiring, for example, an election within five days after a card check reveals a majority of unit members are in favor of the union.
- Strengthen penalties for violations of the NLRA by denying federal government contracts to employers that violate the law, providing "front pay" as well as back pay to workers fired because they support a union.
- Amend NLRA pre-emption doctrine to

allow workers to obtain state tort damages for wrongful discharge for union activity and impose mandatory injunctions for ULPs during the period when a union is organizing employees or bargaining for its first contract.

- End the situation in which employers can endlessly bargain in "good faith" for a first contract by requiring arbitration or some other mandatory means to settle a first contract.

Many academics and government officials, including Labor Secretary Robert Reich, believe the survival of unions today, and in the next century, is essential to keeping the U.S. economy competitive. They say unions can play a vital role in increasing productivity and company profits. Moreover, workers need unionization to achieve economic well-being so they can purchase the products American companies make.

The success or failure of labor reform will depend not only on the work of congressional Democrats, but on the commitment of the Clinton White House. The administration's formation of the 10-member Commission on the Future of Worker-Management Relations indicates Clinton is indeed interested. Headed by Harvard professor and former Labor Secretary John Dunlop, the commission's task is to recommend to Clinton by mid-year ways to change the legal framework for collective bargaining. These suggestions are expected to greatly influence Clinton's approach to labor reform.

Labor leaders in general agree that the commission could change the course of labor relations in this country, and with it, the direction of the U.S. economy. AFL-CIO President Lane Kirkland has spoke of the commission's potential to end years in which workers have been denied the freedom to join labor unions because of inadequate legal protections.

Labor leaders generally agree that labor reform will require a very intensive campaign because of the bitterly hostile anti-unionism that has spread throughout the United States over the past decade or so. Political analysts predict that in order to enact the many labor reform bills the Senate will have to be essentially filibuster-proof.

This means union members are going to have to get politically active during the mid-term election season this fall to get as many pro-union candidates elected to the Senate as possible. With just a few more pro-labor senators, legislation like the striker replacement bill, S 55, would have a better chance of becoming law rather than remain mired in a Republican filibuster.

If you want to join the fight for labor reform and other political issues important to labor, talk to your business representative or call your district representative. They can recommend ways you can get involved.

## Proposed amendments to National Labor Relations Act

*The following bills have been introduced in Congress and referred to their appropriate committees:*

- **Construction labor law reform (HR 114)** - Would redefine "single employer" in the construction industry to include any two or more business entities with substantial common ownership, management or control, and would require such an employer to bargain collectively with the union representing the majority of employees.
- **NLRB member selection reform (HR 1466)** - Would change the procedure for selecting members of the NLRB, with the president selecting two members from a list of qualified individuals recommended by labor and two members from a list recommended by employers.
- **NLRB wrongful discharge case timetable (S 1528)** - Would require the NLRB to issue rulings in wrongful discharge cases within 30 days.
- **Expedited elections (S 1529)** - Would require NLRB to order an expedited election no later than 30 days after receipt of union recognition cards signed by 60 percent of the employees of the employer.
- **Debarment of labor law violators (S 1530)** - Individuals or entities found guilty of a "clear pattern and practice" of labor law violations would be prohibited from holding federal government contracts for three years.
- **Illegal action advice penalties (S 1531)** - Would prohibit any individual, including a consulting or legal firm, from encouraging an employer or a union to violate the National Labor Relations Act.
- **Employee access for unions (S 1532)** - Would grant employees right to obtain information about union representation during working hours; grant unions access to the employer's facilities for meetings and to employee work areas, bulletin boards, company mail boxes and other communication media.
- **Treble back pay for illegally dismissed employees (S 1553)** - Would authorize the NLRB to award workers wrongfully discharged for union activities back pay equal to three times the employee's wage rate.
- **Mediation, arbitration contingencies for first contracts (S 1554)** - Would require employers to submit unresolved issues to a mediator if they are unable to reach agreement on a new contract in 60 days.



# Major asbestos settlement may affect operating engineers

Local 3 members who have been or may have been exposed to asbestos or asbestos products should know that a proposed settlement to a class-action lawsuit seeking personal injury damages for future asbestos claimants is pending in the U.S. District Court in Philadelphia and could be approved next month.

Although the lawsuit is being litigated in Philadelphia, this case could affect you.

The court has conditionally certified the class solely for purposes of a possible settlement. The individual plaintiffs have agreed to a proposed settlement of the class-action lawsuit. The court will hold a hearing at a federal courthouse in Philadelphia on February 22 to evaluate whether to approve the proposed settlement as fair, reasonable and adequate.

The suit, *Edward J. Carlough, et al. v. Amchem Products Inc. et al.*, was filed against 20 companies that are members of the Center For Claims Resolution (CCR), an organization that helps resolve asbestos claims for personal injury against its members. The lawsuit was brought on behalf of individuals who worked with or around asbestos or asbestos-containing products manufactured or supplied by one or more of the 20 companies.

**What's important for Local 3 members to know is that any person who has been exposed**

**occupationally to asbestos or asbestos-containing products manufactured by any of the 20 companies, but who had not, as of January 15, 1993, filed a lawsuit for asbestos-related personal injuries against one or more of the companies, is considered a member of the class whether or not you are presently suffering from an asbestos-related medical condition.**

**What this means is that you will be included in the class unless you exclude yourself from the class. If you wish to exclude yourself from the class, you must file an "Exclusion Request," which is provided on page 17, and file it with the federal court no later than January 24 or send the request to the law firm of Kazan, McClain, Edises & Simon by January 17. You can also obtain a request form by calling 1-800-847-2727.**

Why would you want to exclude yourself from the class? Because if you remain in the class, you will have accepted this class action as the only means of resolving claims against one or more of the 20 companies. You will not be able to present these claims in any other lawsuit. However, remaining in the class will not prevent you from filing a lawsuit against companies not involved in this class-action suit.

If you exclude yourself from the class, you may pursue an individual lawsuit against any of the 20 companies. However, if you exclude yourself, you will not get the benefits of a settlement of this class action.

In essence, the proposed settlement will set up a system to compensate class members who meet specific asbestos exposure requirements if and when they contact certain asbestos-related medical conditions. Compensation will also be available in death cases.

Compensation amounts will reflect amounts paid by the 20 defendant companies to similar claimants whose cases have been settled in the last four years. In all, the settlement provides that, in the next 10 years, over \$1 billion will be potentially paid in compensation to about 100,000 class members.

Being a member of the class does not automatically qualify you for compensation. You must prove that you have been exposed to certain levels of asbestos and that an asbestos-related medical condition, such as mesothelioma, lung cancer and certain other cancers, exists.

So, what will happen if the court does not approve the settlement proposal? If no settlement is approved by the court, and the court later decides that the class action cannot go forward for any other purpose, then the claims of the individual class

## The 20 defendant companies

Amchem Products Inc.  
A.P. Green Industries Inc.  
Armstrong World Industries Inc.  
Certain Teed Corp.  
C.E. Thurston & Sons, Inc.  
Dana Corp.  
Ferodo America Inc.  
Flexitallic Inc.  
GAF Corp.  
I.U. North America Inc.  
Maremont Corp.  
Asbestos Claims Management Corp. (formerly known as National Gypsum Company)  
National Services Industries Inc.  
Nosroc Corp.  
Pfizer Inc.  
Quigley Company Inc.  
Shook & Fletcher Insulation Co.  
T&N plc  
Union Carbide Chemical and Plastics Company Inc.

members will not be resolved in this class-action lawsuit but may be pursued in other lawsuits.

As with all lawsuits, there's two sides to the story. The AFL-CIO has endorsed the pending settlement as

(Continued on page 17)

# Scholarship Contest Rules for 1994

## General rules & instructions for Local 3 College Scholarship Awards 1993-1994 school year

Four college scholarships will be awarded to sons and daughters of Local 3 members. Two scholarships of \$3,000 each will be awarded to the first place female and male applicants. Two scholarships of \$2,000 each will be awarded to the runner-up female and male applicants.

These scholarships must be used for study at any accredited U.S. college or university. The Local 3 Federal Credit Union will contribute half the amount of each of the four scholarships.

The Local 3 scholarships will not impose restrictions of any kind on the course of study. Recipients may accept any other grants or awards which do not rule out scholarship aid from other sources.

### Who may apply:

Sons and daughters of members of Local 3 may apply for the scholarships. The parent of the applicant must be a member of Local 3 for at least one (1) year immediately preceding the date of the application.

Sons and daughters of deceased members of Local 3 are eligible to apply for the scholarships. The parent of the applicant must have been a member of Local 3 for at least one (1) year immediately preceding the date of death.

The applicants must be senior high school students who have, or will be, graduated at the end of either: (1) the fall semester (beginning in 1993),

or (2) the spring semester (beginning in 1994), in public, private or parochial schools who are planning to attend a college or university anywhere in the United States during the academic year and who are able to meet the academic requirements for entrance into the university or college of their choice. Students selected for scholarships must have achieved not less than a "B" average in their high school work.

Applications will be accepted between January 1, 1994 and March 1, 1994.

### Awarding scholarships:

Upon receipt of the application and required forms, Local 3 will verify the membership of the parent. The application will then be submitted for judging to the University Scholarship Selection Committee, an independent, outside group composed entirely of professional educators.

Apart from verifying the eligibility of the applicant, Local 3 will not exercise any choice among the various applicants or indicate in any way that one applicant should be favored over another. Based on factors normally used in awarding academic scholarships, the University Scholarship Selection Committee will submit to the Local 3 Executive Board recommendations for finalists. The list of potential winners and their qualifications will be reviewed and studied by the Executive Board and the scholarship winners selected.

Scholarship winners will be announced at the July semi-annual meeting of Operating Engineers Local 3. The checks will be deposited in the win-

ning students' names at the college or university they plan to attend.

### Instructions:

All of the following items must be received by March 1, 1994.

1. The application: to be filled out and returned by the applicant.
2. Report on applicant and transcript: to be filled out by the high school principal or person he or she designates and returned directly to Local 3 by the official completing it.
3. Letters of recommendation: applicants should submit one to three letters of recommendation giving information about their character and ability. These may be from teachers, community leaders, family friends or others who know the applicant. Please submit all letters of recommendation with the application.
4. Photograph: a recent photograph, preferably 2 inches by 3 inches, with the applicant's name written on the back. The photo should be clear enough to reproduce in the *Engineers News*.

It is the responsibility of the applicant to see to it that all the above items are received on time and that they are sent to:

**Robert L. Wise**  
Recording-Corresponding Secretary  
Operating Engineers Local Union No. 3  
1620 South Loop Road  
Alameda, CA 94502-7090



## YOUR CREDIT UNION

By Rob Wise, Credit Union Treasurer



## Insurance plans offer mortgage protection

We have expanded our OE Protection Plan to include low-cost homeowner's, vehicle and disability and life insurance on your credit union mortgage loan. All these high quality services are designed to save you money.

When was the last time you shopped for homeowner's or vehicle

insurance? Like many people, you may have put that on the bottom of your priority list. We often stay with our insurance company simply because we've been with it for years. Or, we just don't have the time to call insurance companies for quotes.

As a credit union member, you can call the Credit Union Agency Insurance Services (CUAIS), a service for credit union members only, and it will provide free quotes on homeowners and vehicle insurance. There's no obligation or pressure. The representative will ask a few easy questions to make certain you receive the best quote on the coverage you want and need.

In most cases this service can save you money. For example, one member was given a quote of \$527 by an insurance company for homeowner's insurance while CUAIS quoted \$382 for the same coverage. Make the call today to see if CUAIS can save you \$145 as this member did on the homeowner's insurance. The service could also reduce your vehicle insurance. Call CUAIS Agency In-

urance at 1-800-962-3279.

Another exciting new insurance program is our life and disability coverage on homes financed through your credit union. There are two services being offered: critical needs coverage and home mortgage protection.



Operating Engineers Local Union No. 3  
Federal Credit Union  
(510) 829-4400

Your Credit Union has  
Mortgage Loans!

15 and 30 year term.  
Fixed and Adjustable rates.

Call our Real Estate Department for more information.



50 or for 12 months if you're between 50 and 64.

Home mortgage protection is life and disability coverage for mortgages financed through your credit union. The life portion covers up to \$250,000 of your mortgage balance while disability covers payments up to \$1,000 a month for single borrowers and up to \$1,500 a month on joint ownership.

Both the critical needs and home mortgage protection are affordable and can help ease the financial burden during a crucial period. But more importantly, it works for your family during a very difficult period of adjustment. A mortgage payment is usually a family's largest monthly expense and having it paid could make all the difference in the world to your family.

Members with mortgages through the credit union may call CUNA Mutual at 1-800-356-6006 for more information on critical needs coverage or home mortgage protection.

Make a New Year's resolution to look into these insurance programs offered through your credit union. They can provide additional financial security for you and your family.

## FRINGE BENEFITS FORUM

By Charlie Warren, Fringe Benefits Director



## Retirees receive pension improvements

All participants, actives and retirees, recently have been notified in writing of the following benefit improvements.

Due to the strong performance of our pension plan, the benefit crediting factor has been increased from 2.7 percent to 2.8 percent for all contributions made for covered employment performed as of January 1, 1993. This amounts to a 3.7 percent increase in the monthly pension benefit for credit earned from January 1, 1993, and on.

## Current retirees

All pensions based on 10 years or more of credited service, effective prior to January 1, 1994, will be increased \$125 beginning January 1, 1994. Of this increase, \$100 will be deducted to help fund the Pensioned Health & Welfare Plan, leaving a net increase of \$25 per month on the pension check.

The basic charge for retiree medical coverage will therefore be \$150 per month. This "self payment" is fully subsidized by the pension surplus. Early pensioners under age 62 and service pensioners under age 60 will continue their current \$150 per month payment in addition to the \$150 basic charge, for a total self payment of \$300 per month.

New pensions effective from January 1, 1994, through December 31, 1994, will receive a \$100 per month increase to offset the \$100 increase in pensioned health and welfare costs. As required by law, the trustees will review this and all other pensioned health and welfare benefits annually, and if there are sufficient funds, this benefit will be extended beyond 1994.

Pensioners whose benefits are suspended because they returned to

work in prohibited employment shall be granted a one-time waiver of the additional three-month suspension rule when they reapply for retirement, subject to the following provisions:

1. Their return to work in prohibited employment begins on or after January 1, 1993, and
2. They earn at least two years of credited service during the period of re-employment or they work for at least 24 consecutive months before retiring again.

If you have any questions, please do not hesitate to call the Trust Fund Service Center at (415) 777-1770, or the Fringe Benefit Service Center at (510) 748-7450, where the staff will be happy to assist you.

## Retiree meetings

The first round of Retiree Association meetings has begun (see schedule page 22). This is an open invitation to all retirees and their spouses. Please join us at the meeting in your area. This is your opportunity to hear about the latest goings-on of the union, the credit union and the trust funds. Your input at these meetings is vital.

And as many of you know, you will meet some friends you may have worked with and haven't seen for some time. And you will meet some new friends. As always, your questions and comments are welcome. We're looking forward to seeing you in your area.

## Income tax information

Your 1993 year-end Form 1099-R, for pension payments and lump-sum annuity payments, including the detail of any federal or state income tax withholding you may have authorized, will be mailed to you by the end of January 1994. If you note discrepancies with your personal records, contact the Trust Fund Service Center or the Fringe Benefits Service Center.



## TEACHING TECHS

By Art McArdle, Administrator

*2 surveyors' dedication to apprenticeship*

When work is slow and your program depends on hours-worked money to survive, it is great to have assistance from people like Hans Haselbach and Marc Severson.

Hans owns Haselbach Surveying Instruments in Burlingame with his family. Hans in the past has assisted the Northern California Sur-

veyors Joint Apprenticeship Program with Global Positioning Systems (GPS).

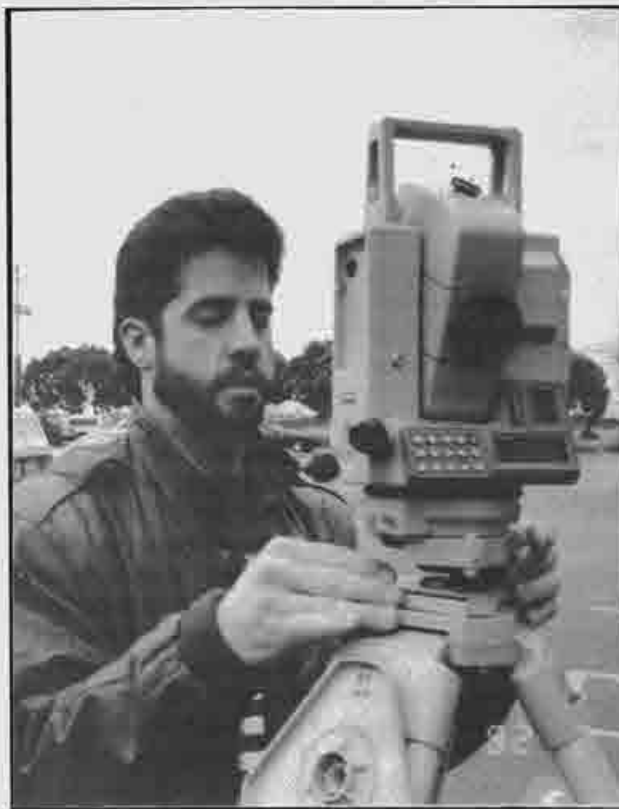
Hans is a real professional and puts on a first-rate class. He not only knows GPS well but can teach it so even a beginner can understand it. This way the whole class is involved, and he keeps it interesting and definitely educational.

The real beauty of all of this is that Hans puts on these classes for the apprenticeship program at no cost to the NCSJAC or the students. This kind of assistance is very valuable to the surveyor and employer. The NCSJAC and I can't thank him enough for his dedication to improving the surveying industry.

Marc Severson is similar to Hans in that he is dedicated to the surveying industry and wants to make as much of his knowledge available through classes on the data collector. Marc works for Pacific Survey Supply in Carmichael, Calif. Marc deals with many kinds of data collectors, so he knows which ones perform what.

Whenever I need a fill-in guy to help me with a school presentation or one of the NCSJAC classes, Marc is there. Marc also extends his time and talent at no cost to the NCSJAC.

It is people like Hans and Marc who deserve



Marc Severson

much more credit than we can give them. But I do hope they both continue to serve the industry well.

One very important segment I left out is that both Hans and Marc travel to our class locations in Santa Rosa, Sacramento, San Jose and Oakland on Saturdays to relay this information. Again, thanks to both of you, and keep up the good work.



Hans Haselbach

Due to the economy and class sizes, the Santa Rosa and the San Jose classes will not be held in 1994 until further notice. Hands-on classes are still being held in Oakland and Sacramento, and these classes are mandatory to stay active in the program. Notices have been sent to students in Santa Rosa and San Jose classes. If there are any questions, please call the NCSJAC administrative office at (510) 635-3255.

Labor

## CALENDAR

January



**2** The Industrial Workers of the World was founded in Chicago in 1905. Known as "Wobblies," these advocates of revolutionary unionism believed that only by building "one big union" could the workers of the world combine to overthrow the management class.

**12** Novelist Jack London's birthday, in 1876. This excerpt is ascribed to the author: "After God

had finished the rattlesnake, the toad, the vampire, He had some awful substance left with which He made a scab. A scab is a two-legged animal with a cork-screw soul, a water-logged brain, a combination backbone of jelly and glue. Where others have hearts, he carries a tumor of rotten principles."

**15** Dr. Martin Luther King, Jr.'s birthday, in 1929. In addition to his contribution to the civil rights movement of the 1950s and 1960s, King was an earnest crusader for labor, particularly municipal and hospital workers.

**17** Ralph Chapin published the famous labor anthem "Solidarity Forever" in 1915.

**26** The Amalgamated Meat Cutters and Butcher Workmen

of North America was born in 1897 when it received a charter from the American Federation of Labor (AFL) to organize "every wage earner from the man who takes the bullock at the house until it goes into the hands of the consumer." The Meat Cutters merged with the Retail Clerks International Union in 1979 to form the UFCW.

**27** Samuel Gompers, the first president of the AFL, was born in 1850 in London, England. He emigrated to the U.S. as a youth. A cigarmaker by trade, Gompers received some of the education that shaped his approach to unionism through his work on the shop floor. The core leadership of the trade union movement built in the 1880s came from similar groups of politicized workers.



## NEWS FROM THE DISTRICTS

# How district reps serve the members

SANTA ROSA — As we start the new year, I thought I would address one of the questions I'm frequently asked, "What does a district representative really do?"

When there is a problem or project affecting your company, we have found that the most effective way to find a resolution is simply to get the facts from you, the member. After all, you know your company and co-workers well. You know what's going on. You see the "small picture," and the union relies on your knowledge and expertise.

When there is a problem or project affecting the district, it becomes part of the "big picture." This is the area the district representative concentrates on. Some big-picture items we are currently involved with are:

**Contract negotiations** - The district representative is responsible for negotiating contracts in his district unless Local 3 officers such as President Don Doser, Treasurer Don Luba or Financial Secretary Pat O'Connell have been specifically assigned to the negotiations.

We are currently negotiating agreements with Petersen Drilling, Bartley Pump, Baxman Gravel, L.J. Construction, Brelje & Race and Carlenzoli & Associates. We have about 100 separate contracts in the Santa Rosa District.

**Office operations** - The district representative oversees all district office operations and makes sure that things run smoothly. Responsibilities include training for all staff, grievances, organizing, planning, weekly staff meetings to "keep the head and tail going in the same direction," handling member and contractor problems that go beyond the business agent level, and, of course, strikes and pickets. The district representative provides direction for the office and the district. This means a plan, priorities, time lines and specific projects and assignments.

**Politics** - The district representative is heavily involved in politics and works closely with Vice President Jack Baugh on all aspects of politics, from school boards to state and federal office holders. Politics means attending fund-raisers and functions, lobbying for projects and helping pro-union candidates get elected through printing, precinct walks, phone banks, and so on. It means working with our political action committees on endorsements. It means applying political pressure to help our signatory contractors and our members.

Below are examples of some of our recent political projects:

- Working with state Senator Mike Thompson and Rep. Dan Hamburg on the \$22 million Squaw Rock highway project.
- Lobbying Assemblywoman Valerie Brown for funding of the \$2.5 million geysers effluent injection project — and getting \$1 million of it.
- Asking Rep. Dan Hamburg to intervene in a questionable contract award to a non-union company on the half-million dollar Mendocino Dam project.
- Requesting help from the Santa Rosa City Council on a prevailing wage determination for a portable crusher on the \$12 million Hwy. 12 job — and getting a favorable resolution.

**Community involvement** - It is important that the district representative be involved with the local community and work with business leaders to help the people of that community. After all, that's what unionism is all about — helping people. What better way to do that than work with the community on projects of mutual inter-

est. I belong to nine community organizations, including the Democratic Central Committee, Sonoma County Alliance, Sonoma, Lake and Mendocino Building Trades and the Central Labor Council.

**The big picture** - The district representative works hard on big projects that will affect the members' and contractors' jobs for years to come. Some of the latest include:

- Environmentalists tried to stop the expansion of Hwy. 101 in Marin County for the next seven years. We were able to defeat the campaign.
- "No-growthers" hatched a plan to require that all projects on the Santa Rosa plain provide an environmental impact review, even for one single house. A decision is pending, and we are hoping for a favorable outcome.
- The Sierra Club sued to stop the El Rancho Redevelopment Project, even though a complete EIR was done and all permits and approvals were issued. We are currently in the middle of this

mess, hoping for \$12 million worth of work for our members.

• PG&E and the Santa Rosa District are exploring a contract that would require that all work PG&E puts out to bid would be to companies signatory to Local 3. Contracts Managers Rollie Katz is assisting us on this one. It could be big.

• We are looking at helping to fund and provide union labor for the \$125 million Pacific Life-care project near Oakmont.

If even one of these big picture projects we are involved with goes through, it should pay large dividends for our members in 1994 and help to provide much-needed jobs. And providing jobs for you is what we're all about.

Happy New Year to everyone from our office and thanks brothers and sisters for all your help and support in 1993. Let's make 1994 an even better year.

*T. Robert (Bob) Miller,  
District Rep.*

## Rasmussen nears completion of Cloverdale Bypass

SANTA ROSA — It's that time of year again when practically all the jobs come to a muddy halt. Most of the jobs in my area of Mendocino County and northern Sonoma County have shut down for the winter or have been completed.

C.A. Rasmussen's Cloverdale Bypass on U.S. 101 is just about done. According to Jim Beamon, crews have the main interchange to rock and pave and some shoulder paving down the main line. It was supposed to be a two-year job, but it looks like Rasmussen is way ahead of schedule.

Parnum Paving has moved about two-thirds of the dirt on its Hwy. 1 Willits Grade project, leaving around 20,000 yards to be moved next spring. There are about 75,000 tons of asphalt in the job, and Parnum's paving crew has laid down about 13,000 tons of leveling course. Crews will pave the rest next season upon completion of all side drainage on the southbound lanes. It appears the hands can look forward to a pretty good work season early this year.

Ghilotti Construction finished the Ukiah Wal-Mart, and Lou Gobbi's paving crew was widening the Talmadge southbound exit. The company also has two small jobs in Ukiah — a city overlay and a parking lot for the Mendocino Bank building.

North Bay Construction of Petaluma had two pretty good-size jobs in Willits this season. The Willits dump site was completed a few months ago, and the company is about 85 percent finished with the downtown sewer line. Job Superintendent Don Niquette reported that his crew of Ken Schell, Brian Scharp, Al Flower, Ken Fountain and Terry Campolietti still had some of the main line left, plus the manholes to be abandoned. He was hoping to work the crew around the rains.

Argonaut Construction is just about finished with its Fort Bragg Glass Beach subdivision. All the streets are in and paved and all the house pads are just about completed. The company also picked up a small commercial job on the site. Steve Lydon, pipe crew foreman, was working on the \$2.5 million Windsor sewer plant. Lynn Russey had his dirt crew of Pat Wright, Gordy Walker, Chuck Richardson, Frank Martin, Floyd Fortcamp and Tom Pearson working ahead of

schedule on a couple of the settlement ponds.

Another good-size job on the coast by Huntington Brothers of Napa is nearing completion. The company kept its crew of about eight hands working through most of the season on Hwy. 1 just north of Fort Bragg. There is still some bridge work left, and Evans Paving Company completed the main line and all the driveways.

I would like to thank all the brothers and sisters who attended our December 14 District 10 quarterly meeting in Lakeport. We had a good turnout of actives, retirees and Caltrans Unit 12 members.

Congratulations to David Spain, who was elected to represent District 10 on the Executive Board, and to Scott Rymer, elected to fill a vacancy on the Grievance-Political Action Committee. If any members have any questions or any information about political candidates seeking endorsements or monetary support from Local 3, they should call the PAC at 546-2487.

Business Representative Greg Gunheim, who covers southern Sonoma and Lake counties, is working on a job steward program. He will be scheduling some things for all the stewards.

Don't forget that we are once again making the Sonoma Express card for Marin, Napa and Solano counties available for \$20 upon request to members. Just call the hall at (707) 546-2487.

### Gradechecking class

It's amazing what happens when two great minds get together. George Steffensen has teamed up with surveyor and gradesetting wonder Doug Reed, author of the booklet, "What'd That Stake Say?" to offer a gradechecking class in the Ukiah area for those members that live in the north end of our district.

We first need to find out if there is any interest from the membership. If you are interested in taking the class, please contact the Santa Rosa District office at (707) 546-2487. Tell Donna or Cathie that you want to be placed on the gradechecking list for Ukiah.

The class is tentatively scheduled for the first

(Continued on page 14)



## NEWS FROM THE DISTRICTS

# Utah JAC holds rare pipeline class

SALT LAKE CITY – The Utah Joint Apprenticeship Committee completed a pipeline construction class for journey-level operating engineers last November at its Spanish Fork Training Center in central Utah.

This class was given under the direction of IUOE Training Director Mike McLain and IUOE Director of Pipeline Bud Evans. Funding came from the Pipeline Association and the IUOE through the efforts of General President Frank Hanley.

The class consisted of 17 journey-level operating engineers from Alaska, Colorado, Wyoming, Idaho, New Mexico and Utah. This class was exceptional in that pipeline training courses are not regularly taught at operating engineers training sites because pipeline work is so specialized.

The class was organized by the Utah JAC. Through the efforts of Utah's training program personnel, this class proved a huge success. The pipeline industry will benefit because 17 more operators now have the skills to work productively in this industry.

Instructing the class were Joe Richins and Gary Anders, Local 3 members from Utah, and Gene Bayless of Sheehan Pipeline Company. These three men did a superior job in teaching pipeline skills, which aren't usually called on to be use on

highway and building construction.

Gene Bayless has over 38 years in this industry, and what a resource he proved to be. Gary Anders has over 15 years experience in pipeline, and he assisted Gene Bayless on the backhoe. Joe Richins, Utah's training site instructor, also helped with dozer and backhoe instruction.

The instructors established three basic crews. The right-of-way crew did the clearing of the right of way, the backhoe crew dug the trench and placed the pipe in it, and the clean-up crew covered the pipe and made sure the area was restored as close to its natural state as possible.

Equipment used on pipeline construction consists of dozer angle, backhoe, front-end loader, blade, trenching machine, pipe bender and sideboom machine. Equipment used for this particular class was furnished by Texas-based H. C. Price Pipeline Company, which had just completed a pipeline job in Vernal, Utah, in the fall of 1993 and allowed Utah training personnel to use that equipment for this class. Pipeline contractor M. H. Cook Pipeline Construction Company donated pipe-handling equipment.

The class worked with two Cat 235 backhoes, one Cat 231 backhoe, one D7N dozer angle and three side booms or pipe-laying machines. The D7 dozer and front-end loader used to train this class were furnished by the Utah JAC.

The class was conducted over 14 consecutive days, including weekends. Classroom work included safety and equipment instruction as it pertained to pipeline work. Instruc-

tion was carried on as if trainees were actually working on a pipeline project. Over 4,000 feet of trench were dug in all kinds of terrain. Students worked on simulated hot line and road crossings as if they were on an actual pipeline job.

The skills learned, materials and ideas students took with them will be helpful throughout their working careers. This class was put together through the cooperation of the IUOE and Local 3 Business Manager Tom Stapleton, Utah's training program personnel, Local 3 district representatives, business agents and fair

contractors. They were all willing to assist in seeing that this opportunity for pipeline training was provided to union members in the western United States.

Upon its completion, the class became one of the more noteworthy activities conducted at the Spanish Fork Training Center since the Operating Engineers JAC started supplemental related-training classes in Utah for apprentices and journey upgrades in 1979.

Verlyn K. Shumway, BusinessRep.  
and Rickie Bryan,  
training administrator



Top: Instructor Gary Anders showing how to lay out the ditch line.

Bottom: Instructor Gene Bayless showing Brent Mair how to run an angle dozer.

## Cloverdale Bypass

(Continued from page 13)

part of March. We are still looking for a place to hold the class. If you have any ideas where we might be able to have the class, please let us know by leaving a message at the district office.

George is still offering a class in the Santa Rosa hall. The first class will be Monday, January 24, at 7 p.m., at 3900 Mayette Avenue. If you want to attend call to sign up or drop by the hall.

The entire District 10 staff would like to wish all our members throughout Local 3 a safe and happy New Year.

James Killeen,  
Business Rep.



## NEWS FROM THE DISTRICTS

## Unions can't survive without member support

SALT LAKE CITY – Cold weather has arrived in Utah along with the corresponding work slow down.

We had a busy year, and most of the dirt hands who wanted to work did so. We're hoping the work will be at least as good again in 1994 with the expansion going at Kennecott and the work started the last couple of years by W. W. Clyde and Gibbons Reed Company.

We're hoping to pick up more work next year in other areas around the state and hope the sand and gravel companies continue as busy as they have been since the home building and construction look to continue booming for the next couple of years.

We're planning to hold a few town meetings around the state to discuss problems we have in the Great State of Deseret. Organizing will be the main topic, as well as exploring members' and business agents' responsibilities in this endeavor and how we can work together to change these flagging conditions in Utah. It is important all members be aware of what's needed from them in the organizing of non-union companies. We'll be looking forward to seeing all of you at these meetings when they're scheduled.

This last calendar year more union members worked for non-union companies in Utah than ever before. We want to organize these companies and need help getting around to them all. This, in particular, is why we need our members' help.

It's Local 3 members who help staff these jobs and work with the contractors' non-union employees. All of us should have organizing in our minds all the time and be trained in our responses to questions. We'll help you if you'll call and ask to be trained.

As union members, we all have a responsibility to our contractors. Without these signatory contractors the union would cease to exist. It's the fair contractors who pay union wages and fringes and encourage the union programs in safety and other measures that keep all of us functioning.

Franklin D. Roosevelt, the American president who helped lead this country out of the Great Depression, said: "If I were a worker, the first thing I would do would be to join a union." Roosevelt was an experienced, wise and well-learned man. His attitudes and beliefs in democracy and the union system caused this country to take its place as the superpower it became.

A union member has many advantages, privileges and responsibilities. Responsibility educates what confidence and ability inspire. Your duties to your union are as basic as your duties to yourself and your family. Make fair demands on people. When a man blames others for his failures, it's a good idea to credit others with his successes. In other words, be reasonable. Judge fellow workers – or anyone else – by their behavior and not by their ideas, religion or ethnic background.

People's actions reflect their real beliefs. Practice as well as preach unionism. Support your union's leadership and your union's principles by doing nothing to cause your union to lose respect in the eyes of the people in your community.

Cooperate with your union representatives by giving them all the facts concerning any matter, particularly a grievance. Courage to speak the truth is a magic talisman. Honesty is the best long-term investment you can make.

We cannot expect cooperation from management unless we are willing to do our part. Unionism is a partnership – a relationship. The success of each union comes from the guided and integrated intentions of its members.

Team spirit and the willingness of a union's membership to provide the labor on the union contractors' jobs give that union the edge over its competitors. Well done is as good as well said, and we all know that the skill to do comes of doing. One of the biggest thrills of life comes from doing your job well.

If knowledge is power, then in the case of the operating engineers knowledge to pull the switch on that big machine and operate it reflects the enjoyment of our work and the union behind it. My union can't survive if I won't support it. I'm union and I'm proud I'm union!

Virgil A. Blair  
Business Rep.

## Few women held high union posts in 1940s

*The following article is a continuation of an article published two months ago in the November 1993 Engineers News concerning labor organizations that have helped recruit and organize women in the trades. Information for this article comes from "Women and The American Labor Movement," by Philip S. Foner.*

The first national body dedicated to organizing women workers was the National Women's Trade Union League formed in 1903, established because of the need to improve the miserable working conditions under which women worked during that era. The NWTUL strived to work for an eight-hour work day, 58-hour work week, helped displaced workers find new jobs and achieved legislation preventing the hiring of workers with false promises.

In 1944, 11 national unions reported more than 40,000 women members. Much of the credit for the increase in women union membership had to do with America's industrial development during World War II and the growth of women in non-traditional jobs.

To what extent was the increase in female union membership accompanied by a corresponding increase in women's activity in union affairs and their advancement to positions of responsibility and leadership in organized labor?

A partial list of women union officers compiled in 1941 showed two women as secretaries of national unions and 18 as members of general executive boards. One woman was listed as secretary of a state labor federation and 27 secretaries of central labor unions.

At the 1944 United Federation Workers-CIO convention, Eleanor Nelson became the first woman elected president of a national union since Agnes Nestor of the International Glove Workers Union more than 40 years earlier. Nelson was also the first woman on the CIO's national executive board in 1941. The AFL had no women on its executive council.

A National Women's Trade Union League survey in fall 1943

revealed that "while formerly few of the women who belonged to unions even came to meetings, they are now assuming an increasingly active part in union affairs."

Although the picture varied from local to local and from trade to trade, the league's survey revealed that there were "greater numbers of women shop stewards, committee members and field workers." Still, the league's survey concluded that few women "held high union posts."

At the United Auto Workers' 1944 convention, at a time when women constituted over one-fifth of the union's total membership, there were only 30 women among the more than 2,000 delegates present. Although one New York City UAW local reported that its women members were "playing an active part in the union" and, in some cases, were even "more enthusiastic" than men.

In general, the CIO conventions were more sympathetic to the needs of women workers than were those of the AFL, repeatedly calling for women to have positions of responsibility and leadership in unions. At its 1944 convention, the CIO adopted a five-point program in relation to women in industry, calling for:

- The extension of equal pay for equal work to all plants under CIO contract.
- Provisions in collective bargaining agreements for maternity leave without loss of seniority, and the inclusion of maternity benefits in group insurance coverage.
- Further development of community activities for child-care centers.
- The expansion of special educational programs for women by unions, to bring them into greater positions of responsibility and leadership.
- Protection of women's employment rights through the seniority clauses of union contracts.

The CIO worked closely with the Women's Bureau urging "full cooperation" to safeguard and improve conditions of women workers. Special divisions to consider the problems of women workers were set up by several CIO unions.

### Correction

In the Utah District article, by Verlyn Shumway, in the November 1993 Engineers News, we incorrectly reported that W.W. Clyde was the contractor at Cisco. The correct contractor is Valley Asphalt.



# Drug testing should involve medical officer

Pre-employment drug testing should involve a medical review officer (MRO), but testing should not be done until a conditional job offer has been made, a speaker told an employee assistance conference.

Jonathan A. Segal, a management attorney with the Philadelphia law firm of Wolf, Block, Schorr and Solis-Cohen, said drug tests per se are not considered medical examinations under the Americans with Disabilities Act (ADA), but can present liability problems unless an MRO asks medical questions.

"You need an MRO to avoid liability for defamation," Segal told a session of "Managing the Challenge: The 10th Annual North American Congress on Employee Assistance Programs." The conference was sponsored by Performance Resource Press Inc. of Troy, Mich., the publishers of *EAP Digest*.

Segal said an employer risks a defamation claim for false attribution of drug use if the employer declines to hire an applicant because of a positive drug test and it turns out there was an explanation other than illicit drug use. The purpose of an MRO is to avoid such situations.

Despite the complications, Segal advised employers to institute pre-employment testing for alcohol and other drugs to avoid potential liability. Without pre-employment drug tests, he said, a company risks becoming "a place of refuge" for persons with substance abuse problems and possibly vulnerable to a "negligent hire" lawsuit.

As an example, Segal said that under the ton of negligent hire the employer of a nurse whose addiction-related negligence contributes to a death could be held liable on the grounds that a pre-employment drug test might have detected the substance abuse problem and averted the death.

Segal said employers should give pre-employment tests within a few hours of notifying applicants of a conditional job offer so the applicants can't avoid detection by temporarily halting drug use.

## Random testing advised where problem exists

One advantage of random testing of employees for alcohol and other drugs is that it doesn't allow people to "mask" their behavior in this way to avoid detection, Segal said.

Another advantage of random testing is that there is "no potential for supervisory abuse" as in the case of testing based on reasonable suspicion, a point that some labor unions that oppose random testing will privately concede, Segal said.

But Segal cautioned against across-the-board random testing programs, citing morale and liability concerns, and advised employers to adopt random testing only if pre-employment and reasonable-suspicion testing indicate that a substance abuse problem exists.

Random testing can cause feelings of "oppression, insecurity and anxiety" among employees, and may prompt them to seek help from a lawyer or labor union, Segal said.

In addition, the common law claim of "intru-

sion upon seclusion" has become "the darling of the plaintiffs' bar," Segal said, and may be successful in some states. Under such a claim, a plaintiff can prevail if the invasion of privacy is found to be one that a reasonable person would view as "highly offensive," Segal said.

Several times in his remarks Segal singled out California as a state where employment law is especially inhospitable for employers. For many employers, California is "so bad they're relocating to hell," Segal quipped.

For these and other reasons, Segal cautioned against across-the-board random testing and advised that it be restricted to workers in jobs that are sensitive for reasons of safety or other "critical" considerations.

## Testing no substitute for supervision

A common mistake among employers, Segal said, is to look at drug testing as "a substitute for supervision." Most substance abuse problems can be handled through discipline or referral to an employee assistance program rather than drug testing, he said.

This is even more important under the ADA, Segal said, because if an employee whose performance is poor or whose behavior is unacceptable is given a drug test and tests negative, it could give rise to a lawsuit later on if the employer decides to fire the employee. At that point, the employee might claim that the firing was based on a false perception that the employee had a drug problem.

The ADA forbids discrimination not only on the basis of a current or former disability, but also on the basis of a perception of such a disability, Segal noted. To guard against such lawsuits, an employer should simply fire an employee whose conduct or performance is grounds for termination rather than complicate the issue by administering a drug test first, he said.

As an example of the "fire, don't test" rule, Segal said if a security guard is found asleep in a closet with a bottle of booze, the employer should fire him. Get a photograph, if possible, to document the circumstances, but don't give an alcohol test, he advised.

Segal offered tips to employers on how to conduct reasonable-suspicion testing. The testing should apply to alcohol as well as illegal drugs, and the cutoff level for alcohol concentration need not be as high as the 0.1 or 0.08 levels often used under laws on driving while intoxicated, he said, adding that "0.04 is enough, in my view."

Training for supervisors is an important component of a drug testing program, Segal said. Repeating an earlier theme, he said, supervisors should understand that testing is not a substitute for supervision. Employers should stress that supervisors have no discretion to test people just because they don't like them, he said.

Segal also advised that supervisors get a second witness before deciding whether there is reasonable suspicion of substance abuse, and that a certified professional in the addiction field be consulted before a test is ordered.

## Family and Medical Leave Act

Turning to rehabilitation issues, Segal said the "safest answer" for employers is to offer an opportunity for rehabilitation even where the ADA doesn't require it.

For example, the ADA clearly bars an employer from firing an able employee who is an alcoholic in need of rehabilitation. But Segal said it is "not legally clear" whether an employer can fire a worker whose poor performance is related to alcoholism.

Furthermore, Segal advised employers to offer a chance for rehabilitation to employees who are self-identified users of illegal drugs, partly out of liability concerns and partly in the interest of good employee relations. He said the advice doesn't apply to employees who don't admit to drug use until after a positive drug test, however.

One reason for the legal confusion surrounding the issue is the Family and Medical Leave Act, which took effect recently, Segal said. Although the ADA doesn't bar employers from firing current drug users, the Family and Medical Leave Act requires employers to offer medical leave for serious health conditions, which might be interpreted by courts to include addiction to illegal drugs, he said.

Where rehabilitation is offered, employers should have return-to-work provisions that include a last-chance agreement, and unannounced periodic testing for alcohol and other drugs (with a zero cutoff level), Segal advised.

In addition, employers should require continued participation in a treatment plan, such as Alcoholics Anonymous or Narcotics Anonymous.



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## Major asbestos settlement may affect you

(Continued from page 10)

a "fair and reasonable approach" to the asbestos compensation issues now winding their way through the court system.

"There is widespread agreement that the judicial system cannot cope in a just and timely fashion with the asbestos claims that have been, and will predictably be, filed in court," said AFL-CIO President Lane Kirkland. "An administrative claims system such as the one provided for in the settlement provides benefits that substantially outweigh the benefits in maintaining the status quo."

Under the settlement, a representative appointed by the AFL-CIO has the right to participate equally with attorneys in a mandatory annual audit of the processing and disposition of claims. Also, the federation representative and the class counsel would determine jointly what position to take concerning the selection of arbitrators and medical panel members. The settlement also doubles the number of claims for malignancies that may be resolved through the courts or through binding arbitration if the claimants reject the offers made under the settlement process.

However, Worksafe!, a coalition of occupational safety and health professionals, community groups and labor unions in California, is recommending that you opt out of the class action lawsuit. Worksafe! asked the law firm of Kazan, McClain, Edises & Simon, to evaluate and monitor the suit on behalf of the coalition. After examining the suit, the law firm has concluded that the settlement agreement seriously compromises the rights of future asbestos victims.

First, the settlement drastically and unfairly limits the amount of compensation you can receive, the law firm said. It sets an average range of settlement, and minimums and maximums a victim can be paid for an asbestos-related disease. Your compensation, the law firm said, will be limited no matter what your actual loss if you are unable to work because of the asbestos-related disease, no matter how severely you are hurt or how much pain you have to endure.

Second, only a limited number of sick or dying victims will be paid each year. In the first year, for example, no more than about 15,100 claims will be settled. Claims not accepted in one year will be put over to the next year. There is no limit on this procedure and no guarantee that any claim will be paid during a victim's lifetime.

Finally, the settlement will restrict the number of cases that can go to a jury trial, and victims will have to prove 15 years of exposure to qualify as having been exposed to asbestos.

This is a complicated lawsuit for which many of the details cannot be fully explained in this brief article. If you have any questions regarding this lawsuit, you can call the court-appointed class counsel at 1-800-666-7503 or call Kazan, McClain, Edises & Simon in Oakland at (510) 465-7728 or (510) 893-7211.

## EXCLUSION REQUEST

If you want to opt out from the class-action lawsuit, you must fill in and return this form by first-class mail postmarked no later than **January 24, 1994** to: Clerk of the Court, P.O. Box 40745, Philadelphia, PA, 19107. Phone: 1-800-666-7503. A separate request for exclusion should be completed and timely mailed for each person asking to be excluded from the class.

If you like, the law firm of Kazan, McClain, Edises & Simon will file the Exclusion Request if you send it to them no later than **January 17, 1994**. They'll send you a copy. There is no charge for this, and you aren't obligated to hire the firm if you ever decide to bring an asbestos case. Kazan, McClain, Edises & Simon, 171 12th Street, 3rd Floor, Oakland, CA, 94607. Phone: (510) 465-7728.

The undersigned **does not** want to remain a member of the class certified in the case of **Carlough, et al. v. Amchem Products, Inc., et al.**, No. 93-CV-0215, pending in the United States District Court for the Eastern District of Pennsylvania.

(Signature)

(Print name of person signing)

(Print address of person signing)

Date of Birth

Social Security Number

Brief description of basis for class membership (that is, facts concerning class member's occupational exposure to asbestos):

I have had occupational and/or equivalent exposure regularly  
over an extended period of time

## Union Briefs

### Davis-Bacon Act under attack - again

The Davis-Bacon Act, the federal law that requires prevailing wage rates be paid on federally financed construction contracts valued at more than \$2,000, is once again under attack, this time by the Institute for Justice, which represents eight small minority-owned construction firms and public housing tenant organizations in Boston, Seattle and Washington D.C.

The group has challenged Davis-Bacon as "a violation of equal protection of the law," under the Fifth Amendment to the Constitution and as "an arbitrary barrier to economic opportunity," according to the suit filed in U.S. District Court for the District of Columbia.

*Construction Labor Reports* reported that William H. Mellor, president and general counsel of the institute, said Davis-Bacon was enacted in 1931 with "an express purpose of making low-cost, black labor from the South uncompetitive with higher cost, white labor in the North. The act continues to have a devastating discriminatory impact to this day."

### Bill would raise Davis-Bacon threshold

Legislation to reform prevailing wage requirements of the Davis-Bacon Act was approved November 16 by the House Education and Labor Subcommittee on Labor Standards, Occupational Health and Safety.

The bill, HR 1231, would raise the current \$2,000 threshold on government construction contracts subject to the act to \$100,000 for new federal or federally assisted projects and to \$15,000 for alteration, repair, renovation, rehabilitation or reconstruction work.

Proponents of the bill claim the current threshold is out of date and discourages small and minority-owned contractors from bidding on govern-

ment construction contracts. HR 1231 would also reduce the law's payroll reporting requirement by 75 percent and would compel the Labor Department to issue more timely prevailing wage determinations. HR 1231 will now go to the full committee.

### NLRB rules against unions in overseas boycott

The National Labor Relations Board has ruled that U.S. unions cannot ask foreign labor organizations to boycott products exported by companies involved in labor disputes. The case marked the first time the NLRB had reached across the border to regulate the activities of U.S. unions.

The case involved a 1990 dispute among the International Longshoremen's Association and two Florida companies, the Coastal Stevedoring Co. and Port Canaveral Stevedoring Co., both of which load ships carrying citrus products to Japan. The ILA warned employers that if they didn't recognize the union the Japanese dockworkers union would refuse to unload the ships when they arrived at their destination.

When the companies refused, the ILA asked the Japanese longshoremen's union for cooperation in pressuring the U.S. companies. The request prompted a letter to the companies from the Japanese union saying it would "never tolerate" any action by the companies that would be harmful to the ILA. The Japanese union said it was prepared to boycott any shipments of citrus products loaded by companies that had disputes with the ILA.

After the Japanese importers failed to win assurances that Japanese dockworkers would unload citrus loaded by non-union U.S. stevedores, the importers ordered their ships to go to another port where they would be loaded by union longshoremen. The non-union companies then complained to the NLRB.

The board ruled that the ILA's action was initiated by a U.S. union against a U.S. employer, clearly violating the ban on secondary boycotts in the United States.



## NEWS FROM PUBLIC EMPLOYEES

# Shifting power to workers

*How a utility district on Lake Tahoe's north shore turned around its demoralized work force by 'empowering' front-line employees*

*By Steve Moler  
Assistant Editor*

Final of a two-part series

The Incline Village General Improvement District, a provider of public utilities and recreational services on Lake Tahoe's north shore, used to be a dreadful place to work. By the mid-1980s, in the district's Utility Department, where about 30 employees represented by Local 3 maintain and service Incline Village's water and sewer lines, morale had sunk so low even normally cheerful, motivated workers dreaded coming to work.

"This was really a bad place to work," said Steve McCauley, an Operator II in the Pipeline Division. "It used to be a place that I actually didn't want to come to. I didn't come because I liked the job, I just came for a check. We didn't work together as a team. There was a lot of backstabbing, and everyone was out for themselves."

The employees' deteriorating spirits had begun to permeate into virtually every departmental function like cancer spreading through a victim of radiation poisoning. Rather than taking initiative demoralized workers tended to hang out at the maintenance yard waiting for something to happen. Employees with wavering loyalties had little incentive to solve problems and cut costs.

Fed up with the constant turmoil and adversity, the Utility Department's Local 3 members demanded change. Management, realizing productivity and costs had reached unacceptable levels, agreed that action had to be taken in order to halt the unit's slide into occupational depression and eventual mediocrity.

## Introducing worker empowerment

After lengthy discussions and much self-evaluation, the Utility Department, with full cooperation from Local 3, decided to undertake a complete personality change. It tossed out a good portion of its traditional,

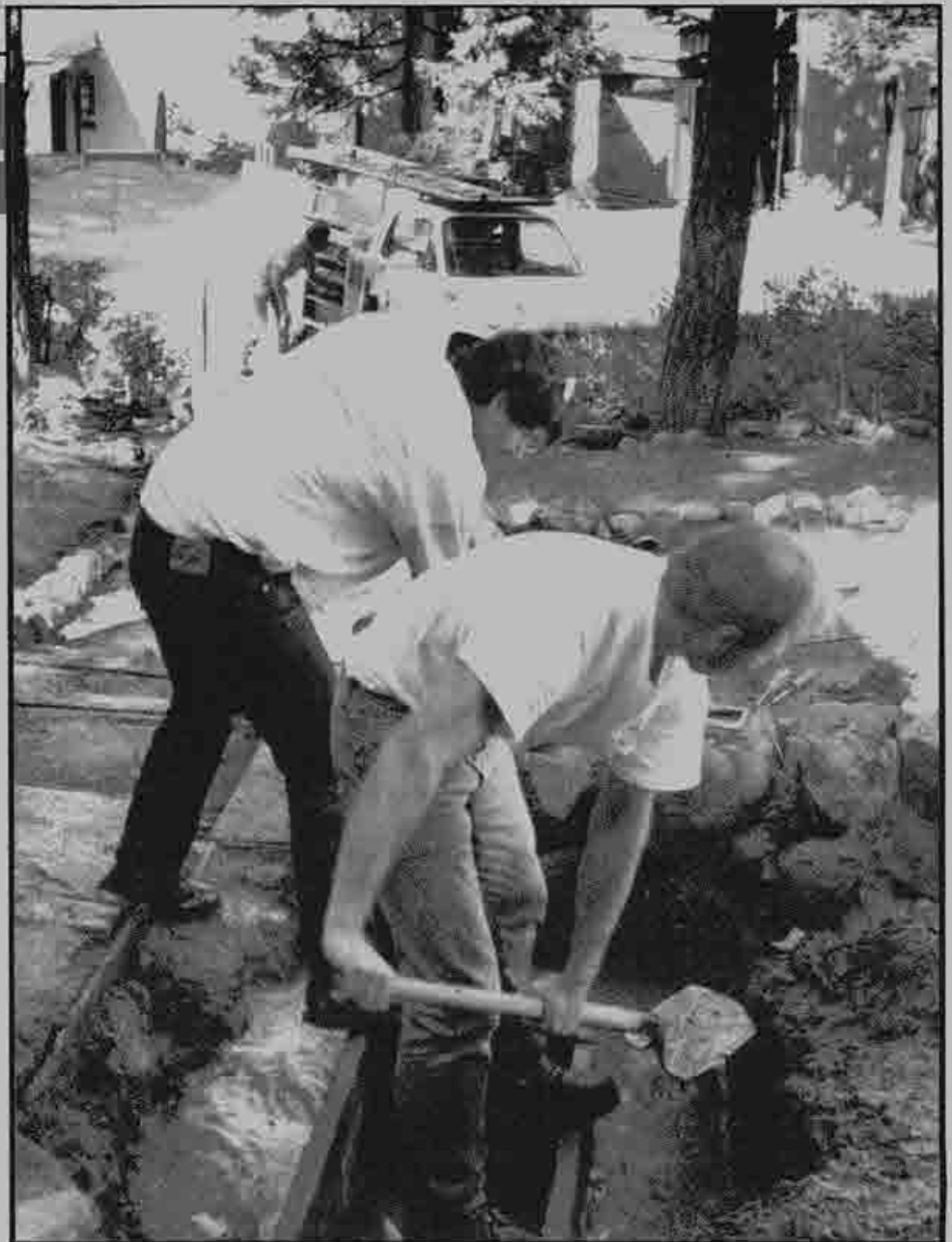
two-tiered authoritarian management system and replaced it with what has become known in business as "worker empowerment," a system in which much of the day-to-day planning and decision-making of a particular work unit are given to teams of front-line employees. This is usually accomplished after the employees receive intensive training on team building, conflict resolution, problem solving and communications.

IVGID's "empowered" Utility Department workers are now responsible for the daily operations of their respective work groups. These new duties, which used to be delegated primarily to mid-level managers, include resolving conflicts, developing team goals, coordinating work schedules, tracking work productivity, maintaining safety, training new employees, making team decisions, communicating effectively with other departments, responding promptly and courteously to customers and vendors, and practicing the philosophy of continuous improvement.

Managers, meanwhile, abandon their role as authority figures who demand and control and become facilitators who guide and steer. While workers learn to accept more duties, managers learn to let go and allow their workers to accept that responsibility.

"We found out by empowering front-line employees, most of the time the people doing the work knew most about their jobs," said Utilities Superintendent Mike Workman. "So we thought it made sense to let them have a say in how their work was to be done."

IVGID's worker-empowerment program typifies the kinds of union-management cooperation programs that have flourished over the past decade in the private sector and that are just now emerging in the public



One of IVGID's Pipeline Division work teams - Dave Stenerson, Ron Richey and Foreman Bob Lochridge - take swift action on repairing a broken water line.

sector. They're called everything from "employee involvement" and "Total Quality Management" to "Quality Circles" and "self-directed work teams."

## Rise of union-management cooperation

Whatever you call them, they're beginning to revolutionize the U.S. work place. At least 80 percent of Fortune 1,000 companies use some form of labor-management teams, according to the U.S. General Accounting Office. And it is estimated that some 30,000 union-management committees exist nationwide. Several recent studies have shown that companies with union-management cooperation programs are rewarded with greater worker productivity and higher profits.

But it's the emergence of union-management cooperation in the public sector that has attracted attention lately. Cities and counties, suffering from more than a decade of declining federal funding, decreased tax revenue and stagnating local economies, have begun to adopt union-management strategies such as worker empowerment as a means of survival.

Two California cities in the San

Joaquin Valley, for example, Stockton and Modesto, both with large Local 3 bargaining units, have established innovative programs to increase employee participation and productivity. Modesto introduced Quality Circles in the late-1980s and self-directed work teams a few years later. Stockton, meanwhile, is developing a new customer service program to enhance its image and improve service, a campaign that city officials admit could lead in the near future to implementation of Total Quality Management.

## Dramatic transformation

IVGID's Utility Department began its dramatic transformation in late 1987, when it sought help for its morale and productivity problems from the district's Employee Assistance Program, which offers employees financial, legal and psychological services.

Every two weeks for nearly a year EAP and Utility Department representatives held meetings to discuss the department's problems. They started by identifying where conflicts existed and evaluated potentially stifling and inefficient departmental procedures. They next engaged in team building and communication exercises aimed at helping



## NEWS FROM PUBLIC EMPLOYEES



Because of new, more efficient purchasing procedures, Foreman Bob Lochridge is able to quickly buy parts at a local hardware store during emergency repairs of a broken water line.

employees and supervisors learn to work more as a cohesive unit.

Over the next three years, from about mid-1989 to mid-1992, the department conducted an extensive self-evaluation. "We looked at all of our processes and procedures to see if we could become more efficient," Workman said. "We examined our maintenance techniques, looked at our work scheduling, did cost analysis. We started measuring things to see where we could improve."

The department decided to hire two seasonal employees to help out during the busy summer months, established a better vehicle preventative maintenance program and contracted out street asphalt patch work to a private company. The warehouse slashed \$50,000 of seldom-used items from its inventory.

From there, IVGID hired a human resources development firm, Development Dimensions International, to assist the district in establishing an entirely new management philosophy. DDI trained six employees from the rank and file and mid-level management on how to give a series of seminars to their own people on the fundamentals of an empowered work force.

### Training team-building facilitators

The six employees, called team facilitators, learned the basics of team building and team interaction. They learned how to communicate more effectively at work to complete tasks and accomplish goals, how to build productive relationships with co-workers and how to put ideas into action. The training also included

learning how to establish work teams and how to implement a system of positive feedback.

Once the facilitators completed their one week training, they began giving seminars to district employees beginning in February 1993. Each employee was assigned to a team of 12 other co-workers from various departments throughout the district. Each group then attended a series of up to six, half-day seminars over about six months.

"Overall, I think the training works real well," said Jim Youngblood, an Operator II who received the facilitator training. "I enjoy work now. When you can come to work and run your own show, you can't get much better than that."

Added Inspector Art Johnson, a 14-year department veteran and chief steward: "It's great. Now I make my own decisions, make my own schedule. As far as going back to the old way, not a chance, not a chance. The new way makes me feel good. It builds self-esteem for the guys."

The department next established a mission statement and standards that clearly outlined expectations for employee behavior. In short, they included accepting responsibility, acting as a team player, working to one's fullest abilities, treating others with respect, always being safe and maintaining quality.

### Peer evaluations

Because working in teams was new to some employees, the Utility Department established an evaluation system so that team members could receive on-going constructive

feedback on their work performance and behavior under the new system.

Instead of supervisors giving workers their yearly evaluations, employees receive these reports from their peers. A few days before an employee's anniversary date, each member of the work unit completes a written evaluation of the employee. On or near the anniversary date,

the employee and co-workers meet to discuss the overall evaluation.

After that, the employee develops a job enrichment plan consisting of new work objectives and goals for improvement for the upcoming year. The employee then comes back to the group and presents his or her plan, which is then posted in the department's employee lounge.

Co-workers, in conjunction with management, also handle routine discipline problems. If an employee is having work-related problems such as tardiness, absenteeism or poor attitude, it's up to co-workers to talk to the employee first. If the problem can't be solved, a Peer Evaluation Committee, consisting of two to three rank-and-file employees and one supervisor, investigates and takes corrective action.

"The system works well for me," Youngblood said. "Overall, it's been mostly positive. It's better than just having a supervisor's evaluation. He's not in the field with me. The people you work with see how you work. Peers evaluate you more accurately."

Ed Polluck, a chemist and chief steward at the district's treatment plant, concurred: "Peer evaluations have helped a lot. You get a better perspective from your peers. If 10 or 15 people say it, it's probably true. It opens up lines of communications. It's a good process that fosters team spirit."

### Stunning results

Getting a handle on costs combined with a rejuvenated work force have produced impressive results. In the six years since the department

began its dramatic comeback, it has reduced its average sick leave to just a half-day per employee per year. The district also has reduced its sewer line cleaning costs from 29 cents per lineal foot to around 3 cents per lineal foot, and decreased the average main water leak repair from \$1,200 each to about \$450 per repair. Snow removal costs have plummeted 50 percent.

Three years ago, the department couldn't account for a shocking 23 percent of its water meters. Today every meter has been accounted for and is being read for the relatively low cost of 24 cents per meter. IVGID can now perform most of its maintenance and repairs for less than what any private company can bid on the same work.

But above all the employees are a satisfied, motivated unit once again. "I love coming to this job now," McCauley said. "There's always things to do. If we hadn't made these changes, I wouldn't be working here."

Said Youngblood: "It sure motivates people. The district gets more bang for its buck now. You've got all these employees looking to save more."

### Unions like worker empowerment

Labor too is generally pleased with empowerment programs because they help unions attain one of their primary work-place goals. Unions have always sought to help their members stay on an equal footing with management, and worker empowerment certainly accomplishes this.

"Our goal as a union is to ensure that our members' rights are protected, that they're safe, and that there's a good work environment," said Business Agent Dick Gleed, who represents the Utility Department for Local 3. "If we can achieve these goals through empowerment, then that's good."

Virtually every member of the bargaining unit recommends that other public agencies, seeking to revitalize their work force, try empowerment. "Absolutely!" said Johnson. "With worker empowerment you find out whether you have committed people. You can see where you need to be better."

"I'd recommend it, especially if they're having big problems," McCauley said. "They'll find that working as a team makes you enjoy your job a lot more. Stress levels go down, productivity goes up. You even start getting along better outside of work."



## NEWS FROM Rancho Murieta Training Center



# Greatest challenge is adapting to technology

By Larry Uhde,  
RMTC administrator

Now that 1993 has come to a close, I can't help think that we are one year closer to entering the 21st century. I wonder, like so many others, just what the next century will bring.

Today's technology never ceases to amaze me, and the anticipation of things to come can be frightening if we allow it to be. The world that I knew as a young man has changed dramatically and presents some very interesting challenges for all of us. Although there is still the danger of armed conflict around the world, I believe one of the biggest challenges we face as an industrial nation is to maintain our presence as a world power. The strength of an industrial nation is determined by the skills of its work force.

The United States has always prided itself for having a highly skilled work force capable of setting an example for the rest of the world. A skilled work force comes from hard work and training, a fact trade unions have known for many years and have demonstrated by establishing highly successful apprenticeship programs.

As I began working on this article, the thought that came to me most frequently was the understanding that, as we meet our new challenges and seek a career, the one common factor will very probably be a lifetime of learning, preparing ourselves to meet the challenges of changing technology in the work place as well as learning all new methods and concepts to complete an old task.

There is considerable interest within government to adapt and expand the apprenticeship concept of training into areas as yet untried. I believe the government's interest in this concept of learning is based on the demonstrated success of union apprenticeship programs to consistently provide industry with skilled workers.

Local 3's apprenticeship program is faced with the everyday challenge

of being prepared to assist our members and future members to meet the needs of the industry. With about 70 percent of high school students never entering a college or university, parents and teachers are faced with the task of providing the kind of guidance necessary to allow students choices for careers that will provide them with the training and education to become skilled workers.

Apprenticeship requires the same level of commitment as going to college. In many instances, it better prepares the individual for the "real world of work" and earning a living. The key to success with apprenticeship training is the combination of "structured on-the-job training combined with supplemental related instruction" and performing "under the guidance of a skilled craftsman."

Another very important component of union apprenticeship programs is a commitment to provide training to assist journey-level workers an opportunity to upgrade their skills on such things as automatic blade controls and lasers. Local 3 has always been very proud of the skills of its mem-

bers.

The very success of our industry depends upon those skills. Our legacy to the future generations of operating engineers are those skills we pass on by sharing our knowledge and experience with the apprentices who have selected the operating en-

gineers as their career choice.

As I bring this article to a close, I would like to ask our journeymen and journeymen to share their knowledge and experience with our apprentices to ensure the high skills of our members for future generations.



Top: Journey-level trainees who recently completed the advanced blade class are from left: Bill Dodd, Edward Briggs, instructor Tom Mullahey, Troy Blair and Mike Fitz.



Center: A trainee performs during automatic blade control class.



Bottom: Mike Fitz adjusts a component on the training center's new Laser Alignment Sonimaster automatic blade control system.



# Election Committee Notice

Robert L. Wise, Recording-Corresponding Secretary of Operating Engineers Local Union No. 3, announces that in conformity with Article XII, Section 3, Elections (b) of the Local Union By-Laws, elections will be held at the first regular district meeting in each district beginning in March for members of the Election Committee which will conduct the election of officers and executive board members in the month of August 1994.

## Article XII, Section 3, Elections:

(a) The election of officers and district members of the Local Union Executive Board shall be held during the month of August by mail referendum vote of the membership of this local union under the supervision of the Election Committee and a nationally known firm of certified public accountants, selected by the Executive Board, with such other technical and legal assistance as may be provided.

(b) The election shall be conducted by a committee known as the Election Committee, composed of one (1) member from each district in which nominations will be made. The member shall be nominated and elected by secret ballot at the regular quarterly or specially called district meetings by vote of those members present whose last known address, as shown on the records of the Local Union ten (10) days prior to the first such district meeting in March preceding the election, was within the area covered by the district. Each nominee shall be a registered voter in the district in which he is nominated, shall have been a member of Operating Engineers Local Union No. 3 for one (1) year next preceding his nomination and election, and shall not be a candidate, or nominator of a candidate for any office or position.

The nominee for committee member in each district receiving the highest number of votes shall be elected, and, in the event he is unable, or unwilling to serve, shall be replaced by the nominee with the next highest number of votes, and he, under the same circumstances,

by the next highest, and so on, until the list of nominees is exhausted.

## Meetings to elect Election Committee:

### March 1994

- 2nd District 12 - Salt Lake City, Engineers Bldg., 1958 W.N. Temple
- 3rd District 11 - Reno, Carpenters Hall, 1150 Terminal Way
- 8th District 04 - Fairfield, Engineers Bldg., 2540 N. Watney Way
- 15th District 10 - Santa Rosa, St Eugene's Church, 2323 Montgomery Dr.
- 22nd District 90 - San Jose, Labor Temple, 2102 Almaden Rd.

### April 1994

- 12th District 40 - Eureka, Engineers Bldg., 2806 Broadway
- 13th District 70 - Redding, Engineers Bldg. 20308 Engineers Lane
- 14th District 60 - Marysville, Cannery Workers, 3557 Oro Dam Bl, Oroville
- 19th District 80 - Sacramento, Engineers Bldg., 4044 N. Freeway Bl.
- 21st District 20 - Concord, Elks Lodge No. 1994, 3994 Willow Pass Rd.
- 25th District 17 - Kona, Konawaena Int. High School, Cafeteria, Kealahou
- 26th District 17 - Hilo, Hilo ILWU Hall, 100 W. Lanikaula Street
- 27th District 17 - Maui, Waikapu Comm. Ctr., 22 Waiko Pl., Wailuku
- 28th District 17, Honolulu, Farrington High School Library, 1564 King St.
- 29th District 17, Kauai, Kauai High School, Cafeteria, Lihue

### May 1994

- 5th District 01 - San Mateo, Electrician's Hall, 302 8th Ave.
- 10th District 30 - Stockton, Engineers Bldg., 1916 North Broadway
- 12th District 50 - Fresno, Laborer's Hall, 5431 East Hedges

# HONORARY MEMBERS

As approved at the Executive Board Meeting on November 7, 1993, the following retirees have 35 or more years of membership in the Local Union, as of December 1993, and have been determined to be eligible for Honorary Membership effective January 1, 1994.

Charles Adkins	0750211
Robert F. Aguilar	0736437
Ted Allen	0841515
Robert L. Bates	0899520
Harlan E. Bothwell	0754099
Curtis H. Brown	0959255
Harold Brown	0873194
Howard F. Clark	0950628
Edward L. Clester	0991004
Kenneth Cumming	0925016
Albert V. Crum	0292680
Donald J. Davidson	0876154
Arthur Dockter	1988733
Frank F. Dorr	0993922
Dick A. Durham	0955194
Rex E. Dykes	0899549
Gene Estep	0982939
Clyde Foster	0755333
Alfred Free	0993934
Bert Genereux	0509659
Dana Gollenbusch	0854248
Danny Gray	0940043
Everett Hartman	0982954
Floyd G. Houx	0982965
Dean S. Jennings	0931144
Richard B. Jim	0955233
Thomas C. Jones	0994144
Phillip I. Kelly	0879589
Charles D. Lee	0892526
Forest E. Lockett	0918928
Mervin E. Mallory	0828755
Richard Manske	0640877
Robert E. Mayfield	0889149
W. M. McNeil	0982994
William N. Meherg	0969673
Rex L. Melton	0959385
Peter Musachia	0993982
Harlan D. Olson	0861665
James H. Pak	0928208
Roger G. Petty	0955213
Olen Plummer	0993997
Roy W. Pritchard	0892572
Robert Pyle	0939927
Robert E. Ranney	0963637
Stanley J. Reinert	0863920
Robert D. Reyburn	0972003
Carl R. Richofsky	0955279
Raymond Robles	0707356
Anthony Rodrigues	0964964
William Rosamond	0994102
Clifford Smith	0977686
Lloyd Steeves	0987280
Orval E. Thompson	0868839
Lloyd G. Willis	0987300

## Bring your dues card

All members are reminded to carry their paid up Local 3 dues card with them when attending a semi-annual, quarterly district or specially called meeting of the union.

Your paid up dues card is proof of your good standing status as a member of IUOE Local 3 and your right to vote in such meetings and/or participate in the business of the union.

## UNION PRIVILEGE LEGAL SERVICE



- Free initial consultation
- Free document review
- 30% discount on complex matters

Contact your union or call **1-800-452-9425** for lawyers near you



## Departed Members

Business Manager Tom Stapleton and the officers of Local 3 extend their condolences to the families and friends of the following deceased:

### OCTOBER

Harry Adair of Verdi, Nv., 10/27; Fred Bird of Spanish Fork, Nv., 10/28; Clair Fair of Modesto, Ca., 10/31; Maurice Funk of Albuquerque, NM., 10/23; Eduardo Gonzalezruiz of Mesquite, Tx., 10/17; Fred Gregory of Turlock, Ca., 10/28; Robert Kirk of Volcano, Ca., 10/22; Alexand Leonesio of Richmond, Ca., 10/28; Edward Medeiros of Honolulu, Hi., 10/19; Michael Miller of Sparks, Nv., 10/31; S. F. Orchard Sr. of Santa Rosa, Ca., 10/27; Henry Orr of Bonners Ferry, Ida., 10/15; Book Perkins of San Jose, Ca., 10/23; Guy Piper of Bella Vista, Ca., 10/14; John G. Souza of Oakland, Ca., 10/29; Carl Winkle of Stockton, Ca., 10/22.

### NOVEMBER

Fred Baroni of Penn Valley, Ca., 11/20; Richard Bent of San Jose, Ca., 11/17; W. Browning of Delhi, Ca., 11/13; W. J. Burkhart of Redwood City, Ca., 11/17; Dan Chaney of Suisun City, Ca., 11/6; Glenn Cook of Roy, Ut., 11/30; Sidney Curtis of Fernley, Nv., 11/8; Wilbur Delle of Rackerby, Ca., 11/19; Vicki Dias of Antioch, Ca., 11/6; Mavis Garrett of Sparks, Nv., 11/10; Steve Gruzdis of Novato, Ca., 11/2; Clyde Husted of Wilton, Ca., 11/12; Arthur Jones of N. Salt Lake, Ut., 11/23; William Kant of Eugene, Or., 11/3; Anton Lundin of American Fork, Ut., 11/15; Ozzie Lutter of Twain Harte, Ca., 11/12; Alvin McDonald of San Jose, Ca., 11/12; Frank Molina of Livermore, Ca., 11/20; Clinton Petersen of Sonora, Ca., 11/11; Wm. J. Pierce of Rio Linda, Ca., 11/4; Sam Pyle of Provo, Ut., 11/4; Edward Redford of Watsonville, Ca., 11/20; Walton Reed of Westport, Wa., 11/14; Raymond Schick of Granbury, Tx., 11/5; H. E. Shaldell Sr. of Napa, Ca., 11/27; Coryell Simpson of Antioch, Ca., 11/20; Gary Singleton of Bella Vista, Ca., 11/20; William Southerland of San Jose, Ca., 11/18; Charles Tredway of Modesto, Ca., 11/19; Ira J. Whitney of Bluffdale, Ut., 11/7; W. Ross Williams of Kanarraville, Ut., 11/14; Robert Williams of Salina, Ut., 11/19; Woodrow Wilson of Delta, Ut., 11/29.

## 1994 Grievance Committee Election

Recording Corresponding Secretary Robert L. Wise has announced that in accordance with Article X, Section 10 of the Local Union Bylaws, the election of Grievance Committees shall take place at the first regular quarterly district or sub-district meeting of 1994.

The schedule of these meetings appears on this page under "District Meetings."

## Election of Geographical Market Area Addendum Committeemen

Business Manager T. J. Stapleton has announced the election of Geographical Market Area Addendum Committeemen at each of the Northern California and Reno regularly scheduled district meetings and/or at specially called meetings to be scheduled during the first quarter of 1994 with eligibility rules as follows:

1. No member shall be eligible for election, be elected or hold the position of Geographical Market Area Addendum Committeeman unless he is:
  - (a) living in the committee's Geographical Market Area,
  - (b) an employee in the construction industry in the area,
  - (c) an "A" journeyman,
  - (d) a member in good standing,
2. No member shall be nominated unless he or she is present at the meeting and will accept the nomination and the position, if elected.
3. No member is allowed to serve more than two (2) consecutive terms on the Geographical Market Area Committee.
4. No member may be an owner-operator.

The schedule of the meetings in which these elections will be held appears on this page under "District Meetings."

## 1994 RETIREE ASSOCIATION MEETINGS

### JANUARY

- 11th **EUREKA - 2 PM**  
Operating Engineers Bldg.  
2806 Broadway
- 12th **REDDING - 2 PM**  
Moose Lodge  
320 Lake Blvd.
- 13th **MARYSVILLE - 2 PM**  
Veterans Memorial Bldg.  
249 Sycamore Gridley, CA

### FEBRUARY

- 1st **CERES - 10 AM**  
Tuolumne River Lodge  
2429 River Road Modesto, CA
- 1st **STOCKTON - 2PM**  
Operating Engineers Bldg.  
1916 N. Broadway
- 8th **SAN FRANCISCO/SAN MATEO - 10AM**  
IAM Air Transport Employees  
1511 Rollins road Burlingame, CA
- 8th **IGNACIO - 2 PM**  
Cattleman's Restaurant  
6090 Redwood Blvd. Novato, CA
- 17th **FRESNO - 2PM**  
Laborers Hall  
5431 E. Hedges
- 22nd **CONCORD - 10AM**  
Concord Elks Lodge #1994  
3994 Willow Pass Rd.
- 23rd **OAKLAND - 10AM**  
Oakland Zoo, Snow Bldg.  
9777 Golf Link Rd.
- 24th **AUBURN - 10AM**  
123 Recreation Dr.
- 24th **SACRAMENTO - 2PM**  
Operating Engineers Bldg.  
4044 N. Freeway Blvd.

## District Meetings

District meetings convene at 8 PM with the exception of Hawaii meetings and specially called meetings, which convene at 7 PM

### JANUARY 1994

- 11th **District 40: Eureka**  
Engineers Bldg.  
2806 Broadway
- 12th **District 70: Redding**  
Engineers Bldg.  
20308 Engineers Lane
- 13th **District 60: Marysville**  
Cannery Workers  
3557 Oro Dam Blvd.  
Oroville, CA
- 25th **District 17: Hilo**  
Hilo ILWU Hall  
100 W. Lanikaula Street
- 26th **District 17: Maui**  
Waikapu Comm. Ctr.  
22 Waiko Place  
Wailuku, Hawaii
- 27th **District 17: Honolulu**  
Farrington High School Library  
1564 King Street

### FEBRUARY

- 1st **District 30: Stockton**  
Engineers Bldg.  
1916 North Broadway
- 1st **District 17: Kauai**  
Kauai High School  
Cafeteria, Lihue
- 3rd **District 80: Auburn \***  
Auburn Recreation Ctr.  
123 Recreation Drive
- 3rd **District 17: Kona**  
Konawaena Int. High School  
Cafeteria, Kealahou
- 8th **District 01: San Francisco**  
Seafarers Int. Aud.  
350 Fremont Street
- 10th **District 50: Fresno**  
Laborer's Hall  
5431 East Hedges
- 22nd **District 20: Oakland**  
Holiday Inn Airport  
880 Fwy/Hegenberger
- 24th **District 80: Sacramento**  
Engineers Bldg.  
4044 N. Freeway Blvd.

### MARCH

- 2nd **District 12: Salt Lake City**  
Engineers Bldg.  
1958 W. N. Temple
- 3rd **District 11: Reno**  
Carpenters Hall  
1150 Terminal Way
- 8th **District 04: Fairfield**  
Engineers Bldg.  
2540 N. Watney Way
- 15th **District 10: Santa Rosa**  
St. Eugene's Church  
Msgr Becker Ctr.  
2323 Montgomery Drive
- 22nd **District 90: San Jose**  
Labor Temple  
2102 Almaden Road
- 24th **District 90: Freedom \***  
Veterans of Foreign Wars Hall  
1960 Freedom Blvd.

\* Denotes specially called meeting. The only purpose of the Auburn meeting on Feb. 3 and the Freedom meeting on Mar. 24, is for the Election of Geographical Market Area Addendum Committeemen.



Swap shop ads are offered free of charge to members in good standing for the sale or trade of personal items and/or real estate. To place an ad, simply type or print your ad legibly and mail to Operating Engineers Local 3, 1620 S. Loop Rd., Alameda, CA 94501, ATTN: Swap Shop.\* Ads are usually published for two months. Please notify the office immediately if your item has been sold. Business related offerings are not eligible for inclusion in Swap Shop.

\*All ads must include Member Registration Number. Social security numbers not accepted.

\*\* All ads should be no longer than 50 words in length. 3/31/91

# Swap Shop

FREE WANT ADS FOR ENGINEERS

**FOR SALE: Tavern** Tehema Co., 2100 sq. ft. cement block bldg and 2 bdrm apt. 3 acres under irrigation. Deep well w/submersible pump. Sep. trailer pad, all utilities, plenty of parking & room for expansion. \$69,950. Call (916)243-4302. Also 8 unit apt. 6-2 bdrm. and 2-3 bdrm units. Laundry room and covered parking. Plenty of room for 8 more. Low vacancy factor. \$290K negotiable. Call manager (916)459-3160. Reg.#865537 10/93

**FOR SALE: '91 Van** Aerostar XL, V6, AT, PS, PB, CC, tilt, AM/FM cass, Excel. cond. \$11,850. Queen water bed \$35, Wing back overstuffed chair \$25. Call (916)758-7035. Reg.#1691152 10/93

**FOR SALE: Lot** 110'x100' water front fenced lot on wide canal. Minutes from the Gulf of Mexico on quiet cul-de-sac. Paved road, city water, septic system and electric. Boat dock, Hudson, Florida. \$40K negotiable. Pictures on request. Call (813)869-8018. Reg.#1088465 11/93

**FOR SALE: Motor home** '78 - 33 ft. Vogue Classic duel air, cab air, hydraulic levelers, microwave, TV, ice maker, 6.5 kw onan generator, new carpet, 62K miles, one-time owner, very clean. \$28K. Call (209)296-7237. Reg.#0838815 11/93

**FOR SALE: '78 Corvette** Silver Anniversary, fully loaded including 700R.H transmission & new tires \$8K. Also, 50 GMC project PU, late model running gear, 7 window, extra parts, \$3,500. Call (408)757-5614. Reg.#1192168 11/93

**FOR SALE: Tractor** International track-layer. TD 14K3A Liader w/4-way Drott bucket. Other international machines for parting out included & additional parts. \$13K. Call (916)622-6737 or (916)621-1747. Reg.#1679710 11/93

**FOR SALE: 2 Acres** beautifully treed in Swansboro/EI Dorado Co. 9 mi. from downtown Placerville. Private community w/paved roads, stocked ponds and airstrip. Parcel located next to Nat'l forest for great-horse back riding, motorcycling & nature walks. Must sell \$25K/OBO. Call (916)987-9307. Reg.#2123219 11/93

**FOR SALE: '80 Mobile home** 2bd/1ba. on 1/3 acre. 2 sheds, patio carport, lawn, fenced trees, roses, pecan trees, satellite, Silver Springs Nev. Call (702)577-2155. Reg.#1178193 11/93

**FOR SALE: Home** 2bd/1-1/2ba w/FP on level 2.5/Ac. w/16'x30' shed, 220' well. Tall pines & cedar trees. Year-round Co. rd. 3,500 El., Clipper Mills, Butte Co., 44mi. NE of Marysville, Ca., \$90K. Call (510)229-3170. Reg.#0822680 11/93

**FOR SALE: '90 5th Wheel** 27' Alpenlite DL. top of the line, lots of extras, air built in microwave, stereo, awnings and more. Must sell. Call (209)852-2420. Reg.#0982939 11/93

**FOR SALE: 13 Acres** bordered by dry creek, nice 2bd w/auto sprinklers for lawn

+ older house turned into a shop, 20'x40' metal shed, 8'x20' wood shed, 37 olive trees, some fruit trees on end of road. Very quiet w/no traffic. \$150K. Call (916)824-4822. Reg.#0854095 11/93

**FOR SALE: '71 Motor home** 24' Catalina w/Dodge motor, 318 cu. in. runs good. New tires front/good tires rear. Asking \$4,900. Reg.#1178350 11/93

**FOR SALE: 3 Acres** approx. between Lake Don Pedro and Lake McClure - 2 best fishing lakes in Ca., 2bd. w/lg.built on living room. Nice deck, 2 car garage w/lg. shop at huge discount. \$105K. Call (209)852-2420. Reg.#0982939 11/93

**FOR SALE: Welder/Generator**, '86 Lincoln DC225AMP, onan gas engine twin cyl. w/50 ft. welding cables. \$1,200/OBO. Call (209)245-4060. Reg.#1511183 11/93

**FOR SALE: 1 Lot** Lake Tahoe area, 10 mi. to state line, 99'x110'. \$20K cash, Call (702)871-1749. Reg.#892415 11/93

**FOR SALE: '89 Trail trailer** Alumina Lite XL, good cond. 31', \$14K. Call (209)575-1819 or (209)575-2456. Reg.#904634 11/93

**FOR SALE: '28 Ford Coupe** w/rumble seat, \$10K. '36 Ford Coupe w/rumble seat \$12K. Both beautiful. Call (510)846-4080. Reg.#0342660 11/93

**FOR SALE: Dragline** 15 Bucyrus Erie, Cat motor 5/8 yd Hendricks bucket, 35' boom + 5' & 10' extensions, \$5K. Call (916)674-3325. Reg.#289241 11/93

**FOR SALE: '69 Mercury Cougar** classic, racing eng, new 351 Cleveland, Trans and paint, quick shift, Kenwood stereo, \$7,800/OBO. Call (209)367-8699. Reg.#1965563 11/93

**FOR SALE: Backhoe** 580 K phase 3, '90 Jacobson Goose neck trailer. '89 F 250 Heavy duty Ford pick-up. Lots of extras included. 3 piece package \$53K. '35 John Deere tractor plus other antiques including bottles, milk cans, pumps, beer signs. \$2,900. Call (209)334-1846. Reg.#1346226 11/93

**FOR SALE: R.V. Membership** for Waco & Thousand trails, cash sale paid \$4,900. Best offer. Unable to use. Has security reservations guarantying a safe place at resorts + scenic attractions & planned activities. Happy to schedule courtesy tour for a day to a perspective buyer. Call (510)782-5798. Reg.#928047 11/93

**FOR SALE: '78 Me Too Cab-over** camper, roof cooler, antenna, jacks. Self-contained, located in Woodland storage \$1,500. Also, '91 Alfa Sun, 30' located in Isleton. Slide out L/R rear kitchen, lg. awning, Q-size couch/bed. Lg A/C. Stereo w/back-front speakers, like new. Books at \$27K. Loan w/credit union, take over balance of \$25K. Call (916)777-5968. Reg.#2012260 11/93

**FOR SALE: '91 Mobile home** 14'x56', 2bd/1ba, 2 acres landscaped, 37,500 Dolan Springs Az., 70 mi. from Kingman-60 mi. from Henderson, Nv. Call 1(800)626-2527 ask for Bobbi. Reg.#0711825 11/93

**FOR SALE: Welder** Miller AEAD 200 LE, like new on heavy duty trailer, bottle racks, vise, 140' leads, extra 300 amp stinger, cutting torch assembly, 60# 7018 rod, welding hood. \$2,900 Call (209)274-4808. Reg.#1017830 11/93

**FOR SALE: '87 SeaRay** 25' Sundancer, full Delta canvas, 350 OMC outdrive, 110V dockside sys, electric hyd trim tabs, alcohol/electric 2-burner stove, depth finder, 100 gal gas tank, self-contained cooling, inboard Halon fire ext. sys, dual voltage refer, radios, full canvas cover, alt state, removable carpet, head, low hours. \$19K. Call (209)833-0774. Reg.#1046810 11/93

**FOR SALE: Boat** Renault 16' I/O less 80 hrs since new. Ex. cond. full canvas/extras, \$7K. '88 classic kit companion 29' 5th. wheel. Fully loaded w/extras. Non smoker, travel less than 40 hrs, new cond. \$17K. And 12-1/2 acres in Kalamata Nat'l Forest. approx. 20 mi. w. of Yreka, Ca., in good deer hunting/fishing area. All year spring/well. Good building site \$20K. Call (916)626-3223. Reg.#879730 11/93

**FOR SALE: '64 Boat** Craftron 26', Chrysler Marine eng., 440hp, forward and reverse trans. outrigger, all steel hull, ribbed winch included, L.O.A. is 25' 11", beam 8'13", draft 2' 0", displacement 6,500 lbs., includes trailer-4wheels, brakes, anchor, compass. Make offer. Call (916)622-7078. Reg.#0494247 12/93

**FOR SALE: 1 acre + level lot** on Van Parker Ln. North Galt \$87,500. Call (209)333-2449. Reg.#0763947 12/93

**FOR SALE: '63 Buick Skylark** conv. alum. V8, auto all power all org. 4K OBO. Also, German Shepard pups, AKC, OFA, champion sire, repeat breeding lg. heavy bone, show quality. \$400-450. Call (209)835-3004. Reg.#2151595 12/93

**FOR SALE: '65 Chev. P.U.** Parting out, long bed, \$25.-\$250. Lincoln, CA Call (916)645-6001. Reg.#2093139 12/93

**FOR SALE: '89 Motor home** 27' Tioga Arrow w/Ford 460 fuel injected, less than 10K mi., loaded w/lots of extras, beautiful, priced to sell \$26K. Contact: Tony Winton, P.O. Box 7169, So. Lake Tahoe, CA 96158. Reg.#1720566 12/93

**FOR SALE: 3 Acres** Shingle town area, 4K foot elev. on Hwy. 44, 24 mi. from Redding, 10 mi. to Lassen Park. All black top rds. small airport bldg. site cleared. Well & septic tank in beautifully treed, exclusive homes, 54 strict building code. 50K. Call (916)533-7474. Reg.#1006613 12/93

**FOR SALE: '72 Mobile home** 12'x40'

# Personal Notes.....

**Santa Rosa:** The Santa Rosa District would like to extend its condolences to the family and friends of our member, Charles Avery, who passed away on 10/6.

Also, congratulations to Tanya, wife of Local 3 member John Mannix, who gave birth to a baby girl named Macy Kay on 9/4.

full length patio awning, storage shed, country living in small senior park, above fog & below snow, 100 mi. from Reno, between Auburn & Newcastle, CA. \$8,500 OBO. Call (916)823-2983 or (702)867-4569. Reg.#0863763 12/93

**FOR SALE: '78 Ford** C700-391, V8, 5 & 2 speed axle, power steering, juice brakes, dual tanks, 20 ft. flatbed completely gone thru. \$2,500. Also, '51 Ford F5, 2-1/2 ton flatbed. Flathead V8, 4 and 2 speed axle. Extra motor for parts. \$500. Call (916)876-7208. Reg.#750462 12/93

**FOR SALE: Mobile home** 55+ adult pk., Concord 24'x64' - 2bd/2ba. new carpets/linoleum/roof/stove. Central heat washer/dryer, microwave, wet bar, lg. family room, dining room. Club house, sauna-games-mystery trips. Close to Bart-security patrolled, screened porch, 2 electric sheds. Call (510)689-4932. Reg.#0921384 12/93

**FOR SALE: '74 Diesel Pusher** Newell Coach w/new remanufactured 3208 CAT engine w/1200 mi., still under warranty. Complete interior upgrade in 91.3 roof air and 7 kw Koeller generator. Too many amenities to list. \$79K. Call (707)275-2496. Reg.#1126182 12/93

**FOR SALE: '79 Lincoln** Continental Mark V, all white, very clean, fine collector car, 45K mi., \$5,500. Call (408)238-4248. Reg.#0467674 12/93

**FOR SALE: '63 Olds** Cutless F85, 215 cu. in., aluminum eng. w/4 barrel carb, (1) 4 door wagon w/factor air & (2) 2 dr. Sedans D.M.V. name op. not driveable. make good project cars. Good restorable cond. one has floor consul. All 3 for \$950. Call (916)344-7916. Reg.#1091182 12/93

**FOR SALE: Rabbits & Cages** Mini Rex-Holland Lops & Dwarfs, also goats and Appaloosa Gelding. Call (209)823-5863. Reg.#1584166 12/93

**FOR SALE: '82 Travel trailer** 35' Fleetwood, Wilderness. Very clean, everything works, A/C, roof mounted TV antenna. Good shape, great floorplan includes living room. \$6,500. Call (801)798-1242. Reg.#2161232 12/93

**FOR SALE: Timeshare** 6 full weeks in Puerto Vallarta. 5 star luxury unit paid over \$25K. Must sacrifice for \$6K. Deeded ownership. Call (707)823-4667. Reg.#924959 12/93

**FOR SALE: Engine** Catapiller, completely reconditioned, asking \$3K. Call (707)762-4639 after 5pm. Reg.#1128351 1/94

**FOR SALE/TRADE:** 6.09 acres. Located on Lake Ray Hubbard, east of Dallas in Rockwall Co., Texas. 20 min from Dallas. City water/sewage, park, school, hospital, boating, good fishing, nice brick homes in area. Good building site. Call Tom (510)634-2880 for more information. Reg.#0898233 1/94

**FOR SALE/RENT: 2 Homes** Vallejo,

3bd/1-1/2ba, fireplace, dining room, sunken living room, garage. Richmond, 2bd/1ba, extra family room, carport. Owner will finance w/8% down payment. Call (510)758-7235. Reg.#1208472 1/94

**FOR SALE: 3 Lots** Level/vacant Bullhead City, Az., side by side, each 105x42. Center lot has water, electricity and sewer/fenced in all sides. Near schools, shopping ctrs. and Nevada casinos. \$52,500. Call (408)238-3489. Reg.#1181795 1/94

**FOR SALE: Home** 2,200 sq. ft. country kitchen, den 3bd/2ba, 4.56 ac. corner w/lots of road frontage. Fruit/nut trees, 2 wells & septic w/10'x50' mobile home. 10 min. to downtown Modesto. Asking \$425K. Consider trade. Also, Hamada 600 2 color offset press, excel. cond. \$6,500. Dark room 5' sink, \$200. Old multilith offset press \$500, PMT processor \$100, Ed- itwriter 7500 typesetter w/25 fronts \$2K. Call (209)538-3613. Reg.#0892454 1/94

**FOR SALE: HP 41's** 2 at \$100 each. Also Honda Gen "5000EB" less than 1 hr. run time \$15K. Call (916)933-3576. Reg.#1510951 1/94

**FOR SALE: '67 Jeep** PUC J 2000, 327 AMC motor, auto trans, camper shell, boat rack, tires transfer case rear ends good, parked in Yuba City \$1,175. OBO. Parting out Jeep J 2000 PUC, no motor, body & all running gears good shape, 4 spd. trans w/adaptor for chev motor. \$775. OBO. 2 door 1 hood for Jeep J 2000 PUC \$75. OBO. Call (408)254-9036. Reg.#1046727 1/94

**FOR SALE: '64 T-Bird** Blue, clean in/out, new 390 eng., 1K mi. on it. Elect. windows/air. No restoring needed. Will send photos if interested. Call (405)273-6015. Reg.#0587424 1/94

**FOR SALE: '79 Motor home** Atasca, 69K, micro, color TV w/remote, AM/FM, cass, 3 way refr. w/new cooling unit, front tires, mufflers, shocks, 4.0 gen. fresh oil & tune up, storage pad, rack, roof and dash air, sleeps 6. \$12,500 neg. Call (408)688-6689. Reg.#2102567 1/94

**FOR SALE: '84 Motor home** 25' Champion class C, loaded, 460 eng. \$15K OBO. Call (209)852-2639 after 6pm. Reg.#0982939 1/94

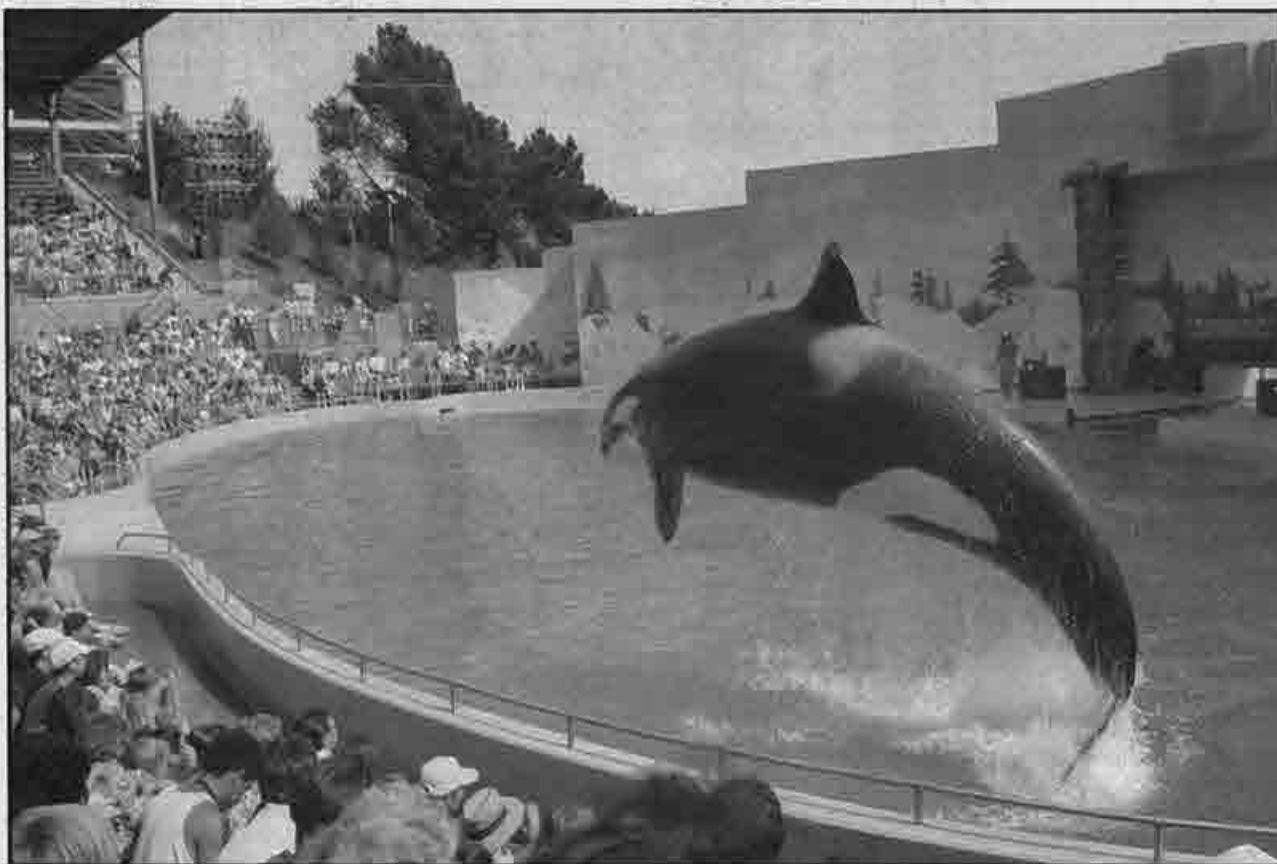
**ESTATE SALE: Sail boat** Olympian 33' blue water. Fully equipped w/radar etc.. \$25K OBO. Call (510)531-7036 or (510)482-5074. Reg.#2081049 1/94

**FOR SALE: GMC** Sycloce, excellent condition, 18K mi., \$19,750 OBO. Call (707)763-8350 evenings. Reg.#1993073 1/94

**FOR SALE/TRADE: 2bd/2ba** Foothills, den, great room dw., Jenaire/microwave, utility rm, landscaped garden, 27 mixed fruit trees, 3 water sources, well, City irrigation, garage, 2 carport, 2.759 acres, cyclone fenced/gated. Call (916)273-4224 or (503)856-3645. Reg.#0994102



# ***It's back and it's better than ever!***



## Our Day Includes

- Exclusive lakeside picnic!
- Admission to all shows, exhibits and attractions.
- Free parking stub included on ticket.
- All-you-can-eat barbecue hot dog lunch with salads, beans and dessert from 11:30 a.m. to 1:30 p.m.
- Unlimited soft drinks and beer served from 11:00 a.m. to 2:00 p.m.
- Games for the kids.
- Door prize drawings.
- Face painting and balloon sculpturist for the kids from 11:30 a.m. to 2:00 p.m.
- Strolling jazz band.
- Surprise animal visits.

## **Operating Engineers Local 3**

# **Family Day**

# **Marine World Africa USA**

**Sunday, April 24, 1994  
9:30 a.m. to 5:30 p.m.**

Adults \$17.00  
Children \$13.00  
Tots 3 & Under Free!  
NO TICKETS SOLD AT GATE.  
NO EXCHANGES OR REFUNDS  
ADVANCE TICKET SALES ONLY

## **What's new at Marine World?**

Since our last picnic two years ago, Marine World has added some great attractions.

### Shark Experience

A 300,000 gallon tropical reef tank surrounds a crystal clear tunnel that carries you underwater and right next to sharks as they navigate through the water.

### Dinosaurs

Travel back in time to a Jurassic forest filled with roaring prehistoric giants. In Dinosaurs, you'll discover 21 extraordinarily lifelike robotic dinosaurs, including a 24-foot-tall Tyranosaurus Rex.

	Number	Amount
Adult @ \$17.00 each		
Child (age 4-12) @ \$13.00 each		
No charge for children 3 and under.	Total	

Member's Name \_\_\_\_\_

Street \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Home Phone (\_\_\_\_\_) \_\_\_\_\_ Business (\_\_\_\_\_) \_\_\_\_\_

Social Security Number \_\_\_\_\_

- Make checks payable to:  
**Operating Engineers Local 3**
- And send to:  
**Operating Engineers Local 3  
1620 South Loop Rd.  
Alameda, CA 94502  
ATTN: Neal Sparks**