It pays to fight

Turlock canal workers win $2.4 million judgement over proper payment of overtime (see page 3)
Dear Editor:

Unfortunately, your editorial criticizing the prevailing wage law displays considerable ignorance of what it really costs to build a highway or other project that is paid for by federal and/or state funds.

By your argument, paying a construction worker "lavish sums" of $25.00 or so an hour is a waste of our tax money. You even conclude that eliminating the prevailing wage law for locally funded jobs would automatically save "hundreds of millions of dollars a year" and generate "thousands of additional jobs."

You're good at shooting from the hip but you miss the mark. A few facts might improve your vision.

Fact #1: According to the federal government, wages account for only 20.7 percent of the total cost of building a highway. Equipment, "overhead" and "profit" account for 34.8 percent and the other 44.5 percent goes for materials and supplies.

Let's go along with your mistaken notion that lower wages is a good deal for the taxpayer. If wage rates were averaged as you suggest, the prevailing rate in some areas would be slightly lower than they are now. Using your example of union painters who make $25.70 an hour versus non-union painters who make slightly under $20 per hour, a weighted average would result in about a 20 percent decrease in the prevailing wage.

That works out to only a four percent "savings" on the contract.

"Well," you might say, "four percent isn't very much, but it's better than nothing." Before you start discounting your pennies, better look at Fact #2.

Fact #2: In construction, productivity, not pay is the name of the game. A recent report compiled from federal government statistics compared the cost of building highways in the 10 states that build the most highways. Four of these states have no prevailing wages and predominantly low-paid, non-union workers. Six states (including California) have a prevailing wage law and predominantly high-paid union workers.

How did we fare? Despite having the highest average wage rate, California had the second lowest cost per mile of all 10 states in the survey. Using skilled union workers, California can build a highway cheaper than states like Florida, Virginia and Georgia whose average wage rates are less than half what they are in California!

Fact #3: Union heavy equipment operators in Northern California make $18.96 to $27.07 an hour in wages, depending upon the equipment they operate, plus $11.39 an hour in benefits. Despite all those "lavish" wages, more than 80 percent of all heavy construction work is still done union in this state. We must be doing something right.

How in the world do we do that? It's called "skill." It's called "union apprenticeship programs." It's called "pride in craftsmanship."

Assemblyman Jan Goldsmith and others of his ilk ought to learn a lesson from labor: Before you can be a journeyman, you have to be an apprentice and pay your dues. He's done neither. He should stop being a messenger boy for the anti-union employer associations who are peddling the same warmed over legislation that has failed to pass every year for the past decade.

Sincerely,
Tom Stapleton
Business Manager
and International Vice President

I am pleased to report that we won the first round in the Assembly Labor Committee. Goldsmith's bills were set aside for reconsideration. However, there is a host of other prevailing wage legislation in the pipeline - more than I have ever seen at one time. I am very concerned that we will have to mount a major political and educational campaign if we want to protect this vital legislation.

The bottom line is: government is looking for quick fix solutions to its problems. Bureaucrats are easy prey to wolves like the ABC who promise them that cutting wages saves money. It does not. It never has. It never will.
A group of 40 canal workers represented by Local 3 have learned first-hand what the power of union representation can do. They just won a $2.4 million settlement in a lawsuit against their employer, the Turlock Irrigation District, regarding the proper payment of overtime.

The settlement came a year and eight months after a federal district court judge ruled that the canal workers were not exempt from the overtime provision of the Fair Labor Standards Act and, therefore, eligible to receive hundreds of hours of back overtime pay. After nearly three years of litigation, Local 3 and TID management reached the settlement last month after both sides agreed on the back-pay amount, thus averting a lengthy and costly federal trial.

At a March gathering at TID headquarters in Turlock, Local 3 Business Manager Tom Stapleton presented the canal workers with the settlement, a ceremonial lump-sum check of $2,377,772.72 in back overtime pay and damages. Stapleton, Vice President Jack Baugh, Local 3 Attorney Lynn Faris and Business Agent Bill Reeves distributed real checks ranging from $64,000 to $4,000 per worker, depending on how much overtime each employee worked from April 1987 to October 1990.

"I was very happy and relieved when the settlement was announced," said Jim King, one of the suit's principal plaintiffs. "We put a lot of time into this case, and we got more than we thought we'd get. Working with Lynn Faris was a real pleasure, and Tom Stapleton should be commended for supporting us. This is the reason it's so important to have a union."

The dispute began in the spring of 1986 when the canal workers asked the district to begin paying them overtime under provisions of the FLSA. A few months earlier, a federal court in Texas, in Garcia v. San Antonio Metropolitan Transit District, ruled that public employees were covered under the act. Until January 1991, the canal employees were required to work 12-hour days, seven days a week during the irrigation season, which is from about mid-March to mid-October, and they were on call the other 12 hours, seven days a week, seven months of the year.

Despite the Texas ruling, the TID canal workers never received any overtime pay because the district claimed the canal employees - canal tenders, canal riders, reservoir attendants, night rider and water master who operated and maintained the irrigation system - were exempt from the overtime provision of the act.

Shortly before the canal workers joined Local 3 in 1989, an employee, Roy Davis, filed a grievance against the district over the overtime issue. But the district denied the grievance. After an initial investigation, Local 3 felt the FLSA overtime exemption applied only to employees who worked on waterways, ditches or canals used "exclusively" for agriculture. Since TID sold substantial amounts of water to domestic users such as businesses, schools, churches and residences, TID should pay the overtime, about an average of 200 hours per month per employee, seven months of the year.

TID maintained its position, so Local 3 filed a lawsuit in U.S. District Court on behalf of the canal workers in April 1990. Fifteen months later Judge Edward Price ruled in favor of the canal employees, saying that because TID used its waterways for domestic purposes, recreation and generating electricity, the district did not use its system "exclusively" for agriculture; therefore, the workers were not exempt from the overtime law.

With the liability issue settled, the court next had to decide damages to be awarded. The amount would depend on whether the court found that TID "wilfully" violated the FLSA and whether it acted in bad faith. On January 6 of last year, Price ruled that TID did wilfully violate the FLSA when it refused to pay the canal workers overtime. He also ruled last September that TID acted in bad faith. These two rulings meant the canal workers would get an extra year of back overtime pay and receive double damages.

The final phase of the lawsuit focused on how the rate of overtime pay would be calculated. TID asserted the canal workers were salaried employees and, therefore, only entitled to one-half the normal rate of pay. Local 3 claimed the workers were entitled to 1 1/2 times the regular pay rate.

Meanwhile, during the litigation Davis and King had their jobs changed, so Local 3 added a claim to the lawsuit for unlawful retaliation. King was returned to his old job, but TID refused to return Davis to his old job. An important part of the settlement was the agreement to place Davis back in his former job without loss of seniority.

After months of legal wrangling and trial preparations, both sides finally settled on the $2.4 million in back pay and damages. Both parties faced risks in a trial because a judge might have ordered TID to pay even more in back pay and damages or ruled against the canal workers by finding them salaried employees.

Two months before the final settlement, 17 other canal workers settled with TID for $289,000 plus attorney's fees, with individual payments ranging from $30,000 to $7,000.

The workers not only benefitted from the settlement itself, but from TID having to restructure its work force to comply with the overtime law. As a direct result of the lawsuit, the canal employees are now working under vastly improved working conditions. Instead of not having a single day off during the summer, they're working one week on, one week off throughout the irrigation season.

Because of the high cost of legal fees, this case would have never been pursued without a union. Joining Local 3 certainly made the difference for these canal workers.
Turning the tables on news media bias

The national press is giving labor a bad rap, so unions are responding through grass-roots media activism

By Steve Moler
Assistant Editor

Engineers News concludes this month with its final segment on how union members can, in addition to voting, take a more active role in determining their political and economic future.

On a busy street corner not far from the Local 3 headquarters stands a row of several newspaper racks containing some of the nation's most prestigious publications, like the New York Times, Wall Street Journal, USA Today and San Francisco Chronicle. Although all of these papers have attained the highest levels of journalism excellence, an enormous void exists within their pages: the fair and accurate coverage of labor unions and their members.

Over the past several decades the nation's mass media have been inflicting an enormous injustice on American society. Even though the country's work place remains an unorganized and workers were more likely to be asked for their opinions about wealthy celebrities than about their work. Of all the people selected by ABC World News Tonight as "Person of the Week" in 1989, not one was a worker singled out for having anything to do with work.

This incredibly slanted coverage of the labor movement has prompted labor leaders and union members to take action. Through grass-roots media activism unions are putting the heat on the media to improve coverage of the labor movement, discuss workers' issues more fairly and present union viewpoints more often.

A recent study by labor writer Jonathan Tausen, president of the National Writers’ Union and publisher of the media watch group Fairness and Accuracy in Reporting in mid-1990, confirmed what media critics and labor leaders have asserted for years. After polling the country's 100 largest circulation newspapers and studying tapes of evening news broadcasts, Tausen found that the three nightly network news programs in 1989 devoted only 1.2 percent of their programming to news about unions, and if the 1989 Eastern Airlines strike hadn't taken place, union news would have been virtually undetectable. Business and economic reporting, in contrast, received almost double the time given to workers' issues.

When the media did manage to cover labor, according to the study, treatment of unions and their members was overwhelmingly negative. Workers were frequently relegated to "person-in-the-street" interviews featuring the Joe Six Pack stereotype, and workers were more likely to be asked for their opinions about wealthy celebrities than about their work. Of all the people selected by ABC World News Tonight as "Person of the Week" in 1989, not one was a worker singled out for having anything to do with work.

This incredibly slanted coverage of the labor movement has prompted labor leaders and union members to take action. Through grass-roots media activism unions are putting the heat on the media to improve coverage of the labor movement, discuss workers' issues more fairly and present union viewpoints more often.

They're calling and writing to media executives, publishing letters-to-the-editor and, in some cases, even picketing news outlets. The goal has been to re-establish some semblance of balanced and accurate reporting of organized labor in the U.S. media.

Strike coverage

Evidence of slanted labor news reporting is so abundant few media experts deny the problem exists. Nowhere is this prejudice reinforced more than in the reporting of strikes. Although less than 2 percent of contracts negotiated in any year results in a strike, media coverage of organized labor is dominated by images of union members on the picket lines. News of strikes or even threatened strikes frequently receive banner headlines, but when settlements are reached, the news is small and buried on the back pages.

The International Association of Machinists, in a 1980 national survey of media coverage of strikes on the three television networks, found that corporate viewpoints rather than those of workers or unions were favored on all three networks: CBS by three to one, NBC by five to one, and ABC by as much as seven to one. All three of these networks, by the way, are owned by billionaire media moguls or huge multinational corporations.

According to media analysis of the 1990 Greyhound strike, the New York Times - America's "newspaper of record" - frequently printed the company's side of the story on wages and union demands, and failed to tell readers that Greyhound workers earned the same wages they had 15 years earlier, that maintenance workers with 17 years of experience made only $6.50 an hour, that the company was asking workers to pay the full cost of medical coverage, and that no worker had been able to join the pension plan since 1983.

Bias in our own backyard

A similar example of blatant anti-union press coverage appeared in the March 13 San Francisco Chronicle. In a page 11 article concerning two anti-prevailing wage bills recently introduced in the California Legislature, Chronicle reporter Jonathan Marshall devoted 18 paragraphs - more than 80 percent of the article - to the anti-prevailing wage viewpoint and just three paragraphs to the union side.

Marshall compounded the problem by using statistics from sources who were anything but objective and independent. He cited a study authored by a non-union building industry lobbyist who was being paid to help repeal prevailing wages, and he quoted an economist who was commissioned by the anti-union Associated Builders and Contractors to study prevailing wages.

Corporate domination

It's hard to understand how labor's image has been so consistently distorted or ignored by accident. Considerable evidence supports the theory that an anti-union bias has been built into the media's system and structures of gathering, producing and disseminating news and entertainment.

Consider, for instance, what's been taking place in America's most popular medium - television. The Writers Guild of America, which includes the people who write all the television network drama and variety shows, testified before a Senate subcommittee in 1971 that "the networks have deliberately and almost totally shut off the flow of ideas that have censored and continued to censor the writers who work for them." The testimony included numerous examples of censorship, and a poll of guild members revealed that 8 percent of them had personally experienced censorship of their work from higher ups. This kind of self-censorship may explain why unions are almost totally absent from the TV entertainment screen.

One explanation for such overt prejudice is that in the past 20 years or so the media have become more tightly monopolized by big business, which is often at odds with organized labor. Until the late 1960s, most U.S. newspapers and broadcast stations were independently owned and operated. But by 1982, 50 corporate giants controlled half or more of this country's media, including magazines, daily newspapers, television stations, radio stations, book publishers and movie studios. By 1986, the number of media giants fell to 25, and one year later, to just 20. In the 1990s the number is expected to drop to only a half-dozen or so.

The byproduct of media monopolies has been the gradual erosion and repression of diverse viewpoints, especially those that may offend media owners and advertisers. Political opinions and news coverage, therefore, rarely stray far from corporate views or focus on anti-corporate ideas. As a result, literally hun-
dreds of good stories about unionized workers' conditions and how the effects are inflicting tremendous damage on the country's labor movement.

Before the advent of mass communications people formed their values and opinions of society through interactions with family, community and church. Today, however, Americans rely almost exclusively on mass media, particularly television, to learn about the world beyond their immediate personal experience. When that information is seriously distorted, people begin to develop warped perceptions of society.

Emerging negative stereotypes

A 1989 survey of 462 high school seniors and juniors in Hawaii demonstrated just how serious the problem has become. When asked one main reason why they wouldn't form a labor union, student responses fell into the following broad and rather negative stereotypes:

- Unions are always going on strike.
- Unions are too powerful.
- Unions are corrupt and union leaders overpaid.
- Unions are greedy and selfish.
- Unions are undemocratic and run by a privileged minority.
- Unions protect bad workers and are no longer needed.

Even more disturbing was the students' lack of understanding of the history, comparable size and purpose of the American labor movement. The vast majority of the respondents, 75 percent, believed that a greater part of the U.S. work force is unionized than in other industrialized countries, when, in fact, only 20 percent of the U.S. labor force is unionized. In the lowest of all industrial economies. Furthermore, 83 percent of those surveyed estimated a much higher annual average of strike activity than the 2 percent or less that actually occurs in an average year.

Labor's response

If high school students are developing negative impressions of unions before they even enter the work force, how can the labor movement expect to survive into the next century? As daunting as the challenge may seem, union members can and must respond. While national and local unions continue to combat skewed media coverage through public relations programs such as the AFL-CIO's "Union Yes" campaign and Local 3's two-year radio and television campaign in 1989 and 1990, individual union members can take a surprising amount of action on their own to combat the problem of anti-union press coverage.

The key is media activism. The first step is to exploit the few media forums that don't engage in such self-censorship and that permit the expression of more diverse viewpoints. These include radio talk shows, television call-in shows, and newspaper and magazine letters-to-the-editor.

All three of these forums offer the best opportunities for labor's voice to be heard.

Challenging the media

The next step is for union members to become active media consumers. When you see or read material in which the press fails to keep its commitment to fairness, neutrality and independence, you have the right and duty to challenge the media.

You can start by approaching the media to discuss ways coverage could be improved or made more balanced. This can be accomplished through a variety of means. Call or write media executives and journalists to express your concerns about their treatment of the labor movement. For example, if you regularly watch one of the Sunday morning news panel programs, such as "Meet The Press" or "This Week With David Brinkley," monitor the program's content and guest list. If you observe the infrequent appearance of ordinary workers and labor leaders, call the producer and ask why the program is having so much trouble finding a balanced panel.

With newspapers, ask editors why the paper has a business or financial section but no corresponding section for labor or workers' issues. Ask editors of opinion pages why the vast majority of syndicated columnists represents the views of business while almost none represent the views of organized labor.

Don't harass media professionals, rather win them over through persuasion and documentation. Informed, non-hysterical letters can make a difference, and they don't have to be published to have impact. Sometimes unpublished letters-to-the-editor are passed on to the relevant journalists who may read them and respond by doing the same story but from a different angle.

Anyone can do it

What's encouraging about media activism is that you don't have to be a communications expert to talk back to the media any more than you need to be a political scientist to take on city hall. You don't need any special training or expertise, just the determination and motivation to act. On page 6 are step-by-step instructions on how to write a letter-to-the-editor, and on page 7 is a media resource list containing addresses and phone numbers of local and national media outlets that you can contact. Use this information to begin your own personal media campaign.

With a media activist

When a major labor story develops, start monitoring national and local news coverage. If reporting becomes slanted in favor of management, which it usually does, speak out immediately. Call the offending media outlet to protest. Offer suggestions on how to improve coverage. Write a letter-to-the-editor of your local newspaper and express your views. Tips on how to write such a letter can be found on page 6.

How to become a media activist

- You can start by first changing the way you perceive the media. Become an active rather than passive media consumer. When you watch TV or read a newspaper, don't take the news lying down. Be alert and skeptical. Remember that most broadcast networks and mass publications are owned by big business and, therefore, have a vested interest in the status quo. Know that no union owns any daily newspapers or TV stations.
- A key aspect of media activism is keeping informed and helping others to inform themselves. Active citizens must look beyond corporate-generated news and seek out alternative sources of information. Many cities and towns have alternative weeklies that tell stories about labor issues. National magazines like The Nation, The Progressive and Mother Jones are excellent alternatives to conservative, corporate magazines such as Time, Newsweek and U.S. News & World Report.
- Besides alertly watching and reading the news, become an active citizen who speaks up. Write letters and make calls to the media when you see or read slanted news stories. The resource list on page 7 contains the addresses and phone numbers of print and broadcast media.
- When a major labor story develops, start monitoring national and local news coverage. If reporting becomes slanted in favor of management, which it usually does, speak out immediately. Call the offending media outlet to protest. Offer suggestions on how to improve coverage. Write a letter-to-the-editor of your local newspaper and express your views. Tips on how to write such a letter can be found on page 6.
- Whenever possible, try to offer constructive criticism. If you contact a media outlet to complain about the narrow range of sources or viewpoints that it represents, or to advocate the exclusion of the programs or viewpoints, rather ask for the inclusion of new, balanced viewpoints and subjects.
- Give your letter to individuals or groups whose views you want to see reflected in that media. Remind journalists of their responsibility to neutrality, balance, and independence.
How to write a letter-to-the-editor

When Local 3 member Steve Torres learned that he might lose his job as a mechanic at the Mare Island Naval Shipyard because of military cutbacks, he got involved in a campaign to keep the facility open.

Part of his action plan was to join a coalition of some 14 shipyard organizations and unions, which sponsored a "Support Our Shipyard Rally" February 12 near the base entrance. More than 3,000 people attended, including other trade unionists, business and labor leaders, community activists and elected politicians.

In addition to volunteering his time to help promote and work at the rally, Steve did something every union member should consider when a major labor issue arises. He wrote a letter-to-the-editor that was published in the January 15 issue of the Napa Register.

By taking the time to compose and publish the letter, Steve became a media activist. Through the letter he not only promoted the rally, but expressed his views on the base closure debate to a potential audience of more than 20,000 Register subscribers. The publicity cost him almost nothing, just the time, the paper the letter was printed on and the 20-cent postage stamp. But the letter's impact proved significant.

"I wanted the public to be aware of our problem," Steve said. "It seemed like a good way to get coverage for free. I strongly suggest it. Other Local 3 brothers and sisters will be surprised at the feedback and response you'll get. It was amazing. I never dreamed I'd get such results. Almost three months after my letter was published, responses and counter responses are still being published in the Register concerning the pros and cons of closing the base."

Letters-to-the-editor are one of the most effective ways to get labor's viewpoint onto the pages of newspapers, which often ignore or slant coverage of unions. The editorial pages, where most letters-to-the-editor appear, are some of the most frequently read pages of a newspaper and are loaded with interesting, diverse viewpoints.

Below are some suggestions, provided by editors of the Sacramento Bee and the San Francisco Chronicle, on how you can successfully publish a letter-to-the-editor:

- When an issue grabs your attention and you want to write a letter-to-the-editor, act immediately. Timing is critical. Letters that respond to events and issues currently in the news have a much better chance of getting published than those dealing with subjects that have long vanished from the news pages.
- Keep the letter as concise as possible. Try not to exceed one double-spaced typed page or roughly 250 words. Slightly longer letters will be cut at the editor's discretion, and still longer letters may never make it into print.
- Dazzle the editor with good writing, persuasion and documentation. Your first paragraph, not more than two or three sentences, should introduce the subject and assert a thesis, a proposition or main point that's held together by logical argument. The thesis can also be stated in the middle or end of the letter, depending on the letter's structure. Other paragraphs should support your argument with personal experience or facts.
- After completing the letter, you must include your signature, address and daytime telephone number. Anonymous letters are accepted only under extremely unusual circumstances.
- In addition to sending your letter to the letters-to-the-editor department, send copies to the reporter whose article you might be responding to, as well as to his or her immediate editor. Also, send copies to other newspapers in your area.
- Don't get discouraged if your letter doesn't get published. Newspapers print only about one-fourth to one-third of the letters they actually receive. If you don't make the cut this time, keep writing different letters each month. You'll eventually get published.

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**SAMPLE LETTER**

**Help Mare Island**

Dear Editor,

I recently attended a Mare Island steering committee event on Feb. 12 from 11 a.m. to 1 p.m. The purpose of this rally is to generate support and keep Mare Island off the base closure list.

There I learned that Napa County Board of Supervisors Chairman Vince Perricote is not only going to attend but speak on our behalf. I cannot tell you how proud I felt.

In Mare Island's 139 years we have accomplished many missions to maintain our country's security. I feel that in recent years we had a significant role in winning the Cold War.

Now we need everyone to help in diversifying our workload and bringing work home from foreign shipyards. Did you know that foreign shipyards have more U.S. Navy work than they can handle while we are passing out pink slips? This is not my idea of the new world order.

Closing this base would have a very negative impact on the surrounding areas. I would like to invite anyone and everyone to contact your representatives about this and come to our rally.

Respectfully,

Steve Torres

Napa
## LOCAL NEWS MEDIA

### California
- **Eureka Times-Standard**
  - P.O. Box 749
  - Eureka, CA 95501
  - (707) 442-1711
- **San Jose Mercury News**
  - 409 13th Street
  - San Jose, CA 95112
  - (408) 228-8250
- **The Oakland Tribune**
  - 409 13th Street
  - Oakland, CA 94607
  - (510) 834-1212

### Oregon
- **KPTV Channel 21**
  - 1170 Ash Street
  - Portland, OR 97209
  - (503) 226-2000
- **KOIN Channel 6**
  - 1341 SW Columbia
  - Portland, OR 97205
  - (503) 222-8000

### Washington
- **The Seattle Times**
  - 111 Westlake Ave. N
  - Seattle, WA 98109
  - (206) 395-7200
- **The Seattle Post-Intelligencer**
  - 111 W. Jackson Blvd.
  - Seattle, WA 98109
  - (206) 448-8000

### Colorado
- **The Denver Post**
  - 1650 Wewatta St.
  - Denver, CO 80202
  - (303) 730-5000
- **The Rocky Mountain News**
  - 1700 Grant St.
  - Denver, CO 80203
  - (303) 892-2211

### Nevada
- **Las Vegas Review-Journal**
  - 3720 S. Decatur Blvd.
  - Las Vegas, NV 89109
  - (702) 367-5000
- **Las Vegas News**
  - 350 W. Main
  - Las Vegas, NV 89101
  - (702) 387-2000

### Idaho
- **Boise State Daily**
  - 508 W. Heiman Ave.
  - Boise, ID 83720
  - (208) 383-2000
- **The Idaho Statesman**
  - 700 W. Leavenworth
  - Boise, ID 83702
  - (208) 344-2000

### Arizona
- **The Arizona Republic**
  - 1331 N. Central Ave.
  - Phoenix, AZ 85004
  - (602) 508-2000
- **The Arizona Daily Star**
  - 1400 E. 4th Ave.
  - Tucson, AZ 85719
  - (520) 740-3000

### Utah
- **The Deseret News**
  - 500 W. 500 S.
  - Salt Lake City, UT 84120
  - (801) 328-8000
- **The Salt Lake Tribune**
  - 55 W. Temple Street
  - Salt Lake City, UT 84111
  - (801) 954-6300

### Hawaii
- ** Honolulu Star-Advertiser**
  - 50 Hui Kaeo Street
  - Honolulu, HI 96814
  - (808) 529-4311
- **The Honolulu Advertiser**
  - 415 North King Street
  - Honolulu, HI 96814
  - (808) 529-4311

### National News Media

#### Local Talk Shows
- **KSL Channel 5**
  - 1150 E. 400 S.
  - Salt Lake City, UT 84111
  - (801) 954-6300
- **KTVK Channel 3**
  - 1111 17th Street
  - Phoenix, AZ 85006
  - (602) 258-2000

#### National Broadcast News
- **CBS Evening News**
  - 2350 M St. NW
  - Washington, DC 20037
  - (202) 855-8000
- **ABC News**
  - 2000 Pennsylvania Ave. NW
  - Washington, DC 20006
  - (202) 457-1800

#### National Print Media
- **The New York Times**
  - 225 Fifth Ave.
  - New York, NY 10011
  - (212) 556-1900
- **The Wall Street Journal**
  - 200 Liberty St.
  - New York, NY 10288
  - (212) 664-2211

#### National Cable News
- **CNN**
  - 1001 Caucasian Ave.
  - Washington, DC 20036
  - (202) 736-8000
- **ABC News**
  - 1111 W. 42nd St.
  - New York, NY 10036
  - (212) 346-4000

#### National Cable and Radio Shows
- **Larry King Live**
  - 1111 W. 42nd St.
  - New York, NY 10036
  - (212) 346-4000
- **Face the Nation**
  - 1111 W. 42nd St.
  - New York, NY 10036
  - (212) 346-4000

#### National Daily Newspapers
- **The Washington Post**
  - 1155 15th St. NW
  - Washington, DC 20005
  - (202) 334-7800
- **The New York Times**
  - 620 42nd St.
  - New York, NY 10118
  - (212) 556-1900

#### National News Magazines
- **Time**
  - 1221 19th St. NW
  - Washington, DC 20036
  - (202) 344-4000
- **Newsweek**
  - 30 Rockefeller Plaza
  - New York, NY 10112
  - (212) 664-4000

#### National Press and News Services
- **United Press International**
  - 333 N. Wabash Ave.
  - Chicago, IL 60611
  - (312) 595-4000
- **The Christian Science Monitor**
  - 500 Dalton St.
  - Boston, MA 02116
  - (617) 227-0000

#### National Broadcast and Cable Programs
- **Good Morning America**
  - Times Square
  - New York, NY 10001
  - (212) 975-6995
- **Face the Nation**
  - 1111 W. 42nd St.
  - New York, NY 10036
  - (212) 346-4000

#### National Cable News Programs
- **ABC News Nightly News**
  - 1111 W. 42nd St.
  - New York, NY 10036
  - (212) 346-4000
- **CBS Evening News**
  - 1550 Broadway
  - New York, NY 10036
  - (212) 346-4000

#### National Radio Programs
- **NBC Nightly News**
  - 1550 Broadway
  - New York, NY 10036
  - (212) 346-4000
- **ABC World News Tonight**
  - 1550 Broadway
  - New York, NY 10036
  - (212) 346-4000

#### National Newsletters and Publications
- **Engineers News**
  - 1334 W. Sixth St.
  - Salt Lake City, UT 84102
  - (801) 325-1400
- **National Geographic**
  - 1145 17th St. NW
  - Washington, DC 20036
  - (202) 383-7777
Better than a Hollywood movie

Local 3 helps International produce promotional video.

By James Earp
Managing Editor

If you want to make the next Clint Eastwood hit, you'll probably have to go to Hollywood, but if you want to produce a movie about Operating Engineers, there's only one place to get it — that's straight from the horse's mouth.

Local 3 had the opportunity recently to assist staff people from the union's International Office in Washington, D.C. who are producing a promotional video that will profile the many different kinds of workers represented by the Operating Engineers Union.

For two days in February, IUOE representatives Joe Brady and Dave Treanor dodged rain storms while shooting video of Local 3 members working at job sites in San Francisco and Marin counties.

Assisted by a professional production crew, the videotaped heavy equipment operators working on the Costco, County Jail and Muni Extension projects in San Francisco. They interviewed building trades workers picketing City Hall over a non-union project at Candlestick Park, shot footage of an Alameda Sheriff's deputy in San Leandro and interviewed Caltrans workers in Sausalito.

The International also borrowed video footage shot three years ago by Local 3 for the union's television ad campaign.

Special thanks go to District Representatives Bob Delaney and Business Agents Bill Eisensee, Greg Gunheim and Bob Britten for their help in arranging the video shoots.

Business agent Bill Eisensee takes a minute to talk with piledriver Bob Norman (left). Alameda Sheriff's Deputy Mark Foster (above) takes his new squad car through the paces under the watchful eye of the cameraman.
Auburn-Placer Disposal’s oldest young man retires

Employees at Auburn-Placer Disposal called retiring Local 3 member Rick Lytle “Gramps” since the day he started working for the company 16 years ago, not because he was all that old, but because he was someone the younger workers could turn to for assistance and leadership.

But the era of having that one exemplary employee – the single person whose personality, integrity and dedication to the job brought an end to the company and its union. — came to an end March 12 when Rick retired. During most of his years with the company, Rick drove a Ford 9000 roll-off recycling truck. He’s the first Auburn-Placer Disposal employee to receive a Local 3 pension since the unit joined the union in 1991.

“This has been the most satisfying, relaxing job I’ve ever had,” Rick said at his March 12 retirement party at the Auburn-Placer Disposal headquarters in Auburn. “As long as I did my work, no one ever messed with me. This has been a great bunch of guys to work for. I’ll miss this group.”

As soon as Rick and wife Marie sell their home, they’ll pack up their 25-foot Apollo motorhome and travel to Alaska to do some serious game hunting and stream fishing. The trip, which will take them along the Richardson Highway to Fairbanks via Tok Junction, will bring Rick back to familiar country. Before Alaska became the nation’s 49th state, Rick worked for the state’s public roads commission building stretches of the same highway he and Marie will travel on their way to Fairbanks.

When Rick says Auburn-Placer Disposal was the most satisfying, relaxing job he’s ever had, company management can feel proud because Rick has worked an impressive assortment of jobs before coming to the company in 1977.

Born and raised in Watsonville, Calif., Rick joined the Merchant Marines after high school, then served in the U.S. Army, one tour taking him to Guiana, South America, where he operated draglines and scrapers in the construction of landing strips. Rick worked in Alaska after completing his military service.

Rick eventually returned to California and went to work for Pacific Gas and Electric Co. in the Bay Area before taking a job as a mechanic for Grand Automotive. When Rick’s mother-in-law moved to Auburn in the mid-1970s, Rick fell in love with the area and decided he too would make Auburn County his home.

Rick started out with Auburn-Placer Disposal running a front-end loader, then started working residential routes, carrying what’s known in the recycling industry as a pack can, a 90-gallon box with a metal handle that fits over the shoulder. These physically demanding routes were normally assigned to younger carriers, but Rick, despite being the oldest employee on the crew at 47, excelled at his new duties and was soon promoted to truck driver.

For most of his remaining years with the company, Rick drove the Ford 9000 roll-off truck on commercial routes through towns like Rocklin, Loomis and Penryn. He filled the truck’s 60-cubic-yard boxes with recyclables such as asphalt, rubber, Styrofoam and cardboard.

Because of his superior driving skills, Rick was often dispatched to retrieve containers left in tight, inaccessible places.

Rick was also well known for his practical jokes. He often wrote humorous poems, which he read aloud at company functions, that lampooned his coworkers’ personal and professional exploits. But when the crew turned the tables on Rick, there wasn’t a better sport around.

One day several colleagues took Rick’s truck into the shop claiming it needed servicing. But when the truck was returned, the “Ford 9000” etched on the chrome nameplates on both sides of the hood had been replaced with “Gramps.” Nevertheless, Rick shamelessly drove that truck around Auburn County for years with his nickname proudly branded on it.

Rick was confident and humble enough to be unafraid of exposing himself to the same laughs he often perpetrated on others. One day he called over the two-way radio to announce, for every one to hear, that he had just fallen into one of the 50-cubic-yard boxes he was about to pick up. Because the container was overflowing with cardboard, Rick couldn’t pull the tarp over it. Being the self-sufficient, proud man he is, Rick climbed on top of the load and attempted to tamp the cardboard down with his own weight. Lurking beneath the top layer of cardboard, though, was nothing but lightweight material resting loosely over gaping air pockets. Before he could say “Oh shit,” Rick sank to the bottom of the 8-foot-deep box.

As Rick and Marie prepare for their trip to Alaska, work continues as usual at Auburn-Placer Disposal, but with someone sorely missing – a driver named Gramps.

Rick Lytle

Local 3 Business Agents Gary Wagnon, left, and Troy Ruff, right, present Rick Lytle with a Local 3 jacket at Rick’s retirement party.
NLRB: firms can't dominate employee groups

A recent National Labor Relations Board ruling concerning employee "action committees" set up by Electromation Inc. in its Elkart, Ind., plant has led some to believe the decision signifies the demise of union-management cooperation programs. Most legal experts, however, strongly disagree with this assessment.

At the Eighth Annual Conference on Labor and Employment Law held January 22-23, attorneys pointed out that, despite Electromation, most employee participation programs will be found consistent with the act, even if the employer cannot control an employee to participate. The choice must be made by the employee. Similarly, if the employees on a committee are to be representatives of other employees, they must be selected by the employees, not the employer. Although supervisors and managers can be on the committee, they cannot give dominant roles.

The problem arose when Electromation established five action committees in January 1989 after receiving a petition signed by 68 workers asking management to consider unilateral decision to drop an attendance bonus program and a wage increase for 1989. Management announced that it wanted to get feedback about employee concerns through the employee committee members.

The committees discussed a range of topics, including absenteeism, pay progression and a no-smoking policy. Supervisors and managers served on the committees and participated in the discussions concerning conditions of employment. Employees could volunteer on a sign-up sheet, but management limited participation to one committee per employee.

One month later, the International Brotherhood of Teamsters demanded recognition as the bargaining agent. According to the findings of an administrative law judge, no evidence showed Electromation knew of the organizing drive before the formation of the committees. But management later notified the committee members that they no longer could participate in the committees until after the union election March 31.

The NLRB ruled that the company's "action committees" were illegal labor organizations, hand-picked, dominated and supported by management. The violations, the board said, are based on the particular facts of the case, rather than a flat holding that labor-management cooperation committees, operating under other circumstances, necessarily would be found unlawful.

The board said that an employer's solicitation of ideas or suggestions from an employee group for the purpose of communication and brainstorming would not be illegal. However, the board concluded that Electromation usurped the right of its employees to pick their own representation and "gave employees the illusion of a bargaining representative without the reality of one." The board also emphasized that other committees set up by management, such as "quality circles" and "quality of work programs" are lawful.

Law Professor Charles Morris, who appeared before the NLRB in oral arguments as an amicus, said: "The sky is not falling. The decision had nothing to do with productivity teams, quality circles, or any other legitimate form of worker participation. The case simply involved "illegal labor organizations which the employer has created, dominated and supported, thereby imposing a labor organizational structure on the employees without their consent."
Workers Memorial Day focuses on OSHA reform

It's that time once again to start planning for one of labor's most important holidays—Workers Memorial Day. April 28 is the day when union members nationwide will remember the working men and women who have been killed, injured or diseased on the job. The day will also remind union members to renew their commitment in preventing these tragedies in the future.

April 28 was chosen because it is the anniversary of the Occupational Safety and Health Act, and the day the Canadian Labor Congress organizes a similar day in Canada. This year marks the fifth observance of Workers Memorial Day.

The Occupational Safety and Health Act promises every American worker the right to a safe job. But each year 10,000 American workers die from job-related injuries, and tens of thousands more die from occupational disease. Nearly two million workers have been killed by workplace hazards since the act was passed.

During the past 20 years, more than 246,000 workers have died from injuries received on the job and possibly 2 million others have died from occupational diseases. Job health and safety hazards annually cause more injuries, illnesses and deaths of workers than the entire toll on U.S. forces during the Vietnam War.

Grass-roots pressure from union members brought about the passage of the Occupational Safety and Health Act in 1970 and the right to a safe work place. In the two decades since, that right has remained only a promise, not a reality. But now Congress is considering the Comprehensive Occupational Safety and Health Reform Act, which would provide for better safety and health standards and better enforcement of those standards.

One of the purposes of Workers Memorial Day is to bring to the public's attention the serious safety and health problems that many American workers face. Every year more than 6 million workers are either killed, injured or diseased on the job—one worker every 5 seconds. But these tragedies and the devastation they cause for workers, their families and their co-workers often are quickly forgotten. Workers Memorial Day is a day to remember these workers.

On April 28, the AFL-CIO is calling on all unions, state federations and central labor bodies to organize two actions as part of their Workers Memorial Day activities:

- Hold a march or rally.
- Organize a public meeting on the need for OSHA reform legislation.
- Invite your congressional representatives to visit your workplace to discuss job safety and the need for a stronger job safety laws.
- Conduct a memorial service.
- Dedicate a permanent memorial to workers who have been killed in the job in your community.
- Introduce a proclamation to be signed by state or local government officials proclaiming April 28 as Workers Memorial Day.

OSHA reform hearings begin on Workers Memorial Day

The focus of this year's Workers Memorial Day is Occupational Health and Safety Act reform. On April 28, the day America's workers honor those who have been killed, injured or diseased on the job, Congress will begin hearings on OSHA legislation recently introduced in the House and Senate.

The bills, HR 1280 in the House and S 575 in the Senate, are aimed at reducing the estimated 10,000 job-related deaths, 1.7 million disabling injuries and 390,000 cases of occupational disease each year.

With regard to construction, the bill would create a separate Office of Construction Safety within OSHA to oversee safety plans and programs for each building site. The bill also includes requirements for workplace health and safety programs for all employers, labor-management safety and health committees for employers of 11 or more workers, stronger criminal sanctions and broader coverage to include 7.3 million state and local government employees.

This is something the building trades have been asking for some time," Ford said. "They still are amongst the most dangerous occupations we have in the entire country. The workers' compensation cost for a construction worker is higher on a per capita basis than any other industry we have. And it may come as a shock to you, but you have a greater chance being injured or killed as a construction worker than as a cop in a major city in this country."

The bills also attempt to address chronic funding problems for the Occupational Safety and Health Administration by setting up a revolving fund for consultation and technical visits by OSHA compliance officers. Under the plan, employers would pay a fee to the agency for the visits, which are aimed at providing employers advice to prevent work-place injuries and illnesses. The bill would also institute a $1,000 minimum penalty for serious violations of OSHA standards.

The legislation, called the Comprehensive Occupational Safety and Health Reform Act, is similar to OSHA reform legislation introduced in the last Congress that never moved beyond the committee level because of strong opposition from President Bush. However, HR 1280 and S 575 have an excellent chance of enactment this time because President Clinton has expressed support for OSHA reform.

What you can do

Local is urging members to begin a letter-writing campaign to their congressional representatives asking them to support OSHA reform. The March issue of Engineers News has information and sample letters concerning how to write to your elected politicians. You can also keep the OSHA reform debate alive in the press by writing a letter-to-the-editor in your local newspaper. These letters can make a difference. You deserve a safe work place.
The 1989-1993 Master Agreement for Technical Engineers between Bay Counties Civil Engineers & Land Surveyors Association Inc. and Local 3 will terminate July 16. The pre-negotiation meetings to discuss wages and fringe benefits are as follows:

- **Tuesday, June 1, 7 p.m.**
  Teamster's Local 853
  8055 Collins Dr., Oakland

- **Wednesday, June 2, 6 p.m.**
  Operating Engineers Local 3
  3900 Mayette, Santa Rosa

- **Thursday, June 3, 7 p.m.**
  Building Trades
  (Behind Union Oil truck stop)
  2840 El Centro Rd. (I-80)
  Sacramento

Please take time to write down all dates and times of scheduled meetings. We are also going to mail out notification cards of all meetings a week or two before. Again it is important that you write down all meeting dates because we always have some members that don't receive the meeting notification cards.

The first meeting with Bay Counties to negotiate the new contract will be at Wednesday, June 9, at 10 a.m., 1910 Olympic Blvd., Suite 220, Walnut Creek. We would like to have three observers attend the negotiation meetings. The three observers will be appointed at the pre-negotiation meetings in Oakland, Santa Rosa and Sacramento. We may be getting ahead of ourselves, but we would like to give you the schedule for the ratification meetings for the surveyors' contract.

Tuesday, July 13, 6 p.m.

Operating Engineers Local 3
3900 Mayette, Santa Rosa

Wednesday, July 14, 7 p.m.
Teamster’s Local 853
8055 Collins Dr., Oakland

Thursday, July 15, 7 p.m.
Building Trades
(Behind Union Oil truck stop)
2840 El Centro Rd. (I-80)
Sacramento

Testing and inspection
On March 24, Local 3 met with the Council of Engineers and Laboratory Employers Inc. to resume negotiations for a new contract. The 1990-1993 contract was extended to May 31. The union and the council of engineers exchanged proposals and schedule future meeting dates as follows:

- **Wednesday, April 8, 10 a.m.**
  Office of IEDA, 2200 Powell St.
  Emeryville

- **Wednesday, April 14**
  Local 3 headquarters, Alameda

- **Wednesday, April 28**
  Office of IEDA
  Wednesday, May 5
  Local 3 headquarters, Alameda
  Wednesday, May 12
  Office of IEDA
  Wednesday, May 26
  Local 3 headquarters, Alameda

The meeting times will be set at the April 8 meeting. The ratification meeting to vote on the new contract will be Wednesday, May 26, at 7 p.m. at the Teamster’s Local 853, at 8055 Collins Dr., Oakland.

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**TEACHING TECHS**

By Art Mc Ardle, Administrator

The economy has hit the Northern California Surveyors Joint Apprenticeship Committee programs as it has everyone in the construction industry. Much to our regret, we will have to postpone the hands-on competition, which had been scheduled for Saturday, May 8, until next year. This we know is a devastating situation, but if we continue with our training program at all, we must cut our costs to this time.

The hands-on classes have been well received, and we are still planning to have the hands-on classes next year as well as the hands-on competition. We at the NCSJAC are very sorry to have to take this drastic step, but in the interest of continuing our training program, costs must be made where we can.

I do not think we need to dwell on the work situation, which, of course, determines the work hours needed to fund our program. There may be a need to combine classes as well as do more correspondence classes.

We want to thank Local 3 for its support and donation of jack-ets, T-shirts and caps to the competition, and we will be looking forward to having these items for next year’s competition. Bay Counties Civil Engineers and Land Surveyors has also been very supportive in donating time and prize money, and we hope to call on the organization again next year. We also want to thank Job Corps for its continued past effort to make our competition a success.

Again, we are sorry to have to take this step, but we are sure everyone will understand under the current construction work slowdown.

Local 3 Hazmat and BATT (Bay Area Training Trust) classes are well worth their while for surveyors of all classifications. If you would like more information on this training, you should call your district union hall for the specific times and locations. Because of the great demand for these classes, your name will have to be put on a waiting list, but you should keep checking periodically for possible openings.

The Hazmat projects are going to become more of a way of life considering the proposed military base closures scheduled in our area. The BATT training is for all refinery work. Remember, you will not be allowed on a refinery site without BATT training after July 1, 1993.

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**CALENDAR**

By Frank Morales, Director, Technical Engineers Division

**April**

4 Martin Luther King, Jr. was assassinated in 1968 while helping striking sanitation workers in Memphis, Tenn.

12 Florence Reece, active in Harlan County, Ky., coal strikes and author of the famous labor song "Which Side Are You On," was born in 1900.

14 In 1939, John Steinbeck’s *The Grapes of Wrath* was published. The novel of social protest dramatized the story of “Okies”— workers who migrated from Oklahoma’s dust bowl to the groves of California—and experienced tremendous hardships and exploitation along the way.

15 A. Philip Randolph, an African-American and one of the most influential trade unionists in the U.S. labor movement, was born in 1889. The organizer and president of the Brotherhood of Sleeping Car Porters, an all-black union, Randolph said: “The essence of trade unionism is uplift. The labor movement traditionally has been the haven for the dispossessed, the despised, the neglected, the downtrodden, and the poor.”

20 In 1914, company gunmen attacked a tent colony of striking miners and their families in Colorado, setting it ablaze and killing 19 men, women and children in what is remembered as the Ludlow Massacre.

27 James Oppenheim’s poem, “Bread and Roses,” was published in *Industrial Solidarity* in 1914. "Our lives shall not be swept away from birth until life closes/ hearts starve as well as bodies; give us bread, but give us roses," the poem reads. It was penned after Oppenheim saw a sign held by young mill girls picketing in the 1912 strike against woolen companies in Lawrence, Mass.
FRINGE BENEFITS FORUM

Know your pension statement

By Don Jones, Fringe Benefit Director

Having any problems understanding your pension statement? The sample pension statement on this page explains everything you need to know. Item 1 shows the number of hours reported for you for the plan year 1992. Item 2 shows the monthly benefits for 1992 work. Item 3 indicates the monthly benefit payable at age 62. If you have earned at least 10 years of credited service without a permanent break in service, the statement says, “You are Vested” in Item 4.

If you worked as an operating engineer before the plan started in your state, you may be entitled to additional pension credit and an increased amount of pension benefit. A review of your early history will be made when you have filed an application for pension benefits and the exact amount of benefits will be determined at that time.

If you note any discrepancies in hours, social security number or birth date between the trust fund records and your personal records, please notify the Trust Fund Service Center (415-777-1770) or the Fringe Benefit Service Center (610-748-7450). Follow the written instructions on the back of the statement for corrections. If the discrepancy is in hours reported, please mail to the trust fund office, along with the top portion of your statement, copies of your check stubs for the month or months in question.

Retiree picnic

Remember to mark your calendars for Saturday, June 5. This is the date of this year’s retiree picnic at Rancho Murieta. Arrive at noon Friday, the day before, and stay until Sunday noon. There will be plenty of parking for your RVs.

Local 3 is picking up the tab. Come join us and have a good time. See you there!

Pre-retirement meetings begin

Please check the schedule on page 18 for the dates of the upcoming round of pre-retirement meetings. Make every effort to attend the meeting in your area. Operating engineers age 50 or older and not yet retired are urged to attend. Spouses are welcome, of course. Any operating engineer not yet retired who is interested in discussing retirement matters is also welcome. We would like to see you there.

Tangible evidence of your participation in the plan and the plan’s value to you will soon be in your hands once again. You will soon be receiving your 1992 Plan Year Pension statement.

YOUR CREDIT UNION

Credit union offers mortgage loans

By Rob Wise, Credit Union Treasurer

If you’re in the market for a new home or looking to refinance the one you have, it’s time to call our credit union’s Real Estate Department. We’ve made some exciting changes in our mortgage programs. We now offer a greater variety of loans, and just by calling or visiting the credit union, you can be pre-qualified in minutes.

Here’s the mortgage loans offered through us:

- 30 year adjustable
- 15 year fixed rate
- 30 year fixed rate
- 30 year fixed rate due in 5 years
- 30 year fixed rate due in 7 years

There’s several benefits when you borrow from us: You may lock in your interest rate once we’ve received your loan application, there’s no pre-payment penalties on our loans, and you’re dealing with people you’ve come to trust.

Call the Real Estate Department today. Our personnel will answer your questions and help select the mortgage loan best for you.

Let us finance your auto loan

It’s time for you to purchase a new or used automobile, come to us for your financing. Our pre-approved loans are good for 90 days, which allows plenty of time to shop for the vehicle you want. Select a term up to 7 years for new vehicles and 60 months on used ones. With our low interest rates, it’s a great time for a vehicle purchase.

See us for pricing on new and used automobiles. Knowing the price on the vehicle you’re buying or selling puts you in a better negotiating position. If you don’t like negotiating, ask about our car-buying programs for new autos in which all the negotiating is done for you.

Do you have an auto loan elsewhere? It’s not too late to consider refinancing it with the credit union. It could mean a great savings in finance charges and a reduction in your monthly payment.

Your credit union is the place for your auto loan. Call your branch office today for assistance.

Home Equity Loans

Design a home equity loan to fit your needs both fixed and adjustable loans are available on one line of credit.

Call your Credit Union today for more information.

Operating Engineers Local Union No. 3
Federal Credit Union
(510) 829-4400
Soscal treatment plant bids rejected

FAIRFIELD - There has been a slight improvement in work between rainy periods in Napa and Solano counties. Syar Industries has begun recalling some employees to produce asphalt and rip-rap, and bid activity continues to be promising.

The Soscol water treatment plant was released to bid with Western Summit, a non-union company from Denver, as low-bidder. Western Summit had a number of union subcontractors on the project. Construction from Santa Rosa, Kaweah, a union company, bid second at $30,000 over what Western bid.

But all bids were rejected because they were $5 million over engineering estimates. We've been told the engineers will review the bids and plans, and they may make adjustments so the project can be quickly rebid.

To date there are about $48.7 million worth of work on the books. Excluding the Soscol water treatment plant, we are going to be extremely busy with negotiating contracts in the next few months with the Master Construction Agreement, Syar Industries and several shop agreements.

At the Fairfield District meeting on March 9, Ron Duran was elected to serve as Grievance Committee member. Jene Crinklaw and Russ Burns were re-elected. We also have three new members from their geographical/market area committee: Ed Burns, Curt Posthumus and Mark Burton.

We wish to give special thanks to Bill Past for serving four terms on the Grievance Committee and to Rodney Anderson, Richard Arthur and Brad Stringfellow for serving on the Geographical-Market Area Committee.

District picnic

Tickets are now on sale in the Fairfield office for our district picnic. This year the picnic will be held Sunday, May 23, at the Penn's Adobe Park located off I-80 next to the Blue Lagoon Water Slides. Tickets are $8 for active members, $5 for retirees. There will be free hot dogs for children under 12. If you want to use the water slides, tickets can be purchased at that location.

Hope to see you there.

Attention Utah members

The Utah sub-district office in Provo will be closed until further notice effective March 1. The phone number in that office, 225-0128, will be call-forwarded to the Salt Lake City office WATS line for six months following the closure. The in-state WATS line to the Salt Lake City office is 1-800-662-3630.

Wet winter means slower spring startup

SANTA ROSA - If you didn't attend Santa Rosa's District meeting, you missed being part of a record attendance of 170 people. I can't remember having such a big turnout for a district meeting, except when the union last voted on a dues increase, and even then we didn't have as many people as we had at this meeting. I would like to thank all of the members who helped make phone calls and addressed reminder cards for the meeting. I also want to thank all the volunteers who helped make the meetings, both in Santa Rosa and Ukiah, a huge success.

At the meeting, local district elections were held, and I would like to congratulate David Spain, Dennis Becker, and John Kvasnicka for being elected to the Grievance Committee. Congratulations also go to Marshall Bankert, Reiner Heelon and Ted Lyman for being elected to the Market Area Committee. Additional congratulations to John Kvasnicka for also being elected to be the negotiation committee for District 10 in the upcoming Master Agreement negotiations.

District Representative Bob Miller reported on the changes in the district office, as well as how President Clinton is planning to increase jobs. Bob also thanked members who helped the district office in 1992. Business Agent Hank Munroe, who is taking care of the Bob's old area, reported on the Cloverdale Bypass. C.A. Rasmussen, who was the low bidder on that job, is planning on employing about 40 operating engineers during the project's peak. The subcontractors on that job will be employing about 40 operating engineers during its peak. He also reported that North Bay Construction picked up a sewer project in Willits for about $2.5 million.

I reported on the work outlook. Dutra Construction is working on the Hwy. 12 and Stony Point interchange, with Ghilot Construction and Cheli and Young working as sub-contractors on that $11.7 million project. C.A. Rasmussen is working on the $7 million Hwy. 101 widening and overlay between Petaluma and Cotati.

Foundation Constructors has Rich Garfield and Steve Mackey driving piles for the bridge widening. Steve lives in Rohnert Park, and can't believe that he is working so close to home. He said it's nice going home for lunch. Cheli and Young is working on the Summmit Valley Road water line, a $1.6 million project for the City of Santa Rosa. Parmun Paving is planning to start back up on the $2 million Hwy. 175 project on Cobb Mountain in Lake County.

The future work picture in my area looks pretty blurry. Only a few projects are going out to bid right now. Most of them are under a half-million dollars. But after talking with the cities and county, they do have some projects budgeted for this year. Sonoma County has about $4 million budgeted for two phases of Stony Point Road, improvements on Graton Road and the county overlay.

The City of Santa Rosa has about $11.5 million budgeted for the Fountain Grove Extension, Hwy. 12 and Farmers Lane interchange improvements, bike paths and sidewalk improvements. About $4 million of that money was budgeted for the construction of new city parks.

Business Manager T.J. Stapleton and Rob Wise gave their reports. Then the Volunteer of the Year Award was presented to Marshall Bankert, his second year in a row, with Ted Lyman receiving a runner-up certificate. I can't thank enough the volunteers who have helped us. We had a very successful gradecheck class in Oakland. If you get enough members interested, I'll contact you to have a class.

At this last class, we were given a treat - the surprise appearance of Chan Park, the inventor of the Park Rod, which was featured in the February 1993 issue of Engineers News. I found Chan to be a very knowledgeable gradechecker and a very helpful addition to my class. I understand that he will be instructing a gradecheck class in Oakland. If you get a chance to attend his class, do so because it will be very rewarding. He plans to teach the conventional way, and he also will include his new way of gradechecking using the Park Rod.

If you aren't busy between May 5 and May 9, I'm looking for volunteers to help build another super playground, only this time it will be in Healdsburg. There will be three different shifts you can work -- a morning, afternoon or evening. You can sign up for any shifts you like. The work involves mainline carpentry. If you are interested in helping out on this all-volunteer project for Healdsburg's children, I will have a sign-up sheet in the district office. Just call and leave your name, phone number and when you can volunteer.

Our congratulations and best wishes go out to Valerie Shindler, the field representative for the Foundation for Fair Contracting. Valerie got married to John Eterovich on March 28.

George Steffensen, Business Rep.
O.C. Jones crew paves approaches to I-880 overcrossing

OAKLAND — For the past six months operating engineers from C.C. Myers Inc. and O.C. Jones & Sons have been working on the Fairway Drive-Aladdin Avenue overcrossing near the junction of I-880 and I-238 in San Leandro. This $4 million project is designed to relieve traffic congestion on Marina Blvd., which is the only major thoroughfare in the area that crosses the Nimitz Freeway.

Prime contractor C.C. Myers is doing the bridge work and O.C. Jones has been subcontracted to do grading and paving of the approaches and the half-mile extension of Teagarden Street. Construction began last September and is expected to be wrapped up this fall. This same crew, by the way, has also been working the nearby I-880 widening project.

Did you work on the Oroville Dam?

A 10-day celebration May 1-9 will commemorate the dam's 25 years of service

If you worked on the Oroville Dam back in the late 1960s, the Oroville Area Chamber of Commerce and the Department of Water Resources invites you to attend a May 1-9 celebration of the dam's 25 years of service.

The main festivities will take place May 7-9. On Friday, May 7, there will be a golf tournament from 8 a.m. to 3 p.m., followed by a children's parade beginning at 3:30 p.m. Afternoon activities include a display of Oroville Dam memorabilia and a Feather Fiesta Days mixer from 5 p.m. to 9 p.m., plus a community barbecue dinner honoring dam workers. You need to RSVP the dinner by April 28. The evening will conclude with a laser light show.

On Saturday, May 8, there will be a "Dam-Cake" breakfast from 7 a.m. to 10 a.m., followed by a Feather Fiesta Days Parade from 9 a.m. to 11 a.m., then a patriotic band concert at midday. A rededication of Oroville Dam will take place between 1-1:30 p.m. The festivities will conclude that afternoon with boating on Lake Oroville, visitors center open house and tours of the power plant.

For RSVP and more information, including a complete list of events, call the Oroville Area Chamber of Commerce at 1-800-655-GOLD, or write to the chamber of commerce at 1789 Montgomery Street, Oroville, CA 95965.
SACRAMENTO — The rains in the Sacramento Valley have kept outdoor construction projects in check at least until the ground dries. Some of the projects scheduled to break ground this season are as follows:

- In Davis, Oliver de Silva was awarded the Richards Boulevard overcrossing with a low bid of $4.5 million. Sacramento Excavator is scheduled to perform the clearing. They recently signed a labor contract with Local 3.

- Steve Smith was awarded the Centro project with a low bid of $15 million. In West Sacramento, Golden Bay Construction was awarded the Davis social services building.

- John F. Otto was awarded the new Sutter Hospital estimated at $25 million. Sacramento Excavator is scheduled to perform the clearing.

- The State Archives is constructing the Davis social services building.

In downtown Sacramento, the Civic Center project is being done by McCarthy Construction. A tower crane will be on the project soon.

The state archives building award is currently under negotiation with Hensel Phelps, who is just about to start work on the ground around the first of March. Roesblen Construction, which signed a project agreement with Local 3 for the State Liberty Building, is also

**Women’s group potluck focuses on recruitment**

More than 20 Local 3 women operating engineers from throughout Northern California met in Stockton March 6 for another Women's Support Group potluck. Stockton District Dispatcher Joyce Skeein hosted the gathering, which was held in the Stockton District union hall. Corinne Hillman and Sara Truxel of the Stockton Branch of the Operating Engineers Federal Credit Union helped organized the event. Joette Thurman, Stockton District secretary, though unable to attend, helped set up the meeting accommodations.

Above: Local 3 members Beth Youn, left, leads the group in a discussion. Stockton Dispatcher Joyce Skeein, right, hosted the gathering.

Below: Local 3 member Virginia Morgan speaks to participants of the Women's Support Group potluck.

**John F. Otto awarded $25 million Sutter Hospital contract**

SACRAMENTO — The rains in the Sacramento Valley have kept outdoor construction projects in check at least until the ground dries. Some of the projects scheduled to break ground this season are as follows:

In Davis, Oliver de Silva was awarded the Richards Boulevard overcrossing with a low bid of $4.5 million. Sacramento Excavator is scheduled to perform the clearing. They recently signed a labor contract with Local 3.

John F. Otto was awarded the new Sutter Hospital estimated at $25 million. The excavation and site work was awarded to O.C. Jones. Perini is constructing the Davis social services building. Sacramento Excavators, Judd Drilling and Dan Moron Excavating are some of the subcontractors.

In West Sacramento, Golden Bay Construction was awarded the Central Park expansion project estimated at $150,000. Watkins-Berthelot Inc. was awarded the Bryte School playing field project with a low bid of $330,000. Solano Construction from Dixon was awarded the underground work.

Lund Construction is working on a water and sewer line project on West Capitol Avenue. The estimated cost is $350,000. The California Highway Patrol facility expansion project in West Sacramento was awarded to Oliver de Silva, with a pre-job scheduled for some time this month.

We are in negotiations with SMA Equipment, an employer with 14 mechanics and parts people employed at its shop. We hope to come to an agreement soon.

In downtown Sacramento, the Civic Center project is being done by McCarthy Construction. A tower crane will be on the project soon.

The state archives building award is currently under negotiation with Hensel Phelps, who is just about to start work on the ground around the first of March. Roesblen Construction, which signed a project agreement with Local 3 for the State Liberty Building, is also

**SACRAMENTO** — At the February 4 Sacramento District meeting, 10 members received their service pins. Those attending the ceremony were front row from left: Carl Richolsky, Ernest Lopez, Earl Rogers, Jack Hornsby, Alex Wimsley, Local 3 Business Manager Tom Stapleton; second row are William Paison, Gary Morholt, Business Agent Troy Ruff, Vernon Wing, Local 3 President Don Decker. Back row are Philip Jordan, Sacramento District Rep. John Bonilla, Recording- Corresponding Secretary Rob Wise and Cloyd Cavana.

This should be an interesting year. Hope to see you all at the next district meeting.

We'd like to congratulate brother Patrick Smith and his wife, Kelly, on the birth of twin daughters, Krista Lee and Kayla Ann. They also have a 9-year-old son, Patrick.

Frank Herrera, Business Rep.
Local 3 leads drive to defeat harmful ballot measure

Labor and business aren't often bedfellows, but when a group in Stockton tried to put a potentially damaging initiative on the city’s November election ballot, the two traditional adversaries joined forces to defeat the initiative before it ever went to the voters.

Last summer, the group, headed by Ralph Lee White, a former city councilman and businessman, gathered enough signatures to put Measure W on the ballot. The initiative would have frozen wages and fringe benefits of city workers for two years, and after that, voters would have had to approve any pay or benefit increases over 2 percent. The initiative also would have rolled back most city fees and taxes to 1990 levels and cut the salaries of officials making more than $100,000 a year.

While White claimed the initiative would make city government more efficient and less burdensome on taxpayers, Measure W posed serious legal problems for the city, unions, employee groups and business. The initiative would have meant rolling back wages and benefits already negotiated in collective bargaining agreements, forcing the city to default on some of its bond debt, and rolling back assessments for improvement districts.

While Measure W supporters gathered signatures, Local 3, which represents about 300 Stockton maintenance and trades employees, helped form a coalition of other unions, employee groups and business organizations to defeat the initiative. Local 3 Business Agent Steve Conway worked closely with Stockton Mayor Mel Panizza, who was instrumental in pulling together the coalition.

If this measure had been ruled legal and Stockton voters had approved it, we would have faced this type of initiative all over the state. It would make it impossible for us to negotiate for all of our bargaining units.

The dispute arose from a lawsuit filed on behalf of a Riverside County employee over the inaccessibility of the California Public Employees Retirement System (CalPERS). Under the system, public employees and their agencies are both required to pay into the CalPERS pension fund to cover retirement benefits. The employer or agency makes a direct contribution and does not cover the employee. In some cases, cities, counties and special districts pay the employee’s contributions, known as “employer pick-up.”

When employees reach retirement age, they are eligible for pension benefits based on the highest rate of pay they received during their employment. The lawsuit argues that “employer pick-ups” should be treated as income and added to employees’ final rates of pay for calculating their retirement benefits. But because these payments made to the retirement fund were not counted as wages, tens of thousands of public employees around the state have been getting smaller pensions than they should.

Moreover, the judge said Measure W violated regulations governing the taxing powers of special assessment districts, and would have forced some of the special districts “into default on their bonded indebtedness because it would result in the repeal of assessments imposed since April 15, 1990.”

In an interview several days after the ruling, Faris said: “If this measure had been ruled legal and Stockton voters had approved it, we would have faced this type of initiative all over the state. It would make it impossible for us to negotiate for all of our bargaining units.”

It’s not known if White will appeal the ruling. But if he does, Stockton knows that labor and business can put aside their differences and build a formidable opposition to any similar ballot measure.

Ruling could boost pensions for some public employees

An obscure ruling made last summer in San Francisco Superior Court, and now on appeal, could increase pensions for some public employees and force many California cities and counties to pay millions of dollars in additional retirement benefits.

The ruling, by Superior Court Judge Stuart P. Pollak, and first reported in the March 16 San Francisco Chronicle, said many retired California city and county workers have been receiving smaller pensions than they’re entitled to because their former employers miscalculated their final pay rates. If the ruling is upheld, more than a thousand government agencies, including 35 counties and hundreds of cities, could end up owing millions of dollars in back pension payments to retirees.

The dispute arose from a lawsuit filed on behalf of half of a Riverside County employee over the inaccessibility of the California Public Employees Retirement System (CalPERS). Under the system, public employees and their agencies are both required to pay into the CalPERS pension fund to cover retirement benefits. The employer or agency makes a direct contribution and does not cover the employee. In some cases, cities, counties and special districts pay the employee’s contributions, known as “employer pick-up.”

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Lawyers for cities and counties argue that the California Legislature intended the pick-ups not to be considered a part of the employee’s salary for calculating compensation. However, in his ruling last summer Pollak disagreed and ordered Riverside County and the other agencies named in the suit to recalculate their retired employees’ pension entitlements and pay the difference plus 17 percent interest.

If the court of appeal upholds Pollak’s decision, it’s uncertain how many agencies face liability systemwide. Some experts think the liability could be substantial, while others predict it to be less than 1 percent of an agency’s budget.
HONORARY MEMBERS

As approved at the Executive Board Meeting on October 18, 1992, the following retirees have 35 or more years of membership in the Local Union, as of October 1992, and have been determined to be eligible for Honorary Membership effective January 1, 1993.

George Alameda 0866491 Stanley Hansen 0776402
Gilbert Anderson 0676142 Raymond Hardin 0744722
Helen Argyle 0946973 Kenneth Hathaway 0895970
• Fred Armesberger 0693839 Lloyd Helberg 0935410
• Lewis Bair 0845494 Ira Herring 0703724
• Charles Boarts 0931120 Vester Hylton 0957730
David Bardtmeier 0663995 John Kinslow 0736485
Louis Brazil 0939657 Earl Knouse 0939687
Daniel Brum 0935866
George Chastain 0259116 Robert Otis 0778012
Clyde Cozad 0535826 Book Perkins 0732179
George Craigo 0865966 Elmer Pettus 0634959
• John Davlet 0773121 Frank Poliolep 0828815
• Clayton Davis 0412825 Arthur Port 0845459
Denton Denney 0950636 Charles Porter 0950723
Frank Dye 0843857 C. E. Potter 0829011
O'Neil Eastin 0674725 M. E. Robbins 0950728
• George Eastlick 0935391 Ernest Rodgers 0175528
• Douglas Ence 0673099 John Shull 0649549
Clyde Evans 0933231 Bob Smith 0904931
Dennis Farrened 0676607 Robert Stevens 0905470
Ray Ferretto 0931129 L.A. Stoech 0385147
Charles Flynn Jr. 0648240 Walter Thompson 0904940
Louis Franchetti 0947056 Hosle Turner 0661013
Stanley Fredericks 0260195 Roy Vanbuskirk 0918903
Hanan Garcia 0950656 Leon Walden 0429181
Royal Greene 0845521
Norman Hall 0888815
Billy Hamblen 0935544

Pre-Retirement Meetings

APRIL 13 7PM SAN MATEO/S.F. — Laborers Hall
LeBaron Hall 300 7th Ave
San Mateo, CA
14 7PM IGNACIO — Alvarado Inn
250 Encyclo-Novato, CA 94949
15 7PM FAIRFIELD — Holiday Inn
1350 Holiday Lane
Fairfield, CA 94534
20 7PM OAKLAND — Holiday Inn Airport
100 Hegenberger
21 7PM CONCORD — Elks Lodge #914
3545 Willow Pass Rd.
Concord, CA
22 7PM STOCKTON — Operating Engineers
1916 N. Broadway
Bldg.

MAY 4 7PM EUREKA — Operating Engineers
2096 Broadway
1 5PM REDDING — Operating Engineer Bldg.
20201 Engineers Line
7PM MARYSVILLE — Connolly Wellness Lfcl
35750 O. R. Boeing Blvd.
11 7PM SAN JOSE — Holiday Inn Park
San Jose, CA
300 Almaden Blvd.
13 7PM SANTA ROSA — Luther Burbank Center
50 Mark West
Spring Rd.
18 7PM FRESNO — Cedar Lanes
2300 W. N. Temple
1311 N. Cedar
19 7PM WATSONVILLE — W. Frew 17th
1900 Freedom Blvd.
25 7PM RENO — McCarran House
501 Washington Ave
Sparks, NV
26 7PM AUBURN — Auburn Recreation
Center
125 Recreation Drive
27 7PM SACRAMENTO — Marshalls Hall
2500 Sunrise Blvd.
Sacramento, CA
JUNE 13-14 7PM SALT LAKE CITY — Operating Engineers
1898 W. N. Temple
Bldg.
1993 District Meetings

District meetings convene at 8 PM with the exception of
District 17 meetings, which convene at 7 PM.

April

13th District 4: Eureka
Engineers Bldg.
2306 Broadway

13th District 17: Kona
Kona Intermediate
High School Cafeteria

14th District 17: Kauai
Wilcox School Cafeteria
1419 Hardy Street

14th District 7: Redding
Engineers Bldg.
20000 Engineers Lane

16th District 5: Marysville
Vets. Mem. Hall
249 Sycamore St. - Gridley

20th District 1: San Mateo
Electrical Hall
302 8th Ave.

27th District 17: Honolulu
Farrington High School Auditorium
1564 N. School Street

28th District 17: Maui
Mauiwana School Cafeteria
795 Onehe Street

29th District 17: Hilo
Hilo ILWU Hall
100 W. Laniakea Avenue

MAY

4th District 3: Stockton
Engineers Bldg.
1516 North Broadway

6th District 5: Fresno
Liborion's Hall
5431 Earl Hedges

16th District 6: Sacramento
Machinists Hall
2749 Sunrise Blvd.
Rancho Cordova

20th District 2: San Pablo
San Pablo Sport Club
5520 Glen Avenue

1993 Grievance Committee Elections

Recording Corresponding Secretary William Markus has an-
ounced that in accordance with Article X, Section 10 of the Local
Union Bylaws, the election of Grievance Committees will take place
at the first quarterly district or sub-district meeting of 1993.

The schedule of these meetings appears below (see "District
Meetings").
Performance testing vs. substance-abuse testing

The U.S. Department of Transportation should broaden the scope of its proposed rules for drug and alcohol testing to include other causes of impairment, speakers told DOT officials at public hearings held March 4 in San Francisco. Performance testing is superior to substance abuse testing because it detects whether employees can safely perform their jobs, vendors testified at the hearings.

Employees in safety-sensitive jobs who are impaired from fatigue, stress, illness, or medications can cause accidents as if they were intoxicated from alcohol and illegal drugs, said Mark Silverman, president of Performance Factors Inc. in Alameda, Calif., a company that has developed computer software to measure job performance. "By focusing specifically on drugs and alcohol the Department of Transportation is missing a very important point," said Silverman, whose company manufactures a computerized performance test called Factor 1000. "There are a lot of accidents happening because individuals are impaired." He cited a 1990 study that concluded more than 20 percent of truck driver accidents were caused by fatigue.

Impairment testing and privacy

Urinalysis, breath analysis and testing of blood and other body fluids are invasive and, by design, measure lifestyle choices rather than protecting public safety, argued Richard Eils, president of NOVA Technology Inc.

"Biochemical testing only detects traces of chemicals, not impairment from them," said Eils, whose company manufactures the NOVA Scan, a competing performance test used by the Federal Aviation Administration to test air-traffic controllers in Oklahoma City. Testing bodily fluids for substance abuse also is potentially discriminatory because it leaves too much up to the subjective discretion of individual supervisors, Eils argued.

By contrast, impairment tests, which have been used by the U.S. military for the past 20 years, have garnered support from civil libertarians and labor unions because they are non-diagnostic and do not infringe on employees' privacy rights. Moreover, performance testing provides a daily assessment of an employee's fitness for work in contrast to substance abuse tests, which are administered more infrequently, Eils said.

"Performance-based testing is the only method that can fulfill the Department of Transportation's mission of ensuring public safety," he argued.

Tests measure motor control, alertness

Performance tests are used in conjunction with substance abuse tests to screen out impaired employees and alert supervisors to a potential safety problem, enabling them to assess whether the employee for drugs or alcohol.

"This is a diagnostic tool to get the supervisor's attention - not a treatment program," Silverman said. "Our objective is to protect public safety, to keep an impaired pilot out of the cockpit. The key is an impaired individual is prevented from causing an accident."

Factor 1000, a simple computer test developed by Performance Factors based on technology pioneered by NASA 25 years ago, measures hand-eye coordination, motor control and mental alertness by way of a 30-second "video game." A subject uses hand controls to manipulate a moving dot on a video terminal.

Test results are immediate and are measured against an individual's established baseline, which is updated daily. Drug and alcohol usage show up over time as erratic behavior patterns.

Some 4,000 employees have been tested by Factor 1000, including truck and bus drivers, transporters of hazardous materials, public safety workers, petroleum workers, defense workers and even some retail clerks, Silverman said.

Companies are realizing that performance testing makes good business sense, Silverman said. Companies using Factor 1000 testing have reduced truck accidents by 67 percent, worker's compensation costs by 54 percent, and errors and emissions such as "cross-dumping" petroleum fuels by 92 percent, he said.

DOT representatives said they support the development of such technology, but that performance testing is beyond the scope of the omnibus testing act, which mandates only drug and alcohol testing.

Grady Cohen, Jr., associate administrator for safety at the Federal Railroad Administration, chided vendors for taking advantage of the public hearing to make self-serving marketing pitches for their products.

"I'm frankly shocked by the extent of excessive claims for these products," he said. "For any of these performance technologies there are limitations as well as advantages."

Reprinted from the March 1993 issue of "Drugs in the Workplace."

Union Briefs

Health-care legislation unlikely this year

Two prominent lawmakers, Rep. Pete Stark, D-Calif. and Sen. John Chafee, R-R.I., say legislation to reform the health-care system is not likely to pass Congress this year and probably will be delayed until 1994 to allow sufficient time for congressional review.

Stark, chairman of the House Ways and Means Health Subcommittee, told the American Psychological Association that any reform legislation is likely to get "jammed up" over the tax issue and how best to pay for a reform measure that will expand access and control costs. Chafee, speaking at a conference sponsored by the Self-Insurance Institute of America, said health-care reform legislation considered by Congress will be a "very complicated, contentious and expensive program" that the legislative body will need time to thoroughly debate.

Legislation would prohibit union-only agreements

on federal construction projects

Just six weeks after the Clinton administration rescinded President Bush's executive order prohibiting union-only agreements on federal construction projects, Republican Senator Don Nickles of Oklahoma introduced a bill March 10 that essentially would put back Bush's original order.

The bill, S 546, would prohibit discrimination in contracting with potential contractors and subcontractors on federal construction projects "on the basis of certain labor relations policies." The legislation, the Federal Construction Equity Act of 1993, has been sought by the anti-union Associated Builders and Contractors.

The bill comes on the heels of a landmark ruling by the U.S. Supreme Court that upheld the legality of a union-only prehire agreement for the $6.1 billion, 10-year Boston Harbor cleanup project. The court held that when the state acts as the owner of a construction project, it is free to implement an otherwise lawful prehire collective bargaining agreement negotiated by private parties.

High court favors unions in Boston Harbor toxic cleanup

The U.S. Supreme Court has ruled that local agencies have the same rights as private firms to impose a uniform project agreement on all contractors in large construction projects. Non-union employers had argued that such agreements, intended to avoid labor trouble and work delays, bar them from negotiating their own contracts.

Justice Harry Blackman wrote for the court: "To the extent that a private purchaser may choose a contractor based upon that contractor's willingness to enter into a prehire agreement, a public entity as purchaser should be permitted to do the same."

The unanimous ruling resulted from a dispute over the $6.1 billion cleanup of Boston Harbor. The cleanup began under a 1986 federal court order after the Massachusetts Water Resources Authority was sued for violating the federal Clean Water Act by discharging sewage.

House bill protects prevailing wages from ERISA pre-emption

When cities and counties have tried to pass laws requiring prevailing wages on public construction projects, they've been shot down because judges rule the laws are pre-empted by the Employee Retirement Income Security Act (ERISA).

A bill introduced in the U.S. House of Representatives by Rep. Howard Berman, D-Calif., would fix all that. The bill would exempt state laws covering prevailing wages from pre-emption by ERISA.

States like California and New York have enacted state prevailing wage laws that set the terms of doing business with contractors, but on ERISA pre-emption grounds, the prevailing wage laws have been struck down.

To receive ERISA pre-emption, state prevailing wage laws would have to meet a test outlined in the bill. States must give employers a choice of providing benefits or paying cash wages equal to the amount of the benefits. States also could not require that benefits be provided in a certain way or as part of a certain type of plan.