

Engineers News

VOL. 51, NO 4

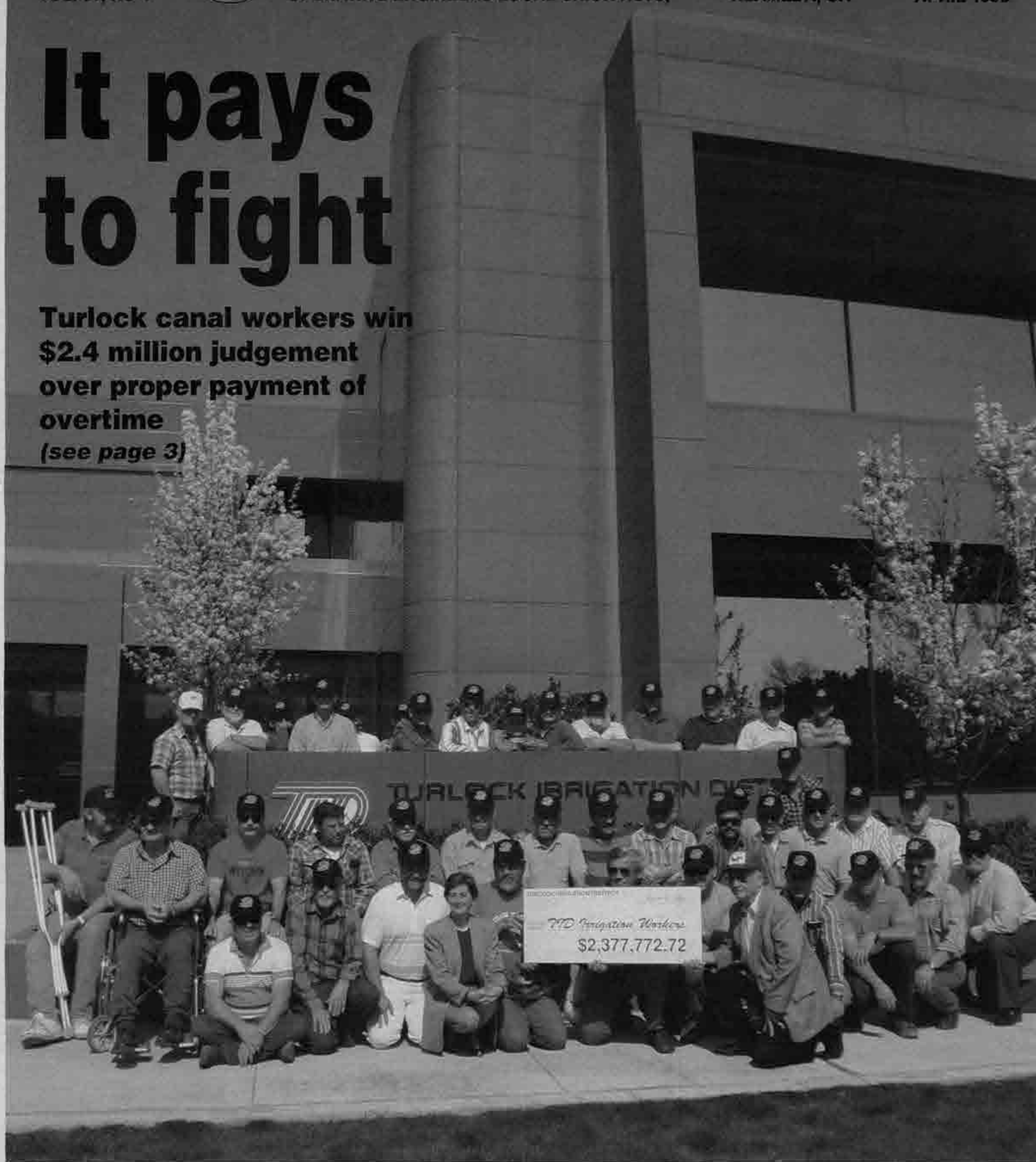
OPERATING ENGINEERS LOCAL UNION NO. 3,

ALAMEDA, CA

APRIL 1993

It pays to fight

**Turlock canal workers win
\$2.4 million judgement
over proper payment of
overtime
(see page 3)**





Good & Welfare

By Tom Stapleton
Business Manager

Like a cancer that refuses to die, the enemies of prevailing wage laws reared their ugly head again in Sacramento – only this time it may take major surgery to save the patient. And lest any of you forget, *we* are the patient when it comes to prevailing wage laws, because it is our livelihoods on the line if these laws are weakened or eliminated.

For years we have made an annual pilgrimage to Sacramento to ask our friends in the legislature to oppose the Association of Builders and Contractors (ABC) and their allies in their eternal quest to dismantle this vital law. This year, ABC has garnered the support of local government agencies who are strapped for cash, convincing them that eliminating prevailing wage requirements on public works projects will automatically save them money. NOT!

In a letter I wrote to the *Sacramento Bee*, which was idiotic enough to support three bills authored by freshman Assemblyman Jan Goldsmith, I summarize the main reasons why eliminating prevailing wage laws is a stupid idea:

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 counting 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!*

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 \$11.38 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 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.



Engineers News



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At the March 8 gathering at TID headquarters were from left: Local 3 Vice President Jack Baugh, Attorney Lynn Faris, TID employee Jim King, Business Manager Tom Stapleton, Business Agent Bill Reeves and TID employee Roy Davis.

Turlock canal workers win judgement of \$2.4 million

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 8 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 agri-

culture. 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 "willfully" violated the FLSA and whether it acted in bad faith. On January 6 of last year, Price ruled that TID did willfully 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 reg-

ular 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

Final in a series

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 untapped gold mine of news stories for reporters, media studies have shown repeatedly that treatment of the U.S. labor movement has been either overwhelmingly negative or ignored entirely.

A recent study by labor writer Jonathan Tasini, president of the National Writers Union and published by 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, Tasini 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 news 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 back yard

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, 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 86 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 29, and one year later, to just 26. 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 centrist views or focus on anti-corporate ideas. As a result, literally hun-

dreds of good stories about unionized workers go uncovered, and 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 want to be represented by 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 un-American.
- 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, unionization of the U.S. labor force is among 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 chal-

lenge may seem, union members can and must respond. While international 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 as much 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 trou-

ble 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 letter-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. Develop an on-going dialogue with media professionals and journalists and continue to give them constructive feedback.

You'll be surprised how media activism pays off, and how the media will listen. Keep in mind that the media's goal is to sell businesses access to a mass audience. It's vital for them to attract and keep your attention so advertisers will buy their ads. However, if readers and viewers get turned off and seek other media, media outlets won't stay in business very long.

Until the media begin to hear regularly from aroused workers, the press will likely continue to pursue the status quo, and for the nation's 16.7 million union members, that would be bad news.



AND THIS JUST IN... MORE NEWS ON THE MIRACULOUS ECONOMIC RECOVERY...

Holding the press hostage? This political cartoon appeared in the press during last year's presidential campaign after the Bush administration was accused of manipulating government economic statistics for political purposes.

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. Keep in mind that no unions own 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 contain 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, avoid advocating the exclusion of the programs or viewpoints, rather ask for the inclusion of new, balanced viewpoints and subjects. Give the names of 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 off the base closure list.

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 29-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 dou-

ble-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.



Steve Torres

SAMPLE LETTER

Help Mare Island

Dear editor,

I recently attended a Mare Island steering committee concerning our rally 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 Ferriole 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

Introduces event and explains its importance

Provides additional reasons to attend event

Provides background info that supports thesis

Provides more background info supported by facts

States thesis and call to action

Conclusion
(total length: 178 words)

Where to contact the media

Below are some important local and national media addresses and phone numbers where you can write, call or telegram your complaints about imbalanced coverage. If you are writing a letter-to-the-editor, place "Attn: Letters to the Editor" on the last line of the newspaper's address.

LOCAL NEWS MEDIA

California

Eureka Times-Standard
P.O. Box 3580
Eureka, CA 95501
(707) 442-1711

Redding
Record-Searchlight
1101 Twin View Blvd.
Redding, CA 96049
(916) 243-2424

Yuba/Sutter
Appeal-Democrat
1530 Ellis Lake Dr.
Marysville, CA 95901
(916) 741-2345

Santa Rosa Press
Democrat
427 Mendocino Ave.
Santa Rosa, CA 95401
(707) 546-2020

Fairfield Daily Republic
1250 Texas Street
Fairfield, CA 94533
(707) 425-4646

The Fresno Bee
1626 E Street
Fresno, CA 93786
(209) 441-6111

KFTV Channel 21
3239 W. Ashlan Ave.
Fresno, CA 93722
(209) 582-5326

The Modesto Bee
1325 H Street
Modesto, CA 95352
(209) 578-2000

Contra Costa Times
2640 Shadelands Dr.
Walnut Creek, CA 94598
(510) 935-2525

San Jose Mercury News
750 Ridder Park Dr.
San Jose, CA 95190
(408) 920-5000

KNTV Channel 11
645 Park Ave.
San Jose, CA 95110
(408) 286-1111

The Oakland Tribune
409 13th Street
Oakland, CA 94612
(510) 645-2000

KTVU-TV Channel 2
2 Jack London Square
Oakland, CA 94623
(510) 834-1212

The Sacramento Bee
21st & Q Streets
Sacramento, CA 95852
(916) 321-1000

KCRA-TV Channel 3
3 Television Cir.
Sacramento, CA 95814
(916) 446-3333

KXTV Channel 10
4000 Broadway
Sacramento, CA 95818
(916) 441-2345

San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103
(415) 777-1111

San Francisco Examiner
110 5th Street
San Francisco, CA 94103
(415) 777-2424

KGO TV Channel 7
900 Front Street
San Francisco, CA 94111
(415) 954-7777

KPIX Channel 5
855 Battery St.
San Francisco, CA 94111
(415) 362-5550

KRON TV Channel 4
1001 Van Ness Ave.
San Francisco, CA 94109
(415) 441-4444

KQED Channel 9
500 8th Street
San Francisco, CA 94110
(415) 864-2000

KGO AM Radio 81
900 Front Street
San Francisco, CA 94111

Talk show call-ins:
East Bay (415) 832-8255
San Jose (408) 269-8255
San Mateo (415) 342-8255
Contra Costa (415) 938-8255
Marin (415) 454-8255

The Stockton Record
530 E. Market Street
Stockton, CA 95202
(209) 943-6397

Hawaii

Honolulu Advertiser
605 Kapiolani Blvd.
Honolulu, HI 96802
(808) 525-8000

Honolulu Star-Bulletin
P.O. Box 3080
Honolulu, HI 96802
(808) 525-8000

KHON-TV Channel 2
1170 Aushi Street
Honolulu, HI 96814
(808) 531-8585

KITV Channel 4
1790 Ala Moana
Honolulu, HI 96814
(808) 536-5969

KFVE-TV Channel 5
315 Sand Island Access Rd.
Honolulu, HI 96819
(808) 842-5555

KGMB-TV 9
1334 Kapiolani Blvd.
Honolulu, HI 96814
(808) 973-5462

KHET-TV 10
2350 Dole
Honolulu, HI 96822
(808) 955-7878

Nevada

Reno Gazette-Journal
955 Kuenkli
Reno, NV 89520
(702) 788-6200

Daily Sparks Tribune
1002 C Street
Sparks, NV 89431
(702) 358-8061

KOLO-TV
4850 Ampere Dr.
Reno, NV 89502
(702) 858-8888

KRNV-TV Channel 4
1790 Vassar
Reno, NV 89502
(702) 322-4444

KTVN-TV Channel 2
4925 Energy Way
Reno, NV 89502
(702) 858-2222

KNPB Channel 5
P.O. Box 14730
Reno, NV 89507
(702) 784-4555

Elko Daily Free Press
3720 Idaho Street
Elko, NV 89801
(702) 738-3119

Utah

Ogden Standard-Examiner
455 23rd Street
Ogden, UT 84401
(801) 394-7711

The Provo Daily Herald
1555 N Freedom Blvd.
Provo, UT 84603
(801) 373-5050

The Salt Lake Tribune
143 S. Main Street
Salt Lake City, UT 84110
(801) 237-2031

KUTV Channel 2
2185 South 3600 West
West Valley, UT 84119
(801) 973-3000

KTVX Channel 4
1760 S. Fremont Dr.
Salt Lake City, UT 84104
(801) 973-4444

KSTU Channel 13
5020 W. Amelia Earhart Dr.
Salt Lake City, UT 84116
(801) 532-1300

KUED Channel 7
101 Gardner Hall
Salt Lake City, UT 84112
(801) 581-7777

KXIV Channel 14
5181 W. Amelia Earhart Dr.
Salt Lake City, UT 84116
(801) 537-1414

NATIONAL NEWS MEDIA

ABC World News Tonight
7 West 66th Street
New York, NY 10023
(212) 887-4040

Associated Press
50 Rockefeller Plaza
New York, NY 10020
National Desk:
(212) 621-1600
Washington Bureau:
(202) 828-6400

CBS Evening News
524 W. 57th Street
New York, NY 10019
(212) 975-3693

CBS This Morning
524 W. 57th Street
New York, NY 10019
(212) 975-2824

Christian Science Monitor
CSM Publishing Society
One Norway Street
Boston, MA 02115
(800) 225-7090

CNN
One CNN Center
Box 105366
Atlanta, GA 30348
(404) 827-1500

CNN
Washington Bureau
111 Massachusetts Ave.
NW
Washington, DC 20001
(202) 898-7900

Crossfire CNN
111 Massachusetts Ave.
NW
Washington, DC 20001
(202) 898-7951

Face the Nation
CBS News
2020 M Street NW
Washington, DC 20036
(202) 457-4321

Good Morning America
ABC News
1965 Broadway
New York, NY 10023
(212) 496-4800

Larry King Live-TV
CNN
111 Massachusetts Ave.
NW
Washington, DC 20001
(202) 898-7900

Larry King Show-Radio
Mutual Broadcasting
1755 S. Jefferson Davis Hwy.
Arlington, VA 22202
(703) 685-2175

Los Angeles Times
Times-Mirror Square
Los Angeles, CA 90053
(800) 528-4637

MacNeil/Lehrer
NewsHour
P.O. Box 2626
Washington, DC 20013
(703) 998-2870

MacNeil/Lehrer
NewsHour
WNET-TV
356 W. 58th Street
New York, NY 10019
(212) 560-3113

Meet the Press
NBC News
4001 Nebraska Ave. NW
Washington, DC 20016
(202) 885-4200

Morning Edition/
All Things Considered
National Public Radio
2025 M Street NW
Washington, DC 20036
(202) 822-2000

NBC Nightly News
30 Rockefeller Plaza
New York, NY 10112
(212) 664-4971

New York Times
229 W. 43rd Street
New York, NY 10036
(212) 556-1234
(212) 556-7415

New York Times
Washington Bureau
1627 Eye Street, NW 7th Floor
Washington, DC 20006
(202) 862-0300

Newsweek
444 Madison Ave.
New York, NY 10022
(212) 350-4000

ABC News Nighline
47 W. 66th Street
New York, NY 10023
(212) 887-4995

ABC News Nighline
Ted Koppel
1717 DeSales Street, NW
Washington, DC 20036
(202) 887-7364

This Week With David
Brinkley
ABC News
1717 DeSales Street, NW
Washington, DC 20036
(202) 887-7777

Time magazine
Time Warner Inc.
Time & Life Building
Rockefeller Center
New York, NY 10020
(212) 522-1212

Today Show
NBC News
30 Rockefeller Plaza
New York, NY 10112
(212) 664-4249

United Press
International
1400 Eye Street NW
Washington, DC 20006
(202) 898-8000

U.S. News & World
Report
2400 N. Street NW
Washington, DC 20037
(202) 955-2000

USA Today
1000 Wilson Blvd.
Arlington, VA 22229
(703) 276-3400

Wall Street Journal
200 Liberty Street
New York, NY 10281
(212) 416-2000

Washington Post
1150 15th Street NW
Washington, DC 20071
(202) 334-6000

Washington Week in
Review, WETA-TV
P.O. Box 2626
Washington, DC 20013
(703) 998-2626



Curtis Mitchell, Job Superintendent for Stacy & Witbeck (left) is interviewed at the Muni Extension project in San Francisco. Pictured above is a Caltrans worker being interviewed in Sausalito.

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 Representative Bob Delaney and Business Agents Bill Eisensee, Greg Gunheim and Bob Britton 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 ignited enthusiasm and solidified teamwork — 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 1981.

"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 down 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 shoulders. 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 large commercial routes through towns like Rocklin, Loomis and Penryn. He filled the truck's 50-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 name plates 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. By day's end, all 70 employees of

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.

the bargaining unit knew Rick had been temporarily taken prisoner by his own box.

Beyond the humor, though, was a skilled, dedicated crew. On a wall at company headquarters hangs the awards to prove it. Since the late-1980s, Auburn-Placer Disposal's crew has been competing in contests in which drivers from some 25 different recycling companies meet to demonstrate their skills through a variety of events such as backing,

parallel parking and turning. Rick and five other coworkers placed first in the 1989 NorCal Safety Rodeo team competition at the Solano County Fairgrounds, and the team placed third in the same competition last year.

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.

NLRB: firms can't dominate employee groups

A recent National Labor Relations Board ruling concerning employee "action committees" set up by Electromation Inc. at 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 National Conference on Labor and Employment Law January 22-23, attorneys pointed out that, despite *Electromation*, most employee participation programs will be found consistent with the act, even if the employer initiates the idea. But the employer cannot coerce 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 be given 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 reconsider its 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."

UNION YES SPORTING GOODS

(List may not be complete)

UNION	COMPANY	ITEM
ACTWU	Allison of Rochester, Inc. (Don Allison)	Athletic jackets
	Bike Athletic Co.	
	Pyramid Outerwear Corp.	
	Buccaneer Mfg. Co. (West Wind)	
	Ominisport (Deerfoot, Ominisport)	
	Maple Mfg. Co.	
	Buccaneer Mfg. Co. (West Wind)	Jerseys (baseball, football, softball)
	Allison of Rochester, Inc. (Don Allison)	
	Bike Athletic Co.	
	Bike Athletic Co.	Athletic pants
	Maple Mfg. Co.	
	Manchester Knitted Fashions, Inc. (MKF)	
	Van Baalen Pacific Co.	
	H. Gotler Co.	
	Maple Mfg. Co.	Athletic shirts
	Dehen Knitting Co.	
	Allison of Rochester, Inc.	Athletic shorts
	Bike Athletic Co.	
	Manchester Knitted Fashions, Inc.	
	Dehen	Cheerleader's skirts, sweaters
Allied Industrial Workers	Allison of Rochester, Inc.	Athletic uniforms
	Empire Sporting Goods Mfg. Co.	
	Hutch Sporting Goods, Inc. (Hutch, George Reach)	
	Rawlings Mfg.	
	Brunswick Corp.	Bowling, golf and sport bags, helmets (all types)
	Athletic	Baseball, football helmets, athletic supporters
	Hutch Sporting Goods (Hutch, George Reach)	Baseball, football motorcycle helmets
	MacGregor Riddell	Baseball, football helmets
	Pioneer Aerospace Corp.	Parachutes
	Outdoor Venture Corp.	Tents
United Garment Workers	Rawlings Mfg.	Baseball, football, basketball and soccer equipment
	Wilson Sporting Goods	Football
	Bike Athletic Co.	Football equipment
	Pro Group	Golf clubs
	Newell Coach	Custom motor homes
IUE	Gregor Boat Co.	Welded aluminum fishing boats
	M. Fine & Sons (5 Brother, Dakota, Mighty Mac, McGregor, L.L. Bean, Dee Dee, Cabelas)	Sport shirts, hunting and fishing apparel, men's sport shirts
	King Louis International Powers Mfg.	Sportswear
	Carhartt, Inc.	Hunting apparel, sweatshirts and pants
	Chase Bag Co. - Division of UnionCamp (Chaseline)	Duffel bags, sports bags
Leather Goods, Plastics Novelty and Service Workers	Ben Pearson	Archery equipment (bows, arrows, quivers, etc.)
	Ebonite Co.	Bowling balls, gloves and shoes, sport towels, head bands
	Buxton/Dopp	Backpacks
	Brunswick Bowling & Billiards Corp.	Bowling equipment
	Weatherking Products	Swimming pools
Machinists	Gared Sports, Inc. (subdivision of Nixdorf-Krein Mfg. Co.)	Basketball equipment
	Ron-Vik, Inc.	Ski bindings
	Sherwood Drollet Corp. Ltd. (subdivision of Adirondack-Sherwood, Inc.)	Hockey sticks
	Huffy Corp.	Sports equipment, fishing tackle
	Thor Industries, Inc.	Recreational vehicles

(List may not be complete)

UNION	COMPANY	ITEM
Machinists (Cont.)	Trans-For-Metal, Inc. (subdivision of Les Industries Deltson, Inc.)	RV frames
	Vic Franck's Boat Co., Inc.	Pleasure boats
	Bertram-Trojan, Inc.	
	Murray Chris-Craft Cruisers, Inc.	Cruiser boats
	Weeres Ind. Corp.	Pontoon and paddle boats
OPEIU	Survival Systems Int'l, Inc.	Fiberglass boats
	Miro Corp.	Aluminum boats
	Spaulding	Golf balls, golf clubs, basketballs, softballs, tennis balls, tennis rackets
	Canstar Sports Group (Gamebridge Division)	Hockey skates, ski boots
	GenCorp/Penn Athletic Products	Tennis and racquet balls
Rubber Workers	Ken Sporting Goods	Life vests, water ski jackets, boat cushions
	Brunswick Corp.	Boating equipment and accessories
	Canstar Sports USA, Inc.	Hockey equipment
	Canvas Specialties, Inc.	Canvas tents and tarpaulins
	Eppinger Mfg. Co.	Fishing lures
Teamsters	Gared Sports, Inc.	Recreational and basketball equipment
	Harvard Sports, Inc.	Pingpong tables, dart board cabinets
	Harvey's Skin Diving Supplies, Inc.	Skin diving suits, water sports apparel
	Hillierich & Bradsby Co.	Aluminum baseball bats
	Jansport, Inc.	Backpacks
UAW	Olin Corp. (Winchester)	Ammunition
	Pacific Trail, Inc.	Sports apparel
	Rawlings Sporting Goods	Sporting equipment
	Seaspray Sharkline, Inc.	Portable swimming pools
	Thompson Boat Co.	Inboard and outboard motorboats
USWA	Yakima Tent & Awning Co.	Wall tents
	LML Corp.	Riviera Cruiser pontoon boats
	North & Judd, Inc. (Anchor, Wilcox-Britenden)	Marine and horse hardware
	Hillierich & Bradsby (PowerBilt, Louisville)	Golf clubs, hockey sticks
	Charles Rice	Boat covers
United Textile Workers	FNT	Fish net and twine, tennis and volleyball netting
	Colt	Small handguns, sport rifles
	Remington Arms (DuPont)	Clay pigeons
	Coleman	Tent campers
	Aladdin	Stainless steel vacuum bottles, foam insulated mugs
Woodworkers of America	Hillierich & Bradsby (Louisville Slugger)	Softball and baseball bats
	Powerbilt	Golf clubs
	Huffy	Trail bikes
	Redfield	Gun scopes
	Titmus	Optical sports and sun safety glasses
Woodworkers of America	Gudebrod, Inc.	Fishing line
	Wilson Sporting Goods Co.	Golf bags, balls
	Algoma Net Co.	Sport bags
	Carron Net Co.	Fishing and sport nets
	Vulcan/Brunswick	Bowling pins

Workers Memorial Day focuses on OSHA reform

FIGHT
For The Living

Workers Memorial Day, April 28

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 work-place 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 Compre-

hensive 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:

- Observe a moment of silence at the work place, rallies or meetings in memory of the workers who die each year in industrial accidents and who die each year from the long-term effects of occupational disease.

- Follow up the moment of silence with a letter-writing campaign to your U.S. senators and representatives urging passage of legislation to strengthen the Occupational Safety and Health Act. Also, write letters-to-the-editor in your local newspaper concerning the need for improved work-place safety. See the March and April issues of *Engineers News* for tips on how to write such letters.

Ideas for 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 work place to discuss job safety and the need for a stronger job safety laws.
- Conduct a memorial service.
- Dedicate a permanent public memorial to workers who have been killed on 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 work-

ers 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. Sen. Edward Kennedy, D-Mass, chairman of the Senate Labor and Human Resources Committee, introduced the Senate version March 11, a day after Rep. William Ford, D-Mich, introduced the House bill.

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 work-place 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.

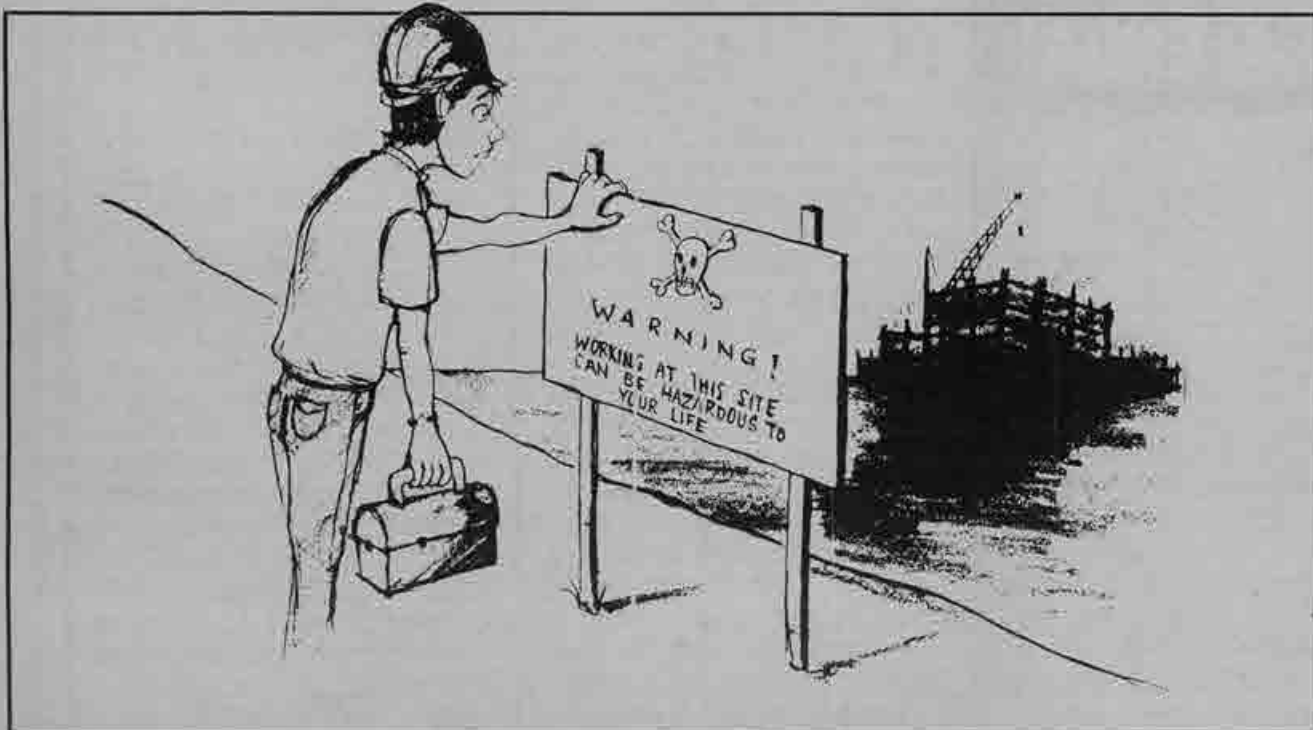
"This is something the building trades have been asking for some time," Ford said. "They still are amongst the most dangerous occupations we have in the entire country. The workers' compensation cost for a construction worker is higher on a per capita basis than any other industry we have. And it may 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 3 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.



TALKING TO TECHS

By Frank Morales, Director,
Technical Engineers Division

Important negotiation meetings scheduled

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:

Thursday, 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.

TEACHING TECHS

By Art McArdle, Administrator



May 8 hands-on competition postponed

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 are to continue with our training program at all, we must cut where we can at 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, cuts 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 slow down.

Local 3 Hazmat and BATT (Bay Area Train-

ing 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.

Labor

CALENDAR

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 1946. "Our lives shall not be sweated 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

By Don Jones, Fringe Benefit Director



Know your pension statement

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 (510-748-7450). 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.

John Henry
223 Main Street
Hometown, California 99999

Social Security No. 000-00-000
Birthdate 10/3/40

Statement of Hours Reported												01/92		12/92		TOTAL											
EMPLOYER	YR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	YR	TOTAL											
XYZ Construction	92	125	115	115	125	135	115	115	120	120	130	115	70	1400													
1																											
TOTAL															125	115	115	125	135	115	115	120	120	130	115	70	1400

CREDITS AND BENEFITS					
FOR YEAR ENDING 12/31/92		ACCUMULATED 12/31/92			
2	1.00	\$141.75	3	28.00	\$2036.25
FUTURE SERVICE CREDIT		FUTURE SERVICE CREDIT		BENEFIT	
YOUR PAST SERVICE CREDIT WILL BE VERIFIED AT THE END OF THE YEAR					
BASED ON TRUST FUND RECORDS					
4					
YOU ARE VESTED					
FOR YOUR INFORMATION					

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

By Rob Wise, Credit Union Treasurer



Credit union offers mortgage loans

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

If 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 72 months 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

NEWS FROM THE DISTRICT

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, including Argonaut 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 weeks with the Master Construction Agreement, Syar Industries and several shop agreements.

At the Fairfield District meeting March 9, Ron Duran was elected to serve as Grievance Committee member. Jac Crinklaw and Russ Burns were re-elected. We also have three new Geographical/Market Area Committeemen: Ed Burns, Curt Posthuma and Mark Burton.

We wish to give special thanks to

Bill Post 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 Pena 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, 225-0123, 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 should 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 committeeman 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, which 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 to 60 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 Ghilotti Construction and Cheli and Young working as sub-contractors on that \$11.7 million project. C.A. Ras-

mussen 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 Bennett Valley Road water line, a \$1.6 million project for the City of Santa Rosa. Parnum 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 Fountaingrove 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 say thanks enough times for the help Marshall, Ted and all our other volunteers have given us this past year. The meeting closed with a raffle and refreshments hosted by the Grievance Committee.

When I go out in the field to check on jobs, I notice a lot of the companies haven't started back with the projects they started last year, or they aren't starting any new projects. At first that really puzzled me, but then I remember

what was different this year compared with the past seven years – we received a lot of rain. So the contractors are going to have a slow start this season compared with the years before, but normal for a year when we received this much rainfall. Some of the operators are starting to be called back to work.

I have just finished instructing my sixth gradechecking class. I started a new sign-up sheet in the office for my next class. If you are interested, please sign up, and when I 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 gradechecking 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 – morning, afternoon or evening. You can sign up for any shifts you like. The work involves mainly 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 Shideler, the field representative for the Foundation for Fair Contracting. Valerie got married to John Eterovich on March 28.

George Steffensen,
Business Rep.

NEWS FROM THE DISTRICTS

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.

Top right: On the O. C. Jones portion of the project are from left John Hardwick, Jim Palestini, Bill Pursel and Superintendent Norm Wilkins. Center Left: Foreman Don van Hoosier left, with Jim Sheridan of Signet Testing.

Bottom right: O. C. Jones crew doing paving on the Teagarden Street extension.

Below: Blade operator Ray Yamada.



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 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.

Dam Workers Wanted!

We're looking for people who worked on the construction of the Oroville Dam. If you worked on the project or know of someone who did, please fill out the coupon below and return to the Chamber office, 1789 Montgomery Street, Oroville, CA 95965.

Name: _____

Address: _____

Phone No.: _____ Years worked on Project: _____

Position Held/Work Done: _____

NEWS FROM THE DISTRICTS

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 short form to the Master Agreement.

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 out of San Carlos was awarded the Central Park expansion project estimated at \$150,000. Watkins-Bertolucci Inc. was awarded the Bryte School playing field project with a low bid of \$830,000. 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 was awarded to Hensel Phelps, which is just about into the structure stage with the last piles hammered in the ground around the first of March. Roebelen Construction, which signed a project agreement with Local 3 for the State Liberty Building, is also

scheduled on this project.

The Master Agreement will expire June 15. At the last district meeting, Steve Smith was elected to represent the Sacramento District on the negotiating committee. The members made a good choice. Steve has done a good job in the past as job steward on several projects, and we are confident Steve will represent District 80 in the same manner.

Also at the district meeting, Scooter Gentry, Vern Barnes and Dennis Freeman were elected to serve on the Grievance Committee. Steve Thomas, Steve Smith and Fred Myrick were elected to serve on the Geographical/Market Area Committee, and Pete Perez, Pete Angelos and Tod Bradford were elected to the Auburn Geographical/Market Area Committee.



SACRAMENTO – At the February 4 Sacramento District meeting, 10 members received their service pins. Those attending the ceremony were front row from left: Carl Richofsky, Ernest Lopez, Earl Rogers, Jack Hornsby, Alex Winsley, Local 3 Business Manager Tom Stapleton; second row are William Ralston, Gary Morthole, Business Agent Troy Ruff, Vernon Wing, Local 3 President Don Doser; back row are Philip Jordon, 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.

Women's group potluck focuses on recruitment



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

event. Joette Thurman, Stockton District secretary, though unable to attend, helped set up the meeting accommodations.

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



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 Skeen hosted the gathering, which was held in the Stockton District union hall. Corinne Hillman and Ora Troxler of the Stockton Branch of the Operating Engineers Federal Credit Union helped organized the

Lisa Sidor, Terry Sandoval and Beth Youhn each spoke to the group about various issues and gave progress reports on the group's activities since the last meeting, which took place right after the January 9 semi-annual meeting in San Francisco.

The group watched a film, provided by the Rancho Murieta Training Center, about women in the construction industry. After that, the subject of educating youth about women working in the construction trades came up, and it was learned that several women had been quest speakers at schools.

Another highlight of the meeting was the women's self-defense demonstration conducted by brother operating engineer Patrick Erickson and his associate Nadine Refsell. Some who tried out some of the techniques on partners said "they really worked." Patrick and Nadine are putting together a video and are providing self-defense classes for interested women at a reasonable cost.

During the course of sharing ideas about how to supplement personal finances during these extremely difficult times in our industry, it was learned that many in the group possessed talents beyond those of being an operating engineer. In our ranks we found a photographer, at least two seamstresses, a landscaper, custom picture framer and woodworker, a guitarist and lyricist, a licensed masseuse and a number of entrepreneurs marketing various products. A majority agreed that these were good ways to supplement income during these tough economic times, but being an operating engineer was first and foremost.

Watch the *Engineers News* for information about our next meeting date and location.

Joyce Skeen, Dispatcher

NEWS FROM PUBLIC EMPLOYEES

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 busi-

ness organizations to defeat the initiative. Local 3 Business Agent Steve Conway worked closely with Stockton Mayor Mel Panizza, who was instrumental in pulling together

'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 coalition.

Conway and Panizza coordinated their work with groups like the Stockton Firefighters Local 1229, San Joaquin Public Employees Association, City of Stockton Police Managers Association, City of Stockton B & C Management Employees, as well as several business groups such as the chamber of commerce and board of realtors.

Meanwhile, Local 3 Attorney Lynn Faris, in cooperation with at-

torneys from other coalition members, began preparing a legal challenge to Measure W. They focused on two strategies: get the city council to vote against putting the measure on the ballot or get the courts to intervene, or both.

On August 4, 1992, the coalition filed a petition for an injunction in San Joaquin County Superior Court to prevent the initiative from going on the ballot on the grounds it conflicted with several provisions of the state Constitution and statutes.

But the petition proved unnecessary. The next day, the city council voted against putting Measure W on the ballot for similar reasons. Conway and Local 3 job steward Mike McDonald were among several coalition speakers who addressed the city council concerning the initiative's pitfalls. But about six weeks later, Measure W supporters filed a petition for a writ of mandate ordering the city council to reverse its decision.

The two petitions were then consolidated and court hearings scheduled. The coalition argued, among other things, that because Measure W limited wages and fringe benefits, it would restrict collective bargaining and infringe on the city's ability to negotiate with employee groups, both clear violations of the state Constitution and the Meters-Milia-Brown Act.

Last month, Superior Court Judge Terrence R. Van Oss agreed with the coalition and ruled that the proposed amendments to the City

Charter contained in Measure W were "illegal and unenforceable in that they contravene the state constitutional provisions concerning the impairment of contractual obligations." Van Oss also ruled Measure W was illegal because it could not be implemented without abrogating the present Memoranda of Understanding between the city and its employee groups.

"It would constitute a deception to submit this measure to the voters," Van Oss wrote in his decision. "The electorate would be misled into voting for the whole package, without realizing that critical provisions...are illegal and would be nullified by the courts."

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 R. Pollak, and first reported in the March 18 *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 be-

half of a Riverside County employee over the intricacies 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 so does the employee. But in some cases, cities, counties and special districts pay the employee's contribution, 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.

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 expect 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	0865491
Gilbert Anderson	0876142
Leland Argyle	0946973
• Fred Arnsberger	0698309
• Lewis Bair	0845494
• Charles Boarts	0931120
David Bardelmeier	0863995
Louis Brazil	0939597
Daniel Brum	0935666
George Chastain	0529116
Clyde Cozad	0535826
George Craigo	0859826
• John Davles	0773121
• Clayton Davis	0418295
Denton Denny	0950636
Frank Dye	0848357
O'Neil Eastin	0674725
• George Eastlick	0935391
• Douglas Ence	0679099
Clyde Evans	0832316
Dennis Farnden	0876067
Ray Ferretto	0931129
Charles Flynn Jr.	0848240
Louis Franchetti	0947056
Stanley Fredricks	0620195
Hanuel Garcla	0950651
Royal Greene	0845521
Norman Hallock	0888815
Billy Hamblen	0935544

Stanley Hansen	0776402
Raymond Hardin	0744792
Kenneth Hathaway	0899570
• Lloyd Helberg	0935410
• Ira Herring	0707324
Vester Hylton	0577370
• John Kinslow	0736485
Earl Knouse	0939687
• Lawrence Mendez	0925039
• Robert Olofson	0778012
• Book Perkins	0732179
Elmer Pettus	0634959
Frank Polhlopek	0828815
Arthur Port	0845459
Charles Porter	0950723
C. E. Potter	0892901
M.E. Robbins	0950728
• Ernest Rodgers	0175528
John Shull	0645849
• Bob Smith	0904931
Robert Steves	0935470
L.A. Stoehr	0385147
Walter Thompson	0904940
• Hosle Turner	0661013
Roy Vanbuskirk	0918903
Leon Walden	0429181
E.L. Wills Jr.	0935497
• John Word	0928112

As approved at the Executive Board Meeting on March 14, 1993, the following retirees have 35 or more years of membership in the Local Union, as of March 1993, and have been determined to be eligible for Honorary Membership effective April 1, 1993.

Melvin Anderson	0904814
Eugene Bowen	0745158
Vern Brugger	0429202
Edward Burke	0657614
Marion Cook	0577342
Bruce DeJanvier	0947252
Jim Eychner	0767483
Joseph Fanfa	0788017
Thomas Garahana	0800982
Raymond Harrelson	0931138
Dan Heeney	0482414
Lee Hylton	0848379
R. David Jones	0772848
Ray Miller	0830832
Lowry Olsen	0865460
Charles Pennington	0962099
Bruno Scatena	0732194
Edwin Schmidt	0963625
Manuel Simas	0845470
Vern Smeaton	0841504
Kenneth Sohn	0758305
James Vincent	0913724
Stanley Watkins	0898696

• Effective October 1 1992 - Recently determined to have been eligible in September 1992.

Departed Members

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

AUGUST 92

Broy L. Hazzard of La Pine, Or., 8/13.

FEBRUARY 93

Carl A. Anderson of Redding, Ca., 2/1; T. M. Blomquist of Millville, Ca., 2/7; Elmer Conklin of Cedarville, Ca., 2/21; Oswald Dusina of Redding, Ca., 2/28; E. Don Hack of Santa Rosa, Ca., 2/22; Calvin Hogg of San Jose, Ca., 2/2; Thomas Laws of Anaheim, Ca., 2/25; Louis Lovotti of Burlingame, Ca., 2/27; Ray Mansfield of Anderson, Ca., 2/18; Walter Miller of Yuma, Az., 2/23; Arlie Moore of Sunnyvale, Ca., 2/20; Berthol Orman of Brentwood, Ca., 2/27; Arthur Port of Central Valley, Ca., 2/10;

MARCH

Jos. S. Andrade of San Jose, Ca., 3/8; Edwin S. Baird of Modesto, Ca., 3/12; Lewis Bigham of Montague, Ca., 3/25; Tom Branda of Tillamook, Or., 3/21; W. W. Comstock of San Rafael, Ca., 3/24; C. Devine of Sparks, Nv., 3/21; Phillip Estabrook of Madera, Ca., 3/22; Louis Gardiol of San Leandro, Ca., 3/12; Wm. R. Gordon of Tenants Hr., Me., 3/30; Thomas Gunter of Stockton, Ca., 3/2; John Harger Sr. of Santa Cruz, Ca., 3/22; Alfred Human of Sacramento, Ca., 3/6; Milo M. Hurley of Larkspur, Ca., 3/27; Virgil Jarosh of Yuba City, Ca., 3/20; Ira N. Jones of Kensington, Ca., 3/2; Abel Kaululaau of Haleiwa, Hi., 3/11; George Laine of San Bruno, Ca., 3/24; Ron Long of Fremont, Ca., 3/29; V. E. Mossi of Petaluma, Ca., 3/19; Nyle Nagle of Yuba City, Ca., 3/20; Donald Pennington of Reno, Nv., 3/13; Carroll Reed of Modesto, Ca., 3/11; Ronald Roberts of Pleasant Hill, Ca., 3/20; Albert Roby of Brownwood, Tx., 3/4; Tony Rodrigues of Napa, Ca., 3/14; Arnold Roggasch of Colusa, Ca., 3/5; Wade Sewell of Project Ci., Ca., 3/13; William Stark of Kent, Wa., 3/2; Lyle Street of American Fo, Ut., 3/22; Renford Talbot of Paragonah, Ut., 3/5; Gordon York of Visalia, Ca., 3/2.

DECEASED DEPENDENTS

Julie Pao, wife of Albert, 3/4; Jhnon Sims, wife of David, 3/20.

1993 RETIREE ASSOCIATION MEETINGS

KONA - April 26, 2PM
Old Airport Pavillion
Kona, Hawaii

HONOLULU - April 27, 2PM
Jikeon Temple
1731 N. School Street
Honolulu, Hawaii

MAUI - April 28, 2PM
Cameron Center
95 Mahalani Street
Wailuku, Hawaii

HILO - April 29, 2PM
Hilo ILWU Hall
100 W. Lanikaula Street
Hilo, Hawaii

Pre-Retirement Meetings

APRIL 13 7PM	SAN MATEO/S.F.	Laborers Hall 300 7th Avenue San Mateo, CA
14 7PM	IGNACIO	Alvarado Inn 250 Entrada-Novato,
15 7PM	FAIRFIELD	Holiday Inn 1350 Holiday Lane
20 7PM	OAKLAND	Holiday Inn Airport 500 Hegenberger
21 7PM	CONCORD	Elks Lodge #1994 3994 Willow Pass Rd.
22 7PM	STOCKTON	Operating Engineers Bldg. 1916 N. Broadway
MAY 4 7PM	EUREKA	Operating Engineers Bldg. 2806 Broadway
5 7PM	REDDING	Operating Engineers Bldg. 20308 Engineers Lane
6 7PM	MARYSVILLE	Cannery Workers Local #849 35570 Oro Dam Blvd. Oroville, CA
11 7PM	SAN JOSE	Holiday Inn Park Center Plaza 282 Almaden Blvd.
13 7PM	SANTA ROSA	Luther Burbank Center 50 Mark West Spring Rd.
18 7PM	FRESNO	Cedar Lanes 3131 N. Cedar
19 7PM	WATSONVILLE	VFW Post 1716 1960 Freedom Blvd.
25 7PM	RENO	McCarran House 55 East Nugget Ave Sparks, Nv.
26 7PM	AUBURN	Auburn Recreation Center 123 Recreation Drive
27 7PM	SACRAMENTO	Machinists Hall 2749 Sunrise Blvd. Rancho Cordova, CA
JUNE 19 11AM	SALT LAKE CITY	Operating Engineers Bldg. 1958 W. N. Temple

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

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

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

Swap Shop

FREE WANT ADS FOR ENGINEERS

Personal Notes....

Marysville: The Marysville district office staff extends our sincerest condolences to the families and friends of the following deceased members: Retired Virgil Jarosh of Yuba City and Nyle Nagle of Yuba City. Both Virgil and Nyle have been members for many years and we will miss their visits to this office. Also condolences go to David Sims of Live Oak on the death of his lovely wife Jhnon and also to David and Jhnon's children.

Santa Rosa: We wish to send our condolences and prayers to the family and friends of retired member E. Don Hack. Don passed away on 2/22.

Stockton/Ceres: District offices would like to extend their sincerest condolences to the families and friends of the following deceased members: Celia McLaughlin 1/1, Vadiu Bunch 1/21, Frankie Baker 1/26, Bobby Parmer 2/12, Carroll Reed 3/11, and also to Douglas King on the death of his son Patrick.

We would like to congratulate apprentice Frank Rocha and his wife Ana on the birth of their son Frank Jr. born 3/4.

1993 Grievance Committee Elections

Recording-Corresponding Secretary William Markus has announced that in accordance with Article X, Section 10 of the Local Union Bylaws, the election of Grievance Committees shall take place at the first regular quarterly district or sub-district meeting of 1993. The schedule of these meetings appears below (see "District Meetings").

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.
2806 Broadway
- 13th District 17: Kona Konawaena Intermediate High School Cafeteria
- 14th District 17: Kauai Wilcox School Cafeteria
4319 Hardy Street
- 14th District 7: Redding Engineers Bldg.
20308 Engineers Lane
- 15th District 6: Marysville Vets. Mem. Hall
249 Sycamore St. - Gridley
- 20th District 1: San Mateo Electrician's Hall
302 - 8th. Ave.
- 27th District 17: Honolulu Farrington High School Auditorium
1564 N. School Street
- 28th District 17: Maui Mauiwaena School Cafeteria
795 Onehee Street
- 29th District 17: Hilo Hilo ILWU Hall
100 W. Lanikaula Street

MAY

- 4th District 3: Stockton Engineers Bldg.
1916 North Broadway
- 6th District 5: Fresno Laborer's Hall
5431 East Hedges
- 18th District 8: Sacramento Machinists Hall
2749 Sunrise Blvd.
Rancho Cordova
- 20th District 2: San Pablo San Pablo Sport Club
5220 Glen Avenue

FOR SALE: Camper shell Winnebago, fits 8' pickup bed. Nine inches above cab. \$225. Call (510)531-7036. Reg.#2081049 4/93

FOR SALE: Snow mobiles 2 '93 Artic Cats less than 100 mi. 1-wildcat 700 EFI perfect condition, 1-EXT 550 EFI also perfect cond. both machines have spare drive belts and spare spark plugs call for more info. Call (209)835-8161. Reg.#1887496. 4/93

FOR SALE: Mobile home Double wide, 3bdm/2ba, enclosed porch, 2 decks, located in Moss Landing family park. Must see, \$65,900. Call (408)633-3104. Reg.#1957937 4/93

FOR SALE: '86 Olds Delta Royale, 3.8 litre, c/c tilt wheel, am/fm stereo, cassette, 35,900 mi. super clean, no scratches or dings, silver gray, 22 mo. remain in extended service contract. \$5K firm. Also Winnabago camper shell, fits full size 8' bed, 70" wide, 36" deep, sandwich aluminum/foam, white color. will throw in "eide" boat rack w/one bent roller, asking \$200. Call (510)531-7036. Reg.#2081049 4/93

FOR SALE: Pick-up & 5th. wheel '76 - 150 Ford XLT, 460 CC,cruse, AC, King Cab, CB, 75 gal fuel capacity. Also '78 - 32' Nomad 5th wheel. New awning, AC, tub and shower, clean, \$9K. Call (209)532-9076. Reg.#118365. 4/93

FOR SALE: '77 Dodge 1 ton service truck w/utility box bed + 2 xtra storage boxes. 318 eng. 4spd trans, fresh paint, 52K miles, real clean, built in 9 drawer tool box & air compressor. Included, many hand & air tools. \$7K, OBO, Call (916)824-4071. Reg.#2110817 4/93

FOR SALE: Tractor John Deere, runs & looks very good. 4 like new tires. Lots for low & high gears. Power take off, 3 point hydraulic pump. Very dependable. \$1,500 firm. Call (916)663-2873. Reg.#1727864 4/93

RETIREMENT SALE: '88 Ford backhoe hauler 6.6 turbo diesel, 8K miles. '87 case 580K with cab, 5 buckets & 2 sets of tires. Call (916)678-1777. Reg.#1123477 4/93

FOR SALE: 4-6+ Acre parcels Fort Smith, Arkansas, relocation, retire or investment properties. Hwy 252 borders front, flowing creek borders back. Heavily treed w/lg. meadow. Utilities and water at Hwy. Each parcel priced to sell \$14,500. Call (209)223-3473. Reg.#1984886 4/93

FOR SALE: '68 Ranchero 302 eng. C4 trans-american, 14" mags, BF Goodrich TA's, rear air shocks. All in one unit. Radio, AM/FM, 40 CH-CB, 8trac, verible wipers, vinyl top, head liner, deatcovers, carpet has been redone as new. \$2,500. Call (408)265-7164. Reg.#1941657 4/93

FOR SALE: Trailer 31' Wilderness, complete kitchen, bedroom, mini blinds, bath

has tub & shower, A/C, central heat, self contained, lots of storage. \$5,950. Call (707)554-1153. Reg.#1168891 4/93

FOR SALE: '86Ford Supercab DSL, hypermax turbo/6.9L, 4x4, 4 spd., Lariat F-250. Capt. chairs, power windows/locks. Cruise, cass, sliding rear window, high miles but new tires, brakes, glow plugs, belts. Nice rig, tow pkg., brake controller, trailer wiring, heavy bumper, grill guard & bedliner, 3.53:1/rear. \$8,500. '90 Demco car caddy, \$850. Call (510)582-4443. Reg.#0863943 4/93

FOR SALE: Sewing machine Singer portable w/black carry case, 12"x7-1/2" (old) AJ133707 excellent condition, Simanco USA Cat 3-120, 25-75 cycles AC&DC \$400. Call (916)689-4061. Reg.#1238702 4/93

FOR SALE: Home "See forever" Sierra views foothill on 7+acres w/guest cottage and shop. Above fog, below snow at 2,200 ft. elev. N.E. of Auburn, 5mi. to I-80. Privacy, many tall ponderosa pines, best year round climate, excellent well, plenty of room. \$287K. Call (916)878-7401. Reg.#0982936 4/93

FOR SALE: '79 Motor home 25' Ford V8-460, 32K miles on new motor, 6 new 10 ply michlin tires less than 200 miles, fully self contained, roof & dash air, 2 gas TK-2 holding TKs, electric leveling jacks, tub & shower, big oven gen., radio & CB, microwave oven, 4 burner stove, gefig., lots of cabinet space, trailer hitch, '93 license ready to go. \$8,950. Call (510)674-1094. Reg.#0689209 4/93

FOR SALE: Motor home '90- 460 Ford, 10,300 miles, TV, stereo.,cassette, microwave, generator, roof air, 4 burner stove, full oven, queen bed, awning, flush mount entry, electric step, 3 way refridge, driver door cruise control, tilt wheel, spare tire on electric wing, roof rack & ladder. Reclining & swivel seats, monitor panel, 2 tables, sleeps 4, much more. Selling due to family health problems. \$30K like new. Call (510)886-4846. Reg.#620182 4/93

FOR SALE: Marine motor Chevy 396 complete, low hours, runs, \$800. 32' Rev-

ell craft 12' beam, no motor, excellent live aboard, \$1,500. Late model Mercury outboard motor, 4.5 like new. \$400. Call (415)366-4015. Reg.#484706 4/93

FOR SALE: Mobile home Double wide on large private lot, 2bd/2ba, refrigerated air-thermo pane windows, awnings, full length on both sides & front windows concrete patios & drives, storage shed + shop, alarm system on mobile & all out buildings. \$87,500. Call (916)244-1791. Reg.#1136291 4/93

FOR SALE: 413 Dodge 24' Class A Champion, twin fans, CB radio, twin antennas, 6 speaker AM/FM radio, phone jack, leveling jacks, 15' awning, generator and much more. Tow car available, have to see to appreciate. Call(510)783-7905. Reg.#0888849. 4/93

FOR SALE: 5th wheel '75 Coachman 8'x33' -travel trailer, AC, DC, self contained, real bath, kitchen, front room, top bed. In senior park. \$6,500. Call (707)253-7627. Reg.#0908640 4/93

FOR SALE: '22 Model "T" Ford Touring car. Restored, good condition, boxes of parts, all included. \$4,500. Call (916)758-7035. Reg.#1691152 4/93

WANTED: '65-'70 Mustang, dead or alive. 351 cleveland, 427-428 engines. Shaker air cleaner for '70 Mustang Mach I bic block. Call Gerry Lambert (408)226-0729. Reg.#1225584 4/93

FOR SALE: '889 Dodge Dakota, 4x4, w/extended warranty. Bed liner, tinted sliding rear window, anti-lock brakes, cassette radio, low miles, great condition. Black. May take good VW Jetta as part payment or make offer of cash or cash & trade. \$9,995. Call (707)939-0806. Reg.#2102539 4/93

FOR SALE: Custom home 2 year old 2bd/2ba, 3 car garage & shop, 50' U shaped dock w/electricity & water on quiet delta slough, \$545K. '73 Dodge Powerwagon w/camper shell, 15K on rebuilt engine & transfer case, new brakes, shocks, tires & u-joints \$2,300. Call (916)777-7036. Reg.#1137569 4/93

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 30 percent of truck driver accidents were caused by fatigue.

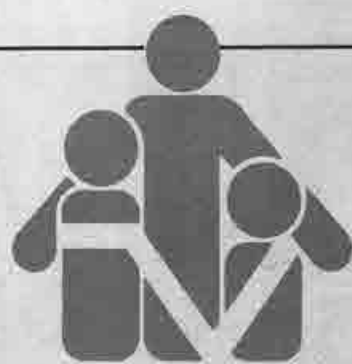
Impairment testing and privacy

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.



1-800-562-3277

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 to test 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 64 percent, and errors and omissions 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 Cothen 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, called 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 1985 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.