A landslide vote

Administration sweeps election

By James Earp
Managing Editor

Local 3 Business Manager Tom Stapleton and the Officers of Local 3 were inaugurated into office on September 7 by former President Paul Edgecombe, following a landslide victory by the incumbent administration in the union's election.

Stapleton defeated opponent Claude Odom by a 78 to 20 percent margin. A third candidate for Business Manager, Joe "Chief" Almodova, received two percent of the vote.

A full slate of officers campaigning with Stapleton made a clean sweep of the election, capturing similar percentages of the vote.

The election drew considerable interest throughout the union and the industry, due to the fact that the opposing slate of candidates was composed primarily of former business agents and employees who had worked for the previous union administration which was ousted in the 1982 election.

"Three years ago the members of this union bucked the former administration and elected us because of our commitment to reduce union expenditures and to turn this union around into a strong organization that truly listens and responds to the needs of the membership," Stapleton declared after the election. "It was a close, heated election day. I was a little nervous, but I think we won by a good margin."

The installation ceremonies were held at the union's headquarters in San Francisco. Former President Paul Edgecombe, who presided at the meeting, said he was "proud to be extended our offer again to give the oath of office, because the oath that these officers took three years ago has been filled to the best of their obligation."

"The overwhelming vote shows me that the members are behind this team of officers," Edgecombe said during the swearing in ceremony.

Huge highway contract let near Eureka

At long last, heavy construction is returning to the North Coast area of Eureka. In the next few months, Eureka District Representative Gene Lake reports, close to $100 million in construction contracts will be awarded in the Eureka area.

According to Lake, the biggest contract will be for the long awaited Redwood Park Bypass on Highway 101. Bids on the 12 mile highway were opened last month with the joint venture Tuder-Saliba/Perrini of Encino, California the apparent low bidder.

Bids on the project, which were twice delayed, ranged from the Tudor-Saliba/Perrini offer of $64,261,457 to a high of over $87 million. Caltrans had estimated the cost of the job would reach $81 million.

Lake expects work on the project, which will upgrade Highway 101 from the town of Orick to Klamath, will begin next year and continue for about four years. Although it is difficult to estimate the number of operators who will be employed as a result of the highway job, Lake believes it will be over 100.

The construction project will include a small bridge, retaining wall, and other improvements to make the roadway more stable and safer. Lake expects work on the project to begin in early 1986 and be completed by 1989.

Other projects in the area include a reconstruction job of Interstate 580 in Castro Valley, which will be completed in 1987, and a reconstruction job of Interstate 580 in Eureka, which will be completed in 1988.

The project will be from Dinsmore to north of Crescent City. Lake expects that job to cost $1 million. Bids on Phase three of the Myrtle Avenue project were opened with Moseman Construction the low bidder at $660,000. This job includes a small bridge, retaining wall, widening of the existing roadway and resurfacing.

Lake also reports that Dutra Construction is the apparent low bidder on a future bidding

SAN FRANCISCO—In a rare action, the California Department of Industrial Relations has barred a major out-of-state construction company from bidding on any public works contract in the State of California for one year.

Rail-Roadway Hatch, an Oregon based joint venture presently working on a $43.6 million highway improvement project of Interstate 80 in Castro Valley, was found in willful violation of state apprenticeship laws as a result of a complaint filed by the Operating Engineers Joint Apprenticeship Committee.

The Order was issued Sep. 12 by Ron T. Rinaldi, Director of the California Department of Industrial Relations. It denies Rail-Roadway or R.A. Hatch the right to bid on any public works contract in California for one year and requires the firms to make contributions to the Operating EngineersJoint apprenticeship training fund for the hours worked on the 1,500 project.

The joint venture was further ordered to pay $50 a day to the state for every day it was found to be in violation of the

(Continued on page 2)

Important Notice

Business Manager Tom Stapleton has announced that an election of a Pre-Negotiation and Negotiations Advisory Committee will be held as a special order of business at the Quarterly District Meetings in October, November and December. The committee will be comprised of one rank-and-file member from each district in Northern California for the purpose of advising and assisting the Local 3 Officers in the forthcoming contract negotiations for the Northern California construction industry.
Radio advertising campaign to promote union’s message

Business Manager Tom Stapleton announced at press time that Local 3 is kicking off a radio advertising campaign designed to “get our message out to the public.”

“We have a tremendous union and we also have an important message to tell the general public,” Stapleton explained. “It’s high time we put together a radio campaign that tells the public the important role the Operating Engineers have in building a better future for all of us.”

Stapleton said that the Stockton District has been chosen as the initial target area to test the public response to the union’s campaign.

Beginning Sept. 22, Local 3 will be a sponsor of the Los Angeles Raiders football games, which are broadcast on KFW AM Radio (1230 on the dial).

The sponsorship means that Local 3 radio spots will be aired during the games and in special promotional spots each week before the game.

KFW AM covers a large area in the greater Stockton area from Elk Grove in the north to Atwater in the south and from Pleasanton/Livermore in the west to Jamestown in the east.

Local 3 members in this area who enjoy listening or watching the L.A. Raiders games or enjoy listening to musical programming that focuses on fifties, sixties and seventies popular music are encouraged to tune into KFW 1230 AM.

“We hope our members will let us know whether they think about our radio campaign,” Stapleton commented. “The response we get will help us in deciding where we will target next.”

The final thought that came to mind was that we’ve got to pull together as never before and all work as a team. The support we have received over the past three years has been tremendous, but we must do even better.

We are facing some very tough contract negotiations this next year. As you will notice on page 1, for the first time that I can recall, our officers will be involving rank-and-file members on the negotiating committee for our Master Construction Agreement.

We want your experience and input. Just as important, we want your membership to see first hand the challenges we are facing in this industry. There is greater need than ever before to keep the lines of communication open and active among our officers, business representatives and rank-and-file members.

It is only through an informed and educated membership that we can hope to remain strong.

Hatch barred from bidding

(Continued from page 1)

apprenticeship standards. Local 3 Business Manager Tom Stapleton dubbed the DIR’s action as “long overdue, but a welcome step in the right direction.”

“The Hatch joint venture on this Interstate 580 project was a mistake from the beginning,” Stapleton de- clared. “They should never have been given the contract. Caltrans awarded them this major Bay Area construction project, despite allegations that Hatch had not always operated in the best interest of the public.”

The firm is currently under investigation by the federal government for allegedly violating the Disadvantaged Business Enterprise program by hiring subcontractors who are wholly or partially owned by Hatch. According to investigations conducted by the Operating Engineers and the Alameda County Building Trades, there are at least three subcontractors who may be in violation of the law.

Construction, owned by Charles Croft, a former employee of Hatch, who went into business with just $500 in cash and has received a $3.7 million contract from Hatch on the I-580 project.

H & H Electric, owned by Isabel Hendricks and Hatch’s wife, Suzanne, has received $6.2 million under the Workforce Development Program, which is only a small portion of which has been with R.A. Hatch Construction. This includes a $2.1 million contract on the I-580 project. The firm did not qualify for minority status in Nevada and Arizona.

Jim Winston & Sons, a subcontractor who has received $5 million in contracts from Hatch. This firm is using equipment registered to Hatch and has received loans from Hatch to meet its payroll.

“R.A. Hatch is a classic example of how out-of-state and/or non-union contractors are denying work to legitimate firms by abusing the law,” Stapleton charged. “Our tax dollars, which should be benefiting the unemployed in this area, are lining the pockets of firms that are importing their own workers. We hold Governor Deukmejian responsible for allowing this to happen, and for not keeping the public informed.”

Stapleton pointed out that more highway construction and other public works contracts have been awarded to out-of-state contractors under Deukmejian than under former administrations.

Alleged violations on the Railroad Highway/Hatch project have prompted the Alameda County Building and Construction Trades Council to file suit against the firm and the California Department of Transportation. The suit challenges the legitimacy of the bidding and the minority and woman business enterprise certification procedures used in awarding the I-580 contracts.
Double breasting issue tops agenda for Building Trades convention

Building trades unions have made passage of a bill to curb "double-breasted" operations by contractors seeking to evade union commitments a top legislative goal and are pressing for House passage early this fall.

Labor's campaign for its enactment was high on the agenda of the AFL-CIO Building & Construction Trades Dept. convention.

The bill, introduced by Rep. William L. Clay (D-Mo.) and numerous co-sponsors, would clarify the Taft-Hartley Act's provision allowing a prehire union agreement in the construction industry because of the temporary and often short-term pattern of employment. It would make such a union agreement binding on all of an employer's operations unless workers vote to decertify the union as bargaining agent.

An all-out drive to end double-breasting was urged by J.C. Turner, president-emeritus of the Operating Engineers, during discussion of the resolution. The 200 delegates from 15 affiliated unions saw a film dealing with the issue that was produced by the Operating Engineers and a video presentation developed by the department.

On other legislative issues, the convention:

• Strongly opposed taxation of employee benefits.
• Urged enactment of a long-range program to rebuild the nation's infrastructure of roads, water works, sewer systems and other capital development needed to support an industrial economy.
• Asked inclusion in new Superfund legislation of a requirement for safety and health training of workers employed in hazardous waste disposal.
• Pressed the need for jobsite picketing legislation long sought by building trades unions.
• Asked immigration reforms that would effectively ban the hiring of illegal aliens and limit employer use of temporary foreign workers brought into this country.
• Urged legislation to assure fair tax treatment of job-required travel expenses of construction workers.
• Opposed attempts to weaken the Davis-Bacon Act which requires payment of prevailing wages on federal construction.

What unions do

A highly publicized, widely praised new book provides statistical proof for what we already know - unions greatly benefit American workers and all of society.

Harvard professors Richard Freeman and James Medoff have co-authored a book called What Unions Do: It is a sophisticated, detailed and scientific analysis of the impact of unions on American society and the companies they represent. Its conclusions are a resounding affirmation of the constructive role of trade unions in the American workforce and society.

Wages

Unions have a positive effect on wages. "In all cases unionized labor is substantially more highly paid than nonunionized labor." White union workers enjoy a 17% wage advantage when they belong to a union.

Unions clearly have done better in keeping up with inflation. In the decade between 1971 and 1981 the difference between union and nonunion workers was raised almost 9 full percentage points. Moreover, the union's position does not deteriorate significantly even in recessionary periods. The professors point to the fact that the vast majority of contracts in 1982 called for wage increases despite the widespread public hostility generated by the few large concessionary agreements.

The authors conclude "unions have a statistically positive impact on the provisions of fringe benefit programs and on the dollars spent on fringes especially, with pronounced union effect on pensions, vacation pay, life, accident and health insurance." There is an even greater union impact on fringes than on wages, with union firms spending 50% more on fringes than nonunion establishments.

Gompers monument needs repairs

The nation's memorial to Samuel Gompers, founder of the American Federation of Labor needs major repairs and the Metropolitan AFL-CIO is doing something about it.

The city labor federation is stepping up a national campaign to raise funds to restore the 62 year old bronze monument and beauty the park where the statue is located in northwest Washington.

Initially, the labor council had planned only to clean the 16-foot Gompers statue. But an architectural survey by the National Park Service uncovered serious structural problems. The labor council plans to complete the project in time for a rededication ceremony on Labor Day, 1986.

Craft unions win Davis-Bacon ruling

The AFL-CIO Building and Construction Trades Dept. hailed a ruling by the Labor Dept's Wage Appeals Board that the protections of the Davis-Bacon Act apply to construction of military housing units built off-base by private developers.

The ruling overturned a decision by Wage-Hour Deputy Administrator Herbert J. Cohen. Cohen had ruled that work on 1,400 clusters of units built near Fort Drum, N.Y. would not be covered by the federal prevailing wage law.

Last February, the BCTD sought a ruling on the application of Davis-Bacon provisions to work on the pilot housing projects authorized under Section 901(g) of the Military Construction Authorization Act of 1984. Cohen ruled that the prevailing wage law would apply on housing facilities built on the military bases, but not on construction of units off the base. He maintained that the off-base housing units could not be considered "public buildings."

The Wage Appeals Board rejected this argument, pointing out that the housing units would be built to Defense Dept. specifications, would be leased exclusively to the government for up to 20 years, and would not otherwise be built.

BCTD President Robert Georgine called the decision an "important victory" for the building trades. In a letter to presidents of the department's affiliated unions, Georgine noted that the off-base housing unit could not be considered "public buildings."

Letter carriers, too

Letter Carriers President Vincent Sombrotto brings to House Ways and Means Committee hearing petitions 100,000 taxpayers asking that profitable corporations be made to pay a fair share of taxes.

The petitions were collected by NALC members as part of a national fair-tax campaign by unions and public interest groups.
Total health costs now amount to roughly $1 billion a day. While only about 12% of the U.S. population is 65 and over, that segment is responsible for some 30% of all hospital and medical bills. Now, 30% of $1 billion is $300 million: $300 million every day for retiree health care.

A price tag of $300 million a day for retiree health care is astonishing! Not just because of the current cost, but also because of the projected increases in costs and because a significant majority of retiree health benefit plans are not, and never have been, prepaid.

The cost was good in the early 1960’s and the rate of inflation was modest. In 1965, health care costs represented only about 6% of our Gross National Product, as compared with over 10% in recent years. The Medicare law was under active consideration, but had not as yet passed.

Medicare was necessitated, in part, by the failure to meet the coverage needs of retirees. The discussions which preceded the enactment of Medicare resulted in growing recognition of the importance of hospital and medical care coverage for retirees.

The retiree health care plans that were being taken from the U.S. were not considered a modest start with a modest goal, which seemed achievable at a modest cost. Eligibility for benefits for former active employees generally required numerous years of service with the employer or was tied directly to the receipt of a pension from the retirement system.

The number of eligible retirees was small in relation to the number of active employees. A ratio of 15 active employees to one eligible retiree was not unusual in the few years of retiree health benefit plans. In the years following Medicare, to the present, retiree health benefit plans have been confronted with financial problems. What are some of the factors that have generated these financial problems?

Medication is definitely a key causal factor. The extraordinary high rate of inflation in the cost of hospital and medical care is a problem that is truly national in scope. It impacts all health benefit programs, including retiree plans.

Between 1965 and 1983, America’s medical bill went from $43 billion to about $355 billion. During this same period, while consumer prices for all items increased about 150%, physicians’ fees jumped from 1965’s average of $37.800 increases 5% per year), the maximum tax for hospital insurance has since its inception is the introduction of a new prospective payment system under the Social Security Act.

As you know, Part A Hospital Insurance, and Part B Supplementary Medical Insurance — that Medicare has deductibles and copayment requirements, I suspect that a large percentage of Americans would be surprised to learn that Medicare now covers less than 45% of the total health care costs of our senior citizens.

Part A Medicare Hospital Insurance, is financed principally by payroll taxes paid by employees and employers, and the self-employed. During the past decade, the hospital insurance tax rate had been increased from 1% to 1.3% of the taxable wages. The maximum tax for hospital insurance has quadrupled since 1974, raising from $158.80 in 1974 to $491.40 in 1984.

Under present law, the tax rate for Part A Hospital Insurance will increase from 1.30% this year to 1.35% next year, and to 1.45% in 1986. When the increase in the tax rate is combined with projected increases in the wage base (assuming the 1984 base of $37,000 increases 5% per year), the maximum tax in 1986 will be more than $600 or about 2% higher than the 1984 maximum tax of $491.40.

Even though the scheduled increases in hospital insurance taxes are substantial, they are not sufficient to meet the projected costs of Part A. Recent reports indicate that the tax fund for Medicare Part A will be depleted in the early 1990’s if there is no reduction in Medicare expenses from the private sector.

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Bay Bridge to get additional lane

The San Francisco Bay Bridge, whose construction started when it opened almost 50 years ago, is going to have a new maintenance lane added to its south side, according to the California Department of Transportation.

The extra lane will alter the appearance of the internationally known landmark, but state engineers said they plan to build the lane on the south side of the span in order to hide it from tourists in San Francisco.

The $35 million lane, to be added in 1987-88, will be for maintenance vehicles only, and will end Caltrans' practice of blocking one of the bridge's five lanes on each deck just about every weekday. The lane will be cantilevered over the water like a shelf along the entire length of the span and will be at least eight feet wide.

The maintenance lane is the major part of an $85 million face lift that Caltrans is planning on the eve of the bridge's 50th anniversary.

The project includes a new $6.3 million toll plaza, a $20 million ramp for easier access from the Nimitz Freeway and a $1.2 million improvement of ramps leading to Treasure Island from the span's lower deck.

Caltrans says the extra lane is needed to keep traffic flowing while maintaining the bridge. More than 100 workers man the bridge's maintenance crews. The problem is that weekday traffic is so heavy there is no space for repair crews to work safely without snarling traffic.

The new lane probably will be used from the lower deck, and ladders will be used to reach the upper deck. Only on rare occasions, will it be necessary to close a lane to traffic, Caltrans says.

This will be the first major reconstruction since the early 1960s, when electric train tracks were removed from the lower deck and the traffic pattern was switched to one-way on each level.

Crosstown Freeway receives funding

The California Transportation Commission has allocated $22.2 million for the continuation of Stockton's Crosstown Freeway. Construction of this portion of the project is expected to begin in early spring, 1986 and will last approximately two years.

The extension of the freeway will result in six-lane facility from Stanislaus Street to Wilson Way. It will continue from the existing freeway, as viaduct, from Stanislaus to Union Streets where an elevated fill will carry traffic to Wilson Way. A separation structure is planned for the Airport Way crossing.

The closing link of the Route 4 crosstown between I-5 and Route 99 will be accomplished in two projects. This first is expected to begin in 1986/87 fiscal year. It will provide grading and some structures from Wilson Way to the interchange at Highway 99. The estimated construction cost for this project is $13.8 million. The second project, to construct the remaining structures and complete paving, is expected to be completed in the early 1990s.

The staff of the San Joaquin County Council of Governments is looking into ways to prevent delays in this final stretch in the project. The staff will recommend to the council's board of directors that it ask the CTC to reinstate the $2 million in current budgets. To do that, the council board will have to propose delays in other highway work in the county equal to that amount. Possible alternative project delays have not been identified.
How your ballots are counted

There's a lot more to conducting a local union election than merely gathering up the ballots and counting them. Special provisions must be made to see that the secrecy and accuracy of the vote is insured.

This year, as in past election, Price Waterhouse conducted the Local 3 election. The ballots are first picked up on Aug. 26 and transported to the election site (photo #1).

The trays are then separated by district and the ballot envelopes are alphabetized. Once this process is complete, the names on the outside are checked against computerized lists to determine eligibility to vote (photo #2).

Those ballots on which there is some question regarding eligibility are brought before the Election Committee (photo #3). The secrecy envelopes containing the ballots are then removed from the outside envelope containing the voter's name, thus ensuring that every member's ballot is kept confidential (photo #4).

The ballots are finally removed from the secrecy envelope and prepared for automated counting by the computer (photo #5). The ballots are then processed through the computer by district and the results posted (photo #6).
back to a position of strength this quickly, but they’ve done the job.”

James “Red” Ivy, who retired in July from his post as Recording-Corresponding Secretary, recalled what it took three years ago to win the election. “We all went out on a limb in 1982 because there was a big machine out there that everyone thought was unbeatable.”

“But with a lot of hard work, we put it together,” Ivy said. “That’s what it took. We had the members at the installation ceremony. “I think this is the results of this election prove that everyone here appreciates the fact that this team is working for them and doing their best for the membership. “I am very confident that with Tom Stapleton’s leadership and the other officers behind him, this organization will continue to go forward and we will all do our best to work together and defeat it,” he added. “But believe me, if anyone thinks the job is finished, I’ve got news for them. We’ve got a hell of a job to do.”

The voting statistics (see below) indicate that the vast majority of the membership voted entirely by slate. The other five main officers elected were: Harold Huston for President, Robert Skidgel for Vice President, Bill Markus for Recording-Corresponding Secretary, Wallace Lean for Financial Secretary and Norris Casey for Treasurer.

Other officers elected were: Ken Bowersmith, Wayne “Les” Lassiter and Pat O’Connell as Trustees; Jack Baugh, Don Strate and Ron Wilson as Auditors and Bill Burns as Conductor.

Ted Wright was unopposed as Guard.

Marriage is the only institution you can’t organize…Both sides think they are management!
Retirees have hospitalization, medical, vision care, prescription drugs, and dental benefits. Widows of retirees can now purchase medical care at reasonable rates through the Trust Fund. Your health and welfare booklet will show you your coverage in detail. Please contact the Fringe Benefit Center or the Trust Fund Office for a copy of the health and welfare booklet.

What about extended coverage when I'm not working?

Working engineers and their families have added protection of continued coverage if they become unemployed. You can build an hour bank of up to 12 months to keep you covered under the plan when you are unemployed. Your 90 hour minimum for coverage is available to pay the bills and to allow you to pay the cost of your benefits not vicethat deliver you a listing of what the dealer paid for the car. You should offer less than the sticker price when you're buying a new car. Some hot selling models won't be available for any price except one above the sticker, but most cars should be able to be bought below the sticker price. The dealer may have to work to get the price.

Why does money have to be taken from my package wage to pay for health and welfare?

Health costs have risen at an alarming rate. Between 1965 and 1982, consumer prices rose 162 percent. During the same period, the number of hospital days per 1000 people was 3.3 in 1965, 5.5 in 1982. Daily hospital expenses for a regular room run as high as $100.00. In 1984, Americans spend $400 billion on health care. Although certain cost containment provisions have been made, the quality benefits of the Engineers’ plans cost more than they used to.

What about the overall cost of benefits?

Local 3’s health care benefits cost over $3 million in 1982. The amount that has been spent to pay for health care is $52 million last year. That’s the amount that has been spent to pay for medical bills directly to doctors, hospitals, and pharmacies. The health plan, with the full support of the Union, has helped pay their medical bills. Bad shape, you’ll probably still do all right without the services. The dealer may have to work to get the price.

Why not use the reserves for benefits?

Why does money have to be taken from my package wage to pay for health and welfare? Health and welfare, it is a fact that some of the money is the hour bank liability. Sticker shock - you offer less than the sticker price when you're buying a new car. Some hot selling models won't be available for any price except one above the sticker. The dealer may have to work to get the price.

Don’t trade in your old car when you buy a new one. Sell it yourself. If it’s in good shape, you’d do better selling it yourself than you will in turning it over to a dealer. If it’s in bad shape, you’d do better keeping it yourself. If you do not wish to change your current coverage, or if you wish to change your coverage, please complete the attached forms and mail them in.

October is deadline for Kaiser Plan

October is open enrollment month for Kaiser. Both Active and Retired Operating Engineers have until October 18th to change their Hospital-Surgical-Medical care election to or from Kaiser Health Plans. Operating Engineers can make this change from one Plan to the other only once every year. In October for November. In November, members are urged to carefully consider the merits of both Plans before making any choice. Once an election has been made it must remain in effect for the year. The only exception is if the member moves out of the service area.

All other benefits such as Death and Dismemberment, Vision Care, Prescription Drug and Dental benefits for active members will continue to be provided directly by the Trust Fund regardless of which medical coverage you choose. If you wish to change your current coverage, or if you wish to add new coverage, please complete the attached forms and mail them in.

Kaiser Enrollment

Name: __________________________
Social Security #: __________________________
Address: __________________________
City: __________________________
State: __________________________
Zip: __________________________

☐ ACTIVE
☐ RETIRED
☐ I wish to change from the Comprehensive Insured Plan (Union Labor Life) to Kaiser.
☐ I wish to change from Kaiser to the Comprehensive Insured Plan (Union Labor Life).
☐ I need a Kaiser brochure/Health and Welfare Booklet.

Clip and Mail to: Operating Engineers Trust Fund 50 Francisco Street, San Francisco, CA 94133
Alcoholism and Chemical Dependency Can Ruin Your Life! Don’t Let It

**Make the Call for Help**
Northern California 800/LOC-3ARP
Hawaii, Nevada, Utah 800/LOC-ARP3

The following article appeared in the August 1985 issue of "National Safety & Health News."

I found the conditions in which the workers performed their duties were totally unsafe.

With those words, Cook County Circuit Judge Ronald P. Banks of Maywood (Illinois) court on June 14 found three executives of the defunct Film Recovery Systems of Elk Grove Village guilty of murder.

The case was a precedent-shattering one. It is the first time that company officials were held criminally responsible for the death of a worker from accidental causes.

The murder charges stem from the death on Feb. 10, 1983 of Stefan Golab, a 61-year-old Polish immigrant employed at the plant. He worked over tanks containing cyanide solution used in the recovery of silver from used photographic films, such as X-ray plates.

On Oct. 15, 1983, a Cook County grand jury returned indictments against several company officials. The trial took eight weeks and was conducted by the judge without a jury. The prosecution charged that Golab inhaled a lethal dose of cyanide vapors as he was preparing to use a chemical pump to clean out the 1,000-gallon tank. He staggered from the tank into a plant lunchroom, shook violently and then lapsed into unconsciousness.

Defense attorneys said that the worker died from a heart attack unrelated to the work situation.

Dr. Robert J. Stein, Cook County medical examiner, testified that Golab had a lethal level of cyanide in his blood. He said when he opened the body during the autopsy, the room was filled with the odor of bitter almonds, a smell associated with cyanide.

Under Illinois murder statutes the prosecutors had to prove the plant officials ignored the conditions while knowing there was a risk of injury or "great bodily harm" to workers.

About 20 former workers at the plant testified that they vomited almost daily because of vapors. Most of the workers were undocumented aliens. Prosecutors sought to establish that they were not told they were working with cyanide and were not given adequate protection from the vapors. Some employees were ordered to scrape the skull and crossbones from cyanide drums.

A prosecutor presented the court with a respirator mask as an example of the inadequate safety gear. Former workers testified they were provided only cloth gloves. They were not provided with boots or aprons to wear while working near the cyanide vats.

Judge Banks found guilty Steven J. O'Neill, the plant’s president, Charles Kirschbaum, plant manager, and Daniel Rodriguez, foreman. The defense also were found guilty of 14 counts of reckless conduct.

Defense attorneys said the decisions would be appealed.

The judge dismissed charges against Gerald Pett, vice-president. Also indicted was Michael T. Mackay of Salt Lake City. He was not tried as former Utah Governor Scott Matheson refused to extradite him to Illinois. However, Illinois Governor James Thompson will make a new request for the extradition of Mackay.

Judge Banks explained his reasoning for the precedent-shattering decision by saying, "It’s my belief that the mind and mental state of a corporation is the mind and mental state of its officers and high personnel. The corporation must be held liable."

State’s Attorney Richard M. Duley, who argued the case, said the更何况 and whose office prosecuted the case said the decision was of national importance.

"The unprecedented ruling is a great victory for the people of Cook County and should have far reaching effects in corporate criminal cases," he said.

He added, "These verdicts mean that employers must warn their workers to dangerous conditions leading to injury or even death can be held criminally responsible for the consequences."

Consumer Advocate Ralph Nader stated, "I think this case will properly embolden workers to demand that executors of corporations make workers dangerous conditions leading to injury or even death should be prosecuted and convicted."

University of Michigan law professor Christopher Stone said, "Certainly, it is going to send a shock wave through the executives of companies that deal in toxic chemicals and expose workers to those chemicals."

He added that the guilty verdict will draw attention of prosecutors throughout the nation. Stone continued, saying the decision comes "at a time when the enforcement efforts by state and federal officials are really off the mark."

What it suggests to me is efforts to prevent injuries by systematic policing and federal rules and the like may not be working."

A criminal law specialist at Harvard University’s law school, Alan Dershowitz, said: "It obviously sends an important message to corporate executives that they are notshawing corporations and other public officials are really off the mark."

"It suggests to me is efforts to prevent injuries by systematic policing and federal rules and the like may not be working."

A Washington, D.C. lawyer who represents a number of corporations on health and safety issues, Joseph E. Hadley Jr., said that while the murder convictions would make some company officials skittish, they’re not likely to have a widespread impact.

Law Professor Norval Morris at the University of Chicago’s law school, commented that the case might have had more impact in corporate decision making if there had been manslaughter. "Unless the facts are extreme, corporations are more likely to identify with, and therefore be influenced by, a manslaughter conviction that a murder conviction."

Editors Note: On July 1 the two former executives and the former plant foreman were sentenced to 25 years each in prison. Previous motions to appeal the landmark "corporate" murder conviction were denied.
Talking to Techs
By Frank Morales & Wally Schissler

Surveying, merit badges, boy scouts and Operating Engineers — this combination was put together at Ft. A.P. Hill in Bowling Green, Virginia in July, 1985. It was also the celebration of 75 years of the Boy Scouts of America.

The combined efforts of the International Union of Operating Engineers, Local Union No.77 Surveying Engineers, Suitland Md., Southern California Surveyors Joint Apprenticeship Committee, Local Union No. 3 and their Surveyors Apprenticeship Committee and the International Union of Operating Engineers Jobs Corps, Sacramento put together a merit badge booth and survey course for this boy scout jamboree.

Jamborees are held every four years and a great deal of preparation goes into an event as large as this. Over 31,000 scouts participated. Add their leaders, staff and around eight to ten thousand visitors each day and you have a camp site that grew into a large city over night!

The International Union of Operating Engineers Director of Research Ted Reed and his family hosted the surveyors booth four years ago and were the prime movers of this years’ event.

Using Local 77’s equipment and trucks, Sacramento Job Corps survey instructor Joe Sanders, Local No. 3’s Survey Apprenticeship Administrator Gene Machado, Norm (“with over 50 years in organized labor and scouting”) Osborne, Hank Cobb a district scout and his son and daughter, Rusty and Sandy Reed, presented to over twenty five hundred visitors the Surveyors Merit Badge which started in 1960 and was created and written by the Operating Engineers Apprenticeship. Joe and Gene were able to present instruction in chaining, levels and mapping to over 120 scouts who earned credits towards their Merit Badge.

As the scouts and their leaders came through the booth they were exposed to the hand tools and instruments used by surveyors. They were also exposed to the principles of the union — Apprenticeship relationship and the fact that without the unions’ fostering training within a trade, apprenticeship training does not exist. Without training in a craft or trade, competent skills are not passed on to the new generation that will continue those skills.

The survey courses used were enough to introduce a scout to the difficulties of chaining a horizontal, plumed, tensioned distance on a closed traverse. In the few hours of training no scout learned to chain, run a set of level or keep notes sufficient to draw a map. What they did learn was that a great deal of training and experience is needed to be a chainman and further exposure at home in completing their merit badge may guide some into the survey field with a better understanding of our craft and the need of unions and apprenticeship to work together to create a skilled worker.

Many other crafts were represented at the merit badge midway including the office of Charting and Geodetic Services (C&GS) and the U.S. Army’s Mapping and Geodetic Survey Department.

The Merit Badge Book written by the International Union of Operating Engineers, with help from Local 12’s apprentice program and using Local No. 3’s apprentice program’s pictures is a very complete and challenging merit badge for the Boy scouts.

Piombo moves along on Hwy. 101 job

Piombo Corporation is proceeding with their Highway 101 widening job in central Marin County. The five mile, $16 million job began earlier this summer. The job, which should be completed by December 1986, will employ over 12 operating engineers at peak construction.

The project includes adding a carpool/bus lane in each direction from just north of the Central San Rafael interchange to just north of the Marinwood turnoff.

The job is made more difficult because of the fact that they must work next to one of the Bay Area’s busiest freeways. The highway through that section of Terra Linda currently handles over 140,000 vehicles each day.

Although efforts are being made to keep traffic flowing through the construction site, motorists are being subjected to periodic delays. During the first stage of construction, new lanes are being constructed in the present shoulder area. When this is done, the center lanes will be torn out and replaced with new commuter lanes.

Business Agent Pat O’Connell at left discusses the project with foreman Richard Lear and backhoe operator Tom Palmer.

Greg Murphy clears brush from the side of the road.

Setting foundation forms on the San Pedro Rd. overcrossing is operator Jim Scagilola and oiler Norm Sweet.
Transcontinental interstate nears completion near Salt Lake City

Business agent Nyle Reese reports that the interstate highway in our country will be completed in Utah less than 100 miles south of Promontory Point where the Golden Spike was driven. The project is near the location of the first transcontinental railway May 10, 1869.

Construction will be finished, connecting California State Route 480 (the Embudito Freeway), with Interstate 80, 2300 miles from the Pacific Ocean. The completed route will be 2,007 miles long. This project will also provide freeway access for the Salt Lake Interstate.

The contractor who will complete this project is Kiewit Western Company with headquarters in Omaha, Nebraska.

To hasten the completion of I-80 and the section of I-215 which serves the airport, the Utah Department of Transportation is offering an incentive of $13,000 per day for every day prior to October 1, 1986, that sections are completed. The contractor faces a deduction of $15,000 per day after that date. The maximum is $598,000. Conversely, the contractor faces a deduction of $13,000 per day for every day after October 1, 1986, that he fails to open sections, up to a maximum of $598,000, plus a deduction of $1,500 per day after that date. The maximum is $15,000.)

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Business reports that the two backhoes and three or four loaders are completing the work, and it should finish up in a few weeks. By the end of the year, the crews involved in the project will have finished their job on the railroad and moved their rigs out, also.

Concrete has moved to Trenton on I-15 and is laying concrete at a fast pace. G. P. Construction has slowed down some of their job at this location, but also on the second part of the project.

The job at Plymouth has had problems with some natural spring water problems. The fill, and the beds were off a few days while the state decided what to do to correct the problems.

Bartholomew Concrete is about three days from completing their project with Gibbons & Reed on I-215 at 2200 South and 50 West, near Falls on Fallon, Nevada, by the time you read this.

Gregory & Cookson Company is also nearing completion on their line from Wyoming. The lines are dogged and a few hands have been laid off at this new Delta canvas, loaded with quality extras. Excellent running condition, $27,000 will consider small boat as part of sale. Any Operating Engineer may advertise in these columns.

For sale: 1969 Dodge 3/4 ton pickup, sport model. 20,000 miles with steel and air bag. 12 foot bed. 10 foot trailer & 580 case backhoe. $1,756,000. 48-58-513, Reg. #059678.

For sale: 2500 gal. canvas, loaded w/high quality extras. Excellent running condition, $27,000 will consider small boat as part of sale. Any Operating Engineer may advertise in these columns.

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For sale: 1978 Dodge motor home, 24', fully self-contained, cab & rear entertainment center, has only 35 hours, should sell for $79,000. 1.8,500 actual miles. 48-58-513, Reg. #059588.

For sale: 1981 Dodge gym truck, 24', fully self-contained, cab & rear entertainment center, has only 35 hours, should sell for $79,000. 1.8,500 actual miles. 48-58-513, Reg. #059588.

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ATTEND YOUR UNION MEETINGS

All District Meetings convene at 8:00 p.m. with the exception of Honolulu, Hilo and Maui, which convene at 7:00 p.m.

September

11th District 12: Salt Lake City
12: Musicians Hall
12th District 11: Reno
19th District 10: Santa Rosa
25th District 17: Maui
26th District 9: San Jose

October

1st District 4: Eureka
2nd District 7: Redding
3rd District 8: Marysville
17th District 1: San Rafael

November

5th District 3: Stockton
6th District 2: Concord
12th District 5: Fresno
26th District 8: Auburn

LOCAL 3 MEMBERS—Save dollars on your Disneyland trip. Ask for your free membership card. Mail this coupon below to:

Attn: M. Kelly, Operating Engineers Local Union No. 3, 474 Valencia Street, San Francisco, California 94103

Please send me: A Membership card for the Magic Kingdom Club

Forged by the efforts of the Union “indicate that we will do what is necessary to accommodate another, who would not be covered by our contract. Empire maintained that the parts delivery job was not covered by the agreement. Empire also maintained that it could fire the employee and replace him with another, who would not be covered by the contract. The arbitrator ruled that the real reason the employee was fired was so that they could hire a family friend. According to the arbitrator, the “termination was not for just cause.”

Commenting on the case, Local 3 Business Manager Tom Meepleton said that the efforts of the Union “indicate that we will do what is necessary to protect our jobs. Whether it is a case like this involving only one employee, or a big case like the one involving the prison Board of California and the prison staff.”

Fifth Annual Dredgemen’s Picnic

This year’s picnic will be held on Sunday, September 29th at the Oak Grove Regional Park which is located between Stockton and Lodi on Interstate 5 and 6 Mile Rd. Festivities will begin at 11:00 a.m. to 3:00 p.m. There is a $12.00 parking fee.

Steak and spaghetti will be served as the main course with lots of beer and soft drinks. Tickets are $5.00 per person in advance and are available at the Fairfield Union Hall by calling Cecil or Leslie Wilson at (415) 223-9468. Tickets will be $5.00 per person at the door. Retirees are free but need to register with Nick Carlson at (415) 685-2580. There will be lots of fun and games for the entire family.

The California Prison Industry Board has announced plans to train 20,000 prison inmates in jobs now being done by private industry. With over 900,000 Californians out of work, such plans have been criticized by labor union representatives in local newspapers.

The prison Board of Directors approved the plan, which has been the subject of a great deal of criticism, and which was the subject of a hearing in the California Senate last week.

The ruling brought job reinstatement for one employee and the settlement of the dispute in the agreement, assuring back pay for one employee. The company maintained that the job of parts was covered by the agreement.

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Redwood Bypass (Continued from page 11)

The Bypass project in Crescent City. The job includes clearing and grading the line from the Crescent City Harbor out to the water. In commenting on the several jobs coming for the area, Lake said it was good for the membership of the area. “For several years, the Eureka members either were out of work or had to go to other districts. It’s good to finally have some good projects in our own backyard. We hope to put a lot of Local 3 members to work next year.”