

ENGINEERSnews

VOL. 62, #1 • OPERATING ENGINEERS LOCAL UNION NO 3 • ALAMEDA, CA • JANUARY 2004

Building on Strong Foundations



SEMI-ANNUAL MEETING

SUNDAY, MARCH 14

SOLANO COUNTY FAIRGROUNDS, VALLEJO, CALIFORNIA.



JOHN BONILLA
BUSINESS MANAGER



BOB MILLER
PRESIDENT



FRANK HERRERA
VICE PRESIDENT



ROB WISE
REC. CORRES. SECRETARY



HAROLD LEWIS
FINANCIAL SECRETARY



RUSS BURNS
TREASURER



For The Good & Welfare

By John Bonilla, Business Manager

65 years and counting

For 65 years, Local 3 members have stood united. Through victory and hardship, we have built the prosperity we celebrate today. With more than 42,000 represented workers, Local 3 has come a long way from its small beginnings. As we begin another chapter in our union's history with new leadership and a new year, we should reflect on how far we've come, then focus on how much farther we can go.

As we head into 2004, I realize that we will face many challenges, and although we can't win every battle, we can continue to strengthen our solidarity trying. Every success we enjoy as an organization brings opportunities for growing and improving our union. Every struggle we endure makes us stronger.

Our first priority this year, as always, is service to the membership. We will continue efforts to maintain benefits and represent you at the highest level, providing you the service you deserve in dealing with employers, contracts and training. Organizing will continue to be a key focus. The greater our membership numbers, the more influence we have as an organization.

In California, probably the biggest issue we'll face in 2004 is dealing with the "gubernator," Arnold Schwarzenegger. His administration will have a real impact on working people.

One of Schwarzenegger's first responsibilities in office is to develop a budget for the state. The budget passed under former Gov. Davis wasn't the best, but it worked for our members; Arnold's budget does not. To deal with the state deficit, Schwarzenegger had to make cuts. His first proposed budget included \$2.2 billion in cuts from state transportation funding, including money from Proposition 42 funds. If passed, this would seriously hurt Operating Engineers. Many transportation projects would have to be cut or halted, taking work from our members. We can't let this happen. We will lobby nonstop on your behalf to prevent it.

Workers' compensation is another issue we'll encounter in 2004. Schwarzenegger already has expressed his desire to reform the workers' comp system in California. We want our employers to pay affordable premiums so they can hire our members and still keep our benefits. We don't want our employers forced out of the state or forced to cut jobs or benefits. We will be working closely with legislators for the best solution.

One of the biggest tasks we'll face this year is doing our part to make sure labor-friendly lead-

ers are elected to local, statewide and national offices in the 2004 general elections. For almost four years now, we've been dealing with the effects of an anti-labor president. The 2004 presidential election will give us a chance to make our voices heard at the highest national level.

Another national issue we'll focus on in 2004 is lobbying for the extension of TEA-21, a measure authorizing more than \$250 billion for federal highway, bridge and transit programs. TEA-21's reauthorization will be up for vote Feb. 29 when it's five-month extension ends.

The rising cost of health care will continue to plague us in 2004. Local 3 is doing everything it can to continue to provide outstanding, affordable benefits.

The Construction Industry Research Board predicts that state construction in California will rise 2.7 percent in 2004. I hope it rings true. But we can't sit and wait. The officers and I are meeting regularly to adjust our strategies and keep members working throughout Local 3's jurisdiction.

When things get rough this year, just know that we are out there working for you. We will continue working in each state within Local 3's jurisdiction, as well as at the national level, to gain support for infrastructure projects and to teach those in power the important role infrastructure plays in our economy. It creates jobs for millions of workers and is vital for moving people, goods and services — that keeps our economy growing.

As I mentioned, we should enter 2004 reflecting on how far we've come while thinking of how much farther we can go. This is demonstrated in the theme for our March 14 Semi-Annual meeting of the membership, "Building on strong foundations." This is a celebration of our past and the strong union we've built over the years. Now it's up to us to build upon our successes and learn from our defeats, taking our prosperity to new levels.

On behalf of the other Local 3 officers and myself, I invite you to attend the March 14 Semi-Annual at the Solano County Fairgrounds in Vallejo, Calif. Please refer to pages 10 and 11 of this issue of Engineers News for more details. See you there.



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Engineers News (ISSN 176-560) is published monthly by Local 3 of the International Union of Operating Engineers, AFL-CIO; 1620 South Loop Rd., Alameda, CA 94502. Periodical postage paid at Alameda, CA and additional mailing offices. Engineers News is sent without charge to all members of Operating Engineers Local 3 in good standing. Non-member subscription price is \$6 per year. POSTMASTER: Send address changes to Address Change, 1620 South Loop Rd., Alameda, CA 94502.



Printed on Recycled paper



In the News

Schwarzenegger unveils plans to reform workers' comp

Almost everyone who has a stake in the California workers' compensation system agrees that the system is in need of reform. The numbers prove it is one of the most expensive systems in the country and that it provides injured workers with some of the lowest levels of benefits in the country.

Last year, Gray Davis signed into law a comprehensive workers' comp reform package that aimed to repair the ailing system. Experts estimated his plan would save employers more than \$4 billion.

On the campaign trail, Arnold Schwarzenegger attacked Davis' reform package, calling it "bogus," but later retracted from that assertion when his administration unveiled its own workers' compensation reform proposal that claimed to build on Davis' reforms. Schwarzenegger's plan includes \$11 billion in proposed cuts to the system, in addition to Davis' \$4 billion. The combined cuts amount to half of California's entire workers' compensation budget.

While business interests and the insurance industry are applauding Schwarzenegger's cuts, saying it will bring long-awaited financial relief to employers, labor groups believe the governor's plan does not achieve the necessary balance between lower costs for employers (so they can continue to afford doing business in California) and higher levels of benefits for workers.

"There is no way you can cut \$11 billion from the system without severely impacting the injured worker," critics of the Schwarzenegger proposal said in a recent interview with the *Sacramento Bee*. "There don't seem to be any discussions of benefits to injured workers at all. It involves a series of take-aways."

But balanced reform has proven difficult. Besides labor and business, there are many middle interests involved in the workers' comp issue, including doctors, hospitals, massage therapists, rehabilitation specialists, chiropractors and pharmacists — to name a few. Others involved are insurance companies and workers' comp brokers, both of whom that are enjoying high profits from the system as it currently exists.

Lawmakers have made it clear that Schwarzenegger's proposal will not

receive the two-thirds majority vote it needs to pass both houses. To avoid a legislative defeat, Schwarzenegger has agreed to allow more time for amendments. Labor is now working with legislators and the Schwarzenegger administration to ensure the final proposal provides the best level of care possible for injured workers.

Here's a look at the major elements of Schwarzenegger's reform:

- Aims to bring workers' comp costs down to at least the national average. Currently, workers' comp costs in California average \$5.85 per \$100 payroll, compared with a U.S. average of \$2.46. Comparatively, in the construction industry, workers' comp rates in California averaged \$25.30 per \$100 payroll.
- Require independent medical review to speed up treatment for injured workers, reduce costly litigation that has bogged down the administrative process and base decisions on medical principles. (The Legislature rejected independent medical review last spring.)
- Tighten standards for determining permanent disability by using uniform objective disability guidelines, requiring doctors to decide disability cases and placing limits on financial awards.
- Audit the California State Compensation Insurance Fund, the state's insurer of last resort. State Fund holds more than 50 percent of the marketplace because of insolvencies by workers' comp carriers.
- Allow employers to set up their own workers' comp system with a separate pool of funds and alternative dispute resolution. Currently, the law allows only unionized employers to carve out such a system.
- Specify that the "cure and relief" principle covers only what is medically necessary to return injured employees to work.
- Allow employers to buy group care and workers' comp medical insurance from one carrier.

Talking Points

By Bob Miller, President



Reflecting on 2003, preparing for a year of challenges

As we begin a new year I find myself reflecting on last year and what it held for Local 3 members and our union. I never expected that I would become president of Local 3, but I did, and I'll have more to say about that later in this column.

The past year was challenging for Local 3 and its members. We had major contract negotiations in Utah, Nevada and California. Your officers, district representatives and staff negotiated hundreds of good contracts. They were able to do this in spite of health care costs going through the roof. I'm concerned about how long members and employers will be able to absorb these huge increases.

The work picture remained strong in California, Nevada and Hawaii. Work in Utah and South Dakota continued to lag behind other states. Wyoming doubled its hours. Work forecasts for the next year look good if the California governor's proposed cuts in the transportation budget can be turned around. If not, California highway work will begin to slow.

As I said at the beginning of this column, I didn't expect to find myself as Local 3's president. But here I am, and you can be sure that I will continue to work hard for Local 3 and its members. I said that I'm optimistic about our future and I am. One of the main reasons for this is the new business manager, John Bonilla. He is a tireless worker and a genuine leader. Putting the needs of Local 3 members first will be the cornerstone of his administration. I'm really looking forward to working with John and the rest of our officer team. I'd like to welcome our newest officer, Treasurer Russ Burns. He's a great addition to the team.

I'd also like to thank the retiring business manager, Don Doser, for his years of service to Local 3 and its members, his demonstrated leadership, and for his friendship. Don was a "stand-up guy" that would never back down when it came to representing the best interests of members. We're a better organization because of his dedication and leadership.

This next year is going to be a challenging one. We're facing state budget problems, transportation funding cuts, anti-worker political efforts at the state and national level, state and local elections and more. But with a dedicated team of officers and staff, and most importantly, the best members in the world, I think we'll be up to overcoming them.



CREDIT UNION

By Rob Wise, Credit Union Financial Officer
& Local 3 Recording - Corresponding Secretary

Welcome to your credit union's 40th anniversary

As 2004 begins, so does your credit union's fifth decade of service to Local 3 members. Since 1964, the Operating Engineers Federal Credit Union (OEFCU) has given Local 3 members a steadfast resource for affordable financial services. Members rely on the credit union for loans at interest rates lower than "for-profit" banks or other financial institutions. As a member-owned cooperative, your credit union can keep savings dividends higher than those typically offered by banks. Most importantly, the credit union is a union organization and has been since 1964 when 60 Local 3 members pooled \$875 of their savings to begin the credit union.

Thanks to Local 3 members' loyalty and support, the credit union has grown to more than \$689 million in assets and has paid members more than \$305 million in dividends since 1964. Through years that have seen many institutions come and go, the credit union's success stands out. The first president of the credit union's board of directors, Local 3 Business Manager Al Clem, laid the formula for that success: "The credit union will demand the active support and assistance of everyone," Clem said at the credit union's first board meeting. As a direct result of that support, the credit union, which 40 years ago began sharing space at Local 3's headquarters in San Francisco, today has 21 branches in five states.

The branch network ensures that Local 3 members have convenient access to the credit union. Even in 1964, with credit union membership around 100 members, Clem announced plans to extend services beyond California to northern Nevada, Utah and Hawaii. Assuring easy access to your funds and to credit union services remains important. That's why a key part of the branch network is the credit union's

online branch at www.oefcu.org. The online branch enables members to apply for and receive approval on auto, Visa, signature and home-equity loans. Members may also check account balances, transfer between OEFCU accounts and obtain much, much more.

In addition to believing in a strong branch network, the credit union believes in meeting needs specific to Local 3 members. That is why, for example, you can choose checks with the Local 3 logo. You can also carry a Visa with the Local 3 logo and earn points when you use it. You can redeem the points for merchandise.

With your support, OEFCU has grown over the last 40 years to include a variety of services for saving time and money while meeting your financial needs:

- New and used auto loans
- Home loans
- Checking
- Savings
- Insurance
- Visa credit card
- Auto-buying service
- Online bill payment
- Money market
- Certificates of deposit
- IRA retirement accounts

For more information about these products or services, or to request a membership application, visit www.oefcu.org, call (925) 829-4400 or (800) 877-4444 or contact any OEFCU branch office.

In closing, I want to wish all Local 3 members a prosperous 2004 and let you know that your officers and Executive Board are committed to growing and improving the credit union's service to members.

OEFCU branch offices to serve you

(800) 877-4444 or (925) 829-4400

Internet branch: www.oefcu.org

Auto-Buying Consultant Hotline: (800) 326-9552

Real Estate Hotline: (800) 303-8887

OEFCU Financial Services, LLC: (800) 700-7474

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INSIDE NEGOTIATIONS

By Frank Herrera, Vice President

Getting a handle on health care

For too long now, we've been battling the high and rising cost of health care and its negative effects on our members, employers, providers and union.

At the rate health care costs are increasing – up to 20 percent per year – it's nearly impossible to keep up. In these extreme times, many employers are shifting health care costs to their employees. Operating Engineers Local 3 has been forced to take cost containment measures in all six states of our jurisdiction to keep Local 3's Health and Welfare Plan solvent.

In all contract negotiations, we make Health and Welfare the key issue. However, in negotiations, I often find that employers have been hit hard by

the rising costs of providing health care to employees and are more and more resistant to funding this benefit.

Taking care of our members is our No. 1 priority. One way we do this is with our Retirees Medical Plan, which we are fortunate to have. Retirees Medical helps us take care of our retirees' needs and is one way we can show appreciation for their many years of dedicated service to our organization.

One of my key responsibilities is negotiating first-time contracts. When I negotiate new contracts, I always put Retirees Medical on the table. Unfortunately, employers entering first-time contracts with Local 3 tend to adamantly oppose providing this benefit for new members. However, it is not in

my nature to give up. I will always put it on the table and push for it.

Though there is no immediate relief in dealing with the health care crisis, there are some steps each one of us can take to help keep our costs down. Our main weapon: using our health and welfare plans wisely.

This means doing things like using generic prescription drugs whenever possible instead of name-brand drugs. Using generic drugs cuts back on spending and saves our union providers' and our membership's money.

Local 3 is fortunate to have good contracts, so it is beneficial for members to use a contract facility and contract doctors for their health care needs whenever possible.

Members can also help save some health care costs by taking care of their own health by doing things such as watching their diet and exercising, and by taking advantage of Local 3's new disease management program.

Local 3 members appreciate excellent benefits. The union has taken care of its members' health needs and will continue to do so. Local 3's largest health and welfare plan covers 15,000-plus members and their families. This is something Local 3 can be proud of.

I think if we all do our part we can help get a handle on this issue. In the meantime, you can be certain that I am working on your behalf at the negotiating table.



OE CAT

By Cindy Tuttle, Political Director

What a difference a day makes

The runoff mayoral election in San Francisco Dec. 9 was one of the most significant races this year for Operating Engineers Local 3. Two candidates sought the position: one had strong ties to labor, the other did not. In short, the election would determine whether or not Local 3 would continue to have the good fortune its enjoyed over the past eight years with a labor-friendly voice in San Francisco City Hall.

Recognizing the importance of getting out the vote for Gavin Newsom, CAT activists, Local 3 staff and their families and friends hit the streets Saturday, Dec. 6 to participate in one of the largest Local 3 CAT mobilization efforts of 2003. Three days later, Newsom captured almost 53 percent of the vote to Green party candidate Matt Gonzalez' 47 percent.

This political victory is a perfect example of an idea many of you have heard me talk about before: What a difference a day makes.

Saturday's CAT action arguably made the difference between victory and defeat for Local 3's endorsed candidate. I tell you for a fact, our CATs reached no small number of potential voters. That's because Local 3 represented the largest contingent of labor organizations Gavin Newsom had personally invited to help remind people to get out and vote on that last, critical weekend before the election. Local 3 had 225 out of a total of about 1,000 people representing unions throughout the area, including the teamsters, pipefitters, firefighters and plumbers. It was a tremendous effort on our part, and I want to once again thank everyone who participated. For those of you who were not able to make it, here's a recap:

Saturday, Dec. 6 began early for the CATs. Despite fairly uncertain weather, everyone had arrived and checked in by 9:30 a.m. at Newsom's campaign headquarters on Van Ness Avenue in downtown San Francisco. CAT Coordinator



CATs receive their precinct assignments outside Gavin Newsom's campaign headquarters in San Francisco.

Ken Foley and San Francisco District Rep. Carl Goff led our mobilization team, which had set up shop on the sidewalk outside Newsom's headquarters to distribute information to the CATs. Each activist received a stack of detailed precinct maps, addresses and dual-purpose campaign literature booklets that unfolded into a Newsom poster. Marching orders for the day were to rally Newsom's supporters to get out and vote. It was also the final push for what Newsom's camp called its "visibility campaign," an effort to get Newsom signs up and around the city.

By 10 a.m., the CATs had scattered to their assigned precincts in neighborhoods throughout San Francisco. For about three hours, from 10 a.m. until around 1 p.m., they walked door to door, thanking supporters for their vote and encouraging them to place a Newsom poster in their win-

dow – thanks to the visibility campaign's previous efforts, many of the residents already had their Newsom posters prominently displayed.

In talking with Ken Foley, I understand that the CATs who participated on Saturday left San Francisco feeling satisfied with what they had accomplished. There seemed to be a renewed sense of camaraderie among them and a strong recognition that they had done something important for the membership. Indeed, it was important. As I said before, Local 3 will continue to be well represented in yet another city hall in our jurisdiction, and our members will benefit from all the perks that come with that advantage.

I can't think of a better way to end the year and start a new one than with a political victory. As I look ahead to the upcoming local, state and national elections in 2004, I know that more political victories for Local 3 will not come easy – they almost never do. But I also know that together, we can make it happen and prove once again what a difference a day makes.



UNIT 12

STATE CRAFT AND MAINTENANCE

By Flo Davis, Unit 12 Director

New year, new column

In my initial article, I want to share with you my background in terms of being director of Unit 12 for the International Union of Operating Engineers Local 3.

I spent 32 years working for the state of California, beginning with (and working 23 of those years in) the California Department of Transportation (Caltrans) in District 2, Redding; headquarters, Sacramento; and District 4, Oakland/Bay Area. I worked in personnel, which is now called Human Relations and Labor Relations for about 17 of my 23 years with Caltrans. I served as the employee relations officer for the Department of Industrial Relations in

San Francisco for some seven years and as a senior apprenticeship consultant in the Division of Apprenticeship Standards for about two years.

It was during my last stint as personnel liaison in Caltrans' District 4 that I met and worked with several Local 3 business representatives. We settled several issues before they became enormous problems, and the business representatives suggested that I work for IUOE Local 3. The concept became more and more interesting to me.

About eight months after I retired from the state, Don Doser, then Local 3 business manager, hired me to work with Unit 12. The former director had been promoted to another position in the

organization. I became a "recycled state employee" who saw the light and crossed over.

Early in November 2003, Business Manager John Bonilla assigned President Bob Miller (as one of Miller's numerous assignments) to oversee and work with Unit 12. New and innovative concepts are being considered as I write; among them is the advent of this column this month and each month thereafter. I look forward to the challenges ahead for President Miller and myself, and I trust this column will provide Unit 12 brothers and sisters with information and clarification.

By the way, I began working in the state when I was 15.



ORGANIZING

By Ras Stark, Organizing Director

Looking back

In looking back on Local 3's organizing efforts during 2003, it is clear to me that we have much to be proud of. Overall, we had a solid election win rate of 79 percent. Our win rate continues to rank Local 3 among the top organizing unions in the United States. We owe our success to the support and leadership of Business Manager John Bonilla and his team of officers, a great Organizing Department and district staff, and most importantly, great member support. Let's take a look at some of our organizing activities for the past year.

In District 10, we won an election for workers at Empire Waste Management. Negotiations for their first contract are almost finished. Workers for the city of Nice voted for Local 3 representation, and negotiations have begun. Lakeport city police voted to join Local 3, and they now have a new contract. Local 3 represents police officers in the city of Clearlake, and they too have a new contract. Negotiations have started for newly organized workers at Willits Solid Waste. Hard work throughout the year by district, Organizing

Department and Public Employee Division staff really paid off.

A coordinated effort by Organizing Department, District 11 and Public Employee Division staff produced strong results in Nevada. Alpine Developers signed our master agreement. SNC signed our master agreement, and 40 operators joined the Local 3 family. Lander County Sheriffs' Deputies voted for Local 3 representation and have a first contract in place. Humboldt County deputies joined Local 3, and they too have a new contract. Newly organized city of Fallon police officers have a first contract – so do Lander County deputies. Negotiations near completion for 25 new Local 3 members employed by Martin Marietta Materials. A National Labor Relations Board (NLRB) election petition was filed for production and maintenance workers at Gulf Transportation.

In Utah, 105 workers in the city of American Fork voted for Local 3, and they have a new contract. Organizing campaigns were conducted for workers at Twin Mountain Rocks and Wolper Construction. Unfortunately,

we came up short in each of these campaigns. Undeterred by setbacks, staff is following up on new organizing leads. Organizing in a right-to-work environment is tough.

District 20, Oakland, continued its tradition of focusing on equipment shops and construction. Workers at Western Power Equipment voted for Local 3 representation, and negotiations are underway. Schlosser Construction and Royal Seal Asphalt both signed our master agreement.

We were busy in the Stockton District. D.A. Wood signed our master agreement. City of Hughson public works now has Local 3 as their bargaining representative, and a new contract is in place. Workers at Nixon-Egli voted for Local 3, and extremely difficult negotiations have followed – no agreement for them yet.

The Fresno District also was on the move: 116 city of Porterville workers and 85 city of Clovis workers have a new agreement. King County Sheriffs voted for Local 3, so did Fresno Airport police management. Kelly Construction signed our master agreement. NLRB election petitions were

filed for workers at American Transit Mix and for operators and drivers at Al's Ready-Mix.

In the Sacramento District, an election petition was filed for 80 El Dorado County Employee Association staff. An election for 50 drivers at Waste Management is tied up in election appeals. BFI Recycle workers voted for Local 3, and negotiations are underway.

District 15, Wyoming/South Dakota, had victories with Butte County Road Department workers and Hot Springs School District workers. Negotiations are underway with both employers.

As you can see, 2003 was a busy year for the Organizing Department. In 2004, we will continue to focus on construction, rock, sand and gravel, shops and solid waste disposal. I'm fortunate to work with President Bob Miller. He continues to help me with his knowledge of organizing law and organizing tactics. Most of all, I'm fortunate to have your support. Keep those organizing leads coming in to the district offices. They are a big help to us.

In closing, I want to wish everyone a safe and prosperous new year.



RANCHO MURIETA TRAINING CENTER for Apprentice to Journey-level Operator

By Curtis Brooks, Director



Understanding the question

It is not as important to have all the answers as it is to understand the question. With correct understanding of the question comes the potential of getting the correct answer.

Many apprentices and journey-level members are eager to do a good job. However, it is not always clear whether they understand the question or what is being asked of them. We try to plant good listening skills in the minds of the apprentices. You've heard the saying, "if we were meant to speak more than listen, we would have two mouths rather than two ears." Many old-timers in the trade say this is common sense and will remind you that the most uncommon thing is common sense.

Many skills we impart upon our apprentices and journey-level trainees relate to taking the time to listen and understand. I'm sure we've all been told this at the jobsite: "I'm

sure you heard what I said, but I'm not sure you understood what I meant." For this reason, we work hard to maintain high standards for trainees, whether they are journey-level members or apprentices. An emphasis on listening and common sense is a priority.

Under real working conditions, we ask journey-level members to impart wisdom and common sense that does not come from textbooks. Even the best cannot be force-fed in an 80-hour training session - it must be learned from the seat, where the majority of training is provided. Please support our apprentices in maintaining Local 3's standard of excellence. With the opportunity to listen and understand from those more experienced, we will. To get the correct answer, you must understand the question.

CCO Tests for new candidates

2004 Written Exam

Exam	Deadline for application
Feb. 22	Jan. 2
April 25	March 5
June 27	May 7
Aug. 29	July 2
Oct. 24	Sept. 3
Dec. 19	Oct. 29

CCO Practical Test

New CCO candidates and candidates who have passed the written portion of the CCO exams should contact Theresa Brooks at (916) 354-2029, extension 232, to schedule an appointment or obtain CCO information regarding Practical Test dates.

Apprenticeship graduates

Daryl Mangrum Jr.	Construction Equipment Operator	Oakland	Oct. 13
John Louder	Construction Equipment Operator	Rohnert Park	Dec. 1
Ruben Reyna	Construction Equipment Operator	San Jose	Nov. 3
Chad Daniels	Construction Equipment Operator	Rohnert Park	Nov. 24
Mario Delatorre	Plant Operator	San Jose	Nov. 3
Aron Wise III	Construction Equipment Operator	San Francisco	Nov. 10
Jose Heredia	Heavy Duty Repairer	San Jose	Oct. 13
Todd Bishop	Construction Equipment Operator	Redding	Nov. 3



Brain Buster 1

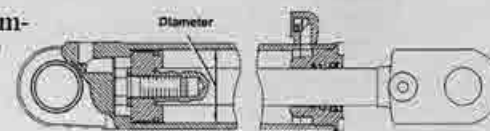
Cycle time is the amount of time it takes for an implement to go from one position to another (i.e. a loader bucket going from flat on the ground to the full upright position). It can be used to determine flow of the hydraulic pump. Flow equals speed - the more flow, the faster it moves. Low flow; low speed. This month we'll learn to calculate cycle time. Let's take the typical lift cylinders on a CAT 938G loader. Start with the bucket empty and flat on the ground, rev the engine to full RPM, then raise the bucket to the full upright position. Measure that time with a stop watch. If it's close to your calculations, the flow is good. If it isn't, you need to recheck your calculations before you replace the pump. Some service manuals include cycle times.

We have to use a little math to calculate cycle time. Remember, when you work in inches, stay in inches. Convert all linear measurements to inches. First, find the inside diameter of the cylinder. Find the exact size by reviewing the service manual or measure the outside diameter of the cylinder, then subtract 1/2 inch (for the wall thickness, 1/4 inch is common). Dividing that number by 2 gives the radius.

The CAT 938G lift cylinder diameter is 4.75 in. (reference: CAT service manual SENR6794-01).

$$\text{diameter} \div 2 = \text{radius}$$

$$4.75 \text{ in.} \div 2 = 2.38 \text{ in.}$$



Apply the formula: πr^2 . " π " equals 3.14 (actually, it is an unending value, but 3.14 is good enough). " r " is the radius, or half the diameter. The 2 above the " r " means square that number (multiply the number by itself). This will give you the surface area of the face of the cylinder.

$$\pi r^2 = \text{surface area of a circle in square inches (in.}^2\text{)}$$

$$3.14 \times (2.38 \text{ in.} \times 2.38 \text{ in.}) = 17.94 \text{ in.}^2$$

Multiply that number by the length of the stroke for the cylinder. It's best to measure the stroke by placing a mark on the rod and measuring how far it travels. This gives you the cylinder volume in cubic inches. Now divide that number by 231 (231 is the number of cubic inches in a gallon). The result is how many gallons the cylinder holds.

$$17.94 \text{ in.}^2 \times 25 \text{ in. stroke} = 448.5 \text{ cubic inches (in.}^3\text{)}$$

$$448.5 \text{ in.}^3 \div 231 = 1.94 \text{ gallons}$$

The CAT 938G has two lift cylinders, so multiply your gallons figure by 2.

$$1.94 \text{ gallons} \times 2 = 3.88 \text{ gallons}$$

The 938G implement hydraulic pump produces 43 gallons per minute (GPM) at full RPM. The cylinder moves in seconds, so to find out how much the pump flows per second, divide 43 GPM by 60 seconds.

$$43 \text{ GPM} \div 60 \text{ seconds} = 0.72 \text{ gallons per second (GPS)}$$

Finally, divide the total volume in both cylinders by the GPS to give the cycle time.

$$3.88 \text{ gallons} \div 0.72 \text{ GPS} = 5.4 \text{ seconds}$$

The service manual calls for 5.3 seconds. Our calculations indicated 5.4 seconds, which is close enough. The book also states it should take 3.7 seconds to lower the bucket from the full upright position to flat on the ground. That's because it uses either a regenerative circuit or a makeup valve to assist the oil flow. I'll cover those subjects next month.

Warning: It is recommended you avoid heat and smoke detectors when reading this Brain Buster, as intense heat from the head or smoke coming from the ears has been known to set them off.



FRINGE BENEFITS

By Charlie Warren, Director



**Fringe Benefits
Service Center**
(800) 532-2105

Perplexed about pension?

We hope the following will answer some common questions about the pension plan.

What is the pension fund?

The Pension Trust Fund is a plan that allows members to earn a monthly pension benefit when they are eligible to retire. To be eligible for a pension benefit at retirement, a member must earn the required years of credited service (pension credit) to 'vest' under the plan rules and must meet other conditions, such as attaining the age requirements, filing the necessary application and retiring.

How do I earn credited service (pension credit)?

Credited service is based on hours worked and contributions from your employer as required by the collective bargaining agreement. You need at least 1,000 hours reported by your employer per calendar year for a full year of credited service. Fractional credit may be earned if you work at least 350 hours but less than 1,000 hours. Credit is granted as follows:

1,000 or more hours	1 year of credited service
750 to 999 hours	3/4 year
500 to 749 hours	1/2 year
350 to 499 hours	1/4 year
Less than 350 hours	no credit

If I work more than 1,000 hours in a year, can I earn more than one year of credited service?

No, one credit in a calendar year is the most you can earn. However, if you have more than 1,000 hours, the value of your credit increases.

How is the value of my credit determined?

The current formula used to determine the value of credited service is as follows:

$$\text{HOURS REPORTED} \times \text{CONTRIBUTION RATE} \times \text{BENEFIT FACTOR} \% = \text{BENEFIT}$$

Example:

HOURS	1,400 hours worked
CONTRIBUTION	x \$4 contribution rate
	\$5600
BENEFIT FACTOR	x 3%
	= \$168 per month at full retirement age

When am I vested?

Effective Jan. 1, 1998, the plan adopted a five-year vesting schedule. To be eligible for five-year vesting, a participant must have at least five pension credits without a permanent break in service, and the participant must work for a contributing employer at least one hour on or after Jan. 1, 1998. For the period Dec. 1, 1976 through Dec. 31, 1997, the requirement for vesting was 10 years of credited service without a permanent break in service. Different rules were in place before December 1976.

NOTE: A non-vested participant will lose participation if he or she fails to work at least 350 hours in covered employment in a calendar year. Participation will be reinstated when he or she returns to work in covered employment before incurring a permanent break in service and works at least 500 hours in a calendar year.

What does 'vested' mean?

Generally, vested means you have earned the right to a monthly pension benefit when you are eligible to retire.

If I am not vested, can I lose pension credits?

Yes, if you are not vested and you incur a permanent break in service, you will lose the pension credits you earned.

When would I incur a permanent break in service?

In general, you would incur a permanent break in service when you fail to earn any credited service for a period of five consecutive years. There are certain exceptions and grace periods, such as limited extensions for disability. If you are out of work for an extended period of time, you should check with the Trust Fund office to determine the effect on your pension benefits.

If I do incur a permanent break in service, can I ever get the lost credits back?

Effective Jan. 1, 2000, you can recapture credits lost because of one or more permanent breaks in service. If beginning with the year 2000, you return to work in covered employment and earn five additional years of credit service without a permanent break in service, and your previously cancelled years of credit and benefit accrual will be reinstated.

This rule does not apply to retirees whose retirement date was before January 2000.

When can I retire?

If you are vested with 10 or more years of credited service, regular retirement age is 62.

If you meet the requirements, the pension plan also provides for a reduced benefit on an early pension as early as age 55.

Disability pensions are available at any age if you have at least 15 credits and a Social Security Disability Award, or at age 50 if you have at least 10 credits and a Social Security Disability Award. A limited disability pension is available for participants younger than age 50 who have at least 10 but less than 15 credits and a Social Security Disability Award.

For those qualifying, the plan provides service pensions. In general, service pensions reward long-term participation in the plan and provide full retirement benefits at an age earlier than a regular pension. Age and credited service requirements for service pensions vary. The specific requirements for service pensions are included in the plan's summary description.

Effective Jan. 1, 1998, if you are vested with five but less than 10 years of credited service, the normal retirement age will be 65. Regular, early, disability or service pensions are not available.

How will my pension be paid?

At retirement, the pension is paid to the member as a monthly benefit for his or her lifetime. If the member is

married, the automatic form of payment is the 50 percent Husband and Wife Pension, unless the spouse rejects his or her right to this form of payment. Under this option, a reduction is made to the member's pension. The amount of the reduction depends on the member's and spouse's difference in age. The member receives a lifetime monthly benefit, and if the member pre-deceases the spouse, the spouse will receive a monthly benefit equal to 50 percent of the member's benefit for the balance of his or her life. The plan also allows the member to take a higher reduction and provide a benefit of 75 percent or 100 percent to the surviving spouse.

If the member is not married or if the spouse has rejected the Husband and Wife Pension, the normal form of payment is the Life Pension with a 60-month Guarantee. Under this payment form, monthly benefits are payable to the member for his or her lifetime. If the member passes away within the first 60 months of payment, the balance of the 60 months is payable to the beneficiary. The plan also provides an option allowing the member to take a reduced benefit and extend the guarantee period to 120 months.

Does the plan provide death benefits if I die before I retire?

If a vested member dies before retiring, benefits are payable from the plan. The type and amount of benefit payable depends on the member's marital status, age and pension credits at the time of death. Complete death benefit information is included in the plan's summary plan description.

How much will I get?

The amount of your pension depends on your age, work history, the type of pension and options selected and other variables. Only the Trust Fund office is

authorized to determine your pension benefit amount. Upon receipt of a pension application, the Trust Fund office will do the necessary research and determine your benefit amount.

If I am planning to retire, when should I apply?

You should file an application at least three months before your anticipated retirement date.

What happens if I file an application and I change my mind about retiring?

You are not obligated to retire if you file an application. Filing an application allows the Trust Fund to do the research necessary to determine your benefit. If you change your mind, notify the Trust Fund and your application will be pending. If your application remains pending for a year or more, a new application will be required.

Who can I talk to if I need additional information?

You may call the Trust Fund office at (800) 251-5014 or (510) 433-4422 or the Fringe Benefits Service Center at (800) 532-2105 or (510) 748-7450.



SAFETY TRAINING & ENFORCEMENT

By Jay Bosley, Safety Director

TECH NEWS

By Business Representatives Ed Wodzienski and Rob Jones
and Testing, Inspection and Surveying Director Dean Dye

Regarding Safety

The last Safety article discussed workers' compensation. This article continues that discussion.

When an injured worker reaches a certain point, they are removed from temporary disability. Temporary disability payments cease when the injured worker:

- Is determined to be permanent and stationary by the primary treating physician. Permanent and stationary means the injured worker has likely recovered as fully as they ever will, or has stabilized and will likely not deteriorate further.
- Returns to work.
- Is released to return to work.
- Receives a light duty offer to return to work.
- No longer medically authorized for the injury.
- Has passed away.

At this time, a level of permanent disability must be determined. This can be accomplished in many ways. If all parties agree with the determinations of the primary treating physician, the parties being:

- The injured worker
- The insurer
- The employer

At this time, permanent disability and vocational rehabilitation begin.

If the parties dispute the determinations of the primary treating physician, the matter is then submitted to the AME-QME for determination. AME determinations are final. QME determinations are subject to review and appeal. The AME-QME process adds enormous time to the deliberations. Implicit in this area is significant cost factors to both the injured worker and the employer. The injured worker is affected in that any money received is a draw on the permanent award, and the vocational rehabilitation will ultimately be delayed. The employer is affected because the money allocated to resolve the matter (the reserves) is tied up until final resolution. The fast track here is about six months if all goes smoothly. In most disputed matters, the time frame is one to three years.

In the February issue, we will explore permanent disability and vocational rehabilitation.

HAZMAT TRAINING SCHEDULE

For upcoming Hazmat classes, remember, instruction begins at 7 a.m. and refreshers go through lunch. Those with special needs are encouraged to provide for them. Refresher courses are free to OE3 members and \$50 for all others, payable to the OE3 JAC. The 40-hour classes are free to unemployed members on the out-of-work list and \$400 for all others, payable to the OE3 JAC.

Eight-hour refresher classes

Fairfield	Friday, Jan. 16, 2004
Rohnert Park	Friday, Jan. 23, 2004; Thursday, Feb. 19, 2004
Salt Lake City	Saturday, Feb. 21, 2004; Saturday, Feb. 28, 2004
Casper	Saturday, March 6, 2004
Alameda	Saturday, Jan. 10, 2004; Saturday, Jan. 24, 2004
Stockton	Friday, Jan. 30, 2004
Eureka	Friday, Feb. 13, 2004
Fresno	Saturday, Jan. 31, 2004
Yuba City	Thursday, Jan. 22, 2004
San Jose	Saturday, Jan. 17, 2004

Forty-hour classes

Fairfield	Jan. 5, 2004 to Jan. 9, 2004
RMTC	Feb. 2, 2004 to Feb. 6, 2004
Salt Lake City	Feb. 23, 2004 to Feb. 27, 2004
Casper	March 1, 2004 to March 5, 2004

Inspectors: working with asphaltic concrete

Last month we began outlining the disciplines our inspectors cover with an article about earthwork. This month we continue this effort with a discussion about asphaltic concrete.

The performance of asphaltic concrete pavement is as much affected by the careful construction of the sub grade and base as it is by the control of the asphaltic concrete itself. Therefore, the paving inspector must be knowledgeable in soils as well.

The purpose of observing and testing asphaltic concrete paving is to verify that the paving contractor and his supplier are exercising adequate quality control in their operations and are providing a finished product that complies with the project plans and specification requirements.

Qualified special inspectors performing the following duties under the direct supervision of the materials engineering laboratory can best achieve this objective.

Duties of a special inspector in relation to asphaltic concrete:

A. Documents

1. Review the approved plans and specifications and meet with the contractor and suppliers before construction to discuss the project and verify that requirements for testing and observation are well understood.
2. Review material certificates and test reports for compliance with job specifications.
3. Prepare or review mix designs for compliance to project requirements.

B. Sampling materials

1. Sample and perform preliminary tests on proposed aggregates and asphalt cement (gradation, soundness, abrasion, stripping, etc.)

C. Sub grade and base

1. Confirm that sources of materials have been sampled and approved.
2. Verify that materials delivered are of uniform quality.
3. Verify that control testing of sub grade materials is being performed and recorded as required.
4. Verify that sub base and base courses are of the source, type, thickness and density specified.
5. Verify that soil sterilization is provided, if required. Refer to last month's article about earthwork for additional details.

D. Batch plant

1. The special inspector should become familiar with the appearance and physical characteristics of the mix to be used by visually observing the finished mixture so that unsatisfactory conditions may be readily recognized.
2. Check the batch plant facilities before producing asphaltic concrete mixture.
3. Check aggregates in stockpile to verify conformance to materials utilized.
4. Check the bin weights of the aggregate fractions and asphaltic cement (batch plant only).

5. Check the temperature of the mixed batches on the truck.

6. Perform hot-bin gradations of the blended aggregates where applicable.

7. Verify cold-bin batch weights are adjusted as necessary to produce the job-mix formula within tolerance.

8. Before loading, truck beds should be checked for cleanliness and absence of materials that might be detrimental to the mix.

9. Coordinate with the jobsite inspector to obtain a uniform and consistent asphaltic concrete mixture.

E. Spreading and paving

1. The field inspector should contact the batch plant inspector promptly if conditions are observed during placement and spreading operations that suggest a need for change at the plant. The following items should be addressed before and during placement operations:

- a) Area to be paved, cleaned and properly primed or tack coated.
- b) Leveling course installed where required.
- c) Suitability of spreading and paving equipment.
- d) Asphalt mix temperature when delivered, and after final rolling, is within limits required.
- e) Density tests by nuclear gauge during rolling.
- f) Thickness control by adequate placement and compaction.
- g) Sampling of asphaltic concrete at jobsite during placement for laboratory testing (extraction, gradation, stability, etc.)
- h) Core samples taken for verification of thickness and density of in-place asphaltic concrete.
- i) Application of seal coat and curing in accordance with specification requirements, if required.

F. Verification tests

1. Stability and density bulk specific gravity and maximum specific gravity.
2. Asphalt content by extraction.
3. Aggregate gradation of the mixture from extracted sample.
4. Physical properties of the asphalt cement: penetration, viscosity, ductility and specific gravity.
5. Aggregate quality: Los Angeles abrasion, plasticity index and sieve analysis.
6. Field density.
7. Thickness determination.
8. Smoothness tolerance.

G. Reports

1. Submit written progress reports describing the tests made and showing the action taken to correct nonconforming work. Itemize any changes authorized by architect/engineer. Report all uncorrected deviations from plans or specifications.

Building on Strong Foundations

New administration invites membership to the March 14 Semi-Annual Meeting

Business Manager John Bonilla is pleased to announce that the next Semi-Annual membership meeting will be held March 14 at the Solano County Fairgrounds in Vallejo, Calif. The meeting begins at 1 p.m. in the Exposition Hall with registration beginning at 10 a.m. There will be plenty of onsite parking and wheelchair access. Brown-bag lunches and beverages will be available after registration.

Members are encouraged to arrive early to take advantage of the outdoor equipment display organized jointly by some of Local 3's signatory contractors and the Rancho Murieta Training Center. The Health Care Division will be set up inside the hall offering free health screenings. In addition to the regularly featured equipment and health fairs, members will have the opportunity to hear from a special group of guest speakers.

Strong foundations

The theme of this spring's Semi-Annual meeting is "Building on Strong Foundations." As we transition into a new year, a new Local 3 administration and our 65th year as a union, we are

reminded of the strong foundations laid by members and administrations of Local 3's past. It is a time for us to stand tall and be proud of what has been achieved as we renew our vows to continue to grow the union and build a strong economic future for the membership.

Join your fellow union members and the new officer administration at the March Semi-Annual to celebrate and help strengthen your union.

Equipment display

Outside the exposition hall on the Solano County Fairgrounds, members and their guests will have the opportunity to view some of the latest state-of-the-art equipment being used by Local 3's signatory contractors and by trainees at the Rancho Murieta Training Center. Hoisting and non-hoisting equipment as well as a global positioning

systems (GPS) display will be available for viewing and demonstration. As in years past, the Manitowoc 2250 replica crane simulator will be open and operational.



Health fair and department booths

Semi-Annual attendees interested in visiting various health screening booths and Local 3 departmental booths may do so from 10 a.m. to 12:30 p.m. before the meeting and after the meeting until 3:30 p.m.

The Health Care Division will be conducting screening tests for diabetes, blood pressure, cholesterol, body mass and bone



idations

i-Annual meeting

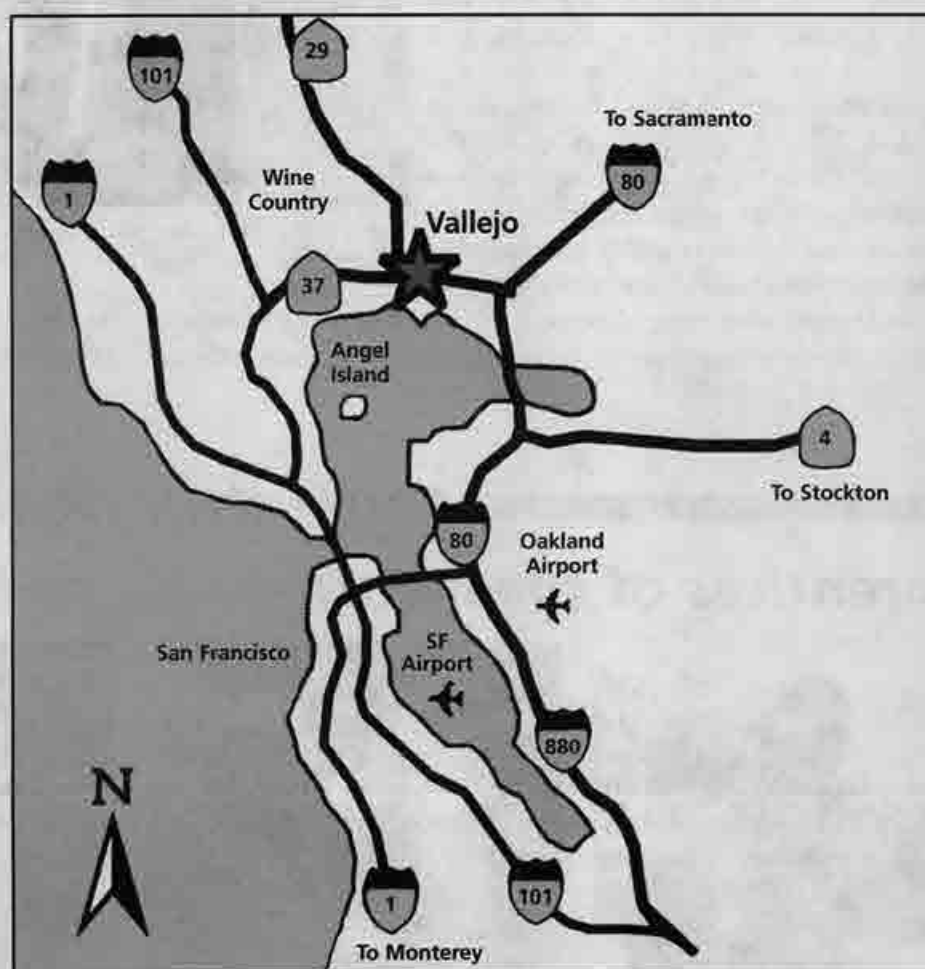
nsity. The health fair is a continuing part of Local 3's goal to increase member awareness of good health and fitness. If you'd like more information about the health fair, please call the Fringe Benefits Service Center at (800) 532-2105.

Several Local 3 departments will have information booths, including Safety, Training/OCCR, Unit 12, Organizing, Public Employees Division, SELEC, Assistance Recovery Program, Credit Union, Community Action Team (CAT), Fringe Benefits and NCS Joint Apprenticeship Committee.

or prizes

Anyone who attends the Semi-Annual is a dues-paying member is eligible to win one of the 20 donated Circuit City gift certificates.

Separate door prizes will be drawn at each of the long-distance locations in Hawaii, and Wyoming where the Semi-Annual will be broadcast via video conference.



Directions to the Solano County Fairgrounds

From Concord

Take I-680 north, go over Benicia Bridge
Take I-780 to Vallejo/Benicia (right lane)
Take I-80 east toward Sacramento
Take Hwy. 37 San Rafael exit
Take Fairgrounds Drive/Marine World exit
Turn left at the stop light (Fairgrounds Drive)

From Sacramento

Take I-80 west toward San Francisco
Take Hwy. 37 San Rafael exit
Take Fairgrounds Drive/Marine World exit
Turn left at the stop light (Fairgrounds Drive)

From Napa

Take Hwy. 29 south to Vallejo
Where Hwy. 29 and Hwy. 37 meet, take Hwy. 37 east
Take the Fairgrounds Drive/Marine World exit
Turn right at stop light (Fairgrounds Drive)

From San Francisco

Take I-80 east over the Bay Bridge toward Sacramento
Go about 25-30 miles, cross Carquinez Bridge
Take Hwy. 37 Napa exit
Take Fairgrounds Drive/Marine World exit
Turn left at stop light, Fairgrounds Drive

From Oakland

Take I-880 north
Take I-580 north towards Sacramento
Take I-80 east towards Sacramento
Go about 25-30 miles, cross Carquinez Bridge
Take Hwy. 37 Napa exit
Take Fairgrounds Drive/Marine World exit
Turn left at stop light, Fairgrounds Drive

Note: Once you turn on Fairgrounds Drive, Local 3 staff will show you where you can park.



FROM WYOMING & SOUTH DAKOTA

Local 3 talks issues with Wyoming governor

District 15 is pleased to report on a successful meeting with Wyoming Gov. Dave Freudenthal and his chief of staff, Chris Boswell. Gov. Freudenthal was elected in November 2002 with the full support of Local 3, and on Nov. 19, he met with Special Rep. Jim Sullivan, District Rep. Kris Morgan and Research Director Larry Edginton. Topics discussed included tort reform and health care in Wyoming, homeland security support by the International Union of Operating Engineers, the prevailing-wage fight and the now-defeated energy bill in the U.S. Senate. The governor was happy to meet with Local 3 and indicated that he was working on solutions and progress of these and many issues that affect the hard-working people of Wyoming, especially those affected



District Rep. Kris Morgan, Wyoming Gov. Dave Freudenthal and Special Rep. Jim Sullivan.

by prevailing wage and health care. Local 3 thanks the governor and his office for the time and discourse they provided.

The work picture in Wyoming slowed considerably with the onset of winter. US Pipeline, Sheehan Pipeline and Gregory & Cook had a successful work season this summer into fall. Granite and Ames Construction finished their projects during the first part of November before snow started to fly.

We encourage all members to get on the out-of-work list for the winter, so when the spring work fires up we can fill jobs quickly.

We wish all members in District 15 and around Local 3 a prosperous and happy new year. If you have any questions, please call the office at (307) 265-1397.

FROM SAN FRANCISCO

Apprentices of the month



Aron Wise III

Congratulations to CAT Captain Aron Wise III on his advancement to journey-level status. Wise works as a gradechecker for Norman B. Houge.



Eric Hunter

Third-period Apprentice and CAT Captain Eric Hunter works for Tutor-Saliba on the Bay Bridge approach in San Francisco.



Mike Olden

Third-period Apprentice and CAT Captain Michael Olden works for Gordon N. Ball on a project in Santa Rosa.

There are two other apprentice CAT captains in the San Francisco District who are not pictured: Fourth-period Apprentice Craig Thompson and Third-period Apprentice Clarence Stevens.

We thank all CAT captains and activists who helped staff our phone banks.



FROM SAN JOSE

Apprentices of the month

John Zilich II

Third-period Apprentice John Zilich II is a third-generation operating engineer with District 90. The fourth generation is his son, John III, who is home waiting his turn to enter the apprenticeship program. Some quotes from journey-level members regarding Zilich: "has the making of a great operator," "best apprentice I have worked with," "does whatever it takes to get the job done," and "pays attention." Local 3's apprenticeship program has given Zilich the chance to learn at his pace and grow in the industry without the pressure that is often put on a journey-level member.

Journey-level members give Zilich seat time on equipment and have taught him various techniques. He has worked in construction in the past with his father, so he knows the seat time he gets is because of the apprenticeship program. Zilich also knows the importance of being on the ground, learning grade. He said he feels that gradechecking is a huge part of learning the industry and hopes other apprentices get as much experience on gradechecking as they can.

When asked what his future holds, Zilich said he hopes to gain the skills of a journey-level member, then progress from there (i.e.

foreman, superintendent, project manager), and maybe someday help with the membership. Zilich is a CAT captain with one of the largest teams in District 90. He is always there when Local 3 calls.

Kyle Mahler

Kyle Mahler is a first-period apprentice and Job Corps graduate working in District 90. Some quotes from journey-level members regarding Mahler: "great attitude," "doing a good job," "enjoying learning," and "likes being in this trade." Being part of Local 3's apprenticeship program has given Mahler the opportunity to learn a

lot about the trade – no comparison to what he learned before he joined the program.

"As an apprentice you are given the chance to sometimes learn by your mistakes, although you may get a little heck from the journey-level members, they know that I am being careful and trying not to make the same mistake twice," he said.

Mahler and the journey-level members get along, which has resulted in him having seat time on nine pieces of equipment and learning all aspects of work on the jobsite. Mahler said he is quickly learning the trade, the techniques required and, of course, operating equipment.

FROM YUBA CITY

District 60 recognizes 50 years of service

Recently, District Rep. Dan Mostats proudly presented 50-year watches to three District 60 retirees. We congratulate them for their many years of dedication to Local 3 and the principles it represents.



District Rep. Dan Mostats visits 50-year honoree Richard Percy in his garden.

Richard Percy initiated into Local 3 in 1946 and spent 36 years as an operating engineer. He operated mostly cranes and draglines while working for Kaiser, Butte Creek Rock (which is now Baldwin Contracting) and Northern Crane. Percy enjoyed his career with few exceptions. One such exception was the life-altering experience that resulted from working as a civilian for Morrison Knudsen on Wake Island during World War II. He was captured and spent the rest of the war in a Japanese POW camp. Since his retirement in 1982, Percy has enjoyed traveling throughout the United States and Canada.



Retiree Farrell Hatch receives his 50-year watch from District Rep. Dan Mostats.

Farrell Hatch initiated with Local 3 in 1953 and spent 30 years operating "anything with wheels and a seat." He retired in 1983 and resides contentedly in Paradise, Calif.

Frank Shepherd initiated into Local 3 in 1946. His successful 41-year career as an operator included work on 12 dam projects, including a four-year run on the Oroville Dam. He operated many pieces of equipment, but his favorite was the dozer. He said he enjoyed every day. Shepherd retired in 1987 and enjoys traveling to Yuma, Ariz., Quartzsite, Ariz. and "Slab City" in Southern California.



Frank Shepherd

FROM STOCKTON

Public-work dispatches down from 2002

The new year brings a new face to the Stockton District: Apprentice Coordinator Tacho Zavala. Actually, Zavala is not a new face to Local 3—he has been a member since 1966. The Stockton District now has 112 apprentices, and Business Manager John Bonilla recognized the need to have an apprentice coordinator exclusively for this district. Larry Braden will be in the Fresno District as Zavala becomes familiar with his new duties. Please make Zavala feel at home as he visits various jobsites.

The work volume in our district during 2003 was noticeably down from previous years with our dispatches about 150 fewer than in 2002. This decline was especially evident in the amount of public work available. The state's budget woes will continue to have an adverse effect on public works' projects in 2004. Fortunately, our district employers continue to do well in the private-work market. A few bright spots in the public-works arena involve water projects and the continuing work at the Bay Bridge preparation yard in Stockton where 10 to 15 members will be busy until mid 2005.

In southern San Joaquin County, Mitchell Engineering, Ranger Pipelines and Mountain Cascade are involved in various phases of a \$130 million project, which will pipe surface water at Woodward Reservoir (north of Oakdale) to an adjacent treatment plant. After the water is treated, it will be piped to the cities of Escalon, Ripon, Manteca, Lathrop and Tracy. The distance from Oakdale to Tracy is approximately 40 miles, which will provide a significant amount of work for members working for the above-mentioned employers. Work in the mountains at the lakes of the Hetch Hetchy project provided seven-12s for several members working within a compressed schedule to complete the project by the end of December 2003. Marinship Construction from San Francisco performed the majority of the work for the project.

On behalf of the entire Stockton District staff, we hope everyone had a happy holiday season as we hope for the best in what will surely be an interesting year.

FROM SACRAMENTO

No slowdown in winter work picture

Winter is here. Usually the rains start to slow the work picture, and with a few more big storms, it might. But at the time of this writing, the developers are pushing several dirt work jobs to finish so they can keep building. That is great news for our members.

Teichert is busy and has successfully moved a lot of heavy dirt. It is now into underground and paving. The company is finishing the West Jefferson Street project and several subdivisions in the area.

DeSilva Gates is somewhat new to Sacramento, but it recently opened an office here and is working in Natomas and bidding on work around Sacramento.

Kiewit is busy in the area. It moved dirt on both sides of I-5 off Hwy. 80 and did the underground and paving on a project near Arco Arena. It completed an apron expansion

at the Sacramento Airport that kept eight to 10 members busy all summer. Kiewit also picked up the second phase, which was under \$14 million. Several members on the first phase will work directly into the second phase—the company will have 20-plus operators at peak employment. The job runs until November 2004.

ARB is still going strong on the parking lot project at the airport. It should work through the winter and into spring.

Granite works on the Hwy. 80 and I-5 overpass and at the Sacramento Airport. Granite picked up a \$20 million project in West Sacramento at West Jefferson Street.

Collet finished at Cache Creek Casino and is doing more work around Sacramento.

Syblon-Reid works in the area on a project off Hwy. 80 and on an underground project

near West Jefferson in West Sacramento.

Balfour Beatty is about finished on the water intake project near Old Sacramento. It also is doing the water treatment plant next to Sacramento State University and has another year on the project. The company keeps five to eight operators busy and should work through the winter.

Frucon works at Rancho Seco and got the first phase of the \$400 million power plant project. Eleven operators work on the project at this time, and the company is expected to need more as the job progresses.

All rock, sand and gravel plants, including Teichert, Syar, Granite and Rinker, are working long hours, and it doesn't look like they will slow down through the winter, which is great news for our members.

Scholarship Contest Rules for 2004

Applications available at district offices and credit union branches

The Local 3 officers and Executive Board understand that the workplace is rapidly changing, and many jobs now require new skills that can be attained only with a good education. Local 3 is dedicated to giving our young people the opportunity to succeed by providing them with the chance to further their education and training. For this reason, Local 3 awards annual scholarships to sons, daughters, stepchildren and foster children of Local 3 members.

ACADEMIC SCHOLARSHIP

Four college scholarships will be awarded to children of Local 3 members. Two scholarships of \$3,000 each will be awarded to the first place female and male applicants. Two scholarships of \$2,000 each will be awarded to the runner-up female and male applicants. These scholarships must be used for study at an accredited U.S. college or university.

Winners also receive an additional \$500 per year from the Scholarship Fund for the second, third and fourth years of college, provided they remain full-time students.

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

WHO MAY APPLY

- Children of Local 3 members may apply for an academic scholarship. One parent of the applicant must be a Local 3 member for at least one year immediately preceding the date of the application.
- Children of deceased Local 3 members are eligible to apply for the scholarships. The parent of the applicant must have been a Local 3 member in good standing for at least one year immediately preceding the date of death.
- The applicants must be senior high school students who have, or will be, graduated at the end of either: 1) the fall semester (beginning in 2003) or 2) the spring semester (beginning in 2004), in public, private or parochial schools who are planning to attend a college or university anywhere in the United States during the academic year and who are able to meet the

academic requirements for entrance in the university or college of their choice. Students selected for scholarship must have achieved not less than a "B" average in their high school work.

Applications will be accepted between January 2004 and March 31, 2004.

AWARDING ACADEMIC SCHOLARSHIPS

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

Academic scholarship winners will be announced at the June Executive Board meeting of Operating Engineers Local 3. Checks will be deposited in the winning students' names at the college or university they plan to attend.

All of the following items must be received by March 31, 2004:

- The application, to be filled out and returned by the applicant.
- Report on applicant and transcript, to be filled out by the high school principal or person he or she designates and returned directly to Local 3 by the official completing it.
- Letters of recommendation. The applicants should submit one to three letters of recommendation giving information about their character and ability. These may be from teachers, community leaders, family friends or others who know the applicant. Please submit all letters of recommendation with the application.
- Photographs. A recent color photograph, preferably 2 inches by 3 inches, with the applicant's name written on the back. The photo should be clear enough to reproduce in the *Engineers News*.
- Media information. Provide the name, address and phone number of the applicant's local newspaper for the purpose of sending a press release on behalf of each winner.

RANDOM-DRAW SCHOLARSHIPS

In addition to the four academic scholarships, Local 3 will award twenty (20) \$500 "random-draw scholarships." The names of all applicants will be entered into a drawing to be held at the July Executive Board meeting. Applicants need not be present to win. The scholarships are available only to the sons, daughters, stepchildren and foster children of Local 3 members.

GENERAL GUIDELINES FOR RANDOM-DRAW SCHOLARSHIPS

- Children of Local 3 members may apply for the scholarship. One parent of the applicant must be a Local 3 member for at least one year immediately preceding the date of the application.
- Children of deceased Local 3 members are eligible to apply for the scholarships if the parent was a Local 3 member for at least one year immediately preceding the date of death.
- Children of Local 3 members who plan to attend college or trade school are eligible to apply. They will not be judged on academic qualifications. All applicants who apply for the Local 3 academic scholarships and do not win will automatically qualify for this drawing.
- Applications will be accepted until March 31, 2004. Previous winners are not eligible to apply.
- Winners will be determined by a random drawing to be held at the July Executive Board meeting. Applicants do not need to be present to win.
- The money will be funded when the college or trade school confirms the winner is a full-time student.

WHERE TO GET APPLICATIONS

Academic and random-draw scholarship applications are available at your district office or credit union branch office. It is the responsibility of the applicant to submit the application on time to:

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



OE3 sails to Mexico!

Make your reservations now for the next Operating Engineers Local 3-sponsored cruise – this time to the sunny Mexican Riviera, sailing from Los Angeles Jan. 24, 2005.

Our special group rates apply to the only eight-day, four-port Mexican Riviera itinerary available, offered on the spectacular Norwegian Star. This is a brand new cruise itinerary that departs and returns to Los Angeles and includes an overnight stay in Acapulco as well

as full days in Ixtapa/Zihuatanejo, Puerto Vallarta and Cabo San Lucas. There will be ample time to explore, shop, snorkel, deep sea fish or relax on the beach.

The Norwegian Star was built in 2002 expressly for Norwegian Cruise Line's freestyle cruising, which lets you choose where and when to dine, and you never have to dress up unless you wish to. The eight-day cruise price includes world-class entertainment, dining choices among 10 restaurants and a \$50 per person tax deductible contribution to the Operating Engineers Local 3 Scholarship Fund.

OE3 group rates begin at \$549 per person for inside cabins, \$689 per person for outside cabins with a picture window and \$865 per person for balcony cabins. These double occupancy rates include the \$50 per person Scholarship Fund contribution and port charges. A third or fourth person in a cabin pays \$309 (all categories). Government taxes of \$60.37 per person will be additional. Single occupancy rates are available upon request.

OE3 has reserved a number of cabins in each of these categories at these rates.

There are more available in the same type at slightly higher rates. To be sure you reserve the cabin type you want at the lowest possible group rate, make your reservations early. You can hold a cabin for a fully refundable \$50 per person deposit until March 15, 2004. After that date, the full deposit of \$400 per person (for the first two in a cabin) will be required. Final payments are due Oct. 15, 2004. Reservations will be taken on a first-come, first-served basis.

Last September, a great group of OE3 members, their families and friends enjoyed a wonderful seven-day cruise to Alaska on board Norwegian Cruise Line's Norwegian Sun. Everyone loved the casual, relaxing atmosphere. The cruise to Mexico will offer the same ambience and amenities. There are many entertainment options on board including a huge casino, a two-story theater, a beautiful spa, extensive sports facilities, pools, bars, lounges and excellent programs for children if you want to bring the family along.

There will be private parties and amenities for OE3 members and their families, guests and friends. To see pictures and learn more about the ship, visit www.ncl.com and click on "Fleet," then "Norwegian Star."

Put this cruise on your calendar and plan to take a wonderful vacation with your OE3 brothers and sisters and their families and friends in January 2005. To make your reservation or for more information, please call Julie Armstrong at (888) 713-0441 Monday through Friday from 9 a.m. to 5 p.m.



HONORARY MEMBERS

The following retirees have 35 or more years of membership in Local 3 as of November 2003 and are eligible for Honorary Membership effective Jan. 1, 2004.

Lawrence W. Allen	1095838
Wayne Betts	1121746
M. L. Belli	1324923
Edward E. Bishop	1128431
Leon Calkins	1166487
Kimokeo Doo	1355133
Ed Enfantino	1273463
Charles C. Evans	1355137
Roger P. Fagen	1355204
Paul D. Farmer	1166505
Eugene Henning	1355475
Joseph Kuaana	1046825
Allen R. Makekau	1324957
Robert Molini	1328399
John K. Naeole Jr.	1230013
James Neizman	1148429
George Rapozo	1161190
Robert Shapland	0707361
Billy Smith	1117531
Kenneth Stice	1155484
Fred C. Vaughn	1036954
Sammy Vassey	1344878

Semi-Annual Meeting

Rec. Corres. Secretary Robert L. Wise announces that the next Semi-Annual meeting of the membership will be held Sunday, March 14, 2004 at 1 p.m. at the following location:

Solano County Fairgrounds
900 Fairgrounds Drive, Expo Hall
Vallejo, CA



Eureka Crab Feed

Saturday, February 14

Eureka Elks Club, 445 Herrick Avenue
4:30 p.m. Cocktails • 5:00 p.m. Dinner • 6:00 p.m. Dancing

\$25 Per Person • \$20 Per Retiree
Call the Eureka District office for tickets
(707) 443-7328



Congratulations 51-plus member

The following member was inadvertently omitted from the December *Engineers News*.

56 YEARS OF MEMBERSHIP William K. Reiner 12/44

Departed Members

Our condolences to the family and friends of the following departed members:

Bradshaw, Loyd	Fremont, CA	11-23-03
Bumgarner, Rufus	Meridian, CA	11-06-03
Carpenter, James	Sun City West, AZ	10-28-03
Dennison Jr., B	Klamath, CA	10-28-03
Elam, Leroy	N. San Juan, CA	10-31-03
Evans, Grant	West Jordan, UT	11-19-03
Foote, William	Casper, WY	10-26-03
Gono, Ted	Honolulu, HI	10-26-03
Haitsuka, Stanley	Kaneohe, HI	11-10-03
Hall, Zack	Stockton, CA	10-28-03
Handley, Howard	San Leandro, CA	11-16-03
Hankins, Harold	Citrus Heights, CA	11-01-03
Hipp, Johnnie	Visalia, CA	11-11-03
Hookano, John	Honolulu, HI	10-24-03
Hurt, Alfred	Arnold, CA	10-09-03
Ingraham, Charles	Napa, CA	11-13-03
Lankford, Alfred	Burney, CA	11-04-03
Miller, Randal	Camino, CA	11-10-03
Minjares, Louis	Modesto, CA	11-18-03
Miyasato, Henry	Kaneohe, HI	11-19-03
Moyano, Frank	Cupertino, CA	11-10-03
Obed, R	Kawaihae, HI	11-14-03
Powell, Fred	Auburn, CA	11-03-03
Price, Charles	Galt, CA	11-02-03
Sehorn, Charley	Forest Ranch, CA	11-10-03
Skeen, John	Chowchilla, CA	10-06-03
Slowik, Stanley	Hayward, CA	11-10-03
Smith, Carl	Auburn, CA	11-05-03
Steele, Richard	Carnegie, OK	11-05-03
Wazniak, Adam	Sparks, NV	11-08-03

Deceased Dependents

Burch, Alta Jane, Wife of Burch, Frank	10-23-03
Dickinson, Judith, Wife of Dickinson, Kenneth	10-25-03
Dodd, Alma, Wife of Dodd, Delmer (Dec)	11-01-03
Hazelhurst, Ilene, Wife of Hazelhurst, Percy E. (Dec)	10-16-03
Jones, Dorothy, Wife of Jones, Jack	11-20-03
Laub, Robin, Wife of Laub, Wayne J.	03-16-01
LeBlanc, Glenda, Wife of LeBlanc, David	11-16-03
Martinez, Sharlene, Wife of Martinez, Daniel	10-12-03
McKeague, Peggy, Wife of McKeague, Al L.	11-05-03
Pecenka, Neoma, Wife of Pecenska, Daniel D.	10-27-03
Steigleder, Merle Margarite, Wife of Steigleder, Bliss	10-16-03

Election of Market and Geographic Area Committee Members

Business Manager John Bonilla has announced the election of Market and Geographic Area Committee members at each of the regularly scheduled district meetings in Northern California, Reno, Utah and Wyoming during the first quarter of 2004.

Eligibility rules are as follows:

1. Member must live in the committee's geographical area.
2. Member must make a living working in the industry in that area.
3. Member must be an "A" journey-level grade operator.
4. Member must be in good standing.
5. Member cannot be an owner-operator.

No member shall be nominated unless they are present at the meeting and accept the nomination and, if elected, assume the position.

No member is allowed to serve more than two consecutive terms on the Market and Geographic Area Committee.

The schedule of the meetings in which these elections will be held appears in the district meetings schedule.

2004 Grievance Committee Election

Rec. Corres. Secretary Robert L. Wise has announced that in accordance with Article X, Section 10 of the Local Union Bylaws, the election of Grievance Committee members shall take place at the first regular quarterly district meeting of 2004.

The schedule of the meetings at which these elections will be held appears in the district meetings schedule.



DISTRICT MEETINGS

JANUARY 2004

- 8th District 04: Fairfield
Engineers Building
2540 N. Watney Way
- 15th District 80: Sacramento*
ILWU Hall
600 4th St.
West Sacramento
- 27th District 40: Eureka
Red Lion Inn
1929 4th St.
- 28th District 70: Redding
Engineers Building
20308 Engineers Lane
- 29th District 60: Oroville
The Depot
2191 High St.

FEBRUARY 2004

- 5th District 01: Burlingame
Machinists Hall
1511 Rollins Road
- 5th District 30: Stockton**
Italian Athletic Club
3514 Cherryland Drive
- 19th District 50: Fresno
Cedar Lanes
3131 N. Cedar
- 26th District 11: Reno
Engineers Building
1290 Corporate Blvd.

MARCH 2004

- 4th District 10: Rohnert Park
Engineers Building
6225 State Farm Drive
- 16th District 17: Honolulu
Washington Inter. School Cafeteria
1633 So. King St.
- 17th District 17: Maui
Maui Beach Hotel
170 Kaahumanu Ave.
Kahului
- 18th District 17: Hilo
Hilo ILWU Hall
100 W. Lanikaula St.
- 18th District 90: San Jose
Masonic Hall
2500 Masonic Drive
- 24th District 15: Casper
Engineers Building
4925 Wardwell Industrial Drive
- 25th District 12: Salt Lake City
Engineers Building
1958 W. N. Temple
- 25th District 20: Oakland
Warehouse Union Local 6
99 Hegenberger Road

* Location change ** Date change

Pre-retirement meetings

Join us at the meeting in your area. Bring your spouse. We'll have plenty of time to discuss the Pension Plan, Retiree Medical and Annuity plans with you, and we'll have plan booklets and applications available for your use. It is never too early to plan for your retirement and learn about the marvelous plans we have. See you there.

CONCORD

Tuesday, Jan. 6 7 p.m.
Concord Centre
5298 Clayton Road

OAKLAND

Wednesday, Jan. 7 7 p.m.
Operating Engineers Building
1620 South Loop Road
Alameda, CA

SALT LAKE CITY**

Thursday, Jan. 8 6 p.m.
Operating Engineer Building
1958 W. N. Temple

SAN FRANCISCO - SAN MATEO

Tuesday, Jan. 13 7 p.m.
Machinists Hall
1511 Rollins Road
Burlingame, CA

FAIRFIELD

Wednesday, Jan. 14 7 p.m.
Operating Engineers Building
2540 North Watney Way

NOVATO*

Tuesday, Jan. 20 7 p.m.
Inn Marin
250 Entrada Drive

SACRAMENTO

Thursday, Feb. 19 7 p.m.
ILWU Hall
600 4th St.
West Sacramento, CA

AUBURN

Thursday, Jan. 22 7 p.m.
Maidu Community Center
471 Maidu Drive

STOCKTON

Tuesday, Jan. 27 7 p.m.
Operating Engineers Building
1916 North Broadway

FRESNO

Wednesday, Jan. 28 7 p.m.
Operating Engineers Building
4856 N Cedar

WATSONVILLE

Tuesday, Feb. 3 7 p.m.
VFW Post 1716
1960 Freedom Blvd.
Freedom, CA

SAN JOSE

Wednesday, Feb. 4 7 p.m.
Masonic Temple
2500 Masonic Drive

RENO

Thursday, Feb. 12 7 p.m.
Operating Engineers Building
1290 Corporate Blvd.

ROHNERT PARK

Wednesday, Feb. 18 7 p.m.
Operating Engineers Building
6225 State Farm Drive, Suite 100

EUREKA

Tuesday, Feb. 24 7 p.m.
Red Lion Hotel
1929 4th St.

REDDING

Wednesday, Feb. 25 7 p.m.
Operating Engineers Building
20308 Engineers Lane

YUBA CITY

Thursday, Feb. 26 7 p.m.
Sutter-Yuba Board of Realtors Building
1558 Starr Drive

CASPER

Wednesday, March 24 6 p.m.
Operating Engineers Building
4925 Wardwell Industrial Drive

* Location change ** Date change

Local 3 offers crane simulator classes

The Rancho Murieta Training Center will continue to conduct onsite crane simulator demonstrations based on the interest level in each district. Journey-level operators should contact their dispatchers or district representatives to reserve a space. Like before, dates and locations will be based upon participation, and a training schedule will be released to the district offices as soon as it becomes available. Don't let this excellent opportunity pass you by.



SwapShop ads are offered free of charge to members in good standing for the sale or trade of personal items and/or real estate, and 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 **SwapShop**. *Engineers News* reserves the right to edit ads. No phone-in ads please. Deadline 1st of the month. Limit two ads per issue.

To place an ad, type or print legibly and mail to:

**Operating Engineers
Local Union #3
3920 Lennane Dr.,
Sacramento, CA 95834
ATTN: SwapShop***

Or fax ads to: **SwapShop
(916) 419-3487**

Or e-mail to:
webmaster@oe3.org

*All ads must include Member Registration Number or ad will not appear. Ads should be no longer than 50 words.

FOR SALE: Snug hard top fits GMC short bed 1999 and up. #400. 1977 Honda 90 trail bike on off road. Like new. Lots of ex. 998 mile. \$1,200. Sears drive socket set 2" to 15/16" ratchet and extings. \$150. 209-668-1341. Reg. #1344167

FOR SALE: Maple gun cabinet. Top holds 10 guns, has a light and glass doors lock. Bottom has two drawers and two locking doors. Size 73 in high, 42 1/2 in. wide and 14 in. deep. Extremely well made. Excellent condition. \$300. 209-745-2574. Reg. #1826078

FOR SALE: Enclosed "Bobcat" sweeper unit. Has quick connect hyd's and cutting edge to scrap caked on mud. Only has 20 hours on it. Fits 553,750s, 763, 773, 863, 873 and 963. \$2,500/obo. 559-822-2345. Reg. #1774638

FOR SALE: 87 KX60, 91 DS80, 96 DS80. All are in excellent running condition. Great starter bikes for kids. Some gear included for full price. \$1,150 for each. Cash only. 707-447-5419. Reg. #1952914

FOR SALE: Tractors, Massey-Ferguson diesel with box scraper, good tires, runs good. \$2,875; Model 720 John Deere, runs good. \$1,775. 209-826-9465. Reg. #1043556

FOR SALE: 50 pieces 3" aluminum irrigation pipe 30ft long. \$20 ea. 15 pieces 21ft 2" galv. pipe \$35 ea. 80 double head rain bird sprinklers, single sleeves end cap, elbows, tees. 209-759-3695.

Reg. #394389

FOR SALE: Porter wood planer #24. 24-inch wide cut, 8 inch deep, 3 phase electric motor. 775-428-6388. Reg. #2373161

FOR SALE: Shoptsmith Mark 5-500. Saw, drill press, horizontal drill, lath, disc sander \$500/obo. Must see! 916-300-4273. Reg. #1288541

FOR SALE: 81 Suburban 4x4, 6,000 miles on rebuilt 350; 3" vortex exhaust, good tires and brakes, front end alignment recently done. \$2,500. 21' Jensenmar sail boat with 30' mast, 2 sets of sails, 4hp motor, portapotty. \$2,000. 775-337-9339. Reg. #2485215

WANTED: Paying up to \$5,000 for antique cork top Whiskey bottles from San Francisco. Top prices paid for soda, bitters and other antique bottles. Richard T. Siri, P.O. Box 3818, Santa Rosa, CA 95402. 707-542-6438. Reg. #1025301

FOR SALE: 2001 KZ sportsman 28' travel trailer with 2 slide outs. Sleeps 6. Roof air. Front bedroom, walk around queen bed, separate entrance, stove/oven never used. Center bathroom. Excellent cond. \$16,000/obo. 530-639-1005. Reg. #2124108

FOR SALE: Yale forklift, needs minor work, 4000lbs. Runs, hard rubber tires \$550. Onan generator (4000) needs a circuit board, runs good \$300. RV, sofa couch, new, charcoal grey \$300. RV, kitchen cushions, new, charcoal grey \$250. 831-637-1087. Reg. #2389914

WANTED: Brush fork for a small loader. FOR SALE: D4 track rails 6" pitch 36 links \$400. Rebuilt starter for 92 series Detroit \$100. 250 sets of salt and pepper shakers very old collection. \$750. 530-346-2918 or farmerj@cwnet.com. Reg. #1271053

FOR SALE: Artic Fox Cab-over Camper, 2001. 18ft over all. For 8ft bed, with tie downs. Electric jacks, slide out, 6 cubic ft refer, built in generator, awning, air conditioner. Qn bed, wet bath, 46 gal fresh water, micro, CD/phone hook ups, winterized pkg. See to appreciate. \$23,000 new, sell for \$16,000/obo. 209-786-1925. Reg. #277668

FOR SALE: 2002 BMW K1200LTC, silver, showroom condition. 4,500mi, 5 speed OD w/rev. gear. ABS, custom luggage rack, heated seats and grips, pwr windshield, rear trunk w/speakers, 6 year ext. warranty. Paid \$25,000. Divorce, must sell for \$18,500/obo. 530-758-3212. Reg. #1793823

FOR SALE: 2000 25 Ann model pearl white with green, loaded with extras, 31,000, new tires, brakes, always garaged. \$13,000/obo. 541-473-9400. Reg. #1265028

FOR SALE: Hard wired model 65 Garmin G.P.S. with antenna \$50.00. Mint Joe Montana rookie card \$200. 707-725-5334. Reg. #0939694

FOR SALE: 1989 Suncrest class A motorhome, 34', extremely low miles, queen size bed, sleeps 6, roll-out awning, 450 engine, good rubber, just smogged with current registration, and much, much, more \$19,989. 530-549-4223. Reg. #1440557

FOR SALE: 5th wheel 1994 Westport by Avion. 34', 2 slides, back door, queen walk around bed, non-smoking, no pets, garaged. \$16,000. 916-334-2572. Reg. #581570

FOR SALE: 5 acres in foothills (East of Fresno). 3bd/2ba 1920 sq.ft. 4 year old house. Very clean. Pellet stove. Fantastic view, beautiful landscaped, paved road, fenced, shop, livestock sheds, more storage arewas and many extras. Must see to appreciate. \$389,000. 559-322-6230. Reg. #19970331

FOR SALE: 16ft Livingston boat with new top and outdrive. 4cyl, Chev. Engine. 650-365-7706. Reg. #7583941

FOR SALE: 1971 Chevy 1-ton dually V8 4 sp, 10' diamond plate flat bed. Pintel and ball hitch. Needs little TLC. Runs good. \$1,800/obo. 530-268-4614. Reg. #993927

FOR SALE: 1996 Chevy Silverado 4x4, ext. cab. Camper shell, all power L&H interior, new tires, 105k hwy miles, looks and runs good. \$11,000. 707-4517275. Reg. #1971845

FOR SALE: Remote very private, 18.9 acres 3200 elv. No elec or phone. 2 older mobiles, both rented. 3bd/2ba and 2bd/2ba with decks. Metal roofs, generator sheds, above ground pools, timber, spring water, Iowa Hill/between Colfax/Foresthill. New solar school/Vol Fire Dept. \$165,000/obo. Owner may carry w/large down. 208-265-0735 or 775-847-7120. Reg. #1157834

FOR SALE: 1985 south wind motor home. 27ft class A 454 engine 50 thousand miles. Very good cond. Has microwave, T.V., VCR, CB. Battery pack roof & dash. AC onan gen. Rear double bed. Four new air bags. Records of repairs and services. \$13,500/obo. 650-366-0461.

Reg. #0702266

FOR SALE: 03 T.T. Holiday Rambler 31cks large slide, 1500 air, loaded, like new. Non-smoker and no pets. \$27,500. 559-741-9078 or 559-679-4255. Reg. #1749997

FOR SALE: Want clear Idaho sky? 1500sqft 4bdr house, 3 car garage on 1/3 acre. \$97,500/obo. 208-663-4802. Reg. #1003457

FOR SALE: RV-98 Thor Windsport 33SL Ford 460, large slideout, back up T.V., tow car brake, steer safe, CB, low mileage, tow car can be included in sale. (Equipped with brake and transmission pump) All in A-1 condition. Illness forces sale of this beautiful RV. \$50,000/obo. 408-448-4158. Reg. #0848394

OLD BOTTLES? I'm interested in purchasing the old antique bottles you have excavated over the years. What do you have? 775-852-6045 or e-mail rosemuley@aol.com. Reg. #1014460

FOR SALE: Remington Model 870 12gauge shotgun, 30inch barrel. Perfect condition. \$350 firm. 510-215-7040. Reg. #1219576

FOR SALE: 1978 Toronado Brougham XS in excellent condition. 33,000 miles, only 2200 units of this model produced. Featuring the one piece wrap-around, panoramic rear window. White with red leather interior. 403 V8 engine, CF5 Astro roof, appraised value \$15,000. 707-226-3509. Reg. #814835

FOR SALE OR TRADE OF EQUAL VALUE: 12 parcels of land in Klamath Falls, Oregon of Spreage River. Will trade for a 3 bedroom modular home. A 1992 or later model, in good condition. Or \$3,000 a parcel. But modular home would have to be delivered. For more information call 530-873-1139 or 530-674-2864. Reg. #0826798

FOR SALE: Dodge 318 cubic inch engine motorhome with very low mileage. Good tires with 3 gas tanks. Doesn't need to be smogged each year and is a good dependable unit. Sacrifice \$1,995. Located in Redding, CA 530-243-4302 after 6:00p.m. Reg. #0865537

FOR SALE: T-Bird with a V6 engine, all power, good tires and custom wheels, real clean inside, a nice car in excellent condition. Only \$1,295 takes it away. 530-243-4302 after 6:00 p.m. Reg. #0865537

FOR SALE: Meade EDT-90EC Astro Telescope with tripod and

electronic controller. Recently upgraded and realigned. Accessories include electronic focuser, Canon ring, 64 camera adapter, 8x25 range finder, EZ finder reflex, carrybag. \$1,400 value, sell \$650. Grass Valley, CA 530-477-8837. Reg. #0865600

FOR SALE: '98 Chevy 1500 Ext. Cab, 3rd door, 5.7L, V8 Heto, Z71, tow package. Camper shell, bed liner, BFG tires, well-maintained, 96 mi, \$13.5/obo. '98 Zodiac 10ft, 8hp OB w/trailer, \$1,500 firm. In Santa Cruz, CA. 707-332-4918 Reg. #2475056

FOR SALE: Family farm with 2 houses (1 rented), 40 miles NW of Eugene, Oregon in scenic valley. 45 acres, year-round creek, pasture, hills, 20 year old trees, lg. barn, shop, RV parking with hookups, bunkhouse, walnut orchard and much more. \$345,900. Motivated seller, make an offer! 541-925-4137. Reg. #1494208

LIVING TRUST for 11.30 acres ranch all fenced. An 84 year old living on the ranch. No alcohol and prospects must like dogs. 530-347-3389. Reg. #0636969

FOR SALE: BMW 318i engine, transmission and differential. All working \$325.00 takes all!!! 916-922-4180. Reg. #2049626

FOR SALE: 1956 F-100 Ford pickup (red) 292 cu.in. V8 3 speed w/overdrive. Restored to original except for added chrome etc. Original radio, oakbed with stainless steel strips. Sidemount spare tire, small rear window. Always been garaged. \$9,500/obo. 530-273-2489. Reg. #1025259

FOR SALE: Sea Eagle Rubber Boat 11 ft., Evinrude 9 HP motor, single axel boat trailer, good unit, all three \$1,000/obo. 8ft slide-in camper, with furnace, ice box, and toilet, sleeps 3, \$300. 307-237-7938. Reg. #1009576

FOR SALE: 1983 MacGregor 25 foot swing-keel sailboat. Sleeps 4. Includes 1998 galvanized two axle trailer, 2002 Nissan 6hp four stroke outboard, new marine VHF, depth finder, and marine port-a-potty, Refurbished sails, extras. mtnpilotdiver@msn.com to request full list and photo. \$4,000. 775-342-6693. Reg. #2275493

FOR SALE: Lane 2 pc sectional Sofa (93x118), gas stove (almond color) \$75, microwave \$30, chest freezer \$75, glass top sofa table \$50. 530-656-2388 Evenings Reg. #2452400

FROM EUREKA

Mercer Fraser paves Myrtle Avenue, bids job near Ruth Lake

The work picture in Eureka is bleak, and it does not appear there will be many jobs in the near future. About the only bright spot is a couple of jobs that were picked up by Wahlund Construction. Organizer Bran Eubanks is monitoring and talking to a few of the non-union companies in the district that are picking up bids. Mercer Fraser came in second to Tidewater, a company from Oregon, on a \$10 million job outside the Eureka District near Ruth Lake. Mercer Fraser has not received final word, but it may be awarded to Tidewater. Let's hope Mercer Fraser wins out.

We got a bright note recently

when our RNs of Sutter Coast Hospital in Crescent City ratified their agreement. The nurses ratified the agreement by a 37 to 1 margin. They got a good agreement for only the second time around.

Special Rep. Steve Stewart and Equipment Dealers' Negotiator Gary Silva held pre-negotiations with Peterson Tractor hands from the Willits/Eureka stores. The hands are beginning to fill the out-of-work list. Most have been working out of the area for the past year. Please remember that registration on the list is good for only 84 days. If registration is not renewed, names are dropped from the list.



Local 3 members working for Mercer Fraser pave the second phase of Myrtle Avenue for the city of Eureka.



Top: Mechanic and 32-year member David Dibble installs new drain-inlet covers on Myrtle Avenue for Mercer Fraser. Above: Two-year Local 3 member Shannon Walker works for Ebersole Enterprises, a sweeper subcontractor for Mercer Fraser.

I hope all had a great and safe holiday season. Carol and I will see you at the Crab Feed Saturday, Feb. 14.

Retiree Frank Enright displays his 50-year clock, which was recently presented at the Eureka District office.



FROM FRESNO

Organizing Director assumes duties as district representative

I hope all brothers and sisters had a great holiday season. There have been a lot of changes in Local 3 and in the Fresno District. We want to congratulate Business Manager John Bonilla and the officers in their new assignments.

Business representatives Pat Vadnais and Larry Daniels are retiring soon, and we thank them for a job well done. We wish them, their spouses and families the very best. District Rep. Mike Brown is now special representative to Business Manager John Bonilla. Brown will help with the transition in the Fresno District and will perform special assignments. We wish him the best in his new duties.

Business Manager John Bonilla assigned Ras Stark to the position of Fresno district representative. Stark will maintain his duties as Organizing director. Stark joined Operating Engineers in 1984 after serving four years in the Army. He worked as a scraper, dozer, excavator and finish-blade operator and has worked in every Local 3 jurisdiction except Hawaii. Stark began working as an organizer for Operating Engineers in September 2000, and in 2001 he became assistant director of Organizing. He was promoted to Organizing director in 2002. Stark looks forward to working with the membership in District 50. He has a 24-hour, seven-day-a-week, open-door policy.

Ray Ronell transferred from the Organizing Department to the Fresno District and will serve



Fresno District staff members gather for a picture with their new District Rep., Organizing Director Ras Stark.

as assistant district representative. He will serve the area from Manning Avenue north to Herndon Avenue. Bobby Merriott will service the membership from Manning Avenue south to Kern County line. A new business representative will be hired to service the membership from Herndon Avenue north.

Dispatcher Denise Alejo had a good dispatching year. The Fresno District dispatched 900 members in our area. Alejo also oversees all OE CAT activities in the Fresno District. She does an excellent job and looks forward to working with Ras Stark.

Secretary Kathy Tarango-Smith keeps the office running smoothly. She handles a variety of duties including member services and coordinating meetings and events. She will help the new district representative with day-to-day activities.

Tim Ogawa joined us as a new organizer. Previously he was part of the Rat Patrol, and with his experience, we know he will do an excellent job and be successful.

Apprenticeship Coordinator Larry Braden has his hands full with the apprentices in the Fresno District but still finds time to help the organizers in their ventures. There is no one in the Fresno District that Braden does not know. He is an Executive Board member and does a good job for the membership as an elected representative.

The Fresno District has more public employee members than ever. Public Employee Division Assistant Director Bob Titus is doing an excellent job organizing and has brought in many new members. Doug Gorman is the Fresno Public Employee Representative, and with all of Bob Titus' organizing efforts, Gorman is a very busy man.

Executive Board member Larry Braden, Bob Wilson, Mark Fagundes and Ron McClain serve on the Grievance Committee and meet every Wednesday in the Fresno District office.

Under the direction of Business Manager John Bonilla and the Local 3 officers, the Fresno District will continue to put its efforts into servicing the membership, organizing, training and politics. The Fresno District thanks the membership for its continued support.

FROM UTAH

Work continues as contractors finish winter work

Fall came to an abrupt halt when winter interrupted our drought in Utah with a welcome, heavy snowfall. The change in weather has many contractors wrapping things up for the season, but luckily, many of our operators can continue working.

Fluor, Ames & Kraemer continues its work on I-15, SR 89 and it is hoped the work will commence soon on the Legacy Highway Interchange. Several Local 3 members are placing fill for ramps and bridge abutments while crane operators drive the piling and help with the bridge decking. Smaller crews work during the night to keep the projects running around the clock.

W.W. Clyde keeps its Moab Road project in full swing with hands working upwards of 50 hours a week. The job is scheduled for completion in fall 2004.

Granite Construction still has asphalt hitting the ground in the Ogden area. These last-minute paving jobs will be finished soon, but for now, a paving crew, a hot plant crew and a crusher crew continue to work.

Frehner Construction is once again geared up on the Deer Creek Dam Modification project. The fill material is going in at the toe of the downstream side of the dam. Frehner runs two shifts, six to seven days a week, and the project should be completed early in 2004.



The hot plant crew at Fife Rock Products in Ogden. From left: Trent Poulsen, Cody Wangsgard and Bruce Sherrod.



DC Transport keeps 15 to 20 Local 3 members busy on some private development work in the Park City area.

Fife Rock, Geneva Rock and CPC are still busy sending concrete and asphalt product through their gates as contractors try to get in another push before the holidays.

District 12 is offering eight-hour Hazmat classes Saturday, Feb. 21 and Saturday, Feb. 28. A 40-hour Hazmat class is scheduled for the week of Feb. 23 through Feb. 27. To attend any of these classes, please contact Apprenticeship Administrator Phil McChesney at (801) 596-7785, (800) 662-3630 or (801) 509-5801.

The District 12 staff hopes all members and their families enjoyed a very happy holiday season.



Above: Blade Operator Jordan Shumway and Roller Operator Jason Couchman place fill on the ramp to bridge over Shepard Lane. At left: Tammy Duncan carries wall panels for the north bridge abutment.

FROM ROHNERT PARK

Healdsburg approves noise level acceptable to Syar

Now that the holiday season has passed, we look forward to 2004. Unfortunately, some of the news is not good. According to the California Transportation Commission, Sonoma County was supposed to get \$66 million in 2004 and 2005. Because of the budget shortfall, the county is looking at only \$3 million. Similarly, Mendocino County expected \$7 million and now is slated to receive only \$1.2 million. Lake County went from \$425,000 to \$162,000.

Contributions for transportation projects in Sonoma County totaled only 5 percent of the amount expected for the fiscal year. Therefore, projects scheduled for construction over the next three years, including the Hwy. 101 widening between Steele Lane and Hwy. 12, will be spread over the next five years. The engineers' estimate for construction is \$60 million, but with delays, it will likely rise.

In addition, Gov. Arnold Schwarzenegger could cut hundreds of millions more from transportation projects (paid out of the state's general fund) when he submits his proposed budget in January 2004.

On a brighter note, the Healdsburg City Council voted 3 to 2 for a noise ordinance with a daytime noise-decibel limit of 65. The city of Healdsburg has been studying changes to its ordinances since 2001, when homeowners near the Syar Industries' plant along the Russian River asked the council to limit gravel mining, reduce the hours of operation for the asphalt plant and reduce the noise and dust levels. Syar Industries took several expensive steps to address the neighbors' concerns during the past year, and Jim Syar said the company would continue working on ways to quiet the asphalt plants. He asked for a 65-decibel daytime level, not the 60-decibel level the council was considering. After hours of debate, the council voted for the 65 level with a follow-up review in one year.

Thanks to the members and their families who attended the council meeting. This is what it takes when our jobs are under attack.

Solid Waste of Willits voted last month to have Operating Engineers Local 3 representation. The officers, staff and the Organizing Department put in many hours, and it really paid off.

Dates to remember:

- Hazmat eight-hour re-certification class, Friday, Jan. 23 at the Rohnert Park District office (sign-up sheet at front counter in District office) or call (707) 585-2487.
- Hazmat eight-hour re-certification class, Thursday, Feb. 19 at the Rohnert Park District office (sign-up sheet at front counter in District office) or call (707) 585-2487.
- The Sonoma Express Books are in the Rohnert Park office and are available to members and their families for \$20.
- District 10's pre-retirement meeting is Wednesday, Feb. 18 at 7 p.m. upstairs in the Rohnert Park District 10 office.

Public Employee News

VOL. 5, #1 • OPERATING ENGINEERS LOCAL UNION NO 3 • ALAMEDA, CA • JANUARY 2004



By Tom Starkey, business representative

The County Employees Management Association (CEMA) had a very active year – one with many changes for the organization that will yield more power to fight for its members.

The most significant change came in February when the CEMA executive board strengthened CEMA's relationship with the union by becoming full members of Operating Engineers Local 3. The CEMA and OE3 leaders have been working to build CEMA's power and to build stronger political ties with elected office holders. A stronger relationship with Local 3 was seen as essential if CEMA was going to continue to be effective in advocating for members in the tough years that lie ahead.

Another significant change occurred in March with the addition of a second business representative assigned to CEMA to improve representation services to CEMA members and to build CEMA's site representative program and implement CEMA's political action strategies.

Operating Engineers was very active at the Valley Transportation Authority (VTA) in 2003, fighting an attempt by executive management to take union representation rights from more than two thirds of the CEMA membership at VTA. This action blocked CEMA from beginning negotiations on a new contract that expired June 2003. CEMA and OE3 took the issue to superior court to force bargaining, which they are obligated to do. We are awaiting a decision from the director of Industrial Relations, which will clarify if VTA's unit modification request has merit.

Layoffs at VTA continued in 2003 where 13 CEMA members lost their jobs. However, this was not without aggressive representation by OE3, which fought to find positions from VTA contract positions and filed grievances over the impact of layoffs that were not

addressed by VTA during the meet-and-confer process. Two terminations were appealed to arbitration. One was reduced to a 30-day suspension, and the other was settled before arbitration with the CEMA member getting reinstated with partial back pay.

More than 60 Santa Clara County CEMA members were issued layoff notices in June and October. Many members held status in lower-level positions and were able to bump back to them. All others were not laid off because of contract language that allows those who do not have previously held jobs to return to, to be placed in vacant positions.

County members also considered but rejected a plan to defer a portion of the negotiated 3 percent raises to address the impact of layoffs for CEMA members.

CEMA updated its Web site and worked to improve communications with members through a weekly newsletter sent to VTA members via e-mail. Also implemented with county members is an e-mail communication list that will be used to send out the CEMA-GRAM and other important county CEMA news.

The CEMA executive board issued \$1,000 scholarships to seven college-bound students who were dependents of CEMA members. The executive board also formed an important committee that will look at CEMA's bylaws and internal procedures and make recommendations to improve communications and awareness among members about how CEMA functions as an organization.

The year ahead for CEMA will focus on negotiating new contracts at VTA and the county and ensuring VTA members do not lose their right to union representation. The stronger relationship with Local 3 will give CEMA new resources to get strong contracts and ensure members' rights are not eroded.

NEWS FROM THE public employees



by

KURT BENFIELD

**Director of public
employee division**

Goodbye 2003, welcome 2004

Last year saw many challenges and successes within the Operating Engineers Local 3 Public Employees Division, this local and the economy. Politically, the state has gone through some historic changes, and we have yet to see what the outcome will be. Many questions loom on the horizon regarding the political effect to our state and our personal future.

Closer to home, the PE Division had major successes in organizing new membership. To date, the PE Division has held 16 elections and was victorious in all 16. Once all the applications are processed, Local 3 will have more than 1,800 new members to be welcomed to the Local 3 family. Some of the units we welcomed are Kings County Deputies, city of Clovis, city of Arcata, city of Eureka, city of Clearlake, Lakeport, Lander County (Nevada), Humboldt County (Nevada), city of Fallon (Nevada), Fresno Airport, Porterville, County Employees Management Association and Butte County (South Dakota). In a previous *Public Employee News* article this year, I said organizing is the local's lifeblood, and if this year's success is any indication, then Local 3 is running stronger than ever.

In meeting one of our goals last year, we now have a business representative in Fresno to service our ever-growing membership in the southern part of our jurisdiction. We are also

growing in the Northwest coast area and will be looking to add a business representative in the Rohnert Park area sometime in 2004. As a result of our many organizing successes, we will be looking to add yet another PE Division organizer to increase our success and continue to build the membership. We continue to set goals and strive to provide the best representation to our membership.

Record contracts were observed in Alpine County California where the deputies received a minimum 30 percent salary increase to a maximum of 45 percent over 18 months. The Alpine County Miscellaneous Unit enjoyed a 20 percent salary increase to 35 percent over two years with additional increases in Public Employees Retirement System, longevity and vacation benefits. Other excellent contracts were observed in Dos Palos, Fremont, Red Bluff and numerous other units because of the hard work and expertise of our talented business representatives. Though the successes are not solely based on the talent of the representative but also the political power and strength that a 37,000-member local can bring to the table. Thanks to the support and leadership provided by new Business Manager John Bonilla and the excellent team of officers, this local is very active, very strong and always in pursuit of better membership service.

The end of 2003 also brings some bittersweet feelings. Business Manager Don Doser announced his retirement after 21 years of service to this local. Through Don's great leadership, skill, support and dedication, this local is where it is today – better and stronger than ever. Local 3 does not follow in the footsteps of anyone. Thanks to leaders like Don Doser, we are the leaders for others to follow. We were all sorry to see Don retire, but there comes a time in life that we have to decide it's time to step away and enjoy our life and family more. I expect to see Don spending time fishing, traveling and just enjoying life. He deserves it, and I wish him all the best. Knowing Don and how much he has put into this local, I am sure we will often see him visiting his familiar stomping grounds here at Local 3. Good luck, Don, and thanks for your support, dedication and leadership.

As we head into the new year, I look forward to some new ideas, organizing and positive changes in the PE Division. Local 3's success is in good hands with Business Manager John Bonilla, his team of officers and the excellent staff we have to service our members.

Happy new year, and if you'll excuse me, I am going to get going on my New Year's resolution of losing some weight and getting back in shape. That's funny, somehow that resolution seems familiar.



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Union wins backpay for Marysville school district worker

By Chuck Smith, business representative

MARYSVILLE - Operating Engineers Local 3 dropped an unfair labor practice charge against the Marysville Joint Unified School District when the school district agreed to pay two weeks backpay to Financial Bookkeeper Bonnie Steele.

In an agreement reached in October, Steele received two weeks of vacation pay that she was denied as a result of alleged unfair labor practices.

Steele was one of several members of the Marysville Joint Unified School District classified staff who received layoff notices as a result of the California budget crisis.

In the months leading up to the negotiations and ultimate decision to lay off employees, Steele was active in union meetings and reported to the union the odd behavior by her department head, who threatened to bypass seniority provisions in the memorandum of understanding and require all

employees to reapply for their jobs. The department head also threatened employees if they spoke to each other or others outside of work about her discussions in the office.

After the union complained about the department head's behavior, Steele became the target of a disciplinary investigation and was placed on administrative leave for six weeks. The district agreed that she should not be disciplined, but would not allow her to return to work.

Instead, the district ordered Steele to use her accrued vacation until her layoff went into effect.

The union filed a grievance and an unfair labor practice charge, alleging that the district had no authority to direct Steele to take vacation and that the action was retaliation for Steele engaging in protected activity.

The grievance was initially denied, but one day before a scheduled hearing before the Marysville Joint Unified School District Board of Trustees, the school district agreed to reimburse Steele for the vacation hours she was charged before her layoff. In exchange, the union agreed to drop the grievance and the unfair labor practice charge.



Bonnie Steele

Pleased to meet you, El Dorado

By Dean Cofer, business representative

Public Employee Director Kurt Benfield recently assigned me to service and represent OE3 members employed by the El Dorado County Probation Bargaining Unit, Corrections Bargaining Unit and the Trades & Crafts Bargaining Unit in addition to our members employed by the El Dorado Transit District. I have met and visited with many of you, and I look forward to meeting all of you in the weeks to come.

I will continue to service and represent OE3 members employed by OMI-Thames Water Company, Rancho Murieta Community Services District, Stockton Unified Police Department,

City of Orland Police Department and those employed in the cities of Stockton, Manteca, Galt, Rio Vista, Isleton, Willows and Red Bluff.

As one of the older hands (I prefer to call it experienced) on the OE3 Public Employee Division staff, I bring to the table more than 30 years of experience as a business representative and negotiator.

I look forward to servicing and representing our OE3 members in El Dorado County. I need the help, advice and assis-

tance of our stewards and membership in getting my feet on the ground in El Dorado County. I am confident that together we will build the union and improve our bargaining strength with the county and the transit district.

Members who need advice or assistance can call me at (209) 944-5601, send a fax to (209) 948-2319 or e-mail me at dcofer@oe3.org or dcofer@jps.net.

By the time you read this, it will be 2004. I sincerely wish you and yours a happy and prosperous new year.



We've got your back

By Doug Gorman, business representative

Since moving to the Central Valley, OE3 has jumped in membership by leaps and bounds.

In March 2003, we welcomed our brothers and sisters in the Porterville City Employees' Association. After several months of negotiations and filing of unfair labor practice charges against the city of Porterville, we were able to receive a sustained complaint from the Public Employment Relations Board, as well as a new one-year contract for our members.

The Kings County Deputy Sheriffs' Association and the Clovis Public Works Employee Affiliation joined our ranks in July 2003, and OE3 hit the ground running representing our new members.

Then, the Fresno Airport Peace Officers'/Firefighters' Association came on board in October 2003, and shortly thereafter, the Fresno Airport Police Management

Association followed suit. We immediately began serving our members, and good things are happening there.

In November of 2003, the Fresno Mosquito and Vector Control District Employees' Association joined our family, and we were successful in stopping the district from taking benefits from our new members.

As I travel from one unit to another, I am glad to hear they are happy with the service OE3 provides them. As a business representative, I have been directed by the officers of the union to serve our members and to stand up for the "little guy." As OE3 continues doing this, our membership ranks rise, and the word is getting out that OE3 will protect you. As one sergeant said, "It's nice to know that you have our backs."

I welcome all of our new members to the OE3 family, and thank you for giving me the opportunity to watch your back.

OE3 welcomes more Lake County units

By Bob Titus, assistant director

Having a strong presence in Lake County, Calif., has always been the norm for Local 3, which represents the majority of the county workers in three separate units. Local 3 welcomed more members from within Lake County July 27, 2003, when the members of the Lakeport City Police Officers' Association voted unanimously to join Local 3. Many members cited the excellent references from their neighboring Local 3-represented bargaining units, as well



as the frustration from a lack of response and cost from the private law firm that had previously represented them. Local 3's one price that includes everything was very attractive, as was the option to participate in the Operating Engineers Health and Welfare Medical Program.

Clearlake City Police joined Local 3 Sept. 15, 2003, citing many of these same reasons and that it was time to explore other representation, as they were previously rep-

resented by the same private law firm. The one price covers all was very attractive as opposed to the usual law firm hourly rate. Both units wanted to be more politically involved, which of course is right up Local 3's alley. Other than donating a few bucks to a candidate here and there, private law firms cannot compete with Local 3 in the political arena.

All in all, we welcome the Lakeport and Clearlake city police officers to the Local 3 family. We look forward to helping these new members in relations with their employer.

NEWS FROM THE public employees

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LOCAL UNION NO. 3

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THE LEGAL EDGE

Local 3, lawyers come through for deputy sheriff

By Matt Gauger, attorney

Deputy Sheriff Richard Segovia, a member of the San Francisco Deputy Sheriffs' Association and Local 3 who works in the San Francisco Jail, is living proof of the irreplaceable benefits of a strong association, aggressive Local 3 representation and Local 3's top-notch trial lawyers.

In April 2002, an inmate attacked Segovia when Segovia was processing him into county jail. Segovia properly defended himself against the inmate only to have the San Mateo District Attorney's Office file criminal charges against him in San Mateo County Superior Court. At the end of his jury trial March 5, the jury rendered two verdicts finding Segovia guilty of misdemeanor violations of Penal Code sections 245 and 149. Following the jury's verdicts, Local 3's lawyers made a motion on Segovia's behalf for a new trial, as the verdict was contrary to facts and law.

In an extremely detailed decision May 9, Judge Karesh of the San Mateo Superior Court reversed the jury's verdicts against Segovia and issued an order of acquittal dismissing all charges against him in the interest of justice. Karesh found the inmate lied and that Segovia was justified in using self-defense against the inmate.

The events that happened to Segovia could happen to any deputy sheriff processing an inmate into jail. During processing, the inmate became combative and, as is common, began attempting to provoke Segovia. Segovia was unprovoked as he was escorting the inmate through a room, which contained furniture, a fan, a trashcan and a broom. During this part of the escort, the inmate pushed or lunged at Segovia. In the ensuing scuffle, Segovia and

the inmate stumbled into the fan and the trashcan. Fearful that the inmate would use the broom as a weapon, Segovia grabbed it and used it to defend himself. At that time, two officers came to Segovia's aid. In the process, Segovia struck the inmate on the neck and the thigh with the broomstick. When the other officers arrived, the inmate was subdued and booked into jail.

Thus far, the case is not at all uncommon. The surprising and disturbing portion of the case is that the district attorney's office decided to prosecute Segovia. For reasons that neither Segovia nor the union know, the district attorney simply believed the inmate over Segovia.

At the jury trial, the district attorney's office secured a conviction. Karesh, judging by his very lengthy and detailed opinion, simply did not believe the inmate. In a very well reasoned decision, he parsed through each witness's testimony, pointing out the numerous contradictions in the prosecution witnesses' testimony and the consistent testimony by Segovia and other defense witnesses. Ultimately, the court dismissed the case.

The union is very happy to have helped Segovia clear his name. When the San Mateo County district attorney is up for reelection, the union and its members will have an opportunity for reform in the district attorney's office. Only a union with the size, strength and sophistication of Local 3 could produce such a positive result and have the ability to deal appropriately with elected officials who do not understand the circumstances in which Local 3 members work.

Defining and dealing with sexual harassment

By Pat Thistle, business representative

Sexual harassment has generally been defined as unwelcome sexual conduct of two types. The first type occurs when the unwelcome conduct was made or threatened to be made a condition for receiving tangible employment benefits, or when the employee's rejection of unwelcome sexual conduct is used as the basis for a negative employment decision. That type of offensive conduct is referred to as "quid pro quo" sexual harassment. The second, and more common type, is called "hostile environment harassment," which occurs when unwelcome sexual conduct, such as unwanted sexual advances, verbal comments, physical touching or visual harassment such as offensive posters or cartoons, leering looks or gestures, interferes with an employee's job performance or creates an intimidating, hostile or offensive working environment. Some conduct may create both quid pro quo and hostile environment harassment. Occasional, sporadic, isolated or trivial

acts of harassment are not actionable.

Every employer in California is required to have a policy prohibiting harassment and discrimination, and you should be familiar with that policy. If you believe you are the victim of sexual harassment in your workplace, you should first read over your agency's policy; see what that policy says about reporting and follow the guidelines in the policy. If the policy suggests reporting the harassment to your supervisor and your supervisor is the harasser, report the harassment to his or her superior or to Human Resources. File the report in writing, and be sure to include as much information as the policy suggests is necessary. If there are time deadlines, do your best to comply, but above all, make the notification and ask the agency represen-

tative to follow the policy guidelines for responding to you. In a recent case, a court held that failure to report harassment in a timely manner jeopardized the victim's right to recover damages for the harassment. You do not have to exhaust your agency's internal remedies, such as a grievance procedure, before pursuing a complaint to the

Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH) or the courts.

Keep in mind that, like every area of the law, certain statutes of limitation apply to the filing of complaints alleging sexual harassment in the workplace. Addresses and telephone numbers of the federal EEOC and state DFEH are required to be posted in your workplace.

