

ENGINEERSnews

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Digging deep

**Operators run largest
dragline on West Coast**



IMPORTANT ELECTION INFORMATION

See page 17 for important information regarding the August 2003 election of officers and Executive Board members.



For The Good & Welfare

By Don Doser, Business Manager & IUOE General Vice President

Local 3 leads by example

The never-ending war continues to serve as the measure of President Bush's performance as well as an assessment of the state of the nation. But the phrase made popular by the Clinton-Gore camp in 1992 rings true louder now than ever. "It's the economy, stupid," and the latest statistics show economic growth at its lowest for any administration during the last 50 years. The economy translates into one thing – JOBS. Our work picture looks good right now. Contractors forecast a record-breaking summer. But the effects of reduced funding for infrastructure projects will challenge the creation of new jobs over the next several years. One thing is certain: we won't sit and wait for the Bush theory of economics to backfire. Local 3's future can't depend on who wins the government's internal tug-of-war. We need a solution to the funding problems. I believe the answer is in our mobilized membership and this local's commitment to organize.

Through an aggressive strategy, we can act now to claim our share of state, federal and local funds in each of the six states where Local 3 families live and work. It's short-sighted to think California's construction industry will escape the cuts that attempt to balance the state budget. With a national budget deficit of \$400 billion and an administration bent on union-busting, we are challenged to preserve the benefits of the union way of life. I see the challenge as an opportunity for Local 3 to lead by example. The collective action of the membership will always be our strength. Through it we increase the importance of a union and lead others to recognize the value of becoming union members.

The basic premise of a union is not about you or me alone — in unity members prove there's strength in numbers. Following a critical meeting with California Gov. Gray Davis, a new coalition, the Construction Industry Alliance, led by Local 3, put the wheels in motion to save Proposition 42 funding. A massive mail and phone campaign began, and employer groups and union members were asked to communicate with elected officials to support and preserve Prop. 42. The money is critical for transportation, infrastructure and public works projects — jobs for Local 3 members. So far more than 8,500 postcards have been delivered to legislators. Local 3 members returned more than 5,500 or 65 percent of those cards. This is the Local 3 example: collective action by an informed, involved membership.

Your efforts paid off. To date, 65 legislators have signed a pledge to uphold the voters' trust and protect Prop. 42 funds. This puts us well

ahead of the 28 votes necessary to suspend the funding. When the budget is put to a final vote, we will hold these officials accountable.

Members are active on the federal level as well, with CAT volunteers and Local 3 members personally lobbying congressional representatives in their districts for transportation and highway funding. Under my direction, Local 3 Asst. Business Manager and President John Bonilla and Political Director Cindy Tuttle participated in a union-employer delegation that traveled to Washington, D. C. They took a strong position on behalf of Local 3 families as they met with Congress members. The purpose of the visit was to stress the importance of TEA-21 and what that funding means to Local 3 members. The Transportation Equity Act for the 21st Century (TEA-21) is slated for reauthorization this year. Extending the current authorization means billions of dollars for a federal investment in highways and public transportation infrastructure. This funding means future jobs for Operating Engineers. Local 3's jurisdiction should receive a fair share of this money, thanks to your involvement.

Keeping our members at work remains the single most important item on our agenda. But our survival as a union depends on increasing Local 3 membership. Over the next 10 years, an aggressive organizing strategy is planned to dramatically increase our market share. The goal is to represent 100 percent of the industry and dominate the workforce in all sectors. Right now Local 3 represents about 42,000 workers. The Organizing Department keeps a nonstop schedule in both bottom-up and top-down campaigns. Their success rate is high, in large part because of their hard work and dedication. But Local 3 members prove the value of a skilled union worker to our employers every day. This provides tremendous support for the organizers.

Your local's continued growth means that you, the members, have created an organization that is alive, involved and healthy. Working men and women recognize the value of belonging to Local 3. Your active involvement in all aspects of the union makes this local a powerful voice for working people in our communities. Every year at our annual Retiree Picnic at Rancho Murieta we see and hear from the people who truly made union membership a lifetime commitment. The experience of our retirees, dedication of our current members and the creativity that comes with new membership combine to keep Local 3 strong and thriving.



From left: Night Foreman Angelo Cellini and Lube Engineer Chris Haggard take a break beside one of many loaders at the Syar Industries Madison, Calif., plant..... 10

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In the News

Auburn Dam workers reunite after 25 years



More than 125 people gathered May 4 for a potluck picnic at Chana Park in Auburn, Calif., to catch up with old friends and reminisce about the Auburn Dam project they spent years working on.

The reunion celebrated the camaraderie that developed at the Auburn Dam project, which broke ground in 1974 but demobilized in 1979 because of environmental concerns. Had the dam been completed, it would be the largest concrete arched dam in the world.

Spearheaded by Joe Scanlon, a concrete superintendent and structures superintendent on the Auburn Dam project for Auburn Constructors, the reunion was a success. Scanlon recognized that many workers had not seen each other since the project ended, and he realized it was time to get together. He organized the reunion with Bill Waltz, who was an Operating Engineer Local 3 mechanic; Jerrie Waltz, who was a payroll clerk; Lawson Letorre, an operator; Harry Peer, a Teamster foreman; Al Pesetti, a purchasing agent; and Chuck Weidner, a general superintendent.

The organizers' goal was to find as many Auburn Dam workers as they could and get them to Chana Park. To do this, they ran ads in union newspapers like the *Engineers News*, and they spread the news by word of mouth.

Jerrie Waltz said the Auburn Dam crew seemed to become like a family, which was apparent at the reunion.

"Like any project that is long-running, it turns into a family out there," Waltz said. "So this was almost like a big family reunion."

Waltz said most of the men at the reunion knew each other and spent the day getting reacquainted. For reunion attendee Dale Barker, a Local 3 member since 1964 who worked as a cat skinner at the dam, this was a highlight.

Barker also enjoyed seeing Local 3 President and Asst. Business Manager John Bonilla and former Business Rep. Bill Marshall, who represented the Operating Engineers at the Auburn Dam project. Marshall attended with his son, District 80 Asst. District Rep. Richard Marshall.

As a sign of respect and appreciation, Bonilla presented each attendee with a Local 3 baseball cap that each one wore with pride. The strong bond among the reunion attendees impressed Bonilla.

"I was really surprised to see how many of our retirees were there," Bonilla said. "Their brotherhood was really apparent – everyone had a good time catching up."

Because of this positive response from reunion attendees and organizers, and because of the large turnout, the Auburn Dam reunion will likely become an annual event.

Source: www.geoengineer.org

Talking Points

By John Bonilla

Assistant Business Manager and President



Staying afloat in a drowning economy

During the past several months we've talked a lot about the downturn of our national and local economies and their effect on our industry. Despite continued efforts to maintain and create jobs, the failing economy leaves about 8.8 million Americans jobless.

The AFL-CIO reports: In addition to the 8.8 million, another 1.4 million jobless Americans looked for jobs in the past year but now are so discouraged they have not looked recently. Added to these 10.2 million jobless workers are 4.8 million who involuntarily work part-time because their hours were cut or they cannot find full-time employment. They bring the total number of unemployed and underemployed to some 15 million.

Why is this unemployment level steadily rising? Apparently President Bush is a main factor. During the past 58 years, each Republican and Democratic president has contributed to job growth. Bill Clinton added 242,000 jobs per month in his first term as president and 235,000 jobs in his second term. Although not as much, Clinton's predecessor, former President George Bush, also contributed to the job market by adding about 52,000 jobs per month. But from the time his son, George W. entered office in 2000, there has been a loss of about 69,000 jobs per month. Something is definitely not right.

Granted, W. is dealing with the Sept. 11, 2001 tragedy and a war overseas, but he somehow managed to find the time to scrounge up money to help struggling airlines and insurance companies.

Although we clearly cannot depend on our national leader to care for the welfare of the general working class, there are some things we can do to stay afloat.

The downward-spiraling economy has resulted in a budget crisis with government officials trying to take money from infrastructure. This will cause a decline in construction, mainly transportation projects, a main source of income for our operators. This is why Local 3 continuously campaigns for labor-friendly leaders who help make our unified voice even stronger.

But we can't rely solely on our electeds – we must always actively protect ourselves as well. As our leader Business Manager Don Doser often says, the best way to get out of a recession is to build our way out – literally.

Attempting to do just this, Local 3 members and staff have been busy promoting and supporting important legislation like Proposition 42, which requires that gasoline sales taxes are used to improve California's transportation systems. Prop. 42 is facing the possibility of being suspended, and Local 3 members are leading an active campaign to keep this from happening. We have also been active in the campaign to reauthorize TEA-21, which authorizes federal surface transportation programs for highways, highway safety and transit.

These two measures will keep our Local 3 brothers and sisters working with food on the table and money in their pocketbooks.

Brothers and sisters, it is so important to stay on top of our union's issues. We can't rely on others to keep us working. We have to take action for ourselves. Taking a proactive interest in our own welfare is our best defense in these tough times.

To all who have been involved in our continual fight, thank you, and keep up the good work.

Bittersweet victory

Washoe nurses celebrate a taste of success after four-year battle

Story and photos by Kelly Walker, managing editor

About 650 nurses from Washoe Medical Center (WMC) in Reno, Nev., finally received their first long-awaited, well-deserved one-year contract.

Seventy-five percent of the nurses that voted April 30 elected to ratify the contract. This comes only after enduring years of mistreatment and a drawn-out, four-year struggle between the nurses, represented by Operating Engineers Local 3, and WMC in which WMC hoped the nurses and Local 3 would back down. No such luck. Fortunately for WMC nurses, Business Manager Don Doser committed Local 3 to their cause, and Doser lives up to his word.

In July 2002, Doser stated publicly that Local 3 would stand by the WMC nurses until they received a fair contract.

Local 3 Health Care Division Director Bill Freitas said Doser's perseverance was a driving force in getting the nurses the representation and contract they deserved.

"Don Doser has been the one person who has consistently stated and made clear that we were committed and were not going to let these nurses down," Freitas said. "Local 3 has been on board with the nurses since day one, and the nurses know that."

Freitas said the four-year hospital-versus-nurses battle made the nurses and community realize Local 3 is not a fly-by-night operation.

"I suspect that the hospital never dreamed that four years down the road we'd still be banging down their door," Freitas said. "They didn't count on the nurses or Local 3's resolve. I bet the hospital and management are flabbergasted that Local 3 didn't back down."

While Local 3 and the nurses worked jointly in the contract-gaining effort, their success was truly a community effort. Throughout the struggle, Local 3 members and staff and community volunteers supported the nurses in numerous leafleting efforts, three strikes, several pickets and other community events like marches and free blood and diabetes testing.

The nurses first contacted Local 3 in 1999 when progressively worsening working conditions at WMC sent them beyond their boiling point. The nurses endured mistreatment by management and continually had privileges like education pay, vacation days, sick days and some holidays taken from them. Beyond that, the biggest problem was that nurses were forced to provide



The Washoe nurses proudly present Business Manager Don Doser with a matted and framed, signed copy of the billboard that Local 3 displayed in Reno to educate the public about the nurses' struggle and the need for quality health care at Washoe Med.

sub-par care to their patients because WMC kept its wings consistently understaffed and often hired traveling nurses.

Twenty-two-year Registered Nurse Lila Alabed, who works in WMC's Cardiac Intensive Care Unit and serves as a liaison between the nurses and Local 3, said traveling nurses were a major concern for Reno's local nurses and a source of major resentment. They are used to fill in the space left from the hospital's inability to retain its nurses (about 400 nurses left WMC during the past four years).

The travelers are allowed to choose their assignments and length of stay and are paid about two times as much as the full-time WMC nurses. Plus, Freitas said, when the hospital hires travelers, who are often out-of-towners, none of the money being shelled out stays in the Reno community. On top of the traveling nurses' salary, the hospital pays an extra fee to the staffing outfit that provides the out-

of-town nurses and pays the nurses' room and board while they are in town. Plus, traveling nurses cannot provide the level of care most patients need because they are only available short term.

Many involved in the nurses' plight believe the hospital would save money while providing better quality health care to its patients if it simply put more effort into retaining its local nurses by treating them better, providing better benefits and staffing its units properly.

"It's amazing that the hospital spends so much money hiring traveling nurses rather than retaining, training new and providing mentorship to the quality nurses they already have," Alabed said.

One WMC nurse said there were more traveling nurses in her unit than there are in the entire institution of St. Mary's, another Reno hospital.

Health Care Division Organizer and Registered Nurse Carin Ralls said that through community education efforts, word spread quickly about the travelers' effect on the community, and some patients took action by refusing to be cared for by traveling nurses.

"This put a lot of pressure on nurses, but it also put pressure on management," Ralls said.

Understaffing because of poor retention rates, and understaffing in general, is another main source of WMC nurses' discontent. Nurses are consistently given more patients than they can handle, each needing attentive care.



MAY 2003: Registered Nurse Kristi Olson checks out the photo board at the victory celebration. The Health Care Division put together five photo boards with quotes and images detailing the nurses' four-year struggle.



JUNE 2002: A funeral for the loss of quality health care at Washoe Med.

Thirteen-year Registered Nurse Debra Terry, who works in the Cardiac Intensive Care Unit, explained that nurses encounter incredible stress from wanting to give their patients proper care and not having time to do so because they are given too many to care for at once.

"A lot of people left," Terry said. "It is so full there, and there is a lack of nurses. It's really hard work if you work hard for your patients."

Freitas explained that while nurses are supposed to be patient advocates, they are caught in the ultimate Catch 22. Under the Nurse Practice Act from the State Board of Nursing, if a nurse is placed in an unsafe situation, he or she is mandated to report it and to not accept the assignment. But if a nurse refuses to accept an assignment, he or she can be fired or suspended. So the nurses become fearful and try to manage whatever horrible situation they might be forced into.

"The nurses tried to do the best they could, but they were burned up, chewed up and spit out," Freitas said. "People don't realize the terrible pressure nurses are in and can be under. Nurses go home and cry; they are constantly holding their breath, terrorized that if they make a wrong move they will lose their job."

Alabed agreed. "The biggest struggle for many of the nurses is fear – fear of repercussions from management," she said.

This feeling was common among the WMC nurses until Local 3 stepped in. Now many nurses have the confidence to stand up for what they need and deserve.

Ralls described one of the first incidents that showed the nurses understood representation when they were understaffed during a day shift and were set to be understaffed for the night shift. The night shift nurses refused to come in until the hospital found more nurses to help out. Both shifts understood what was happening and coordinated efforts, and in the end, management found more nurses.

"The union gave the nurses for the first time a unified voice," Ralls said. "They understood that when they stood up for themselves, there were 40,000 people standing behind them, and they understood what that meant."

In addition to instilling conviction, Alabed said the union helped retrieve some of the things that were taken from them and stopped several bills such as the multi-state licensure bill that would have allowed nurses from other states to work in their hospitals without being educated about their hospital system.

Although the new contract gives the nurses a gleam of hope that they are finally on their way to getting respect and proper treatment, the fight is not over, this one-year contract is just a stepping stone. They want the next contract to address the hospital's serious retention and staffing issues.

Along with those issues, Alabed said the nurses simply seek respect.

"Having a good place to work doesn't mean you have an annual picnic," she said. "It means you're respected, you're regarded for your ability, you spend time trying to help your employees and you back your employees in tough times."

The new contract is not everything the nurses hoped for, but by creating a committee of six nurses to review staffing objections, it's a step in the right direction.

Freitas explained that before the contract, there was no process for nurses to speak to anyone about a problem except with an occurrence report. The

nurses were not allowed to keep any copies of the report, and when they asked management about the reported issue, the reports had miraculously "disappeared." Because nurses were not allowed to keep copies, they could not prove the report was filed, and if they presented a copy, they were reprimanded.

"Discipline is now based on just cause," Freitas said.

The new contract appears to be a concession on the hospital's part – a good sign for the nurses – but it also brings the nurses together in their struggle. Those that ratified the contract hope it will convince still-fearful nurses not on board with the movement that they no longer need to feel that way.

For Alabed, it's rewarding to see the nurses more cohesive.

"If we look at the bigger picture, we see that bonding together is better for all of us," she said.

She is "guardedly hopeful" the contract will improve her working conditions.

"Hopefully by virtue of being represented, management will be held accountable," Alabed said. "They hold us to very high standards. Now it's time they're held to a standard."

To celebrate their achievements and newfound unity, the Local 3 Health Care Division hosted a victory party for the nurses Wednesday, May 7 at the Reno District office. In attendance were several WMC nurses, Doser, Ralls, Freitas, Treasurer Frank Herrera, Health Care Division Organizer and Registered Nurse Candy Weiland, Research Director Larry Edginton, Organizing Director Ras Stark and several members of the Reno District office staff.

After enjoying a catered barbecue dinner, the nurses presented Doser with a framed and matted copy of a billboard Local 3 displayed in Reno that advertised the nurses' cause and the need for quality health care at WMC. Several nurses autographed the print with thankful words.

Beyond victory, a main discussion at the celebration was what comes next.

Doser assured the nurses Local 3 is not going anywhere; it is committed to representing them and getting them the better contract they deserve. To make this happen, Local 3 is working with the nurses to increase their union membership.

"The more members there are, the more powerful they will be in negotiating the next contract," Doser said.

Freitas agreed, adding, "We need to remind them of where they were before the union, where we are now, and remind them of the threat management can be without being checked," he said. "We intend fully to see to it that the nurses are able to avail themselves of their contractual rights."

The Health Care Division already has some dedicated nurses on board for this cause such as Alabed, who said she will walk through fire if necessary; and Terry, who said she will get busy encouraging people to join and may even volunteer to become a shop steward.

In the end, the new contract is not everything the nurses need, but it is a definite, positive beginning for working toward a better pact. If the nurses and Local 3 continue working together, they can surely begin accomplishing their overall goals.

And hopefully, as Terry said, hospital management will soon see, "The hospital runs smoother with nurses happy on their job."



Health Care Division Director Bill Freitas talks with Registered Nurse Dolores Delarwelle and her daughter about the next step in getting a better contract.



NOVEMBER 2001:
The officers introduce
Washoe Med to the
Local 3 Rat Patrol.



JUNE 2000: Nurses
and supporters
gather at a Reno
District picnic.



CREDIT UNION

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

New credit union service adds loan convenience

Thank you for supporting Local 3 by bringing your financial business to the union-owned-and-operated Operating Engineers Federal Credit Union (OEFCU). You do more than show union loyalty, commitment and support when you use OEFCU – you also do your pocket-book a favor. Compared to what you might spend elsewhere, your credit union saves you thousands of dollars throughout your lifetime. The credit union charges fewer and lower fees and offers loans at lower interest rates than other banks. To help Local 3 members take advantage of the credit union's competitive loan rates, OEFCU offers a free loan document courier service to members living 50 miles or more from an OEFCU branch. The credit union brings you the loan documents needed to complete the process. This service saves time, gas and wear and tear on your vehicle. It's fast, easy and convenient. To apply for your low-interest credit union loan, visit www.oefcu.org, call the branch offices, or call (925) 829-4400 or (800) 877-4444.

Auto-pay discount makes boat and RV loans an even better deal

If you promised the family or yourself that you won't spend another summer without fishing or water skiing from your own boat or camping in your own RV, low interest rates make this a good time to put your plan into action. As with the credit union's affordable new- and used-vehicle loans, you receive a one-half percent annual percentage rate dis-

count by automatically deducting your loan payment from your account. Repaying your loan this way is convenient and timesaving. You don't have to stamp envelopes or remember to take your payment to the post office. Find more information on boat, RV, motorcycle and all-terrain vehicle loan rates and terms at www.oefcu.org or call any OEFCU branch office.

Save yourself time when you need it most

The start of the busy summer season means Local 3 members will look for ways to save time. Your credit union can help. For example, if you want to make an informed auto-buying decision and don't have time to go from dealer to dealer, the credit union's auto-buying consultant service can save you time and doesn't cost anything. For more information, click on the Auto Center link at www.oefcu.org or click on the credit union link from Local 3's Web site, www.oe3.org.

Enjoy some of the highest interest rates on certificates in the nation

Your credit union offers competitive products and services. Add that to its customer service and commitment to quality, and you can't lose. OEFCU's certificates of deposit go beyond the competition and offer some of the highest interest rates in the country, particularly on 24-, 36- and 48-month, long-term certificates. For more information, call (800) 877-4444.

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FRINGE BENEFITS

By Charlie Warren, Director

Living with diabetes

Some of the most important things to learn about diabetes are the ways it affects different areas of the body. Over time, high blood-sugar levels can damage nerves, eyes, teeth and gums, skin, feet, kidneys, heart and blood vessels and can cause a variety of complications. Low blood-sugar levels that get too low can also cause symptoms. That's why learning to self-manage diabetes is so important.

Things you can do to protect your body:

- Have regular checkups and preventive tests
- Keep blood pressure and cholesterol levels in target range
- Quit smoking
- Eat a healthy, well-balanced diet
- Get regular exercise

Surviving spouse coverage

If a retiree passes away, surviving spouses may continue hospital, medical and prescription benefits by making the necessary self-payments to the Trust Fund. The schedule of benefits for the surviving spouse is the same as when the retired employee was living. However, coverage for vision care, substance abuse and hearing aids is not included. Dental benefits may be obtained by paying the required contribution.

Local 3 offers burial expense benefit

A death benefit of \$2,500 is payable to the beneficiary of any Local 3 member in good standing, or to beneficiaries of participants in the Operating Engineers Health and Welfare plans.

A memo from our Health Care Division:

As we watch the events of the war on Iraq, we are saddened to see a familiar face, news correspondent David Bloom, added to the casualties. Bloom died of a complication that can affect any of us at any time – pulmonary embolism.

A pulmonary embolism or blood clot of the lung stops the flow of blood to a portion of the lung. This causes the affected lung tissue to "infarct" or die. Blood clots can form in the legs due to sedentary lifestyle or blocking the flow of blood back to the heart. This clot is called a deep vein thrombosis or DVT. A DVT can cause pain and swelling in your legs. If DVT is not treated, the clot can dislodge and travel to the lungs where it stops the flow of blood (like a dam blocks the flow of water). The harm this causes to the body depends on the size of the blood clot and where it lodges. Bloom had what is called a massive pulmonary embolism, which caused his death. Some people will report having shortness of breath or a small bruise-like appearance on their chest. All need to be treated by a physician.

Blood clots can form any time we sit for long periods of time. During the day you should take time to get off your piece of equipment or out of the car and walk around. Don't leave your legs crossed for extended periods of time. During long flights, remember to get up and stretch and walk to the restroom, even if just to stand. It is also a good idea to flex and extend your feet. This helps keep the venous blood "pumping" toward the heart, thereby decreasing the risk of clot formation. Remember, prevention is the key.

Stay healthy and strong,

Carin Ralls, RN
Candy Weiland, RN
Health Care Division

FRINGE BENEFITS SERVICE CENTER
(800) 532-2105



TECH NEWS

By Ed Wodzienski, Tech Engineers & Inspectors
Business Representative

Faces in the field



From left: Jose Gonzalez and Jeff Bosque are members of a Signet Testing Labs crew working at the Coalinga site.

A survey crew employed by Espinosa Surveying of Fresno works on the prison and hospital site in Coalinga. From left: Survey Party Chief Ignacio Ruiz, Chairman Al Rodriguez and Business Rep. Rob Jones.

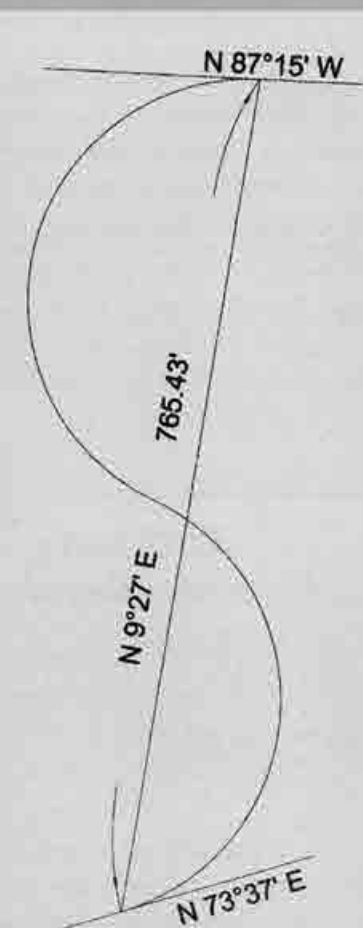
Brain teaser

Problem 39:

Calculate the radius for an equal radii reverse curve to join the two tangents from the given information.

Solutions to this month's brain teaser can be found at www.profsurv.com.

Brain teaser courtesy of Professional Surveyor magazine





RANCHO MURIETA TRAINING CENTER for Apprentice to Journey-level Operator

By Curtis Brooks, Director



No free rides

I would like to share a short story about free rides. We have heard the term "full-ride scholarship," and most of us would jump at the chance to get one. The Operating Engineers Apprenticeship Program, for all practical purposes, is a four-year and sometimes five-year, full-ride scholarship program.

When my son was young and ambitious, he entered college on a full-ride scholarship to play baseball. Three weeks into his educational career, I received an alarming call. "Dad, I want to quit," he said seriously. "They have me cleaning the grandstands, cleaning the locker rooms and participating in community service. When I asked the coach why I had to do this, the coach said to me that a full-ride scholarship did not mean a free ride."

I explained to him that it is OK to quit if you don't believe in what you are doing, but it is important to understand the school's position. Why would it award someone a free education but not expect him to understand or appreciate the responsibilities that are important for getting him there? The lesson my son learned was that the university had a social obligation to the community and that the lure of commitment of its players was directly proportionate to the donations from the community, whether in actual funds or support of legislation for education. He also learned that education always comes at a price.

Our apprentices receive education and support during their on-the-job training and supplemental related training, which is the agreement (scholarship) they signed up for. Local 3 Operating Engineers are involved in many social and political issues that address the concerns of our working men and women. From time to time, there will be requests for participation in precinct walking, phone banking and other activities. Please know that we appreciate all of your efforts, and thank you in advance, because as you are aware – there are no free rides.

CCO Tests for new candidates

2003 CCO Exam

June 29, Sept. 21, Dec. 14

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 information on the Practical Test dates.



Processors: A high-tech solution

In the late 1970s when I started this trade, calculators were the size of small briefcases, computers filled entire rooms and the terms "electronically controlled" and "processors" were foreign. It's now 2003, and even though we aren't living on the moon as predicted, we interact with electronics, processors and computers every day. The days of adjusting the points in the distributor or throwing on a new set of injector nozzles to make an engine run better are about over.

Electronics now control or monitor engines, transmissions, hydraulics, drivetrain and other systems on modern equipment. Notice that I refer to the controls as electronics or processors – not computers. There is a distinction. Processors are a group of electronic components assembled together to process information. A computer also contains electronic components and a central processing unit (CPU). You've heard terms like Intel Pentium III, Pentium 4 or AMD Athlon. These are names for the CPU. Most, if not all of the processors on modern equipment do not contain a CPU. They usually are simpler systems designed for a specific purpose.

Many mechanics are unfamiliar with electronic systems. They began appearing in the 1980s, and because they were fairly reliable, we didn't learn to fix them right away. But unfortunately they do break down, and that's where we come in.

Now that just about everything has some electronic connection, we as mechanics have to learn to use that to our benefit. In the 1970s, a control valve for an 8-speed, semi-automatic transmission on a 631 scraper, for example, was huge and weighed a couple of hundred pounds – not really – it just felt that heavy when you set it on your finger while trying to assemble it. When it went haywire, it just sat there; it didn't have the ability to help diagnose itself. Most, if not all processors today have some ability to identify and record key information to help the mechanic solve the problem.

Getting the information from a processor can be as simple as connecting the correct wires to each other and/or to a ground. But be careful, processors are sensitive. Another way is to connect a laptop computer through an interface (adapter) to the machine's data port. The software that comes with the interface lets you download valuable information to the computer or possibly adjust a setting that may fix your problem.

No matter how you feel about them, processors and computers are here to stay. They can make your life easier if you become familiar with them.

Next month: More computer talk.

Apprenticeship graduates

Operator	Branch of training	District	Completed
Brian Bogetti	Heavy Duty Repairman	Stockton	3/31/03
Vincent Haase	Construction Equipment Operator	Stockton	3/31/03
Matthew Duran	Vertical Hydraulic Driller	Fresno	3/24/03
Jesse Moreno	Construction Equipment Operator	Fresno	3/24/03
Joel Rogge	Construction Equipment Operator	Oakland	3/12/03
Jeffrey Jurickovich	Construction Equipment Operator	Yuba City	4/28/03
Robert Ramos III	Vertical Hydraulic Driller	Oakland	4/30/03
Samuel Anderson	Construction Equipment Operator	Sacramento	4/14/03
Maurice Kilpatrick	Construction Equipment Operator	Oakland	4/30/03
Ed Finsch	Construction Equipment Operator	Oakland	4/23/03
Adam O'Brien	Crane Operator	Oakland	4/30/03
Fred Torres	Plant Operator	Fresno	3/10/03



OE CAT

By Cindy Tuttle, Political Director

Proposition 42: politics, participation and pocketbooks

As state lawmakers deal with unprecedented budget shortfalls, transportation budgets across the nation are attracting the ax.

Utah's transportation budget narrowly escaped the chopping block, but other states have not fared so well. Utah's success can be attributed in large part to the OE CAT members who intervened and successfully lobbied to protect the funds. Now we're gearing up for a repeat victory, only this time in California.

In March we launched a lobbying campaign to protect Proposition 42, the measure that uses gasoline tax revenue for state and local transportation projects, the measure California voters overwhelmingly approved in November. The CATs and district representatives, accompanied by President and Asst. Business Manager John Bonilla and myself, kicked off the campaign with a visit to the state Capitol. We spent the day lobbying legislators and voicing Local 3's opinion on the issue. By the time we left that day, everyone knew that Local 3 was ready for the fierce fight ahead.

But we were told the odds were against us, in fact that we didn't have a chance because Prop. 42 includes a clause that allows California legislators to funnel appropriated funds back into the state's General Fund in the event of a crisis. The budget situation is considered a crisis, so even though California voters approved the measure, legislators can elect to redirect the funds by a two-thirds majority vote.

Legislators are now considering a budget proposal that down-sizes the state's transportation budget to about half of what it was last year. I don't need to tell you what kind of impact this

would have on construction jobs. And it has the potential to affect many other things like roadway safety, the state's business climate and economic infrastructure. We're fighting to protect Prop. 42 for these reasons.

It's a fight that exemplifies how politics directly affects our pocketbooks and demands our participation.

Every Local 3 member should fill out and mail the postage-

paid postcard inside the Prop. 42 Highway Robbery brochure mailed to you by the CATs (they are also available at every district office). The postcards will be gathered and sent to state legislators. As of late April, the California Alliance for Jobs had collected more than 8,500 postcards, with Local 3 members generating more than 5,500 of this total. This is great progress, but we need to send in more. Expect a reminder phone call from the CATs. They are phone banking construction members and retirees from every district office, reminding and encouraging them and other adult family members in the household to voice their opinion by mailing in a postcard.

We're also making appointments and talking face to face with legislators about the issue. The CATs and Local 3 district staff representatives are visiting state legislators' district offices, sending a powerful message that their constituents — the people who put them in office — are not happy that Prop. 42 money is being considered for non-transportation programs. Many legislators agreed to protect Prop. 42 as a result of these visits.

Take, for example, Assemblymember Manny Diaz (D-San Jose). Diaz agrees with our position on the issue, and he feels so strongly about it that he wrote a letter pledging he would not suspend Prop. 42. Further, he is circulating the letter among his Assembly colleagues, encouraging them to do the same. So far, 36 democrats and six republicans have signed his letter, and we're expecting more signatures. We've also received assistance from the highest ranks of state government: Lt. Gov. Cruz Bustamante penned his own letter of support and sent it directly to Gov. Davis.

This level of support is no small thing, brothers and sisters. Because our state officials are taking the initiative and rallying others to follow their lead, Prop. 42 stands a chance at the chopping block. Compared to where we were when the CATs first wrapped themselves around this lobbying effort, this is phenomenal. The CATs are making outstanding progress — we're 180 degrees from where we started — and we're only two months into our campaign.





Above: From left: The Manitowoc 4600 and the Bucyrus 480 draglines at the Syar Industries Madison, Calif., plant. At

Story and photos by Heidi Mills, associate editor

Two years ago it looked like nothing more than a huge pile of scrap steel. Now it is the largest functional dragline on the West Coast, and three Local 3 members use it to excavate about 450, 15-yard buckets of sand and gravel a day, six days a week.

The dragline operators work alongside about 30 other Local 3 operators and a number of laborers and teamsters at the Syar Industries Madison, Calif., plant near Cache Creek. Five other rock quarries are situated within a few miles of the Madison plant, as high quantities of valuable material lie far beneath the surface in that area.

The 300-acre plant has been bustling since 1952, and Syar estimates there is enough material to keep it running another 25 years.

With the addition of a second, extra-large dragline, the Madison plant has seen a significant increase in production – enough to run two 10-hour shifts for nearly two-and-a-half years. If the company could run more shifts it would, but to insulate its neighbors in the surrounding area from the noise, operation hours are limited from 6 a.m. to 6 p.m.

More than 60 percent of what the Madison plant produces is used to make concrete. It supplies a wide range of products, including aggregate (rock) products, ready mix concrete and asphaltic concrete (black top) material. The plant specializes in road chip products, a type of crushed, washed gravel that no other quarry around the creek produces.

A miraculous transformation

Supervisor and Dragline Mechanic Gene Yoder and 10-year member and Operator Ron Micetich have worked at the Madison plant since the dragline first arrived in pieces in 2001. They were part of the

Local 3 crew that assembled it, and today they are part of the three-member crew that runs the dragline with oiler and one-year Local 3 member Rick Hinson.

Yoder said he's proud of what they've accomplished in two years.

"I've learned that it's possible to put together and run something that looks like it's virtually impossible to put together," Yoder said.

Though it took more than one year to assemble the dragline, Micetich said it was a rewarding experience. It has also proven to be a helpful experience with regard to repairs and maintenance.

"Because we've been involved from the beginning, we know the machine from top to bottom," Micetich said.

One massive machine

From top to bottom, the Bucyrus 480 dragline weighs more than 1 million pounds. It is a massive, slow-moving excavating machine that uses a 15-yard bucket – almost twice the size of an average dragline bucket – suspended from cables attached to a 195-foot boom to scoop rock, sand and gravel.

With the correct boom angle, it can hoist up to 72,000 pounds.

The dragline is powered by a 1964 Alco 12 cylinder turbo-charged engine that features 1,300 horsepower. The fuel capacity is 1,500 gallons, and it uses about 500 gallons during the course of a 10-hour work shift, which works out to about 60 gallons an hour.

The engine and numerous other hefty, internal parts occupy the cab, including a 10,000-pound generator, five oil filters and a sprawling electrical control panel.

"There is nothing small about this machine," Hinson said. "The cab alone is bigger than my house."

Indeed, the cab is a roomy 2,200 square feet.

The cab sits on a 30-foot diameter rail circle that rotates, spinning the machine into almost any desired position. The rail circle and all other moving parts are kept mobile with an extensive grease system that encompasses pipes, pumps, nozzles, valves and grease guns. The system guzzles 55 gallons of grease at maximum capacity, and like every other part of the machine, it must be carefully monitored.

But overseeing such an enormous machine is no small task. The crew agrees that daily maintenance is their biggest challenge.

Yoder said that tracking down parts for a nearly 40-year-old dragline adds to the challenge. He said it's always difficult but sometimes impossible to find the parts.

"We have to make a lot of parts ourselves at the machine shop in Napa," Yoder said.

Other parts are tweaked or repaired inside the dragline's built-in shop – a small tool shed located just a few steps outside one of the cab's several doors. More than 20 compartments on the floor inside the cab provide access under the machine for repair and maintenance purposes.



Asst. Business Manager and President John Bonilla – a business representative at the Syar Madison plant in 1985 – addresses the Madison plant's current crew.

Work on West Coast



Left: Materials move along the 11,800-foot beltline.

When it's time to change out the clutch bands, the crew must carefully maneuver a crane inside the cab to carry the bulk of the load. A low radiator is also a major chore. Filling it requires the use of a hose from a borrowed city fire truck.

The dragline moves by walking on shoes that are six feet by 42.5 inches. On level ground, the length of its step is a little more than seven-feet long, and it moves backward only. This demands excellent communication between the groundsman and the operator, so the crew uses walkie-talkies to guide and direct the dragline's step and every move it makes, including the angle of the boom and the depth of the bucket.

It's designed to move at not quite half of 1 mph, so traveling long distances takes time. The operators found this out early when it took two full days for the dragline to walk about a quarter mile from where it was assembled (near the front of the plant) to where it was to begin digging at the Madison site (toward the back).

Deep beneath the surface

Before the dragline began digging in January 2003, scrapers combed the designated mining area, hauling away about 10 feet of topsoil and 12 feet of sand and gravel. Natural four-foot pools filled the area, as they do today, adding a refreshing splash of color to the dusty landscape of the pit.

To excavate material, the dragline digs into the pools to a depth of about 100 feet below the existing surface left by the scrapers. Operators know the depth of the bucket by the 10-foot white increment marks on the cable that holds it.

Working their way from side to side across the pit, the dragline picks thoroughly soaked loads. When the bucket is filled, the dripping material is dumped onto

a sloped dirt ramp where it can drain.

The first layer below the water is a mixture of sand and gravel. Next, about 12 feet down, lies the first layer of clay, which is anywhere from eight to 25 feet thick. Then the bucket hits about 65 feet of sand and gravel. Below this is the second layer of clay. This layer is the most difficult to get through because of the depth, and the dragline bucket is not designed to mine clay. About 100 feet beneath the second layer of clay is the sand. This is the most important layer used in making concrete.

Some of the dirt and gravel is turned into asphalt and road base material, but none of the clay is processed. Loaders push the clay back into the pond after the area is mined, creating a shallow habitat for wildlife in the area, such as geese and ducks.

Materials in motion

When the material has drained and the sun has dried it out, the loaders feed a hopper, which in turn feeds the beltline. The material travels from the pit to the plant on the beltline, a distance of about 11,800 feet. Electric motors drive the belt.

Once the material has completed the beltline journey, stackers feed the material either directly into the plant or onto a stockpile next to the plant. The stockpile is used to keep things moving during the noise restriction hours or in case something breaks down between the dragline and the plant.



Four-year Local 3 member Ron Swensen operates a skip loader.



From left: Operator Ron Micetich, Supervisor and Dragline Mechanic Gene Yoder and Oiler Rick Hinson stand inside of the Bucyrus 480's 15-yard bucket.

Plant Manager Jerry Schwab said when the belt runs, it moves about 1,000 tons of material per hour.

The concrete and aggregate materials are separated and then processed in different sections of the plant. Computers inside a control-room tower monitor the entire plant throughout this process. All materials are screened, washed and crushed, then stockpiled for sales.

Digging into the future

Trucks haul the finished product to customers across Northern California. The products are used to build highways, bridges, homes, churches, hospitals, shopping malls, parks, bicycle paths and are also delivered to do-it-yourself homeowners for backyard patios, pools, tennis and basketball courts.

In its more than 50 years of operation, the Madison plant has furnished concrete, sand and rock for numerous large projects like the Golden Gate, Benicia, and Martinez bridges, I-505 and I-80 as well as smaller projects, including residences, businesses and shopping centers.

It will continue to serve as one of the leading suppliers of high-quality material as long as there is a demand for the products and

material beneath the surface.

When its resources are depleted, Syar said it will donate the land to the county, which plans to use it as a lake for recreational purposes.



From left: District 80 Business Rep. Justin Diston and Loader Operator Ryan Burns give a proud Local 3 wave.



ORGANIZING

By Bob Miller, Local 3 Vice President

Workers win big in District 10

Local 3 continues scoring big victories with ongoing organizing efforts – this time with workers employed by Empire Waste Management (EWM) in Santa Rosa, Calif. In late spring of this year, 151 production and maintenance workers and mechanics voted overwhelmingly for Local 3 representation.

Organizing Department and District 10 staffs worked jointly on this six-week organizing campaign. Their cooperation and coordination of activities exemplified the teamwork that has become the hallmark of Business Manager Don Doser's administration. Working day and night, this team overcame an aggressive anti-union campaign run by EWM.

Waste management workers were tired of the favoritism shown by management in making job assignments and giving raises. They were tired of being talked down to or ignored



Organizer Art Loya and Bottom-Up Organizing Director Todd Doser debrief Empire Waste Management employees after they "marched on the boss."

when voicing legitimate concerns, and unsafe trucks and equipment were a big concern. The central issue was the lack of respect the employer gave the workers. Early this year, EWM workers turned to Local 3 for assistance in gaining a voice at work.

Our campaign grew quickly as workers were tired of being treated like second-class citizens. In no time, a majority of workers "marched on the boss," demanding that EWM recognize Local 3 as their representative. As had previously been the case when they voiced their concerns, the door was literally

slammed in their face. Local 3 then petitioned the National Labor Relations Board for a representation election. EWM quickly brought in a high-priced consultant and a union-busting law firm in an attempt to deny workers their right to representation. Their conduct was shameless and unrelenting. One worker was unjustly fired, others were harassed and received unfavorable work assignments. Numerous captive-audience meetings were held where EWM's consultant tried to scare workers into rethinking their need for representation.

Workers saw the heavy-handed tactics as a continuation of the employer's lack of respect, and they quickly saw through the consultant's lies about unions. Support for the union continued growing – it culminated with Local 3 winning the election with a solid majority of votes.

My hat is off to EWM workers for standing up for their rights, and thank you to the district and Organizing Department staffs for their successful campaign. Local 3 is prepared to start contract negotiations as soon as possible to give the 151 workers what they want – respect on the job!



Above: Bottom-Up Organizing Director Todd Doser and Organizer Art Loya speak with EWM's consultant.

At left: Empire Waste Management employees "march on the boss."

FROM YUBA CITY

Weather controls project schedules

We thank the Operating Engineers Community Action Team members who volunteer their time for Local 3 in District 60. With your efforts, we can make a huge difference.

Work slowly begins again and weather permitting, it will continue as we progress into the hot season. As construction companies gear up for the season, work commences for Holt Equipment. Patterson Sand and Gravel added a new portable plant for production and works two shifts. The Norcal Waste companies - YSDI, Oroville Solid Waste and Western Placer on McCourtney Road - pre-

pare for the summer months.

Baldwin's Hallwood plant prepares for the \$11.2 million Hwy. 99 project. Weather permitting, the job began in April or May. Baldwin won the Marysville Road widening and cold-foam overlay job. This project should start in early May. Baldwin's \$7.5 million Quincy Rehab project began in May, weather permitting.

Teichert's new plant on Hammonton-Smartville Road closed because of weather, but the company kept the hands working all winter. Rockford Pipeline kicked-off a 26-mile, 30-inch pipeline job from Delvin Refuge to Gridley. Scott

Company and Bragg Crane started the compressor station job at Wild Goose in Gridley. This project should keep our hands busy throughout the season. Mallcraft won the \$8 million Chico State University joint trench project.

Other companies gear up for the new season, including Peterson Tractor, Teichert's Hallwood plant, SRI in Marysville (with talks of a new plant), and Eagle Aggregates in Oroville readies its new plant. DeSilva Gates worked its pre-job with Local 3 for the \$14.4 million Hwy. 70 project and weather permitting, more work on the project starts in May.

FROM EUREKA

Mayor helps Eureka win prevailing wage

Eureka's signatory employer Contri Construction won the \$3.2 million Mad River Parallel Water project. This in itself is not special, but the circumstances leading up to the contract - which was awarded as prevailing wage - are noteworthy.

The project was not originally a prevailing wage project because it belonged to the city of Eureka, a charter city, which means Eureka can circumvent prevailing wage. Eureka District Rep. Brian Bishop, along with Rich Carey of the Foundation for Fair Contracting and Sid Berg, the business representative for the Plumbers Local 290, met with city officials to make it clear we wanted a director's determination. According to the state of California, a director's determination requires cities like Eureka to pay prevailing wages for jobs like this.

The negotiations went nowhere, so we contacted Mayor Peter LaVallee. Local 3 supported LaVallee in the election, and he won by 42 votes. Our Operating Engineers Community Action

Team (OE CAT) members phone banked for him in the Eureka dispatch office - he did not forget this.

What LaVallee did for us regarding the Mad River project was neither illegal nor underhanded. After we talked to him, he promptly told the city attorney to meet with us. The time, energy, work and contributions Local 3 members put into LaVallee's campaign was paid back in full by this single request. We met with the city attorney and explained why the Mad River project should be awarded as a prevailing wage job. While he was not happy, he endorsed our position.



Vice President Bob Miller addresses members at the Eureka District meeting in April.

The difference between Contri Construction and the second bidder on this project was less than \$200,000. Without LaVallee's help, this job would have gone non-union. Another important note: When this project was initially up for bid, the owners of a signatory employer brought it to our attention - just another way we work with our

signatory employers to ensure our members and employers secure more jobs. Our local contractors picked up some work in the area, but they find stiff competition from the local non-union contractors. Bill Sheppard, Granite, Mallcraft, Mercer Fraser and Wahlund Construction secured a few jobs but had to sharpen their pencils to do so.

American Civil Construction and West Coast Bridge Joint Venture move support equipment such as office trailers onto the Samoa Bridge worksite, but it will be awhile before the hiring begins. This \$22 million retrofit project is a high-cost job but requires only six to eight operators.

Rocky Leroy conducted Eureka's Retiree Association meeting April 29. OE CAT coordinators Theresa Reclusado and Katie Villegas talked about the merits of the CAT and how retirees can contribute to Local 3 by participating in the program. Retirees and members can walk precincts, stuff envelopes, place signs and attend city council meetings. Vice President Bob Miller reported the status of work throughout the jurisdiction. Foundation for Fair Contracting Director Jim Aja and Fringe Benefits Department Representative Cathi Monroe covered their respective group's activities. Our new organizer, Sam Camp, introduced himself and told the members he looks forward to working with them. The speakers gave presentations later that evening at the district meeting.

A couple of the retirees had not seen each other in 10 years. Retiree Louie DeMartin phrased it best when he said one of the best reasons to attend meetings is to see old friends and work mates.

Apprentices vital to Local 3 prosperity

Work in the Eureka District is the same this year as it was the last couple of years - slow. We are down to six apprentices in the district, and two of those six work outside Humboldt and Del Norte counties.

On another sour note, we still have journey-level operators in the industry who do not want to teach the apprentices. These operators believe the apprentices might replace them or they think, "let them learn the hard way like I



Members at the April Eureka District meeting listen to an explanation of the work picture.

did." Local 3 deals with too many other problems like fighting the anti-union movement and other crafts who want to take our work to fight amongst ourselves. We should teach these young people how to do it right.

Many operators nearing retirement do not realize who pays for their health care, welfare and pension upon retirement. These older operators believe they paid for themselves when they actually paid for those who preceded them in their retirement. The young operators just starting in the trade carry a major percentage of the retirees' coverage.

Look at the Operating Engineers Community Action Team (OE CAT) started by Business Manager Don Doser. Who makes up the majority of this program? It is the apprentices. What the CATs do now in organizing, politics and training will keep Local 3 alive and healthy in the future. Our union's leaders of tomorrow are in the apprenticeship programs today.

Everyone in our apprenticeship program will not make the grade. How can you be sure the cream of the crop rises to the top? Give the apprentices a fair shot and grade them fairly. If it was your son or daughter, you would be hard on them, but you would help them make the grade. You should consider these apprentices as family and help them succeed.

The most valuable thing we have to offer our signatory employers is skilled operators. Without skilled operators we are just another hiring hall, contributing sub-standard operators and hoping employers provide enough training for them to hold down a job that will eventually pay minimum wage. Without a proactive apprenticeship program, Local 3 will cease to exist.

FROM SACRAMENTO

Operators optimistic despite rain delays

It was still raining at the end of April. When the contractors get fired-up, it rained again. Hopefully everyone will be working when this report is published.

Granite rolls on I-80 above Truckee to Floriston. The job costs an estimated \$86 million and covers about 12 miles of highway and numerous bridges. Granite employs 25 to 30 operators, substitutes not included.

Many have inquired about I-80

where Kiewit previously worked. To our understanding, nothing will happen on the stretch this year, but it opens for bidding in October. Anticipated start-up is spring 2004. The project has about \$40 million left before completion.

Another project we continue investigating is the American River project, which involves water treatment work, sewer and flood control and the pump station. The project site is on the north fork of the

American River outside Auburn where nearly 400,000 cubic yards of alluvial material and about 85,000 cubic yards of rock lie along a three-quarter mile section of dried riverbed. Numerous signatory employers bid for this project.

Teichert kicks assets into play with about \$300 million in Sacramento, \$150 million in Woodland and \$85 million in Lincoln.

We welcome District 80's

newest addition, 21-year member **Dan Reding**. He will cover Yolo County. We congratulate **Richard Marshall** on his promotion to assistant district representative. Please welcome and congratulate both members on their new positions.

Former Asst. District Rep. **Bran Eubanks** transferred to the Yuba City District office.

The work picture looks good this year, brothers and sisters. Have a safe and prosperous season.

FROM REDDING

Redding receives high profile contractor

District Rep. **Jim Horan** and Redding District staff welcome **Dalecon Construction** to the Local 3 family of contractors. Dalecon is a major player in the Redding District with such high-profile jobs as the new Aquatic Center, Big League Dreams Sports Complex and the Clover Creek Drainage projects. The company provides opportunities for our brothers and sisters to work at home. We will sign 18 new members with Dalecon and as many as 50 jobs for current members.

We thank the Operating Engineers Community Action Team (OE CAT) for their hard work phone banking for Proposition 42. **Jeff Jones**, his apprentice crew and the CAT

members and captains spent many hours on the phone for the membership.

The work picture looks pretty good as **JF Shea** starts jobs throughout the district. **Ford Construction** finishes a job in Herlong. **Teichert** starts a job on Hwy. 395 in Lassen County that will run about one-and-one-half years. **Meyers Earthworks** works the Shasta County Fairgrounds and Shasta County Landfill. **Stimpel-Wiebelhaus** continues work on the Iron Mountain Mine. **Tullis & Heller** got the Red Bluff overlays and Sports Complex access road. **Ron Hale Construction** works with **JF Shea** and **Tullis & Heller** on a dig-out job on I-5.

Thanks to Caltrans for its hard work and long

hours spent clearing the roads for our families this winter. We do not always think about how much time is spent keeping our roads safe.

Anyone who did not get the Prop. 42 mailer, we have additional copies at the union hall, so please come by or call to get one. Please fill them out and mail them in. We are in yet another fight to save our work. It doesn't matter if you are Democrat or Republican, please write or call your state senator and assemblymember. Remember: It's your livelihood you will save.

We remind everyone about the District 70 picnic June 28 at Anderson River Park. We hope to see everyone there.

Have a safe and prosperous year.

FROM WYOMING/SOUTH DAKOTA

Members prize district meeting, CAT retreat

District 15 held its Semi-Annual meeting and barbecue at the Casper hall March 30. More than 50 members and their families attended and enjoyed great prizes and the wonderful spirit of brotherhood. Door-prize winners included:

- * **Bob Bridgewater**, black "Dog Eat Dog" Local 3 T-shirt
- * **Scott Dunlap**, \$500 gift certificate to Circuit City
- * **Rudy Munoz**, \$25 gift certificate to Poor Boys Restaurant
- * **Edward Plummer**, \$500 gift certificate to Circuit City
- * **Frank Trujillo**, two movie passes
- * **Dwight Wicker**, \$20 gift certificate to Ego Trip Salon
- * **Scott Yunko**, white Local 3 T-shirt

Business Manager **Don Doser** and President and Asst. Business Manager **John Bonilla** conducted a videoconference presentation, which was well-received by the members, as was the speech by San Francisco Mayor **Willie Brown**. The District 15 staff thanks our members for their patience and understanding regarding our temporary technical difficulties.

The next District 15 Semi-Annual meeting and barbecue is Sept. 14. We invite all District 15 members, friends and family to join us for the food and fun.

Executive Board report

By **Lloyd Welty**, District 15 executive board member

This year's Operating Engineers Community Action Team (OE CAT) retreat was held in Oakland, Calif., the same weekend as the Semi-Annual. One issue discussed at the retreat was how the OE CAT helped elect labor-friendly candidates to state office, including Wyoming Democratic Gov. **Dave Freudenthal**.

District 15's Grievance Committee, with support from members, picked candidates to interview and decided who to support. The committee then sent its selections to the CATs, who participated in these candidates' activities, such as precinct walking, phone banking or whatever else the candidates needed to do to get elected.

District 15's Grievance Committee took another positive step this year by participating in the Adopt-A-Highway program with the Wyoming Department of Transportation (WYDOT). The committee beautified two miles of I-80 east of Rock Springs, and in turn, WYDOT will place a sign at each end of the two-mile section, stating it is maintained by Operating Engineers Local 3.

Thank you to **Scott Norris**, **Daniel Estes** and **Mark Urruita** for serving on the Grievance Committee.

FROM NEVADA JAC

Nevada JAC hosts open house

Northern Nevada's Operating Engineers Joint Apprenticeship Committee invites Local 3 officers, members and their families for an open house and barbecue Friday, June 27 and Saturday, June 28 from 10 a.m. to 2 p.m.

We are proud of our progress at the new training facility. We will provide shuttle service from the union hall to the training site in Wadsworth.

Call (775) 575-2729 for more information.



Departed Members

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

Akutagawa, Tad	Waimanalo, HI	04-12-03
Alberti, Verio	Ceres, CA	03-30-03
Amaral, Antone	Rio Vista, CA	04-15-03
Andrade, Ramon	Napa, CA	02-28-03
Beckham, Wayne	Sacramento, CA	03-26-03
Benz, Edward	Shasta Lake, CA	04-05-03
Brazil, Mike	Tulare, CA	04-15-03
Brown, John	Santa Cruz, CA	03-14-03
Burton, Marvin	Eureka, CA	03-30-03
Carey, James	Corning, CA	03-31-03
Chacon, Louis	Ogden, UT	03-31-03
Epps, Curtis	Clearlake Park, CA	03-27-03
Fowles, Earl	Roosevelt, UT	03-26-03
Gardner, Verlin	Reedley, CA	04-01-03
Glispey, Billy	Salinas, CA	03-26-03
Hall, Roger	Auburn, CA	03-06-03
Hall, Ernie Jr.	Belmont, CA	03-22-03
Hastings, Orville	Orangevale, CA	03-13-03
Haverson, Ralph	Modesto, CA	03-18-03
Henrie, Alan	South Jordan, UT	04-01-03
Hughes, Andrew	Oakland, CA	04-03-03
Klein, Joseph	Concord, CA	04-12-03
Lambott, Jimmie	Burns Flat, OK	03-26-03
Lara, Lenny	San Jose, CA	12-08-02
Lowry, Robert	Columbia, CA	04-03-03
Markus, William	Santa Clara, UT	04-01-03
Marr, Robert	Kelso, WA	03-26-03
McHenry, Richard	Blairsville, GA	04-05-03
McNeilly, David	Sparks, NV	04-15-03
Meakin, Thomas	Oroville, CA	04-16-03
Melick, Bob	Parker, AZ	03-28-03
Miller, Alva	Pleasant Hill, CA	03-28-03
Nelson, Robert	Fernley, NV	04-17-03
O'Brien, William	Saint David, AZ	04-11-03
Oguma, Edward	Pahoe, HI	03-29-03
Oleary, R	Placerville, CA	03-02-03
Prindible, John	Pleasant Hill, CA	03-26-03
Raine, Jesse	Elko, NV	03-30-03
Sanders, George	Kearns, UT	04-03-03
Stevens, Edward	Waianae, HI	03-26-03
Vaars, Francis	Lakeport, CA	03-16-03
Windham, J	Greenville, CA	04-03-03
Woolman, Preston	Healdsburg, CA	03-11-03
Zampa, Ronald	Napa, CA	04-08-03
Zwicky, Jack	Neosho, MO	01-11-02

Deceased Dependents

Berchtold, Toni Lynn, wife of Berchtold, Gary	04-21-03
Solberg, Cynthia, wife of Solberg, Nelson	02-01-03

HONORARY MEMBERS

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

Robert Bruce	1308976	J. A. Diaz	1155603
Fred Campbell	1305582	Joseph Espiritu	2019489
Angelo Deghi	1265130	Allen Roberts	1148477
George Delchiaro	1014460	Edwin J. Sondgroth	1243015
George Demello	1270915	Peter M. Thornton	1027871

3RD ANNUAL RIDE TO RENO



Rev up your engines!

Bikers, join your fellow Local 3 members who, for the third year, will ride in style across the California-Nevada state border from Sacramento to Reno.

Meet at the District 80 office Saturday, July 12 at 8 a.m. The journey starts there and ends at the Reno District picnic.

Make your own reservations if you plan to stay overnight.

3rd Annual Ride to Reno T-shirts are available for \$23.50. For more information about the ride, or if you would like a T-shirt, contact Theresa Reclusado at (916) 257-6963.

June Picnic Information

District 04 – Fairfield, CA

Date: Sunday, June 8
 Time: 11 a.m. – 4 p.m.
 Location: Pena Adobe Park, Vacaville
 Cost: Adults - \$10; No charge for children and retirees.
 Menu: Barbecue tri-tip, beans, hot dogs, salad, bread and assorted beverages.

Come enjoy raffle prizes and a jumper for the kids! Please contact the district office at (707) 429-5008 for more information.

District 17 – Honolulu, HI

Date: Sunday, June 8
 Time: 9 a.m. – 2:30 p.m.
 Location: Sand Island Beach Park, Honolulu
 Cost: Free
 Menu: Combination Bentos – Teri beef, fried chicken or mahi-mahi; rice, salad and beverages.

Join us for entertainment, games, prizes and lucky number drawings. Please contact the district office at (808) 845-7871 for more information.

District 20 – Oakland, CA

Date: Sunday, June 22
 Time: 10:30 a.m. – 3:30 p.m.; food served at 12 p.m.
 Location: San Leandro Marina, Seagull area
 Cost: Adults - \$10; Retirees - \$5; No charge for children younger than 12 years.
 Menu: Tri-tip, chicken, hot dogs, chili, salad, rolls, ice cream, beer, soft drinks and water.

It will be a fun day with a raffle, horseshoes and activities for children. Please contact the district office at (510) 748-7446 for more information.

District 70 – Redding, CA

Date: Saturday, June 28
 Time: 11:30 a.m. – 2:30 p.m.
 Location: Anderson River Park, Anderson
 Cost: Adults - \$10; Retirees - \$6; Children - \$4; No charge for children younger than 6 years.
 Menu: Barbecue beef, beans, salad, fruit, ice cream and refreshments.

Please contact the district office at (530) 222-6093 for more information.

District 10 – Rohnert Park, CA

Date: Sunday, June 29
 Time: 11 a.m. – 3 p.m.
 Location: Founder's Grove, Sonoma County Fairgrounds, Santa Rosa
 Cost: Adults - \$10; Retirees - \$5; No charge for children younger than 12 years.
 Menu: Tri-tip, hot dogs, chili and beans, bread, salad, all the beer and sodas you want, cake and coffee.

There will be a huge raffle, music, and politicians from local, city, state and federal levels to meet with the membership and talk with them one-on-one. Come out and enjoy good food, good music, a jumpy-jump for the children, good company and fun in the sun. Call the district office at (707) 585-2487 to reserve your tickets.

DISTRICT PICNIC SCHEDULE

DISTRICT	DATE	
Fairfield	Sunday, June 8	
Honolulu, HI	Sunday, June 8	
Oakland	Sunday, June 22	
Redding	Saturday, June 28	
Rohnert Park	Sunday, June 29	
Reno, NV	Saturday, July 12	
Sacramento	Sunday, July 20	
Burlingame	Sunday, July 27	
Stockton	Sunday, August 3	
San Jose	Sunday, August 10	
Casper, WY	Saturday, August 23	

ANNOUNCEMENT

Free gradesetting and gradechecking classes for OE3 members are held every Tuesday from 6:30 p.m. to 8:30 p.m.

San Jose Hall
 760 Emory Street
 San Jose, CA
 Instructor: Dennis Garringer

North County Recreation
 & Park District
 11261 Crane St.
 Castroville, CA
 Instructor: Joe Pena

Call (408) 295-8788 for more information.

DISTRICT MEETINGS

JUNE 2003

5th District 20: Martinez, CA
 Plumbers 159
 1304 Roman Way

6th District 90: Watsonville, CA
 Ramsey Park
 1301 Main St.

9th District 17: Kauai, HI
 Kauai High School Cafeteria
 Lihue, HI

10th District 17: Honolulu, HI
 Washington Inter. School Cafeteria
 1633 So. King St.

11th District 17: Maui, HI
 Maui Beach Hotel
 170 Kaahumanu Ave.
 Kahului, HI

11th District 10: Ukiah, CA
 Discovery Inn
 1340 N. State St.

12th District 17: Hilo, HI
 Hilo ILWU Hall
 100 W. Lanikaula St.

13th District 17: Kona, HI
 King Kamehameha Kona Beach Hotel
 75-5660 Palani Rd.
 Kailua-Kona, HI

29th District 40: Eureka, CA
 Red Lion Hotel
 1929 4th St.

30th District 70: Redding, CA
 Engineers Building
 20308 Engineers Ln.

31st District 60: Oroville, CA
 The Depot
 2191 High St.

AUGUST 2003

14th District 01: Burlingame, CA
 Machinists Hall
 1511 Rollins Rd.

20th District 15: Rock Springs, WY
 Holiday Inn
 1675 Sunset Dr.

21st District 50: Fresno, CA
 Cedar Lanes
 3131 N. Cedar

21st District 12: Salt Lake City, UT
 Engineers Building
 1958 W. N. Temple

28th District 11: Reno, NV
 Engineers Building
 1290 Corporate Blvd.

All meetings convene at 7 p.m.

JULY 2003

10th District 80: Sacramento, CA
 Engineers Building
 4044 N. Freeway Blvd.

17th District 30: Stockton, CA
 Italian Athletic Club
 3514 Cherryland Dr.

17th District 04: Fairfield, CA
 Engineers Building
 2540 N. Watney Way

Reminder: Bring your membership card

Rec. Corres. Secretary Robert L. Wise reminds you to carry your current Local 3 membership card as proof of your good standing and membership with Local 3. This card allows you to participate and vote at meetings.



2003 Election Committee Members

Standing from left: Rec. Corres. Secretary Rob Wise; Bob Yturiaga, District 11; Virgil Blair, District 12; Jerry White, District 60; Don Patton, District 15; Pat Shanklin, District 30; Jack Short, District 04; Abe Sousa, District 40; Gary Morthole, District 80; Bob Taylor, District 90; Gil Anderson, District 20; and Don Incardona, District 99. Seated from left: Leon Calkins, District 10; Sonny Bergau, District 17; Tom Hester, District 70; Ray Parres, District 01; and Terry Farris, District 50.

OFFICIAL ELECTION NOTICE

NOMINATION RULES FOR THE ELECTION OF OFFICERS AND EXECUTIVE BOARD MEMBERS

Recording-Corresponding Secretary Robert L. Wise, in compliance with the Local Union Bylaws, Article XII, Section 2(b), publishes the following notice:

* NOTICE OF RIGHT TO NOMINATE

Article XII, Elections, Section 2(i)

Eligibility of Members to Nominate: Every Member of the Parent Local Union and its Sub-divisions (except the Registered Apprentice Sub-division), who is not suspended for non-payment of dues preceding the first nominating meeting shall have the right to nominate.

* NOMINATION FORMS

Article XII, Elections, Section 2(e)

Nominations shall be in writing and signed by one or more nominators giving each nominator's Social Security Number and Register Number in the form following:

SINGLE NOMINATOR

I hereby nominate _____ Register No. _____

Social Security No. _____ - _____ - _____, for _____
(Insert Office or Position)

Signature _____ Social Security No. _____

Register No. _____ PRINT Name _____

MULTIPLE NOMINATORS

We hereby nominate _____ Register No. _____

Social Security No. _____ - _____ - _____, for _____
(Insert Office or Position)

Signature _____ Social Security No. _____ Register No. _____

_____ Social Security No. _____ Register No. _____

_____ Social Security No. _____ Register No. _____

* NUMBER OF NOMINATORS REQUIRED

Article XII, Elections, Section 1(a)(b)

The minimum number of eligible nominators required for a candidate for office based on the Local Union Membership (excluding Registered Apprentices) on February 28, 2003 of 37,284 members is thirty-eight (38).

Article XII, Elections, Section 1(c)

The minimum number of eligible nominators required for district member of the Executive Board is one (1).

NOMINATION MEETINGS FOR THE 2003 ELECTION OF OFFICERS AND EXECUTIVE BOARD MEMBERS

* The time and place of the regular and special-called district meetings where nominations will be made:

All meetings convene at 7 p.m.

Monday, June 2

District 04
Special-called meeting
Engineers Building
2540 N. Watney Way
Fairfield, CA

Tuesday, June 3

District 50
Special-called meeting
Cedar Lanes
3131 N. Cedar
Fresno, CA

District 40
Special-called meeting
Red Lion Hotel
1929 4th St.
Eureka, CA

District 11
Special-called meeting
Engineers Building
1290 Corporate Blvd.
Reno, NV

Wednesday, June 4

District 80
Special-called meeting
Engineers Building
4044 N. Freeway Blvd.
Sacramento, CA

District 70
Special-called meeting
Engineers Building
20308 Engineers Ln.
Redding, CA

District 12
Special-called meeting
Engineers Building
1958 W. N. Temple
Salt Lake City, UT

Thursday, June 5

District 30
Special-called meeting
Italian Athletic Club
3514 Cherryland Dr.
Stockton, CA

District 20
Regular district meeting
Plumbers 159
1304 Roman Way
Martinez, CA

District 15
Special-called meeting
Engineers Building
4925 Wardwell
Industrial Dr.
Casper, WY

Friday, June 6

District 90
Regular district meeting
Ramsey Park
1301 Main St.
Watsonville, CA

Monday, June 9

District 17
Regular district meeting
Kauai High School
Cafeteria
Lihue, HI

District 60
Special-called meeting
Sutter-Yuba Board of
Realtors
1558 Starr Dr.
Yuba City, CA

Tuesday, June 10

District 17
Regular district meeting
Washington Intermediate
School Cafeteria
1633 S. King St.
Honolulu, HI

District 01
Special-called meeting
Machinists Hall
1511 Rollins Rd.
Burlingame, CA

Wednesday, June 11

District 17
Regular district meeting
Maui Beach Hotel
170 Kaahumanu Ave.
Kahului, HI

District 10
Regular district meeting
Discovery Inn
1340 N. State St.
Ukiah, CA

Thursday, June 12

District 17
Regular district meeting
Hilo ILWU Hall
100 W. Lanikaula St.
Hilo, HI

Friday, June 13

District 17
Regular district meeting
King Kamehameha Kona
Beach Hotel
75-5660 Palani Rd.
Kailua-Kona, HI

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 RENT: Clearlake vacation rental. 2bd/2ba. Sleeps 6 people. Boat dock and two decks and game room, ping pong, air hockey. 530-432-0667 or cell 530-902-2307. Reg. #0892694

FOR SALE: '93 Ford F150 XLT lighting short bed truck. Air, PS/PL/PW, cruise, tano cover, MSDS electronics. Lightning motor, matches Vin #. \$4700. '90 K5 silverado blazer. V8, 5.7 liter, loaded, 4W dr. \$5000. (925) 449-6013. Reg. #2417818

FOR SALE: 1996 Lincoln Towncar, executive series, 98K miles, white w/gray leather interior, loaded, excellent condition and maintenance record. \$8,900/obo. 209-838-1334. Reg. #982900

FOR SALE: 1952 Willy's Jeep M38A1. Owned since '80. Garaged and used in parades. Manuals, box of spare parts. Brakes one yr old. Rebuilt transmission. \$6,000. MROSSI1207@AOL.COM or 650-591-2278. Reg. #0643062

FOR SALE: '98 Windsport 33SL, 460 Ford large slideout, low mileage, as new condition, CB, backup camera, 2 TV's, queen bed steer safe, tow car hookup w/brake. Tow car included in sale, equipped w/Remco TX pump and stowmaster hitch. Tow car brake also A-1 condition. 408-448-4158. Reg. #0848394

FOR SALE: Double wide mobile-home set on permanent foundation on one acre lot. Roof and double garage added on to house, well landscaped, front and rear decks, authentic and original log cabin on property. Best fishing and hunting in Utah. 435-848-5662 or 435-528-5684. Reg. #0863715

FOR SALE: 1987 Aljo-Alliance 5th wheel trailer, 26ft. Fully self-contained. Very good condition. \$5,500. 916-988-3658. Reg. #584775

FOR SALE: 1996 Rexhall Aerbus - 28' widebody Class A motorhome, fuel injected 460 Ford engine, low mileage, loaded, non-smoker/pets, illness forces sale. \$43,900. 925-280-1722. Reg. #0879535

FOR SALE: Remote very private, 18.9 acres 3200elv. No elec or phone, 2 older mobiles, both rented. 3bd/2ba and 2bd/2ba, with decks, metal roofs, generator sheds, above grd 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: 5th wheel trailer, 1999 New Vision Ultra, 36 feet, 3 slide outs, queen bed, TV/VCR, stereo, full size microwave, full size sink, dual power water heater, washer/dryer hookups, sage green décor. Trailer is very clean. Too much to list! \$26,500/obo. 530-271-5667 or 209-815-3260. Reg. #2266774

FOR SALE: Waverunner, 2000 Yamaha XL 1200, Limited Edition 3 seater, very clean, very fast, Tahoe legal, with trailer. \$7,000. 916-772-5925. Reg. #1795597

FOR SALE: 2002 Yamaha YZ426F motorcycle, low hours, well maintained, never raced. Bike is very fast and fun to ride. Located in Northern California. \$4,700/obo. 530-436-0129 or 530-340-0423 or e-mail at vargofam@earthlink.net. Reg. #2479931

FOR SALE: 1995 Itasca Suncruiser 30ft, 454 Chev. Engine, 18,000 miles. Like new. Fully equipped. Non-smoking. Purchased new. \$37,250/obo. 707-693-1507. Reg. #1079788

FOR SALE: Thousand trails gold membership. Nationwide, Canada, etc. Best offer. 415-363-1077. Reg. #1098506

FOR SALE: 1988 26ft honey class A motorhome, low mileage, best offer. Also have a gold thousand trails charter membership that covers coast to coast, Canada, etc. Sell together or separately. 650-363-1077. Reg. #1098506

FOR SALE: Trojan Cabin Cruiser, 25', 1973, new rebuilt 350hp, new rebuilt Velvetdrive transmission, full "CLOSED-IN" Delta canvas, galley & head, 35 gal. fresh water tank, 3 new batteries, new Raytheon L470 fishfinder, new heavy duty live bait bag w/aerator, new duel mount extra large bait/fillet/cooking table, new 25' pressure coil hose. Ready for a GREAT FISHING TRIP or a RELAXING FAMILY CRUISE. Presently berthed in Sacramento, CA. \$10,950/obo. 530-878-8941 or e-mail tincapps@ncws.com. Reg. #0883620

FOR SALE: 1986 (Class A) Holiday Rambler Imperial Motorhome - 33', 454hp, 6.5 Onan gen., 1500 watt inverter, new fridge/freezer, separate ice maker, Stor-Mor weather proof luggage carrier, 2 roof AC with axle with MOR/RIDE suspension, Positrim Front Suspension w/stabilizer bar, Auxiliary Start Switch, Driver side door, Rear Vision camera, trailer hitch, PS/TW/CC, 81,796 miles. \$24,000. 530-878-8941 or e-mail tincapps@ncws.com. Reg. 0883620

FOR SALE: 95 acre gentleman's ranch; horse boarding, hunting, fishing, 5 acre lake, and 4 ponds on property. Approx. 5000 sq/ft house, with 2 barns/stables (120'x30') and (50'x14') and 10 acres in alfalfa. Adjoining Forest Service land on 2 sides and located at the foot of the Sierra Nevada Mountains. Only 20 miles from the Reno-Tahoe International Airport. Reduced to \$960,000. 775-677-1710. Reg. #0925055

FOR SALE: 1988 Mallard (Class A) Motorhome - 34' 454 Chev engine. 63K miles, 6.5 Onan generator. Central Heat/Air, queen bed, driver door, 2 air on top, awning, TV, new refrigerator, new tires. "Illness forces sale at reduced price". \$16,000. 530-743-9930. Reg. #0742638

FOR SALE: 2001 Damon Intruder Motorhome, 36', two slides with awnings, 7000kw generator, hydraulic jacks, back up camera with audio, side by side refrigerator/freezer w/ice maker. 2-19" TV/VCR's, convection/micro combo, electric awning, 2-AC units, all options. 5,200 miles, \$75,000. 928-342-0694 or e-mail glen-french@digitaldune.net. Reg. 2223009

FOR SALE: 1999 Toyota 4Runner SR5, 2wd 3.4L V6 with auto trans., white with blue/gray interior, power windows and locks and mirrors, AM/FM/in-dash CD, rear seat heater, privacy glass, remote locks and rear window, extremely clean in and out. Clear title. Low \$14,500 due to 89K miles, but looks and runs like 30K miles. 510-886-4274. Reg. #2182295

FOR SALE: Sewing Machine - PFAFF 7550, built-in dual feed, needle threader, free arm, bobbin alert, child safety lock, has 7 different languages, 48 utility stitches, 30 maxi stitches, 9 alphabets and monograms, 151 embroidery stitches, also includes Creative Designer (design your own patterns, up to 9mm). Very good condition. \$999. 707-838-9429. Reg. #0634612

FOR SALE: AIRCO Onan engine driven, recently rebuilt engine, made by Miller, 200LE type, very good condition. \$950. 510-787-3298. Reg. #2335310

FOR SALE: 1 power curber with molds. 1 AL-120 unloader. 1 Gomaco curb cadet and dike hopper molds. Used 1 time. Power driven. \$68,000.00 (all three) ALL NEW.

510-367-8090 or 707-427-2765 - fax/phone. Reg. #1020127

FOR SALE: 7yr old home in Richfield, UT. 6bd/3ba, ex-large garage, RV parking, auto sprinklers, large kitchen. 435-893-0047. Address 10505 715 W., Richfield, UT. Reg. #1020127

FOR SALE: CAT blade 8T hydraulic mo-board. Good condition. Ready for work. \$9,000.00 obo. Hobart Roller Tandem. Runs good. \$800.00. 916-991-1530. Reg. #0486196

FOR SALE: Approx. 1/2 acre corner lot with all utilities available in the City of Redding. A beautiful recreation area. Plenty of hunting, fishing. Far more information. Call Michael at 530-243-4302 after 6:00 p.m. Reg. #0865537

FOR SALE: Dodge 318 cu inch engine M.Home with very low mileage. Good tires, 3 gas tanks. Doesn't need smog every year. A good dependable unit. Sacrifice \$1,995.00. Call Michael 530-243-4302 after 6:00 p.m. Reg. #0865537

FOR SALE: Boat, Chrysler Pleasure, Nor-Cal trailer. 18 horse power, electric start. Bronco, Ford, 1990. 302, a/c, p.w., new tires. \$4,000.00 obo. 408-356-5207. Reg. #0997088

FOR SALE: 1998 Savanna 5th wheel, 3 sliders, awnings, central air and heat. Day and night shades, washer/dryer, cold weather pack. Prewired sat. dish, generator. Lots of storage space. Too many options to list. Excellent condition! \$33,000.00 firm. Call evenings 530-527-5806. Reg. #2106496

FOR SALE: Senco SFNII finish nailer, \$100. Lister Petter one cylinder engine \$350. New K/R eye level, eng. rule \$50. OTC sleeve puller \$200. New Nexig (MPSI) scan tool \$1,000. Snap-on 43" torque wrench \$200. New wright 15/30 degree wrenches, 1/2" socket set. Huge assortment caterpillar o-rings. 650-726-4597. Reg. #2423157

FOR SALE: 1972 Suzuki TS 125 dual sport. 8 spd trans, 4 high range, 4 low range, compression. Release, chrome fenders, have all manuals, service, parts & owners. Exc. condition, runs great, street legal. Classic \$1,200.00. 650-368-3202. Reg. #1840398

FOR SALE: 1988 (Class A) Allegro Motorhome - 32ft. full basement, 1 BR w/ new mattress, full size bathroom w/full size tub & overhead shower, 2 roof ac's, furnaces, & hot water tanks, Onan generator (290 hours), micro/convection oven, stove top and big work area, new Dometic 2080 refrigerator, carpet throughout except kitchen; like new tires, 460 Ford engine with new Banks kits on engine, on John Deer chassis with hydraulic jack levers. Awning all around. Allison transmission. 69,283 miles. Excellent condition inside and out. Asking \$16,000 obo. 775-853-

5841. Reg. #1196328

FOR SALE: 1998 Ford Ranger 4x4 supercab 4.0L engine, 6 cylinder, fuel injection, 5-speed manual transmission. Like new tires, 48,300 miles. Runs and looks like new. Gets 20 mpg. Asking \$12,000 obo. 775-853-5841. Reg. #1196328

FOR SALE: 1994 Honda XR 250L Motorcycle. Dualsport, street legal, runs great, 1200 miles, ridden off road only 6-8 times, in good shape, women owned. \$2,200 obo. Must sell 707-463-1412 or e-mail for info and pictures. cbray@saber.net. Reg. #2329882

FOR SALE: Older stamp collection. 350 countries in Scott albums. From 1840-1940. \$3,500. Will take trades. 1965-72 mustangs, Ford engines. 427-428. 408-226-0729 after 5:00 p.m.. Reg. #1225584

FOR SALE: 72 Ford 4x4 1 ton parts only, no engine, 4 speed, single speed transfer case, reverse rotation 3.55 Dana 44, 9" rear, suspension parts. 707-764-3678. Reg. #2254047

TRADE: 1978 classic Audi 40K original miles, fuel injection, 5cyl., right hand drive, brought over from England, same car as police use in England, garaged for 17 years. Runs great. Trade for small older pickup. 925-937-9088. Reg. #1199157

FOR SALE: 1992 CASE BACKHOE, Model 5900, 4 wheel drive, Extendo, 4-in-1 bucket, air conditioned cab. \$22,500. DH4 CASE DITCH WITCH with backhoe and blade, \$9,500 obo. 209-826-9465. Reg. #1043556

FOR SALE: Older 2 horse trailer "great shape" storage under manger, removable divider, ramp, matted, new tires, removable plexiglass side windows. Great starter trailer. \$1,200. 1998 Logan Shadow 4 horse slant load goose-neck, with queen bed, drop down feeders, front & rear tack, used 3 times. \$13,000. 707-455-8581. Reg. #1440557

FOR SALE: Mobile Home at Rancho Monticello Lake Berryessa. Boat dock & slip. 2 bdrm, 1 ba, deck, fully furnished. Also 1987 Malibu Skier Boat & Trailer. Both \$30,000. May be sold separately. 707-455-8581. Reg. #1440557

FOR SALE: 63 Imperial-Crown 4dr Ht. Original throughout. 97,000 original miles. \$10,500/obo. 530-246-0309 or Dinomacd@msn.com. Reg. #1265020

FOR SALE: Class C motorhome. 31' 2001 Itasca Sundowner. Slideout in living room and dinette. Qn bed. Two t.v.'s, VCR, king dome satellite, c.b. E450 Super Duty Ford Chassis V10. 2000 watt inverter, Onan generator, awning. Many extras. Like new. \$56,000. 530-273-2489. Reg. #1025259

FROM FRESNO

Summer begins with Fresno District picnic

Donned with umbrellas and rain slickers, about 100 members, retirees and their families attended the Fresno District picnic. Everyone was prepared for the worst but hoping for sunshine. They got a little of both, as intermittent rain and sun came down throughout the day. But the weather did not dampen their spirits, even as a light drizzle began during lunch.



The younger crowd enjoyed the inflatable slide while the adults participated in the horse-shoe tournament and the raffle. Others, like Retiree Tommy Flanagan, spent time reminiscing about old times and catching up on what's new. Flanagan said he comes to the picnic because he enjoys talking with the fellows.

"It is a chance to catch up with old friends and make some new ones," Flanagan said.



From left: Retiree Tommy Flanagan visits with longtime friend Thomas Johnson.



Business Rep. Pat Vadnais throws horseshoes while others wait their turn.



First-year and fourth-generation member Tabby Berstler (right) serves the tri-tip.

FROM UTAH

Utah CATs protect transportation money

This year began badly for road construction work in Utah. Budget shortfalls and revenue projections also looked bad. Gov. Mike Leavitt wanted to take \$60 million from transportation and give it to education, and he made it clear from the beginning that he would accept nothing less. Removing this money and the matching federal funds from the transportation budget would have devastated construction work.

Many people worked hard to protect this money, and the work picture now looks promising. We thank the Grievance and PAC committees for interviewing political candidates and supporting candidates who favor the development of Utah's infrastructure.

The transportation money was an important issue this year on Capitol Hill. Local 3 made its presence known with rank-and-file Operating Engineers Community Action Team (OE CAT) members, captains and activists. Special thanks to CAT Captain and Executive Board Member Glenn Smith, CAT Member



Above: Apprentice and Member Captain Janna Snell demonstrates at the State Capitol with her kids. At right: CAT Member Captain Richard Charles phone banks.



Captain Richard Charles, Apprentice and CAT Member Janna Snell, Activist Frank Sunde, apprentices Josh Sunde and James Lamper and lobbyists Denny Wright and Kay Leishman. These members played an instrumental role in this effort.

If you are interested in becoming an OE CAT member, captain or activist, please contact Heather Manwill at (801) 596-2677 or (800) 662-3630.

There will be a first-aid class June 28 at 7:30 a.m. at the union hall on 1958 West North Temple. Members and spouses are welcome. Questions? Call the hall at (801) 596-2677.



Members enjoy Utah's Semi-Annual video conference.

HAWAII

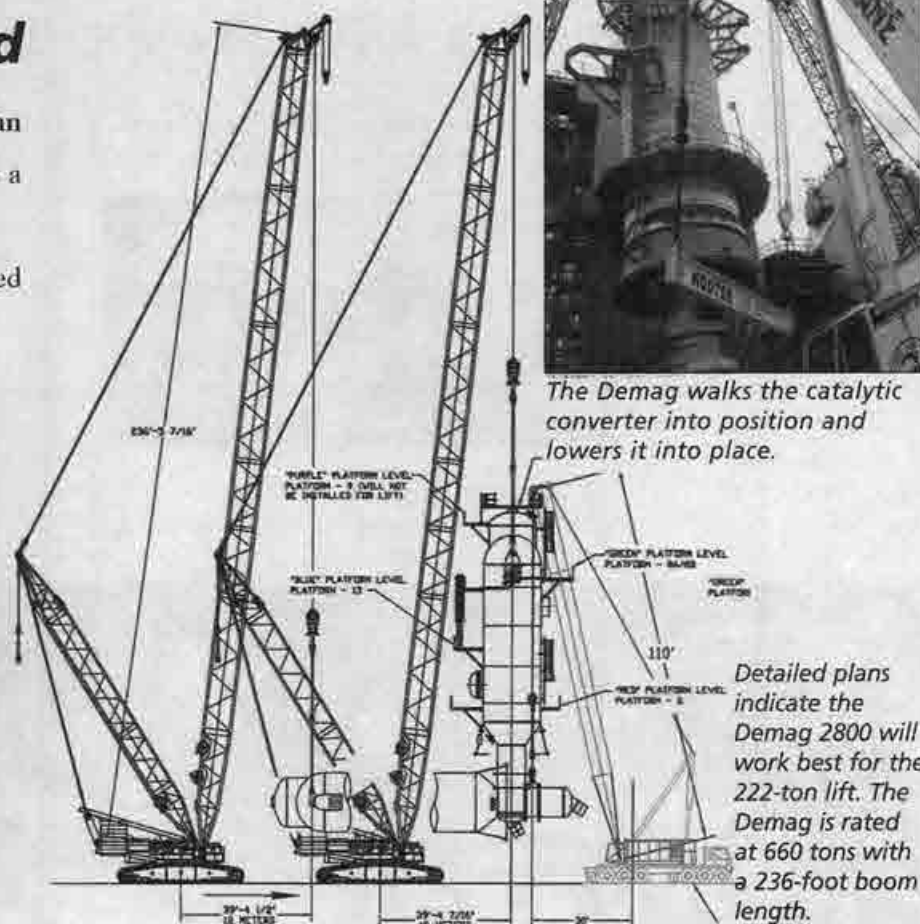
Crane operators lift heavy load

Local 3 crane operators participated in a large lift for Hawaiian Crane & Rigging April 14. The job required three cranes to place a 222-ton catalytic converter at the Oahu Chevron refinery.

Local 3 members and brothers Shige and Gary McKeague operated a 200-ton Link Belt and a 350-ton Krupp, respectively.



The three cranes lift the catalytic converter off the mobile transporter.



The Demag walks the catalytic converter into position and lowers it into place.

Detailed plans indicate the Demag 2800 will work best for the 222-ton lift. The Demag is rated at 660 tons with a 236-foot boom length.

FROM ROHNERT PARK

District 10 recognizes service, newly elected

Late rains continue through the end of April and into May, making it difficult for local contractors to begin the work season. Some contractors work a few small underground crews between the rain showers, but most projects are shut down.

MCM Construction of Sacramento worked 10 operators all winter on the Noyo River Bridge project in Fort Bragg.

Granite hired operators for the Caltrans Hopland Hwy. 101 widening project. The project manager said Granite wants eight to 12 operators through October to complete the final phase. Granite said it hopes the ground dries quickly for its smaller jobs in Mendocino and Lake counties.

Ghilotti Construction began the \$1.3 million Caltrans slope repair project on Geyser Road in Cloverdale. The company won the \$4.1 million downtown Cloverdale Rehab project and was the lowest bidder at \$650,000 for Healdsburg's Southern Area Sewer Drainage project.



Newly elected committee members with officers. Front from left: Leon Calkins, Election Committee member; Darcy Harlan, PAC and Grievance Committee; Clarence Wafford, Market Geographical Committee; John Tavasci, Market and Geographical Committee and Vice President Bob Miller. Back from left: Rec. Corres. Secretary Rob Wise; James Spain, PAC and Grievance Committee; Mike Donaghy, Market and Geographical Committee and Alec Giddings, PAC and Grievance Committee.

Kiewitt Pacific starts the \$8.4 million Caltrans Hwy. 101 ramp widening in Ukiah. The company removed operators from the out-of-work list in late April.

Syar Industries keeps its fingers crossed, hoping the Russian River subsides from the heavy rains. The company usually conducts its summer bridge crossing by mid-May, then begins hauling the virgin material to the main crushing plant. Syar worked about 25 operators and mechanics all winter.

Reminder: Please keep your registration information on the out-of-work list current – renew on or before the 84-day expiration, make appropriate address or phone number changes, then mail it to the district office.

Mark your calendar for District 10's annual barbecue picnic Sunday, June 29 at the Sonoma County Fairgrounds near Founders Grove. Expect good food, good raffle, good company and good times. Call the Rohnert Park District office at (707) 585-2487 for more information or to reserve your tickets. Work safe.



Grade checking instructor Dennis Harland recieved the "Volunteer of the Year" award.



Retired member Billy Joe Smith recieved 25- and 30-year service pins.



Recent Retiree Scott Rymer received a plaque for more than a decade of service on District 10's PAC and Grievance Committee.

Public Employee News

VOL. 4, #6 • OPERATING ENGINEERS LOCAL UNION NO 3 • ALAMEDA, CA • JUNE 2003

Sound advice for grievance resolutions

By Don Dietrich, business representative

Public sector employers are permitted to adopt reasonable rules regarding disputes between employers and employees pursuant to California Government Code §3507. I manage 13 collective bargaining agreements and have reviewed countless others for favorable contract language. Almost every public sector agreement I review has the same dispute remedy principles.

The first step is an informal process between the employee and his or her immediate supervisor. The informal process makes perfect sense if you look at the spirit of the Meyers-Milias-Brown Act that governs employer-employee relations.

The purpose of §3505 is to promote full communication between public employers and their employees by providing a reasonable method of resolving disputes. The informal process allows employees to attempt a quick resolve with their immediate supervisor. Employees should feel more comfortable discussing an issue with their immediate supervisor than with a manager. If the immediate supervisor resolves the issue effectively, it instills confidence in the supervisor.

The longer an issue goes unresolved the bigger effect it has on morale. If you are unhappy at work it impacts your co-workers. This impacts productivity, efficiency and safety. It takes months to come to resolve once the formal process begins. You can expect to wait several months to get your issue before an arbitrator. By the time the issue is resolved, the damage to the employer-employee relationship is done. This is why I often say no one ever really wins in arbitration.

The common failure I encounter in this process is the inability of immediate supervisors to resolve the dispute. There are myriad reasons for this. In the end, excuses don't matter because we as union members don't have control over a supervisor's capabilities.

Let's take a proactive approach and look at what we can do to help the informal process.

- First and foremost, always present your grievance in a professional, non-confrontational manner. Don't make the issue personal. If you attack, belittle or challenge

immediate supervisors, they will naturally become defensive. If they feel it is a personal attack, you should expect the immediate supervisor to try to justify his or her actions. This means he or she will not attempt to resolve the grievance in your favor, but rather deny your request. Generally, management spends the formal process up to arbitration trying to justify the supervisor's actions as well. You are in for a long haul once your supervisor digs in his or her heels.

- Don't demand an answer on the spot. Present your grievance as a request for consideration. The grievance process always allows time for response. Encourage the supervisor to think about your proposal. If the supervisor makes a snap decision without due consideration, it's very difficult to get the supervisor to change his or her mind.
- Present a solution or remedy to the dispute that is a compromise. Give a little to get a little.
- Don't take a denial of your grievance personally. Ask for an explanation for the decision if you don't agree with it. Keep an open mind about why the decision was made. It will help you prepare your presentation of the formal grievance should you wish to pursue the matter further.
- Always advise your immediate supervisor that you are respectfully taking the issue to a higher authority. You should wait a day or so to do this. It gives the impression that you gave the supervisor's decision due consideration.

Never hesitate to contact your union representative or shop steward before initiating the informal process. We provide advice for proceeding with the intent of a successful resolution at the front end. Remember the idea to fully communicate to come to a mutually agreeable resolution.

Cupertino wins agency shop election

By Bob Highbaugh, business representative

Operating Engineers Local 3 represents about 50 employees in the maintenance and parks divisions of the city of Cupertino, Calif. Although the unit's union membership and pride has always been high, there was no union protection. About eight of the 50 represented members were not union members. Some of the most recent meet-and-confer sessions and disciplinary actions involved the unit's non-union employees. Although the union gladly represented

these employees under the duty of fair representation, the union members questioned the fairness of the situation and asked to have the unit organized under the protection of agency shop.

The employees in the bargaining unit voted April 10 to establish agency shop in that jurisdiction. Tom Nagle of California's State Mediation and Conciliation Service (SMCS), the governmental agency charged with conducting fair agency shop elections, conducted the election.

The SMCS certified the election to be fair and unbiased. Of the 50 employees in the bargaining unit, 41 cast secret ballots. Thirty-seven voted for agency shop, four voted against it. The agency shop language will be incorporated into the collective bargaining agreement. We already received applications from two non-union employees, and we look forward to accepting applications from the remaining holdouts.



NEWS FROM THE public employees



by

KURT BENFIELD

**Director of public
employee division**



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Eyes wide open

The economy's poor condition makes many things more difficult when it comes to good contracts, labor relations and a multitude of other member representation issues. While many employers use the economy as an excuse to "cry poor" when it comes to salary or contract negotiations, other businesses try to take advantage of the situation by offering "phenomenal deals" if you sign a multi-year contract.

Conceptual medical plan may hit the streets

Operating Engineers and other employees scattered throughout Northern California recently began receiving propaganda from their employers about a conceptual, "cheap" medical plan that could soon be available. This plan would allegedly provide benefits "mirroring" those received from OE3 or other providers. The California State Association of Counties and Excess Insurance Authority (CSAC-EIA) promotes the plan. The pitch goes something like this: "We can provide or 'mirror' (same benefits, same price) the plan in which your members currently participate." In addition, the plan projects only a 13 percent increase every year during the next three years. The 13-percent a-year statement is of course anywhere from 6 percent to 11 percent below the lowest increases scheduled for any plan anywhere! How can they promise this? To be honest, they cannot.

Multiple plans, multiple problems

Think about it. There are many county, city and special district employers. Most, if not all of these employers offer a multitude of medical plans with anywhere from one to five choices of medical plans, not including dental, vision, orthodontia, chiropractic or some other programs. Generally the employee can choose from HMOs, PPOs or Kaiser plans. Each of these plans has different benefits, deductibles, co-pays, doctors, hospitals, specialists, benefits, emergency coverage or even regional and geographical coverage issues. So the common-sense question is, how can one company mirror several different plans and many different benefits, deductibles, doctors and hospital providers under one roof at the same time? Does it sound like a nightmare, or like it's impossible to manage? Do you think your medical billing, coverage, deductibles and red tape between doctors, employers and the provider are already too much and somewhat confusing?

What they don't tell you

While all other providers ready for a 19 percent to 31 percent medical premium increase, the CSAC-EIA plan "projects" 13 percent increases every year for three years. But none of this is guaranteed. In addition, CSAC-EIA requires a three-year contract from the employer. During the three-year term, you have no control over the amount of the premium increase. If CSAC decides the increase should be 31 percent, similar to that of the PERS projected increase, then that will be what you get. Forget that it was a 13 percent projected increase, they have you locked into a three-year deal. You may be able to negotiate the premium increase, but that would likely mean giving up other benefits or agreeing to higher co-pays, deductibles, availability of doctors or the like.

Your current providers not available?

Because many medical plans like OE3, PERS and Blue Shield have non-competition clauses regarding the network of providers, CSAC-EIA often may not have access to these providers for the participants. This means that many of you would have to change the doctors, hospitals or care facilities you have used for years. Some of these may be out of your geographical area. Your options could be severely limited.

Your employer controls your benefits

Who will control your benefits? Selected members from your employer will be on the board of directors or trustees to the plan. CSAC-EIA has offered many charter participant employers that agree to sign up for their three-year deal to allow someone from the employer management unit to sit on the board or as a trustee. What do these individuals know about issues like medical plans, benefits, stop-loss or prescriptions? Do you want your supervisor or boss to dictate what your benefit plan changes, deductibles, co-pays or other changes will be? The real goal of this new plan is to switch everyone away from the multitude of plans during the next three years and create one mirrored plan similar to PERS CARE. This plan has large deductibles and provides fewer benefits than the less expensive OE3 plan.

Changes out of your control

In the three-year contract period you will have no voice regarding changes to the plan benefits, co-pays and deductibles. What happens to dental, vision and orthodontia coverage? CSAC-EIA stated that although it recently wanted to "mirror" a plan in Alpine county, it would have to charge a \$1,000 deductible to ensure it could cover costs. This and the current plan that was supposed to be "mirrored" had no deductibles - Alpine County voted them out.

Is it a reality?

This plan is still just a concept. They must try to get commitments from many employers before they can even begin the plan sometime this summer. Many of the employers CSAC-EIA promotes as having signed up have already cancelled their agreement, even though CSAC-EIA says they are still on board. In June or July when it's put-up-the-money or shut-up time for some of the employers, who will really be on board? What kind of benefit coverage will those employees have, and how will billing, doctors, hospitals and prescriptions be handled?

Final food for thought

We must all look at reality when it comes to medical benefits. The medical care industry is a huge animal. It's full of red tape and bureaucracy, and we all wonder when these out-of-control costs and premium increases will end or at least become reasonable. Right now it is in a quagmire as the costs skyrocket every year with PERS increasing their premiums a projected 31 percent over six months. Prescription costs increase every year, which leads to higher premiums. The big players in the medical industry have been around for years; many still do not have it down to a science. What chance does a new start-up, third-party medical have of breaking into the market, much less surviving? Who knows? But the question is, do you want to chance your medical coverage and benefits along with them?

Hey, I could be wrong, everything could work out. They may be able to monitor and facilitate hundreds of plans and co-pays or other benefits at the same time with multiple providers. My only encouragement is to be sure you are involved in decisions regarding your benefits or provider. Ask questions of people making promises, talk to your board members and employer and ask who should sit on the trustee or board of directors and see if they will provide a written guarantee that it will only go up 13 percent over the next three years. Then compare with what you have and make an intelligent decision. Good luck, and best of health to you.

Porterville employees join Local 3

By Bob Titus, assistant director

The Porterville City Employees Association has been around for quite some time, but in the past few years, many of its members lost interest or were not as involved as they could be regarding their working conditions and other terms of employment. Porterville police officers represented by Operating Engineers work hand in hand with many city miscellaneous employees. The two groups had many conversations regarding representation, and Local 3 was invited to give a presentation to the Porterville miscellaneous members.

The issue at hand was not necessarily a bad relationship with the city. However, many city employees realized the city bargained with the police department, fire department and other recognized entities, but when it came to the miscellaneous employees, they received wage increases or changes in working conditions without bargaining. The city was not necessarily unfair during most of this, but the employees wanted more control and a stronger voice in determining their own destiny. Enter Local 3.

Business Rep. Doug Gorman and I gave presentations to the members on at least two occasions explaining the benefits and representational skills of Local 3. Many questions were asked and answered. The members voted unanimously March 13 to have Local 3 as their representative. President Bryce Wood, Vice President Russell Bettencourt, Treasurer Byron Salazar and Secretary Gale Stewart, with Local 3's help, are now reorganizing the members and helping to make their voice heard. We welcome the Porterville city employees to the Local 3 family, and we look forward to a long, rewarding relationship.



Rain or shine

Fresno District picnic
Saturday May 3.
From left: Condon
McConville and Bob
Merriott compete in the
horseshoe tournament.



At right: Asst. Director Bob
Titus stirs the beans.

See more Fresno District picnic pictures at www.oe3.org

Strong representation prevents layoffs in Fremont

By David Helm, business representative

Jan Perkins, the city manager of Fremont, attended a city council meeting in January and announced the city was experiencing a "fiscal emergency." The crisis was so severe that it was necessary to curtail services and layoff many city workers.

Because of the city's projected \$22 million budget shortfall, 38 Local 3 members and employees from other unions were slated for layoffs. Fremont had a 13-page administrative regulation dealing with layoffs that was drafted in the 1990s during the last recession and referred to two other codes.

All relevant layoff documents were assembled and perused. They were read and reread, and by the end of the day, no one had the slightest idea of what should occur.

Then came the meetings: first with the department heads, then the human resources folks, then city management and finally the city council. Local 3 members dressed in orange attended city council meetings with their families to put a face to the

proposed layoffs. We wanted the city to understand the decisions they make affect our members, their families and the community as a whole.

Research regarding the situation was initiated, and 17 requests for information were proffered, much to the chagrin of several city officials. They eventually responded and delivered a three-foot stack of papers.

Next came the seniority list dispute. The city compiled a list that upon a cursory examination contained a variety of errors. Some were minor but nonetheless extremely important to our members who might be out of a job based on an error as slight as one hour. The city began investigating the list for accuracy.

Sylvia Delaney, the head of the payroll department, along with numerous other staff members, performed the daunting task of verifying the list. Seniority was recorded on three systems: one on paper (from the days people wrote things down that could be found only if you knew where they were stored), one from a

DOS-based program that generated a ream of useless paperwork per employee, and one from a new-improved system that generated a report using only half of one ream of paper – that could only be successfully interpreted by a qualified expert viewing it through a mirror in his or her spare time away from NASA. The three systems combined for several hundred employees to create a mess called the seniority list.

Delaney and her counterparts dutifully checked and rechecked the lists for accuracy. Upon completing the hours-on-end task, the list was published and was still wrong, so back to work they went.

When said and done, hundreds of hours were spent, reams of documents were produced, and we had about as many meetings as the United Nations has in one year. In the end, we showed that Local 3 members provide the city of Fremont with excellent service and are dedicated to serving the vital interests of their community.

Department Manager Jack Rogers, along with many other

people in the city's administration, miraculously found the revenue needed to keep all but one Local 3 full-time employee from being laid off. Police, fire, city management and other non-OE3 represented city employees regrettably did not fare as well.

People who came together and made a difference resolved this situation. Local 3 members stood united and worked with the city to ensure a positive result that benefited our members and the community they serve. An added benefit: after all the acrimony and chaos, firm communication lines were established that will pay dividends in the future.

Rogers, Delaney and the rest of the staff worked tirelessly with Local 3 to produce a positive result in these troubled times. They deserve our sincere thanks.

Rogers is slated to retire this year. He spent his entire career in the city, rising from the bottom and working his way to department head, never forgetting where he came from. He will definitely be missed.

NEWS FROM THE
public
employees

NEWS FROM THE public employees

OPERATING ENGINEERS LOCAL UNION NO. 3

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Asst. Business Manager
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THE LEGAL EDGE

Know your **USERRA** rights

By Mathew J. Gauger, attorney

Many Local 3 members are serving in the reserves or have been called to active military duty. Federal law protects workers serving in the armed services from losing their job and from discrimination. The law also requires that the employer maintain certain benefits for the employee and his or her family. The law is called Uniformed Services Employee and Reemployment Rights Act (USERRA). This article explains union members' rights and obligations under USERRA. If you have any questions, or if you believe your employer is violating the act, you should contact your business representative for help.

Employee's responsibilities

An employee asserting rights under USERRA is subject to the following requirements:

1. If possible, the employee, or an officer of the uniformed services, must provide advance written or verbal notice of such service to the employer;
2. The employee must have had no more than five years of total absences from the employer for all military service; and
3. The employee must report to the employer or submit an application for reemployment after termination of his or her military service.
 - A. If the military leave period is less than 31 days, the employee must report to work by the beginning of the first full regularly scheduled work period on the first calendar day following completion of the service and the expiration of eight hours after a time for the safe transportation back to the individual's residence;
 - B. If the military leave period is between 31 and 180 days, the employee must submit an application to the employer within 14 days following completion of such service; or
 - C. If the military leave period exceeds 180 days, the employee must submit an application for reemployment within 90 days after completion of such service.

Benefits during military leave

The employer must consider the employee to be on a furlough or leave of absence during the military leave. This means that the employee is entitled to all rights and benefits, not determined by seniority, that are generally provided to employees on an unpaid leave of absence. The employer must permit the employee to use accrued vacation pay, annual leave or other similar accrued pay during the military leave if requested. On the other hand, the employer cannot require the employee to use such amounts during the military leave.

The employee is entitled to elect to continue health coverage during military leave for up to 18 months. Note that the commencement of the military leave is also a COBRA qualifying event. Thus, the continued health coverage must be available for the entire COBRA period, even if the employee does not return to work at the end of the military leave.

If the absence for military service lasts less than 31 days, the employee can only be required to pay the usual employee share of the cost of the continued health coverage. If the military leave lasts more than 30 days, the employer may require the employee to pay up to 102 percent of the cost associated with continued coverage (the usual COBRA premium). The IRS has ruled that the health care coverage that becomes available during a military leave (called CHAMPUS) is not "group health coverage" and therefore does not cut off the employee's COBRA rights under the employer's health plan.

In some cases, the employee will have rights to continue other benefits provided by the employer during a military leave.

Re-employment rights

Upon termination of the military leave, the employee is generally entitled to re-employment in the position he or she would have been in (or attained) had no military leave been taken. The specific re-employment rights under USERRA are:

1. If the employee was absent from employment for fewer than 90 days, the employer must return the employee to:
 - A. The position the employee would have attained if he or she had continued in employment and had not been absent for military service, if he or she can perform the job duties; or
 - B. If the employee is not qualified to perform the duties in the position in 1(A) above after the employer has made reasonable efforts to qualify the employee, the employer must reinstate the employee to the position the employee was employed in on the date he or she began military service, if he or she can perform the job duties of that position.
2. If the employee was absent from employment for more than 90 days, the employer must return the employee to:
 - A. The position the employee would have been employed in if his or her employment had not been interrupted by military leave service, or in a position of like seniority, status and pay, if he or she can perform those job duties; or
 - B. If the employee is not qualified to perform the duties in the position in 2(A) above after the employer has made reasonable efforts to qualify the employee, the employer must reinstate the employee to the position the employee was employed in on the date he or she began military service, or in a position of like seniority, status and pay, if he or she can perform the job duties of that position.
3. If the employee suffers from a disability caused or aggravated by military service, and is not qualified to perform his or her job duties of the position described in 1(A) above, the employer must return the employee to:
 - A. A position of equivalent seniority, status and pay to a position described in 1(A) above; or
 - B. If the position in 3(A) is not possible, a position that is the nearest approximation to that in 3(A).

Exceptions to re-employment responsibilities

The employer is not required to re-employ the employee if such re-employment is impossible or unreasonable, such as where a reduction in force occurred that would have included the employee or where the employer would have to create a useless job in order to re-employ the employee. However, an employee's position is not unavailable simply because it is occupied by another employee.

The employer is also relieved of re-employment responsibilities where the employee has become disabled during leave and re-employment would cause the employer undue hardship. Finally, the employer is not required to re-employ an employee who had been employed in a temporary position.

Job protection upon re-employment

Once an employee returns to employment, the employer may not terminate him or her, except for cause (1) within one year after the reemployment date if the military leave period was more than 180

days, or (2) within 180 days of re-employment if the military leave period was between 30 and 180 days.

Seniority and benefits upon re-employment

An employee returning from military leave is entitled to the seniority and other rights and benefits determined by seniority that he or she would have had if employment had been continuous. For example, if the employer's policy provides three weeks of paid vacation to employees with five years of service on Jan. 1, the military leave period must be treated as service for calculating whether the employee meets the five-year requirement. On the other hand, where benefits like vacation or sick pay accrue based on actual service rather than seniority (e.g., where the employee accrues two vacation days for each month worked), the re-hired employee does not need to be credited with the amounts that would have accrued during the military leave unless the employer grants such credits to other employees returning from a leave of absence.

For benefits, including retirement benefits, that are determined based on the employee's compensation, the employee must be treated as having earned compensation during the military leave as follows: (1) if the employee was paid based on a fixed rate, the deemed compensation is the compensation the employee would have received with reasonable certainty had his or her employment been continuous; (2) if the employee was not paid based on a fixed rate, the employee is treated as having earned his or her average rate of compensation during the 12 month period preceding the military leave.

Health and welfare benefits upon re-employment

If the employee's health benefits terminated during the military leave, upon re-employment, no waiting period or exclusions may be imposed on the employee (or on any dependents covered under the employer's plan) by virtue of that absence. Any other benefits in which the employee or dependents participated at the start of the military leave must also be reinstated upon re-employment. The employee is entitled to participate in any benefit programs that began during the military leave for which the employee would reasonably have been eligible if the leave had not occurred.

Retirement benefits upon re-employment

Upon re-employment, the military service period must be treated as if it had been service with the employer for purposes of determining vesting and accrual of benefits under the employer's retirement plans. It cannot be treated as a break in service for purposes of such plans. For example, a defined-benefit pension plan must treat the employee as accruing additional pension credits during the leave, using the deemed compensation rules described above to determine the amount of that accrual. Similarly, the employer must make any employer money purchase pension or profit sharing contributions that the employee would have received while on military leave.

In the case of plans requiring elective deferrals (such as 401(k) plans and 403(b) programs), the employee must be given the opportunity to make up any deferrals that were missed during the military leave. The deadline for the employee to make those contributions is the earlier of (i) three times the period of military service, or (ii) five years. If the employee makes the make-up contribution, the employer must contribute any matching contributions that would have been based on those elective deferrals. Make-up contributions made in a subsequent plan year are not subject to any of the limits that apply in the year they are received. The employee is not required to be credited with investment earnings on the make-up contributions and is not entitled to share in any forfeitures that were reallocated during the military leave.