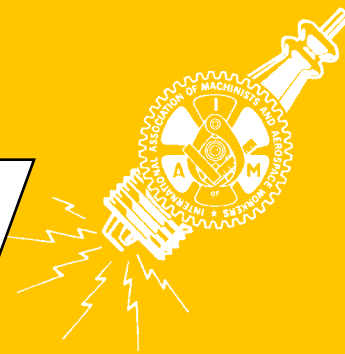


The IAM District 190 *Sparkplug*



VOL. 20 NO. 2



June/July/August 2018

Serving the Active and Retired Members of IAM District Lodge 190

Supreme Court bans agency fees for public sector employees, but can't ban organizing

In its last announced decision of the 2017-18 term, the Supreme Court handed a major victory to anti-union forces in *Janus v. AFSCME*, effectively imposing right-to-work rules on public sector workers nationwide. Overturning more than four decades of precedent, the Court ruled fair share fees for public sector workers unconstitutional.

The Janus decision overturns a 1977 case, *Abood v. Detroit Board of Education*, which allowed public sector unions to require non-members to pay an agency fee to cover costs associated with collective bargaining, contract administration, and grievance adjustment, but not to cover more explicitly political or ideological advocacy.

Billionaires against unions

The case may bear the name of Mark Janus, a single worker, but it's the culmination of big spending and legal firepower coming from the big-money corporate right. The effort to support Janus was coordinated by the State Policy Network, an organization that steers a national patchwork of right-wing think tanks—many funded by the Koch brothers—to advance policies favored by business lobbyists and GOP donors.

The matter before the Court came down to whether workers who are represented by a union have an obligation to contribute towards the cost of representation. While one cannot avoid paying taxes because they disagree with some government policies, in the name of "free speech," they can now avoid paying fees to the union that works on their behalf.

"Our union is nothing more than all of us standing together to win fair wages and a better workplace," says Directing Business Rep Jim Beno. "But a powerful union, like any effective organization, needs resources to function. Since the union represents everyone in the bargaining unit, and since everyone benefits from the raises and rights we win together, having fully participation is how we protect and expand our rights at work."

As organizations of working people, unions don't receive funding from outside sources like corporations or billionaires. "We all put in our fair share to make the union run," Beno adds.

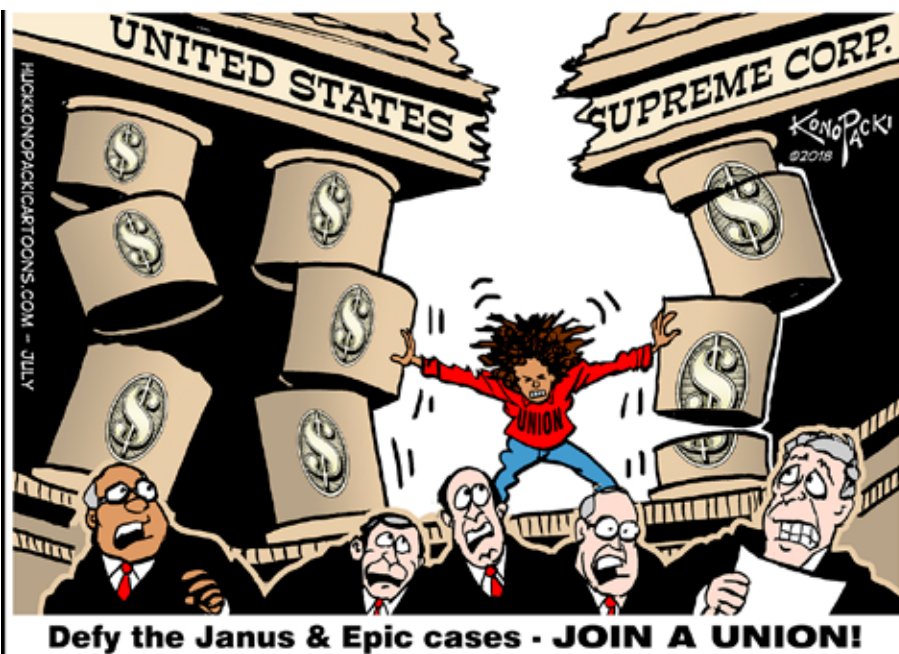
"For decades, corporate titans have engaged in heavy-handed and often illegal tactics in an effort to snuff out unions," Art Pulaski, Secretary-Treasurer of the California Labor Federation, said in a statement. "No matter how much money the CEOs spend, they will never extinguish the will of so many working people to stand together in unions."

Unions may be the only counterbalance to the growing power of corporate CEOs and the politicians they bankroll. Unions give workers a seat at the table to negotiate with bosses for fair pay, decent benefits and safe working conditions. "Because unions promote fairness and equality on the job and through our broader advocacy on behalf of all workers, we're enemy No. 1 for corporate special interests and right-wing extremists," Pulaski explained. "Their purpose is to weaken and divide us so that they can lower working people's pay, and the rich can get richer. It's about greed, pure and simple."

The impact of Right to Work laws

If more workers choose not to join, the union will have fewer resources but still be required to represent the same number of workers, making it difficult for unions to do a good job without raising dues for members. This could weaken public workers' ability to negotiate for good wages and benefits over the long term.

This exact scenario has happened in one state after another when "right to work" laws have passed. In Wisconsin, where Gov. Scott Walker took away union rights for public workers, union membership dropped, and within five years, pay



#unionstrong

How the Janus decision impacts District 190

You might think that the recent Supreme Court decision on the Janus Case that immediately created open shops nationwide in the public sector doesn't affect our Locals and District 190. Think again!

Approximately 10% of District 190's members work at public sector jobs. Our members work for the City and County of San Francisco; San Francisco Municipal Transportation Agency; Golden Gate Bridge, Bus and Ferry District; City of Sacramento; Fresno Unified School District; Central Contra Costa Transit Authority; and Sonoma Marin Area Rail Transit.

Our members working under these contracts realize the importance of maintaining a strong union. Our power at the bargaining table comes solely from the support of our members. There is Strength in Numbers and the greater our support, the greater our power and the better outcome for our contracts.

Those who support Janus are the same people who want to weaken unions and diminish our impact at the bargaining table. They eventually want to eliminate unions and our very right to a collective bargaining agreement.

We won't let this happen.

Already 99% of our Public Sector employees at the City and County of San Francisco have signed voluntary membership pledges. They are preparing for contract negotiations next year and they are sending a message to their employer that they have the power and the commitment to back their union's bargaining demands.

Our thanks go out to each and every one of these members for their demonstration of support and solidarity.

—DBR Jim Beno

Continued on page 7



BUY UNION

Baseball food that’s always a hit

A ball game just isn’t a ball game without the hot dogs, the salty snacks, the sodas and the beer. To best enjoy these goodies, we recommend ethical brands made by



companies who treat their employees fairly. Consult the list of products below and make it an ethical baseball feast. Let’s all support good

middle class jobs as we slug, throw and pitch our way to a stronger America.

Hot Dogs

- Ball Park Franks
Boar’s Head
Butterball
Farmland
- Farmer John
Hebrew National
Hormel
Oscar Mayer

Buns & Bread

- Oroweat Buns
Stroehmann
Sara Lee
- Earthgrains
Entenmann’s
Nature’s Harvest

Beer

- Budweiser
Coors
Miller
- Pabst
Sam Adams
Rolling Rock

Peanuts

- Frito-Lay Salted In-Shell Peanuts

Popcorn

- Act II
Orville Redenbacher

Soft Drinks

- Barq’s Root Beer
Coca-Cola
Dr. Pepper
- Mountain Dew
Pepsi
7-Up

For more great tips about union products and services, go to **Labor411.org**. This amazing resource tracks and promotes a wide range of union-made consumer products.

The IAM District 190

Sparkplug

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Debra Chaplan, Managing Editor



UNION PEOPLE

Welcome to new Business Rep for Local 1414



Danny Mendolla becomes Business Rep

(Sonoma, Marin Area Rail Transit).

Mendolla comes to the position with lots of experience. Not only did he serve as President of Local 1414, he was also a Shop Steward at NASA Ames at Moffett Field in Mountain View for nearly 30 years.

Mendolla started his career at NASA Ames in 1987 as an Alarm Tech helper. He moved to the construction side and worked for a while as a laborer, but then came back to the main shop area to work as a Fire Alarm Technician. He eventually became Alarm Tech Lead. He also served as a member of the NASA Damaged Utility and Control Team for 28 years.

Mendolla started his union career when as a Steward working on the swing shift. Later, when he

In April, Daniel Mendolla started a new chapter in his career, as a District 190 Business Representative. He’ll be representing Local 1414 members who work for the City and County of San Francisco, the SF Municipal Transit Agency, the Golden Gate District Bridge and Ferry, and SMART

moved to the day shift, he became Head Steward.

“I’ve handled many grievances and negotiated numerous contracts over the years with the added twist of having to deal with four different contractors, each group having a different management style. Fortunately, we had a great team—me and my fellow Steward Paul Souza, working alongside Business Rep Pedro Mendez,” he says with pride.

“Working for the union is a new venture for me,” he adds. “I see a lot of opportunity and different ways to show how the union supports its members.”

Since coming on staff, Mendolla has had to hit the ground running to meet with public employee members following the Supreme Court’s ruling that public employees don’t have to pay union dues.

“I now represent public workers in San Francisco and in the North Bay. I want to make sure that they understand what the union does for them so that they’ll want to reconfirm their commitment to the union and re-sign as members.” Mendolla says that, so far, “our public employees are happy to be union members. This is a good opportunity to engage them in discussing what’s going on in their shops and learn what they want to see changed in upcoming contracts.”

Mendolla will also take up former Business Rep Art Gonzalez’ groundbreaking work to establish pre-apprenticeship programs at the MTA and shop classes at George Washington High School.

Many thanks to a long-time shop steward

Congratulations to Paul Souza, who is retiring from the NASA Ames Moffett Field Base, in Mountain View after 29 years. Paul started in 1989 as an HVAC Mechanic. He soon transferred over to the Building Maintenance Service Team (BMS) and worked on the construction side. During the years Paul has worked at the Base, he’s seen many changes in contractors, from Bamsi to Johnson Controls, IAP and now Jacobs-Yang for the last few years.



Paul Souza retires from NASA-Ames

Paul has been Local 1414’s Shop Steward at NASA Ames for the last 25 years. “It has been

both challenging and a great learning experience,” he told Area Director Pedro Mendez. “I really enjoyed it and appreciated learning from you and from Daniel Mendolla,” who he worked with at NASA Ames until Mendolla was appointed Business Rep in April. “I learned how to work issues out with people; the experience helped me to become a better person.”

Paul, your union brothers and sisters at NASA-Ames and at Local 1414 wish you a hearty congratulations on a well-deserved retirement!

Local 1584 celebrates its retirees

Local Lodge 1584 Retiree’s Club held its 30th Annual Veteran Awards at the Oakland Hilton Air-

port Hotel on April 7. After lunch, the local distributed anniversary pins to the retirees.



Here are the retirees who received their anniversary pins at the Local 1584 celebration:

(Back Row from left)
Ralph Mileham - 20 years;
William Kolvalik - 50 years;
Raul Solorzano - 45 years;
Manuel Gutierrez - 30 years;
Lee Wilson - 45 years.

(Front Row from left)
Iven Freiberg - 50 years;
Francis Sanchez - 55 years;
Ralph Jones - 50 years;
Andrea Gorman - 35 years.
Andrea also Secretary-Treasurer of Local 1584.



PENSION UPDATE

Unions and employers seek solutions

The Congressional Joint Select Committee on the Solvency of Multiemployer Pension Plans is currently holding hearings to address the need for a fix to the pension underfunding problem.

At a recent Committee hearing, Chris Langan, Vice President of Finance at United Parcel Service (UPS), which is one of the Automotive Industries Pension Plan’s largest contributing employers, laid out the severity of the problem and the need for Congress to take immediate action. Mr. Langan stated, “the multiemployer pension system is in a crisis from which it will never recover if Congress does not take immediate action.”

The current problem, as Langan laid out, is that most underfunded plans, such as ours, have significant negative cash flows. Simply put, our plans pay out much more in benefits each year than we collect from employers and investment returns. He also states that there is no workable fix that can be strictly funded through increased employer contributions or through cuts to benefits. He and UPS believe that a carefully designed loan program can save our pension plans without imposing

undue hardships on retirees, employers, plan participants, the government or taxpayers.

The Teamsters Central States and United Mineworker pension plans, two of the largest pension plans that are projected to become insolvent in the next five years, have confirmed that a loan program will save their plans.

Our Automotive Industries Pension Plan actuaries have also concluded that a loan program, such as that proposed by UPS, could not only save the plan from insolvency but return the plan to full funding within 15 years. This seems to be the most reasonable option to save the underfunded pension plans.

The Automotive Industries Pension Plan has sent a detailed letter to the Joint Committee outlining the history of our plan and the circumstances that created our underfunding. We underscored the critical need for a loan program and the urgency to take immediate action.

The Joint Committee has until the end of November to propose a fix to Congress. If you would like to send comments on your own personal situation and how this affects you please address your letters to: 219 Dirksen Senate Office Building, Washington, D.C. 20510.

emphasized that we need to show the impact on the employers,” Crosatto adds, noting that the US Chamber of Commerce is now on board with the loan plan. While the cost to bail out the pension plans would be in the billions, it wouldn’t all happen at once and it would be in the form of loans. If there is no bailout, the government’s Pension Benefit Guarantee Corporation (PBGC) will be forced out of business.

The committee will be holding a total of six hearings by the end of July. “At that point, they’ll have enough information to start working on a solution and will start negotiating what to do by the November 30 deadline,” Crosatto says. “If they strike a deal with bi-partisan majority support, then their bill will move immediately to the floor of the house and senate; it cannot be amended and they have to hold an up or down vote.”

“My guess is that they’ll end up with a loan program; pensioners will likely need to eat some cuts and the employers would likely have to eat an assessment.” We’ll know by the end of the year. but meantime, letters from members—both active and retired—will be helpful. You can contact the Joint Select Committee on Multiemployer Pension Plans at: 219 Dirksen Senate Office Building, Washington, D.C. 20510.



IAM leadership at the annual legislative conference in Washington, D.C. in May.

Machinists lobby in DC for pension fix

A delegation from District 190 traveled to Washington, D.C. in early May for the IAM Legislative Conference. In three short days, they visited 28 members of Congress or staffers. The delegation included DBR Jim Beno, ADBR Don Crosatto, Area Directors Steve Older and Pedro Mendez, Business Reps Richard Breckenridge, Pedro Gonzalez and Art Gonzalez, and California Conference of Machinists President Tom Brandon.

“While there were other issues to cover, our primary concern was the pension issue,” says Crosatto. “While none of the members of the Joint Committee on Multiemployer Pension Plans are from Northern California, we talked to their staffers to put out the message that the only way to salvage these pension plans is a low interest loan program. Pensions won’t be able to grow their way out of it.”

Crosatto says that the group also visited the Northern California congressional delegation, and all were strongly in support. They talked to: Mark DeSaulnier, Barbara Lee, Jerry McNerny, Eric Swalwall, Anna Eshoo, Nancy Pelosi, Mike Thompson, and Ro Khanna.

“We had a very good meeting with a top aide to Sen. Lamar Alexander (R-TN) and were pleased to see that he was interested in discussing solutions. Sen. Rob Portman’s (R-OH) aide

LETTERS TO THE EDITOR

Make letter-writing easier!

Editor,

Thank you and DBR Jim Beno for the excellent article on the pension crisis.

I will be emailing all the members of the Pension Select Committee a letter based on the sample letter because I'm retired, concerned and, frankly, I have the time. But what of busy working members who are also concerned and just can't put aside the time for this crucially important issue? Will their silence be read as indifference?

On an almost daily basis I receive petitions and letters by email, addressed to my legislators on positions for pending bills sent by progressive groups that I support. With a couple of key strokes using these forms, I write my Representatives and Senators of my concern on issues and ask for their response.

How can the IAM create a database to provide its membership a similar, singular voice to legislators? It may not be cheap to maintain a program like that, but consider how many more members would make their voices heard if our International, District, and even Local Lodges used direct emailing in a similar way? Like it or not, this is the way our democracy works today. Labor deserves to be heard—loud and clear.

Alven Andersen, Gratefully Retired

Fix the pension

Editor:

I’m concerned about our pension fund. I have been forced into early retirement due to a medical illness and after 38 years in this union, I’m only going to receive \$1,275 a month. This is ridiculous. I only became aware that it’s not a well-funded national pension in the last 4 or 5 years and am very disappointed about its critical status! I am concerned that my wife will, at best, only receive \$750 a month after my passing; it frightens me to leave her with so little after all my years of service.

If the Butch Lewis Act is passed, how will it affect me? Will it raise the amount after retirement or reinstate the younger full pension retirement age restrictions? My concerns lie with my wife’s future!

Please show me that this Union actually cares and fix this issue now, I busted my ass all my life and don’t believe that we should be screwed this way.

Rick Locklin, Local 1101, Retired

Retired and active members: Please write in if something in *The Sparkplug* makes you happy or mad or inspires you to action. Letters may be submitted as follows:

e-mail: dchaplan@mindspring.com
fax: 510-288-1346
mail: IAM District 190
8201 Capwell Drive,
Oakland, CA 94621

12.9% The average amount more that workers covered by a union contract in California earn compared to their non-union peers of similar age and educational attainment who work in similar industries.



AROUND THE LOCALS

Local 653

New members at National Guard Base

After a new contractor—IAP—took over at the Air National Guard base in Fresno in March, they immediately cut the wages of the production control clerks and the material coordinator handlers. By reclassifying the group, the new employer cut wages by \$4-6/hour and increased the cost of medical contributions to \$1,700/month.

Those workers decided that they needed to join the others at the base who have union representation. Business Rep Jeremy Celaya worked with President/Chief Shop Steward Dan Zack and Vice President/Shop Steward Bryant Kennedy to organize and win an Armor Globe election. Negotiations for a first contract are under way.

Also at the base

The union has filed a termination grievance and is headed to arbitration after IAP fired a member. “We contend that IAP failed to properly train their employees, which resulted in structural damage to an aircraft,” explains Celaya, who is working closely with Chief Shop Steward Dan Zack to fight the grievance and institute a training program.

No outsiders at UPS

Celaya has filed a grievance at UPS Fresno. The union contends that the company is bringing in outside contractors to do plant engineering work, and is allowing non-bargaining unit janitors to clean out debris on the conveyor belt.

“Since they are not properly trained to lock out the machines before working on them, this is an accident waiting to happen,” says Celaya. So far, the company and the union cannot agree on whose work that should be: the janitors or the maintenance mechanics.

Upcoming negotiations

Negotiations will start soon at Fresno Chrysler. “The group is seeking a wage hike and an increase in the employer’s share of the pension contribution,” Celaya reports.

Guest speaker

Larry Lozano from American Income Life will be the special guest speaker at the Local’s August 15 membership meeting. Come out for hamburgers and hotdogs and gather more information about the benefits they provide to union members.

Local 801

Another round at LB&B

Area Director Mark Martin reports that he’ll be heading into negotiations with LB&B Associates soon. These members provide fueling service for Navy aircraft for the Top Gun avi-

ators at Fallon Naval Air Station in Fallon, Nevada. Stay tuned.

Local 1173

Lots of tough talks

Area Director Steve Older reports that the negotiations at Walnut Creek Toyota & Walnut Creek Volvo are not going well. “Both dealerships were bought in the last year and the employers want at-will contracts with no union security. It’s getting to the point where we may need to take some stronger action,” he says.

Local 1484



Contracts on the way

Business Rep Kevin Kucera is currently in negotiations with Metropolitan Stevedoring, and he says that Marine Dockside, Oceanwide and Flexivan are all on the near horizon.

Kucera and Area Director Jesse Juarez just completed the first contract for a newly-organized unit at Student Transport of America (STA). “The contract is not yet inked, but it includes retro pay, bonuses, and other positive stuff,” Kucera says as he thanks Daniel Ponce for his work on the bargaining committee.

Local 1528

17’s the charm

The 70 Local 1528 members at Silgan Containers-Doherty in Modesto

finally ratified their contract. “It really was a meat grinder,” says Area Director Mark Martin. “It took about 17 bargaining sessions, six of which were in federal mediation.”

“I want to convey my appreciation to our bargaining committee, Chief Steward Ema Bachmeier, Shop Steward Jaime Padilla, and Matt Salmon,” Martin says. “They did a journeyman job at the table and their service to their co-workers was invaluable to this process.”

Local 1546

Quick talks

Area Director Don Crosatto reports that he has started negotiations with SSA. “The first meeting went very well. I expect to conclude negotiations in July.”

Not so quick talks

Talks with PBA, up in Alaska, are not going as smoothly. “The contract has been up since September,” says Crosatto. “The main issue is double-time, which the guys currently get after working 48 hours. The employer wants to dump that plan and go to regular daily overtime. It’s definitely a sticking point.”

Contract goes south

The members at El Cerrito Honda unanimously voted down the employer’s first offer. “The wages are just too low; they’re falling behind the other Honda stores in Contra Costa County,” says Area Director Steve Older, who adds that the union is continuing to talk with the company and hopes they’ll come around.

Hot and heavy with Waste Management.

After three rounds of talks, the union and Waste Management will be going to Federal Mediation in July.

“The major issues are the health and welfare co-pay and money going into 401(K) accounts. The employer

agreed to contribute, but the amount is in question,” says Crosatto. The contract covers 75 members, but many techs have quit and moved to other employers, which increases the pressure to finalize a good contract.

Long time coming

After working under an expired agreement for more than two years, the members at Berkeley Farms finally have a new contract “that includes two and a half years of retro pay,” reports Business Rep Pat Woodward.

According to Area Director Don Crosatto, the dairy industry is challenged, as people are drinking a lot less milk than they used to and some large non-union dairies have recently moved into the Bay Area.

Local 1584

Things are better at Henkel

Area Director Steve Older reports that the members at Henkel awarded him and Business Rep Brian Fealy each a plaque for leading them through the eight-week strike last year. “We collected them at the Local 1584 meeting in May. It’s definitely neat to be recognized like that by our members,” Older says with pride.

Local 1596

Open at Hansel

Area Director Steve Older reports that negotiations have opened at Hansel Ford in Santa Rosa. “We’ve got of work to do up there,” he says.

Local 2182

Fixing a glitch

When Harrold Ford recalculated the cost of health benefits after a recent cost increase, they made an error that would have cost the members with dependants an additional \$120 per month. “Thankfully, after significant deliberations between the company and union, we were able to straighten this out prior to the change being implemented,” says Area Director Mark Martin.

Making the company pay

About the time we get ready to head into bargaining with Pacific Material Handling Solutions, Martin learned that a member had his tools stolen from a company service truck and the company was refusing to reimburse him for the loss. “I had a rather heated conversation with HR, reminding him that the reimbursement is not just required under our contract but also the state labor code,” says Martin. The company finally agreed to reimburse the member for the loss.

Upcoming talks

The Local is heading into negotiations with Teichert Construction and Toyota Material Handling Solutions. Stay tuned for the results.

ORGANIZING WINS

Working on first contract at Santa Rosa Stainless Steel

In March, the 33 workers at Santa Rosa Stainless Steel voted to become members of Local 1596. Area Director Jesse Juarez reports that the election went smoothly, especially when, in tallying the votes, three of the four challenged ballots were ruled in favor of the union. The National Labor Relations Board quickly certified the election.

“We’ve now had four meetings with the company,” says Juarez, who’s negotiating the contract with DBR Jim Beno, and two of the employees: Craig Bailey and Adam Rulinger. “They’re bargaining in good faith so far and we hope to have a contract soon.”

Juarez says that the IAM used to represent this facility in the 70s and 80s, when the father owned it. “We’re at it again, 38 years later,” he says. “This employer wants to give us a contract quickly. They want a good rapport with the union, which is a good deal all the way around.”

Two mechanics join union – more to come

Two mechanics who work for Storer Transit Systems in Hayward voted on June 29 to be represented by Local 93. “The company has taken over most schools districts, so we see great potential for more hiring,” says Business Rep Pedro Gonzales. “It should be a easy first contract.”



GUIDE DOGS OF AMERICA

District 190 sponsors another great fundraiser for Guide Dogs of America



Area Director Jesse Juarez helps distribute the bounty on each table.

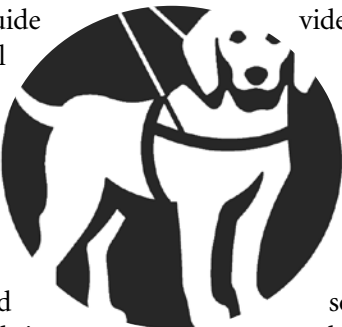
On June 16, 185 attendees and 20 volunteers descended on the Alameda Elks Hall for the 7th Annual Lobster Feed. In addition to tables filled with lobsters, shrimp, corn and veggies, the feast included pasta salad and much more. As District staff and volunteers have become expert in cooking the feast, the District has been able to donate more money to Guide Dogs of America than ever before. This year’s donation will be \$18,525.89, which is more than \$1,000 more than last year’s record-setting event.




Hundreds of members, employers, and friends filled the Alameda Elks Hall on June 16 for a sumptuous feast.

How Guide Dogs became the IAM charity

Guide Dogs of America was founded 70 years ago by Joseph Jones, Sr., a retired IAM member. When Mr. Jones became blind, he considered all his options and decided his mobility needs would best be met by using a guide dog. He applied to all the existing schools, but he was declined because of his “advanced age.” He was only 57 years old. Mr. Jones was a determined man and “no” was not a word in his vocabulary. He turned to his union—the IAM—for help. The IAM Executive Council conducted extensive research, determined there was a growing need for guide dog services, and in 1948, endorsed the founding of International Guiding Eyes (IGE). The IAM continues to be a generous supporter and staunch advocate of the school’s mission today. IGE was one of the first guide dog schools to be founded by a blind individual. It was also one of the first



schools to adopt a policy of no upper age discrimination. In 1992, International Guiding Eyes changed its name to Guide Dogs of America in an effort to communicate more clearly the services provided by the organization. All of the charity fundraising work that District 190 and our locals do is dedicated to Guide Dogs of America. Since 1985, the District has sponsored a golf tournament each summer and recruits members and employers to enjoy a great day of golf, dinner and camaraderie. For the past seven years, the District has also sponsored the Lobster Feed. Over the years, locals have sponsored Hawgs for Dogs motorcycle rides, car shows and other events. All told, District 190, its Local Unions, employers, staff and members have donated more than \$2 million to guide Dogs of America.



Friday, August 24, 2018

Sign in: 9 a.m. ☀ Shotgun Start : 11 a.m.
No Host Cocktail Party: 4:30 p.m. ☀ Dinner: 5:30 p.m.

*Poppy Ridge Golf Course
Livermore*

Entry Fee: \$350/golfer (includes Green Fee, Golf Cart, Special Gift, Golf Balls, Tee Prizes, Hole-in-One Prizes, Awards, Dinner)

Sponsorships available at different levels.
All proceeds go to Guide Dogs of America.

For more info: Contact Patricia Larriega @ 510-632-3661

Still working after 50 years

As a technician at Novato Toyota and member of Local 1596 for 50 years, Phil Baiocchi has seen many changes—in the dealership, the union, and the industry. In February, received his IAM 50-year certificate, pin and gold membership card. “When I started, there were three guys at this shop; now, there are 20,” he says. “We’re dealing with a lot more cars, a lot more everything.” Phil recalls that the Toyotas of the 1960s were very basic cars. “They didn’t have smog controls, hardly any emissions, very few electronics, and only manual transmissions. Now it’s a whole different world.” He and his fellow techs keep up with the latest in Toyota technology by going to Toyota school. “We used to go 2-3 times a year. Now, you do it on-line, unless it’s very important and they make you come in.”



Phil Baiocchi receives his 50-year certificate on the Novato Toyota shop floor, where he has worked since 1967. (From left) Area Director Pedro Mendez; Vice President Barry Lakritz, Phil Baiocchi, and Business Rep Dave Taylor.

When he first started as a union member, there was one contract for all the dealerships in Marin county. Phil

remembers the countywide strike that lasted almost six months back in the 70s. But as dealerships changed hands,

master agreements become harder to manage. “Now, we have our own contract with Novato Toyota. It probably means that we have less power because it’s harder to picket your own company.” That’s especially true at a family-oriented shop like Novato Toyota. Herb Lakritz, originally the accountant, bought the shop in the 1980s. His three sons, Randy, Barry, and Jeff, work with him as General Manager, Vice President and Service Manager, respectively. “We’ve only had two owners over the 50 years. I knew the boys when they were just kids, running around the shop. Fortunately, they pretty much go along with what the union wants.” Phil plans to retire in 2019, after he earns a few more ASEs. “It’s been a good run,” he says.



IN THE NEWS

Supreme Court rules auto service advisers are exempt from overtime pay

In a 5-4 decision, the Supreme Court ruled in April that service advisers at car dealerships are exempt from federal overtime pay requirements under the Fair Labor Standards Act's overtime provisions because they are salesmen primarily engaged in servicing automobiles.

"A service advisor is obviously a 'salesman,'" Justice Clarence Thomas wrote in delivering the majority opinion for the court. "The ordinary meaning of 'salesman' is someone who sells goods or services, and service advisors sell customers services for their vehicles."

The case centered on a lawsuit current and former service advisers brought against Encino Motorcars LLC for back pay.

Justice Ruth Bader Ginsburg issued a dissenting opinion, which Justices Stephen Breyer, Sonia Sotomayor and Elena Kagan joined.

Ginsburg said service advisers "neither sell automobiles nor service vehicles" and should be covered by the Fair Labor Standards Act.

"In crafting the commission-pay exemption, Congress struck a deliberate balance: It exempted higher paid commissioned employees, perhaps in recognition of their potentially irregular hours, but it maintained protection for lower paid employees, to vindicate the Act's 'principal . . . purpose' of shielding 'workers from substandard wages and oppressive working hours,'" she wrote.

"By stretching the law's exemption to encompass even the lowest income service advisors compensated on commission, the court upsets Congress' careful balance, while stripping away protection for the most vulnerable workers in this occupation."

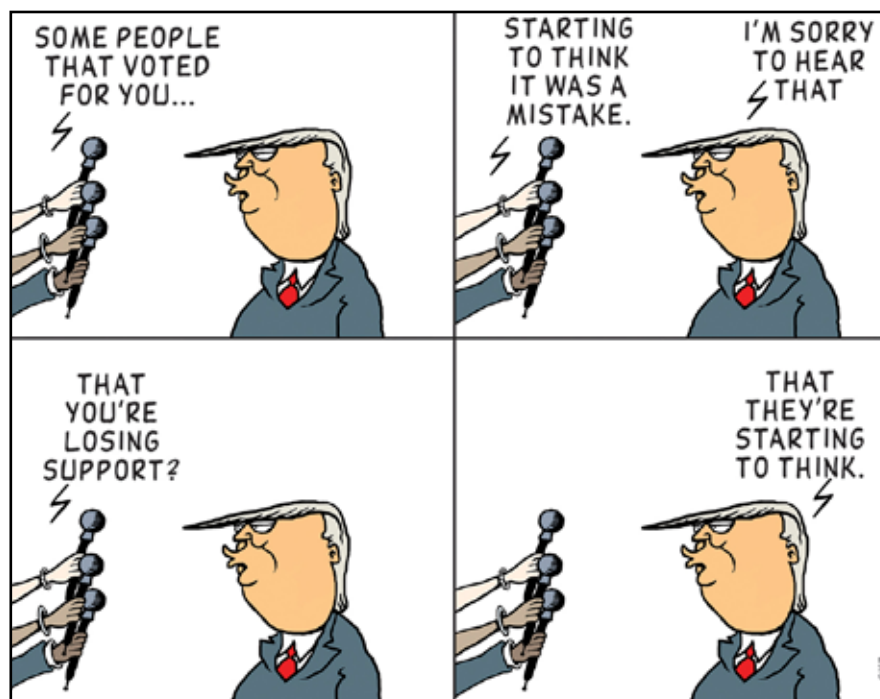
This is the second time this case has come before the court. In 2016, the justices ruled 6-2 that the Department of Labor had to explain why it changed its longstanding policy on which employees at car dealerships are exempt from overtime pay.

By Lydia Wheeler
The Hill

Supreme Court decision allows forced arbitration agreements

In a case known as *Murphy Oil*, the U.S. Supreme Court delivered a blow to workers, holding that an employer can require an employee to sign an agreement making arbitration of all work disputes mandatory.

As a condition of employment, often without the worker even realizing it, employers require employees to sign arbitration agreements, forcing them to give up their rights to pursue claims in court. Such agreements are becoming increasingly common.



On top of this, the Supreme Court's decision holds that employers may force employees to sign arbitration agreements that prohibit class action arbitrations—meaning every worker has to take his or her own case individually to arbitration. Workers claims are usually small, and many workers fear retaliation. Class actions provide strength in numbers, an opportunity to be heard by a judge or jury, and a means for preventing employers from catching an unjust windfall from hundreds or thousands of relatively small, unpursued wage violations. The conservative majority ruled employers can force employees to give all that up.

Justice Gorsuch, appointed by Trump, wrote the decision for the majority. Four Justices dissented in an opinion by Justice Ginsburg, which she announced from the bench. Justice Ginsburg's 30-page dissent traces the history of "legislative efforts to protect workers' rights to band together" through the National Labor Relations Act and emphasizes that in many cases joining together to bring claims is the only way for workers to be heard.

The dissent calls the decision, "egregiously wrong" and the arbitration agreements at issue, "arm-twisted," "take-it-or-leave-it" provisions that will have the inevitable result of an underenforcement of laws designed to advance the well-being of vulnerable workers.

This anti-worker decision, designed to keep workers from going to court or even arbitration together, makes unions all the more urgent a need for workers and provides further motivation to elect a strong Congress and president who will pass new laws that protect workers. The Obama administration and the National Labor Relations Board backed workers in the cases underlying this decision, but after Trump was elected, the Justice Department changed course to side with employers.

Between now and the next election cycle, if workers cannot come together to bring class action law-

suits to rectify widespread wrongs in the workplace—wrongs like sex harassment, discrimination, denial of overtime pay, rest breaks and lunch periods—the only way to fight back is to organize.

By Lisl Soto
Weinberg, Roger & Rosenfeld

California Supreme Court stops "Independent Contractor" scams

In *Dynamex Operations West, Inc. v. Superior Court*, the California Supreme Court issued a landmark decision altering the test for determining whether a worker should be classified as an employee or an independent contractor for purposes of enforcing California's Industrial Welfare Commission (IWC) wage orders, which set the standards for minimum wages, overtime payments, meal and rest breaks, and other working conditions. In a unanimous ruling, the Supreme Court made it much more difficult for employers to classify "employees" (entitled to all kinds of legal protections and benefits independent contractors do not have) as "independent contractors."

The Supreme Court applied the "ABC" test, already adopted in Massachusetts and New Jersey, to determine whether a class of delivery drivers should have been classified as employees and entitled to the protections of the applicable wage order. Under the new test, a worker may only be considered an independent contractor if the hiring entity (i.e. the employer) establishes all of the following:

(A) The worker is free from the control and direction of the hiring entity in the performance of the work, both under the contract for the performance of such work and in fact;

(B) The worker performs work that is outside the usual course of the hiring entity's business; and

(C) The worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

The burden is on the employer to prove that all three of these requirements are satisfied. There is, therefore, a presumption of employee status that must be rebutted in order for the employer to prevail.

Take a close look at these tests—think about truck drivers who work for all manner of consumer companies, or janitors who work for cleaning companies, or Uber/Lyft drivers who work for driving companies, or high tech workers who support large companies or develop their projects, doing just what regular employees do. All these kinds of jobs will get a second look, and affected California workers can be eligible for employee benefits that are not available to independent contractors (starting with work conditions like rest breaks, meal periods, usually overtime and seventh day pay, and so on).

In recent years, the hiring of workers as independent contractors—exempting them from government rules regarding minimum wage, overtime and rest breaks—has exploded. The Supreme Court acknowledged this reality in the *Dynamex* decision, and structured its opinion to avoid precisely these abuses. The Supreme Court admonished that "when a worker has not independently decided to engage in an independently established business but instead is simply designated an independent contractor by the unilateral action of a hiring entity, there is a substantial risk that the hiring business is attempting to evade the demands of an applicable wage order through misclassification." In other words, it's the worker who will be deciding whether he or she intends to be an independent contractor—it won't be enough for an employer to simply say "you are an independent contractor" and leave it at that.

Because this decision is specifically about Wage Order benefits, we do not yet know exactly how it will affect workers' compensation, health benefits, and other benefits not mentioned in the Wage Orders.

This decision will likely have a huge impact on the "gig economy," where employers rely heavily on workers classified as independent contractors to execute their business model. We expect there will be litigation and serious lobbying in Sacramento to undermine this decision. We will all have to be "on guard" to protect this win.

For unions, this is an incredibly important decision—workers in construction, trucking, tech, janitorial services, personalized health care, and so on, will be reclassified as "employees" and therefore, they can join unions and fight for collective bargaining agreements.

By Jolene Kramer
Weinberg Roger & Rosenfeld

Unions up to the challenge after bad Supreme Court decision

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and benefits of public workers is down 8-10%. The legislatures followed a similar script in Iowa, Florida, and Michigan, attacking workers' rights and lowering wages and benefits.

Will the same thing happen here in California? Will they take away our hard-won rights and lower our pay and benefits? That is up to us. We can maintain our power and protect our pay and benefits, if we all choose to stand together in our union.

The value of your union

Let's remember what unions do for the workforce. According to a UC Berkeley study,

- Workers covered by a union contract in California earn an average of 12.9 percent more than their non-union peers of similar ages and educational attainment working in similar industries.
- Overall, a union contract increases an individual worker's annual earnings by \$5,800, for a combined total of \$18.5 billion across California. In low-income regions like the San Joaquin Valley, the difference is more dramatic, increasing a worker's earnings on average by \$7,000 each year.
- 670,000 more Californians have health insurance through their employer as a result of collective bargaining.
- 830,000 more Californians are offered a retirement plan by their employer as a result of collective bargaining.

Since the 19th century, labor unions have served as the primary countervailing force to corporate power. When working people stand together, amazing victories are achieved. In California, unions have

led the way to raise wages, ensure all workers have paid sick days, enact paid family leave, protect immigrants on the job, strengthen workplace safety, fund public education and much more.

"If you want good contracts with good working conditions, then you need a strong union, and we can't have a strong union if people choose to sit out," says the UC Berkeley study. "If we continue to stand together, we will have the strength in numbers it takes to keep our union strong and fight for what's important to us all: improving wages and working conditions and protecting our pensions and health care."

While the Janus decision is a blow, it will not deter us from giving more workers the opportunity to organize a union to better their lives, and the lives of their families. A union on the job remains the surest path to California's middle class.

The Supreme Court cannot stop workers, in the public or private sector, from exercising their legal right to organize with their co-workers for better wages and working conditions. In the end, Janus only reinforces what unions already know—organizing new members is the only way to survive and thrive in our current political climate.

"The Janus decision is just the latest tactic of corporations and wealthy donors who want to take away our freedom at work," said IAM International President Bob Martinez. "The radical right will never defeat a wave of working people joining together for a better life. Union membership is growing and we will continue to organize, mobilize and defeat those who want to destroy unions and silence workers. This is war and working people are going to fight back."



Porsche dealers get a deeper look with smart glasses

Google Glass smart glasses may have flopped with consumers, but similar technology is finding a place on the automotive shop floor.

Porsche Cars North America is rolling out augmented reality smart glasses that service center technicians will wear to troubleshoot problems with remote expert technicians - potentially saving time, dollars and human error.

The technology, which went live at three Porsche dealerships last week, will roll out to 75 stores by year end, and to most of Porsche's 189 U.S. dealerships in 2019.

A service technician wearing the smart glasses at a dealership in Los Angeles can connect with the automaker's technical support team 2,200 miles away in Atlanta. Via high-definition live video from the glasses, the support team sees what the tech is seeing. The expert can project step-by-step technical bulletins and schematic drawings onto the display inside the service tech's glasses, and take screen shots and enlarge images for better visibility. The service tech can open and view documents while working hands-free on the car.

"As a result, two good things happen," Porsche Cars North America CEO Klaus Zellmer told *Automotive News* in an email. "The customer gets their sports car back sooner and the dealer's service bay becomes available earlier for the next customer."

Expanding applications

The use of wearables to do remote technical diagnosis has been studied for decades, Thad Starner, professor of computing at Georgia Tech, told *Automotive News*.

"The technology has only now gotten light enough to wear for extended periods of time," said Starner, who helped develop Google Glass. "Wearables today are more like normal glasses. You can

wear 'em all day ... and stow them quickly just by tucking them into your shirt collar."

Cost remains a major obstacle to broader adoption of smart glasses technology. The smart glasses cost the dealership \$2,750 per pair, according to a Porsche spokesman. The investment likely does not include the licensing fees for the software that powers the technology.

Auto analyst Sam Abuelsamid expects to see broader adoption of augmented reality across the auto industry, especially around repair and service.

As new technology gets incorporated into vehicles, service techs are likely to encounter parts they've never seen before or problems they've never experienced before.

"If technicians have tools to call back to headquarters or the engineering center and get assistance diagnosing things, it can save a lot of time," said Abuelsamid, senior analyst with Navigant Research. "That will pay off in customers bringing their vehicles back for service and repeat sales."

Audi's robots

While Porsche is using smart glasses, Audi relies on robots to connect dealership service bays with experts at the company's technical center.

The system can connect with onboard diagnostic devices in vehicles. It enables experts at Audi's tech center in Auburn Hills, Mich., to see everything the dealership tech does, discuss diagnosis and repair options and link up with the vehicle for software updates.

If you work for a Porsche or Audi dealership and are using smart glasses or robots at work, contact The Sparkplug (dchaplan@mindspring.com) to let us in on how the new technology has changed how you do your work.

Attention: Members of Local Lodge 1584

Official Notice for Nominations and Elections

NOMINATIONS:

At Local 1584's regular lodge meeting, a Special Order of Business will be called at 7:30 p.m. on Thursday, September 20, 2018. The meeting convenes at 7:00 p.m. The positions listed below will be opened for nominations: President • Vice President • Secretary-Treasurer • Recording Secretary • Conductor/Sentinel • Three (3) Trustees • Six (6) Executive Board Members • Three (3) Auditors • Four (4) Alameda Central Labor Council Delegates • Two (2) Contra Costa Central Labor Council Delegates • Two (2) California Conference of Machinists Delegates and One (1) Alternate.

Each office is for a three-year term. Members nominated for office must meet all the "Qualifications of Candidates" as listed in our bylaws and the IAM Constitution.

ELECTION DAY:

Election of Officers will be held on Thursday, October 18, 2018 at 436 McCormick Street, San Leandro, CA 94577. Polls will be opened from 9:00 a.m. to 7:00 p.m.

ABSENTEE BALLOTS:

Absentee Ballots will be furnished upon written request to the Recording Secretary of the Local Lodge by delivering or mailing. Members must qualify under the provisions of the Grand Lodge Constitution as follows:

1. Must reside in an outlying district more than 25 miles from the designated balloting place.
2. Confined because of illness.
3. On vacation.
4. On official IAM business approved by the Local Lodge District Lodge or Grand Lodge.
5. On an employer travel assignment or reserved military leave.

All requests for absentee ballots must be postmarked no later than Monday, October 8, 2018.



JOB BOARD

UPS: Across the Bay Area

United Parcel Service (UPS) is looking for technicians, Trailer Technicians and Plant Engineers (PE). They need at least one technician at most locations in the Bay Area (North and South Bay) and several in San Francisco. To apply, go to www.upsjobs.com and fill out an application.

Fresno area:

The following union employers in Fresno are looking for technicians. (For more information, contact Business Rep Jeremy Celaya or the employers directly).

- **Fresno Truck Center:** Five technicians including a body shop tech.
- **G&H Diesel:** Technicians
- **Bimbo Bakeries USA:** One technician
- **Hedrick’s Chevrolet:** Technicians and HD Technicians
- **RUAN Transport** (Tulare): Technicians

MOVING?
Or need to report a member recently deceased...

Send the mailing label on this newspaper to your local union office.

Please note: Even if you send your notice to the Pension Fund or the Health and Welfare Trust, that won't change your address as the union has it. Be sure to contact your local union! (Addresses are listed in the calendar below.)



Get your IAM news on the web!

The International IAM website is at:
www.goiam.org

Local Lodge websites:
Local 1101: www.iamlocal1101.org
Local 1414: www.iam1414.org
Local 1584: www.iamlocal1584.com

Facebook pages:
Local 653: <https://www.facebook.com/iamaw.local?fref=nf>
Local 1101: [facebook.com](https://www.facebook.com/iam1101) (search for IAM Local 1101)
Local 1546: <https://www.facebook.com/iam1546>
Local 1584: <https://www.facebook.com/IAMLocal1584>

Twitter:
Union Organizer: @union1484



UNION MEETINGS

District Lodge I90 8201 Capwell Drive Oakland, CA 94621 510-632-3661	<i>Meetings are the fourth Tuesday of each month</i> July 24 • August 28 • September 25 Executive Board Meeting: 6:30 p.m. General Delegates’ Meeting: 7:00 p.m.	Local I484 1261 Avalon Blvd. Wilmington, CA 90744 310-835-6688	Executive Board Meeting: 6:00 p.m. on the third Thursday of the month July 19 • August 16 • September 20 General Membership Meeting: 6:00 p.m. on the first Tuesday of the month July 3 • August 7 • September 4 Retirees’ Club: 1:00 p.m. on the third Wednesday of the month: July 18 • August 15 • September 19
Local 93 2102 Almaden Rd., #105 San Jose, CA 95125 408-440-8716	<i>Meetings are the second Tuesday of each month</i> July 10 • August 14 • September 11 Grievance Committee: 3:30 p.m. Executive Board Meeting: 4:30 p.m. Membership Meeting: 5:00 p.m.	Local I528 713 16th Street Modesto, CA 95354 209-529-9210	<i>Meetings are the first Wednesday of the month</i> April 4 • May 1 • June 5 Executive Board Meeting: 6:00 p.m. General Membership Meeting: 7:00 p.m. Shop Steward Meeting: 10 a.m. on the third Saturday of each month July 21 • August 18 • September 15 Narcotics Anonymous: 5:30-6:30 p.m. every Tuesday
Local 653 5726 E. Shields Ave. Fresno, CA 93727 559-264-2815	<i>Meetings are the third Wednesday of the month except in November</i> July 18 • August 15 • September 19 Executive Board Meeting: 5:00 p.m. Membership Meeting: 5:30 p.m.	Local I546 10260 MacArthur Blvd., Oakland, CA 94605 510-638-6705	<i>Meetings are the first Tuesday of the month</i> July 3 • August 7 • September 4 General Membership Meeting: 7:00 p.m. Member Education Meeting: 5:30 p.m. Executive Board Meeting: 6:30 p.m. on the Thursday preceding membership meeting August 2 • August 30 • September 27 Retiree Club Pot Luck Luncheon: 12 noon on the first Wednesday of each month July 3 • August 7 • September 4 Alcoholics Anonymous: 9 a.m. every Saturday
Local 80I 8201 Capwell Drive Oakland, CA 94621 800-655-2182	<i>Meetings are the third Thursday of the month</i> July 19 • August 16 • September 20 Membership Meeting: 4:00 p.m. <i>Meetings are held at the Carpenters’ Hall, in Reno.</i>	Local I584 436 McCormick Street San Leandro, CA 94577 510-635-2064	<i>Meetings are the third Thursday of the month</i> July 19 • August 16 • September 20 Membership Meeting: 7:00 p.m. Executive Board Meeting: 6:00 p.m. Retirees’ Club: 12:30 p.m. on the first Tuesday of the month: July 3 • August 7 • September 4
Local I10I 2102 Almaden Rd., #105 San Jose, CA 95125 408-440-8716	<i>Meetings are the second Thursday of the month</i> July 12 • August 9 • September 13 Executive Board Meeting: 5:30 p.m. General Membership Meeting: 6:30 p.m.	Local I596 1900 Bates Ave., # H Concord, CA 94520 925-687-6421	<i>Meetings are the third Tuesday of the month</i> July 17 • August 21 • September 18 Executive Board Meeting: 6:00 p.m. Membership Meeting: 6:30 p.m. Note: Monthly meetings will now be held at the Plumbers Hall in Santa Rosa: 3473 Santa Rosa Ave., Santa Rosa CA 95407
Local I173 1900 Bates Ave., # H Concord, CA 94520 925-687-6421	Executive Board Meeting: 6:00 p.m. on the second Thursday of the month July 12 • August 9 • September 13 Membership/Shop Stewards’ Meeting: 6:30 p.m. on the second Thursday of the month July 12 • August 9 • September 13	Local 2I82 967 Venture Court Sacramento, CA 95825 800-458-9200	<i>Meetings are the second Tuesday of the month</i> July 10 • August 14 • September 11 Executive Board Meeting: 6:00 p.m. General Membership Meeting: 7:00 p.m. Retirees’ VISTA CLUB: 11:00 a.m. on the third Wednesday of each month: July 18 • August 15 • September 19
Local I4I4 150 South Boulevard San Mateo, CA 94402 650-341-2689	Shop Stewards’ Meeting: 5:30 p.m. on the third Thursday of the month July 19 • August 16 • September 20 Executive Board Meeting: 6:00 p.m. on the second Thursday of the month July 12 • August 9 • September 13 General Membership Meeting: 6:30 p.m. on the third Thursday of the month July 19 • August 16 • September 20 Retirees’ Club: 11:00 a.m. on the first Wednesday of March, June, Sept., Dec. All are welcome! June 6 • September 5 • December 5		