**VOL. 17 NO. 6** 



December 2015/January 2016

Serving the Active and Retired Members of IAM District Lodge I90

Since 2005, IAM has fought to retain its members at the port

# Another waterfront fight heats up in court

The fight that started in 2005, when PMMC—the contractor at the ports of Oakland and Tacoma for Maersk Lines—changed its name to PCMC and informed all the IAM techs that they had to leave the IAM and instead join the International Longshore Workers Union (ILWU) to keep their jobs. That fight has since traveled from the National Labor Relations Board region to the National NLRB twice and now to the national court of appeal. In December, the IAM was back in court, still fighting for its long-time members to come back to their home union.

Meantime, PCMC left Oakland, having been fired by both of its customers here. Ports America, which had taken over the Maersk Terminal, has just been fired by their other Oakland customer, Taiwan-based Evergreen, who plans to bring the maintenance work in-house. Unfortunately, Evergreen plans to sign a contract with the ILWU. They've established a new subsidiary to handle the in-house work called Everports, which has put up a notice for workers at the ILWU hiring hall.

In Oakland, Local 1414 had represented employees in the chassis and power departments and Local 1546 represented the crane shop for a total of 27 employees. Local 1484 had represented 15-16 power shop employees in Long Beach. "No matter what problems the contractors have, with an average of 15 years seniority, these workers know their job and do it well, and Evergreen's managers know that," says ADBR Don Crosatto. "It would be a gross injustice to replace them with people who have never worked on that terminal before. Most importantly, if Everports hires back all, or a majority, of the employees, they'll have to bargain with and recognize the IAM, not the ILWU."

The union's case for getting the employees



Back in 2005, these techs at Maersk Lines in Oakland vowed to do what it takes to get back in the IAM. Eleven years later, a few of this group have died, but the rest are still around and still fighting.

rehired is based on Oakland's Living Wage ordinance, Measure I. Passed in 2002, this law requires that if any port tenant change contractors, the new contractor must hire the existing contractor's employees and retain them for at least 90 days. On December 3, the union took them to court. While the judge was not immediately willing to grant a temporary restraining order to stop Everports from hiring new workers, the union will go back to court on Jan. 13 on the merits. "If we are successful, any employees who have not been hired back are subject to treble damages," Crosatto says.

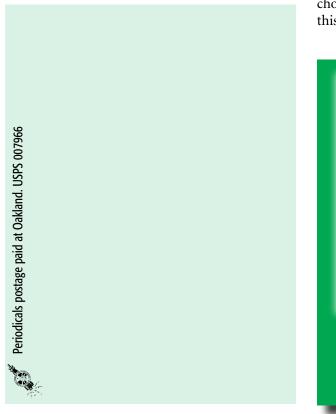
On another, related matter, Everports moved ahead to join the Pacific Maritime Association. Crosatto says that move was premature, because they have no employees yet. "You can't have the employer sign a contract with zero employees and then force people into a union not of their own choosing. This is against labor law. We'll be taking this to the Labor Board."

In December, the union spent two weeks at

the Ports America Outer Harbor trial. This trial stems from when the IAM won the first labor board case against PCMC, but the new terminal operator kept the contract with the ILWU, even though labor board decision directed them to deal with the IAM. "When they refused to bargain with us, we filed a charge at labor board, saying they're the successors to PCMC," says Crosatto. "The board has now started that trial and doesn't think it will be as lengthy because so much of the work was done in the original PCMC case."

Now in its eleventh year, the original case is headed to its final stop, the US Court of Appeal, some time in 2016. "That will be the last word on that case. If we prevail at that level, we will regain our work jurisdiction at the APM Terminal in Tacoma, and will be eligible to collect \$40-60 million dollars in damages at the other two ports," says

Because of the employers' attorney's scheduling conflict, the trial will not resume until April.





#### Flash Fact

America's 20 wealthiest people — a group that could fit comfortably in one single Gulfstream G650 luxury jet — now own more wealth than the bottom half of the American population combined, a total of 152 million people in 57 million households.

Institute for Policy Studies



Visit the District 190 website at: **www.iamdistrict190.org** 

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

#### Local Lodge websites:

Local 1101: www.iamlocal1101.org Local 1546: www.IAM1546.com Local 1584: www.iamlocal1584.com

#### Facebook pages:

Local 653: https://www.facebook.com/iamaw.local?fref=nf

Local 1101: facebook.com (search for IAM Local 1101)

Local 1546: https://www.facebook.com/iam1546

Local 1584: https://www.facebook.com/IAMLocal1584



Retired and active members: Please write in if something in *The Sparkplug* makes you happy or mad or inspires you to action. All letters from members will be used, space permitting. They may be edited for length or grammar, but not for content. Letters may be submitted as follows:

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Debra Chaplan, Managing Editor



## UNION PEOPLE

## **Local 1484 - Wilmington**

## **SSA Terminals-Long Beach celebrates its IAM mechanics**





On December 1, SSA Terminals held a surprise luncheon for all the employees working at its Long Beach facilities to celebrate, congratulate and thank everyone for their efforts over the last year.

"We want to congratulate and thank all of the IAM mechanics working at SSA whose team efforts achieved more than one million moves," said Bob Kelly, M&R Manager.

"The IAM mechanics who service all the mechanical equipment — from the gantry cranes to the power, refrigeration and chassis equipment—play a vital roll in creating the kind of efficiency and through-put possible to achieve an unprecedented, record-setting number of moves. In its class of a 256-acre terminal, this is a huge accomplishment, surpassing all other terminals here on the West Coast" said Dan McEntire, Dayside Foreman.

Rudolph Morales, President of Local 1484 added that "The IAM Mechanics working at SSA are some the most experienced, knowledgeable, professional tradesmen you will ever find. The company could never have achieved this success if it wasn't for the hard work and team effort put forth by all of our IAM mechanics."

"This has been a challenging year for a lot of us and I am really proud of everyone. The men in my department, their commitment, discipline, and



some of sacrifices we have made to keep everything in operation deserve special recognition. My personal thanks to everyone," said Adam Young, Dayside Foreman of the Crane Department.

"With the IAM, you have one of the most knowledgeable, professional and experienced trade unions in North America," Area Director Kevin Kucera told the assembled group. "IAM mechanics understand the value of an integral partnership in meeting the needs of their company and their valued customers."





Around the SSA Terminal

Top L: Power Shop Department

Top R: Crane Department

Middle: Roadability "RODO" Department

Bottom L: Chassis Shop

Bottom R: Refrigeration Department

## Martinez to replace Buffenbarger as IAM president

The IAM announced that General Vice President Bob Martinez, Jr. will succeed current International President Tom Buffenbarger, who steps down on Jan.1, 2016 after a 45-year career that spans service as a local IAM Shop Steward to more than 18 years as the IAM's top elected official.

The announcement follows a vote by the union's 11-member Executive Council, in accordance with the IAM Constitutional requirement for senior elected officials to leave office at age 65. Martinez, a 35-year IAM veteran will serve the remainder of Buffenbarger's current 4-year term, which concludes July 1, 2017.

"The strength of this union has always been its ability to cultivate leaders who respect and reflect the values and goals of our membership," said Buffenbarger. "I'm grateful to have been part of that heritage and I have full confidence that Bob Martinez is the right person to carry on that proud tradition."

A native of Texas, Martinez served in the U.S. Navy before joining the IAM in 1980 as an aircraft assembler at Lockheed Martin Aeronautics in Ft. Worth, TX. Rising through the ranks, Martinez held numerous positions at the local and district level before assuming the office of Southern Territory Vice President in July 2003. In addition to his current position as Vice President in charge of IAM Headquarters, Martinez serves as a Trustee of the IAM National Pension Fund, and is Vice President on the National Executive Board of the Labor Council for Latin American Advancement (LCLAA).



# **APPRENTICESHIP**

## **Apprenticeship programs to expand through AMTAC**

As reported in the August/September issue of *Sparkplug*, a statewide apprenticeship association called Advanced Manufacturing and Transportation Apprenticeships of California (AMTAC), submitted a proposal for funding from the Obama administration's multi-million dollar federal initiative to grow apprenticeships in new industries. Jon Fowkes, Apprenticeship Coordinator of the The Automotive Trades Apprenticeship Program, based in Oakland, announced AMTAC's proposal was not accepted.

"We were going for 1,000 apprentices over five years, benefiting several regions of the state," said Fowkes about the scope of the apprenticeship program to be funded under the federal grant. "Not getting the federal assistance is a disappointment," Fowkes said, "but it's definitely not an end to our apprenticeship initiative."

With Fowkes at the helm, AMTAC brought together a broad coalition to apply for and use the federal grant monies. The group included the Division of Apprenticeship Standards and other state agencies, the Community College Chancellor's office, the California Workforce Investment Board and several local WIBs, 17 community colleges and more than 20 employers. The federal grant would have contributed to the establishment of a self-sustaining apprenticeship program fully funded by employers and benefiting multiple industries in several regions of the state.

"We brought together a powerful set of partners committed to the success of a statewide apprenticeship program," Fowkes said of the AMTAC federal grant request. "Even though we can't all work together at the accelerated schedule

As reported in the August/September issue of the federal grant would have made possible, we *rkplug*, a statewide apprenticeship association are going to push forward."

Ironically, the day after AMTAC learned the federal grant proposal had not been accepted, California Governor Brown announced an addition of \$15 million to the state budget to develop new and innovative workforce training programs called the California Apprenticeship Initiative Grant (CAI)

"We are pursuing grants from the state to fund the apprenticeship programs envisioned in the federal grant proposal," said Fowkes. "The state grants will mean smaller, more regionally focused projects, and may take us longer to reach all of California, but we are committed to maintaining the momentum that began with the federal grant application." AMTAC has now applied for two state grants for programs in the East Bay and Central Valley; those applications were submitted on November 6.

Fowkes is optimistic about additional funding from the state through the CAI grants and potentially California Workforce Investment Board accelerator grants in the coming months and expanding the AMTAC initiative. Speaking about the apprenticeship programs of the IAM and other trade unions, Fowkes says, "Our experience and our process for working with apprentices, community colleges and employers is a model for everyone else. We achieve proven results that benefit everyone, including the broader community. AMTAC is building on and leveraging our model and our success. It will take time, and our partners will change, but we will push forward."

# **C** 5

## AWARDS

## Locals win top honors for website and facebook page

and in your Families' Lives... Call or Text a Machinists Union Organizer Today!

Congratulations to the Local 1584 website (www.iamlocal1584.com) for winning first place in the IAM Communications Department's 2014 Newsletter and Website Contest. The site also took honorable mention in the General Excellence category.

Local 1584's website has been around for awhile, receiving a reboot and redesign in 2013. Created and designed by Local 1584 Communicator Andrea Gorman, the website has been maintained by Gorman with the assistance of Researcher/Organizer Casey Gallagher. For the past two years, the website has included a wide spectrum of information and resources about the Local, the industry

and the importance of organizing.

Be sure to check out the website and "Like" the Local's Facebook page (Bay Area Manufacturing Workers Network-IAM Local 1584). "If you have any suggestions on content or things you'd like to see on any of our online sites, please contact us because we are open to any ideas/in-sights/improvements you might want to see," said Gallagher.

The judges praised the website for its "very clean layout/design scheme and nice incorporation of video and calendar."

Congratulations also to Local 1546 for winning first place in the category of Website Special

IAM Local 1584

Performance, which includes organizing and social media sites. This award recognized the Local's Facebook page (https://www.facebook.com/iam1546), created and maintained by Local 1546 Communicator Jeremy Miller.

The judges could see how active the membership is on the page and noted lots of links to outside pages and nice use of pictures to capture events.

ns. "Congratulations

to all the winners of the 2014 Newsletter and Website Contest," said IAM International President Tom Buffenbarger. "We thank all our lodge web stewards, editors and communicators for faithfully maintaining their websites and newsletters. Consistently staying in touch with our members is critical, and we appreciate all that you do."

## **BUY UNION**

## **Union-Made Holiday Feast**

We've missed Thanksgiving, but you may be serving these products at Christmas time. Here are some union-made products to make the meal even better!



#### Whole Turkey

Butterball

Foster Farms (represented by IAM members)

#### Ham

Boar's Head
Hormel
Farmland
Cook's
Hillshire Farm
Thumann's
John Morrell
Alexander & Hornung
Sahlen's

#### **Potatoes / Sweet Potatoes**

Betty Crocker Dole Ore-Ida Homestyle Bakes Mann's

#### **Stuffing**

Stroehmann Bakery Products Kraft

## **Cranberries / Cranberry Sauce**

Dole

Ocean Spray

#### Salad / Vegetables

Amaral Ranches Broccoli and Romaine Lettuce Andy Boy Broccoli, Cauliflower, Lettuce Birds Eye and Mann's Green Beans Del Fresh Mushrooms Dole Salads Fresh Express Salad Gargiulo Tomatoes Monterey Mushrooms

#### Pie

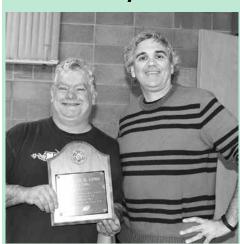
Entenmann's Marie Callender's

For many more great tips about union products and services, go to Labor 411 at **Labor411.org**. This great resource tracks and promotes a wide range of union-made consumer products.



## **Local 1546 - Oakland**

### Local 1546 names its Shop Steward of the year



Coca Cola Shop Steward Brad Long receives award from Asst. DBR Don Crosatto.

Local 1546 prides itself on keeping the Steward of the Year secret until the big unveiling. This year, the top steward was announced at the Local's annual recognition dinner, held on December 1, at the union's Oakland hall. Imagine Brad Long's surprise when his name was called!

In his introduction, Area Director Don Crosatto said that Brad worked at one of the worst-managed shops in the Local and had dealt with numerous maintenance managers who were "serially bad," but he was always keeps a cool head, even during tough negotiations.

Brad has worked at Coca Cola in San Leandro for 21 years and has been a steward most of that time. "Many of us have been there for at least 15 years and the shop is filled with leaders," Brad says. "Supervisors turn over all the time, so people look to us to find out what's going on. Being able to keep our members informed is the most important part of my job."

With 25 plant maintenance techs, Brad's got plenty of education and updating to impart. "Coca Cola is the most recognized brand in the world. We have to do things at a higher level to keep up," he says.

## **Local 653 - Fresno**

#### **Organizing**

What began as a conversation between an aircraft mechanic at the Fresno Air National Guard base with Grand Lodge Special Representative Joe Solis turned into a two-month organizing drive and finally an election. On November 5, 2015, three mechanics who work for AECOM voted to join the IAM. "Local Lodge 653 will cover the classifications of Aircraft Mechanic I, II and III who work on the C-26 program," says Business Rep Jeremy Celaya who worked with the mechanics. "We hope to start meeting with the company to negotiate a contract before the end of the year."

Celaya says that this win has sparked interest in joining the union from other aircraft mechanics. Watch this space for updates.

#### **Grievances**

Celaya reports that a grievance at Ruan for a termination was overturned and became a suspension. Celaya worked with Area Director Mark Martin to get the member his job back.

He is also still working on a termination grievance we filed at UPS freight. Martin, Celaya and Business Rep Skip Hatch have met with UPS to settle this grievance before taking the case to arbitration.

The grievance filed with Commercial Mfg. has been settled, reports Celaya. The company tried to issue three write-ups for the same issue at one time. "Good job to Shop Steward Francisco Chaves for handling this grievance quickly and effectively," Celaya says.

#### **Shop Stewards training**

The Local held a Shop Stewards' training on November 21 with the help of retired Grand Lodge Rep Frank Santos. "We have some new stewards from Locals 653 and 2005 and need to take the class back to the basics," Celaya says. Topics discussed were the role of the steward and how to write a grievance.

## **Local 1101 - San Jose**

### New contract at Normandin Chrysler, Dodge, Jeep, Ram

The 34 members at this San Jose dealership ratified a new three-year contract, and the wage increases they got were, in some cases, substantial.

"We needed to get some of the classifications up to area standards, and we're definitely moving in that direction," says Business Rep Richard Breckenridge.

In their first year, the Diesel Journeymen Technicians are up to \$34.25 per hour, an increase of \$4.42. The Diagnostic Journeymen Technicians will see a raise of \$3.42. The Level 2 Journeymen Technicians will have a \$2.42 increase, and the Level 1 Journeymen Technicians will get a \$1.92 increase.

As for the I-CAR Journeymen Paint and Bodymen, their increases will range from \$1.67 to 2.17. The Service Writers and Dispatchers will get an increase of \$2.14 the first year.

All positions will get an additional \$0.50 increase in years two and three.

## **Local 1173 - Concord**

#### **Contract at Lawrence Volvo**

It wasn't easy to get a contract at Lawrence Volvo in Walnut Creek, but Area Director Steve Older reports that they got a pretty decent deal in early November. "Volvo hasn't been making a lot of money lately, but they have new car and SUV lines coming. They're going after the Infiniti market," explains Older. "We're looking forward to seeing them do new business."

## Still stuck in Concord

The union looks forward to getting back to the table with AutoCom Nissan in Concord. "The Labor Board is standing behind us, and charging the company with violations for playing games with the negotiations," says Older. "We expect to move ahead from here with good faith talks."

## **Local 1414-San Mateo**

AROUND 7

#### Three more years

The employees at Diego Truck Repair in Greenbrae have a new three-year agreement. "They'll get a wage increase of \$1.25 the first year, and we'll do wage openers for the next two years," says Area Director Tom Brandon. "The company will pay the cost of health and welfare for all three years. It's a good deal."

## **Local 1528 - Modesto**

#### Silgan Riverbank

Adding to the myriad of issues at Riverbank, management announced they were reducing the continuation of health benefits after layoff from two months to one. "The impact to the membership and their families, with virtually no notice of the change, would have been severe," says Area Director Mark Martin, who notes that holiday layoffs are an annual practice.

"Thankfully, we were successful in restoring the two months for the time being," Martin says. "We may face this again, but, to the relief of our members and their families leading up to the holidays, this worry is resolved."

## **Local 1546 - Oakland**

#### A good contract at Cummins

With new management negotiators at Cummins West, the union was surprised at which issues were resolved easily, and which were not. "We got a very good deal with a generous wage increase quickly. We maintained the AI health and welfare plan instead of moving into a company plan, and the 401K contribution is now up to \$830/month, which is very generous," says Area Director Steve Older, who worked with ADBR Don Crosatto on the negotiations.

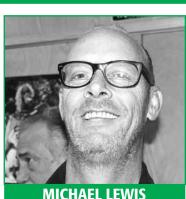
"Surprisingly, one big fight was over apprenticeship fees. They were stuck on not wanting to pay the \$12/ month fee per apprentice," which to Older just seemed like a pittance.

## SHOP TALK: Why is it important to be involved with your union? What does the union



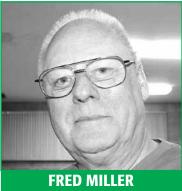
**DON URBONAS**Penske San Leandro
15 years — Local 1546

"So everybody knows their rights. In the past, we've had people go through the motions as steward, but I wanted to step up and be a voice for everyone."



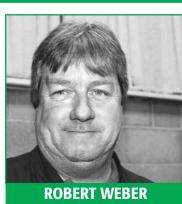
McKevitt Volvo-San Leandro 17 years — Local 1546

"To guarantee your jobs, so you don't get undercut by cheap labor."



Retired
51 years — Local 1546

"It provides good money and good medical. You can't get that without a union. I've been retired 15 years—it works for me."



ROBERT WEBER
Penske Hayward
13 years — Local 1546

"In a sense, you can control your own destiny. Fight for good wages and benefits and get good food!"



Retired Since 2012 30 years — Local 1546

"The union enables us to make a good wage and good living for a blue collar worker. I raised two boys who are now in college—it's a good living."

## HE LOCALS

"Ultimately, we got it done before the expiration date, which is rare these days. It was tough, but we got a good fair contract that the members ratified," Older adds.

#### **Keeping union security**

Even though the techs at Mercedes Benz of Oakland were working for more than a year with an expired contract, they refused to agree to any deal that didn't include union security.

"I finally used the Downtown LA case as leverage to get the dealership to put union security back on the table," says Older. "Then everything fell in place and we were able to complete the contract," which the 45 Machinists and Teamsters ratified in November.

## **Local 1584**

## Wrapping up eight contracts

The California Metal Trades Association (CMTA), a group of manufacturing employers, used to bargain together for wages and working conditions in a master agreement with the IAM. Over the years, the employers have drifted away from the master agreement and now bargain individually. As luck would have it, all eight of the remaining CMTA contracts expired in 2015.

"We recently wrapped up the last of the CMTA agreements with the ratification of A&B Die-Casting in Hercules," reports Business Rep Garry Horrocks. "The 13 members unanimously voted to ratify a four-year deal that doubles the wage increases they had gotten in the last contract, increases their contributions into the National Pension plan, and provides six sick days and a nice signing bonus."

#### **Job opportunities**

Several of Local 1584's employers are accepting applications for immediate openings for experienced Maintenance and Electrical Mechanics. Check our web site iamlocal1584.com; click on the resource button then Job Postings.

UPS is also looking for several Auto/Truck Mechanics. More info is available at **ups.com**.

## **Local 1596-Petaluma**

#### **Contract updates**

The members at First Vehicle Services now have a three-year agreement. This company took over the maintenance work for Clover/Stornetta, which was previously done in-house.

Area Director Tom Brandon reports that an agreement is near with Hansel Ford; negotiations are set to start with Henry Curtis Ford in Petaluma; and talks are under way with Six Flags Discovery Kingdom.

Unfortunately, due to the untimely death of Rick Van Bebber, the union has agreed to hold off on negotiations at Van Bebber Bros. to give the family time to grieve.

## **Local 2005-Livingston**

# Company to cover health costs during layoffs

Foster Farms agreed to waive the employees' health insurance payment of \$60-90/week while the facility is shut down to renovate the packaging plant. "People wouldn't be getting a paycheck for two weeks, so we negotiated to waive their payment of the employee's share of the health and welfare, so that they don't have an additional hardship," says Business Rep Mike Farias.

## **Need Shop Stewards**

Local 2005 needs more stewards for different shifts and areas. If you're interested in getting involved with the union, contact Mike at 209-394-6941.

## **Local 2182-Sacramento**

## Long days at Waste Management

Following the recent contract ratification, Waste Management chose to devise new routes for the drivers. "This wasn't a surprise," says Area Director Mark Martin. "But we were surprised that many of the drivers had to work in excess of 10-12 hours to finish the new routes. We've met with management to resolve the issue," Martin adds.

# Raises needed at City of Sacramento

The IAM advised the City Manager that they needed to keep wages up to area standards or risk losing good techs to higher-paying jobs. "After trying to make a deal with the City Manager's office, we received a big fat 'no' to our request for a much needed advance on our contract's wage increases," reports Mark Martin. "The City is reaping what they sowed. One of our techs left for greener pastures and we have at least three open positions in fleet that the City can't fill. I know of three applicants who told the City, 'not enough money and thanks but no thanks."

The pressure will be on to raise wages when the contract opens in 2017.

#### **A&A Ready Mix Concrete**

The three members who work at A&A Ready Mix at the Port of West Sacramento have a new five year contract, retroactive to February 1, reports Business Rep Skip Hatch.

In addition to getting wage increases averaging about \$.90/hour in each of the five years, they'll also see higher contributions to the California Machinists 401K and improvements to the company-sponsored health plan. They also got a night shift differential for the first time.

"Business is coming back," Hatch says. "Right now, the three guys are covering work around the clock and the company is spending a lot of money on overtime. We expect that they'll decide to hire soon."

## **Locals 801, 1546, 2182**

#### **Bimbos**

The union is currently in negotiations for a new contract at Bimbo Baking. "We have 2 contracts covering Oakland, Sacramento, Redding and Reno," says Mark Martin, who anticipates that health and welfare is likely to be the biggest issue. "We anticipate a reasonable settlement with this employer," he adds.

## **Organizing stories**

## **Acura plays dirty**

Acura of Concord has been a long-time target for IAM organizing. In June, the techs contacted Jesse Juarez, Area Director for Organizing, and let him know that they weren't happy and were ready to try again to gain union representation.

Now that the dealership is owned by Hendrick Automotive Group, Juarez was hopeful. "Local 1546 has contracts with Acura of Pleasanton and Lexus of Pleasanton, which are both owned by Hendrick, and those are going well."

The union filed a petition for a National Labor Relations Board (NLRB) election in July. The employer retained Littler Mendelson, an anti-union law firm well-known to the IAM. "They immediately fired the Service Manager, blaming all the techs' complaints on him, and promised positive changes in the future. It was the typical dog and pony show," Juarez explains.

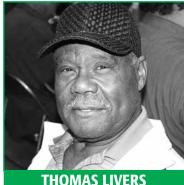
Unfortunately, it worked. By a vote of 6-7, the techs voted against representation on August 21.

The union filed objections with the NLRB over the employer's conduct. "We have story after story of employer threats, coercion and interrogations," Juarez says. After reviewing the evidence, the Labor Board agreed that the company's conduct was illegal and they set the election aside. "Now, the employer has to post a notice about how they'll obey labor laws," Juarez adds. "In February, if we want another election, there will be one."

# Struggling in San Diego for a first contract

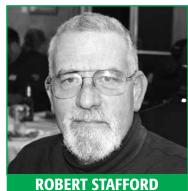
Trying to get a contract at Mossy Nissan in Oceanside has been a great challenge. "They're frustrating the process and making outrageous proposals," says Juarez. "We've filed wage and hour complaints. For the company, it's all about delaying or avoiding a union contract."

## bring you?



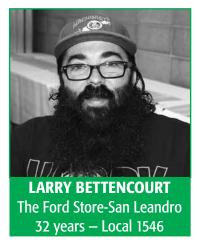
Retired since 1999 25 years — Local 1546

"So we don't have scumbags like Walmart come in and destroy good jobs. You can't afford to live if companies like that don't pay good wages, benefits or retirement."

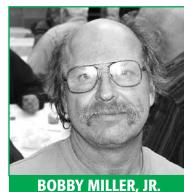


LA Smith & Sons 12 years — Local 1546

"To keep wages up, benefits available at a reasonable cost and security of employment. In case something happens, you've got somebody to help back you up."

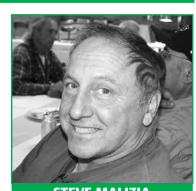


"If you're concerned about having a union job, you should find out what's happening at the Local, and have a voice. You need to be involved with the whole organization to make us strong."



Golden Gate Truck Center 34 years — Local 1546

"Members need to keep in touch with the union to know their rights. Things change. If you come to union meetings, you can learn about new laws and policies that can help you."



STEVE MALIZIA
Retired in 2012
35 years — Local 1546

"If you stick with the union for your life, you'll have something at the end. Flat rate stores say they pay "union scale," but they need a union to have a scale to compare it to."



## IN THE NEWS

## **Browning-Ferris ruling** opens door to the "real" employer

On August 27, 2015, the National Labor Relations Board (NLRB) expanded its "joint-employer" standard. Corporations can no longer shift workplace responsibilities elsewhere, nor will they be able to hide behind loopholes to prevent workers from organizing.

The NLRB will find two or more entities are "joint employers" of a single workforce if (1) they are both employers within the meaning of the common law; and (2) they share or codetermine those matters governing the essential terms and conditions of employment.

In its 3-2 ruling, the NLRB held that Browning-Ferris Industries of California ("BFI") was a joint employer with its contractor, Leadpoint Business Services. Leadpoint helped staff BFI's recycling center. In finding BFI a joint employer with Leadpoint, the Board assessed the indirect and direct control BFI held over essential terms and conditions of employment of the employees supplied by Leadpoint, as well as BFI's "reserved" authority to control such terms and conditions.

Under this ruling, a company that hires a contractor to staff its facilities may be considered a joint employer of the workers at that facility, even if it does not actively supervise them. If the two entities are joint employers, a union representing those workers is now entitled to bargain with the corporation, not just the contractor.

Although the ruling dealt specifically with a California waste-management company, the implications could go much further and the decision serves as a wake-up call to companies that rely on a franchise business model. Under this ruling, major fast-food brands or hotel chains may be deemed joint employers with their subcontractors or franchisee locations, thus, those



corporations could be held liable in a labor dispute brought against the smaller company, and would be obligated to bargain with the workers' union.

This ruling is a big victory for workers as it sets a precedent that prevents larger parent companies from avoiding responsibility for labor disputes and negotiations involving workers employed by their subcontractors.

> By Caroline Cohen Weinberg, Roger & Rosenfeld

## **Corporations are putting** a \$535 billion squeeze on workers' share of the pie

The wage squeeze is not in workers' imaginations.

"Between 2000 and the second quarter of 2015, the share of income generated by corporations that went to workers' wages (instead of going to capital incomes like profits) declined from 82.3 percent to 75.5 percent, as the figure shows," writes the Economic Policy Institute's Josh Bivens.

This 6.8 percentage-point decline in labor's share of corporate income might not seem like a lot, but if labor's share had not fallen this much, employees in the corporate sector would have \$535 billion more in their paychecks today.

If this amount was spread over the entire labor force (not just corporate sector employees) this would translate into a \$3,770 raise for each worker.

And by the way, American corporations were doing just fine back when they weren't squeezing quite so hard.

> by Laura Clawson Daily KOS Labor

#### **Bankruptcy rules don't** trump union rights

Trump Entertainment Resorts, Inc. owns the Trump Taj Majal Hotel Casino in Atlantic City, New Jersey. As employers often do, Trump Entertainment Resorts filed for bankruptcy and sought to get out of its obligations to the union that represents the casino employees. However, a recent decision from a bankruptcy court in Delaware shows that the employer can't use bankruptcy rules to get everything it wants.

Generally, when a company files a bankruptcy petition, its creditors are required to stop all efforts to collect debts or any property of the "bankruptcy estate." This rule is referred to in bankruptcy law as the "automatic stay" on collection efforts. Apparently, Trump Entertainment Resorts tried to use that rule to

prohibit the union from engaging in a lawful boycott.

According to the bankruptcy court, Trump Entertainment Resorts proposed major concessions during bargaining with the union. The union responded with an effective, lawful campaign of contacting customers and encouraging them to take their business elsewhere. Trump Entertainment Resorts then filed a motion in bankruptcy court asserting that the union's conduct was an act to "obtain possession" of part of the bankruptcy estate, and claiming that such activity by the union is prohibited by bankruptcy laws.

In reviewing the arguments, the bankruptcy court balanced the union's rights to use economic weapons (such as a boycott) against the company's interests under bankruptcy rules, and found in favor of the union, determining that Trump Entertainment Resorts was seeking an "undue legal advantage."

This decision serves as a small reminder of the union's power to organize, even when an employer files for bankruptcy.

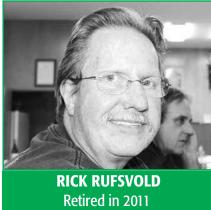
> By Xochitl Lopez Weinberg, Roger & Rosenfeld

### **Poll shows more Ameri**cans support unions

Americans' approval of labor unions has jumped five percentage points to 58% over the past year, and is now at its highest point since 2008, when 59% approved. In the interim, the image of organized labor had suffered, sinking to an alltime low of 48% in 2009.

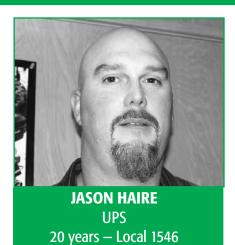
Gallup first asked Americans about organized labor in 1936, a year after Congress legalized private-sector unions and collective bargaining. At that time, 72% of Americans approved of unions. Support remained high into the 1960s, but then dipped through the 1970s until it reached 55% in 1979. It has since varied, reaching as high as 66% in 1999 and as low as the 48% in 2009.

# SHOP TALK: Why is the union important to you and why get involved?

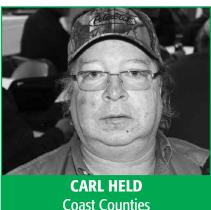


35 years — Local 1546

"To give employees more equal say with the employers. Non-union shops can fire you at the drop of a hat and you have no recourse. That's not true in a union shop."

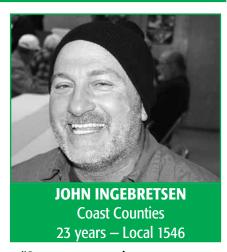


"To promote job security, fair wages, benefits and a good future."



**Coast Counties** 19 years — Local 1546

"It's got a good structure. You get fair pay for a fair day's work. If you have a problem, you have resources to remedy the situation. And hopefully, the pension will be there when we retire."



"So you can speak your peace without getting fired, because your union will back you up."



## IN THE NEWS

The latest results are in from the 2015 installment of Gallup's annual Work and Education survey, conducted Aug. 5-9.

Consistent with the recent increase in approval of unions, the percentage of Americans saying they would like labor unions to have more influence in the country has also been rising, and now stands at 37%, up from 25% in 2009. Meanwhile, the percentage wanting unions to have less influence has declined from 42% to 35%, although it remains higher than it was from 1999 through 2008.

Who Belongs? Approximately one in eight working adults in the U.S. (12%) belong to a labor union, equivalent to 8% of all Americans. More broadly, 17% of Americans live in a household where at least one person belongs to a union. But, notably, this varies markedly by region, with just 6% of adults in the South living in a union household, compared with 18% in the West and roughly a quarter in the East (24%) and Midwest (23%). Membership is also higher among nonwhites (24%) than whites (13%), and among Democrats (24%) than Republicans and independents (13%

each). There are smaller differences by gender, and almost none by age.

In terms of politics, Democrats are the most supportive of unions, with 79% approving and 55% wanting unions to have more influence. While close to half of Republicans approve of unions, just 18% want them to have more influence—53% want them to have less. The views of independents fall a little closer to Republicans than Democrats on both questions.

**Bottom Line:** The solid majority of Americans approve of unions, and most would like to see unions' power strengthened, or at least maintained.

by Lydia Saad, Gallup

#### Study: Independent shop owners ready to bail

Small, independent business owners in the automotive services and repair industry are in a bind. Funding is tight and many are considering getting out of the business.

A recent study, conducted by insurance provider Hiscox, involved more than 1,000 U.S. small- and medium-sized business owners, including many mom-and-pop automotive service shops. Other industries polled included business services, building/ construction, financial services, information technology/media/ telecoms/printing, catering, retail, marketing/communications and professional services.

Owners in the automotive services and repair industry, the study found, face several obstacles.

One-third consider their financial situation worse in 2015 than it was a year earlier. More than half of those owners are considering exiting their business by 2020. That number is 18 percent more than for any other industry included in the study.

Among the reasons for the high number of those looking to exit the

Little time off. 32% of owners in the industry took nine or fewer vacation days, which was the least amount for any industry in the study.

**Tight financing.** 33% of those owners believed that the availability of bank funding for their small business has become more difficult in the past 12 months.

Personal risk. 22% of owners have re-mortgaged their houses to fund their businesses. Hiscox said

this was 12 percent more than owners in any other industry surveyed.

According to the U.S. Bureau of Labor Statistics, both the number of independent shops, as well as employees in the automotive services and repair industry has shrunk.

Since 2005, the number of private, independent mom-and-pop shops has dropped to 159,547 from 165,315, a loss of 5,768 businesses.

The number of employees in the automotive repair industry has also gone down to 863,888 in 2014 from 885,281 in 2005, or a loss of 21,393.

It's unlikely that those declines reflect less service work on vehicles. The average age of light vehicles in the U.S. has risen to an all-time high of 11.5 years, according to IHS, and older cars and trucks typically need more repairs and maintenance.

Dealerships haven't necessarily absorbed all of the mom-and-pops' lost business. Some of it may have gone to large auto-service chains such as Sears. But dealerships have continued to expand their highly profitable service business.

> By Jack Walsworth **Automotive News**



## BENEFITS NEWS

## The "Cadillac" tax is a bad deal for good union health plans

When the Affordable Care Act (also called ACA or Obamacare) went into effect in 2010, the goal was to make it easier for Americans to get quality, cost-effective health-care coverage. Now a flawed provision of the Act is threatening the coverage of millions of hard-working union members.

That provision is called the excise tax, but it's better known as the "Cadillac" tax.

## What is the Cadillac tax?

In its simplest terms, the Cadillac tax is a penalty on employee health benefits valued over a certain level. The ACA sets this level at \$10,200 for single coverage and \$27,500 for family coverage. Any amount beyond this level is taxed at 40 percent.

#### What this means for IAM signatory employers

Say a member who is married and has two kids

gets health coverage through his employer that costs about \$35,000. With the law's family coverage limit set at \$27,500, the excess value is \$7,500.

Multiplying that value by 40 percent (the Cadillac tax) would obligate the employer to pay \$3,000 per employee. Multiply this penalty by every covered employee and it's easy to see why many businesses aren't happy about the Cadillac tax.

#### The Cadillac tax affects more than just employers

The Cadillac tax leaves companies with two options: pay hefty penalties or reduce the coverage they offer. Faced with such large penalties, many employers are exploring alternatives to lower the value of their plans, such as raising deductibles or having employees pay a larger portion of their own health care costs through coinsurance or copays.

In short, the Cadillac tax punishes employers

who are already doing the right thing by providing their employees with excellent, affordable health care. This doesn't make much sense when the ACA's stated goal is "improving access, affordability and quality in health care for Americans."

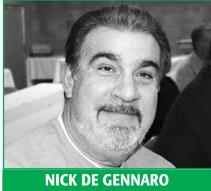
#### One more reason to dislike the Cadillac tax

The cost of health benefits in California is among the most expensive in the nation, leading to a much bigger bill for our employers and the potential for a much larger drop in your coverage.

## One piece of good news about the Cadillac tax

The tax isn't scheduled to go into effect until 2018, which means there's still time to fight it. All IAM members and signatory employers should contact your representatives in Congress and let them know that the Cadillac tax needs to be repealed.

# **SHOP TALK: Why is the union important to you and why get involved?**



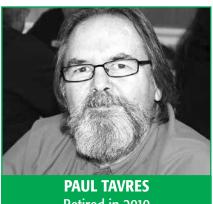
McKevitt Chrysler Dodge Jeep Fiat 25 years — Local 1546

"Hopefully for a good retirement. Without a union, they can fire you at will. A union keeps management in line. The pay is higher for us in the union. It's a better way of life and you have the union behind you."



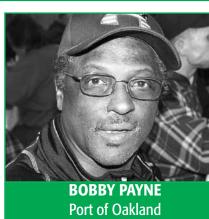
**Golden Gate Truck Center** 26 years — Local 1546

"If you're not involved, how can you complain? We need to be involved to keep track of our future and our pension."



Retired in 2010 37 years — Local 1546

"The union cares for the employees of different companies and helps them negotiate for fair wages and pensions. The companies wouldn't give workers all that if they didn't have to. I had continuous employment and didn't have to worry about health care."



15 years — Local 1546

"It's the only way to make a living; you've got to have some protection. As union members, we make more than other blue collar people."



ATPA is the administrator for the Automotive Industries Health & Welfare and Pension Trust Funds. **Contact us at 510-836-2484.** 

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

Send the mailing label on this newspaper to your local union office. Please note: 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!

See calendar below for your local union's address.

## When the boss makes you sick...

Talks at Mercedes Benz of San Diego are ticking along, but after more than five years, the techs are getting tired. In fact, they're getting sick and tired.

"The dealership is dragging its heels," explains Area Director Jesse Juarez. "The guys just want to get the contract settled. Meantime, the union had to file charges because the employer made changes without bargaining."

According to Juarez, the day after a November negotiating session, 35 techs called in sick. "While the union does not condone or orchestrate sick-outs, we understand how someone might get sick to their stomach looking at management's contract," he said. "This was not orchestrated by the union...it's something the guys did themselves. We were as surprised as the employer was when they effectively shut the place down for a day."

On a more snarky note, Juarez says "five years of lack of progress at the table and an illegal pay plan rendered so many people physically ill, they all had to go to the doctor."

Talks have continued and the union and employer are finally getting to the economics. Hopefully this contract will be settled soon.

## UNION MEETINGS



## District Lodge I90

8201 Capwell Drive Oakland, CA 94621 510-632-3661 Meetings are the fourth Tuesday of each month
December 22 • January 26 • February 23
Executive Board Meeting: 6:30 p.m.
General Delegates' Meeting: 7:00 p.m.

## Local **1484**

1261 Avalon Blvd. Wilmington, CA 90744 310-835-6688 **Executive Board Meeting:** 6:00 p.m. on the third Thursday of the month

December 17 • January 21 • February 18 **General Membership Meeting:** 6:00 p.m. on the first

Tuesday of the month

December 1 • January 5 • February 2 **Retirees' Club:** 1:00 p.m. on the third Wednesday of the month: December 16 • January 20 • February 17

## Local 93

2102 Almaden Rd., #105 San Jose, CA 95125 408-723-4900 Meetings are the second Tuesday of each month

December 8 • January 12 • February 9 Grievance Committee: 3:30 p.m. Executive Board Meeting: 4:30 p.m. Membership Meeting: 5:00 p.m.

## **Local 1528**

713 16th Street Modesto, CA 95354 209-529-9210

#### Meetings are the first Wednesday of the month

December 2 • January 6 • February 3 **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

December 19 • January 16 • February 20

Women's Activity Meeting: 11 a.m.-Noon on the
Third Saturday of each month

December 19 • January 16 • February 20

Narcotics Anonymous: 5:30-6:30 p.m. every Tuesday

## Local 653

544 West Olive Fresno, CA 93728 559-264-2815 Meetings are the third Wednesday of the month except November

December 16 • January 20 • February 17 **Executive Board Meeting:** 5:00 p.m. **Membership Meeting:** 5:30 p.m.

NOTE: The office will be closed from Dec 17, 2015 to Jan 2, 2016

## **Local 1546**

10260 MacArthur Blvd., Oakland, CA 94605 510-638-6705

#### Meetings are the first Tuesday of the month

December 1 • January 5 • February 2 **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

January 4 • January 28 • February 25

Retiree Club Pot Luck Luncheon: 12 noon on the first Wednesday of each month
January 6 • February 3 • March 2
Alcoholics Anonymous: 9 a.m. every Saturday

## Local 801 8201 Capwell Drive

8201 Capwell Drive Oakland, CA 94621 800-655-2182

Local IIOI

San Jose, CA 95125

408-723-4900

2102 Almaden Rd., #105

## Meetings are the third Thursday of the month

December 17 • January 21 • February 18 **Membership Meeting:** 4:00 p.m.

Meetings are held at the Carpenters' Hall, in Reno.

Meetings are the second Thursday of the month

December 10 • January 14 • February 11

Executive Board Meeting: 5:30 p.m.

General Membership Meeting: 6:30 p.m.

## **Local 1584**

436 McCormick Street San Leandro, CA 94577 510-635-2064

#### Meetings are the third Thursday of the month

December 17 • January 21 • February 18 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:

December 1 • January 5 • February 2

## **Note:** Office hours are now 8 a.m.—4:30 p.m. Monday through Friday. The office remains open during lunch.

Local II/3 1900 Bates Ave., # H Concord, CA 94520 925-687-6421 **Executive Board Meeting:** 6:00 p.m. on the second Thursday of the month

December 10 • January 14 • February 11

Membership/Shop Stewards' Meeting: 6:30 p.m. on the second Thursday of the month

December 10 • January 14 • February 11

## **Local 1596**

4210 Petaluma Blvd. No. Petaluma, CA 94952 707-795-0086

# Meetings are the third Tuesday of the month December 15 • January 19 • February 16 Executive Board Meeting: 6:00 p.m.

Membership Meeting: 6:30 p.m.

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#### Local 2005 544 West Olive Fresno, CA 93728

Business Office: 559-264-2815 In plant office: 209-394-6941

*Meetings are held the third Sunday of each month* at the Veterans Memorial Hall: 1605 7th Street,

Livingston, CA 95334.

December 20 • January 17 • February 21 **Executive Board Meetings:** Noon

General Membership Meetings: 1:00 p.m. (all languages)

## Local 1414

150 South Boulevard San Mateo, CA 94402 650-341-2689 **Shop Stewards' Meeting:** 5:30 p.m. on the third Thursday of the month

December 17 • January 21 • February 18

Executive Board Meeting: 6:00 p.m. on the second

Thursday of the month

December 10 • January 14 • February 11

**General Membership Meeting:** 6:30 p.m. on the third Thursday of the month

December 17 • January 21 • February 18

Retirees' Club: 11:00 a.m. on the first Wednesday of March, June, Sept., Dec. All are welcome!

December 2 • March 2 • June 1 • September 7

### **Local 2182**

967 Venture Court Sacramento, CA 95825 800-458-9200

#### Meetings are the second Tuesday of the month

December 8 • January 12 • February 9

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:

December 16 • January 20 • February 17