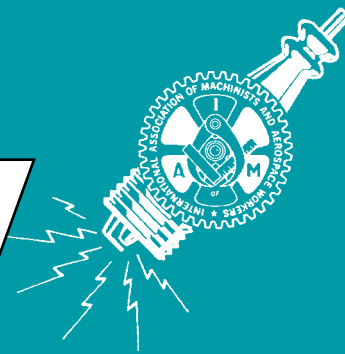


# The IAM District 190 Sparkplug



VOL. 17 NO. 5



October/November 2015

Serving the Active and Retired Members of IAM District Lodge 190

## Labor Board sets important new precedent for organizing

*Working people won a significant victory on August 27 when the National Labor Relations Board issued the **Browning-Ferris** decision and increased employer accountability for wages and work conditions.*

The decision could have widespread implications for subcontracting, franchising, and for temporary staffing agencies, the NLRB ruled that the owner of a California recycling plant was a “joint employer” with the contractor that hired workers at the plant, essentially forcing both to bargain with the union together or risk violating U.S. labor law. The case was brought by the Teamsters against Browning-Ferris (BFI), now owned by Republic Services, and their subcontractor, staffing agency Leadpoint.

The union contended that the definition of what it means to be an “employer” must be expanded beyond the staffing agency, to take into account the larger company that determines the conditions of the working environment.

In its 3-2 ruling, the NLRB agreed with the union. “With more than 2.87 million of the nation’s workers employed through temporary agencies in August 2014, the Board held that its previous joint employer standard has failed to keep pace with changes in the workplace and economic circumstances,” the Board said in a release accompanying its decision.

The story began in 2014 when the workers at BFI’s recycling facility in Milpitas decided they wanted union representation. Teamsters Local 350 filed an election petition naming both

the staffing agency, Leadpoint Services, and BFI as joint employers of the sorters. The election was held in April, 2014. However, the ballots were impounded for 16 months until the NLRB could reach a decision on the legality of joint employer status of Leadpoint and BFI. Following the NLRB’s ruling, the ballots were opened on September 4, 2015, and the workers had voted by more than a 4-1 margin in favor of Teamsters representation.

“This is a big victory for these workers who patiently stood together to change their own lives for the better, and helped millions of other workers in the process,” said Joint Council 7 President Rome Aloise.

### Implications for other unions

This ruling paves the way for gains across a range of industries given the widespread use of subcontracting by the manufacturing and service sectors to lower costs.

“It’s certainly a game changer,” said Teague Paterson, a partner at Beeson Tayer & Bodine, the law firm representing the union in the NLRB case. “Unions and workers have been frustrated by these triangulated relations that the board condoned in the past. It certainly opens the door to more organizing.”

“Manufacturers including auto workers, food processors, steelmakers and aerospace companies are potential targets for union campaigns,” said Elizabeth Bunn, director of the AFL-CIO’s organizing department, noting that plant workers are often not directly employed by the parent firm. “You literally can walk into almost any nonunion manufacturing plant in the U.S. and you’ll see workers working on a line and not be able to distinguish who is temp from an agency and who is a direct employee of the company,” she said.

The NLRB is sending a signal that the long period of joint-employer abuse—where the government looks the other way as corporations evade their responsibilities by denying that workers’ real employer—is coming to an end.

## SHOP TALK

### What’s the most important benefit of being a union member?



**MARCO LOPEZ**  
Fresno Truck Center  
Local 653 - 2 years

“A contract allows me to bargain over wages and pension. And it ensures justice on the job.”



**JOSE MORENO**  
Fresno Truck Center  
Local 653 - 10 years

“The #1 benefit is job security. Having a contract allows for the company and workers to have a set of rules to follow that don’t change daily.”



**SERGIO MATIAS**  
Fresno Truck center  
Local 653 - 2 years

“The apprenticeship in my contract is important to me. I get on-the-job training and get to go to a local college to shape me into a journeyman.”



**JOSE RODRIGUEZ**  
Fresno Truck Center  
Local 653 - 22 years

“Union security and our rights as workers are protected.”



**JOSE REYES**  
Fresno Truck Center  
Local 653 - 2 years

“I’ve worked in non-union shops over the years where it was hard to get a raise and decent benefits. Now I have a CBA that spells out when and how much of a raise I can look forward to and I get better benefits to take care of my family.”







Local 1528-Modesto: Building unity through picnicking



Local 1528 sponsored its first-ever picnic for the members who work at Applied Aerospace Structures in Stockton “to build unity and bring the guys together in advance of their contract talks opening at the end of the month,” says Business Rep Skip Hatch. The event was held at Micke Grove Park in Lodi on September 12.

“The picnic ran two hours longer than scheduled, so it must have been good,” Hatch said.

“There was lots of good food and camaraderie,” says Local 1528 Recording Secretary Diane Stewart. “The weather was great and so was the Tri-tip and ribs.”

“They got good increases all the way around.” The Parts Department has a separate contract that was negotiated in less than two hours. “This was a record,” Older adds.

Local 1528 - Modesto

Fighting for seniority rights

Local 1528 is working to maintain the right of Silgan Riverbank mechanics to bid the can line they want to work on. “Management is choosing to ignore seniority and is trying to use the old excuse of ‘balance of skills,’” explains Area Director Mark Martin.

“This is the same old BS argument that didn’t hold water then and won’t hold water now,” Martin says. “Seniority is in the contract to avoid favoritism. We’ll continue to fight to make sure that the company upholds that key principle.”

Local 1546-Oakland

New contract at Sonoco

The maintenance workers at Sonoco Protective Products in Hayward have a new three-year contract. “It’s a decent deal,” says Area Director Steve Older. “They’ll get 2.5% wage increases each year. That may not sound like a lot, but it’s literally 10 times what the company started out with.”

Fighting right-to-work

With all the talk about right-to-work on a national basis, union security is under attack right here in the Bay Area. Older says many employers are approaching the union with proposals for open shop or modified union security. So far, the union is holding firm.

Mercedes of Oakland finally gave in on this after 99% of the crew signed a petition demanding a contract with union security. “We canceled the picket we had planned for Labor Day weekend because the company gave in to our demands,” Older says, noting that, at press time, the members will be voting on their new contract—union security and all.

Local 93 - San Jose

Maybe a deal

The 82 members who work at Fort Hunter Liggett in Monterey County finally received settlement checks from their former employer, VSE Corp. “It took three years, but we knew we would prevail,” says Business Rep Richard Breckenridge.

VSE Corp., the former contractor at the military installation, owed their employees for vacation and holiday hours, and health and welfare, but refused to pay.

“The union filed a grievance in August 2012. VSE lost their con-

tract in 2013, and then regained it, bringing in PTI do the work. But they still refused to pay our members,” Breckenridge explains. “We finally got a settlement of \$33,974.23, which got divided up, as owed, among the members.”

Local 653 - Fresno

Apprentices turn out and come in

“Local 653 is pleased to announce that we have two graduating apprentices,” says Business Rep Jeremy Celaya. “Congratulations to Jose Reyes from Fresno Truck Center and Sim Sarth from Fresno Chrysler-Jeep-Dodge-Ram.”

On September 3, 2015 three new apprentices were indentured into the Apprenticeship program. Celaya welcomes Leocadio Vasquez, III from Fresno Chrysler-Jeep-Dodge-Ram, and Pedro Ceja and Andres Santiago from Fresno Truck Center.

Talks at Bimbo

The members at Bimbo Bakeries have ratified a new three-year contract that includes a \$.40/hour raise each year, 5¢/hour into the IAM National Pension, and the company will cover all health and welfare increases up to 7%.

Celaya thanked Area Director Mark Martin for his support and advice and wanted to acknowledge member Doug Outfleet for his important role in the talks.

Local 801-Reno

More money at LB&B

By an overwhelming margin, the 20 members at LB&B Associates in Fallon, NV ratified a new three-year contract in September that provides 2.5% wage increases each year of the agreement, reports Area Director Mark Martin.

Local 1101-San Jose

A new member in Aptos

When S. Robertson Trucking signed a contract with Local 1101, the union gained one new driver/tech.

“We’re starting with one new member, but the company expects to grow,” says Business Rep Richard Breckenridge. “They’re looking to get a second truck and driver, so they’ll have two drivers and a full-time mechanic. We look forward to growing with them.”

Local 1173- Concord

Quick work in Brentwood

The 25 techs and five parts people who work at Bill Brandt Ford in Brentwood got a new three-year contract, reports Area Director Steve Older.

The IAM District 190

# Sparkplug

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SHOP TALK: What’s the most important benefit you get from being a member of



MIGUEL JIMENEZ  
Fresno Truck Center  
Local 653 - 10 years

“I work an odd shift. If it was not for my collective bargaining agreement, I would have been screwed out of a lot of overtime pay.”



MICHAEL SHANE WARD  
Fresno Truck Center  
Local 653 - 3 years

“Job security and good benefits so I can take care of my family.”



PEDRO CEJA  
Fresno Truck Center  
Local 653 - 1 year

“A contract provides us with a pension so when I retire I will be able to live well. Also, it protects our rights as workers and ensures safety on the job.”



NAHEEM MOHAMMED  
Fresno Truck Center  
Local 653 - 22 years

“You need a good contract to keep contributing to the pension fund—that way you can retire with ease. It’s all about seniority and union security.”



LUIS C...  
Fresno Truck Center  
Local 653 Shop

“We have language jobs. We have earned raise without having and we have a bid for shifts.”



THE LOCALS

Big raises

The seven mechanics who repair equipment for one of the largest electrical contractors in the Bay Area, St. Francis Electric in San Leandro, got a real boost this year. “Negotiations have never been difficult, but this group has fallen behind the market area,” says Area Director Don Crosatto.

“The employer recognized this, and offered a \$4/hour raise right out of the gate. Coupled with the fact that the health and welfare costs didn’t go up, this means that the guys will immediately see that \$4 on their paycheck.” The increase in subsequent years will be \$1.50, \$1.60 and \$1.65.

Improved offer goes to the members

The seven techs at Berkeley Honda rejected their employer’s first offer, but a new and improved offer is now on the table. “Ten years ago, we had a strike over the pension and ultimately moved over to the IAM National Pension plan,” says Crosatto. “Now the employer wanted to get out of that plan, too, but we changed his mind for him.” The members will soon vote on a new offer that has improved wages for installers, bonus money for journeymen, and retains the national pension.

Cummin up with a deal

Local 1546 is hot and heavy in negotiations with Cummins Pacific. This distributorship came under new ownership when Cummins West sold to the Southern California Cummins.

“The employer wanted to re-write large sections of the contract,” says Crosatto. “They wanted to replace floating holidays with sick leave and were surprised when we fought that proposal. We’re looking to improve the 401K, and are having a “robust debate” over health care.”

In an effort to address the nationwide shortage of mechanics, Cummins has a reputation for spending a lot of money on training and apprenticeship. “Their techs are highly sought-after,” adds Crosatto, “which gives us some leverage to get them a good deal.”

Long-time union shop closes

After 81 years, Local 1546’s longest standing union shop—Hanzel’s Auto Body—is closing its doors. “The shop is in Oakland’s uptown area, which is becoming a boom town. Henry Hanzel sold to real estate interests who plan to turn his space into condominiums,” Crosatto says.

Settlement at PCMC?

As reported in the last issue of *The Sparkplug*, the IAM won another round in the legal battle with PCMC at the Ports of Oakland and Tacoma. While the company has already filed an appeal with the D.C. Circuit, the union and company held settlement discussions on August 18.

“No decisions were made,” says Crosatto. “We’ve planned meetings for the next few months to see if its possible to arrive at a settlement.

Meantime, Ports America Outerharbor, the successor to PCMC in Oakland, refused to recognize the IAM and kept the ILWU. The IAM is taking them to trial on October 19.

“Ports America would be liable for the damages and lost wages and pensions for the guys who were not hired,

as well as for the current people working there,” Crosatto explains. “It’s possible for the judge to find them jointly liable for PCMC’s debt—all the way back to 2005.” It will probably take about three years to get a final decision in this case.

Local 1584-Oakland

First contract at First Student

The three techs who repair buses at First Student in Oakland ratified their first contract. “They’ll get a \$1/hour wage increase and 2% per year put into their retirement,” says Area Director Garry Horrocks. The contract also includes company participation in the apprenticeship program. “We’ve already enrolled one of the guys into the program.

Local 2182-Sacramento

New contract at TMH

The 20 mechanics at Toyota Material Handling unanimously ratified a three-year contract that includes wage increases of \$1/hour each year and significant reductions in the employee cost for health and welfare.

Multiple Locals

Working for equity at AMR

The 18 mechanics who work for American Medical Response, an ambulance company with locations in Burlingame, Concord, Sacramento, Stockton & Modesto will be voting on a new three-year agreement.

The wage increases are meant to bring the workers at the different locations to a similar wage rate. Those in Locals 1546 and 1414 will get a 2% increase the first year, and then 2.5% in the next two years. The Sacramento shop (Local 2182) will get 2.5% increases and the Stockton and Modesto techs (Local 1528) will get 3% increases each year of the contract.

The cost share for the medical benefits was also improved. Starting in year two, the company will pay 85% instead of the current 75% of costs.

Business Reps Skip Hatch and Pat Woodward negotiated this contract for the five shops and four Locals. “The Stockton and Modesto shops came in later and didn’t have as good a contract as the other three shops. The contracts are all now merged and the better language prevailed,” explains Hatch.

Local 1173 - Concord

Sharing good news with Autocom techs

When an employer comes out and states that the company’s philosophy is that “every employee should have the choice to belong to a union,” that’s music to a union rep’s ears. And when Local 1173 heard that from Autocom Concord’s Vice President, they decided to share it with the techs at all of Autocom’s shops. So the local distributed the leaflet shown here to the Autocom shops in Walnut Creek, Oakland and San Leandro.

Trouble is, that may be what Autocom has said, but its not what they’re acting on. Local 1173 has been in negotiations with Autocom Nissan in Concord for nearly two years, with the major sticking point being that the employer is trying to get the union to agree to “open shop” in the contract.

“All of the guys signed a petition asking to maintain the union’s principle of union security,” says Area Director Steve Older. “The company told us that means nothing. I guess I don’t understand what Autocom means by ‘company philosophy’.”

Older expects that picketing will resume at Autocom Concord. “We’re working closely with the Teamsters in Concord and hope to resolve this soon.”

the union?

**NICK CHAVEZ**  
Fresno Truck Center  
Steward - 4 yrs

“I love my union. A contract puts everyone on a even playing field. We get better benefits and wages compared to our sister stores.”

**ELI VALDEZ**  
Fresno Truck Center  
Local 653 - 13 years

“Job security and a good pension.”

**TALBERT SIMONIAN**  
Fresno Truck Center  
Local 653 - 4 years

“Having a union ensures you are paid an honest day’s wage for an honest day of work. It brings confidence and pride to the job.”

**ALEX MANZANO**  
Fresno Truck Center  
Local 653 - 11 years

“Job security and a Collective Bargaining Agreement that spells out what management and the employees can and cannot do.”

**JOE VILLEGAS**  
Fresno Truck Center  
Local 653 - 22 years



Official notice of nomination and election of  
Local Lodge 1546 Officers and Delegates

Dear Sisters and Brothers:

Under our Constitution and Bylaws, notice is hereby given for Nominations for the following offices: President, Vice-President, Recording-Secretary, Secretary-Treasurer, Sentinel-Conductor, Three (3) Trustees, Three (3) Members of the Audit Committee, Five (5) Delegates for the California Conference of Machinists, Five (5) Delegates to the California Federation of Labor AFL-CIO, Seven (7) Delegates for the Alameda County Central Labor Council, Three (3) Delegates for the Contra Costa Central Labor Council, Two (2) Delegates for the San Joaquin-Caleveras Co. Central Labor Council, and Eight (8) Members of the Executive Board. The Term of Office is for a period of three (3) years.

The nominations will take place at our regular meeting on Tuesday, November 3, 2015 no later than 9:00 p.m. in our building at 10260 MacArthur Blvd., Oakland, CA 94605. Nominations will be made orally from the floor and the names of all nominees will be read by the Recording Secretary at the close of nominations.

The election will be held on Tuesday, December 1, 2015 at the Union Hall: 10260 MacArthur Blvd., Oakland, CA 94605. The polls will be open from 8:00 a.m. to 8:00 p.m.

Requests for an absentee ballot should be forwarded to the Recording-Secretary no later than 30 days before the election. Members who reside more than 25 miles from the designated balloting place, or are confined because of verified illness, on leave qualifying under family leave laws, on official IAM business or on employer travel assignment or military leave shall be eligible for an absentee ballot.

Fraternally,  
Keith Hamilton, Recording-Secretary, Local 1546

Attention Local 1546 Members:  
Notice of proposed bylaws changes

Please be advised that at Local 1546’s general membership meeting on **October 6** at 7:00 p.m., the first reading of proposed bylaw changes will take place. The second reading and vote will take place at the **November 3** general membership meeting.

The meeting will be held at the offices of IAM Local 1546, located at 10260 MacArthur Blvd., Oakland, CA 90021.

Attention Local 1173 Members:  
Notice of proposed dues increase

On December 10, 2015, the Officers and members of the Lodge will be discussing a possible dues increase for 2016 at the regular membership meeting at 6:30 p.m. All members are encouraged to attend the meeting and participate in this important discussion and possible vote.

The December meeting will be held at the Union Hall located at 1900 Bates Avenue, Suite H, Concord, CA.



UNION MEETINGS



District  
Lodge 190

8201 Capwell Drive  
Oakland, CA 94621  
510-632-3661

*Meetings are the fourth Tuesday of each month*  
October 27 • November 24 • December 22  
**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  
October 15 • November 19 • December 17  
**General Membership Meeting:** 6:00 p.m. on the first Tuesday of the month  
October 6 • November 3 • December 1  
**Retirees’ Club:** 1:00 p.m. on the third Wednesday of the month: October 21 • November 18 • December 16

Local 93

2102 Almaden Rd., #105  
San Jose, CA 95125  
408-723-4900

*Meetings are the second Tuesday of each month*  
October 13 • November 10 • December 8  
**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*  
October 7 • November 4 • December 2  
**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  
October 17 • November 21 • December 19  
**Women’s Activity Meeting:** 11 a.m.-Noon on the Third Saturday of each month  
October 17 • November 21 • December 19  
**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*  
October 21 • November 11 • December 16  
**Executive Board Meeting:** 5:00 p.m.  
**Membership Meeting:** 5:30 p.m.

Local 1546

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

*Meetings are the first Tuesday of the month*  
October 6 • November 3 • December 1  
**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  
October 1 • October 29 • November 30 • Jan 4  
**Retiree Club Pot Luck Luncheon:** 12 noon on the first Wednesday of each month  
October 7 • November 4 • December 2  
**Alcoholics Anonymous:** 9 a.m. every Saturday

Local 801

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

*Meetings are the third Thursday of the month*  
October 15 • November 19 • December 17  
**Membership Meeting:** 4:00 p.m.  
*Meetings are held at the Carpenters’ Hall, in Reno.*

Local 1101

2102 Almaden Rd., #105  
San Jose, CA 95125  
408-723-4900

*Meetings are the second Thursday of the month*  
October 8 • November 12 • December 10  
**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*  
October 15 • November 19 • December 17  
**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:  
October 6 • November 3 • December 1

Local 1173

1900 Bates Ave., # H  
Concord, CA 94520  
925-687-6421

**Executive Board Meeting:** 6:00 p.m. on the second Thursday of the month  
October 8 • November 12 • December 10  
**Membership/Shop Stewards’ Meeting:** 6:30 p.m. on the second Thursday of the month  
October 8 • November 12 • December 10

Local 1596

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

*Meetings are the third Tuesday of the month*  
October 15 • November 16 • December 15  
**Executive Board Meeting:** 6:00 p.m.  
**Membership Meeting:** 6:30 p.m.

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.*  
October 18 • November 22 • December 20  
**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  
October 15 • November 19 • December 17  
**Executive Board Meeting:** 6:00 p.m. on the second Thursday of the month  
October 8 • November 12 • December 10  
**General Membership Meeting:** 6:30 p.m. on the third Thursday of the month  
October 15 • November 19 • December 17  
**Retirees’ Club:** 11:00 a.m. on the first Wednesday of March, June, Sept., Dec. All are welcome!  
December 2

Local 2182

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

*Meetings are the second Tuesday of the month*  
October 13 • November 10 • December 8  
**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:  
October 21 • November 18 • December 16