

The IAM District 190

# Sparkplug



VOL. 18 NO. 1



March-May, 2016

Serving the Active and Retired Members of IAM District Lodge 190

*IAM helps pass key legislation on flat rate pay*

## New law codifies and extends reach of *Downtown LA Motors* lawsuit

When the state legislature passed and Governor Brown signed AB1513 in October, 2015, they cleaned up abuses in the flat rate system used by numerous California auto dealerships. This was a major victory for techs who want a fair day's pay for a fair day's work.

Under the flat rate pay system, the technician is paid by the job, not by the hour. If a job that is estimated to take one hour takes three, the tech is still paid for one hour. However, if he completes the work in just 30 minutes, he still receives the full one hour flat rate. Under flat rate, techs are not paid for attending shop meetings or trainings, or waiting for parts or for the next car to come in. And they definitely do not get paid for breaks.

Flat rate was uncommon in the Bay Area until about 30 years ago. The union fought it, sometimes successfully, sometimes not, because they knew that without hourly guarantees, the flat rate system was likely to cost workers money.

Sponsored by Assembly member Das Williams, AB 1513 requires that employees who work on piece or flat rate be compensated for rest and recovery periods and other nonproductive time at or above specified minimum hourly rates, separately from any piece-rate compensation.

According to Attorney Caren Sencer from the Weinberg, Roger and Rosenfeld law firm, what that means in plain English is that employers must:

1. Compensate for unproductive time. Dealerships must pay mechanics for their time waiting for cars or parts, getting trained, attending shop meetings. For mechanics who supply their own tools, that time needs to be compensated at a rate at least twice the minimum wage, and,
- 2) The dealership has to pay for rest breaks.

### The lawsuit that changed everything

AB 1513 codifies the *Gonzalez v. Downtown LA Motors* lawsuit that was decided in April 2013 by the California Court of Appeal. The Court ruled that piece-rate pay systems that do not provide compensation for time spent on so-called "non-productive" tasks violate California's minimum wage law. The original case involved a group of Mercedes-Benz mechanics who were not allowed to leave their employer's premises while waiting for vehicles to repair but were expected to perform various non-repair tasks such as cleaning their work areas, obtaining parts, participating in on-line training, and reviewing service bulletins. The mechanics received pay only for the repairs they performed. The employer argued that it complied with the minimum wage law because when all the hours mechanics were at work were divided into their total pay, the average compensation was greater than the minimum wage.

The court ruled that the employer had to provide additional pay during all hours worked, including waiting time, because the workers were required to remain at work under the employer's control.

California's Department of Industrial Relations helped draft AB 1513 in consultation with the Machinists and the automotive industry and with the agricultural industry and their unions—the farmworkers and Teamsters. "Since the *Downtown LA Motors* ruling came out, employers claimed they weren't sure what how to meet the letter of the law," says Sencer. "Now, there's no more ambiguity—they have a clear set of rules to live by."

### No "safe harbor" for dealers

One other issue addressed in AB 1513 is the "Safe Harbor provision." While employers recognized that they'd have to pay for "non-productive" work going forward, they were concerned about liability for large lawsuits to cover back wages going back in time. "The law includes a 4% payout (or a maximum of \$4,000 per year for four years) for the agricultural industry to cover previously unpaid non-productive time," Sencer explained.

However, the IAM estimates that the typical non-productive time at a flat rate dealership is significantly higher than that. "We would never have accepted the 4% payout," says Area Director Don Crosatto. "That would have shortchanged our members significantly."

Ultimately, the auto dealers decided to opt out of the Safe Harbor provision altogether, taking the risk that mandatory arbitration would limit how much they had to pay techs for back wages.

"I'm glad the dealers opted out, but I'm not sure why they did," says Area Director Tom Brandon. "One of my shops owes their techs four years of back wages that come to about \$83,000. With 33 people at the shop, times \$83,000, that's a lot of money. We look forward to going after it."

## IAM Grand Lodge Convention

*Your chance to make a difference!*



By Jim Beno

### District 190 Directing Business Representative

One of the most important aspects of the upcoming Grand Lodge Convention is that every member has a chance to submit changes to our IAM Constitution. This is the bible of the Machinists Union and governs our union's day-to-day activities and also sets the code of conduct for our officers and staff. The Convention affords every member and Local Lodge the opportunity to revise and update our Constitution and to present ideas in shaping the goals and activities of our Union in the upcoming years.

All Local lodges should elect a committee on the revision of the Constitution at their next scheduled union meeting. Any proposed amendment to the Constitution made by any member of the local lodge should be referred to this committee for consideration and recommendation. Upon approval of any proposed amendments by the local lodge membership, the revision committee will forward the proposed amendments to the General Secretary Treasurer of the IAM at least 90 days prior to the convening of the Convention. It is very important that these proposed amendments be sent in as early as possible as the constitution states that any proposed amendment received later than 90 days before the convention will not be considered.

The District staff and delegates have been discussing the financial hardship faced by many of our Local Lodges that have low-wage workers. We are trying to formulate a proposed amendment to the Constitution that would help alleviate this problem. If you have any ideas on this issue, please attend your local lodge meeting and help develop a proposal.

September 4-9, 2016  
Chicago, Illinois



## Flash Fact

The 16,000 Americans who make up the nation's wealthiest 0.01 percent hold about as much wealth as 256 million Americans (with net worths of under \$277,000).

*Institute for Policy Studies*



## Get your IAM news on the web!

Visit the District 190 website at:

**[www.iamdistrict190.org](http://www.iamdistrict190.org)**

The International IAM website is at:

**[www.goiam.org](http://www.goiam.org)**

### Local Lodge websites:

Local 1101: [www.iamlocal1101.org](http://www.iamlocal1101.org)

Local 1546: [www.IAM1546.com](http://www.IAM1546.com)

Local 1584: [www.iamlocal1584.com](http://www.iamlocal1584.com)

### Facebook pages:

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

Local 1101: [facebook.com](https://www.facebook.com) (search for IAM Local 1101)

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

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



## LETTER TO THE EDITOR

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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The IAM District 190

## Sparkplug

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*The Sparkplug* is the official publication of District Lodge 190 and its affiliated local lodges and notification of any meeting or election in this paper shall constitute official notice per Article B, Section 4 of the IAMAW Constitution and Articles V and VII of District Lodge 190 By-Laws.

Postmaster: Send address corrections to: The Sparkplug, 8201 Capwell Street, Oakland, CA 94621.



Debra Chaplan, Managing Editor



## UNION PEOPLE

### Wyotech: Lessons learned from a union campaign waged too late

By Bob Howard

Former Wyotech Instructor

The robocall came early one Sunday, in April of 2015. Our company would close its doors the next day. Quite a few doors, actually; our parent owner, Corinthian Colleges, Inc., had bought up 120 for-profit vocational schools over the last decade, in a Wall Street profit play. Though not under the legal attack many other of CCI's schools were, Wyotech Fremont closed too. Collateral damage. Maybe you saw it on the news.

In existence since the 1960s, the vocational school in Fremont (formerly Sequoia Institute) had been re-branded by CCI, with a new name: Wyotech. Well-equipped with tools and with competent and dedicated instructors, we provided the auto industry with many good apprentice-level techs over the years.

Of course, students get out of school what they put in—and as a trade school, we were no different. Everyone reading this knows what our trade is like: knuckle- and back-busting, tough to keep up with technologically, and not the route to easy riches. Lazy people don't do well in the service bay—you need drive and desire. Not every student had that—but many did. That's what kept us instructors coming to work every day.

By the time the doors were shut, the number of auto instructors at Wyotech had been cut in half, to 18. Many teachers had teaching loads of 40 hours/week, with no prep time. (Try lecturing for 8 hours a day. Repeat every other day. Do 8 hours of shop on days in-between.) Instructors' vacation time expired, unused. And instructors had to cover courses they were not experienced enough in to feel they could give students their best.

No one was more aware of the need for their employer to make a fair profit than the instructors. Many of us had run our own shops. But the push for corporate profit became intense. The economy worsened. Government found fault with the practices of some large, for-profit educational companies. Our business unit, Wyotech got caught in the downdraft.

As demand for profit increased, the workplace became intense and hostile. Instructors were blamed for declining enrollments. Punishments for having students drop out—students with family and financial issues, problems with the law, or with the language—were threatened. (We had to call absent students every day and attempt to resolve these issues.)

While management's mantra was "What can you do today to bring your students back tomorrow?", we were charged with enforcement of petty and irrelevant rules that were despised by the adult students. Poor enforcement by us could lead to a write-up. We weren't partners with management anymore—somehow, instructors had become the enemy. We were told, "Just be glad you have a job."

Finally, at the end of our rope, we called the IAM. Area Director for Organizing Jesse Juarez and Business Rep/Researcher Casey Gallagher came out to meet us on a Saturday, to convince us of the advantages of joining the IAM. We had a second meeting—more instructors came. Some of us were old hands, having been IAM members before going into teaching. Regardless, not much selling was necessary. We just asked, "Where do we sign?"

The day we notified management of our intent to be represented by the IAM was intense. We walked into the head office, and presented our letter. It was politely refused. But this was not Jesse's

first rodeo—he marched in from the ranks, and made sure management copied our message, loud and clear, as much as they didn't want to hear it.

After that, he instructed us to put on our union buttons, and report how things were going while we waited for the election. The result? Instant respect! Management stopped treating us as hindrances and worked together with us, to try to hold the school together. A company "persuader" was sent to try to talk us out of unionizing—but no one was buying.

The union vote was disappointing to management, I'm sure. 17-to-1 in favor of being represented by Local 1546. But it allowed the workplace to become much more fair and a better place to work for all.

Negotiations for a contract began soon after, with Don Crosotto, assisted by Steve Older, representing the instructors. It was an odd negotiation: a lot of

time, on both sides of the table, was spent trying to figure out a rescue plan for Wyotech. Basically, it wasn't bread-and-butter issues that separated us: CCI was basically fair with wages and benefits. What we really wanted was respect and a spirit of teamwork between management and instructors. Our local management were good and decent people, pressured and bowed by incessant demands for profit. But the pressure was equalized when the union started looking out for us—now we had protection from unreasonable demands.

The IAM put a lot of time and money into the negotiations—and we were just a small unit. For that, the instructors are truly grateful to Don, Jesse, Steve, and Casey, and to the whole IAM organization.

But in the end, it was too late for CCI. Pressures from regulators became too great, and the company folded, taking Wyotech down with it.

How did it work out for suddenly laid-off instructors?

- No severance, even for those with 35 years in.
- Only a few days to work out new health insurance plans.
- A struggle for those with families to feed and mortgages to be paid.
- Physically unable to turn wrenches anymore, some still had a lot to teach people—but few teaching jobs were to be had.
- And, only 6 months of inadequate unemployment insurance to get to the next step.

Did we make a mistake going union? Yes, we did. We waited too long. Had we done it earlier, we might have been strong enough to resist the changes that made things worse. (After all, a small trim tab on a large rudder helps an even larger ship to be turned in a new direction.)

We could have worked jointly for a greater number of high-quality graduates, leading to more and better job placements, and more demand for our services. We would have had some leverage with the California Attorney General (who would not release any potential Wyotech buyers from the legal liabilities of CCI for their alleged misdeeds at other schools). Our union could have defended us, and spoken out for us. And we might still be a going concern today. But instead of acting, we waited too long, hoping things would get better.

Don't wait—insist on fair treatment now! Give yourself a chance at a better working life, fair pay and a chance of a decent retirement at the end of it. Best of luck to you all in your working lives—you are the people who I would have been proud to address as "Brother" and "Sister" if things had gone as we had wished and we had made the final step to union.

Text Message  
Today 10:00 AM

This is an important message. Your college, including online classes and all campuses, has been permanently closed. Check your email for more information.

**UNION PEOPLE**

**Local 1584 celebrates years of service and dedication of its members**



2015 Local 1584 veterans recognized for decades of continuous dedicated service.

On December 15, 2015, Local 1584 held its first-ever Veterans and Shop Stewards Awards dinner. The event was a great success.

Held at the 1584 hall, the evening was filled with members from multiple generations sharing battle stories, talking shop and praising the past and present Shop Stewards and Business Reps who fought for them.

In the past, the Veterans Awards was held as a luncheon event. However, this year the membership decided to combine the Veterans Luncheon with the Shop Steward of Year awards. This created a venue—and hopefully an institution—where seasoned veterans and current shop stewards could come together and celebrate the experiences and the strength that the Machinists Union has brought us.

**Local 1584 stewards of the year named and honored**

This year, Local 1584 recognized two remarkable stewards for their commitment to their co-workers and for being the voice of the union in the shop. The 2014 Shop Steward of Year was awarded to Jeremy Frye (L) from Veriflo-Parker Hannifin in Richmond. The 2015 Shop Steward of Year was awarded to Willard Morris (right) of Henkel Aerospace in Baypoint.

Both Frye and Morris serve as members of the 1584 Executive Board. Their hard work and perseverance in helping their coworkers on the shop floor and speaking up for their members at the bargaining table embodies the true essence of ideal shop stewards and fighting machinists.



Stewards of the Year for 2014 and 2015, Jeremy Frye (L) and Willard Morris accept their awards at the December dinner.

**Local 1484 members at SSA are prepared for largest container ship in the world**



The largest container ship to ever make port in North America, CMA CGM Benjamin Franklin, has now made two visits to SSA at the Port of Los Angeles to unload cargo.

When a ship that's as long as the Empire State Building is tall comes to port, it's a big deal. The CMA CGM Benjamin Franklin, the largest container ship to ever make port in North America, has visited the SSA Terminal in San Pedro twice now.

Most important, its cargo was unloaded smoothly. "Our guys kept all of the equipment running 100% of the time. From the cranes, to the power shaft, refrigeration and chassis, there was zero down time," says Business Rep Kevin Kucera.

"Excellent preventive maintenance enables these efficiencies," Kucera adds. "Our members are a highly-skilled and trained workforce, and that shows. Bob Kelly, SSA's General Manager called me to say how happy the company was with our members' performance."

NOTE: Due to budget considerations, *The Sparkplug* is going to come out three times per year. Watch for your next issue in June.

**BUY UNION**

**Gifts for Mom**

When it comes to mom, you want to give her the very best – and what's better than a union-made product?! We know that Mothers' Day is not until May, but this paper won't be out before then...and it never hurts to prepare early! Here are some American-made and union-made gift ideas to make the moms in your life smile.



**Chocolate**

- Ghirardelli
- Russell Stover
- See's Candies

**Champagne and Wine**

- Andre
- Arbor Mist
- C.K. Mondavi
- Charles Krug
- Cook's
- J. Roget
- Gallo Estate
- Peter Vella
- Scheffield Cellars
- Turning Leaf
- Wycliff
- And more...

**Beauty**

- Dove Soap and Beauty Products
- Caress Skin Care
- L'Oreal Paris
- Revlon

**Clothing and Accessories**

- Bosca
- Filson
- Pendelton Woolen Mills
- Sterlingwear of Boston

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 1528 - Modesto**

**MNPL donation**



On November 12, 2015 Congressman Jerry McNerney came to Local 1528 to receive a check for \$5,000 from the Local's Machinist Non-Partisan Political League (MNPL) funds. Recording Secretary Diane Stewart and President Dave Parker made the presentation.

**Giving back**



Throughout the year, Local 1528 members collect shampoos, soaps, and miscellaneous toiletries from business reps and members who stay at hotels. They also recycle plastic bottles and aluminum cans to raise funds.

The money raised, and supplemented by a generous donation from District 190, enables them to purchase socks, gloves, rain ponchos, and dog food for the homeless and their pets.

"We packaged all of those items in one-gallon baggies and handed out 84 of them at day facilities, shelters and Church in the Park," says Recording Secretary Diane Stewart. "We also distributed 27 baggies of dog food."

Local 1528's officers want to thank everyone who donated to help make this activity a success.

**Local 653 - Fresno**

**Organizing**

First, in December, 2015, a small group of C-26 Mechanics at the 144th fighter wing facility in Fresno voted to be represented by Local 653. As a follow-up, with the help of special Grand Lodge Rep Joe Solis, the Local started to handbill at a different site at Fresno's Air National Guard base (AECOM/UdRS), reaching out to a group of more than 80 aircraft mechanics, painters, supply techs and road teams. In February, that group voted to join the IAM. Area Director Mark Martin and Business Rep Jeremy Celaya will be negotiating with the company the week of March 14, 2016 to get the best contract for our new members. More info to come.

**Grievances**

Celaya reports that he's investigating three grievances: a termination at Sun-Maid, complaints that members are not getting their breaks at Rutter Army and paid break time at Hedrick's Collision Center.

**Negotiations**

Area Director Mark Martin and Celaya settled a four-year agreement with Ruan Transport. Members will see a \$2.35 wage increase over the term of the agreement. They also gained safety glasses language, cleaned up some sick leave language and agreed to switch from Plan A to Plan B, which will put more money in each member's pocket.

Celaya reports that contract talks have opened with JM Equipment and with Coca Cola.

**Training continues**

Local 653 held officer training in December for their officers and for those of Local 2005. This was the last class to be taught by Sister Marie Box before her retirement. The training provided useful resources to help make local meetings run smoother, and there is a new welcome letter for all new-hires.

**Local 1101**

**Hiring in San Jose**

Business Rep Richard Breckenridge reports that two San Jose body shops are looking for qualified body people: Moore Buick and Normandin Chrysler Jeep Dodge. They both offer very good medical packages and the wages are \$30 and more per hour. For more information, contact the shops or call Local 1101.

**Local 1173 - Concord**

**Contract at Volvo shop**

"Lawrence Volvo's contract is done," reports Area Director Steve Older. "Our members will see good wage increases and their health and welfare costs are being held down." Older says that the dealership is looking for mechanics, particularly those with Volvo experience.

"The company is optimistic about the future," Older adds. "Volvo is coming out with new car lines. By 2020, they'll have replaced every model prior to 2016. They hope the new lines will re-energize the franchise."

**Bad actors**

Older reports that the Labor Board has upheld the union's charges of regressive bargaining at Autocon Nissan in Walnut Creek. "The company was ordered to reinstate previous proposals that they had backtracked on. We'll be getting back to the table with them in February. They're very stubborn!"

**New talks**

Local 1173 is opening negotiations with Antioch Auto Center in late February. This includes the Toyota, Nissan, Dodge and Hyundai dealerships. "We hope that goes well," Older says.

**Local 1414 - San Mateo**

**Dealership fined for refusing to bargain**

Back in 2012, the techs at Veracom Ford in San Mateo voted for union representation. The union was fully

prepared to bargain, but the company refused. "They delayed and refused our numerous information requests," says Area Director Steve Older. "We filed charges against them and the Labor Board ruled that the company must meet with the union for 24 hours each month until we got a contract. Further, the sessions could be no less than six hours in length and the person at the table had to be knowledgeable of the service department."

Older says that the company was clearly trying to get to impasse. "We never got our information request filled, so we had no choice but to break off negotiations and file more charges."

The case then made its way to the 9th Circuit Court. In January, the court fined the company \$5,000 for contempt and ordered it to fulfill our 2014 info request. "At this point, they have failed to do so. Other charges and fines are pending."

What's most frustrating to Older is that there's a whole new group of mechanics at that dealership. "I have to go re-establish relationships. The company had tried to stop me from being able to visit workers on the job-site, but the Labor Board forced visitation. This is a bad employer who has refused to honor our right to organize and bargain. For once, we're actually seeing an employer fined and held accountable." This saga will no doubt be continued.

**Local 1528**

**Silgan Riverbank**

Following an incident involving a forklift, one of the union's shop stewards photographed the accident site to assist the union for representation purposes. "The company disciplined our steward for violating their company policy on photographs in the workplace," says Area Director Mark Martin. "The rule is overbroad, the steward was fully engaged in union activity and the discipline is unlawful," he contends. As a result, the union has

**SHOP TALK: What's the biggest problem facing the U.S. that you hope the next president will solve?**



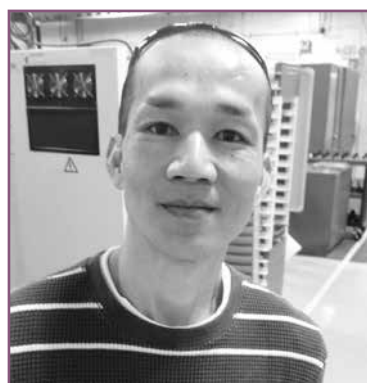
**LOUIZ ELVIRA**  
Local 1584 - Veriflo

"Immigration enforcement, enforce the laws we have in place before we make new ones."



**JEREMY FRYE**  
Local 1584 - Veriflo

"Real fair trade agreements and stop foreign currency manipulation."



**THANOU T**  
Local 1584 - Veriflo

"Job creation."



**YEU TRAN**  
Local 1584 - Veriflo

"Early retirement."



**MUANG SAELOW**  
Local 1584 - Veriflo

"Job creation."

# THE LOCALS



filed an unfair labor practice charge against the company. “We’ll keep you posted on how this develops.”

## Local 1546 - Oakland

### Bankruptcy at the Port

In the last *Sparkplug*, Area Director Don Crosatto reported on the various goings-on at the port. “To all of that, we can add that we just finished the second week of the Ports America Outer Harbor bankruptcy trial,” Crosatto says. “On January 19, the company announced they were shutting their doors. Then they filed for bankruptcy. One of the reasons is that the Labor Board had demanded that they provide a written assurance of their ability to segregate their assets so that they could be sure to deal with the closing and the pension costs. Instead, they filed for bankruptcy in the hope that it would interfere with the ‘wind down’ of their operation.”

Meantime, the Labor Board amended their initial complaint to include the parent company, Ports America, which, we believe has had effective control of Ports America Outer Harbor all along, though they claim to be separate. Ports America still has real assets. “I’m not surprised about this shutdown, at all,” says Crosatto. “Ports America Outer Harbor had been losing money every month, and Ports America and Mediterranean Shipping were tired of throwing good money after bad.”

While a bankruptcy may stop a lot of legal actions, Labor Board proceedings are not stayed by a bankruptcy. “The labor board case will continue,” Crosatto adds. “This covers back pay, pension, and joint liability with PCMC and impacts 66 mechanics and about 150 longshore jobs. The Labor Board trial will continue in April, even though the entity itself will be gone. If Ports America is found to have liability, we’ll have a greater likelihood of collecting.”

### Health plan run-around

Mercedes of Pleasanton notified

the union in November, that come December, they’d need to change plans within Blue Cross but they also had an alternative plan with Sutter Health. The union agreed to the Blue Cross change, but not to an increase in co-pays.

Around Christmas, Blue Cross called and said that the plan they moved into was canceled and they needed to move into yet another new plan. In February, the company informed the union that Blue Cross was kicking them out altogether, retroactive to January 1, and they’d need to find an all-new plan.

“We learned that the company knew back in October that they’d be audited by Blue Cross because they’d been allowed to be in a small group plan when they should have been in a large group plan,” says Crosatto. “Blue Cross kept changing their mind about which plan was right, and then kicked them out altogether—all in three months. At this point, the members will have no choice but to be moved into a Sutter Health Plan.”

Crosatto says that the union is going after the company for not notifying us back in October when the troubles first arose. “This just shows the peril of getting into a non-union company health care provider.”

### Contract at RTS

Two members who work for Rail Terminal Services (RTS) servicing equipment out of Union Pacific Lines in Lathrop have a new contract.

“RTS is a subcontractor to the railroads—and the railroads are notoriously tight-fisted,” says Crosatto.

“They’ll get \$1.75 per year in wage and pension increases, but they’ll have to pay any health and welfare increases,” Crosatto explains.

### Unfair labor practices at Ford Store

Area Director Steve Older has filed unfair labor practice charges against the Ford Store in San Leandro. for making unilateral changes to the health care plan without bargaining.

“In November, the insurance bro-

ker informed me that they were changing the plan. At that time, we were in bargaining and had agreed that the health care plan would not be changed during the life of the contract,” Older explains. “Over my strenuous objections, they changed the plan anyway. We quickly discovered that the new plan didn’t cover many of the members’ doctors, and since the plan had no out-of-network coverage, members couldn’t go to these doctors even if they wanted to.” Older is hopeful that the Labor Board will reinstate the original plan.

Bargaining has been stalled, but it should pick up again with Federal Mediation in early April.

## Local 1584

### Credit Cards now accepted

Good news! Members of Local Lodge 1584 can now pay their dues, initiation and reinstatement fees using a credit or debit card. Please spread the word to your coworkers and especially to new hires.

If members wish to pay by Visa, Mastercard, Discover Card or American Express, they can stop by Local 1584’s Office at 436 McCormick Street, San Leandro, CA 94577 or call Rebecca at 510-635-2060.

## Local 1596

### And the talks go on...

Area Director Tom Brandon reports that Local 1596 is currently in negotiations with North Bay Nissan in Petaluma, Henry Curtis Ford in Petaluma, Novato Toyota/Kia, and Vincent Whitney in Sausalito.

### SMART acting dumb

On January 20, 2016 the Sonoma Marin Area Rail Transit (SMART) Board of Directors approved a resolution giving the Machinists Union jurisdiction of all maintenance bargaining-unit work; the Amalgamated Transit Union (ATU) would have the operators and the Teamsters (IBT)

*continued on page 7*

## Local 2182-Sacramento

### 55 year pin awarded



William “Bill” C. Gowrie (L) was awarded his 55-year pin from Area Director Mark Martin signifying 55 continuous years as an IAM member.

In February, Local 2182 awarded William “Bill” C. Gowrie his 55 year pin signifying 55 continuous years as member of the Machinists union.

Bill was hired at Western Machine which later became Wemco Pump Manufacturing on September 19, 1960. He became an Apprentice Machinist on January 1960 and turned out as a Journeyman Machinist on January 23, 1965. When Bill joined, the initiation fee was \$50 and he was paying \$5 a month in dues. Bill walked a picket line for 3 months in 1983. His last day worked was June 2, 1995. Bill continued to pay out-of-work dues until December, 1996 until he got his retirement card.

Bill earned his 50 year pin on 10-10-2010 and his 55 year pin on 10-10-2015. Bill has always been a solid Machinist member and proves you might leave your job, but you never leave your union.

## Local 1484

### Membership appreciation

Save the date for Local 1484’s 2016 membership appreciation event: **Saturday, June 25** at the Pistol Range in San Pedro.

“Last year, we all got in our western clothes for a down-home hoe down and had a blast,” says Business Rep Kevin Kucera. “This year should be even better!”

## What will address?



**CHRIS SHARPE**  
Local 1584 - Veriflo

“Institute a federal living wage.”



**FRANCISCO NAVARRO**  
Local 1584 - Veriflo

“Fix the economy.”



**ROBERTO TIJERO**  
Local 1584 - Veriflo

“International relations.”



**MICHAEL BELL**  
Local 1584 - Veriflo

“Deal with the racial divide.”



**BRANDI COWPERTHWAITTE**  
Local 1584 - Veriflo

“Fix the welfare system.”



## IN THE NEWS

### Supreme Court fallout

Conservatives had a great plan in motion to decimate unions. If Justice Antonin Scalia hadn't died unexpectedly in February, they almost certainly would have pulled it off.

First they got the Court to rule their way in 2014's *Harris v. Quinn*, which targeted home healthcare unions. Like "right to work" laws, the case sought to gut unions' funding and diminish solidarity by saying that union members can't be required to pay dues. The Court agreed, holding that the First Amendment does not allow the collection of fair share fees from home healthcare workers.

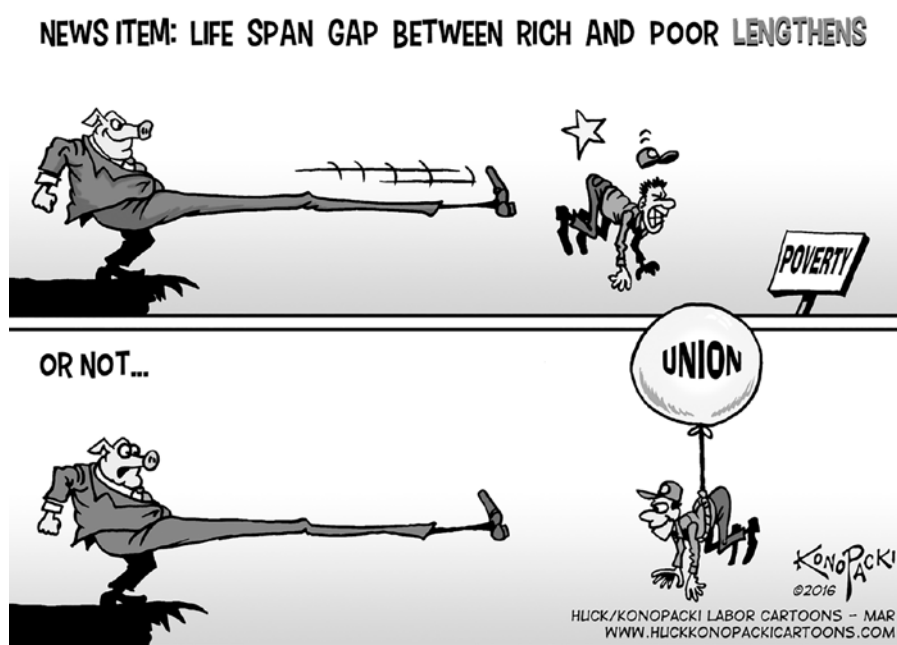
Next came *Friedrichs v. California Teachers Association*, which sought to expand *Harris* to impose right-to-work on all public sector employees. The conservative Center for Individual Rights (CIR) rushed *Friedrichs* to the Supreme Court by essentially conceding at every lower court that under current law, it should lose. *Friedrichs* could only win if the Supreme Court overturned 39 years of precedent.

After the Supreme Court heard the oral arguments on *Friedrichs* in January, it was clear that Justice Scalia was prepared to overturn the precedent he had previously supported and that labor would lose the case in a 5-4 vote.

Meanwhile, conservatives already had a plan to expand what they saw as a certain win. The National Right to Work committee was moving two more cases that further attacked the membership rights of unions to the Supreme Court.

With Justice Scalia's absence from the Court, conservative plans to attack union dues and membership through Supreme Court challenges may have dissolved for now.

If President Obama can get a new justice confirmed by a Republican-controlled Senate and that justice is permitted to take part in *Friedrichs*, then the case will likely be decided 5-4 in favor of labor. If Republicans leaders make good on



their vow to thwart any nomination by Obama, as is more likely, then all indications are that the case will be decided 4-4. In the event of such a tie, the lower court ruling is upheld—in this instance, the case would be dismissed with no legal precedent set.

With Justice Scalia's unexpected death, conservatives will have to go back to attacking labor the old-fashioned way: at the state and federal legislatures.

Moshe Z. Marvin  
In These Times

### Obamacare's "Cadillac Tax" delayed two years

In good news for union health plans, an Appropriations Act signed into law by President Obama in December delays the effective date of the Excise Tax on High-Cost Employer-Sponsored Health Coverage (aka the "Cadillac Tax") for two years, from 2018 until 2020.

The Cadillac Tax is a 40% tax imposed on the cost of healthcare coverage. In 2020, if a union plan costs more than \$27,500 a year, (this amount may be increased), everything over that limit is taxed at 40%.

For example, if in 2020, the plan costs \$30,000 per year, that's \$2,500 over the \$27,500 Cadillac threshold and the plan will have to pay a tax of

40% of \$2,500, or \$1,000 per member.

Unions applauded this delay as the Cadillac Tax, when and if it goes into effect, adds a huge tax burden to the cost of the plan, making it harder for unions to keep negotiating for strong benefits. The tax will also give employers even greater reason to try to withdraw from union plans and cut benefits.

The delay of the Cadillac Tax had strong bipartisan support as well as support from major corporations, unions, and insurance companies that have joined together to formally campaign against the tax. These groups have said they will continue to lobby Congress for its repeal. With the Republican and Democratic presidential candidates publicly stating that they will support a repeal of the tax, the current conventional wisdom is that the tax may be repealed entirely after the 2016 election.

### 300 plumbers pour into Flint to install water filters

In an effort to save money, Flint, Michigan's state-appointed "emergency manager" changed the city's water source from the Detroit River, part of the clean Lake Huron watershed, to the Flint River, which was untreated. This move, in the name of austerity and without the

necessary corrosion controls, immediately poisoned thousands of children with lead, caused hundreds of people to get sick, and ruined the pipes that previously brought clean water into the city's 100,000 homes.

The State of Michigan's response to this crisis has been achingly slow, as the Governor presses for study after study. But union workers have stepped up to provide immediate solutions. In February, more than 300 union plumbers from across Michigan flooded Flint for a weekend blitz to install free water filters.

According to ABC12, not all the faucets in Flint can fit a filter; some of the faucets are older and oddly shaped, making the installation of a filter nearly impossible.

Local plumbers with United Association Local 370 in Flint have been going door-to-door making sure that faucets are filter-ready since October, reports Michigan Radio. The onslaught of union volunteers from across the state boosted their on-going efforts.

"We did not cause this American tragedy in Flint," Local 370 official Harold Harrington said. "But we certainly can help correct the damage that has been done!"

On day one of the blitz, plumbers replaced faucets and filters in 800 homes. Plumbing Manufacturers International donated the faucets, at a cost of about \$100 each.

Since Gov. Rick Snyder admitted that he let residents down, numerous everyday folks and celebrities alike have donated money and sent water bottles to Flint, including Jimmy Fallon, Cher and Pearl Jam.

As residents of Flint know all too well, the donation of even 100,000 bottles of water provides only one bottle per person for one day, and does not replace a functioning clean water system. The filters help, when not overwhelmed by huge levels of lead. The answer is a full replacement of pipes across the city, and that's an expense that the austerity budget didn't count on.

## SHOP TALK: What's the biggest problem for the next US president to address?



INKHAY MANIXAY  
Local 1584 - Veriflo

"The economy. It's in bad shape."



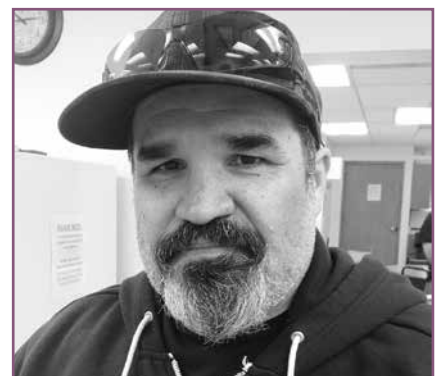
JOVANY HEREDIA  
Local 1584 - Veriflo

"End racism!"



ANGELA GARCIA  
Local 1584 - Veriflo

"Strengthen Medicare."



VINCENT ZODROW  
Local 1584 - Veriflo

"Health care and taxes."



## OFFICIAL NOTICE

### Official Notice of Nomination and Election of Delegates to the Grand Lodge Convention Local Lodges 93, 653, 801, 1101, 1173, 1414, 1484, 1528, 1546, 1584, 1596, 2005, 2182

At the regular monthly meeting of each Local Lodge in the month of April, a nomination of delegates and alternate delegates to the Grand Lodge Convention shall be held.

At the regular monthly meeting of each Local Lodge in the month of May, an election of delegates and alternate delegates by secret ballot to the Grand Lodge Convention shall be held.

Local Lodge meeting dates, times and locations can be found on page 8.

#### Official Notice: Local 1546 Members

Notice is hereby given for Nominations for two (2) positions on the Auditing committee. The Term of Office is for a period of three (3) years.

The nominations will take place at our regular meeting on Tuesday, April 5, 2016, 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.

If an election is needed, it will be held on Tuesday, May 3, at the same address. The polls will be open from 8:00 a.m. to 8:00 p.m.

See absentee ballot procedures at right.

#### Absentee Ballot Procedure

In accordance with Election of Delegates, Article II, Section 3 of the IAM Constitution, members who reside in outlying districts more than 25 miles from the designated balloting place, members who are either confined because of verified illness or on leave qualifying under U.S and Canadian family leave laws, or on vacation, or on official I.A.M. business approved by the Local Lodge, District Lodge or Grand Lodge, or on an employer travel assignment, or reserve military leave, as the case may be, shall be furnished absentee ballots.

Any member entitled to receive an absentee ballot must request a ballot in writing. The Request for

Absentee Ballot must be delivered to the Recording Secretary of your Local Lodge in person or by mail no later than ten (10) days prior to the election. (See address on page 8)

Your written request for absentee ballot must include the following: "Please send me an absentee ballot." Name – Address – City/State/Zip – Book # - Your Signature. You must also include the reason you are making the request.

Completed Absentee Ballots for your Local Lodge elections must be received by the Local Lodge prior to the close of voting at your Local Lodge's meeting in May.



## AROUND THE LOCALS (cont.)

Continued from page 5

would represent the dispatch and servicing bargaining units.

Unfortunately, SMART is resisting hiring workers from Golden Gate Transit, because they claim these workers have no rail experience and would take too long to train.

The three unions sued SMART to give Golden Gate Transit workers priority for hiring, and on February 2, a Marin Superior Court judge agreed. The unions contend that SMART and Golden Gate Transit are sister transit agencies, and that if a person from Golden Gate Transit wants to move over to SMART, their seniority, wages and benefit package should follow them.

The judge underscored that all workers, even those with prior rail experience, would need to be trained on the new equipment and track, and that public safety should be the top priority for all workers. Nevertheless, he didn't discern much difference between training Golden Gate workers and re-training workers with rail experience.

SMART appealed that decision, and, at press time, the judge's ruling on the appeal is a few days overdue.

#### Local 2005

##### Checking line speeds

When you work at a processing plant like Foster Farms, the speed of the line is everything. It can be the difference between safety and danger, and a hard days work versus an impossible one.

"We're checking line speeds, and documenting them now," says Business Rep Mike Farias. "We had an engineer come in for a week, from January 31 to February 6. The outcome: some of the lines will be slowed down."

Farias says that the company had recommended line speed expectations a few years back. "But since they remodeled the packaging area, they determined that they needed to revise the speeds to make sure that the standards and recommended expectations were adequate."

#### Local 2182

##### Pineview Care Center

The members who work at the Pineview Care Center in Paradise ratified a 2-year contract, their first new contract since they organized the union.

"In year one, all RNs and LVNs will see a minimum increase of 5%. Some of the increases exceeded \$2 per hour, which is substantial," says Area Director Mark Martin who especially wanted to thank the negotiations committee, Andy Petyo and Sally Armstrong, for all their help in achieving this.

#### Locals 801, 2182 and 1546

##### Bimbo Baking

The union reached a tentative 2-year agreement with Bimbo Baking that provides important protections to minimize members' exposure to increases in their health benefit costs. At press-time, the union is scheduling meetings with the group to vote the package.

## SHOP TALK: What's the biggest problem for the next US president to address?



**DAVID ALVAREZ**  
Local 1584 - Ashlock

"Reform the health care system."



**DENNIS MERRILL**  
Local 1584 - AB&I

"Enact legislation to strengthen unions."



**KEVIN DUNN**  
Local 1584 - AB&I

"Recover the jobs that the U.S. lost."



**MARK OVERTON**  
Local 1584 - AB&I

"We need jobs for the economy to recover."

# ATPA

Associated Third Party Administrators

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.



## Lobster Feed

A District Lodge 190 Benefit for Guide Dogs of America

Saturday, April 16, 2016

5:30 p.m. Cocktails  
6:30 p.m. Lobster Feed  
No Host Bar

Elks Lodge #1015

2255 Santa Clara Ave., Alameda, CA 94501

Call District Lodge 190 for tickets: 510-632-3661  
or send your check for \$100 per ticket (made to Guide Dogs of America) to:  
District Lodge 190, 8201 Capwell Drive, Oakland, CA 94621  
Tickets will be left at the door (or tell us who's picking tix up for you)

## UNION MEETINGS

### District Lodge 190

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

Meetings are the fourth Tuesday of each month  
March 22 • April 26 • May 24  
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  
March 17 • April 21 • May 19  
General Membership Meeting: 6:00 p.m. on the first Tuesday of the month  
March 1 • April 5 • May 3  
Retirees' Club: 1:00 p.m. on the third Wednesday of the month: March 16 • April 20 • May 18

### Local 93

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

Meetings are the second Tuesday of each month  
March 8 • April 12 • May 10  
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  
March 2 • April 6 • May 4  
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  
March 19 • April 16 • May 21  
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  
March 16 • April 20 • May 18  
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  
March 1 • April 5 • May 3  
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  
March 31 • April 28 • June 2  
Retiree Club Pot Luck Luncheon: 12 noon on the first Wednesday of each month  
March 2 • April 6 • May 4  
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  
March 17 • April 21 • May 19  
Membership Meeting: 4:00 p.m.  
Meetings are held at the Carpenters' Hall, in Reno.

### Local 1584

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

Meetings are the third Thursday of the month  
March 17 • April 21 • May 19  
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:  
March 1 • April 5 • May 3

### Local 1101

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

Meetings are the second Thursday of the month  
March 10 • April 14 • May 12  
Executive Board Meeting: 5:30 p.m.  
General Membership Meeting: 6:30 p.m.

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

### Local 1596

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

Meetings are the third Tuesday of the month  
March 15 • April 19 • May 17  
Executive Board Meeting: 6:00 p.m.  
Membership Meeting: 6:30 p.m.

### 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  
March 10 • April 14 • May 12  
Membership/Shop Stewards' Meeting: 6:30 p.m. on the second Thursday of the month  
March 10 • April 14 • May 12

### 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.  
March 20 • April 17 • May 15  
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  
March 17 • April 21 • May 19  
Executive Board Meeting: 6:00 p.m. on the second Thursday of the month  
March 10 • April 14 • May 12  
General Membership Meeting: 6:30 p.m. on the third Thursday of the month  
March 17 • April 21 • May 19  
Retirees' Club: 11:00 a.m. on the first Wednesday of March, June, Sept., Dec. All are welcome!  
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  
March 8 • April 12 • May 10  
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:  
March 16 • April 20 • May 18