VOL. 21 NO. I March-April-May 2019

Serving the Active and Retired Members of IAM District Lodge 190

# Another organizing win in San Diego



On February 1, 2019, despite a strong anti-union campaign, District Lodge 190 and Local 1484 won an NLRB election at Kearny-Mesa Acura, a Penske dealership in San Diego. Fourteen techs were eligible to vote, and every one of them voted "UNION YES!"

and Area Director Kevin Kucera hosted a victory celebration the evening of the big vote. Now begins the difficult task of negotiating a first contract.

"The employer had made a lot of changes with flat rates and team systems and the techs decided to orga-Organizing Director Jesse Juarez nize," says Juarez. "We launched the campaign in January. The company's anti-union campaign didn't deter the workers from wearing union buttons for three weeks straight; the unanimous vote came on February 1."

Juarez notes that the workers tried to unionize here in 2010, but were convinced by management, at that time, that they'd make things better.

But even after the top management was replaced, conditions did not improve."

"It's monumental," Juarez adds. "Now, we'll represent two Penske shops in San Diego. We're preparing for bargaining with the company

# Pension reform is still chugging along....but way too slowly

By Jim Beno, Directing Business Representative

As reported in the previous edition of The Sparkplug, the Congressional Joint Select Committee that was tasked with developing a resolution to the pension crisis was unsuccessful in developing a legislative solution. Many of the ideas they put forth in their report could still be reworked to form a credible solution that would protect retirees, participants and employers and strengthen the entire pension system.

However, with the new year came a new Congress, and they have not established a committee to deal specifically with this problem. House Ways and Means Committee Chairman Richard Neal has introduced an act in the House called the Rehabilitation for Multiemployer Pensions Act (RMPA). If this act were to become law, it would allow financially-troubled pensions, such as our Automotive Industries Pension, to stabilize our financial situation through government

Our plan professionals who are working on this legislation report that it has a good chance of passing out of the House of Representatives but faces a very different outcome at this time in the Senate. The most positive indicator that something will be done this year came from one of the highly placed staff members serving the Senate Finance Committee. He indicated that the Senate members are becoming more educated on this problem and that action needs to be taken by Congress before the end of this year.

Congress is finally becoming more convinced that the cost of inaction is huge and increases dramatically the longer they wait. Stay tuned for further updates as we move forward this year.

### **Background on the pension crisis**

While most multiemployer pension plans are in good health, a small number, including some very large plans covering hundreds of thousands of participants, are facing inevitable insolvency in the very near future.

It is critical to note that the funding challenges currently facing some multiemployer plans are not the result of reckless investing, aggressive assumptions, or unreasonably large benefits. Rather, the current crisis is the result of two back-to-back market collapses in 2000-2002 and 2008 and the subsequent Great Recession, as well as the unintended consequences of 45 years of federal laws, regulations, rules, and policies.

Without congressional action, approximately 10% of plans covering 1.5 million participants will become insolvent and run out of assets needed to pay benefits. Multiemployer plans play a vital role in providing modest but essential lifetime retirement income to approximately 10.4 million American workers. These pension benefits, in combination with personal savings and Social Security, allow these working-class Americans to retire with dignity.

> Excerpts from Congressional Testimony by National Coordinating Committee for Multiemployer Plans (NCCMP)

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## BUY UNION!

#### **Marvelous Margaritas and Much More for Cinco de** Mayo

The springtime fiesta of Cinco de Mayo falls on a Saturday this year which provides extra incentive to hold a cookout. Here at Labor 411, we have all the highest quality goods to celebrate the riches of Mexican culture. While seeking out tequila for the margaritas and staples for the feast, make sure that all of your purchases are from ethical employers who treat their workers well. Here's to Cinco de Mayo! Together we'll fiesta our way to a stronger America.



### **Tequila Azteca** Captain Gold Don Eduardo El Jimador El Toro Herradura Juarez Montezuma

## **Tortillas, Taco** Shells, Tortilla Chips Mission

Pepe Lopez

Old El Paso **Tostitos** 

Salsa and Sauces Mission

Old El Paso Pace

**Tostitos** 

**Refried Beans** Old El Paso Rosarita

Cheese Alta Dena Boar's Head Hiland Horizon Tillamook

**Sour Cream** Breakstone's Galliker's Hiland Horizon **Prairie Farms** Sunshine

**Spanish Rice** Old El Paso

**United Dairy** 

## The IAM District 190 Sparkplug

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The Sparkplua 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

## **Congratulations to Local 653's newest journeymen techs**

five years. At its February meeting, Local 653 was

Going through apprenticeship is no easy feat— proud to see four apprentices officially "turn out" you work full-time and take classes every week for and become journeyman techs. Congratulations one and all!



From Left: Business Rep Jeremy Celaya presents certificate to Oscar Gonzales, who is now a journeyman auto mechanic at Fresno Chrysler Dodge Jeep Ram. Helping with all of the presentations were Local 653 Secretary-Treasurer Joe Artiaga Jr. and President Dan Zack.



Marco Lopez is now a journeyman heavy duty truck mechanic at Fresno Truck Center.



Raul Mora is now a journeyman heavy duty truck mechanic at Fresno Truck Center.



Ricardo Narajo Jr. is now a journeyman heavy duty truck mechanic at Fresno Truck Center.



From Left: Business Rep Jeremy Celaya and Grand Lodge Rep Steve Cooper present Tom Rotella with HAWK award.

#### **Rotella receives HAWK award**

Even though Tom Rotella retired as Local 653 Business Rep four years ago, he's always available to lend his knowledge and advice. Currently serving as President of the California Conference of Machinists, he still takes an active role in assisting with the Fresno Unified School District as a Co-Chair for the FUSD Health and Welfare Board.

At Local 653's February general meeting, the Local presented its "Help A Worker Know" (HAWK) award to Rotella. The award recognizes members who go above and beyond in one or more of the following categories: community service, organizing, MNPL, and servicing. Rotella was nominated for all four categories.

### Local 1546 names 2018 Steward of the Year

Rafael Carranza was named Local 1546's Steward of the Year.

The last three people at West Contra Costa Sanitary who were not members of the union were the Environmental Techs. Once they decided that they wanted in, Local 1546 thought it would be a slam dunk as the union has a good relationship with the company. They were wrong.

While the group was able to be added to the already existing unit (by the Armor-Globe process), it took Don Crosatto and Pat Woodward more than four years to get a contract. The company sent in a negotiator from Phoenix to stall the talks. "What they spent on fighting us, they could have given us in wages 10 times over," says Woodward.

Throughout the process, Carranza was providing infor-



Local 1546 Business Rep Pat Woodward presents Rafael Carranza (R) with his Steward of the Year award.

mation to both the union team and to his co-workers. "He was steadfast and committed to getting union representation."



### Supporting a member burned out of Paradise

Scott Evans, a journeyman tech at McKevitt Volvo in San Leandro, no longer commutes to his job from Paradise, CA. That's because, last November, the massive Camp Fire completely destroyed the home he lived in with his parents.

Fortunately, Scott's parents escaped without harm and are temporarily living in Texas until they resettle in Arizona. Scott is living with his grandmother in Union City for now. \$500 from the IAM relief fund. "When disaster strikes, the union wants to be there for our members," said Woodward.

## **Local 1484 Seagoing Mechanics Retiree's Club**



Local 1484's Retirees' Club meets the third Wednesday of every month at the Local lodge office in Wilmington. Here they thanked Andy Katnic (fourth from right) for serving as President of the Club, and welcomed Rue Romero (left of Andy), who was unanimously elected as the new President! Congratulations Rue!

# S FROM THE TRUST FUND

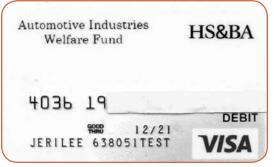
#### **2018 Year End Tax Forms**

The Trust Fund Office generated and sent out the following 2018 Year End Tax Forms to qualified participants as of January 31, 2019.

- Form 1099-R (Pension Plan)
- Form 1099-R (Individual Account Retirement Plan)
- Form 1095-B (Welfare Plan)
- Form W-2 (Disability Plan)

If you require a duplicate copy of any of the above forms, please contact the Trust Fund Office at (800) 635-3105. Remember: the Pension Plan 1099-R Forms have been uploaded to every retirees individual account on the benefits website and can be printed directly from the site. Visit **www.aitrustfunds.org** for details on how to obtain a copy electronically.

#### **Health Plan – New HRA Cards**



The Plan has recently changed the design of the HRA cards to reflect the change in the Third Party Administrator to Health Services & Benefit Administrators (HS&BA). The updated card will be white in color and have the name of the Welfare Fund and HS&BA noted on the card. The new cards will be issued as the previously issued cards expire.

If you need a new card or have questions about your HRA account, contact the Trust Fund Office at (800) 635-3105. You can also access your HRA account at any time online by visiting https://hra.aitrustfunds.org.

#### **Short Term Disability Benefits**

Did your employer negotiate into the Automotive Industries Short Term Disability Plan? If so, you have coverage that will supplement any state disability or workers' compensation payments you receive while you are out of work. The Plan will cover up to 39 weeks of supplemental disability payments. You have up to 180 days from the date of your disability to apply for these benefits. An application for benefits can be printed from the Trust Fund website at www.aitrustfunds.org or you can request one from the Trust Fund Office directly.

#### **Reminder: Update You Beneficiary**

It is good practice to review your beneficiary information on file with the Trust Fund Office when you have a life event such as marriage, divorce or birth of a child. You can view your designated beneficiary on the Trust Fund website at **www.aitrustfunds.org**. If you want or need to change the beneficiary, the change form can be downloaded directly from the website!"

#### No more tax deduction for union dues

Under the Tax Cuts and Jobs Act that was signed into law on December 22, 2017, miscellaneous itemized deductions, including union dues paid by members, are no longer deductible on an individual's tax return. Feel free to thank President Trump and the Republicans in Congress for taking away this handy deduction!



## Al offers help for hearing loss

Hearing loss impacts approximately 15% of the American adult population; the number of people with a disabling hearing loss increases as we age with over 25% of those age 60-74 and 50% of those over age 75 who would significantly benefit from hearing aids.

Warning signs for hearing loss are often observed first by the communication partners of those with the hearing loss. The person experiencing hearing loss often may believe those around them are simply mumbling.

You can watch for these signs of hearing loss:

- You prefer the TV/radio volume at a level higher than others prefer,
- Difficulty understanding children's or women's voices,
- Increased difficulty hearing in small groups, fatigue following large social situations,
- Ringing or buzzing noises in quiet situations, or
- No awareness to alarms (refrigerator door alarm, timer beeps, phone ring, doorbell) until you are close to the source.

## When you notice these or other communication challenges, take the time to obtain a hearing screening.

Depending on the degree and type of hearing loss, several treatment options are available, such as auditory rehabilitation, counseling, education, assistive listening devices, and hearing aids. Your hearing health provider is best trained to collaborate with you and identify the best options for your unique communication needs.

**Automotive Industries Trust Fund** members are entitled to a broad range of hearing aids from over 10 different name brand manufacturers all at a low discounted rate. All services are included for the first year at no additional charge. Hearing aids come with a 3 year warranty and 1 year supply of batteries. In addition, members receive a 10% discount on purchases of assistive listening devices such as amplified telephones and products on **www.hearingshop.com**.

To schedule an appointment please call (800) 442-8231.

## FAST FACTS

The Walton family earns more in one minute than the average Walmart worker earns in one year.

-Washington Post

Amazon doubled its profits in 2018 to \$11.2 billion, but still paid zero dollars in taxes.

-Institute on Taxation & Economic Policy

## LETTERS 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. Letters may be submitted as follows:

**e-mail:** dchaplan@mindspring.com

**fax:** 510-288-1346 **mail:** IAM District 190

8201 Capwell Drive, Oakland, CA 94621 PAGE 4 March-April-May 2019



## AROUND 7

#### **Local 93**

#### **Industrial Machine Shop**

Four members who work at Industrial Machine Shop in Salinas just ratified a new three-year contract that includes a \$2/hour wage increase, and full coverage of their medical plan, reports Business Agent Pedro Gonzalez.

## Local 653

#### The definition of solidarity

The 90 members who work for IAP Worldwide Services at the Air National Guard base in Fresno ratified a one-year contract extension through April 1, 2020, reports Business Rep Jeremy Celaya.

They could have gotten a full contract, but they went with the extension to allow the 30 road crew mechanics, production control and materials coordinators, and tool and parts attendants who were newly organized to be able to address their issues in the contract.

Now, that's solidarity!

#### **Elliott Manufacturing**

The eight machinists at Elliott Manufacturing in Fresno voted to open up their collective bargaining agreement. These members, who do metal fabrication for food processing machinery, have elected to roll over their current contract for another three years to allow the company to pull itself out of bankruptcy.

More information to follow.

#### Coca Cola

Coca-Cola negotiations are starting as this paper goes to press. Local 653 represents three members at the Fresno facility; the group is part of a larger master agreement through District 947.

"The members are seeking general wage increases and pension contributions along with cleaner language on how to bump from Tech 1 to Tech 2 to Tech 3," says Celaya.

## **Local 1101**

#### **Raises at Stevens Creek**

In March, the 51 members at Stevens Creek Toyota ratified a new four-year agreement. "They got wage increases of \$1/hour the first year, with specialty raises as high as \$3/hour more," reports Business Rep Richard Breckenridge. "They also got \$.50 increases each year of the agreement for most categories. With some health and welfare relief on top of that, overall it's a good contract."

#### **Local 1173**

#### Bad news day

March 8 was not a great day for several Local 1173 members.

First, the Autocom dealership, which recently came under new ownership, lost its union status. The dealership, now Concord Nissan, had kept nine techs out of 18, which means the union contract should have stayed in effect. But the company brought in 10 other mechanics, so the union no longer had a majority of workers. "We have potential to reorganize some day," says Area Director Steve Older, "but for now, our priority is to keep the guys working."

Later that day, Niello Infiniti just up and closed. "Their 30-year lease was up and their rent was going to triple," Older explains. "They could've bought the place, but decided not to."

Older says that the union had some hints, but the action was pretty much without warning. About 16 workers, including some Teamsters, were working there. "There are plenty of jobs for mechanics, so we're working to place them elsewhere," Older says.

#### One strong member

The one member at Valley Restoration in Concord has a new contract. "This is the Local's last owner-operator contract. Our member here is 85 years old and still going strong. He's a staunch union member and we just want to take care of him," Older says.

### **Local 1414**

## Peter Pan BMW service writers finally get contract

In December, 2017, the service writers at Peter Pan BMW in San Mateo approached Local 1414 to organize. They felt that the company's often-changing pay plans ended up with some takeaways. Business Representative David Taylor and Area Director Jesse Juarez filed for an Armour Globe Election with the NLRB; this is a process that allows a non-union unit to join a unionized unit in the same shop. A few weeks later, the group unanimously voted to join the union.

Although the group was now protected by the union, they had to wait until the technicians' contract opened up before the union could negotiate new language for them. Negotiations took about three months; Local 1414 brought in Local 1101 Area Director Jim Schwantz to help as the company proposed to match the Stevens Creek Audi pay plan.

"After hours of meetings to explain the proposed plan, the service writers ratifed their first contract, a five-year agreement that includes all the union benefits, from 401K to good union health and welfare," Taylor explains. "They will also get wage increases over the contract term ranging from \$7.50 to \$15/hour.

"I thank the service writers for standing strong as the company was pretty hard on them for organizing," Taylor says. "And I thank Shop Steward Quoc Nguyen for patiently answering questions about the new pay plan and attending numerous late night meetings. I also want to thank the company for negotiating in good faith; most contracts don't get ratified and voted this fast."

Peter Pan BMW went from 48 to 58 union members strong. "The techs really cared about the service writers during this process. It was good to see unity between the two groups."

## **Local 1528**

#### **Applied Aerospace**

The 240 members at Applied Aerospace in Stockton ratified a new three-year agreement in December 2018.

"These members got numerous language improvements and significant wage increases, and these were geared to ensuring that those on the lower end of the scale got a higher increase," says Business Rep Skip Hatch.

In year one, anyone earning up to \$16/hour will get a 70 cent raise; those earning over \$16 will get a 4% increase. Increases for year two and three are 3.25% and 3%, respectively across the board. The company also agreed to roll merit increases into the base wage, and then calculated the percentage increase, making for a larger increase.

The company's contribution to the IAM National Pension Fund will increase to end up at \$1.85/hour and the cost-share for the medical plan will be no more than 11%.

The company requested that management be allowed to perform work while they're ramping up hiring for any new contracts they win. Concerned that managers would start doing bargaining unit work and might abuse this clause, the team came up with a creative solution. "Management may work for only a 50-day period while hiring is ramping up to reach demand. This language sunsets when the contract expires (if it's used)," says Hatch. This enables the union to evaluate whether it was fairly implemented. If it's not used, the language would continue to the next contract.

"If they trigger the language and use it as intended, then we'd likely agree to put it back in. If they didn't play nice, we wouldn't agree to it again."

## SHOP TALK: Are you better or worse off now under the new tax law?



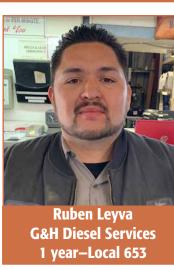
"Slightly better—I see more in my weekly check, but I received less in my federal tax return."



"I'm about the same under the new tax law; I pay about \$20 less a week in taxes."



"I'm a little bit better off this year than last year. I'm getting about \$200 more back this year. I'm going to Disneyland!"



"It's about the same, but my gross did change compared to last year. I also have one dependent."



"It's not good. I am worse off. I don't mind paying my fair share of taxes but corporate America needs to pay their fair share."

## THE LOCALS

### **Local 1546**

#### **Golden Gate Truck Center**

On January 6, the members at Golden Gate Truck Center overwhelmingly ratified their new fouryear contract. "This went the smoothest of any negotiations ever held here," says Area Director Don Crosatto.

A major improvement was that the company will reward techs for getting certified in multiple specialties rather than just one. "Now you get \$1/hour for every area of specialization. Techs can earn up to \$5/hour more than their already sizable base pay." The highest level mechanics went from \$42.50 to \$47.50/hour. In addition, the company removed the caps that they previously had on the bonus program.

Crosatto says that the company embraced paying more because they know that those who pursue more certifications are of the highest caliber and can fix anything. "The company can market the fact that they're the best. If you want the cheapest, go elsewhere. But if you want a quality job done on time, come see us."

#### **Justice for Foundries**

Local 1584 represents the six pattern makers at American Brass & Iron in San Leandro, which is the last and largest foundry on the West Coast.

The Chinese have been dumping 20,000 tons of pipe in the U.S. each year at below cost. They're working to undercut the U.S. industry and steal market share.

The industry brought their case to the Commerce Department, who found it had merit. They'll take the case to the International Trade Commission

The Machinists, the Steel Workers and the Pipe Trades Union (UA) are seeking a 306% duty on Chinese pipe and are working to get letters of support from elected officials.

The Alameda Labor Council met with Congressmember Barbara Lee in March who agreed to write a letter, as did Oakland Mayor Libby Schaaf and U.S. Senator Kamala Harris.

Stay tuned!

#### New guy in town

The Pacific Power Group, a large distributor out of Vancouver, Washington, has just taken over the Alison Transmission distributorship throughout Northern California. "They know that they need the best workers which is why they approached Local 1546," says Crosatto. The company has already hired three techs from Cummins and they've invited the union to organize them, agreeing to card check recognition to make the organizing effort easier.

All of the warranty work will come back to the techs, which is why the company values stability and top notch skills.

"This is fairly small to start with, but will hopefully grow as the business grows." Crosatto adds that he'll encourage them to participate in the apprenticeship program to enable them to develop new people.

#### **Local 1596**

#### Goodbye to two employers

AMAC Plastics has been creating plastic boxes and containers in Petaluma since 1960. But after nearly 60 years, the company is closing. They'll be selling their equipment to a Nevada company, and their 10 workers will be looking for jobs. If you're one of the 10, Area Director Steve Older wants you to know that there may be openings at MGM Brake in Cloverdale.

There's just one member at **Toby's Trucking** in Petaluma, and the owner is trying to retire, reports Steve Older. "The company will either shut down, or get farmed out to a subcontractor. While it's future is in flux, it will no longer be an IAM shop."

#### New stewards

We reported in the last issue of *The Sparkplug* that the workers at Santa Rosa Steel not only voted for

union representation, but they ratified their first contract. Now, they're sending their two new stewards to training in Placid Harbor.

## **Local 2182**

#### **National Express**

When a new company takes over a contract, it can be better or worse for the employees. In the case where National Express Transit won the contract from MV Transportation to do overflow repair work for San Joaquin Regional Transit District, the Stockton-based workers reaped some mighty benefits.

"In February, the members ratified a new three-year contract that's leaps and bounds better in terms of language and wages," reports Business Rep Skip Hatch. "They've finally come into this century." This contract covers 20 techs and utility folks who do the fueling, washing & servicing.

Significant improvements include language around vacation, overtime, seniority and job bidding. "Due to the huge improvement we got in the health and welfare package, most of the members are opting in to using it, where with MV, they mostly opted out."

Over the three-year contract term, wage rates will increase by about \$5/ hour for A and B Techs, and by \$4.54 for the C techs. The utility guys will see a total increase of \$2.75.

Members had unanimously rejected the company's first propos-

al because the utility folks' wages weren't where they needed to be. "The techs offered a counter proposal shifting some of their money to the utility classification to bring them up to where they should be," says Hatch. "After some back and forth, some implementation dates were modified, and the new contract was ratified by almost 100%. That's true solidarity."

#### **Caietti's Truck Repair**

The six members at Caietti's Truck Repair in West Sacramento ratified a one-year contract in January. "This is a small independent shop that has a good reputation for quality work," says Hatch. "He pays above scale. For the first time, he agreed to have dues check-off."

#### **Panella Trucking**

The 10 techs and welders who build and repair trailers to haul agricultural products at Panella Trucking in Stockton ratified their new three-year contract in November.

"If they complete an online training program, they'll get a \$2/hour wage bump that gets added in before the 3% wage increase that everyone will get each year of the contract," Hatch reports.

Because the company has an "interstate commerce exemption," they don't have to pay the same overtime rates as most other California companies pay. "We're finding creative ways to increase the overtime amount," says Hatch.

## 2020 Grand Lodge Convention GOLD RAFFLE

The 2020 IAM Grand Lodge Convention will be in San Diego.

District 190 is one of the local co-sponsors! One of our jobs is to raise money.......

Prizes:

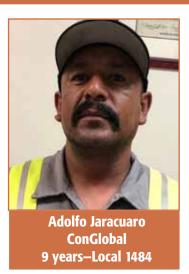
1st Prize: 2nd Prize: 3rd Prize: 14 1/2 Gold American Eagle Coins (current value: \$20,000) 50 Silver American Eagle Coins (current value \$1,000) \$500 Visa Gift Card



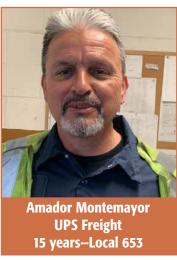
Buy tickets: \$5 each or 5 for \$20 Drawing will be held on September 12, 2019 For tickets, go to: www.iamglc2020.com or talk to your business rep.



"I've seen no difference in my taxes this year."



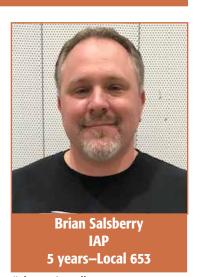
"I haven't filed my taxes yet so I'm not sure. But I did play the lottery this week!"



"For now, I see less in my paycheck. I'm just waiting to do my taxes to know for sure."



new car, a Chevy Traverse. My kids love the car!"



"I haven't really seen any difference. My deductions have changed but my return was roughly the same."

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## IN THE NEWS

#### NLRB counsel wants to ban Scabby the Rat

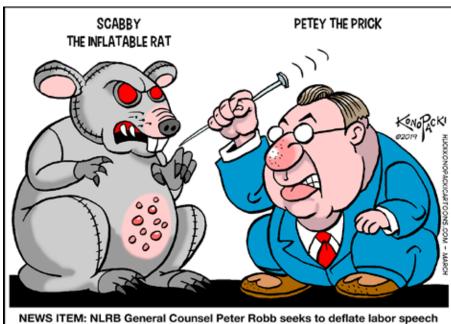
The Trump administration has found yet another way to pick on the little guy — who, in this case, is actually a critter that towers over many labor protests. Bloomberg Law reported that the Republican-controlled National Labor Relations Board may try to ban the display of Scabby the Rat on union picket lines. The large rodent-shaped balloon with yellow incisors and a mangy belly has become a wellknown symbol mocking bosses and all who cross picket lines. Scabbies vary in size and in specific design. Sometimes his mouth is open in a snarl. Sometimes he holds cheese. At all times, however, his leering face promises a protest nearby.

Peter Robb, the NLRB's general counsel and a former management-side attorney, is not a fan. A senior NLRB official told Bloomberg Law that Robb "hates the rat," and that he "wants to find it unlawful to picket, strike or handbill with the rat present."

Robb would have to reverse case law to ban Scabby, and First Amendment experts told *Bloomberg* that they didn't believe a ban would survive a legal challenge. Courts have customarily found that Scabby is a non-coercive protest tactic. Robb might hate him, in other words, but balloons inflict no material harm. The rat is a symbol, an imaginative product of organized labor's rank-and-file membership. A ban on Scabby would strike a significant psychological blow to labor.

According to *Vice News*, Scabby was first designed in 1990 for an Illinois-based local of the International Union of Bricklayers and Allied Craftworkers.

The rat owes his endurance partly to his efficacy as a nonviolent troll. "It's one of those meddlesome things that all management lawyers



really hate," a management-side attorney for Seyfarth Shaw told Bloomberg Law. which is entirely the point.

If organized labor has one cool trick for making your boss squirm, it might just be Scabby. But unions don't limit his use to formal strikes, nor is he meant solely as a means to shame union-busting bosses and scabs. He has broader significance. His ostentatious presence tells passers-by that there's a fight nearby that some injustice has occurred, or is occurring, and the workers standing next to him want to tell you about it, if you'll listen. No wonder Robb hates him.

—Sarah Jones, SOURCE

#### Workers waiting 'on call' must be paid, court rules

Employees who are required to stay "on call" before the start of a possible work shift — phoning their employer two hours before the shift to learn whether they're needed are entitled to be paid for that twohour period regardless of whether they're called in to work, a state appeals court ruled Monday.

In a 2-1 decision with potentially broad impact, the Second District Court of Appeal in Los Angeles said on-call employees are protected by a 1943 California Industrial Welfare Commission wage order, still in effect, that entitles employees to "reporting time pay" as soon as they are required to report for work.

The employer in this case, a retail clothing store, argued that the law mandated payment only for the hours an employee was required to report at the workplace. But the appeals court said the law also protects employees who are required to report in by telephone, committing their time to the employer.

Workers facing on-call shifts "cannot commit to other jobs or schedule classes during those shifts," must make child care arrangements and have to give up time for recreation or socializing, said Presiding Justice Lee Edmon in the majority opinion. By contrast, she said, "unpaid on-call shifts are enormously beneficial to employers," who can maintain a "large pool of contingent workers" and pay them only if they need them.

In dissent, Justice Anne Egerton said the 1943 reporting time order

was intended to require pay only for employees who "must physically appear at the workplace" and that any changes should be left to the Legislature.

The ruling is "a great victory for employees," said Patrick McNicholas, a lawyer for the sales clerk who filed the suit after being denied pay for time spent on call. McNicholas said many retail stores and restaurants follow a similar practice.

There was no immediate comment from lawyers for Tillys, the clothing store in Torrance where the clerk worked in 2012. The apparel chain Abercrombie & Fitch filed arguments supporting Tillys.

Tillys, based in Irvine, requires employees with on-call shifts to call in two hours before the shift would start and disciplines those who call in late or not at all, with potential firings for three violations.

The appeals court agreed with the employers that, when the 1943 "reporting time" wage order was written, employees reported to work by showing up at the workplace. But the court said the law was not drafted narrowly and must be interpreted in light of changing realities and technology.

-Bob Egelko, SF Chronicle

#### **Opinion: MLB players love** our caps. The people who make them for us deserve fair wages.

For almost 60 years, workers at New Era's factory in Derby, N.Y., have been making the caps that players wear during games. And since 1993, that factory near Buffalo has been the sole manufacturer of on-field caps for Major League Baseball.

But the company announced in November that it would close the plant as part of a corporate shift away from manufacturing, transfer-

## SHOP TALK: Are you better or worse off now under the new tax law?



"Maybe others knew about the new tax law, but it came as a surprise to my wife and me. We were just about caught up on our debts and were trying to get to get a nice return, but we ahead. This promised tax relief put us back where we started."



"I got screwed under the new tax law. I don't make much, but my wife does, so it put us in a higher tax bracket. Was hoping barely broke even."



"The decrease in deductions is even more difficult for me being that I'm single with no children."



"I don't like it. I'm going to have to pay more this year and I hear they're cutting programs that would hurt the elderly and kids with disabilities. This isn't right!"



"I did not really see any big changes, for better or worse. Everything seemed to stay the same."

## IN THE NEWS

ring most of its work to overseas contractors and production for MLB to a nonunion facility in Florida. That means all 750 union-organized professional baseball players who will take the field on Opening Day this season will be wearing caps made by people who don't enjoy the same labor protections and safeguards that we do — and fans will be buying caps made overseas at lower wages than U.S. workers earn.

Our union helps ensure that we earn fair pay and benefits. It's unfortunate that isn't the case for the people who make something as integral to our game as the caps we wear.

—Sean Doolittle, Washington Post

#### Sonic employees quit en masse, tape note to door

If you had a crappy job as a teenager (and let's face it, who didn't?), this is probably a scenario you fantasized about many a time: Your whole staff walking out en masse, leaving only an "f\*\*\* you" note taped to the door.

The staff of a Sonic restaurant in Circleville, Ohio, just lived out our collective high school dream, taking off on Sunday with a pointed note left behind, The Daily Dot reports. Staffs at the Lancaster and Grove City, OH Sonic locations also walked out, one branch leaving just a giant "Thank you, next" sign.

The Scioto Post in Circleville reports that the employee uprising may be related to new corporate ownership. A source told the paper that the new owners fired Sonic managers who had years of experience, and reduced employee wages "from at or near-minimum wages to tipped employee wages at approximately \$4/ hour."

— Gwen Ihnat, The Takeout

#### Federal law protects employees' right to use sarcasm in social media to rally workers to improve working conditions

As social media changes, so do the ways people communicate. By now, many of us are at least acquainted with Facebook and Twitter and have at least heard of Reddit and Pinterest. As new social media platforms come on to the scene, workers will use them for all kinds of communication—including how to make life better at work. While workers are not always protected from discipline when the post comments about work on social media, social media can be a great organizing tool if done carefully and strategically. A part of that strategy is making sure it is protected by law.

The National Labor Relations Board (NLRB) recently evaluated whether an employer violated the law when it fired a chauffeur because of his "sarcastic" Facebook post about the employer's policy. In Desert Cab, Inc., the drivers were upset with a new policy that resulted in drivers waiting hours to pick up customers, which negatively affected their pay. The driver posted a photo of drivers waiting around and said, "Hanging out at the Morgue. We are sent here to sit around for three hours for no reason."

The Board concluded that the post was protected concerted activity aimed at improving working conditions and was thus protected by federal law, even though it had a sarcastic tone.

However, not all social media posts about the workplace are protected. In general, to be protected by the National Labor Relations Act, the speech, whether on social media or otherwise, must:

1. Be "concerted." In other words, the speech must be made with, or on behalf of, other workers. This includes communication between individual employees, as well as communication intended to compel other workers to act. This also includes bringing group complaints to the attention of management. These forms of speech are examples of concerted activity.

2. For "mutual aid and protection." This means the speech must relate to improving the workplace, benefits, conditions, or other aspects of what it means to be an employee. The workers must be trying to make something about the workplace better or otherwise addressing employees' interests that are connected to the workplace.

3. Not be disloyal or malicious. To stay protected, the employee should not be intentionally untruthful, should avoid disparaging the employer's product or service in a way that is unrelated to the labor dispute with the employer, and should not disclose confidential information or make threats of violence.

Where the speech meets the above criteria, mere sarcasm remains protected by the NLRA.

— By David Rosenfeld, Weinberg, Roger & Rosenfeld

#### **Bankrupt PG&E Wants to Pay \$235 Million in Bonuses This Year**

PG&E Corp. is asking a bankruptcy judge for permission to award as much as \$235 million in performance bonuses to thousands of its workers after canceling similar incentive payments last year. PG&E wants court approval for its short-term incentive plan that covers employees who, under the 2019 plan, would be awarded bonuses if the San Francisco utility meets performance goals tied to safety and financial performance. Senior executives wouldn't be eligible for the incentives, PG&E said.

The company estimated a total bonus target of about \$235 million, but listed an "aggregate maximum payout" of about \$350 million.

Employee compensation has become a bone of contention in PG&E's bankruptcy case, pitting wildfire victims and utility customers against labor unions. Attorneys for fire victims asked the bankruptcy judge to reject PG&E's request to pay \$130 million in bonuses employees earned in 2018. PG&E's board decided not to award the payouts because of the bankruptcy, drawing the ire of the company's unions.

-Mark Chediak and Steven Church, Bloomberg

#### **Workers suddenly have** more power to demand higher pay and better jobs

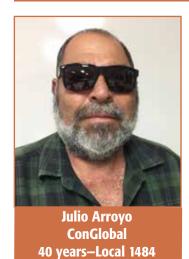
Workers are receiving the fattest wage increases since the Great Recession as employers struggle to find enough people to fill their ranks and employees have more leverage to demand higher pay and jump to better

Wages grew 3.4 percent in the past year, the government reported Friday, the fastest pace in nearly a decade and well above inflation, suggesting that employers are hustling to lure and retain workers. Many are slashing requirements for jobs and are hiring workers quickly to prevent them from being scooped up by competitors, a far cry from the days when job seekers felt lucky to even get a callback.

The unemployment rate fell to 3.8 percent in February, marking one year of sitting at or below 4 percent, a level many economists regard as "full employment" — when there are few people left who want jobs and cannot

—Heather Long, Washington Post

## SHOP TALK: Are you better or worse off now under the new tax law?



"It was about the same as last year. I'm planning on hopefully retiring in the near future. I just hope they don't cut social security."



Office Manager at Local 653 34 years in union

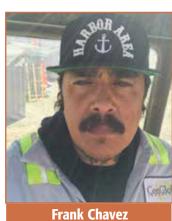
"I don't know yet. I haven't gotten my taxes back yet!"



**Metropolitan Stevedore Co.** 5 years-Local 1484

"It's reaching the point where, if a person takes a day off, he falls behind in his income-tax payments. To simplify collections, the IRS should have a tax form with only two lines: 1) How much money did you make this year?

2) Please send it in."



ConGlobal 10 years-Local 1484

"The middle-class was sold a bill of goods. We were promised a fairer tax system. Instead I'm seeing the rich get richer and I sure we are going to get stuck with the bill."



30 years-Local 1484

"I see a bit more in my weekly paycheck, but at the end of the year, it looks like I'll to have to pay more than last year. Congress does some strange things—it puts a high tax on liquor and then raises the other taxes that drive people to drink. Cheers to Uncle Sam!"

## Attention Members of Local 1546 Notice of vote on potential by-laws changes

April 2 – First Reading of proposals from the By-laws committee

May 7 – Second Reading and Vote

Note: This will take place during the general membership meeting of Local 1546: 10260 MacArthur Blvd., Oakland, CA.

## **MOVING?**

Or need to report a member recently deceased...

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

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

(Addresses are listed in the calendar below.)



The International IAM website is at:

#### www.goiam.org

#### Local Lodge websites:

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

#### Facebook pages:

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

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

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

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

#### Twitter:

Union Organizer: @union1484



## UNION MEETINGS

## District Lodge 190

8201 Capwell Drive Oakland, CA 94621 510-632-3661 Meetings are the fourth Tuesday of each

April 23 • May 28 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

\* Note new time of Retiree's Club **Executive Board Meeting:** 6:00 p.m. on the third Thursday of the month

April 18 • May 16

**General Membership Meeting:** 6:00 p.m. on the first Tuesday of the month

April 2 • May 7

**Retirees' Club:** *12:30 p.m. on the third Wednesday of the month:* March 20 • April 17 • May 15

#### Local 93

2102 Almaden Rd., #105 San Jose, CA 95125 408-440-8716 Meetings are the second Tuesday of each month April 9 • May 14

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

April 3 • May 1

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

April 21 • May 19

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

### Local 653

5726 E. Shields Ave. Fresno, CA 93727 559-264-2815 Meetings are the third Wednesday of the month except in November

April 17 • May 15
xecutive Board Meetin

April 18 • May 16

Membership Meeting: 4:00 p.m.

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

April 2 • May 7

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

May 2 • May 30

Retiree Club Pot Luck Luncheon: 12 noon on the first Wednesday of each month

April 3 • May 1

**Alcoholics Anonymous**: 9 a.m. every Saturday

#### Local IIOI

Local 801

8201 Capwell Drive

Oakland, CA 94621

800-655-2182

2102 Almaden Rd., #105 San Jose, CA 95125 408-440-8716 Meetings are the second Thursday of the month

Meetings are the third Thursday of the month

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

April 11 • May 9

**Executive Board Meeting:** 5:30 p.m. **General Membership Meeting:** 6:30 p.m.

**Local 1584** 

8201 Capwell Drive Oakland, CA 94621 510-632-3661 Informational Meetings are the third Thursday of the month

the month

April 18 • May 16 7:00 p.m.

Retirees' Club: 12:30 p.m. on the first Tuesday of the month: March 5 • April 2 • May 7

**Note**: New address for meetings and sending dues checks: 8201 Capwell, Oakland, 94621

#### Local II73

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

April 11 • May 9

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

April 11 • May 9

**Local 1596** 

1900 Bates Ave., # H Concord, CA 94520 925-687-6421 Meetings are the third Tuesday of the month

April 16 • May 21

Executive Board Meeting: 6:00 p.m. Membership Meeting: 6:30 p.m.

**Note**: Monthly meetings are held at the Plumbers Hall in Santa Rosa: 3473 Santa Rosa Ave., Santa Rosa CA 95407

## 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

April 18 • May 16

**Executive Board Meeting:** 6:00 p.m. on the second Thursday of the month

April 11 • May 9

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

April 18 • May 16

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

June 5 • September 4

#### **Local 2182**

967 Venture Court Sacramento, CA 95825 800-458-9200 Meetings are the second Tuesday of the month April 9 • May 14

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:

April 17 • May 15