

CALIFORNIA LABOR NEWS

In this issue:

- Proposition 34 Strategy.....page 2
 - Your day in court.....page 2
 - Organizers report.....page 3
 - Labor newswire.....page 4
- Visit our website at www.calaborfed.org

VOL. 44; NO.3

APRIL 2001

Mark your calendar

April 10-11. 24th Annual Convention, Congress of California Seniors. San Jose. (916) 442-4474.

April 21-24. Annual Conference: *Making the New Economy Work for Working Families*. AFL-CIO Working for America Institute and the California Labor Federation. San Jose. (800) 842-4734.

April 27. *Workers Memorial Day Tribute Dinner*. Hilton San Bernardino, San Bernardino & Riverside Counties CLC. (909) 825-7871

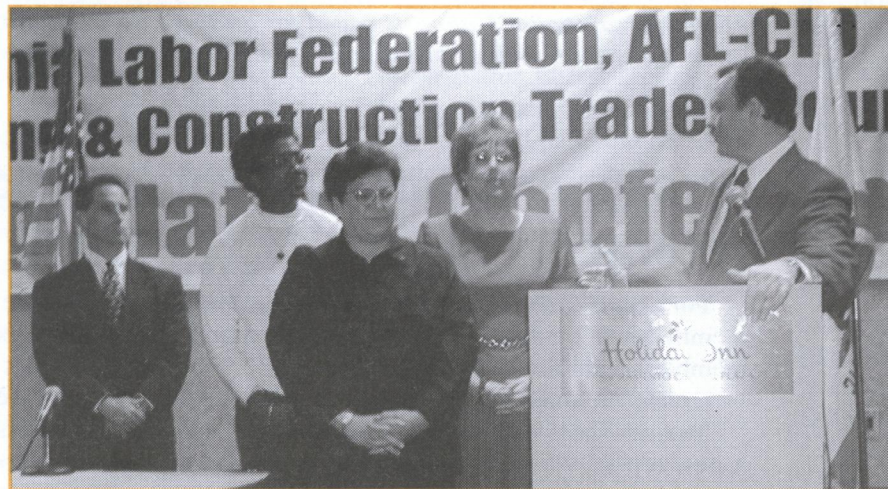
April 27-30. AFL-CIO Union-Industries Show. Los Angeles. (202) 628-2131.

May 1. California Labor Federation, Sacramento and San Joaquin CLCs. *Workers Memorial Day Service*. East end Capitol Park, Sacramento. 11:30 a.m. - 12:30. (415) 986-3585 x232.

May 3-6. *Working Out West: a conference for labor communicators, historians and activists*. Western Labor Communications Association, Pacific Northwest Labor History Association, Southwest Labor Studies Association and Western Region, AFL-CIO. Info: (503) 725-3295.

May 24. *Save the date*. Alameda County Central Labor Council Centennial. (510) 632-4242.

Legislative conference celebrates past wins, pledges 'We Won't Forget' injured workers



The Joint Legislative Conference dinner recognized struggles by workers using labor legislation successfully. Rick Eiden represented Gigante workers who used the Picketline Freedom of Speech Bill to organize with UFCW Local 324 in Orange County. Brenda Jordan, Kaiser Fontana RN; Teresa Schwager, Mercy General Hospital clerk; and Mary Hillman, Mercy San Juan respiratory care technician, fought for workers' right to organize under Assembly Bill 1889. Photo by Margaret Hanlon-Gradie.

Union activists pledged not to forget brothers and sisters injured at work, and to enact Senate Bill 71 (Burton) this year at the Joint Legislative Conference dinner in Sacramento, March 19.

Taking time from the hectic two-day conference to acknowledge the hardship and sacrifice of injured

workers, union activists heard from Steve Duncan, survivor of the Tosco refinery fire, and Governor Gray Davis.

"I am here tonight not for myself but for all of California's injured workers," Duncan told the 650 attendees, "Meeting with other injured workers and getting to know them and

their struggles has helped my family through this ordeal. We need to raise workers comp benefits so that people can survive."

The dinner was dedicated to the 600 workers killed on the job in California every year. "That's the equivalent of one worker in every county, every month," Federation president Tom Rankin said. Another 800,000 workers are

injured or made ill at work, representing one in twenty workers.

California unions contributed the names of injured workers, presented in the *We Won't Forget* slideshow.

Introducing Governor Davis, Federation secretary-treasurer Art Pulaski commended union activists

for grassroots action leading to recent legislative victories.

"California unionists won ground-breaking right-to-organize legislation, restored daily overtime pay, and raised our minimum wage. None of this progress would have been possible without the engagement and direct action of thousands of California workers. We thank Governor Davis for his support on these key issues and commit ourselves to greater action this year to improve our workers compensation and unemployment insurance systems."

The first half of Davis' speech reviewed recent developments in California's energy crisis. The Governor praised labor's legislative accomplishments, citing the Cesar Chavez holiday, improved labor law protections and enforcement actions, and the appointment of union members to key boards and commissions.

Although Davis did not address workers compensation or unemployment insurance, he reaffirmed his commitment to working with union members, and pledged, "All things are possible."

Unionists' message to injured workers:

We Won't Forget

When California workers are injured or killed on the job, we all lose: our families, our communities, and our economy.

Each year 600 California workers are killed on the job. More than 800,000 are injured or made ill at work.

The California Labor Federation dedicates this column to workers killed or seriously injured this year.

We won't forget.

Timothy Holcombe, 45, welder. Downey, Los Angeles County. Member Property Craftspersons, IATSE Local 44. Killed on set of the movie *Spiderman* when a crane toppled onto the construction basket he was riding in.

Delfino Solace, 61, mechanic. Huntington Beach, Orange County. Died of injuries sustained when he was pinned between two trucks.

Anthony Terrel Fischer, 22, contract worker. Torrance, Los Angeles County. Asphyxiated in a silo at the Exxon-Mobile refinery.

Jeff Hart, Ironworkers Local 118. Sacramento. Severe head injuries after a fall.

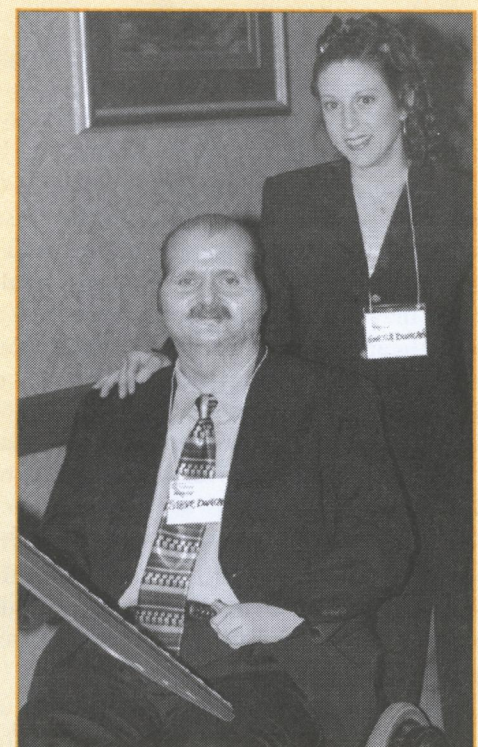
Desi Armenta, 28, Iron Workers Local 155. Fresno. Crushed by falling staircase.

Willie Wilkins, 29, member Oakland Police Officers Association. Killed by accidental gunfire.

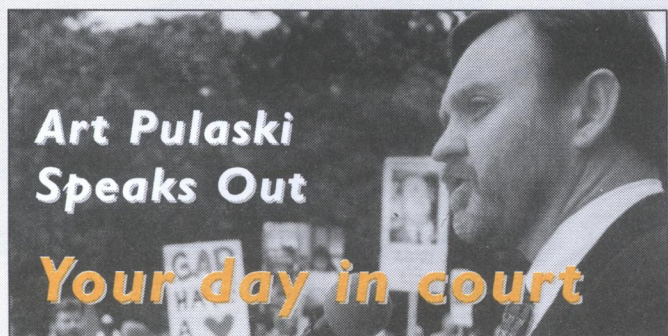
Gary Wagers, 54, California Highway Patrol Officer. Automobile accident.

Brandon Hinckle, 33, Los Angeles County Sheriffs Department. Motorcycle accident.

Alino Madrano Ochoa, 38, farmworker. Exeter. Electrocuted by high-tension wires while pruning trees.



Steve Duncan, of Martinez, sole survivor of the fire that killed four workers at Tosco Refinery in 1999. Mr. Duncan, and his wife, Gnesa, were honored at the Joint Legislative Conference dinner March 19.



Which situation would you prefer to be in?

First choice: You're being harassed by supervisors at work. They taunt you about your sex life. You've asked them to stop. You believe their actions are discriminatory and illegal. They will not stop. When you hire a lawyer, he asks if you signed an employment application with an arbitration clause. You did, and now you can't have a trial. You go before an arbitrator to hear your case. The arbitrator is chosen from a list of arbitrators the employer uses in several states, but you recognize none of the names. As you walk into the hearing, you discover that your employer has hired this arbitrator before and won. Having never been to an arbitration before, you don't feel prepared for the day-long proceedings. Why couldn't you hire a lawyer and have your day in court?

Second choice: You're being harassed by supervisors at work. They taunt you about your sex life. You've asked them to stop. You believe their actions are discriminatory and illegal. They will not stop. You meet with your union steward, who schedules a grievance hearing with the manager. The two sides don't agree at this first step, or a second step with higher-level management, and the case goes to arbitration. Your union hires arbitrators as often as the company does, and knows who rules fairly. Your steward has been trained to understand the contract and your legal rights. As you walk into the hearing, you discover that both the employer and the union representative are familiar with the arbitrator, and prepared for the proceedings.

Unrepresented workers like what's behind door number two much better. Arbitration can protect workers when a union is present to negotiate the terms and navigate the system. Many workers would still prefer to have their day in court, in the presence of a judge or jury. The courts, for all their faults, are where Americans turn for justice.

But the Supreme Court has taken that right away. It has given employers a new advantage over unrepresented workers, and opened the door to increased violations of civil rights and workplace protections. The same Injustices who took an election away from 50 million U.S. voters last fall have revoked a worker's right to trial.

Justices Rehnquist, O'Connor, Scalia, Kennedy and Thomas decided that employers can hide behind the arbitration clause to avoid responsibility for discrimination. The March 22 *Adams v. Circuit City* decision says that the retail giant can't be sued for its supervisors' sexual harassment of a Santa Rosa man, Saint Clair Adams. Because he signed an employment application with an arbitration clause, Mr. Adams lost his rights to a fair trial.

That's going to be expensive. If he were a union member, his shop steward would handle the grievance at the early stages, and his local union would cover the costs of arbitration. He would have expert advice and representation every step of the way.

For non-union workers, the Supreme Court decision has removed protections and transferred the costs. If Mr. Adams were going to court, his attorneys would be paid only if they won a settlement. Arbitration is paid for by both sides, so he may have to advance thousands of dollars to have his voice heard. In court, he would appear before a judge, paid by the public — not an arbitrator, hoping for a corporation's repeat business. Circuit City, with 629 locations in 155 major markets, hires an arbitrator many times every year. Mr. Adams may never hire another arbitrator in his life.

Of course, there are circumstances when arbitration works. The American Arbitration Association and Federal Mediation and Conciliation Service are just two examples of arbitrator organizations which work to ensure fairness and professionalism in their ranks.

But most individual workers are at a disadvantage against an employer familiar with both the system and individual arbitrators. **Union representation provides the balance workers would hope to find on the scales of justice in court.** Union membership, which improves workers' pay, benefits, and working conditions, also protects their rights and ability to enforce their rights. It's a choice that most workers see in their interest.



Hundreds of union activists took a break from lobbying during the Joint Legislative Conference and rallied at the Capitol as part of the AFL-CIO's Respect Work, Strengthen Families campaign. Unionists called for an increase in unemployment and workers compensation benefits, as well as protections for nursing home patients and workers. Photo by Greg Castillo.

Preserving workers' voices in campaign reform

Politicians can expect new rules for campaign finance at the state and federal levels. Union members will be affected by some of the changes, but can expect that tried and true methods of member communications — volunteer phone banking, precinct walking, and worksite meetings — remain the most important tool for electing pro-worker representatives.

The new laws won't change big business' ballooning budgets for lobbying and political action. A new report, *Who's Paying for This Election?*, by the Center for Responsive Politics, shows that corporations outspend union members 15 to 1 on politics. Business gave more than \$840 million in 2000, compared to \$56 million from unions. The report is excerpted at www.opensecrets.org.

California Senators Barbara Boxer and Dianne Feinstein voted for S.27, the McCain-Feingold bill, including two key amendments opposed by the AFL-CIO. Contribution limits were increased from \$1,000 to \$2,000, and restrictions on lobbying activities and independent expenditure campaigns were tightened. The AFL-CIO noted that few workers were bothered by the limits; in fact, only 1/7th of 1% of all

Americans contributed \$1,000 to any federal candidate during the 2000 election cycle and less than 1/2 of 1% contributed \$200 or more. The restrictions on lobbying activities will make it more difficult to hold politicians accountable for anti-worker positions.

At the state level, Proposition 34 took effect January 1 and will change the way unions participate in California's political process. The changes most important to unions are in contribution limits and reporting obligations (see chart). Member-to-member communications are no longer reportable. Voter communication to members no longer has to be reported to the Fair Political Practices Commission (FPPC).

This initiative also gives unions an opportunity. With limits on direct contributions to candidates, unions must join forces to make the difference. Now more than ever unions' coordinated campaigns are essential to protecting workers' voices in politics.

To learn more about changes to the law from Prop 34 join us at strategy meetings:

Northern California: May 25

Southern California: June 1

For more information, call (415) 986-3585 ext.228.

—Melanie Hallaban

Contribution Limits	From Individuals, Committees, and Unions	From Small-Contributor Committees
Legislature	\$ 3,000	\$ 6,000
Statewide other than Governor*	5,000	10,000
Governor*	20,000	20,000

* takes effect after the 2002 election

mourn
for the
DEAD
fight
for the
LIVING

Workers Memorial Day Service

**Tuesday, May 1
11:30 a.m. - 12:45**

**State Capitol Grounds
East End - 15th St.
Between L & N Streets**

**Sacramento
(415) 986-3585 x232**

CALIFORNIA LABOR NEWS

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Representing the first Chinese-language newspaper to organize, the newest members of the Newspaper Guild proudly display their CWA sign. Photo by Stephanie Moore

Chinese-language newspaper organizes wall-to-wall

152 workers at *The Chinese Daily News*, the Los Angeles-based foreign language daily, voted to organize with the Newspaper Guild 39521/CWA on March 19-20. The bargaining unit consists of all non-supervisory workers including printers, mail-room workers, drivers, copy editors, reporters, advertising salespeople, and others.

The five-month organizing campaign at the 25-year-old paper began last fall when the employer froze wages and insisted workers sign declarations acknowledging their "at-will" employment status.

"This was a serious breach in the Asian work covenant, which views the employer as a benevolent father," said Stephanie Moore, CWA organizer. "This was a new thing to us," said Lynn Wang, a reporter for the *Chinese Daily News* for over thirteen years. "In Chinese culture, we assume mutual trust between employer and employee. Workers are expected to be obedient and loyal for fatherly employers. They broke this understanding. But we also understand we have a right to demand a democratic process in the workplace."

After the workers filed for an election with signed authorization cards from 95 percent of the unit, the company transferred the president of the San Francisco *Chinese Daily News* to Los Angeles to battle the union. Immediately, management improved the vacation policy. Part-timers, many of whom worked thirty hours per week without benefits for years, saw a 50 percent raise.

Also, management hired Larry Wong, a bilingual labor "consultant," who told workers he had taught labor relations at San Francisco State University, where officials have no record of Wong.

Among traditional tactics used by the phony professor were one-on-one and captive audience meetings, calls to workers at their homes, letters from the president, and

attempts to stall the election by claiming many workers were supervisors.

Many workers left one-on-one meetings with the consultant feeling uncomfortable and scared, reported Jerry Lee, an advertising agent for thirteen years.

"I like my job. I like the newspaper. But in the past few years, things have changed. I believe in this country everyone has responsibilities and everyone has rights. But we have to do something. I had to do something to protect my rights. I tried to do something I believed was right," he said.

Card check, coalition support Santa Cruz temporary workers

The March 2 organizing victory of 550 Santa Cruz temporary workers illustrated successful coalition politics at its best. "In my fourteen years of organizing I haven't seen a campaign that generated as much excitement in the community. I was literally pulled into workers' homes during house-calls," said Cliff Tillman, SEIU 415 Executive Director.

According to Dave Werlin, the union's director of organizing, work began three years ago. "We began laying the groundwork politically by reaching out to potential partners and putting allies on the City Council."

In October, Santa Cruz passed a Living Wage Ordinance, which excluded the city's temporary workers. The City Council also passed a resolution reaffirming the right of city workers to organize. Supporters attended City Council meetings to urge speedy recognition of the union. In January, the union held a weekend blitz and built a strong organizing committee which signed-up workers at the job. Full-time workers who were already SEIU members assisted their part-time coworkers.

During the course of a year, the City of Santa Cruz employs anywhere from two hundred to six hundred temporary workers. These work-

ers, lifeguards, library technicians and pages, clerks, auditorium staff, and park and recreation staff provide a wide range of vital services for community. However, many Santa Cruz City workers have worked at these jobs for years without benefits.

"There is nothing temporary about working two or three jobs in Santa Cruz. It is called survival," said Daniel Dodge, a security guard at the Civic Auditorium since 1975.

Sacramento unions show solidarity for sheetmetal workers

More than 75 sheetmetal workers and their supporters enjoyed a BBQ outside the EMC, Inc. sheetmetal facility in Sacramento on March 22. The 25 workers are organizing with Sheet Metal Workers Local 162, to improve health benefits, retirement and training opportunities.

Organizer Randy Young reported that the workers realized that the hourly wage cap of \$19 and the high cost of dependent healthcare could not compare with conditions under a union contract.

"The deciding factor for these workers, though, was the training. We took some of the workers on a field trip to our jointly [the Sheet Metal Workers International and Local 162] run training facility and it blew them away. They saw our welding booths, they saw our CAD computer stations, and they saw an opportunity to learn how to work with architectural sheetmetal and waterproofing. At the end of our union apprenticeship, workers receive an associate degree from Los Rios Community College or a certificate," he said.

Joining the sheetmetal workers for lunch were SEIU Locals 250, 1000 and 1877, IBEW Local 340, Glaziers Local 767, Ironworkers Local 118, Lathers Local 109, Carpetlayers 1237 and the Sacramento Central Labor Council.

Organizers Report

Bus drivers to lay down law in Yolo **Right to organize bill scores first win**

What could cause a change in behavior of an employer with a long-standing history of opposing worker attempts to organize?

"The Gil Cedillo law," answers Don Delis, ATU organizer. The California Labor Federation-sponsored law, Assembly Bill 1889, signed last year, prohibits the use of taxpayer money to finance anti-union campaigns.

"When we began the campaign in December, we sent letters to the executive director and board of the Yolo Transit District and Laidlaw, informing them of our organizing drive and of the law," said Delis. "In previous organizing attempts with Laidlaw, Local 256 encountered fierce resistance. This time they didn't do anything. They brought in a human resources guy, but meetings were voluntary. A few workers did choose to speak with him."

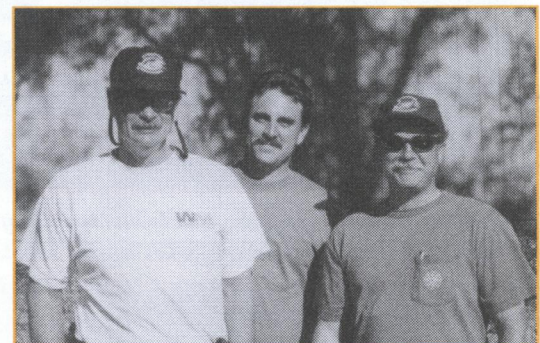
Upon hearing rumors that their employer, Laidlaw Transit Services, might lose its contract with the county, workers sought job security. On March 9, the 58 drivers and mechanics of the Yolo County Transportation Authority joined Amalgamated Transit Union Local 256 with a 41-6 vote.

"I am pleased that our bill, that had only been law for eighty-six days, helped these workers avoid the harassment and intimidation that so many workers face in this country," said Art Pulaski, executive secretary-treasurer.

Bill author Assemblymember Gil Cedillo was also excited to hear about the victory. "This proves that when the playing field is level, workers will unionize in order to protect themselves and to build a better future for themselves and their families. I hope this is the first of many organizing victories that the law will contribute to."

Operating Engineers clean up in Placerville

Fed up with broken promises, low pay, no pension and disrespect, the 80 drivers, sanitary engineers, welders, mechanics and recycling facility workers of El Dorado Disposal Service in Placerville voted to become the newest members of



Operating Engineers Local 3. Despite management attempts to divide workers in different job classifications against each other, the workers stayed united and voted union yes, 50 to 21 on March 16.

Key to the workers' success was the solidarity demonstrated between drivers and the recycling sorters. The drivers supported the recycling sorters, many of whom make minimum wage, in several workplace actions. Four marches on the boss—once for recognition and twice demanding a ten percent wage increase for drivers and a thirty percent increase for recycling workers—spurred the drive.

A solid organizing committee of 45 activists circulated a public petition, and infiltrated segregated captive audience meetings. At one captive audience meeting, management's anti-worker consultant told a group, some of whom were mentally disabled, they were not worth more money.

"He told me to my face that I was not worth ten dollars an hour," said Gail Capozziello, a weigh master at the facility. "They brought in a union-buster to talk us out of organizing. Instead, he talked us into it. Now, other Waste Management workers are watching us. They must be treated as badly as us."

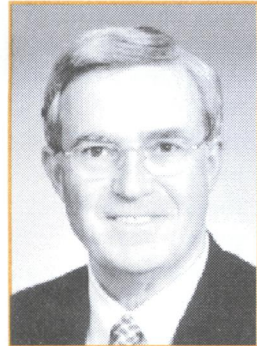
—Margaret Hanlon-Gradie

Davis announces union appointments

Governor Davis appointed union members to key positions on state boards and commissions early in 2001.

In February, **Tim Cremins**, Director of Education and Research for the California-Nevada Council of Operating Engineers was appointed to the Industrial Welfare Commission. The IWC issues wage orders implementing California labor laws, including minimum wage, overtime standards, and other working conditions.

On March 15, the Governor appointed **Gerald O'Hara** to the Occupational Safety and Health Appeals Board. The board handles appeals by private and public employers regarding citations issued by the Division of Occupational Safety and Health. O'Hara is former Director of the California Teamsters Public Affairs Council, a position he held since 1975.



Gerald O'Hara

In other appointments:

Robert Lennox, secretary-treasurer for Teamsters Local 495, and a vice president of the Los Angeles County Federation of Labor, will serve on the Employment Training Panel.

Bert Tolbert, an apprentice administrator for the Southern California Operating Engineers, was appointed to the Apprenticeship Council. **Brad Plugger**, international representative

for the Sheet Metal Workers, was reappointed to the Apprenticeship Council.



15,000 celebrants marched in San Francisco on March 31 to honor Cesar Chavez on his birthday, the first state holiday for the UFW founder. Other events to celebrate the Chavez holiday were held in Los Angeles, Sacramento, and Fresno. Photo by Scot Tucker.

UFW wins five-year battle in Ventura, begins another

The United Farm Workers and Coastal Berry signed a contract for 750 Ventura County strawberry pickers March 8, effectively ending a grueling five-year battle. Coastal Berry, the nation's largest strawberry grower, is headquartered in Watsonville where the UFW began the strawberry worker campaign in 1995.

The contract calls for a seven percent raise over three years, free medical and dental care for workers, a seniority system and paid holidays. It also establishes a vacation plan and a grievance and arbitration procedure. Workers at Coastal's farms in Santa Cruz and Monterey counties are represented by an unaffiliated union, backed by grocers, and are covered by a weaker contract. According to David Gladstone, chairman of Coastal Berry, "Workers in Ventura County enjoy more guarantees in job security, seniority, and grievance procedures."

In other organizing news, on March 1 the AFL-CIO announced the addition of Pictsweet Mushrooms and Frozen Vegetable to its boycott list. Pictsweet, also located in Ventura County, has refused to negotiate with the 350 UFW members who worked under a contract with the previous owners. Pictsweet, a subsidiary of United Foods, Inc, bought the farm in 1987.

Pictsweet workers were harassed and intimidated by management to decertify their union. The Agricultural Labor Relations Board upheld unfair labor practice charges filed by the union. The UFW and the AFL-CIO asks unionists to contact Pizza Hut, a large Pictsweet customer, and urge them not to purchase Pictsweet brand vegetables.

Visit www.calaborfed.org for an updated We Do Not Patronize list.



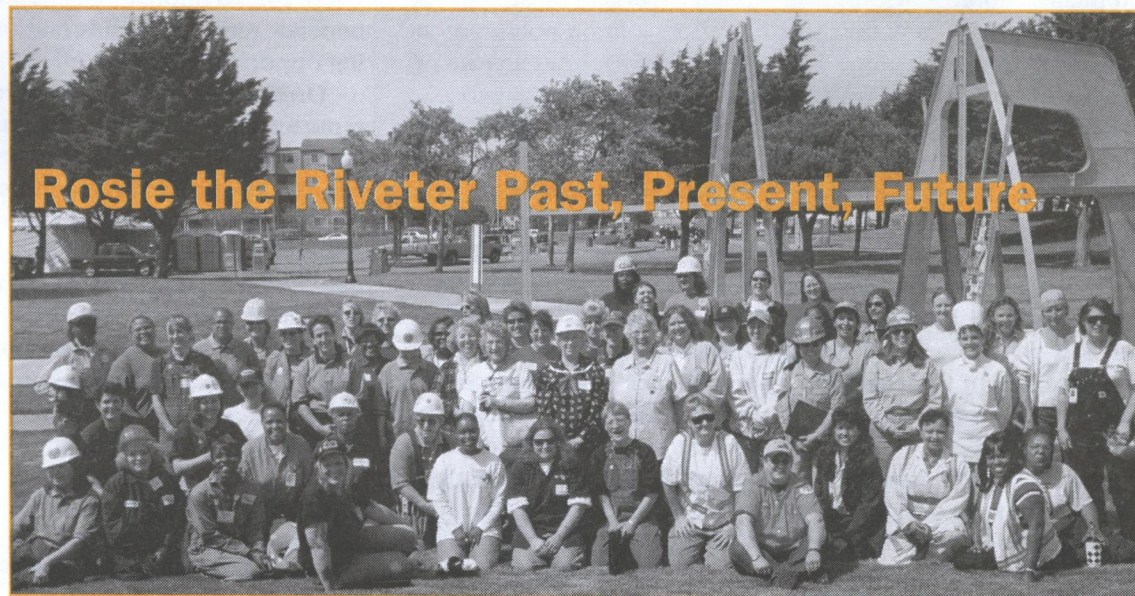
Reginald Jones-Sawyer, Sr., newly-elected California Democratic Party Secretary, talks about worker issues with Ruth Forney, Services Employees Local 1280 leader at the CDP Convention in Anaheim.

Labor delegates tell Democratic Convention: "We are the field!"

Unionists enthusiastically participated at the March 30 - April 1 California Democratic Party Convention. Labor activists from Humboldt to San Diego convened in Anaheim representing trades and teachers, teamsters and telecommunications workers. Labor's message was not confined to its Saturday a.m. caucus meeting. In other caucuses, candidates for leadership roles frequently extolled their labor record and union membership.

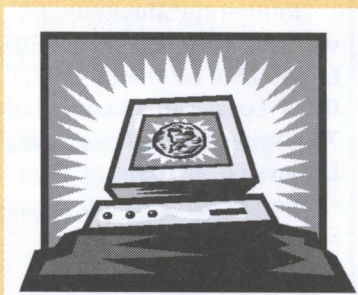
The state party passed a resolution, submitted by the San Francisco Democratic Party, supporting unions' campaign to increase workers compensation benefits. In strongly worded language, the resolution urged the Legislature and the Governor "to avoid any 'reforms' which, in reality, would harm injured workers by reducing or eliminating some of their already meager benefits, restrict their legal rights, or impede their ability to establish claims and receive benefit payments in a timely manner."

Delegates elected several unionists to party leadership positions. Service Employees Local 347 member **Reginald Jones-Sawyer, Sr.** became CDP Secretary. Teachers Local 2121 political director and COPE chair **Alicia Wang** was re-elected northern vice chair. **Alexandra Gallardo-Rooker** of Communications Workers Local 9400 was re-elected southern vice chair of the California Democratic Party.



San Francisco Bay Area tradeswomen, including those who worked during World War II in the Kaiser Shipyards, were honored on March 27 at a tribute and apprenticeship fair that attracted 500 junior and highschool students to the Rosie the Riveter Memorial in Richmond. Photo by Robert Gumpert.

Federation announces new internet resources



www.calaborfed.org

Internet Action Center

Register now for action alerts and one-click communication with your legislator

Legislative Resources for Union Activists

Who's my representative? Give us your zipcode and we'll give you your representatives' voting record on key worker issues. Watch for vote updates throughout the session!