

# 1245

International Brotherhood  
Of Electrical Workers  
Local 1245, AFL-CIO  
March 1992  
Vol. XLI No. 3

# UTILITY REPORTER

Union Trees!

## Tree trimmers stand tall



Local 1245 tree trimmers on the picketline on Feb. 25 at Asplundh Tree Expert Co. yard in Marysville, Ca. (Photo: Eric Wolfe)

**Asplundh Tree Co. had a serious attitude problem. First, Asplundh stonewalled at the bargaining table. Next it locked out Local 1245 tree trimmers for a week. Finally, it unilaterally imposed a \$2 wage cut. On February 24, union tree trimmers decided it was time to give Asplundh an attitude adjustment. (See Page 7.)**

### Union election

Nominations for Local 1245 officers will be conducted at March unit meetings. The mail-ballot election will be conducted in June. For details see the February issue of the Utility Reporter or call the union hall at 510/933-6060.



### PG&E agrees to mandatory VDT protections

**L**ocal 1245 has concluded an agreement with Pacific Gas & Electric that requires the company to take immediate steps to protect video display terminal (VDT) operators from the risks of cumulative trauma disorders.

The agreement, approved on Feb. 19 by the Local 1245/PG&E Joint Health and Safety Committee, repre-

sents an important victory in a nationwide effort by workers and their unions to combat cumulative trauma disorders and other VDT-related injuries.

For nearly two years Local 1245 has pressed PG&E to adopt mandatory protections for VDT workers. During general negotiations in 1990 PG&E agreed to a set of voluntary guidelines for VDT

work, but rejected a union proposal to make the guidelines obligatory.

Under the agreement reached last month, most of those voluntary guidelines will now become "minimum requirements" for VDT work performed by bargaining unit employees at PG&E. The agreement sets standards for VDT equipment and associ-

See PAGE SIXTEEN



### INSIDE

Free Trade Agreement:  
Bad News for Workers  
Pages 4-5

Outside Line  
Page 6

Retirement Planning  
Page 6

Larry Foss Honored  
Page 19

### CALENDAR

Month of March  
Nominations for  
Local 1245 officers  
at unit meetings

March 6  
Drum Pin Dinner  
Weimar, Ca.

March 7  
PG&E Regional  
Stewards Conference  
and Pin Dinner  
Sacramento

March 12  
Colgate Pin Dinner  
Yuba City, Ca.

March 13  
Redding Pin Dinner

March 14  
Stewards Conference  
and Pin Dinner  
Eureka, Ca.

March 20  
Ukiah Pin Dinner  
Redwood Valley, Ca.

March 21  
PG&E Regional  
Stewards Conference  
and Pin Dinner  
Santa Rosa

April 3  
Stockton Pin Dinner

April 4  
Chico Pin Dinner



### UTILITY REPORTER

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**WIPA**



### Workers here and abroad

## Rolling the union on...

**Leave favored:** A Gallup poll of 1000 Americans found that 76% said employers should be required to provide unpaid leaves for childbirth or adoption. About 25% said they would judge a presidential candidate by his childcare and family-leave views.

**Getting close fast:** Chrysler has asked workers on the paint line at its Toledo Jeep plant to stop using anti-perspirant, Labor Notes re-

ported. The company says flakes of antiperspirant—which contain aluminum, chlorine, and silicon—are falling on cars and damaging new paint jobs.

**Performance pay?:** Salaries and bonuses for biotechnology executives rose as much as 39% in 1991, though losses climbed 283%, the Wall Street Journal reported. Top executives in real-estate-oriented firms, despite a severe real-estate recession, enjoyed compensation rises of up to 15% in 1991.

**Unionist wins presidency:** Fred Chiluba, head of the Zambian Congress of Trade Unions (ZCTU) was elected president in Zambia's first democratic presidential election in over 20 years. He defeated incumbent Kenneth Kaunda, who was Zambia's first president.

**Sign of the times:** The sheet-metal contractors and union's training fund will discontinue use of the term "journeyman" for those who finish their apprenticeships. The new term will be "journeyperson."

**Such a good boy:** The Wall Street Journal reported that a Maryland man pleaded guilty to embezzling \$149,000

Americans feel 'permanent replacements' are bad

Are 'permanent replacement' workers a 'good thing' or a 'bad thing'?

46%

19%

GOOD

BAD THING

Thirty-five percent of the respondents had 'mixed feelings' or answered 'don't know.'

Source: 1991 Roper Poll

### Railroad Women

In March, labor's own television series, "We Do the Work", explores the little-known work of women on railroads. In addition to great old railroad songs and footage of women in trains and railroad yards from the turn of the century, the show looks at the trials and rewards of today's women in non-traditional work. Don't miss it!

**San Francisco, KQED/9**  
Friday, March 6, 11 p.m.

**San Mateo, KCSM/60**  
Tuesday, March 3, 9:30 p.m.

Check your TV listings each month for "We Do the Work"

*We Do the Work*

from small-business pension plans he ran in Connecticut, bilking clients, friends and relatives, including his mother.

**Government makes a difference:** The labor-backed New Democratic Party government in Ontario, Canada, has unveiled its proposals for labor law reform, including: an anti-scab law; streamlining the union certification process; extension of the right to organize to domestics, farm workers, and professionals; and more protection for employees of contractors.

**Boycott victory:** A national boycott of Rainfair protective clothing was called off after a successful strike by members of International Ladies' Garment Workers

Union Local 187. The parties agreed to yearly increases in wages and to modest increases in the employees' share of health insurance premiums.

**Gimme more:** In 1974, the typical Chief Executive Officer in a US corporation made 35 times the pay of the average manufacturing worker. Now a typical CEO earns 120 times that of an average manufacturing worker, according to a new book, "In Search of Excess," by former corporate consultant Graef "Bud" Crystal.

**Women workers:** Of the 55 million people predicted to enter the labor force between 1990-2005, half will be women according to the US Department of Labor's Bureau of Labor Statistics.



### MARCH FOR JUSTICE

Frontier Hotel strikers, permanently replaced by scabs, set out this winter from Las Vegas on a 300-mile march for justice through the Mojave Desert to Los Angeles. The march was part of labor's effort to win passage of the Workplace Fairness bill in the US Senate, which the House already overwhelmingly adopted last July. Members of the Hotel Employees and Restaurant Employees, Teamsters, Operating Engineers and Carpenters were forced to strike the Frontier hotel-casino last September.



**NEW MEMBER**  
Jim Rupel, left, a 12-year employee of Citizen Utilities in Elk Grove, Ca., is sworn in by Local 1245 President Howard Stiefer as the newest member of the union's Advisory Council during the Council's quarterly meeting last month in Walnut Creek.

Time to make a stand

Jack McNally, IBEW 1245 Business Manager

There are times you have to make a stand.

On Feb. 24, Local 1245 took a stand by striking Asplundh Tree Co. (also known as Pacific Tree), one of the contractors that performs line clearance tree trimming for PG&E.

As described in a story that begins on Page 7 of this issue of the Utility Reporter, Asplundh set the stage for this confrontation in January when the company came to the bargaining table demanding a \$2/hour wage cut for 100 tree trimmers represented by Local 1245. Asplundh management had its mind made up from the beginning and never engaged in serious bargaining. The company added insult to injury by locking our members out and telling them they could come back only when they were ready to accept the company's final offer.

This union has a long history of representing tree trimmers. When Local 1245 first won a system-wide union representation election at PG&E in the early 1950s, tree trimmers were part of the bargaining unit. In the early 1960s, PG&E began to contract out this work and the union responded by organizing the tree trimming contractors.

There are currently four different tree trimming contractors on PG&E property. Davey Tree and Asplundh are union contractors and up to this point have worked under a labor agreement. Arbor Tree is the current contractor in the old Coast Valleys Division area and operates non-union. Arbor Tree also trims trees in the old Drum Division area and Local 1245 has been certified as the collective bargaining agent for those employees. However, we have been unable to reach accord on a collective bargain-



ing agreement there and are pursuing several NLRB unfair labor practice charges against Arbor.

Utility Tree, a relative new-comer, trims trees in the Stockton and Sacramento areas and operates non-union.

This practice of putting the tree trimming work out for bid can create problems for the employees and their union, especially when non-union contractors get into the act and put downward pressure on wage standards. In the long run, the union believes this system needs to be thoroughly re-examined and alternatives need to be considered.

Nonetheless, we have worked with the current system for many years and have made some important steps forward for our union tree trimmers.

However, companies who behave like Asplundh threaten the very existence of a unionized tree industry. If Asplundh is permitted to succeed in unilaterally imposing wage cuts and breaking the collective bargaining agreement, the impact will be felt down the road by all tree trimmers.

The impact will also be felt by the union as a whole. In this situation, an injury to one is truly an injury to all.

Our entire union has rallied behind the tree trimmers. That's because our members know there are times you have to make a stand.

This is one of those times.

**POWER PAC!**

Isn't It Time We Stopped the Nonsense?

There always seems to be enough money in Washington for bailouts for S&L swindlers and huge tax breaks for giant corporations.

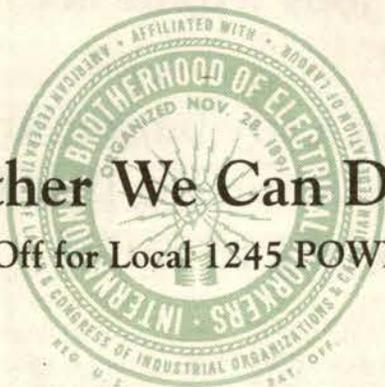
Isn't it about time we elected political leaders who will put the needs of working people first?

This year, let's help candidates who support family leave, tax fairness, education and job creation.

1992: No more nonsense.

Together We Can Do It...

Check Off for Local 1245 POWER PAC



# The US-Mexico Free Trade Agreement

**Bad news for American workers.**

**Bad medicine for the US economy.**

By Eric Wolfe

**T**he Free Trade Agreement soon to be debated in the US Congress is bad medicine for the US economy and bad news for American workers.

Despite its name, the Free Trade Agreement isn't about easing restrictions on US-Mexican trade. It's not about increasing US exports. And it most certainly is not about creating jobs for US workers.

The real purpose of the Free Trade Agreement is to make it easier for US-based multinational corporations to shift production to Mexico.

These corporations would like us to believe that the Free Trade Agreement is some kind of magic elixir that will "cure" the US economy. And indeed, deregulating trade will benefit a few people, just as a few people benefited from deregulating the Savings and Loans industry in the 1980s.

But the vast majority of American workers are not going to be among those who benefit. And you don't need a PhD in economics to see why.

You only have to take a look at the cold hard facts on display in the maquiladora zone just across the border in Mexico.

For 25 years, US companies have been setting up shop in the maquiladora to take advantage of Mexico's low-wage workers. At first, work in the maquiladora was limited primarily to garment sewing. Most US workers didn't see the maquiladora as a problem because the only ones losing their jobs were US garment workers.

In recent years, however, many other US industries have headed south. Today almost 40% of the Mexican workers in the maquiladora work in electronics. Another 20% make automobiles and other transportation equipment.

US garment workers are no longer the only ones who

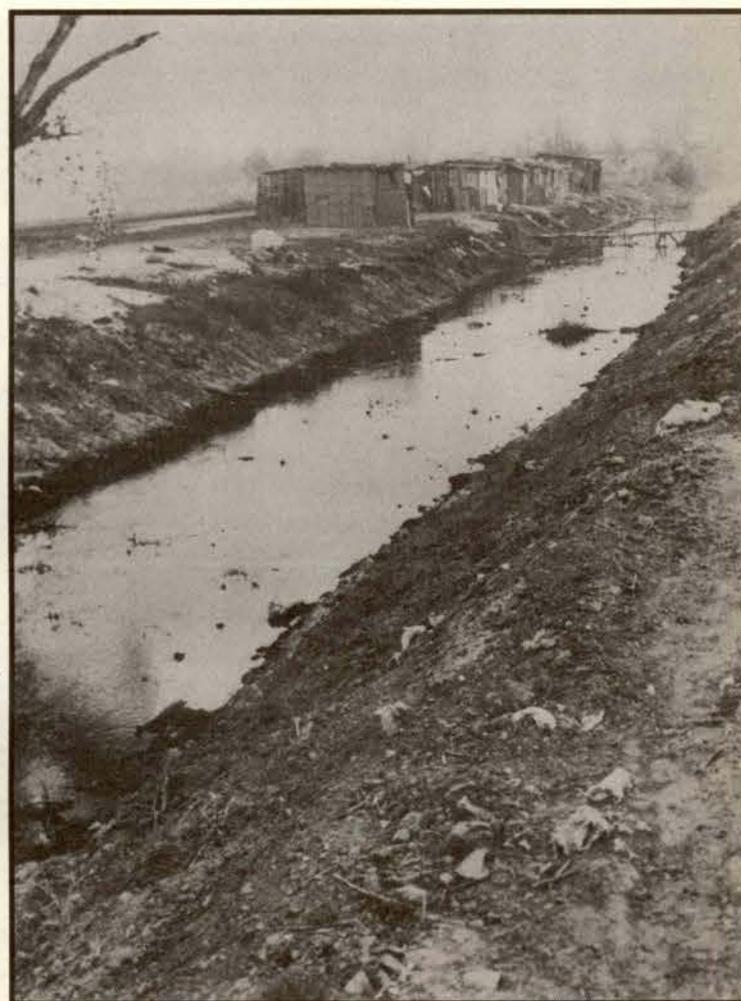
suffer. "Run-away shops" have thrown hundreds of thousands of US workers on the economic junkheap.

#### Cold cash

It's not the warm climate that's drawing US corporations to Mexico. It's cold cash.

A study by the Economic Policy Institute, a labor-backed think tank, found that a Ford engine plant built in Mexico was 80% as efficient as a US plant. But the workers were paid only 6% of what their counterparts in the US received.

You don't have to be a government economist to figure out who's pocketing the difference. When a company pays less to its workers,



#### SHAME OF THE MAQUILADORA

Struggling to make ends meet with poverty-level wages, workers at Mexico's maquiladora plants are forced to live in shanty towns on polluted streams. Their rights to organize are severely restricted.

there's more left over for shareholders...and for seven-digit salaries for the top executives.

But if they can already generate enormous profits from the labor of low-wage Mexican workers, why are these corporations pushing so hard for Congress to pass the Free Trade Agreement?

*Because they want it all.*

The corporations want to tap Mexico's 30 million low-wage workers not just for garment sewing and auto

assembly, but for the entire spectrum of modern economic activity. Corporate America wants an agreement with Mexico that will privatize and deregulate Mexican banking, insurance, and transportation, opening them up for investment on terms set by US corporations.

By elevating such an agreement to the status of an international treaty, which the Free Trade Agreement would do, this expanding corporate empire would be virtually beyond the reach of governments. American schoolbooks will still talk about "government of, by, and for the people," but the people and their elected representatives will find they have precious little say in the policies that shape the nation's economy.

And the current flow of US jobs to Mexico will turn into a flood.

#### Snookering America

How can Free Trade proponents think this wholesale destruction of US jobs will be acceptable to the American public?

**How can Free Trade proponents think this wholesale destruction of US jobs will be acceptable to the American public?**

**It's simple. They serve up a soy burger and call it *filet mignon*, arrogantly assuming that US workers are too dumb or too lazy to notice they've been snookered.**

It's simple. They serve up a soy burger and call it *filet mignon*, arrogantly assuming that US workers are too dumb or too lazy to notice they've been snookered.

Here is how they twist the facts until day is called night, black is called white, and unemployment is called having a steady job:

In arguing for the Free Trade Agreement last year, the Bush Administration relied on three studies—one by the Department of Labor, a second by the US Council of the Mexico-US Business Committee, and a third by the US International Trade Commission.

Even though the whole point of the Free Trade Agreement is to make it easier for US businesses to relocate to Mexico, all three of these studies *simply excluded this possibility from their calculations.*

Businesses won't leave, they said. Presto! That was it. They had "proved" the Free Trade Agreement won't destroy US jobs: it will create them!

However, if you set aside this cynical manipulation of the data and simply consider the realities of the past decade, you come to a very different conclusion.

**2.7 million jobs lost**

In their book "The New Competitors", Norman Glickman and Douglas Woodward showed that between 1977 and 1986, foreign investment by US companies did in fact stimulate the creation of 588,000 American jobs. But it caused the *loss* of 3.3 million American jobs, for a net loss of 2.7 million jobs.

Recent work by UC Berkeley economist Raul

Hinojosa-Ojeda and economist Robert McCleery cast further doubt on the prediction that the Free Trade Agreement will create jobs.

Unlike the three models cited by the Bush Administration, the Hinojosa-McCleery model factors in the effect that a Free Trade Agreement would have on "investor confidence."

Their study reveals what common sense would suggest: if the Free Trade Agreement does its job and makes US corporations feel even slightly more confident in the stability of the Mexican economy, many production facilities—and jobs—will be transferred from the US to

Mexico.

According to this model, we can conservatively expect the movement of \$44 billion in capital from the US to Mexico over the next decade, *with a loss of 550,000 US jobs.*

**Mexicans lose, too**

Unfortunately, Mexican workers will not benefit from the Free Trade Agreement any more than US workers. In fact, they come out losers, too.

The Free Trade Agreement will almost certainly displace large numbers of subsistence farmers who will be unable to compete with US farmers under free trade rules. Millions of rural workers can be expected to flood industrial markets in Mexico, putting further downward pressure on wages and thus enticing even more US corporations to move across the border.

Many of those displaced subsistence farmers, or the Mexican industrial workers they in turn displace, are likely to move across the border into the US where they will try to compete with US workers for jobs in this country.

Those who remain in Mexico, if they are lucky

enough to obtain a job, will labor under hazardous working conditions for subsistence wages. Under Mexican law it will be extremely difficult for them to organize into labor unions to improve their working conditions.

What happens, meanwhile, to the US workers whose jobs have been transferred to Mexico?

Even before the 1980s, there were few federal programs aimed at retraining displaced workers and helping them find new jobs. During the Reagan-Bush years, however, even those meager programs were cut back. Likewise, the Reagan-Bush team took no steps to provide development assistance to industries and communities hit by low-wage foreign competition.

In last year's federal budget, the Bush Administration allocated *no* funds for trade adjustment assistance. None. Zip. Nada.

**Help for the upper crust**

A passage in the report by the US International Trade Commission unwittingly reveals the true character of the Free Trade Agreement. The report acknowledges that "unskilled workers in the

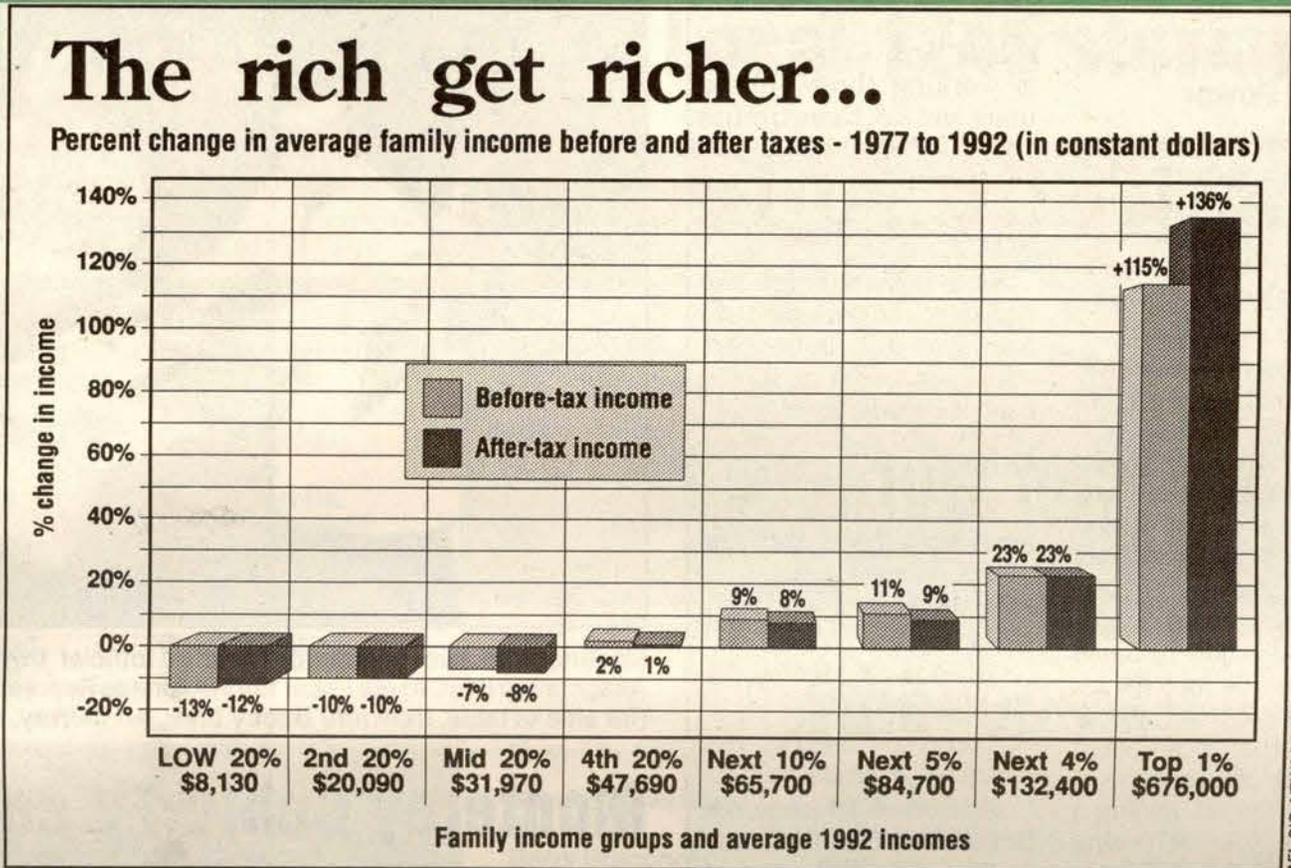
United States" would suffer a "slight decline" in real income. But skilled US workers and owners of capital services, the report goes on, would enjoy increased real income.

Under questioning from the Economic Policy Institute, the staff of the US International Trade Commission admitted that they considered *73% of the American workforce* to fall into the "unskilled" category.

Like the Reagan-Bush tax reform, like the deregulation of the Savings and Loans, and like capital gains tax cuts, the Free Trade Agreement is explicitly designed to help America's upper crust at the expense of the middle-class majority and the forgotten poor.

Of course, it is still possible to believe that the current Administration is looking out for the economic interests of the average American worker. It only requires that you ignore the facts.

*(Much of the information contained in this article is drawn from two policy papers by the Economic Policy Institute: "Fast Track, Fast Shuffle", and "US Jobs and the Mexico Trade Proposal.")*



Source: Citizens for Tax Justice



## Outside Line Work Report

### Los Angeles Dept. of Water & Power

Local 1245 has six crews working for Sturgeon Electric on a job for the Los Angeles Department of Water and Power (DWP), with one capacitor bank crew to be added later.

Also working on the DWP job are two minority contractors using Local 1245 members: Great Southwestern out of Colorado, with four crews, and Delta Tech out of Kansas with two crews.

Multiple contractors are working this job because the City of Los Angeles requires all contract jobs to have a certain percentage of minority contractors.

Two general foremen are on the job overseeing the crews.

### Southern Calif. Edison

Various rebuilding and updating jobs are in progress at Southern California Edison substations:

Beaudoin has Local 1245 members working at two substations, Tri Power has members at work at three

substations, Contra Costa is working three substations, and E & E electric has Local 1245 members at one substation.

### City of Pasadena

E & E Electric has two underground crews and two overhead distribution hot stick crews working for the City of Pasadena.

### Other

Also at work at various locations in Local 1245's jurisdiction are:

**L. E. Myers**, one distribution crew

**Henkes & McCoy**, five distribution crews

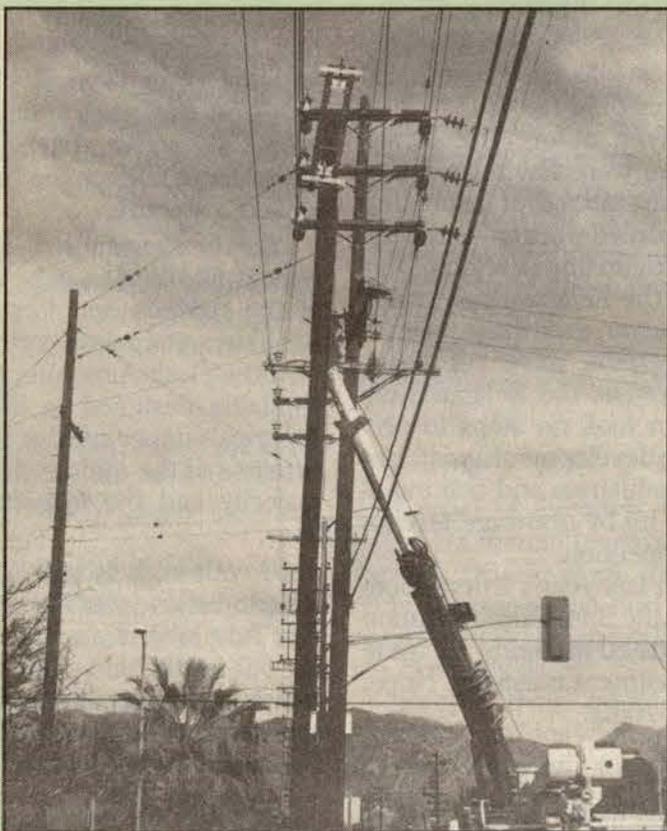
**Herzog Electric**, two distribution crews

**Anderson Electric**, one hot stick distribution crew

**Sturgeon Electric**, one distribution crew for the City of Vernon and one in San Diego area

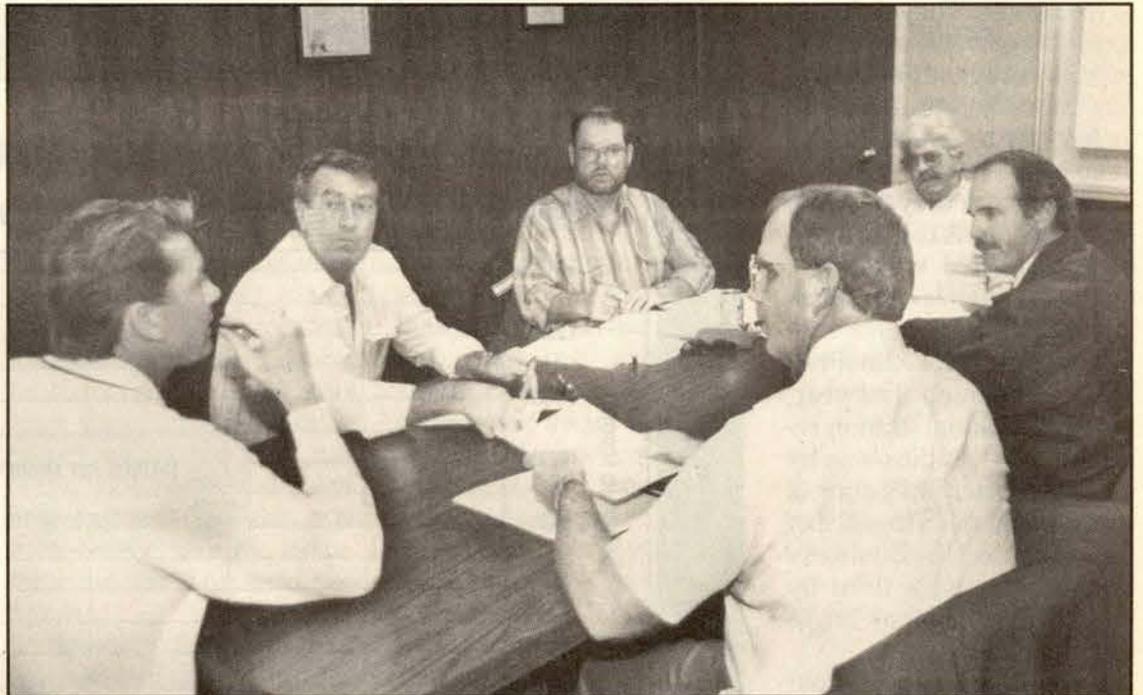
**Baker Electric**, one combination (underground and distribution) crew in San Diego

**Southern Electric**, one combination crew in San Diego



L. E. MYERS JOB

Outside Line Construction members working for L. E. Myers set poles on a Los Angeles Department of Water & Power job last year. Crew foreman was Rodney Petterson. (Photo: Bobby Blair)



Meeting with two contractors and an official from the National Electrical Contractors Association (NECA) are Local 1245 Business Representatives for Outside Line Construction (far side of table, from left) Bobby Blair, Art Murray, and Richard Dunkin. (Photo: Eric Wolfe)

## Monterey Cable TV contract ratified

Members of Local 1245 employed by Monterey Peninsula Cable TV ratified a new three-year agreement 27-9 in January.

The agreement, which is retroactive to Dec. 1, 1991, provides a general wage increase of 1.5% in the first year and 2.25% in each of the last two years.

The cap on company payment of medical premiums was lifted from \$230 per month to \$300 per month in the first year of the agreement. The cap will rise to

\$310 for the second year and \$320 for the third year of the agreement, according to Local 1245 Business Representative Gary Hughes, who helped negotiate the agreement.

The company pays 90% of premium expenses up to the cap.

Under the new agreement, MPTV employees can schedule vacation in one-day increments and will now be required to give only two-days notice for floating holidays.

Improvements were also made in stand-by pay.

Local 1245 represents about 42 workers in the physical unit at MPTV.

Assisting in the formulation of the union's proposals for bargaining were MPTV members Roland Shorter, William Buckley and George Margosin.

Serving on the union's negotiating team, in addition to Hughes, were Greg King, an MPTV employee, Terry Linebarger, an MPTV employee and member of the Local 1245 Advisory Council, and Jane Brunner, Local 1245 staff attorney.

## Retirement Planning Seminars scheduled

Local 1245 will offer Financial Planning Seminars to union members and spouses, covering all aspects of pre-retirement

preparations, including financial and tax planning.

The seminars are free and involve no obligation on the part of those who attend.

To make a reservation (required) call the Local 1245 office at (510) 933-6060. Dates and times are listed below:

**Walnut Creek**  
Wednesday, March 25  
7:30 p.m.

**San Mateo/San Francisco**  
Thursday, March 26  
7:30 p.m.

**Ukiah**  
Thursday, April 2  
7:30 p.m.

**Eureka**  
Saturday, April 4  
9:30 a.m.

**Bakersfield**  
Thursday, April 9  
7:30 p.m.

**Fresno**  
Saturday, April 11  
9:30 a.m.

**Santa Rosa**  
Thursday, April 23  
7:30 p.m.

**Stockton**  
Thursday, April 30  
7:30 p.m.

**Redding**  
Saturday, May 9  
9:00 a.m.

**Chico**  
Saturday, May 9  
1:30 p.m.

**San Jose**  
Thursday, May 14  
7:30 p.m.

**Sacramento**  
Saturday, May 16  
9:30 a.m.

**Salinas/Monterey**  
Thursday, May 28  
7:30 p.m.

**San Luis Obispo**  
Saturday, May 30  
9:30 a.m.

*See You There!*

# Defying the odds

## Local 1245 tree trimmers strike Asplundh Tree Co.

Story and photos by Eric Wolfe

**D**efying all odds, close to 100 union tree trimmers went on strike Feb. 24 against Asplundh Tree Expert Co., the nation's largest utility tree trimming corporation.

The tree trimmers won the respect of fellow Local 1245 members for their gutsy fight: first by resisting company demands for a 17% wage cut, then enduring a week-long lock-out, and finally by striking when the company unilaterally imposed the wage cut.

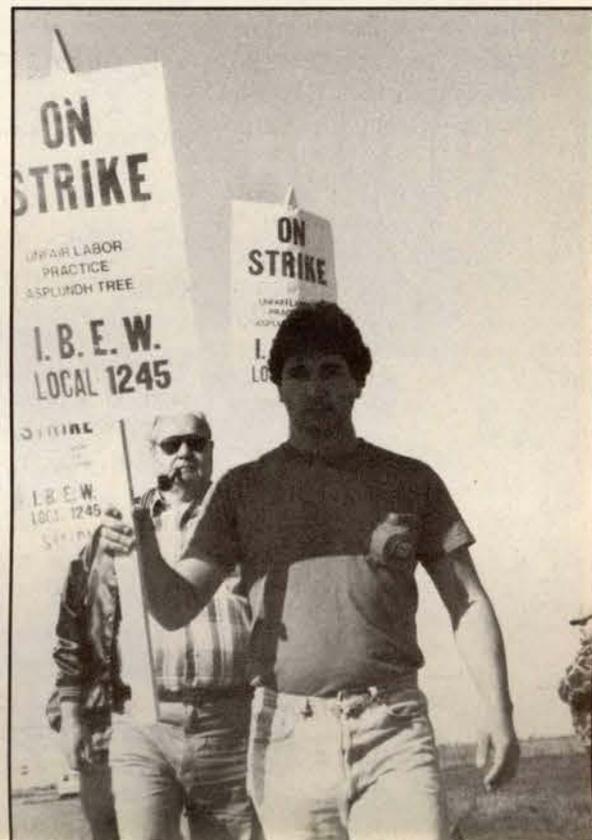
The arrogance displayed by Asplundh management in provoking the strike quickly disintegrated into corporate panic as the strength of the union walkout became evident. On the second day of the strike a scab gunned his car through a picket line in Chico, injuring a union tree trimmer. On the strike's third day an Asplundh supervisor pulled a pistol on a picketer in the Oroville area and threatened to blow his head off, a threat that landed the supervisor in jail.

The mindless violence by

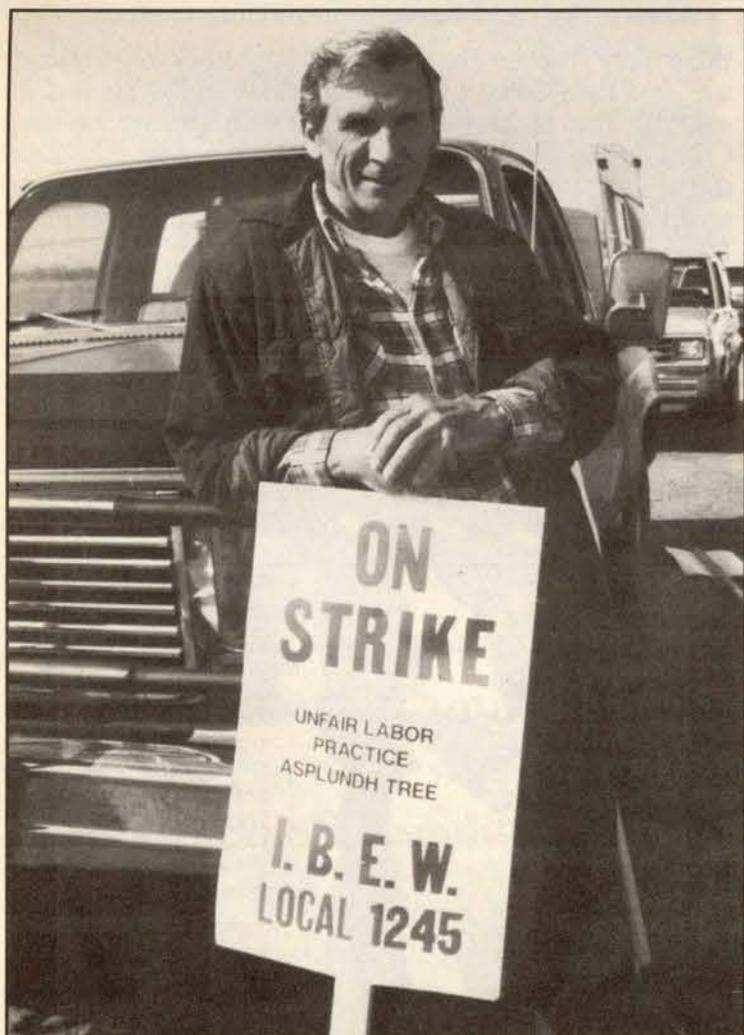
Asplundh representatives painted a stark picture of a company spinning out of control, unable to formulate a coherent strategy for carrying out its apparent desire to break the tree trimmers' union.

The strike, by contrast, picked up significant strength over the course of the first week. Eight union tree trimmers who had crossed the picketline on Monday changed their minds on Tuesday and joined the picketline. On Thursday, a union tree trimmer began the morning by complain-

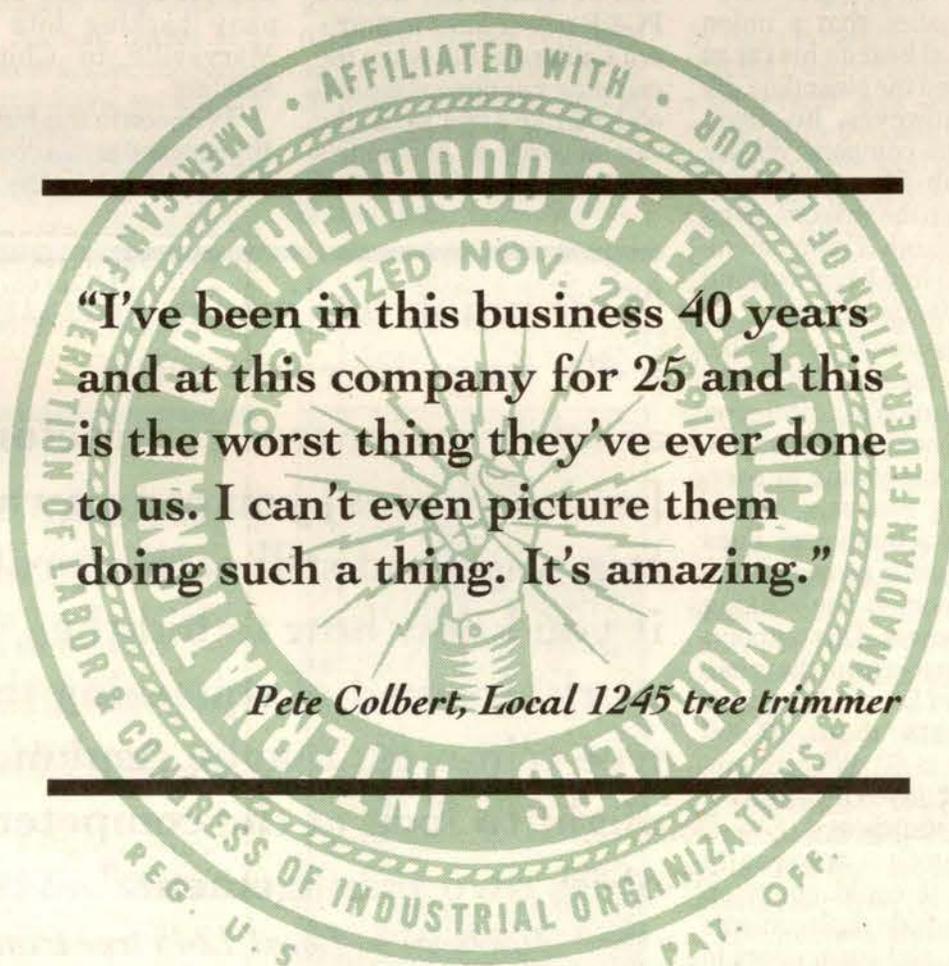
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Local 1245 Assistant Business Manager Orville Owen (left), a veteran of many tree organizing campaigns, joins union tree trimmers on the picket line in Chico.



Pete Colbert on the picketline in Chico.



"I've been in this business 40 years and at this company for 25 and this is the worst thing they've ever done to us. I can't even picture them doing such a thing. It's amazing."

*Pete Colbert, Local 1245 tree trimmer*

## ASPLUNDH TREE TRIMMERS' STRIKE



Tree trimmers gather in Chico on Feb. 15 to make preparations for a strike in case Asplundh turned down the union's last ditch appeal for negotiations. They gave a standing ovation to union supporters employed by Arbor Tree who showed up to express their solidarity with Asplundh tree trimmers.

*From PAGE SEVEN*  
ing to police that a union picket had beat on his car as he crossed the picketline. By noon, however, he abandoned his company vehicle at the job site and crossed over to join the strikers, along with three other union members who had been working behind the picketline.

Even before the strike began, unit meetings throughout the union's jurisdiction had been taking up cash collections and voting in overwhelming numbers to recommend a temporary dues assessment to provide financial support to the striking tree trimmers. This outpouring of support from the membership of Local 1245, which represents about 20,000 workers at 60 different employers, buoyed the spirits of the tree trimmers.

Asplundh apparently thought it could count on scabs, outside replacements workers, and supervisors to fulfill its contractual obliga-

tion to trim trees around PG&E power lines in northern California. But when the counting was done at the end of the strike's first week, the vast majority of Asplundh's trucks remained locked up

and out of service in company parking lots from Marysville to Chico to Redding.

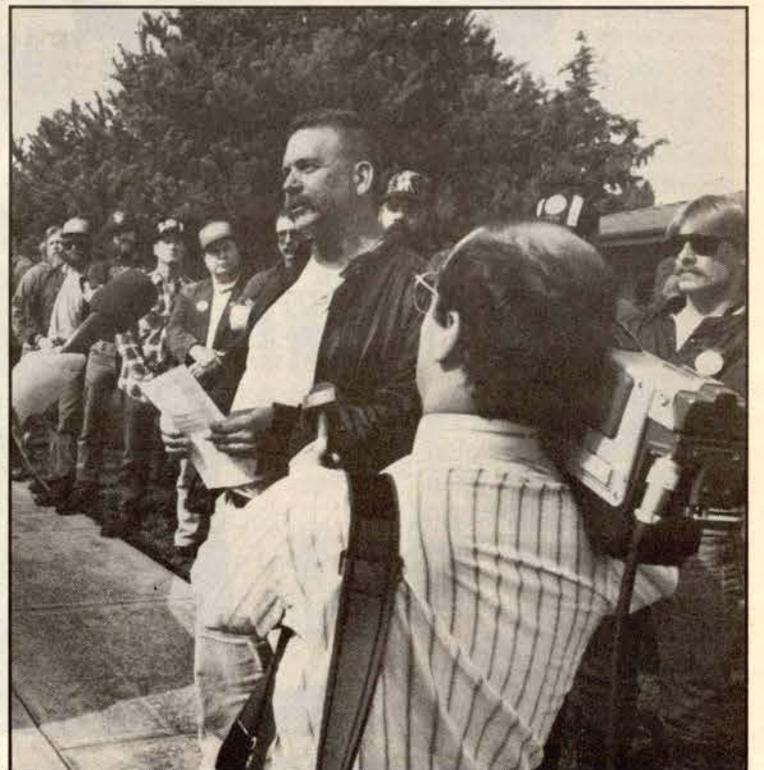
"I've been in this business 40 years and at this company for 25 and this is the worst

thing they've ever done to us," said Pete Colbert while walking the picketline in Chico during the first day of the strike. "I can't even picture them doing such a thing. It's amazing."

Many other tree trimmers with long and loyal service to Asplundh appeared to share Colbert's sense of betrayal. But the company's actions during the weeks before the strike made it clear that

**"Our union has just negotiated a 4% wage increase with another major tree contractor [which proves] you can pay a fair wage and still earn a profit if you know how to bid the work. Instead of squeezing the tree trimmers maybe Asplundh ought to look at the competence of its own management."**

*Jim Travis, Local 1245 tree trimmer*



## ASPLUNDH TREE TRIMMERS' STRIKE

Asplundh felt no corresponding sense of loyalty to its employees.

### Warning signs

The first warning signs appeared late last year as Asplundh's labor agreement with Local 1245 was about to expire. Rather than negotiate a new agreement to establish its labor costs before bidding on the PG&E work, Asplundh asked to defer negotiations with the union until after the PG&E contract was awarded.

In January, after winning the contract to trim trees in PG&E's North Valley and Sierra divisions (formerly called the Colgate, Drum, Shasta and DeSabra divisions), Asplundh came to the bargaining table and demanded an across-the-board wage cut of \$2/hour.

Union negotiators were stunned.

Although competitive bidding among tree contractors has slowed wage gains in recent years, Asplundh's proposed wage cuts were unprecedented and, in the union's view, completely unjustified.

"Our union has just negotiated a 4% wage increase with another major tree contractor in this state," said Jim Travis, an Asplundh tree

trimmer and member of the union's negotiating team. "That contractor has proven you can pay a fair wage and still earn a profit if you know how to bid the work. Instead of squeezing the tree trimmers, who don't earn all that much money to begin with, maybe Asplundh ought to look at the competence of its own management."

However, squeezing union workers is clearly the path Asplundh chose.

During bargaining in January, Asplundh management refused to budge on its demand for the \$2 wage cut. Fearing the worst, union tree trimmers voted to seek strike sanctions from IBEW's International office.

Despite the union's stated desire to continue negotiations, Asplundh on Jan. 30 claimed bargaining was at an impasse and announced its intention to institute the wage cuts on Feb. 1.

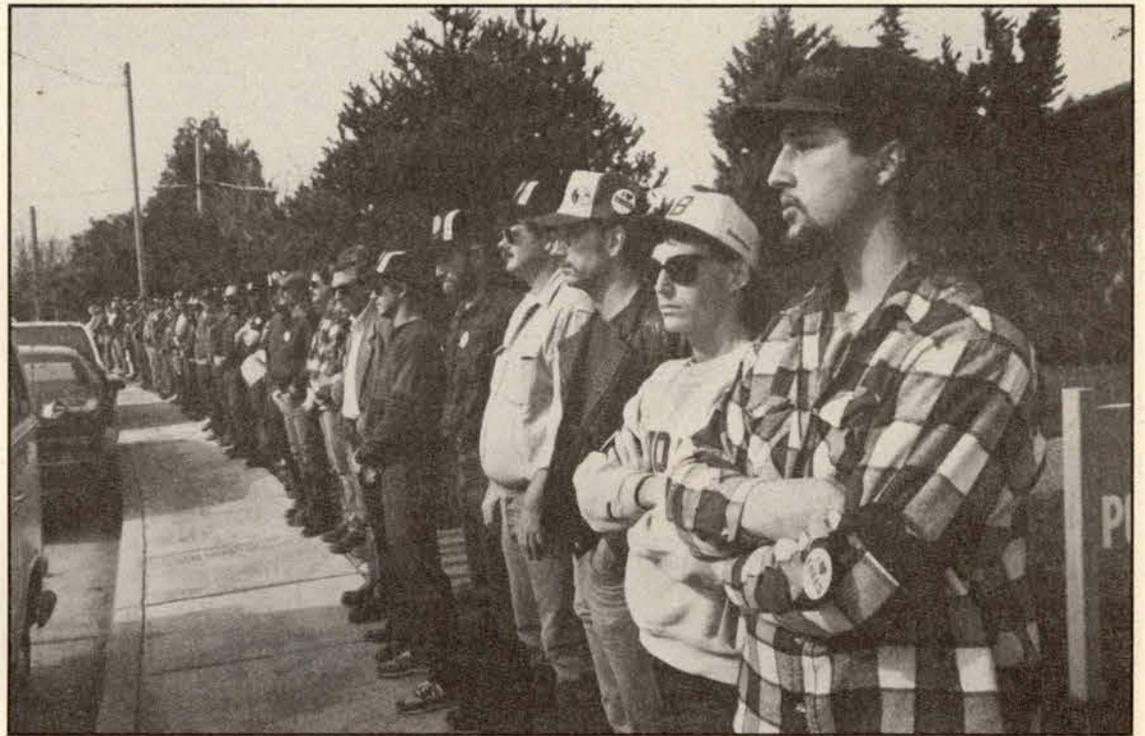
Then, in a blatant act of intimidation, Asplundh locked out the tree trimmers on Monday, Feb. 3.

The union mobilized instantly.

### High noon

On the same day the lock-out began, the union filed charges with the National

*See NEXT PAGE*



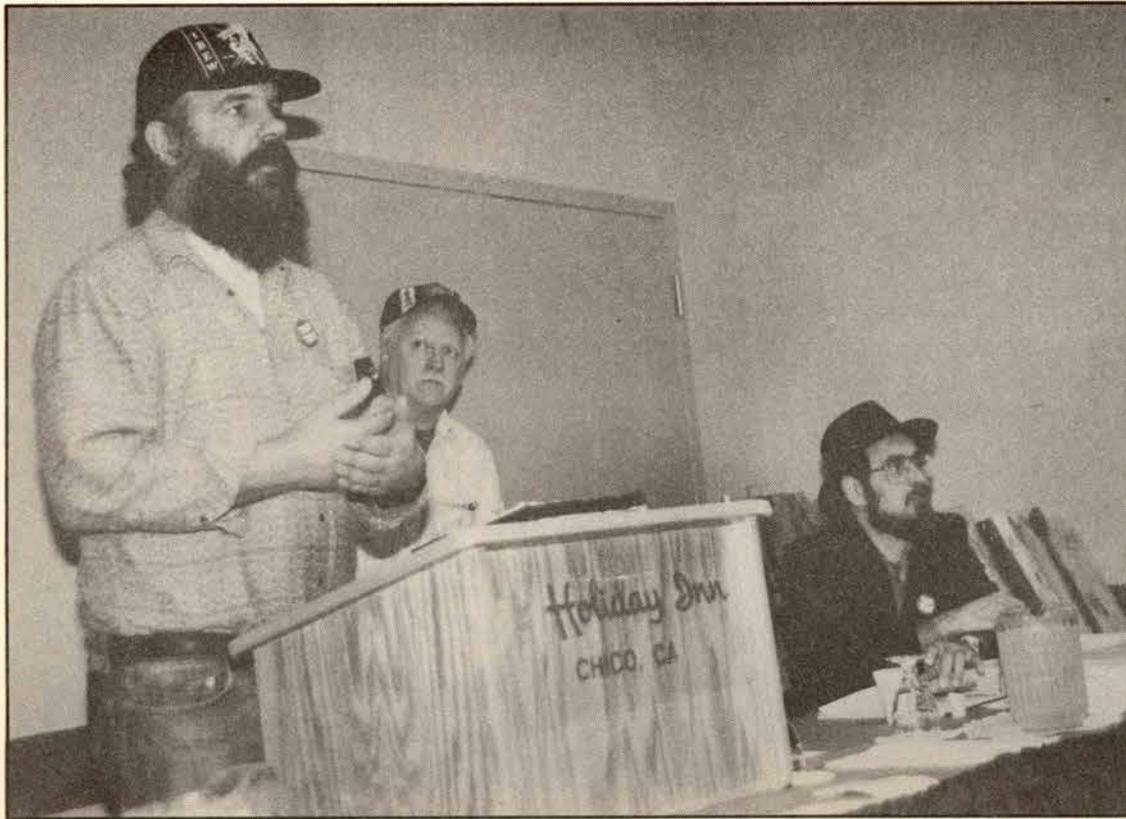
For nearly an hour, with two television stations providing live coverage on their noon news, the tree trimmers stood single file in resolute silence. As the minutes ticked by with no one speaking, the silence seemed to amplify the tree trimmers' message of anger and defiance.



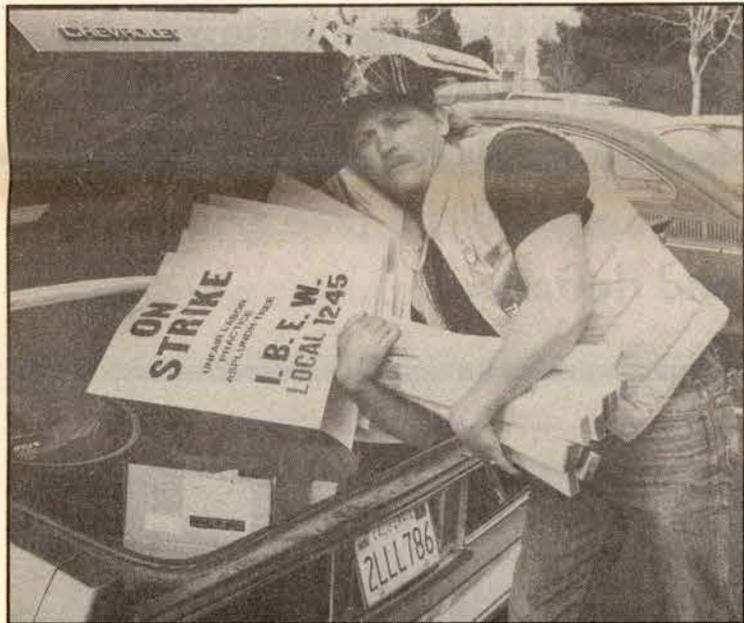
### LOCKED OUT

When Local 1245 members reported for work at Asplundh's Redding yard on Feb. 3 they found the gate locked. The sign said: "No work available til IBEW 1245 agrees to the last proposal." Deciding not to wait until hell freezes over, the company ended the lockout a week later, then provoked a strike by unilaterally imposing a \$2/hour wage cut. (Photo: Ed Fortier)

## ASPLUNDH TREE TRIMMERS' STRIKE



Leading a strategy session with union tree trimmers a week before the strike began are Local 1245 Business Representatives (from left) Dean Gurke, Rich Hafner and Landis Marttila.



An Asplundh picket captain loads up his signs the week before the strike.



Local 1245 Business Representative Mickey Harrington (at right, facing group) discusses strategy with union tree trimmers prior to the strike.

### From PAGE NINE

Labor Relations Board (NLRB), charging Asplundh with bad-faith bargaining and with conducting an illegal lockout.

On Thursday of that week, over 60 tree trimmers converged at high noon on PG&E headquarters in Chico to dramatize their plight.

For nearly an hour, with two television stations providing live coverage on their noon news, the tree trimmers stood single file in resolute silence. As the minutes ticked by with no one speaking, the silence seemed to amplify the tree trimmers' message of anger and defiance.

"There were a few trucks that gave us the slip on Monday, but they didn't get very much accomplished. For all practical purposes we have shut this company down."

*Business Rep. Dean Gurke*

By week's end, resolutions of financial and moral support began rolling in from unit meetings throughout Local 1245's jurisdiction and Business Manager Jack McNally had mobilized the union's entire staff to prepare for a strike.

On Feb. 10 Asplundh abruptly ended the lockout. At the same time, the company announced it was unilaterally implementing the \$2 wage cut.

While the union made last-ditch appeals to Asplundh and to PG&E to resolve the crisis, the tree trimmers grudgingly returned to work at the reduced wage. However, when Asplundh rejected all appeals to reason, the tree trimmers were left with few options.

### Difficult decision

To call a strike was not a decision that the tree trimmers made lightly.

Heavy competition from non-union tree contractors in recent years has depressed wages for all tree trimmers in California. Given the depressed condition of California's entire economy, the prospect of a prolonged strike weighed heavily on the Asplundh tree trimmers.

On top of that, some of the tree trimmers retained hard feelings over an unsuccessful

strike against Asplundh in the late 1970s.

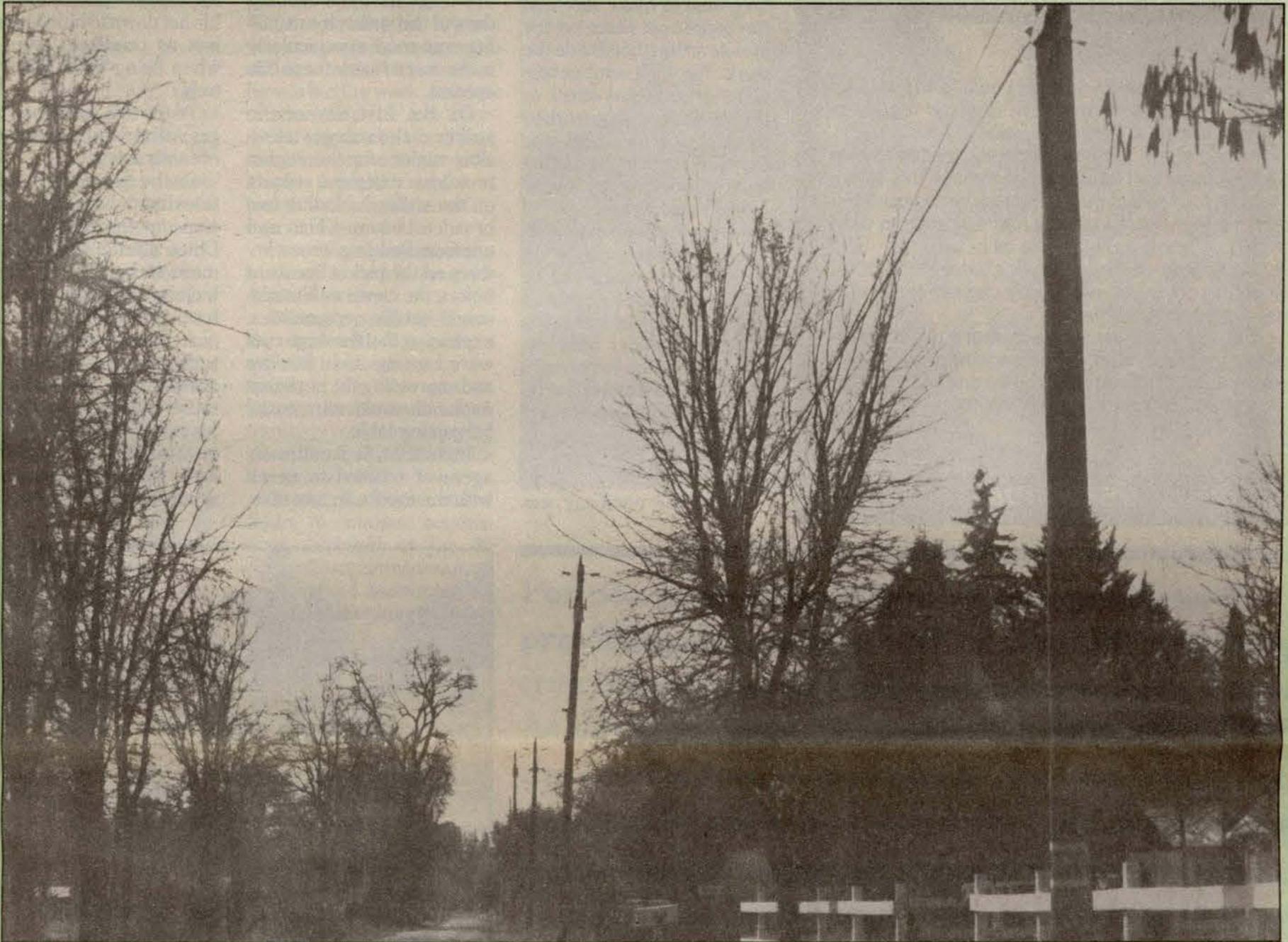
But in the end, Asplundh left them with no alternative. On Monday, Feb. 24, the walkout began.

Striking a tree company like Asplundh poses special logistical problems. Although Asplundh has company yards in Marysville and Redding, many tree trimmers report to work at gas stations or parking lots where Asplundh merely rents space for its vehicles.

In the wee hours of the morning on Feb. 24 union tree trimmers, supported by a dozen Local 1245 business representatives, fanned out across northern California to throw up picket lines wherever Asplundh had squirreled away its vehicles. In the few cases where the company managed to roll some vehicles out, union members followed in hot pursuit and threw pickets up at the job sites.

From the union's command post in Chico, Business Representative Dean Gurke stayed by the phone gathering reports from the field. By mid-day it was clear that Asplundh's ability to trim trees had been crippled.

"There were a few trucks that gave us the slip on Monday, but they didn't get very much accomplished," said



**BURN BABY BURN**

A union member recently took this photograph of a tree that had grown up through a power line. The longer that trees are left unattended in this type of situation, the greater the risk of fire.

Gurke, who was appointed by Business Manager McNally to coordinate strike activities in the field. "For all practical purposes we have shut this company down."

**Courting disaster**

Being shut down is something that Asplundh can ill-afford. Asplundh is contractually required to keep tree growth away from PG&E power lines in its contract area. Failure to do so courts disaster. Fires and power outages can be triggered by live trees coming into contact with electric lines or dead trees toppling onto lines.

Two years ago, trees growing into power lines sparked a major forest fire that burned

130,000 acres north of Sacramento and resulted in PG&E being assessed \$8.2 million for the cost of fighting the fire.

As the rainy season ends and fire season approaches, the need for aggressive tree trimming becomes all the more urgent. Union members warn that Asplundh will almost surely resort to hiring inexperienced replacement workers, raising the specter of serious injuries to workers and possible threats to the public safety.

"We don't want these guys to get hurt," said Trevor Evans, an Asplundh tree trimmer and member of the union's negotiating team.

*See NEXT PAGE*

**Asplundh is contractually required to keep tree growth away from PG&E power lines in its contract area. Failure to do so courts disaster. Fires and power outages can be triggered by live trees coming into contact with electric lines or dead trees toppling onto lines.**

**A note to say...**

Dear Local 1245 Members:

This is a note of thanks to all Local 1245 units and individual members who have donated money to the tree trimmers' defense fund.

As you know, money is urgently needed to help tree trimmers and their families through this strike. Many of you have already made generous contributions and I'm sorry I haven't had a chance to write individual thank you letters to all of you.

So instead you're getting this letter in the Utility Reporter, out where everybody can see how much we appreciate your help.

**But the need for funds is more urgent than ever.** If you can help, or help again, please make your check payable to Rich Hafner and send to 1915 Continental St., Redding, CA 96001.

*In solidarity,  
Rich Hafner*

**Thank You!**

*From PAGE ELEVEN*

"We want to make sure that the people out there on the job site are qualified to do the work. We don't want people coming in off the street or people who've only worked for Asplundh for six months to be off somewhere in that bucket working by themselves," said Evans.

Under the State of California High Voltage Safety Orders, line clearance can be performed only by certified line clearance tree trimmers. Any tree trimmer with less than 18 months experience can work only under the direct supervision of a certified trimmer.

**Public opinion**

While the company was

failing to put many trucks in the field during the opening days of the strike, it was failing even more spectacularly in the crucial battle for public opinion.

On the first day of the strike, all three major television stations in the region broadcast extensive reports on the strike, including two broadcasts from Chico and one from Redding. Tree trimmers on the picket line went before the cameras like seasoned media personalities, explaining that the wage cuts were hurting their families and expressing the hope that Asplundh would return to the bargaining table.

In contrast, Asplundh management refused to speak with the media. In one case,

television cameras caught an Asplundh supervisor pulling his hat down to hide his face, just as criminals often do when being taken into custody.

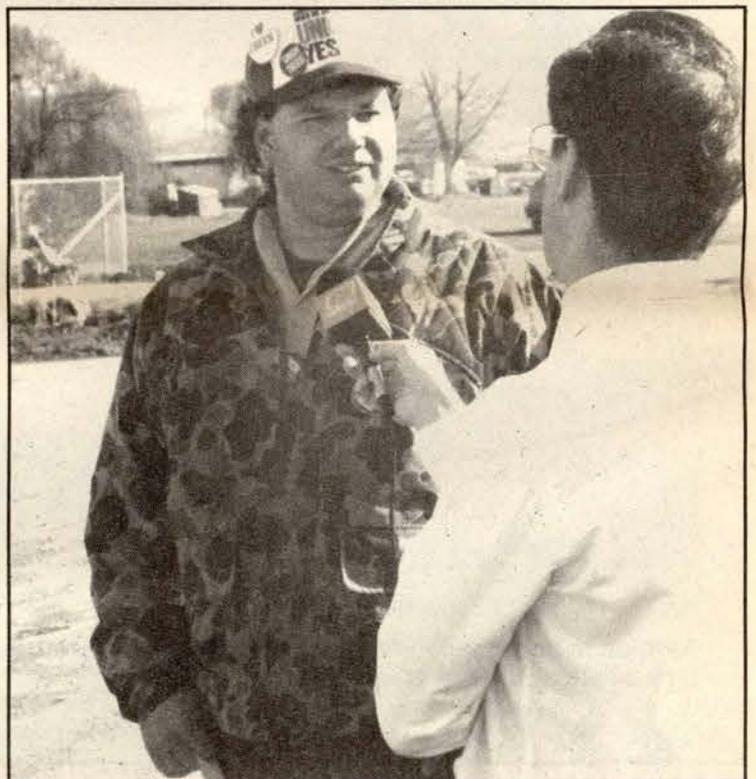
To the delight of the strikers, that shot made the evening news.

On the strike's second day, television cameras again came to the picket line in Chico after a scab replacement worker drove his vehicle into Bill Colbert, a union tree trimmer walking the picketline. Colbert was taken to the hospital suffering from contusions and pulled muscles in his back. Despite his injuries, Colbert was back on the picket line "bright and early" the following morning, according to strike coordina-

**Tree trimmers on the picketline went before the TV cameras like seasoned media personalities, explaining that the wage cuts were hurting their families and expressing the hope that Asplundh would return to the bargaining table.**

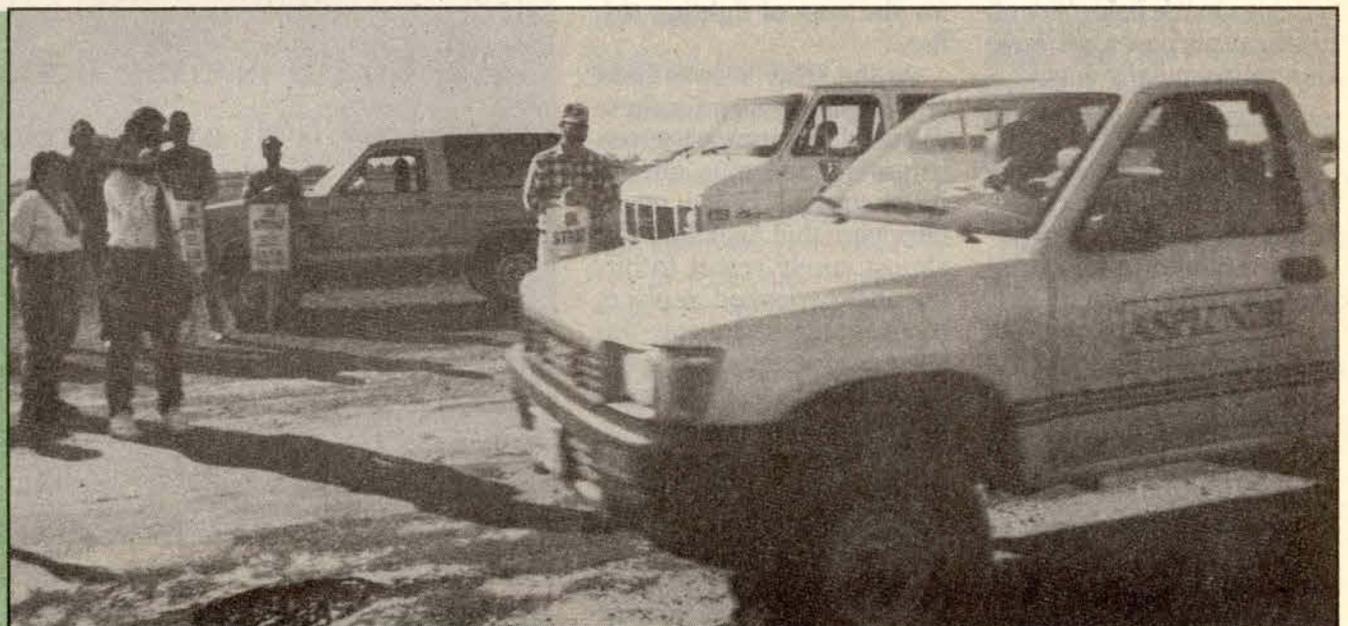
**In contrast, Asplundh management refused to speak with the media. In one case, television cameras caught an Asplundh supervisor pulling his hat down to hide his face, just as criminals often do when being taken into custody.**

**That shot made the evening news.**



John Zeppi was one of several rank-and-file union tree trimmers who stepped forward to speak with the media.

An Asplundh supervisor (in the passenger seat of the company vehicle) uses his hat to hide his face from the television camera.





Walking picket in Chico (above) on the first day of the strike are, from left: Bill Colbert, Don McElroy and Jerry Bertagna. The following day Colbert was hit by a vehicle driven by a scab replacement worker. Below, Don McElroy lays down his picket sign long enough to help a local resident repair a fence.



**ELECTRICAL SAFETY ORDERS**

Article 87. Line Clearance Tree Trimming Operations

29.51 Line Clearance Operations

(a) Prior to commencing line clearance tree trimming operations, the employer shall ensure that an inspection of the work locations is made in order to identify potential hazards and a tail gate briefing is conducted to discuss the work procedures to be followed.

(b) Only qualified line clearance tree trimmers, or trainees under the direct supervision and instruction of a qualified line clearance tree trimmer, shall be permitted to perform line clearance tree trimming operations as described in Section 2950...

(c) During all tree trimming operations performed in accordance with the requirements of Subsection (b) above, there shall be another qualified line clearance tree trimmer or trainee at each work location to render immediate assistance

tor Gurke.

Despite the company's reckless violence, the strikers remained cool under pressure and tried to not lose sight of the human element. In Chico, union tree trimmer Donnie McElroy put down his picket sign long enough to herd some cattle that had strayed from a nearby pasture. McElroy then helped a nearby resident pound in a new post to secure the fence before resuming his spot on the picketline.

Eight union members who had reported for work on Monday joined the strike on Tuesday and Asplundh managed to get even fewer trucks into operation. There could

be little doubt that the momentum was with the union. By Wednesday the union was preparing additional NLRB charges against Asplundh, accusing the company of promising 50-cent bonuses to individual tree trimmers. The company's action flatly contradicted its prior position that it had implemented its "last best offer" and further substantiated the union's position that Asplundh management had not bargained in good faith during negotiations.

**Homemade brownies**

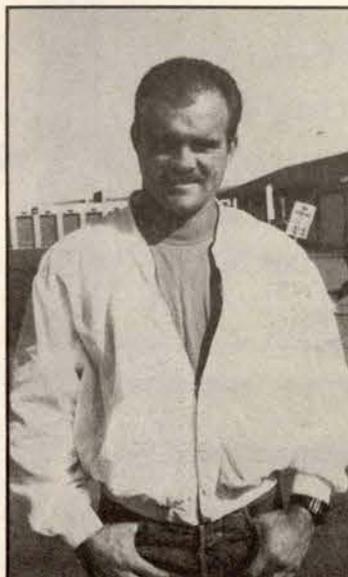
Wednesday also brought evidence that the local community was taking up the

cause of the striking tree trimmers. Chico Locker & Sausage, a local deli, delivered 15 sandwiches, along with sodas and salads, free of charge to picketers. Earlier in the day a woman described by the Chico picketers as a "grandmother type" brought by two boxes of homemade brownies "for the boys."

Strikers were also cheered by reports early in the week that the trustees of their "severance fund" had agreed to suspend the 6-month waiting period and pledged to make these funds available to the strikers within a matter of days. Together with continuing cash contributions from Local 1245 unit meetings and growing support for a dues assessment to help the strikers, the tree trimmers could be confident that they had the entire union standing with them.

"We want to make sure that the people out there on the job site are qualified to do the work. We don't want people coming in off the street or people who've only worked for Asplundh for six months to be off somewhere in that bucket working by themselves."

*Trevor Evans, Local 1245 tree trimmer*



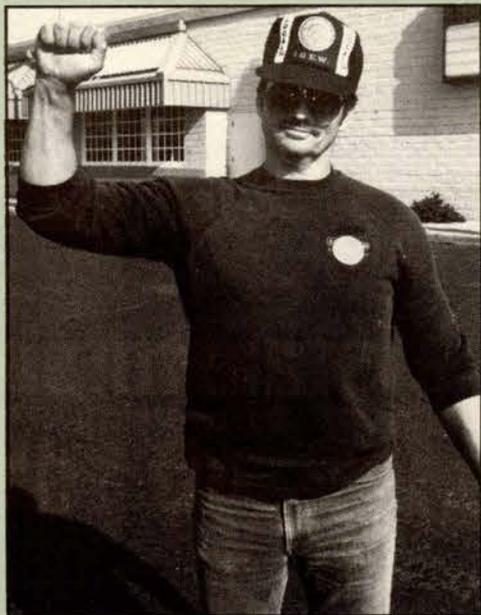
Trevor Evans

The moral support, in some ways even more important than money, was already becoming evident early in February when the lockout occurred.

"Seeing these PG&E guys here supporting us makes a big difference," said Steve Ferreria after the Feb. 6 vigil protesting the lockout. "It means a lot to us."

The support from union members at PG&E and other

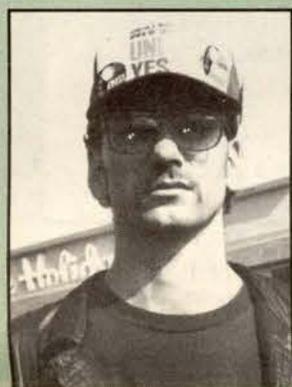
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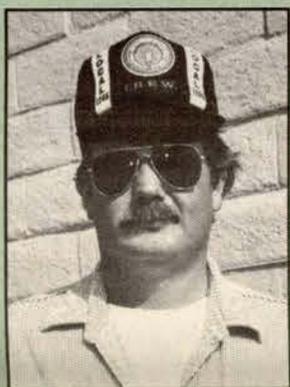
Jessie Chandler

When Jessie Chandler's son said he wanted to "go back east" to visit his grandparents during the lockout, Chandler asked him why.

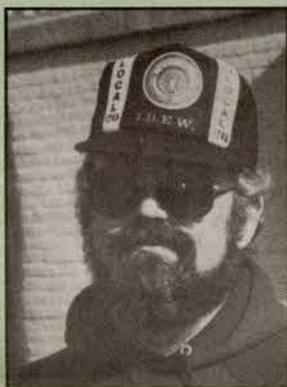
His son answered: "So Mom and Dad can afford me."



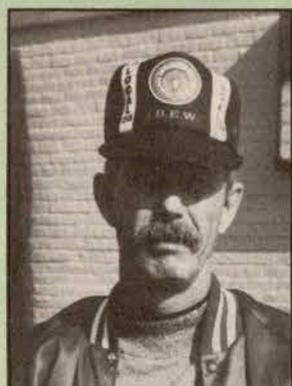
Kenneth Sufka



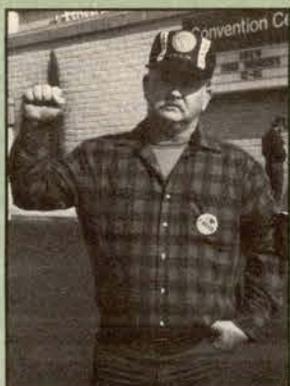
Rick Campbell



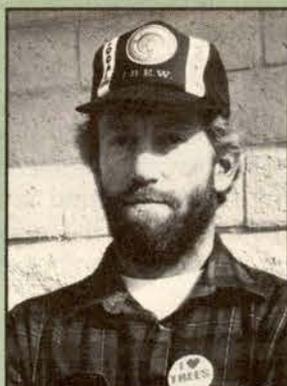
Paul Tobolsky



Charlie Shaver

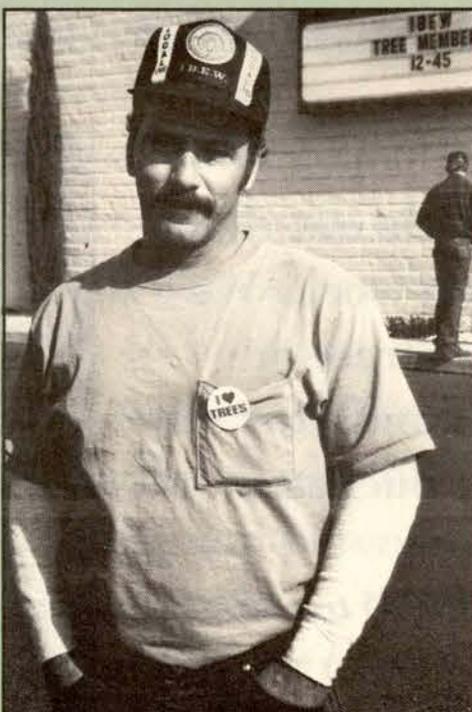


John Shepherd



Rex Pickering

"Seeing these PG&E guys here supporting us makes a big difference," said Steve Ferreria after the Feb. 6 vigil protesting the lockout. "It means a lot to us."



Steve Ferreria

Saw it on the picket line...



### Notice of Special Assessment

In accordance with Article 16 of the Local Union Bylaws, this notice constitutes written notice that the following special temporary assessment will be discussed and voted upon at the regular unit meetings in April 1992: A special assessment of \$5 a month be assessed on each member paying working dues to establish a defense fund for Pacific/Asplundh Tree members on strike, with such assessment to be terminated at end of said dispute. All members are encouraged to attend their unit meetings to discuss this important and vital matter.

### From PAGE THIRTEEN

Local 1245 employers will grow in importance as the strike continues into a second week and perhaps beyond. Without a paycheck coming in, many tree trimmers will quickly find themselves in a financial squeeze.

During the February lockout, union member Jessie Chandler related an encounter with his 11-year son that typified the anguish that members feel when the paychecks stop.

When Chandler's son said he wanted to "go back east" to visit his grandparents for a while, Chandler asked him why.

His son answered: "So Mom and Dad can afford me."

Despite the hardships, the

strikers gave no sign of losing heart. Union member John Zeppi expressed the feelings of most when he told a television reporter he was prepared to stay out "as long as necessary."

That spirit of determination will be the key to winning the strike, according to Assistant Business Manager Orville Owen.

Owen, a commanding presence on any picketline, helped organize the tree trimming industry as a Local 1245 organizer in the early 1960s and has served as chief negotiator in most Local 1245 contract negotiations with tree companies since that time.

"The union is committed to winning this strike," said Owen. "If the guys stick with us, we will win it."

# Conferences provide training for Local 1245 stewards

Local 1245 continued its program of training shop stewards during numerous conferences throughout the union's jurisdiction during the last half of 1991. Stewards in attendance are listed below.

## Public Sector

Dec. 7, 1991

Richard Perry  
David N. Brown  
Ike Williams  
Richard Guthere  
R. Ware  
Mark Burson  
Lenard Brunett  
Anthony Comporato  
Bill Wallace  
Thomas A. Santos  
Wilfred Nunez

Donell Williams  
Stephanie Tonsing  
Mike McGovern  
Ron Cochran  
Paskel Matiock  
M.J. Miller  
Donald Clifton  
Don Murray  
Chuck Linquist  
Randy Huggard  
B.G. Nimmo  
Chris McKernan  
Joe Kropholler

Art Torres  
Scott Sutherland  
Grant Ritchie  
Larnel Gill  
Gary Hanson  
Ira James  
Martin Correia  
William Demerritt  
Dwayne Norman  
Steven Pace  
Patrick Morrison  
Geoff Wayland



Stewards participating in Fresno conference. (Photo: Frank Hutchins)



Stewards participating in North Bay conference.

## General Construction

Oct. 19, 1991

Charles McAlister  
Jon Gross  
Barry Humphrey  
Lynda Holloway  
Chris Van Dyke  
Brian F. Kapaun

Sherrick Slattery  
Anthony Norman  
Dan Robertson  
Andrew McKinsey  
Mark Newman  
Randy Foshee  
Douglass Hall

Gregory Crawford  
Patrick McKenna  
Dean Mooney  
Joseph Perry  
Steve Wetzel  
John Mendoza  
Hazel Blanchard

## North Bay

Nov. 23, 1991

Russ Petersen  
Bill Hunt  
Norma Ricker  
Don Bettencourt  
Gary Silver  
John D. Kent  
Linda Norris

Jim Findley  
Lem Stubblefield  
William Peaslee  
Jim Parrish  
Lloyd Stottsberry  
Ralph Freeland  
Mike Bellmer  
Allan MacLean

Barbara Symons  
Tom Jacobson  
Kevin Christensen  
Arlis Watson  
H. Everett  
Stanley Fedorak  
Ken Wilson  
Thelma Dixon

## Stockton

Dec. 7, 1991

Wayne Fippin  
Grover Day

John Rasmussen  
Jerome Fernandez  
Randy Greer  
Gary Outlaw

Mike Johnson  
Litha Saunders  
James Clifton  
D. Kosta

## Humboldt

Dec. 14, 1991

John Grant  
Michael Grossman

Barry Jensen  
Jerry Anderson  
Aileen Koppenberg

Bob Harmeyer  
Barry Claybaugh  
Casey Mares

## Fresno/Yosemite

Aug. 17, 1991

Ed Dwyer  
Arthur Went  
Dee Green  
Dan Mayo  
Stephanie Bock  
Manny Guzman  
Robert Pickering

Arthur Verret  
Sal Perales  
David Cannon  
Abelardo Flores  
Linda Jurado  
Keith Rasmussen  
Jolene Clark  
John Shertenlieb  
Daniel Langelier

Chris Habecker  
John Habecker  
Bill Howard  
Bill Eldridge  
Daniel Pronold  
Allen C. Simms  
Wayne Cook  
Geary Weaver

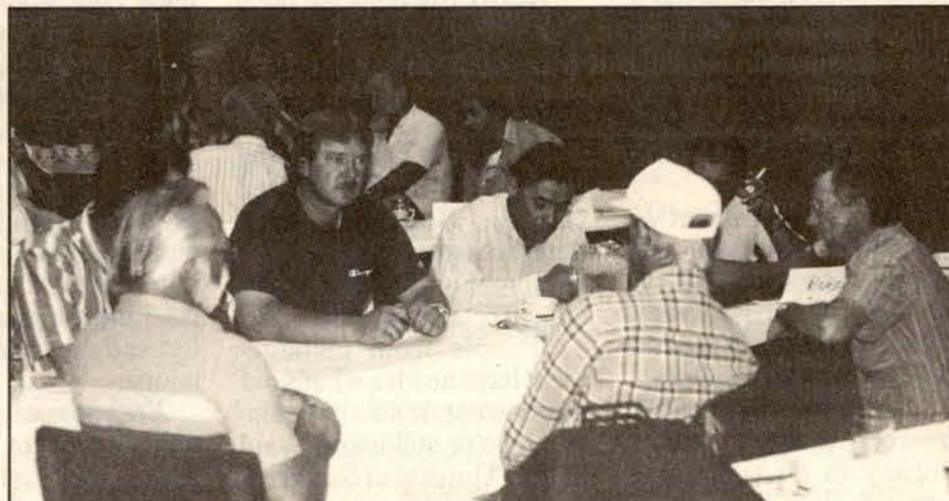
## Outside Line

Aug. 17, 1991

Bill Soderquist  
Jeff Sturgis  
Dennis Sylvester  
Kenneth Anderson  
Harold Jones

Lars Harbeson  
Joe Melin  
David G. Jones  
Roberto Morin  
Louis Hogan  
Robert A. Padilla

John Nicolen  
Tim Bell  
Al Puente  
Rayford Sistrunk  
Peter Wolka  
James R. Rowley



Stewards participating in Outside Line conference. (Photo: Bobby Blair)



**VDT COMMITTEE**

Representing the union in the VDT negotiations with PG&E were, from left: Leslie Davis, Arlene Filter, and (seated) Assistant Business Manager Dorothy Fortier. (Photo: Eric Wolfe)

## New VDT agreement

From PAGE ONE

ated furniture, mandates training for employees on how to minimize VDT health hazards, and requires regularly scheduled work breaks or "alternate work" for VDT operators.

Representing the union on the VDT joint subcommittee that hammered out the proposal were Leslie Davis, a service rep in Belmont, Arlene Filter, a meter reader in Marysville, and Assistant Business Manager Dorothy Fortier.

"With this agreement we achieved most of the protections we wanted for VDT operators," said Fortier. "VDT-related injuries have posed a real threat to our members at PG&E and we now have an agreement that requires the company to do something about it."

A union-sponsored survey revealed last year that 13% of Local 1245 members who use VDTs suffered from diag-

nosed cases of cumulative trauma disorders, such as tendonitis and carpal tunnel syndrome. Over 40% of those surveyed reported symptoms associated with cumulative trauma disorders, such as numbness in the fingers and/or stiffness in the elbows, wrists or fingers.

Nearly 70% reported neck and shoulder pain associated with their work at a VDT.

### "No idea"

As part of its work, the joint VDT committee visited various PG&E work locations to assess the sort of equipment VDT operators are currently using.

"People from management have no idea what's out there—what kind of equipment we're still using," said Filter. "Outside of San Francisco, a good percentage of the company is still on the old metal, non-adjustable desks."

"One company represen-

tative was shocked to see that old metal desks were still being used" by VDT operators, said Davis.

Scientific research has established that the risk of cumulative trauma disorders increases when VDT operators are not properly positioned with respect to the equipment they operate. Those risks will presumably be reduced when operators have thoroughly adjustable chairs, adjustable work surfaces, foot rests, and other equipment designed to promote correct posture and reduce the strain on arms and hands.

However, the union survey revealed that Local 1245 employers up to now have done little to reduce the risk of injury at VDT stations.

Of those workers participating in the survey, 87% reported that their work stations lacked adjustable lighting, 83% reported having no footrests, and 73% reported that their keyboards were not adjustable.

Large numbers also reported inadequate back support, uncomfortable chairs, non-adjustable screens and non-adjustable chairs.

In some cases, Davis noted, a desk may be considered adjustable but in fact requires a maintenance person to come in and perform the adjustment. What VDT operators need, she said, is equipment that they can easily adjust for themselves.

### Consultation encouraged

The agreement encourages supervisors "to consult with their employees on equipment and furniture selections", but stops short of requiring this consultation. However, PG&E may find that consulting employees is in the company's best interests.

The reason is simple: everybody is built differently and will have unique needs in terms of what equipment is required to maximize comfort and minimize the risk of injury.

Ergonomic experts caution employers against going out and buying VDT furniture in quantity before assessing the specific needs of their workers. Employers who ignore this advice may discover they've spent a lot

of money without correcting the problem.

As with any labor agreement, its ultimate success will depend on the willingness of union members to enforce it. Filter and Davis agreed that many members may not even know what equipment they need to reduce the risk of injury. However, the mandatory training programs should help operators become more aware of the importance of proper equipment and encourage them to explore their options.

Filter recommended that VDT operators "Go to your supervisor and ask them for what you need."

### Better protection

The VDT agreement gives Local 1245 members protections that few other VDT operators enjoy.

For years labor unions have lobbied for state and federal protections for VDT operators and other employees whose work requires repetitive movements. In 1990 the California Legislature finally approved a bill protecting VDT operators, but it was vetoed by then-Governor George Deukmejian.

Advocates of VDT safety got a big boost in late 1990 when the San Francisco Board of Supervisors approved a landmark VDT ordinance. Many of the protections contained in that ordinance provided the basis for the Local 1245-PG&E agreement, according to Local 1245 Assistant Business Manager Fortier.

In early 1991, in the wake

of the San Francisco ordinance, Cal-OSHA established an advisory committee to study the possible creation of a state-wide ergonomics standard for VDT operators and other workers at risk of cumulative trauma disorders.

However, gaining protections for VDT workers through the political process is fraught with difficulties. Last month a California judge overturned the San Francisco ordinance, an action that could embolden business interests to block the Cal-OSHA standard-setting process as well. (See accompanying story, next page).

By negotiating a VDT agreement, Local 1245 has sped ahead of the political process and provided important protections for members who operate VDTs.

Under the agreement, PG&E is responsible for insuring that all departments "provide, maintain and replace terminal equipment and furniture" in accordance with a detailed list of specifications for keyboards, display screens, chairs, and tables or other work surfaces. The agreement also mandates various VDT accessories such as wrist rests, foot rests, and anti-glare screens.

### Mandatory training

The agreement's mandatory training programs are designed to acquaint VDT operators with the potential health hazards of working at VDTs, including what symptoms to watch for. The training is to be provided to cur-

See NEXT PAGE

**"People from management have no idea what's out there-- what kind of equipment we're still using. Outside of San Francisco, a good percentage of the company is still on the old metal, non-adjustable desks."**

*Arlene Filter*

rent operators and supervisors within six months of the effective date of the agreement. After that, any new employee transferred to or assigned into positions as VDT operators must receive this training within 30 days of employment or transfer.

**Alternate work**

One of the most important parts of the agreement requires that rest breaks or alternate work be provided every two hours to all em-

ployees who routinely perform repetitive keyboard motions for four hours or more, including breaks, per shift. Many researchers believe that periodic rest breaks, by giving muscles and tendons a chance to relax, can prevent or forestall the onset of cumulative trauma disorders.

The Bureau of Labor Statistics documented 147,000 cumulative trauma injuries in 1989, just over 50% of all reported workplace injuries.

In 1990, the BLS found

that nearly 60% of all reported injuries were related to cumulative trauma. The actual number of cumulative trauma injuries is probably far higher than BLS statistics show because of limitations in the statistic-gathering procedure.

By bargaining for mandatory protections for its members who use VDTs, Local 1245 has taken a leadership role in combatting one of the major occupational health problems currently confronting American workers.

**Prevention... and punishment**

Aetna Insurance estimates that 63 percent of total injury-claim payments are for cumulative trauma disorders. The insurer recommends avoiding awkward movements and bad posture, taking regular breaks, rotating tasks and using adjustable furniture.

Aetna also urges employers to consider discontinuing production incentives.

One employer who failed to provide adequate protection--King County, Washington--was hit with a large lawsuit by four employees who suffered cumulative trauma injuries. The employer recently agreed to settle out of court--for \$285,000.

**Littler-Mendelson leads anti-worker campaign**

**Judge deals blow to San Francisco's VDT ordinance**

By Eric Wolfe

**V**DT workers were dealt a severe setback on Feb. 13 when Superior Court Judge Lucy McCabe tossed out San Francisco's VDT safety ordinance.

Passed in late 1990, the San Francisco ordinance was designed to combat an epidemic of cumulative trauma disorders among VDT workers. The ordinance, the first of its kind in the nation, required San Francisco employers to adopt many of the same safeguards contained in the new Local 1245 VDT agreement with PG&E.

In tossing out the ordinance, McCabe ruled that only the state had the authority to regulate occupational safety and health.

The San Francisco VDT ordinance was challenged by two little-known San Francisco companies: Data Processing and Accounting Services and Zack Electronics. However, much larger forces were behind the attack on VDT workers, including corporate giant IBM and the San Francisco law firm of Littler, Mendelson, Fastiff & Tichy.

Zack Electronics and Data Processing were represented by Littler-Mendelson attorney Jeffrey Tanenbaum. Littler-Mendelson frequently plays the role of "hired

gun" for companies that want to bust unions or fight efforts by employees to unionize.

When Littler-Mendelson weighs in against labor on an issue like VDT safety, the firm brings considerable resources to the fight.

In 1990 the firm grossed \$53 million, making it the eleventh-highest grossing law firm in the Bay Area, according to The Recorder, a San Francisco-based newspaper covering the legal profession. With 175 attorneys (including 51 partners), Littler-Mendelson made \$290,000 in profits per partner in 1990, ranking it sixth among Bay Area firms.

**Union-basher**

Littler-Mendelson has established its credentials as a union-basher in numerous legal battles over the years. Among them:

\*In 1986, Littler-Mendelson was hired by the Printing Industries of Northern California--a trade group consisting of about 30 printing companies--to squeeze concessions from workers. A Littler-Mendelson attorney acknowledged that the firm was assuming the role of "designated monster man" as it sought to increase the number of hours worked, to reduce overtime pay, and to lower cost-of-living increases.

In an effort to overwhelm the union's resources, Littler-Mendelson attorneys advocated that each printing company negotiate separate contracts with the union rather

than agreeing to one master contract.

\*In 1989, after Danny Benvenuti Jr. took over the Sacramento Union newspaper and hired Littler-Mendelson to assist in employee relations, employees were required to sign away their rights in order to keep their jobs. Employees had to agree to urine tests for the presence of drugs or alcohol and had to sign a statement declaring that "I understand my employment can be terminated, with or without cause and with or without notice, at any time" at the option of the company.

\*Just last year, Pacific Gas & Electric Co. hired Littler-Mendelson to defend PG&E's practice of using non-union independent contractors to work as estimators, a job normally performed by members of Engineers and Scientists of California (ESC), the union representing PG&E's professional and technical employees. When ESC forced the issue to arbitration, Little-Mendelson attorney Wesley Fastiff declared in his opening remarks that PG&E had the right to eliminate the entire ESC workforce through contracting out, according to ESC Business Manager Ben Hudnall.

If Littler-Mendelson was providing the muscle, corporate giant IBM provided the bucks for the campaign to overturn San Francisco's VDT safety ordinance. Even though IBM acknowledged

**If the anti-worker law firm of Littler-Mendelson was providing the muscle, corporate giant IBM provided the bucks for the campaign to overturn San Francisco's VDT safety ordinance.**

to the San Francisco Chronicle that it had funded the lawsuit, an IBM spokesman had the temerity to complain that the company was "tired of people trying to make us look like the bad guy hiding behind the little guys."

**Appeal planned**

Despite the powerful opposition, the fight for VDT safety requirements will go on.

Service Employees Local 790, which helped formulate the San Francisco ordinance, pledged to appeal Judge McCabe's ruling.

In addition, Local 790 and other advocates of VDT safety are pressing Cal-OSHA to enact a statewide safety standard that will protect VDT operators. A Cal-OSHA advisory committee has been debating a possible ergonomics standard--that would include VDT workers to one degree or another--since last

summer.

However, corporate interests on that committee have voiced considerable opposition to mandatory safety standards. Labor representatives on the committee believe the San Francisco ordinance, and the threat of other local governments passing similar ordinances, pressured Cal-OSHA to take up the issue in the first place.

With the San Francisco ordinance now overturned, business interests may feel freer to delay or even completely derail the Cal-OSHA initiative on ergonomics.

IBM, which funded the campaign to overturn the San Francisco VDT ordinance, is one of the corporations with a representative on the Cal-OSHA advisory committee.



**35 years**

**San Francisco-area members recognized**

**40 years**

Lawrence Foss

**35 years:**

Bernice Lowe  
C. L. Inferrera  
Larry J. Lynch

**30 years**

Richard Green  
Gary A. Hamer  
Peter Regan  
Florence Keighram

**25 years**

Renwick Moniz  
Peter O'Driscoll  
Robert Schoening  
Leo Barba  
Frank DeMaio

George Gleeson  
Margo Herterich  
D.A. Horsley

**20 years**

Douglas P. Wolff  
David S. Yamagami  
Stephen N. Spadini  
James J. Strange  
Rocky W. Trujillo  
Anthony E. Villa  
Frederick Pedersen  
Antonio R. Perez  
Robert Quinn  
Alfonso Rodriguez  
Ovidio Ruiz  
Maria A. Salazar  
Phillip Salazar  
Valerie Lopez  
Larry P. Magee  
John Marcella  
Ercelle Mayfield

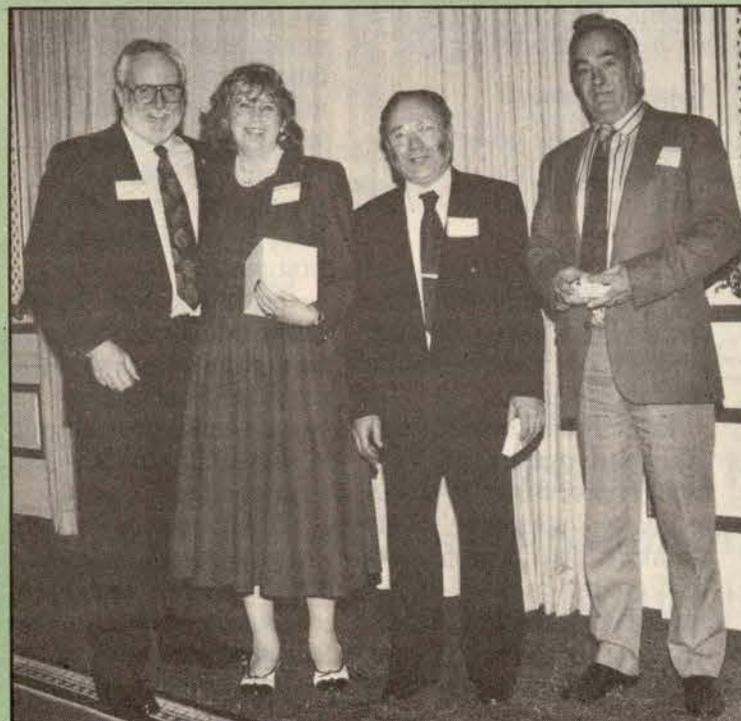
May Maylas  
Alan M. Mion  
James Ng  
Morris Ngai  
Nerio R. Hernandez  
Ernest Holmes  
Frank Hunsperger  
Linda Kamariotis  
Karen Li  
Stephen T. Fain  
Barbara Fain  
Don Fisher  
Michael Flores  
Vincent Gagliardo  
Luciano G. Galli  
Joseph D. Green  
Dominic Guastavino  
Charles L. Cater  
Grace Coyle  
Lawrence Dickinson  
C.B. Aragon  
Norman F. Babin



Members celebrate at San Francisco Pin Dinner.



**25 years**



**30 years**



**20 years**

## Union honors long-time member Larry Foss

**W**hen Larry Foss returned to work at PG&E in 1957 after a brief layoff, a union business rep asked him if he would serve as a shop steward.

"I, like a fool, said yes," recalled Foss with a smile during an interview with the Utility Reporter last year.

It would not be the last time that Foss said yes when Local 1245 called upon him for service to the union. In January, Foss was honored for 40 years of membership in the union, including nearly a quarter-century of hard work as a business representative, assistant business manager, and senior assistant business manager.

Foss hired in at PG&E in 1952 in the operations department of steam generation. He immediately joined the union, which had just won certification as the bargaining representative for the entire PG&E system.

When PG&E closed two steam plants in San Francisco in 1956, Foss found himself among 40 operators being laid off. The next year he came back, this time in the electric department at the Potrero Service Center.

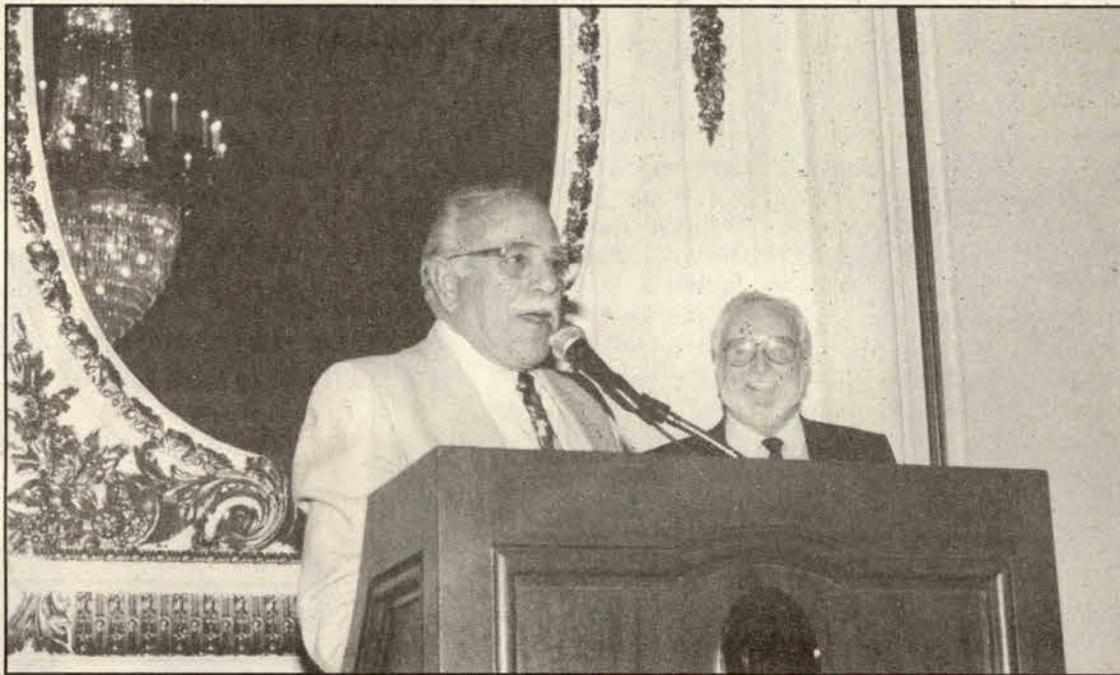
Foss, who was soon serving as unit recorder, remembers that it was a struggle to keep the union going in that era.

"It was open shop in those days. So it was tough. It was continuously trying to recruit members as new people were hired, and there were an equal number of the opposite viewpoint trying to talk them out of it," Foss recalled.

Former Business Manager Ron Weakley gave Foss his chance to join the union staff.

"I was sitting at home minding my business [when] Ron Weakley called me and wanted to know if I was interested in a business rep's job," Foss recalled. "I told him I thought he was out of his mind. I said I'm no more prepared for one of those jobs than the man in the moon."

However, after consulting with Business Reps Dan



Larry Foss addresses the Golden Gate Region Pin Dinner after being awarded a plaque honoring his 40 years of service to the union. Business Manager Jack McNally looks on.

McPeak and John Wilder, Foss decided to accept the offer. He began work for the union the day after Labor Day in 1960 as the "junior" business rep in the East Bay.

In 1962 he became business rep for San Francisco, where he served until 1970 when Weakley hired him as an administrative assistant and then as an assistant business manager.

### Momentous changes

Local 1245 went through momentous changes during Foss's tenure on the union staff. Foss singles out four issues that established Local 1245 as the strong bargaining voice that it is today.

First was adoption of the modern dues structure, which pegs dues as a percentage of the monthly wage rate.

Second was an "hours of work" agreement. "The question of hours was in constant dispute," Foss said. The agreement worked out by Weakley and Senior Assistant Business Manager L. L.

Mitchell, Foss recalled, settled over 200 grievances that had piled up over hours issues and established greater regularity in people's work hours.

A third issue of importance was the creation of joint fact-finding committees, which were designed to overcome a "continuous hassling over the facts" in grievance cases. Although labor and management will still argue about the facts of a case, the system of developing the facts jointly greatly streamlined the process.

"As part of the settlement I got stuck as the union's fact finder," Foss recalled. "It took us about three years of really busting our buns to get rid of the backlog of cases, some that extended back 14 years."

Union security was the fourth big achievement during Foss's years on the union staff. With its membership base secured, Local 1245 was truly a force to be reckoned with at PG&E.

Foss credits the members with giving him the skills to

represent their interests.

"Knowledgeable members do a great job of training business representatives. And I was eager to be taught. I came into this organization feeling totally ill-equipped. But having a chance to work with people like Don Hardie and Ray Michaels—there were quite a few old hands who would bend over backwards to help you," said Foss.

While Foss is quick to give credit to others, most union members agree that Foss played a vital role during the union's formative years in the 1950s, '60s and '70s.

"He had his own style," said current Business Manager Jack McNally. "He was a real mechanic in dealing with the grievance process. I learned a lot from him."

"One of the most important things I learned from him," said McNally, "was 'read the damn contract.' Larry knew the contract inside out and used that knowledge to the members' advantage at every opportunity."

"He's a good friend."

**"It was open shop in those days. So it was tough. It was continuously trying to recruit members as new people were hired, and there were an equal number of the opposite viewpoint trying to talk them out of it."**

*Larry Foss*

## Bill targets workplace monitoring

A committee of the US House of Representatives approved a bill that would require employers to notify workers when they are being monitored by video cameras or telephone eavesdropping.

Two Republicans crossed party lines to support the Privacy for Consumers and Workers Act despite strong opposition by the Bush Administration. The bill enjoyed strong backing from Democrats.

The legislation would not bar employers from monitoring workers, but would set out the circumstances under which employers could conduct the monitoring and use information obtained from the monitoring.

The bill would require that all employees have access to data collected about their performance. It would also require that all monitoring be relevant to work performance.

Many unions have charged that workplace monitoring opens the door for employers to use surveillance and harassment to punish employees for union activity or other behavior that management disapproves of.

Monitoring has also been implicated as a source of workplace stress that can take a significant toll on the psychological health of employees.

The bill would limit disclosure and use of the data by employers, and would require employers to provide immediate notice to workers—through a signal light, beeping tone, or some other device—when monitoring is conducted.

Local 1245 members concerned about workplace monitoring should urge their US Representative to support this legislation when it reaches the House floor.

# Local 1245 honors long-time members in Stockton

## 35 years

B.P. Pontious  
William Cummins

## 30 years

W.E. Sanborne  
Donald Ding  
Peter R. Dutton

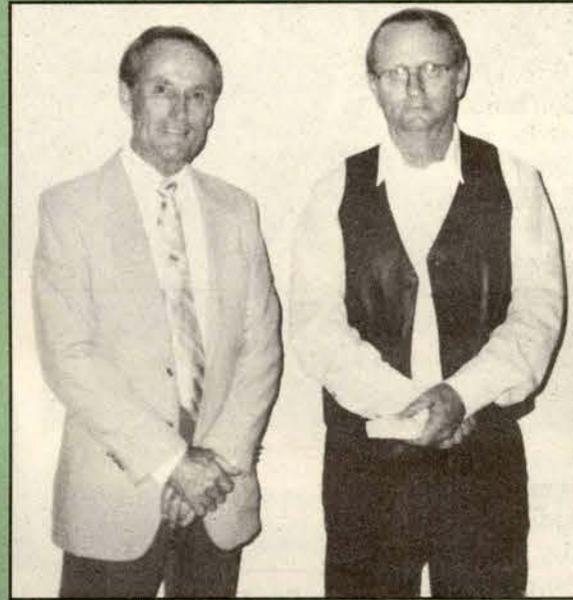
## 25 years

Larry Say  
S. Reid  
Mike Murray  
Mike Johnson  
Waler S. Janson  
Steven Cole  
F.L. Anderson



## 20 years

Dennis S. Walter  
K.P. Sage  
Welford Qualls  
Gary J. Outlaw  
James G. Lynn  
William J. Irving  
Dan E. Gorham  
Harry Depedrini  
Grover Day  
Roger Baldwin  
Dennis W. Albin



35 years



30 years



25 years



20 years



Members, spouses and friends join in the Local 1245 celebration in Stockton. (Photos: Bob Gibbs)

**November 22, 1991**