



Eric Wolfe

Adrienne Franks offers her perspective on negotiations during the March 8 stewards conference in Concord, Ca.

New PG&E offer will go out for vote

A new contract offer by Pacific Gas & Electric will be sent to union members for a vote, the Local 1245 Bargaining Committee has decided.

The new offer makes numerous improvements over the Table Agreement that was rejected by members last December. However, the Local

1245 Bargaining Committee elected to remain neutral rather than specifically endorse the package.

"We were not comfortable endorsing a package that still contains a member co-payment on the medical premium. We were also uncomfortable with some of the negative provisions in the LTD language,"

said Bargaining Committee member Art Freitas. "These and some other items are why we have taken a neutral position and will let the members decide whether there are enough improvements in this package to warrant ratification."

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Union protests non-union tree contractor

Pacific Gas & Electric offices in Ft. Bragg, Ukiah and Willits are being picketed by Local 1245 to protest the displacement of unionized tree trimmers by a non-union contractor.

The pickets went up March 11, after a PG&E line clearance tree trimming contract in the north coast area was awarded to Family Tree, a non-union firm that does not offer union-scale wages and benefits. The area had been serviced for many years by union contractor Davey Tree.

"Seventeen experienced tree trimmers are being displaced by a company that, as far as we can tell, offers no medical benefits to its employees," said Business Manager Perry Zimmerman. "It is unacceptable for PG&E to encourage these kinds of attacks on union wages and benefits in this industry."

Carl Lamers, an 18-year Davey Tree employee, is serving as the union's point man on the picketline.

"People up here think it's terrible the Davey guys are going to be gone," said Lamers as he leafletted customers entering the PG&E Service Cen-

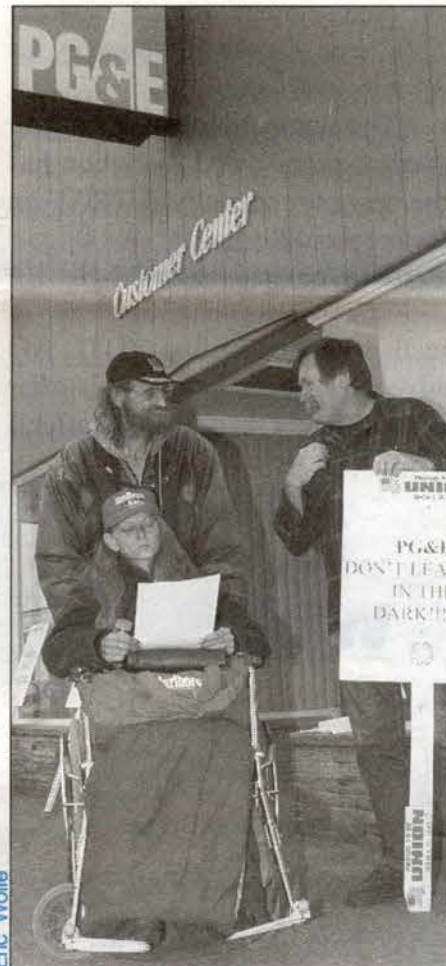
ter in Ft. Bragg on March 19. "I don't see how guys from somewhere else are going to have the commitment to the community that the Davey guys have."

One of the Davey tree trimmers, Lamers noted, has more than 30 years experience trimming trees in the area. Others have over 20 years.

"The people in this area know us. Our families know their families, our kids went to school with their kids," said Lamers, a former Little League coach in Pt. Arena.

Virtually every customer going into PG&E's Ft. Bragg office on March 19 expressed sympathy with the tree trimmers plight. Several customers noted that they themselves had recently lost jobs in this area's troubled economy, and scoffed at the idea that PG&E's use of a cheap contractor would produce any savings for customers.

"Customers on the way into the Service Centers are taking our fliers. People have been honking and showing their support wherever we go," said Senior Business Rep. Ray Tho-



Eric Wolfe

FT. BRAGG PICKET
Line Clearance Tree Trimmer Carl Lamers speaks with PG&E customers David Smith and Carolyn Thompson about the loss of union tree trimmer jobs caused by PG&E's switch to a non-union tree trimming contractor.

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Equity gains at SMUD

Local 1245 and the Sacramento Municipal Utility District by letter agreement have provided equity wage increases in the 3% to 4% range to certain classifications, Business Rep. Sam Glero reported. These increases continue a process that began in January with equity increases in the line department.

Classifications receiving increases in March were:

- Substation Subforeman/wn
- Substation Subforeman/wn w/CLA
- Substation Subforeman/wn w/ HAZ
- Network Cable Foreman/wn, Lt
- Network Electrical Subforeman/wn
- Network Electrical Foreman/wn, Lt
- Network Electrical Foreman/wn, Lt w/ CLA
- Network Electrical Foreman/wn, Lt w/ HAZ
- Fault Locator
- Fault Locator w/CLA
- Tool Room Foreman/wn

The equity increases are retroactive to the the pay period that includes Jan. 1, 2003,

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San Jose, CA**APRIL 25**Service Awards
Eureka, CA**APRIL 26**Service Awards
Reno, NV**MAY 10**Service Awards
Merced, CA**APPOINTMENTS****OUTSIDE LINE CONSTRUCTION****Negotiating Committee**Jeff Bernard
Robert Van Noy
Scott Hudelson
Jeff Johnstone
Richard Dunkin
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Larry Thomson
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Dave Crawford**SIERRA PACIFIC****Negotiating Committee**John W. West
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William Paulsen

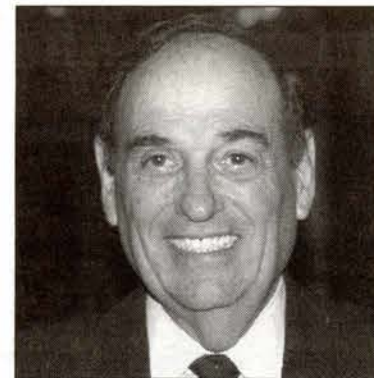
LOCAL UNION SAFETY COMMITTEE

Robert Burke

CONFERENCES, COUNCILS & CONVENTIONS**IBEW Telecommunications/Broadcasting Conference**Ray Thomas
Sheila Lawton
Thomas Greer**IBEW Construction and Maintenance Conference**Jeff Johnstone
Dave Crawford
Richard Dunkin**California Labor Federation Joint Legislative Conference and Women's Leadership Roundtable**Ed Mallory
Mike Davis
John Mendoza
Dave Scott
Jim McCauley**YOUR UNION**

Keeping things in perspective

By Perry Zimmerman, Business Manager



As I write this, one week has passed since we reached a new table agreement with PG&E. In that week, I have seen dozens of e-mails from supervisors lambasting the agreement:

"This is a slap in the face to supervision!"

"No wonder we can't get anyone into management!"

"I'm upset with the company for agreeing to this!"

"The company gave on nearly every category, and the union has the nerve to remain NEUTRAL on the proposal!"

"The company folded!"

In that week, I have also seen e-mail generated by the VOTE NO advocates, characterizing this offer as no different than the 2002 offer. I

have seen an e-mail talking about the union knife in the back of members. I have seen an e-mail from a member demanding that "that jerk-off Perry Zimmerman" put his name on an e-mail list so the member could write me, apparently unaware that I am in the PG&E address book and get dozens of e-mails a day from members.

How is it possible to have such divergent views of the same agreement? What has happened to perspective?

Let me first address the supervisors who are upset at the company giving away the store.

Shame on you. You know full well that despite the bankruptcy and NEG's problems, the utility is fundamentally sound financially. You

don't have to look any further than your own PIP checks to see how well the company is doing. Why should the company not share its wealth with the men and women who do the work, who keep the lights on, the gas flowing, and the money coming in? Why should the company not share its wealth with the men and women who can be counted on to work long hours in storm conditions for as long as it takes to restore service?

Our members deserve every penny that they are paid, and then some.

We don't begrudge the tens of millions spent on you. Don't begrudge the millions spent on us.

More importantly, let me speak to our members. I don't intend a full-blown analysis of the agreement, but only some indisputable truths.

First, this offer is far better than the offer which you rejected in December.

The wage offer is better. Over the first three years of the contract, the average union member will make \$2200 more under this offer than they would have under the 2002 offer, and will earn more than \$1000 a year more for every future year of employment.

A wage increase translates directly into a pension increase, meaning that the improvement in wages becomes an improvement in future pension benefits.

The medical premium copayment in this offer is cut by almost half from the first offer. Under the 2002 offer, the 6.5% premium copayment could have cost employees \$40 million over five years (about 1% of the wage package). Under this offer,



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Perry Zimmerman**Communications Director & Managing Editor**
Eric Wolfe**President**
E. L. "Ed" Mallory**Executive Board**
Michael J. Davis
Chris Habecker
Dave Scott
Anna Bayless-Martinez
Kathy F. Tindall
John Mendoza**Treasurer**
Ron Moon

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IBEW members deliver dialtone in Ferndale

Local 1245 members at Frontier Communications serve approximately 1800 customers in Ferndale and the surrounding area.

You may not have heard much about Ferndale, but chances are you've seen parts of the town on the big screen. Ferndale has played host to major motion pictures, including *The Majestic*, starring Jim Carrey, and *Outbreak*, with Dustin Hoffman.

"Our members here tell us the town gets a little nutty when sets are being built and the stars are in the streets filming," says Senior Business Rep. Ray Thomas. "It's a good thing these Local 1245 members know all the side streets."

Without the members of Local 1245, communications would be difficult in Ferndale—for movie stars or anyone else. When it comes to deliv-



Ray Thomas

DELIVERING THE DIALTONE

Members of Local 1245 in Ferndale are, from left: Bill Bryan, Transmission Technician; Art McDaniel, retired Central Office Technician; Raul Arce, Installation and Repair Technician; and Mark Dekens, Maintenance Splicer.

ering the dial tone, the true stars in Ferndale aren't from the Screen Ac-

tors Guild—they're the people whose union card reads "IBEW."

Unit updates

Unit 2316, Concord, CA, meets on April 10, not April 20 as previously reported.

Local 1245

Unit 3028, Redmond, OR., is being re-established by the recommendation of Unit 3027, Rosalia, and concurrence of the Executive Board. Details to follow.

Local 1245

Unit 2315, Livermore, CA, is being re-established by the recommendation of Unit 2314, Hayward/Fremont, and concurrence of the Executive Board. Details to follow.

Local 1245

Correction: Von, not Ron

To the Editor:

Just to let you know that on Page 17 of the December 2002 issue (of the Utility Reporter) is a picture of Manteca Line Crew stating the date as 1949. The actual date was 1941.

I am the widow of Von Rader, quoted in the picture as "Ron Rader."

Von transferred to Tracy in 1942 and in 1945 he transferred to Jackson, where I still live.

I knew all the crew at the time. Von and I were good friends of Everett Baldwin and wife Beulah.

Julie Rader
Jackson, CA

Editor replies: We appreciate the correction. This wonderful photo from 1941 is reprinted below. By the way, we're looking for more IBEW work photos from the 1940s, 50s, 60s, 70s and 80s. Any member who has photos to share should send them to: IBEW Photo Archives, P.O. Box 4790, Walnut Creek, CA 94596. Photos will be returned after being copied for the Local 1245 photo archives.



YOUR UNION

Keeping things in perspective

► From Page 2

the 3.75% copayment would cost employees \$23 million over five years (about .6% of the wage package).

Further, by delaying the various medical plan design changes for a year, the company will absorb almost \$8 million in additional costs. By moving the effective date for the pension increases one year closer, hundreds of employees who have stated that they are prepared to retire may do so a year earlier.

On the LTD issue, this offer provides additional protection for employees who have applied for Social Security disability but not yet had a final disposition of their claim.

The supervisors who are upset are right about one thing—this offer is much better than the 2002 offer.

Second, this offer is not a terrible offer. No matter how you look at it, it is not terrible.

On its face—not terrible. Com-

pared to every other utility agreement reached in the last year—not terrible. Compared to the last 20 years of bargaining at PG&E—not terrible.

Third, this offer does not contain every improvement that each of our members wanted.

There still is a segment of our membership at PG&E that believes that a pension formula of 2% at 55 could be obtained, despite the price tag of more than 20% of payroll. We didn't get 2% at 55. We may some day, but it will not be all at once, it will be in incremental increases.

Fourth, you will decide if this offer is good enough. You know that the supervisors who see the offer as giving away the store are wrong. You know that it is better than the 2002 offer. You know that it is not everything that we wanted. You, and only you, know if it is good enough for you.

We trust your judgment.



Tanking economy, pension strike, & Teamsters, Esq.

Warning over Bush budget

Budget proposals championed by President George W. Bush and Congressional Republicans will squeeze state governments with dire consequences for working families, union leaders told US lawmakers last month.

The states face a three-year budget shortfall that could exceed \$180 billion.

The Republican budgets would devastate working family programs, cutting Medicare, Medicaid, veterans' benefits, student loans, school lunches, child care, food stamps, cash assistance for the elderly, disabled and poor and other programs by as much as \$470 billion over the next 10 years, according to the Center on Budget and Policy Priorities.

Budget proposals pushed by President Bush would provide additional massive tax cuts for the wealthy, union leaders said.

House and Senate budget committees have begun consideration of their fiscal year 2004 budget resolutions, which mostly mirror Bush's \$726 billion tax restructuring plan and corporate dividend tax elimination, that include cuts in important working family programs such as Medicare and Medicaid, transportation and environmental protection.

The proposals offer no additional help for states to solve their spiraling debts or to meet new financial obligations for homeland security and education that previous Bush programs created.

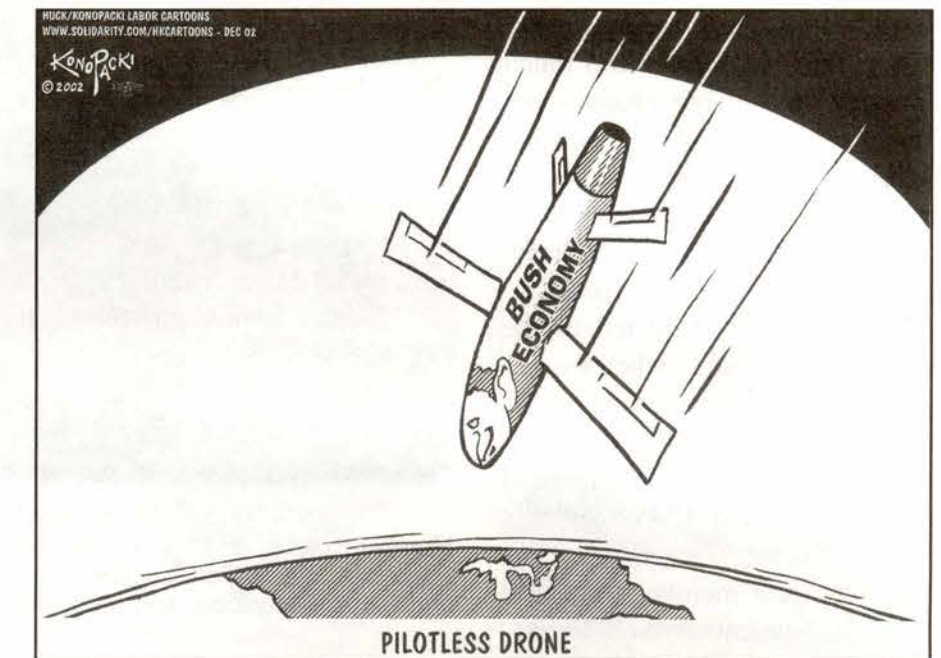
The House budget contains only \$28 billion over the next decade for a Medicare prescription drug benefit, only about 5% of what Democrats say is needed.

The number of American workers filing new claims for unemployment benefits climbed during the last week of March to the highest point in nearly a year as businesses trimmed jobs in the muddled wartime economic climate, the Associated Press reported. The Labor Department reported April 3 that new applications for jobless benefits jumped by a seasonally adjusted 38,000 to 445,000 for the week ending March 29—a level last reached in the week ending April 13, 2002. A second report offered more unsettling news: Activity in the service sector—normally the engine of job creation in the United States—contracted in March, ending 13 months of growth. “It is clear that the war is having a negative impact on most sectors of the economy,” said Maury Harris, chief economist at UBS Warburg.

► **Nod to Newsom:** IBEW Local 1245 made an early endorsement of Gavin Newsom in the race for mayor of San Francisco. Business Manager Perry Zimmerman said Newsom had been a “solid advocate at the Board of Supervisors for working people.”

► **Lawyers Turn to Teamsters:** After months of locking horns with management over complaints about inadequate working conditions and low pay, the lawyers in Parker Stanbury's Phoenix law office voted last month to become members of the Teamsters union, the Arizona Business Gazette reported. Parker's management has threatened to lock out and permanently replace all the unionized lawyers depending on the outcome of negotiations. A lack of job security, hourly performance quotas, few legal research materials and no law library are among the many concerns that led the lawyers to organize, said Monte Rich, a lawyer in the Phoenix office.

► **Lula Riding High:** Brazilian President Luiz Inacio Lula da Silva,



known as “Lula”, retains the support of three out of every four Brazilians three months into his term, according to the Brazilian Institute of Public Opinion and Statistics. Lula, a long time labor activist, was leader of the Workers' Party when elected to the presidency of Brazil.

► **Strike Over Pensions:** Strike action by French public sector workers angry over attacks on their pensions, were causing major disruption to air and rail services across the country in early April, BBC News reported. Hundreds of domestic and European flights were cancelled, and public transport in major cities was seriously hit. Thousands of people took to the streets in Paris and other French cities in support of the strike.

► **Membership Down:** The US Bureau of Labor Statistics reported that union membership in the US continued its decades-long decline in 2002, with membership falling last year by 280,000 to a total of 16.1 million members.

► **Chavez Honored:** Thousands paid tribute to Cesar Chavez in California last month, with marches and celebrations in San Francisco, San

Jose, Oakland and Los Angeles. Chavez, founder of the United Farm Workers union, died in 1993. The US postal service plans to issue a commemorative stamp in his honor in April.

► **Nevada Mine Strike:** More than 500 employees staged a two-day work stoppage at Newmont Mining Corp.'s Carlin Trend mines last month over the company's latest contract offer, the Associated Press reported. The employees, whose contract expired Sept. 30, cited prescription co-payments and arsenic-protection measures as key sticking points.

► **10-Year Contract?:** Yale University made an unusual contract proposal last month in an effort to ensure a decade of labor peace, offering its two main unions a 10-year agreement that would provide many workers raises of nearly 50% over that period, the New York Times reported. But the unions representing Yale's clerical, technical and service workers criticized the proposal, saying it would not increase pensions enough or ensure job security for many workers.

Union protests tree contract

► From Page 1

mas, who coordinates the union's representation of line clearance tree trimmers and has walked picket with Lamers in Ukiah, Fort Bragg and Willits. "This is a small community. These customers personally know some of these Davey Tree employees, and they care what happens to them."

Little is known about Family Tree, a company that has not previously performed line clearance work for PG&E. It was supposed to begin working on the PG&E contract in January, but the start date was delayed when the company was unable to acquire the necessary insurance. Family Tree also may be having trouble acquiring enough employees with the necessary skills and certification to perform the work.

Preferential Treatment

Besides objecting to Family Tree's non-union status, the union has raised questions about the bidding practices under which Family

Tree acquired the PG&E contract. The bidding rules give preferential treatment to contractors based on race and gender.

"We don't have any objections to trying to help minorities or women in this industry," said Thomas, noting that the union helps women and minorities by insuring that they receive the same union wages and benefits as every other tree trimmer.

"Preferential bidding, it seems to me, threatens the wages and living standards of all tree trimmers," said Thomas. "It allows companies to pass themselves off as woman-owned because someone's wife signs the paperwork, and then they pay their employees substandard wages and benefits."

The California Public Utilities Commission encourages the preferential bidding procedures. But the Commission, whose chief responsibility is assuring access to reliable service, may have to re-evaluate its position if preferential bidding procedures end up eroding the reliability of the electric system. It can hardly be comforting to the Commission to see Family Tree stumble in its efforts to obtain insurance and fall three months behind in starting on its contract.

"Growing Like Crazy"

"We have conditions conducive to rapid tree growth here," said Lamers. "In good years you'll see two feet of growth in one year, and right now these trees are growing like crazy."

When those trees get into the power lines, serious outages are only a windstorm away.



HELP ON THE PICKETLINE

Carl Lamers receives help on the Fort Bragg picketline from fellow Davey Tree Trimmers Tony Potter, Duane Slavens and Jeff Leroy, from PG&E Line Foreman Ed Jones, and from a passing customer.

"When we get a lot of storm damage here, people get desperate. A lot of people live a long way from the grocery store, so they stock up. When the power goes out, they lose everything that's in their freezers. It's a disaster."

Carl Lamers
Line Clearance Tree Trimmer

"When we get a lot of storm damage here, people get desperate," said Lamers. "A lot of people live a long way from the grocery store, so they stock up. When the power goes out, they lose everything that's in their freezers. It's a disaster."

Lamers said he has worked 36-38 hours at a stretch after storms, as have other Davey employees. This kind of commitment has earned the respect and loyalty of the community.

"People bring us cookies and coffee and sandwiches during the

storms," said Lamar. "And now they've been showing their support for us on the picketline, which we really appreciate."

Lamers hasn't been alone in his vigil. Besides frequent support from Thomas, he's been joined on the picketline by Business Reps. Dave Cowart and Eric Wolfe, as well as by fellow Davey employees Tony Potter, Duane Slavens and Shop Steward Jeff Leroy. Several PG&E employees have also stopped by to walk picket with the tree trimmers, including Troubleman Danny Garcia, and Electric Crew Foremen Ed Jones and Hank McLain.

All the commotion has caught the attention of local media. Lamers has been interviewed by the Independent Coast Observer in Gualala, and by KZYX public radio in Philo. An article on the union's picketline has appeared in the Anderson Valley Advertiser, and an opinion piece by Thomas was published in the Fort Bragg Advocate.

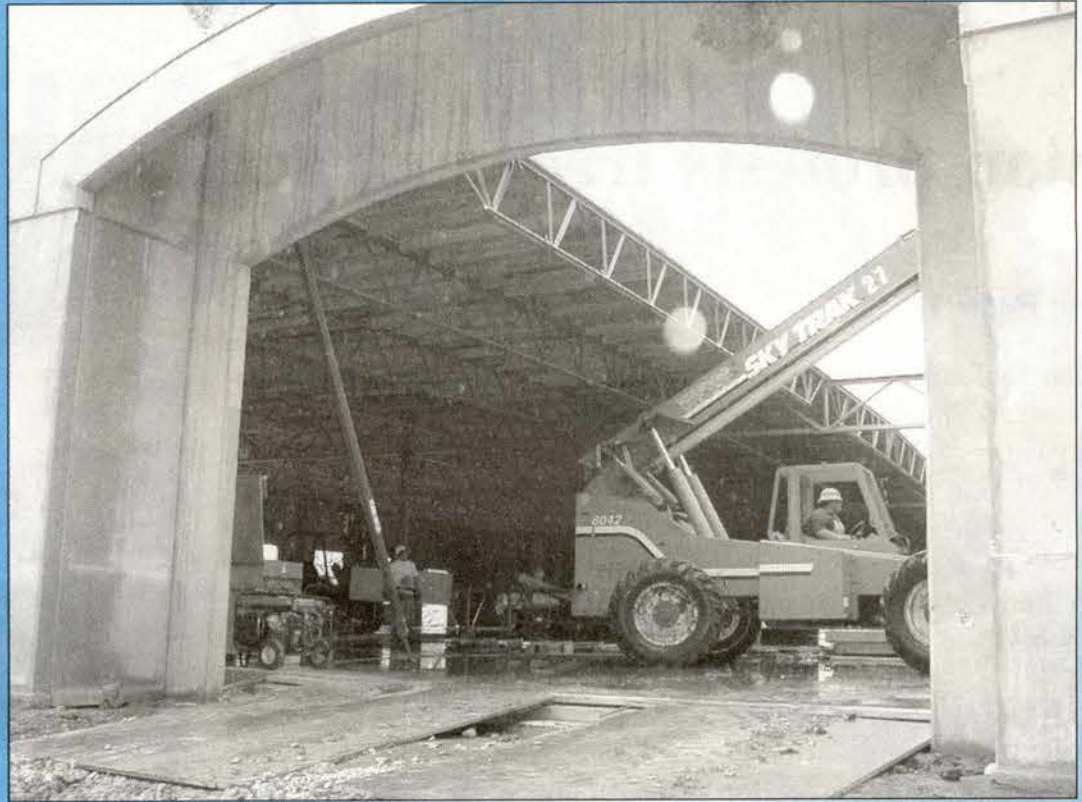


LAMERS ON THE LINE

Carl Lamers maintains a sometimes lonely but always determined picket at the PG&E Service Center in Ft. Bragg.

YOU CAN HELP!

Local 1245 members can help the tree trimmers by volunteering to walk picket. You can also help by letting us know if you see any Family Tree trucks or employees. To volunteer, call Carl Lamers at (707) 357-0175.



Ed Caruso

WALLS GO UP

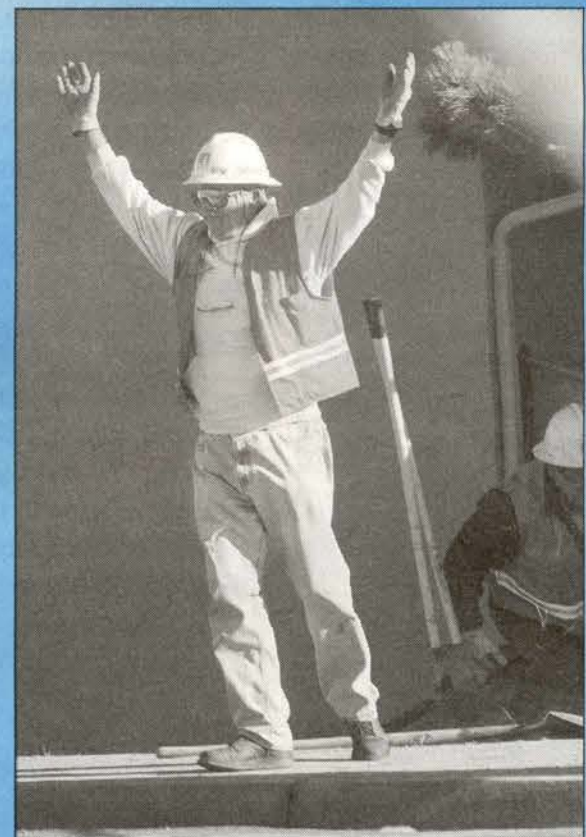
The walls went up recently as progress continued on the construction of the new Local 1245 union hall in Vacaville. The union expects to move its operations to the new headquarters in early summer.



Ray Thomas

UTILITY TREE

Utility Tree Apprentice Climber Julio Galvan (left) and Top Foreman James (Cory) Cooper get ready to clear trees from PG&E power lines on Highway 99 north of Yuba City.



Salinas Californian

MAKING THINGS WORK

A gas main leak put the spotlight on Local 1245 Equipment Operator Ron Airey in Watsonville when the Salinas Californian published this photo. According to his wife, Connie, Airey has been at PG&E for 35 years "and he still gets excited when he can make things work."

In the Local 1245 Spotlight

New PG&E offer will go out for vote in May

► From Page 1

Members employed by PG&E will receive the full text of the new contract offer by first class mail by the end of April. Ballots will be sent out about May 5, and will be due back no later than May 28.

The new offer, the result of several bargaining sessions in March, increases wages 4% yearly for the next three years, with wage re-openers in the fourth and fifth years. The earlier Table Agreement had proposed raising wages 3.25% the first year, 3.5% in 2004, and 3.5% in 2005, and also contained the wage re-opener provision.

The company agreed to scale back member co-payments on medical premiums. The earlier Table Agreement had called for a 6.5% contribution toward the medical premium. The current offer cuts that proposed contribution to 3.75%.

Pension improvements will take effect in 2004 under the current proposal. The earlier Table Agreement would have delayed the effective date of the pension improvements

until 2005.

The company has offered a lump sum payment of \$900 in lieu of making the 2003 wage increase retroactive to the beginning of the year. The lump sum would be paid to all bargaining unit employees on active payroll any time between Jan. 1 and May 31, 2003.

The main features of the company's offer are listed on Page 8.

The full text of the offer—in addition to being mailed first class to members—will be posted on the union's web sites some time in April. On PG&E computers, go to www.hr/ibew. On the Internet, go to www.ibew1245.com.

Serious Miscue

The new offer might have been achieved earlier but for a serious miscue in late January, when the company suggested that union members did not understand the original Table Agreement and proposed sending it out for a second vote. Local 1245 Business Manager Perry Zimmerman responded to that suggestion by walking out of the nego-

tiations.

In the weeks that followed, Local 1245 members expressed outrage at the suggestion they didn't know what they were voting on.

When PG&E finally agreed to return to the table to renew negotiations, Local 1245 convened systemwide steward conferences on March 8 and 15. Stewards expressed dissatisfaction with the initial Table Agreement and reiterated that members' top priorities remained pension and wage improvements, and preservation of medical benefits. Some took the opportunity to express concerns about the company's general direction in recent years, particularly the company's failure to maintain a large enough workforce to do the work that needs to be done.

"Staffing is a big issue," said one steward in San Jose. "People in my department are close to retirement."

Another steward expressed concern for public safety, noting that staffing shortages in her area could prevent timely responses to gas leaks.

Another round of steward conferences is scheduled for mid-April



Daryl Turner speaks up at the March 8 stewards conference in San Jose.

to discuss the new offer by the company.

"We've gone to the members at every stage of these negotiations to get their input and their support," said Assistant Business Manager Bob Choate, who has been the union's point man at the bargaining table. "The company has put more money on the table and they've said that's as far as they're going to go. Now it's up to the members to study the proposal and talk it over and see if they want to ratify it and move ahead."



CONCORD STEWARDS
Assistant Business Manager Jim McCauley discusses PG&E negotiations with stewards in Concord, Ca. on March 8.

Eric Wolfe

Shop Stewards Discuss P



Assistant Business Manager
Dorothy Fortier

San Jose March 8



Mary Billingsley



Stewards meeting in San Jose.



Cliff Ja



Assistant Business Manager
Manny Mederos

San Francisco March 15



Jeff Schlocker



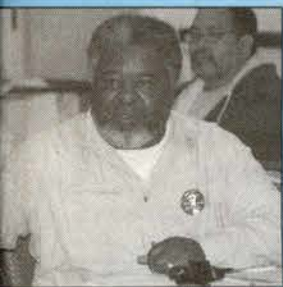
Stewards meeting in San Francisco

G&E Negotiations



Stewards meeting in Concord.

Concord March 8



Stewards meeting in Concord.



Stewards meeting in San Luis Obispo

San Luis Obispo March 8



Stewards meeting in San Luis Obispo

New Offer at a Glance

IBEW Issues

- ◆ GWI 4% effective 6/1/03; 4% effective 1/1/04; 4% effective 1/1/05; Opener 2006; Opener 2007.
- ◆ \$900 lump sum payment in lieu of retroactive wages; applicable to all employees on payroll any time between 1/1/03 and 5/31/03.
- ◆ Increase pay differential for Sr. CSR, Sr. OprClk, Sr. AcctClk.
- ◆ Temp Upgrade after two hours (Clerical).
- ◆ GC per diem increase Z-5 to \$25.00
- ◆ Add GC Tower to 301.9 short assignment group.
- ◆ Ad Hoc negotiations for GC Residence Definition within 90 days of ratification.
- ◆ GC Temp Upgrade report to be available at all field locations.
- ◆ Maintain the 5% Wage Differential between 300/200.
- ◆ Ad Hoc to examine Promotion-Demotion Geographic areas.
- ◆ Pension increase 2004 to 1.5 for 25 years or less; 1.6 if more than 25 years.
- ◆ Pension adjustment for retirees prior to 1/1/78 of 20% (325 affected).
- ◆ Retiree Medical account balance up to \$7500 for current retirees and \$7500 for future retirees to be used for co-pay premium effective 1/1/04.
- ◆ 401k: Savings Fund Plan to be switched to the Retirement Savings Plan (Fidelity Investments).
- ◆ Ad Hoc Negotiations: Rubber Glove Premium; Gas T&D; Cost of Living; Clerical Job Definitions; Exhibit XVI; CDLA; General Construction issues; Meals; Working Foreman/Lead Classifications.

PG&E Issues

- Update of non-discrimination clause.
- Part-time cap to 20% with understanding no HQ more than 50% P/T.
- Wage protection bidding to another beginning level position.
- Continue Fleet Committee.
- Response time to job offers.
- Meter Reader assessment test to Meter Reader Committee.
- Unfilled vacancies to unrestricted after 60 days.
- Limit of 150 Physical/200 Clerical bids on file at one time and no limit if 19/206 activity.
- Email confirmations of transfers or bids.
- Tie breaker determined by union/company on 19/206 activity.
- GC per diem; if employee volunteers to stay excess of 52 weeks, employee to pay taxes.
- Diablo Canyon Power Plant classification issues.
- Premium Standardization Committee to review premiums and calculation method.
- LTD 24 month termination if not SSDI qualified with a provision of an additional 36 months if no ruling. Return to work language.
- Medical Premium: A 3.75% cost sharing of premium amount effective 1/1/04.
- Successor language for POR.

STATE OF CALIFORNIA

Gray Davis, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102-3677ADDRESS REPLY TO:
P.O. BOX 420603
San Francisco, CA 94142-0603February 21, 2003
Raymond S. Thomas, Sr. Business Representative
IBEW Local Union No. 1245 PO Box 96049-2817
Redding, California 96049-2817

Subject: High-voltage Electrical Safety Orders - Section 2951(d)

Dear Mr. Thomas:

This letter is provided in reply to your query of December 19, 2002, concerning the California Occupational Safety and Health (CalOSHA) regulations governing line clearance tree trimming in proximity to energized conductors and equipment. The pertinent regulations may be found in Title 8, California Code of Regulations, High Voltage Electrical Safety Orders (HVESO), Articles 37 and 38, Sections 2946, 2950 and 2951. Additional rules applicable to tree trimming operations are located in the General Industry Safety Orders, Article 12, Sections 3420 through 3428.

Your letter indicates that employees may be assigned in two person teams to perform line clearance tree trimming operations. Further, these tree workers are sometimes required to concurrently work in separate trees, or to perform other tasks such as clearing brush or chipping, thereby leaving co-workers unattended while performing line clearance work in proximity to energized high-voltage lines or equipment. You have gone on to ask for a clarification of whether such practices are permissible under the CalOSHA rules.

Section 2951 of the HVESO provides that whenever line clearance tree trimming is performed in proximity to energized equipment or conductors, "there shall be a second qualified line clearance tree trimmer or trainee at each work location to render immediate assistance." The phrase "render immediate assistance" does not limit the second person's activities solely to providing emergency aid. It may include any other assistance that is needed to aid the line clearance operation that can be safely done at the work location, e.g.: when roping is necessary for removal of heavy limbs.

In order to be available to render immediate assistance, the second worker required by this regulation cannot be engaged in work activities which may create a distraction from the work activities of the worker who is in proximity to such energized conductor or equipment. This rule does not allow the workers in a two person crew to be working concurrently in separate trees, clearing brush or operating a chipper. In such case, the nature of those activities cannot reasonably permit the second worker to be available to respond immediately to any need for assistance.

I have appended pertinent excerpts from the HVESCO Articles 37 and 38 for your quick reference. If you need further assistance or information concerning the application of these regulations, or other matters of Occupational Safety and Health, please contact Patrick Bell at 415-703-5196.

Sincerely,

Larry McCune, PE
Principal Safety Engineer
DOSH Research and Standards Developmentcc: C. Cake, Director
Department of Industrial Relations
Len Welsh
Vicky Heza
Senior Safety Staff

Note: This letter was re-formatted to fit on this page

SAFE JOBS

Keep on fighting

Decades of struggle by workers and their unions have resulted in significant improvements in working conditions. Unions have won laws and protections—such as the Occupational Safety and Health Act and the federal Mine Safety and Health Act—and numerous standards that have made workplaces safer for all workers. Union contracts have given workers a voice on the job. Nonetheless, the toll of workplace injuries, illnesses and deaths remains enormous. Millions of workers are killed or injured every year.

On April 28, the unions of the AFL-CIO observe Workers Memorial Day to remember those who have suffered and died on the job. As we remember workers who have died in workplace catastrophes, suffered diseases due to exposure to toxic substances or been injured because of dangerous conditions, we rededicate ourselves to the fight for safe workplaces.

Each year, nearly 6,000 workers are killed at work, 50,000 die from occupational diseases and millions more are injured. Many long-recognized hazards have not been addressed and new workplace hazards

emerge. Ergonomic hazards cripple and injure more than 1.8 million workers each year and remain the nation's biggest job safety and health problem. Immigrant workers are being killed on the job in record numbers. Millions of workers have no Occupational Safety and Health Administration (OSHA) protection.

We will honor the victims of workplace injuries and illness by holding employers accountable for protecting workers' safety and health. We will demand that the Bush administration stop putting corporate interests over the well-being of workers. We will call for action on needed job safety protections. We will demand stronger enforcement of the law and protection from known workplace hazards and from new safety and security threats. We will fight for OSHA coverage for all workers and the freedom of workers to form unions and, through their unions, speak out and bargain for safe jobs, respect and a better future.

On April 28, we will honor fallen workers. And we will keep on fighting until the promise of safe jobs is a reality.

Mourn for the Dead • Fight for the Living

OBSERVE WORKERS MEMORIAL DAY • APRIL 28 • AFL-CIO

By the Local 1245
Safety Committee



First Aid: Basic Safety Issue

Because accidents usually happen at the least opportune moments, it is helpful to be prepared.

The items listed below should be included in your first-aid kit. Keeping these items in a separate box is a good idea so they don't get used for other purposes. Listed below are a few important basic items to keep in your first aid kit.

Ice Packs

One of the more convenient forms is the chemical ice pack. This is a plastic bag with two compartments containing chemicals. When the inner barrier is broken and the two chemicals mix, there is a chemical reaction that makes the bag get cold. The bag may be stored at room temperature.

Elastic & Adhesive Bandages

The elastic bandages (like the ACE wraps) are good for wrapping

sprained joints or making a sling in the case of a broken arm. As for adhesive bandages, have several sizes on hand to take care of a variety of cuts.

Gauze & Adhesive Tape

For larger cuts and scrapes, gauze pads or rolls certainly come in handy. You will need adhesive tape to keep the gauze in place.

Alcohol Pads

A bottle of rubbing alcohol along with cotton balls will work just as well to clean tweezers, scissors, thermometer, etc.

Antibiotic Ointment

Good for certain cuts that are at risk for infection. If a cut or scrape appears to be infected already, consult the doctor before administering the antibiotic ointment.

Gil Suarez

HUMAN RESOURCES



"We don't have the traditional health plan, but we do have a healing herb garden and daily chanting sessions."

Current members of the Local 1245 Safety Committee: Stoney Burk, Alameda Power & Telecomm.; Keith Hopp, Pacific Gas & Electric; Al White, Pacific Gas & Electric; David Vipond, Citizens Communications; Rich Lane, Turlock Irrigation District; Art Torres, Sacramento Municipal Utility District; Gil Suarez, Davey Tree; and Assistant Business Manager Jim McCauley.

The Future Is Now



Al Estes



Jypsy Joe Johnson



Assistant Business Manager Dennis Seyfer

Business Manager Perry Zimmerman looked over the union members who had assembled at the Walnut Creek headquarters for a three-day conference on building union leadership for the future.

“We need to transform people paying dues into union members,” said Zimmerman.

Too many union members, Zimmerman continued, have no idea what the union does, how it gives members strength in dealing with employers.

“The company tells new-hires they get two weeks paid vacation and the employees think that’s something the company gives them,” said Zimmerman. “They don’t understand the history behind that, all the union people who worked to make that possible.”

Giving members a fresh appreciation of their union will be a key responsibility of union leaders in coming years. And with the current crop of leaders showing more than a bit of gray around the temples, Local 1245 is putting new energy into recruiting potential leaders for tomorrow.

Under the banner “The Future Is Now,” Local 1245 hosted about two

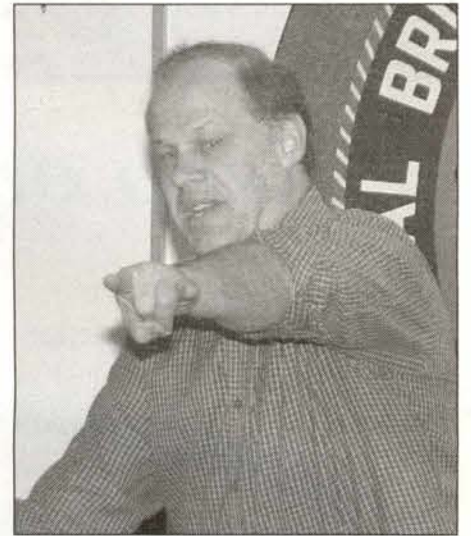
dozen union members at a three-day conference designed to give them an overview of the union’s functions and a taste of what it would be like to work as a union business representative. The conference was the second in a series of conferences designed to develop leadership within the union.

On day one, Assistant Business Manager Dennis Seyfer addressed the topic of employer relationships, noting how different employers have different structures for dealing with the unionized workforce.

“At some Irrigation Districts, a few farmers wield ultimate authority,” said Seyfer, while a city manager or city council may be the key decision-maker at other employers. “You need to find where your opportunities are to exert influence and



Joe Osterlund



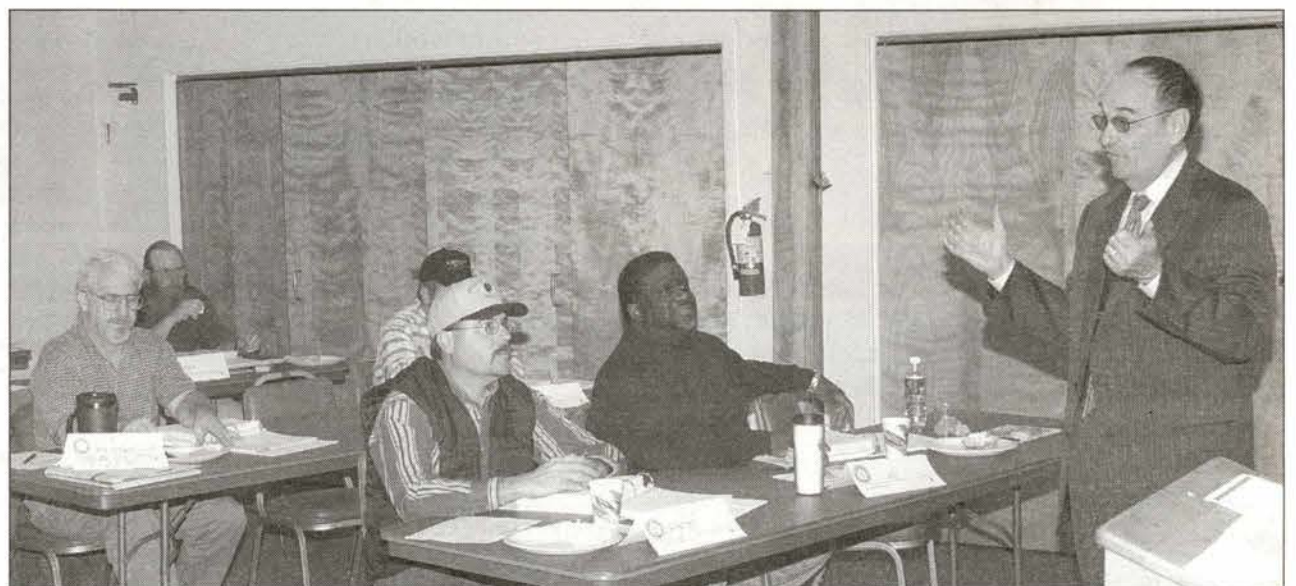
Senior Assistant Business Manager Tom Dalzell



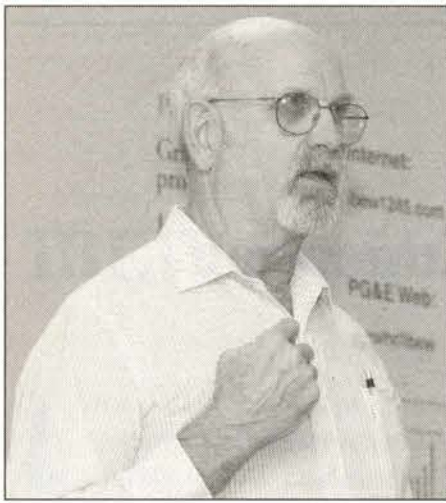
Assistant Business Manager Rich Dunkin explains the union’s role with Outside contractors.

“The company tells new-hires they get two weeks paid vacation and the employees think that’s something the company gives them. They don’t understand the history behind that, all the union people who worked to make that possible.”

Perry Zimmerman



Business Manager Perry Zimmerman discusses the role of the Local 1245 Business Representative.



Business Rep. Bob Martin explains the union's computer system.

Photos by Eric Wolfe

use those opportunities," Seyfer explained.

Assistant Business Manager Jim McCauley outlined the union's involvement in occupational safety rule-making and discussed the union's deep commitment to defending the safety of its members.

Assistant Business Manager Rich Dunkin offered an overview of Outside Construction. Local 1245 members working for utilities may not like Outside members competing for work, Dunkin said, but it's important to have a unionized contract workforce to draw on when jobs are plentiful "because there's also a non-union element waiting in the wings to take the work," Dunkin said.

Tree Trimmer Issues

Business Rep. Junior Ornelas discussed some of the problems a business rep may face in representing members in the line clearance tree trimming industry.

"This work involves bending, stooping. You're working in dirty, sticky, sappy trees all day, and there's always constant pressure to produce more," Ornelas explained. "The utility is always pushing for more production, raising the bar without offering additional compensation."

Ornelas noted that a tree rep can average 600-800 miles of driving a week in order to cover the union's large jurisdiction.

On the second day of the workshop Business Manager Zimmerman discussed in more detail the duties of a business representative, including the importance of being visible to members through regular yard con-

tacts.

Other topics covered by the workshop included:

- Overview of labor law, presented by Senior Assistant Business Manager Tom Dalzell.

- Unit meetings, by Assistant Business Manager Howard Stiefer.

- Computer use, by Business Rep. Bob Martin.

- Union library resources, by Administrative Assistant Lita Martin.

- Print room resources, by Administrative Associate Austin Lea II.

- Grievance handling, by Senior Business Reps. Ken Ball and Frank Saxsenmeier.

- Relations with employers, by Assistant Business Manager Bob Choate.

- Apprentice programs, by Business Rep. Darryl Norris.

- Central labor councils, by Assistant Business Manager Jim McCauley.

Day Three: PG&E

Day three of the workshop focused specifically on PG&E issues, including:

- ◆ Title 200 issues, by McCauley.

- ◆ Clerical issues and Benefits issues, by Assistant Business Manager Dorothy Fortier.

- ◆ General Construction issues, by Assistant Business Manager Roger Stalcup.

- ◆ Letter Agreements and related issues, by Assistant Business Manager Bob Choate.

- ◆ Demotion and layoff issues, by Senior Business Rep. Ken Ball.

Handling conference logistics was Business Rep. Ed Caruso.



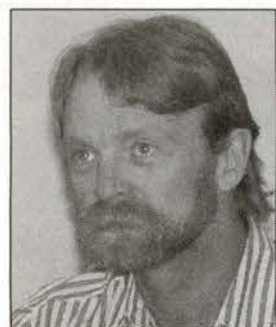
Assistant Business Manager Jim McCauley



Roy Dunkin



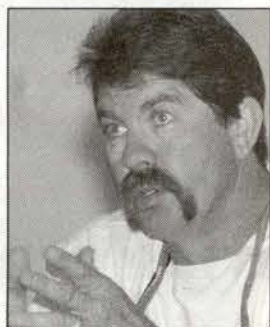
Lou Mennel



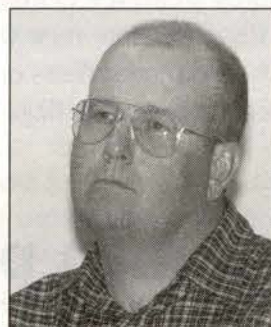
Keith Carpenter



Miguel Lopez



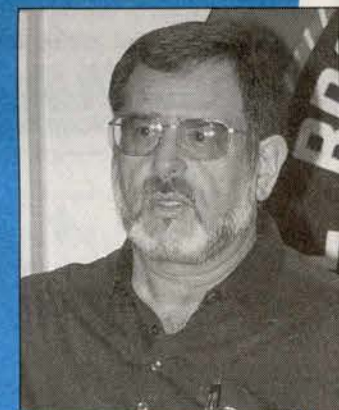
Tony Norman



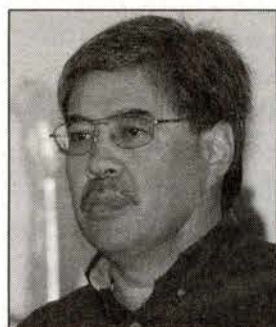
Tom Cornell



Assistant Business Manager Howard Stiefer



Business Rep. Ed Caruso



Will Durinick



Business Rep. Junior Ornelas

Attendees: The Future Is Now II

Casey Barker, PG&E Lineman
Anna Bayless-Martinez, PG&E Srv. Rep.
Shirley Boyle, IBEW Dispatcher
Kevin Carpenter, WAPA Line Crew
Bryan Carroll, PG&E Service Rep.
Tom Cornell, Sierra Pacific
David Cuffman, PG&E Gas Srv. Rep.
Roy Dunkin, San Diego Electric Co.
Will Durinick, PG&E Gas Service Rep.
Al Estes, PG&E Gas Serviceman
Ron Greenlee, PG&E Diablo Canyon

Philip Hyre, City of Ukiah Electric Dept.
Richard Jaster, PG&E System Operator
Jypsy Joe Johnson, PG&E Troublemaker
Miguel Lopez, PG&E Service Operator
Lou Mennel, PG&E Gas Service Rep.
Ron Moon, PG&E Lineman
Anthony Norman, PG&E Backhoe Op.
Joe Osterlund, PG&E Fld. Grg. Mech. A
Dan Parmenter, PG&E Lineman
Mark Taylor, PG&E Travel Cnt.Tech. - DC
Art Torres, SMUD Electrician



Legal protections against sex discrimination

WOMEN WORKERS' HISTORY

Passaic Victory

In early March 1926 the vast majority of the 17,000 workers employed in the woolen mills of Passaic, Garfield and Lodi, N.J. were on strike for a wage increase, return of the money taken in the wage cut, a 40-hour week and time and one-half for overtime, decent sanitary conditions, no discrimination against union members and recognition of the union.

The mass meetings and huge daily, singing picket lines were new to the labor movement. "The long, singing line became a regular feature of the strike, creating an atmosphere and a feeling of unity and power," wrote historian Philip Foner. The strikers' families were drawn into all of the activity. Many of the women, of course, worked in the mills, but even those who did not joined their husbands on the picket line. Women served on all committees and a number of them were picket captains.



Strikers faced police brutality, including use of tear-gas bombs and firehoses, as well as the anti-union terrorism of a so-called "Citizens Committee." The women held their ground and during the long strike developed strong leadership. And they had the help of experienced organizers like Elizabeth Gurley Flynn and "Mother" Ella Reeve Bloor.

The owners refused to deal with the United Front Committee. Then in August strike leader Alex Weisbord, a Communist, withdrew and by agreement leadership passed to the United Textile Workers. The owners who wouldn't negotiate with radicals decided they couldn't bargain with a moderate union either. But in December, 321 days after the strike began, Botany Worsted Mills agreed to restoration of the wages cut and recognition of the union. Other mills followed suit. The workers had won.

Sex discrimination in hiring comes in two broad classifications.

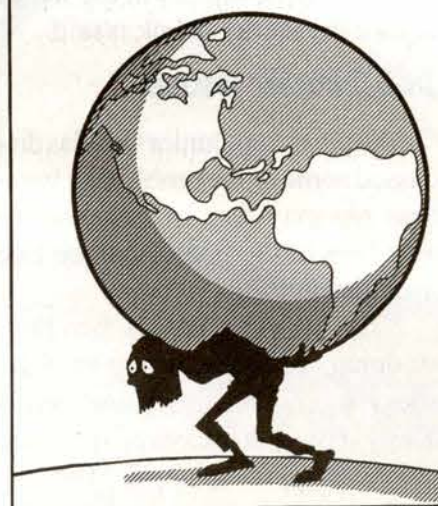
The first occurs when the gender of the worker is made a condition of employment. An example of this would be an employer who will hire only men to work as painters.

The second type of sex discrimination in hiring occurs when there is a job requirement that does not mention gender specifically, but ends up barring many more persons of one gender than the other. An example of this type of discrimination would be establishing height and weight limits for a particular position.

There are a number of special categories where employer rules have been found to discriminate due to gender, according to the law offices of G. Todd Withy. These include separate lines of promotion or seniority for women, payment of different wages for the same work, and different pension and fringe benefits.

Employer rules barring women from certain jobs based on their marital status or the fact that they have minor children to care for, or treating women differently from men when involved in workplace affairs or extramarital relations are all illegal.

IF WOMEN HOLD UP HALF OF THE WORLD, WHO HOLDS WOMEN UP?



Pregnancy is protected separately by rules that bar mandatory leave policies that require women to take leave at a predetermined time before their delivery date, or an employer's refusal to grant leave when required under doctor's orders where such leave would be granted for other medical problems to males on a doctor's order. Any policy that adversely affects pregnant women or puts them in a different category, such as limiting their job or promotion opportunities upon becoming pregnant, is a violation.

Employers can raise a defense that certain rules were required because of a business necessity, such as the fact that a certain size or degree of strength is necessary, or a person of a certain sex is necessary because they must work in the theater, or in a dressing room of the same sex.

If these defenses are raised, it is up to the employer to carry the burden of proving that they are real, and not just an excuse for sex discrimination. This has become a very high burden and most jobs are now open to both sexes under the law.

US women playing central role in Iraq war

American women are more fully engaged in warfare than ever before, and last month many of them could be found on the road to Baghdad, according to a report in the Christian Science Monitor.

They are striking targets, taking fire, guarding Iraqi prisoners of war, and driving trucks laden with supplies amid ambushes and snipers.

Breaking old social taboos, they face capture, injury, and death—risks highlighted in Nasiriyah with the

dramatic hospital rescue of Pfc. Jessica Lynch, missing for 10 days since her maintenance company was overrun and she, with seven others (including another woman, Spc. Shoshana Johnson), was captured.

Currently, women make up about 15% of the US armed forces—a proportion that's nearly doubled since 1980 and is up by a third since the last Gulf War. More than 90% of service positions are open to women.

And though women remain barred

from about 30% of active-duty positions, the front lines, it now seems, are everywhere: With guerrilla fighting and supply lines that snake through the sand, a medic careening over the desert in her canvas-topped Humvee can be as vulnerable as a young private crouched in Baghdad with his M-16. And opposing forces may find strategic advantage to taking out supply lines and communications centers—places where women are more concentrated.

Health insurance problems . . . and solutions

The Bush administration says it is planning major changes in the Medicare program that would make it more difficult for beneficiaries to appeal the denial of benefits like home health care and skilled nursing home care, the New York Times reported.

In thousands of recent cases, federal judges have ruled that elderly people with severe illnesses were improperly denied coverage for such services. President Bush is proposing legislation and rules that would limit the judges' independence and could replace them in many cases.

Medicare HMO Plans Decline

California seniors and disabled people who are looking for good value in Medicare HMO plans have a diminishing range of choices, according to a guide released April 2 by Consumers Union and the California Health Care Foundation.

The 2003 Guide to California Medicare HMOs, which calculates consumer value by weighing benefits such as prescription drug cover-

age against costs, gave top ratings to only 11% of Medicare health-maintenance organizations this year, contrasted with 44% two years ago.

Over the past three years, the plans, which expand upon basic Medicare coverage, have been trimming benefits while raising premiums and other out-of-pocket costs.

Consumers can obtain a copy of the guide on-line at www.calmedicarehmos.org or by calling (888) 430-2423.

Universal Coverage

Bills currently in the California Legislature could move the state closer to a system of universal health care coverage. The issue has been given new urgency by the recession, under-funded safety net programs, spiraling health care costs, and the high cost of treating the uninsured.

SB 921, a "single payer" bill by Sheila Kuehl, would replace the state's existing private insurance system with a single state agency that guarantees universal health care for all Californians. The agency would

be run by an elected commissioner, it would take over billing and administrative services currently done by health plans, and it would set rates and coverage packages. Patients would get medical, dental, vision and mental health services, and prescription drugs, and would have free choice on providers. Kuehl is proposing a 2-3% payroll tax on workers and a 5-6% payroll tax on employers, as well as still-unspecified taxes on alcohol, tobacco and unearned income to help fund the plan.

SB 2, sponsored by the California Labor Federation, would require all employers, with exceptions for some small businesses, to offer health insurance to their workers and dependents, or contribute to a statewide insurance fund that would provide basic benefits to all employees not covered under work place-sponsored plans. The bill would provide coverage for all employed Californians, including part-time workers and their dependents. Covered services will include medical care and prescription drugs.



Make a Date...

The Local 1245 Retiree Club invites you to join us for companionship, discussion and projects. Current meeting locations are:

East Bay Chapter: meets 2nd Thursday each month, 10 a.m., at Local 1245 headquarters, 3063 Citrus Circle, Walnut Creek, CA.

San Jose Chapter: meets 1st Thursday each month, 10 a.m., at IBEW Local 332, 2125 Canoas Garden, San Jose.

Congratulations!

The Local 1245 Retirees Club congratulates these recently-retired members of the union. We invite you to participate in – or start! – a Retirees Club chapter in your area.

Consuelo Hernandez, 31 years
South San Francisco, CA

Correll Hicks, 31 years
Citrus Heights, CA

Eugene Lococo, 12 years
San Carlos, CA

Rosalpina Molina, 31 years
San Francisco, CA

Charles Pacheco, 31 years
Manteca, CA

Delbert Abercrombie, 25 years
Bakersfield, CA

John Alaga, 42 years
Watsonville, CA

John Amador, 31 years
Camino, CA

Ronald Baskett, 30 years
Fremont, CA

Family Day in Monterey, mid-1960s

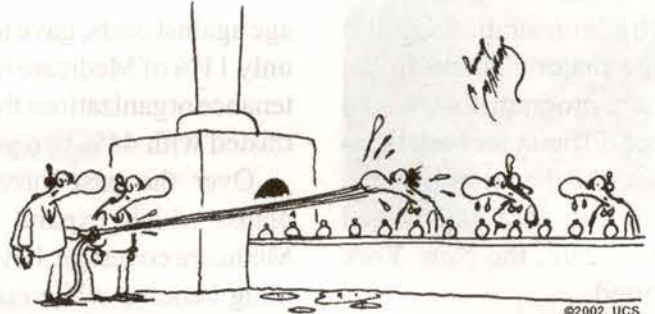
Cathy MacDonald got an introduction to Pacific Gas & Electric from her father, J.R. "Bob" MacDonald, at a mid-1960s "Family Day" at the Monterey Service Center on Garden Road. Cathy went on to find employment with PG&E in Monterey in 1980, the same year her father retired. She now works in Records in Stockton. Bob passed away in 1990.



IBEW 1245 archives



"We earn our money the old fashioned way... by the sweat of our workers' brows."



"This way, less time is wasted on trips to the water cooler."

Life work



"Now that we've automated the plant we're doing the wrong things a lot faster!"



"A union! What makes you think you need a union?"



"You died and came back, Foster. That's coming off your vacation time."



"Y'know, if there's life on other worlds, do you think we could get 'em to work cheap?"