



Social Security strengthened

About 19 million American workers who earn more than \$15,300 annually will be paying more into Social Security next year.

Starting then, the maximum amount of taxable earnings for Social Security purposes will increase automatically from \$15,300 a year to \$16,500, according to James B. Cardwell, Commissioner of Social Security.

The new base of \$16,500 will provide additional income to the program without increasing the payments of workers who earn \$15,300 or less in the year.

ALSO IN 1977, the maximum amount of income a beneficiary can earn and still get all of the benefit check will increase to \$3,000 a year. The 1976 maximum earnings figure is \$2,760. Persons who earn more than \$3,000 in 1977 may still get some Social Security benefits; but every \$2 they earn above \$3,000 may cause a reduction of \$1 in their Social Security benefits for the year.

Both changes are being put into effect under automatic increase provisions of the Social Security law.

No matter how much a beneficiary earns in 1977, he can still get full benefits for any month in which he does not earn more than \$250 in wages (up from \$230 in 1976) and does not

perform substantial services in self employment.

THERE WILL be no change in the Social Security tax rate, which remains at 5.85 percent each for the employer and employee. This has been the tax rate since 1974. The 7.9 percent tax for self-employed also will stay the same.

The increase in the wage base next year is expected to produce an additional \$2.3 billion in income for Social Security in 1977.

Maximum Social Security taxes on the self-employed in 1977 will rise to \$1,303.50 compared with \$1,208.70 this year.

Cardwell said the changes are designed to keep both the contribution and benefit base and the retirement test amount up to date as average wage levels rise throughout the nation.

UNDER THE law the automatic increases can take effect only after a year in which there has been an automatic increase in Social Security benefits. The requirement was met by the 6.4 percent automatic increase in benefits that took place early in 1976.

The increase in 1977 resulting from the higher base will vary up to a maximum of \$70.20 for each wage earner and employer and up to \$94.80 for

self-employed persons. The maximum Social Security tax a wage earner will have to pay in 1977 will be \$965.25 and, for a self-employed person, \$1,303.50.

Cardwell said that in return for the increase in payments into the system, the affected workers will have greater protection because a larger amount of their earnings will be credited toward benefits than in the past. This will mean higher benefits for the workers and their families in the event of retirement, disability or death than would be possible without an increase in the earnings base.

ABOUT 1.3 million beneficiaries will get more benefits as a result of the increase to \$3,000 in the retirement test exempt amount in 1977. Additional benefit payments for next year will amount to an estimated \$150 million, Cardwell said.

Liberal and labor experts on Social Security generally agree that the wage base from which Social Security taxes are collected ought to be raised considerably more before there is any further increase in the tax rate. President Ford tried to get a tax rate increase through the 94th Congress but failed.

Some experts advocate an increase in the earnings base for the collection of taxes to \$25,000. They argue that this is a more equitable way to increase the revenue of the Social Security Administration than raising the tax rate, which would have an adverse effect on low-income earners.

Negotiations with P.G.&E continue

As of this writing, thirteen meetings between the Union and Company Negotiating Committees have been held with meetings scheduled for the week of December 19, 1976. Company will submit a package proposal to the Union's Committee prior to the next meetings.

Progress has been made in the specific areas of Holidays, Funeral Leave, Jury Duty, Vacation, Shift Premium, General Construction Apprentice Training Program, Group Life Insurance Plan, balancing of transfers in beginning classifications, Classification wage adjustments, and additional responsibility and authority for the Joint Clerical Job Grade Index Committee. Negotiations are continuing in these and other areas, but due to the day to day changes, it is difficult to report specific changes until a total agreement is reached between Union and Company.

Considerable time has been spent during the bargaining thus far related to the changes required in the Pension, Group Life, and Long Term Disability Plans due to the Employees Retirement Income Security Act of 1974. The difficulties in interpretation of a complex law require study and discussion to insure conformity with its provisions.

Your Negotiating Committee will attempt to keep you informed through periodic Bulletins, Unit Meetings, and future issues of the Utility Reporter.

NOTICE

1977 L.U. ELECTIONS - DISTRIBUTION OF CAMPAIGN LITERATURE

L.U. 1245 will comply with all reasonable requests of any bona fide candidate for L.U. office to distribute his campaign literature to the L.U. membership at his expense.

Specific information as to the rules and costs will be sent to any candidate upon his written request. The next issue of the **Utility Reporter** will contain an article on the rules and costs of mailing campaign literature.

YOUR Business Manager's COLUMN

PROPOSALS AND COLLECTIVE BARGAINING



L. L. MITCHELL

Recently I have received a number of individual letters either signed or anonymous, petitions with from 3 to 20 names on them, and unit recommendations directed to me as Business Manager. These contain a number of separate issues bearing on the current negotiations. Each of them is seeking a specific change in dental, hospital, life insurance, pension, Long Term Disability, classification inequity or some other provision of the contract. Some are expressions of hope while others contain threats ranging from the filing of charges to law suits, etc., if these are not obtained.

Expressions of interest and concern are always welcomed and none are ignored. However, each member must remember that while most, and maybe all, suggestions submitted can be desirable goals, and that others besides the suggestor would be happy to obtain, I, as your Business Manager, do not make up the package to be submitted to the employer.

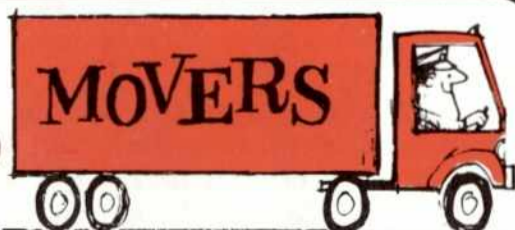
It must also be remembered that while these suggestions may be desirable, acceptable and meritorious, all suggestions can not be obtained solely for the asking. When a package is developed for submission to the Company it is just not possible to include all unit proposals. Many of the proposals submitted conflict with each other in various sections of the Agreement.

In order to clear up some misconceptions relating to the issues proposed as the initial position presented to the Company for any general negotiations on wages, hours and conditions of employment, let me recite the chronology of events leading up to this year's opening session of bargaining with Pacific Gas and Electric Company.

For a number of months since January of 1976, members had been attending unit meetings and submitting their specific ideas on changes or improvements on bargaining

(Continued on page two)

... HAVE YOU MOVED?



MY NEW ADDRESS IS:

NAME _____

STREET _____

CITY _____ STATE _____ ZIP _____

SOCIAL SECURITY # _____

RETURN TO:

P.O. BOX 4790, WALNUT CREEK, CALIF. 94596

State's Almost Unique Disability Plan Reaches 30th Birthday

California's disability insurance program is 30 years old this year, some 4,226 years after someone else thought of the idea.

The precedent for disability pay can be traced to 2250 B.C., state officials say. The Code of Hammurabi called for compensation for the illnesses of Babylonian slaves.

Rhode Island in 1943 was the first state to pick up the idea. California followed in 1946, under legislation authored by then State Sen. Jack Shelley, a former Labor Council secretary who would later serve as Congressman and Mayor of San Francisco. Only three states have followed suit in the ensuing 30 years — New York, New Jersey, and Hawaii.

CALIFORNIA has never covered Babylonian slaves, but the DI program has been steadily expanded since its inception in 1946 and now covers 6.5 million workers, or about 70 percent of the workers. State officials say it's a model for the nation.

The program is designed to cover workers who are off the job because of illness or injury not related to work. It's paid about \$6 billion in 30 years. It parallels unemployment insurance, paid for by the employer, covering those who are laid off and actively seeking work; and workers' compensation insurance, also carried by employers, covering work-related injuries. Disability insurance is financed by a 1 percent tax on employees' wages.

HOSPITAL BENEFITS were added to the program in 1950; domestic agricultural workers were covered in 1961.

California was the first state to give employers and self-employed people with no employees the option of joining the program in 1963.

Over the next 10 years, employees of non-profit private hospitals, district hospital employees, employees of most non-profit organizations, family members of an employer, and some people confined to nursing homes were made eligible for disability and for hospital benefits.

Wage loss resulting from pregnancy complications was covered in 1974. In 1976, non-industrial DI for full-time state employees was provided.

THE LATEST addition, strongly supported by labor, was six weeks of benefits for a normal pregnancy, three weeks before delivery and three weeks following effective January 1, 1977. Starting January 1, too, the ceiling on wages subject to DI taxes will rise to \$11,400. It's now \$9,000. In 1946, the ceiling was \$3,000; it stayed that way until 1974.

While the ceiling on taxes has gone up, so has the amount of benefits paid. Workers got almost \$20 million in 1947; last year, nearly \$441 million was paid out.

THE PROGRAM had 310 original employees back in 1946; some 20 of them are still with it. They turned out for a dinner in Sacramento on December 2 saying "happy birthday" to DI. Other former employees, and present and former officials of the disability insurance program, spoke about DI's past, present, and future.

Northern Calif. Labor



Robert A. "Bob" Storrs, Business Representative for the General Construction Department for the past eight years, is leaving the employ of Local 1245. Bob is going from the Bay Area to go to Pollock Pines where he plans to pursue a career in real estate. Roger Stalcup from the Pacific Gas and Electric Company General Construction Department will assume Bob's former assignment on the Staff. We wish to thank Bob for his years of dedicated service to the membership and to wish him well.

YOUR Business Manager's COLUMN

PROPOSALS AND BARGAINING

L. L. MITCHELL

(Continued from page one)

subjects. These were discussed and voted on by the members present and placed in the hopper for submission to the Union headquarters in August, 1976.

On September 13, 1976, 10 employee members from off the job in Pacific Gas and Electric Company arrived at the Union headquarters. Most had never seen nor heard of each other before that day. They had been chosen on the basis of prior Union activity and interest in the several departments and divisions of Pacific Gas and Electric Company and were as representative as could be selected of the diverse interests of the membership. They were introduced to each other and to Professor Sloan from the University of California and former head of the AFL-CIO Center for Labor Studies. He had been asked by my office to give a brief summary of the process and intricacies of collective bargaining and what types of statistics and arguments are used in preparing a negotiating package. This lecture was a summary of the collective bargaining course given at the U.C. Institute of Industrial Relations.

Then these ten people sat down around a table. In the center were several huge mounds of neatly stacked papers. These stacks of paper represented the collective thoughts of the hundreds of people in Pacific Gas and Electric Company employ. They contained the interests, the needs, the desires and recorded vote and actions of those people at all unit meetings who had submitted their ideas for changes in the bargaining agreements between Local Union 1245 and Pacific Gas and Electric Company.

Some 700 proposals were contained in these bundles of papers. The people at the table were your 1977 Negotiating Committee. They were faced with these choices: they could sort them out; bundle them up and send them to Pacific Gas and Electric Company; throw the lot in the waste basket and prepare their own proposal or go to work analyzing the degree of interest shown by attendance and vote on the issues; develop the cost factors of each proposal; consider the proposed in light of comparisons with other contracts in the utility industry; in the general labor market and in general industry throughout the U.S.; place them together in terms of priority in a sensible program of general needs, critical needs of special groups and within a reasonable scope of attainability.

These ten people with assistance from my office buckled down to the difficult task of responsible representatives of the membership and started the exasperating job of screening, weighing issues, judging merits, costing and analyzing all factors of effects on each proposal to another, the present contract and future effects and consequences of individual proposals and the package as a whole.

This job has taken many hours of work, study and judgment to make the choices and prepare specific language to cover the subjects. They have studied the history of existing contract provision; they have researched past arguments, grievances, numerous contracts, industrial labor laws; called on their own experience and knowledge to prepare phase one of our bargaining sessions. They have had numerous arguments, debates and disagreements in finally reconciling positions to a common ground which all can support in their deliberations with the Company.

I stated before and I state it again: your committee faces one of the toughest bargaining sessions in our history. In spite of the adverse factors involved, your committee faces this task with confidence. Their knowledge of the issues and counter arguments becomes greater as they have been meeting with the Company and in our study sessions after each bargaining meeting.

The issues submitted were all studied, weighed and included or rejected based on the collective determination of a diverse and capable group of employee members making up the committee. Nothing was thrown out without great concern but those proposals included had to meet the same test as those rejected. Your committee has exercised its authority responsibly and is continuing its leadership role in trying to get a settlement for your consideration as rapidly as possible. You need your committee and your committee needs you. We must all go on with the job together. When your committee has gained the best settlement it feels it can gain, its job will be done. In any event the results will be accepted or rejected based on the membership vote. Your committee is ready to accept your decision whichever way it goes.

In short, we are your advocates. Our only objective is the economic and social welfare of you and your family as best that can be provided through the medium of a collective bargaining agreement.

We will continue our efforts until a settlement has been accepted by the membership. All efforts are being made to get a package worthy of consideration and we hope it can be done soon.

It is apparent it can not come 'til after the first of the year and we must continue our efforts through the holiday season.

In closing, I would like to wish all a healthy, happy New Year and holiday season. This wish is also made on behalf of all of us who are employed by Local 1245, your negotiating committee and the officers of Local 1245.

Season's Greetings

The Holiday Season is a time of peace and good will. It's also one of our favorite times and one which gives us special pleasure. The officers and employees of Local 1245 would especially like to take this opportunity to extend our sincerest best wishes to good members and good friends such as you.

Your loyalty and confidence are much appreciated. Your membership has helped to make this a successful and memorable year and insures that 1977 will be even better.

May you and yours have the happiest and most joyous of Holidays along with a safe Holiday. And, may health and prosperity be yours throughout the coming year.



the utility reporter

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Local 1245 continues steward education program

COAST VALLEYS AREA

The Local 1245 Shop Stewards from the Coast Valleys Area met in Salinas on November 20, 1976.

Business Representative Bob Gibbs chaired the meeting with assistance from Business Representatives Mark Cook and Dale Turman.

Asst. Bus. Mgr. Dave Reese and Hurley George, Division of Industrial Safety, State of California, provided information and material on Cal OSHA.

Jack McNally, Asst. Bus. Mgr. reported on the status of negotiations with P.G.& E. and answered questions related to bargaining.

Business Manager L. L. Mitchell reported on his activities in behalf of the membership and commented on some of the issues raised during the Stewards meeting. He thanked the Stewards for giving up a Saturday and emphasized the importance of the role of the Shop Steward.



Hurley George, Div. of Ind. Safety, is shown instructing the Stewards on Cal-OSHA.



Shown in this photo are some of the Shop Stewards who attended the Coast Valleys area training session.



The balance of people at the Stewards meeting are shown in this photo.

SHASTA AREA

Local 1245 Shop Stewards employed in the Shasta Division of Pacific Gas and Electric Company met on Saturday, December 4th in Redding. Business Representative Willie Stewart opened the meeting with discussions on the Local Investigating Committee process of the PG& E grievance procedure. A large portion of the meeting was devoted to the grievance procedure with Assistant Business Manager Larry Foss reporting on the activity of the higher levels of the grievance procedure i.e., Review Committee and Arbitration.

Business Manager L. L. Mitchell was in attendance and reported on his activities concerning the Local Union. In addition, Assistant Business Manager Jack McNally reported on the status of negotiations with PG& E and Assistant Business Manager David Reese reported on safety.



Bus. Mgr. Mitchell is shown as he listens to questions from the Shasta Area Stewards.



Shown in the photos above, below and in the lower left hand corner are the Shop Stewards who attended the Shasta Area meeting.



Labor-Management Reporting and Disclosure Act--Titles I, IV & V

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The Labor-Management Reporting and Disclosure Act (LMRDA) was enacted in 1959 and amended in 1965. The law directly affects millions of people throughout the United States. It applies to union members, employers, labor relations consultants, and other persons, as well as to labor organizations and surety companies.

The LMRDA was enacted to provide for "the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes."

In order to make the members aware of the LMRDA and to assist in making those provisions most applicable to our organization and its internal process known to the membership we are printing the table of contents and sections I, IV, and V, of the act as they were enacted. A complete copy of the Act can be obtained by writing to the U.S. Department of Labor at the following addresses:

Los Angeles, California 90012
300 N. Los Angeles St.

Seattle, Washington 98104
506 Second Ave.

San Francisco, California
450 Golden Gate Ave. 94102

Washington D.C. 20210
1111 20th St. NW.

TITLE I — BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS

Bill of Rights (29 U.S.C. 411)

Sec. 101. (a)(1) EQUAL RIGHTS. — Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

(2) FREEDOM OF SPEECH AND ASSEMBLY. — Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: *Provided*, That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

(3) DUES, INITIATION FEES, AND ASSESSMENTS. — Except in the case of a federation of national or international labor organizations, the rates of dues and initiation fees payable by members of any labor organization in effect on the date of enactment of this Act shall not be increased, and no general or special assessment shall be levied upon such members, except—

(A) in the case of a local organization, (i) by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or (ii) by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot; or

(B) in the case of a labor organization, other than a local labor organization or a federation of national or international labor organizations, (i) by majority vote of the delegates voting at a regular convention, or at a special convention of such labor organization held upon not less than thirty days' written notice to the principal office of each local or constituent labor organization entitled to such notice, or (ii) by majority vote of the members in good standing of such labor organization voting in a membership referendum conducted by secret ballot, or (iii) by majority vote of the members of the executive board or similar governing body of such labor organization, pursuant to express authority contained in the constitution and bylaws of such labor organization: *Provided*, That such action on the part of the executive board or similar governing body shall be effective only until the next regular convention of such labor organization.

(4) PROTECTION OF THE RIGHT TO SUE. — No labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceeding, or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator: *Provided*, That any such member may be required to exhaust reasonable hearing procedures (but not to exceed a four-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organizations or any officer thereof: *And provided further*, That no interested employer or employer association shall directly or indirectly finance, encourage, or participate in, except as a party, any such action, proceeding, appearance, or petition.

(5) SAFEGUARDS AGAINST IMPROPER DISCIPLINARY ACTION. — No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect.

Civil Enforcement (29 U.S.C. 412)

Sec. 102. Any person whose rights secured by the provisions of this title have been infringed by any violation of this title may bring a civil action in a district court of the United States for such relief (including injunctions) as may be appropriate. Any such action against a labor organization shall be brought in the district court of the United States for the district where the alleged violation occurred, or where the principal office of such labor organization is located.

Retention of Existing Rights (29 U.S.C. 413)

Sec. 103. Nothing contained in this title shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and bylaws of any labor organization.

Right to Copies of Collective Bargaining Agreements (29 U.S.C. 414)

Sec. 104. It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each collective bargaining agreement made by such labor organization with any employer to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such

agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. The provisions of section 210 shall be applicable in the enforcement of this section.

Information as to Act (29 U.S.C. 415)

Sec. 105. Every labor organization shall inform its members concerning the provisions of this Act.

TITLE IV — ELECTIONS

Terms of Office; Election Procedures (29 U.S.C. 481)

Sec. 401. (a) Every national or international labor organization, except a federation of national or international labor organizations, shall elect its officers not less often than once every five years either by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot.

(b) Every local labor organization shall elect its officers not less often than once every three years by secret ballot among the members in good standing.

(c) Every national or international labor organization, except a federation of national or international labor organizations, and every local labor organization, and its officers, shall be under a duty, enforceable at the suit of any bona fide candidate for office in such labor organization in the district court of the United States in which such labor organization maintains its principal office, to comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature in aid of such person's candidacy to all members in good standing of such labor organization and to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members, and whenever such labor organizations or its officers authorize the distribution by mail or otherwise to members of campaign literature on behalf of any candidate or of the labor organization itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by such labor organization and its officers, with equal treatment as to the expense of such distribution. Every bona fide candidate shall have the right, once within 30 days prior to an election of a labor organization in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment, which list shall be maintained and kept at the principal office of such labor organization by a designated official thereof. Adequate safeguards to insure a fair election shall be provided, including the rights of any candidate to have an observer at the polls and at the counting of the ballots.

(d) Officers of intermediate bodies, such as general committees, system boards, joint boards, or joint councils, shall be elected not less often than once every four years by secret ballot among the members in good standing or by labor organization officers representative of such members who have been elected by secret ballot.

(e) In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed) and shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by such organization or any member thereof. Not less than fifteen days prior to the election notice thereof shall be mailed to each member at his last known home address. Each member in good standing shall be entitled to one vote. No member whose dues have been withheld by his employer for payment to such organization pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or be a candidate for office in such organization by reason of alleged delay or default in the payment of dues. The votes cast by members of each local labor organization shall be counted, and the results published, separately. The election officials designated in the constitution and bylaws or the secretary, if no other official is designated, shall preserve for one year the ballots and all other records pertaining to the election. The election shall be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions of this title.

(f) When officers are chosen by a convention of delegates elected by secret ballot, the convention shall be conducted in accordance with the constitution and bylaws of the labor organization insofar as they are not inconsistent with the provisions of this title. The officials designated in the constitution and bylaws or the secretary, if no other is designated, shall preserve for one year the credentials of the delegates and all minutes and other records of the convention pertaining to the election of officers.

(g) No moneys received by any labor organization by way of dues, assessment, or similar levy, and no moneys of an employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such moneys of a labor organization may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

(h) If the Secretary, upon application of any member of a local labor organization, finds after hearing in accordance with the Administrative Procedure Act that the constitution and bylaws of such labor organization do not provide an adequate procedure for the removal of an elected officer guilty of serious misconduct, such officer may be removed, for cause shown and after notice and hearing, by the members in good standing voting in a secret ballot conducted by the officers of such labor organization in accordance with its constitution and bylaws insofar as they are not inconsistent with the provisions of this title.

(i) The Secretary shall promulgate rules and regulations prescribing minimum standards and procedures for determining the adequacy of the removal procedures to which reference is made in subsection (h).

Enforcement (29 U.S.C. 482)

Sec. 402. (a) A member of a labor organization—

(1) who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or

(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation,

may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and bylaws of the labor organization pertaining to the election and removal of officers). The challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this title has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor organization as an entity in the district court of the United States in which such labor organization maintains its principal office to set aside the invalid election, if any, and to direct the conduct of an election or hearing and vote upon the removal of officers under the supervision of the Secretary and in accordance with the provisions of this title and such rules and regulations as the Secretary may prescribe. The court shall have power to take such action as it deems proper to preserve the assets of the labor organization.

(c) If, upon a preponderance of the evidence after a trial upon the merits, the court finds—

(1) that an election has not been held within the time prescribed by section 401, or

(2) that the violation of section 401 may have affected the outcome of an election,

the court shall declare the election, if any, to be void and direct the conduct of a new election under supervision of the Secretary and, so far as lawful and practicable, in conformity with the constitution and bylaws of the labor organization. The Secretary shall promptly certify to the court the names of the persons elected, and the court shall thereupon enter a decree declaring such persons to be the officers of the labor organization. If the proceeding is for the removal of officers pursuant to subsection (h) of section 401, the Secretary shall certify the results of the vote and the court shall enter a decree declaring whether such persons have been removed as officers of the labor organization.

(d) An order directing an election, dismissing a complaint, or designating elected officers of a labor organization shall be appealable in the same manner as the final judgment in a civil action, but an order directing an election shall not be stayed pending appeal.

Application of Other Laws (29 U.S.C. 483)

Sec. 403. No labor organization shall be required by law to conduct elections of officers with greater frequency or in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by this title. Existing rights and remedies to enforce the constitution and bylaws of a labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this title. The remedy provided by this title for challenging an election already conducted shall be exclusive.

Effective Date (29 U.S.C. 484)

Sec. 404. The provisions of this title shall become applicable—

(1) ninety days after the date of enactment of this Act in the case of a labor organization whose constitution and bylaws can lawfully be modified or amended by action of its constitutional officers or governing body, or

(2) where such modification can only be made by a constitutional convention of the labor organization, not later than the next constitutional convention of such labor organization after the date of enactment of this Act, or one year after such date, whichever is sooner. If no such convention is held within such one-year period, the executive board or similar governing body empowered to act for such labor organization between conventions is empowered to make such interim constitutional changes as are necessary to carry out the provisions of this title.

TITLE V — SAFEGUARDS FOR LABOR ORGANIZATIONS

Fiduciary Responsibility of Officers of Labor Organizations (29 U.S.C. 501)

Sec. 501. (a) The officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with such organization as an adverse party or in behalf of an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization. A general exculpatory provision in the constitution and bylaws of such a labor organization or a general exculpatory resolution of a governing body purporting to relieve any such person of liability for breach of the duties declared by this section shall be void as against public policy.

(b) When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) and the labor organization or its governing board or officers refuse or fail to sue or recover damages or secure an accounting or other appropriate relief within a reasonable time after being requested to do so by any member of the labor organization, such member may sue such officer, agent, shop steward, or representative in any district court of the United States or in any State court of competent jurisdiction to recover damages or secure an accounting or other appropriate relief for the benefit of the labor organization. No such proceeding shall be brought except upon leave of the court obtained upon verified application and for good cause shown which application may be made ex parte. The trial judge may allot a reasonable part of the recovery in any action under this subsection to pay the fees of counsel prosecuting the suit at the instance of the member of the labor organization and to compensate such member for any expenses necessarily paid or incurred by him in connection with the litigation.

(Continued on page six)

Labor-Management Reporting and Disclosure Act--Titles I, IV & V

(Continued from page five)

(c) Any person who embezzles, steals, or unlawfully and willfully abstracts or converts to his own use, or the use of another, any of the moneys, funds, securities, property, or other assets of a labor organization of which he is an officer, or by which he is employed, directly or indirectly, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

Bonding (29 U.S.C. 502)

Sec. 502. (a)⁷ Every officer, agent, shop steward, or other representative or employee of any labor organization (other than a labor organization whose property and annual financial receipts do not exceed \$5,000 in value), or of a trust in which a labor organization is interested, who handles funds or other property thereof shall be bonded to provide protection against loss by reason of acts of fraud or dishonesty on his part directly or through connivance with others. The bond of each such person shall be fixed at the beginning of the organization's fiscal year and shall be in an amount not less than 10 per centum of the funds handled by him and his predecessor or predecessors, if any, during the preceding fiscal year, but in no case more than \$500,000. If the labor organization or the trust in which a labor organization is interested does not have a preceding fiscal year, the amount of the bond shall be, in the case of a local labor organization, not less than \$1,000, and in the case of any other labor organization or of a trust in which a labor organization is interested, not less than \$10,000. Such bonds shall be individual or schedule in form, and shall have a corporate surety company as surety thereon. Any person who is not covered by such bonds shall not be permitted to receive, handle, disburse, or otherwise exercise custody or control of the funds or other property of a labor organization or of a trust in which a labor organization is interested. No such bond shall be placed through an agent or broker or with a surety company in which any labor organization or any officer, agent, shop steward, or other representative of a labor organization has any direct or indirect interest. Such surety company shall be a corporate surety which holds a grant of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6-13), as an acceptable surety on Federal bonds: *Provided, That when in the opinion of the Secretary a labor organization has made other bonding arrangements which would provide the protection required by this section at comparable cost or less, he may exempt such labor organization from placing a bond through a surety company holding such grant of authority.*

(b) Any person who willfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

Making of Loans; Payment of Fines (29 U.S.C. 503)

Sec. 503. (a) No labor organization shall make directly or indirectly any loan or loans to any officer or employee of such organization which results in a total indebtedness on the part of such officer or employee to the labor organization in excess of \$2,000.

(b) No labor organization or employer shall directly or indirectly pay the fine of any officer or employee convicted of any willful violation of this Act.

(c) Any person who willfully violates this section shall be fined not more than \$5,000 or imprisoned for not more than one year, or both.

⁷ Prior to amendment by section 1 of Public Law 89-216, the first sentence of section 502(a) read as follows: "Sec. 502. (a) Every officer, agent, shop steward, or other representative or employee of any labor organization (other than a labor organization whose property and annual financial receipts do not exceed \$5,000 in value), or of a trust in which a labor organization is interested, who handles funds or other property thereof shall be bonded for the faithful discharge of his duties." Section 1 of Public Law 89-216 also added the proviso at the end of section 502(a).

Prohibition Against Certain Persons Holding Office (29 U.S.C. 504)

Sec. 504. (a) No person who is or has been a member of the Communist Party⁸ or who has been convicted of, or served any part of a prison term resulting from his conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III of this Act, or conspiracy to commit any such crimes, shall serve—

(1) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, or other employee (other than as an employee performing exclusively clerical or custodial duties) of any labor organization, or

(2) as a labor relations consultant to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee (other than as an employee performing exclusively clerical or custodial duties) of any group or association of employers dealing with any labor organization, during or for five years after the termination of his membership in the Communist Party,⁸ or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. No labor organization or officer thereof shall knowingly permit any person to assume or hold any office or paid position in violation of this subsection.

(b) Any person who willfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(c) For the purposes of this section, any person shall be deemed to have been "convicted" and under the disability of "conviction" from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this Act.

⁸ The U.S. Supreme Court, on June 7, 1965, held unconstitutional as a bill of attainder the section 504 provision which imposes criminal sanctions on Communist Party members for holding union office (*U.S. v. Brown*, 381 U.S. 437, 85 S. Ct. 1707).

Amendment to Section 302, Labor Management Relations Act, 1947

Sec. 505. Subsections (a), (b), and (c) of section 302 of the Labor Management Relations Act, 1947, as amended, are amended to read as follows:

"Sec. 302. (a) It shall be unlawful for any employer or association of employers or any person who acts as a labor relations expert, adviser, or consultant to an employer or who acts in the interest of an employer to pay, lend, or deliver, or agree to pay, lend, or deliver, any money or other thing of value—

"(1) to any representative of any of his employees who are employed in an industry affecting commerce; or

"(2) to any labor organization, or any officer or employee thereof, which represents, seeks to represent, or would admit to membership, any of the employees of such employer who are employed in an industry affecting commerce; or

"(3) to any employee or group or committee of employees of such employer employed in an industry affecting commerce in excess of their normal compensation for the purpose of causing such employee or group or committee directly or indirectly to influence any other employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing; or

"(4) to any officer or employee of a labor organization engaged in an industry affecting commerce with intent to influence him in respect to any of his actions, decisions, or duties as a representative of employees or as such officer or employee of such labor organization.

"(b)(1) It shall be unlawful for any person to request, demand, receive, or accept, or agree to receive or accept, any payment, loan, or delivery of any money or other thing of value prohibited by subsection (a).

"(2) It shall be unlawful for any labor organization, or for any person acting as an officer, agent, representative, or employee of such labor organization, to demand or accept from the operator of any motor vehicle (as defined in part II of the Interstate Commerce Act) employed in the transportation of property in commerce, or the employer of any such operator, any money or other thing of value payable to such organization or to an officer, agent, representative or employee thereof as a fee or charge for the unloading, or in connection with the unloading, of the cargo of such vehicle: *Provided, That* nothing in this paragraph shall be construed to make unlawful any payment by an employer to any of his employees as compensation for their services as employees.

"(c) The provisions of this section shall not be applicable (1) in respect to any money or other thing of value payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer; (2) with respect to the judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: *Provided, That* the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; (5) with respect to money or other thing of value paid to a trust fund established by such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided, That* (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event of the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; or (6) with respect to money or other thing of value paid by any employer to a trust fund established by such representative for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training programs: *Provided, That* the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds."

Local 1245 Service Award Dinners

COLGATE

Local 1245 members in the PG&E Colgate Division area, who during 1976 attained 20, 25, 30 or 35 years of membership were honored at dinners held in Yuba City and Oroville, California on December 3rd and 4th. Honorary members and their guests were treated to dinner and each member received a lapel pin indicating the number of years of membership.



EAST BAY

The members of Local 1245 employed in the East Bay area, who during 1976 had a 5th year anniversary date of 20, 25, 30 and 35 years of membership in the I.B.E.W. met in Concord on November 30, 1976 to receive their Service Award pins.

Introductions were made by Business Representative Manny Mederos and then Business Manager L. L. Mitchell thanked the members and their spouses for the many years of service to Local 1245 and the I.B.E.W.



Bus. Mgr. L. L. Mitchell, left, is shown presenting a 35 yr. pin to Dale McKensie.



This photo shows the people from the East Bay area who received 20 yr. pins at the Service Award Dinner.



Shown in this photo are those who received pins marking 25 yrs. of membership in the I.B.E.W.

The Safety Scene

IT'S UP TO YOU

Alcohol is the largest single cause factor in fatal auto crashes. The result: thousands of needless deaths every year.

The law cannot regulate your drinking. It can only penalize you if you drive after drinking too much—often innocent people have died. All states now use chemical tests to determine blood-alcohol concentration. Under the law of many states you are presumed too intoxicated to drive at 0.10 per cent. Other states have slightly higher levels and one sets it lower at 0.08.

A presumptive level of 0.15 per cent, considered too high in the light of recent studies, is still retained by a majority of states. An Indiana University study found that at 0.15 the chances of being involved in a traffic accident are 25 times greater than with no alcohol.

If you are going to drive, it would be better if you did not drink any alcohol at all. Or . . .

Drink in such a manner that you will **not** be under the influence when you drive a car.

If you choose the second alternative, wait at least one hour per average drink before driving. That's the minimum amount of time re-

quired by the body to rid itself of alcohol.

It's up to you.

ALCOHOL EDUCATION CHART

ALCOHOLIC BEVERAGES	NORMAL MEASURES DISPENSED	ALCOHOL IN ONE BOTTLE OR GLASS		APPROXIMATE BLOOD-ALCOHOL LEVEL (%) REACHED IN ONE HOUR (0.015 can be substituted for each additional hour)					
		Per cent of Alcohol	Amount of Alcohol	One Drink		Two Drinks		Three Drinks	
				Body Weight	Body Weight	Body Weight	Body Weight	Body Weight	Body Weight
		120	180	120	180	120	180	120	180
BEER									
a) Malt	12 oz. btl.	7%	4/5 oz.	.06	.04	.08	.06	.14	.09
b) Ale	12 oz. btl.	5%	3/5 oz.	.05	.03	.07	.05	.10	.08
c) Reg. Beer	12 oz. btl.	4%	1/2 oz.	.04	.02	.06	.04	.09	.06
WINES									
a) Fortified: Port, Muscatel, etc.	3+ oz. gl.	18%	1/2 oz.	.04	.02	.06	.04	.09	.06
b) Natural: Red/White, Champagne	3+ oz. gl.	12%	2/5 oz.	.03	.02	.06	.04	.07	.04
LIQUEURS									
a) Strong: B&B, Cointreau, Drambuie	1 oz. gl.	40%	2/5 oz.	.03	.02	.06	.04	.07	.05
b) Medium: Fruit Brandies	2 oz. gl.	25%	1/2 oz.	.04	.02	.07	.04	.09	.06
"STRAIGHT" SPIRITS Brandy, Cognac, Rum, Scotch, Vodka, Whiskey									
	1 oz. gl.	45%	1/2 oz.	.04	.02	.06	.04	.08	.06
COCKTAILS									
a) Strong: Martini, Manhattan	3 1/2 oz. gl.	30%	1 oz.	.07	.04	.14	.09	.19	.11
b) Medium: Old Fashioned, Daiquiri, Alexander	4 oz. gl.	15%	3/5 oz.	.05	.03	.07	.05	.10	.08
HIGHBALLS with sweet and sour mixes, tonics									
	8 oz. gl.	7%	3/5 oz.	.05	.03	.07	.05	.10	.07

HEALTH'S-A-POPPIN

Wake up to things that can sabotage sleep

By Marion Wells

Research Director, AMERICAN PHYSICAL FITNESS RESEARCH INSTITUTE

Do you ever get tired of losing sleep over insomnia? Some simple strategies might help you win the battle of the bed. But depending on drugs to help you doze off could wind up costing you a normal night's sleep as well as money, or lead to other unwanted effects.

Researchers with the Stanford University Sleep Disorders Clinic cautioned that "Almost every sedative, if used regularly, will aggravate the insomnia that it is intended to cure."

A temporary sleeping problem can be transformed into a more persistent difficulty. A typical hazard is the "stimulant-sedative-stimulant spiral" described by Wilse B. Webb, Ph.D., of the University of Florida.

An individual may take stimulants to offset drowsiness from a poor night's sleep. He then may have trouble sleeping the next night and increase his dose of sedatives. Feeling "drugged" the following day, he turns

to stimulants again, and the spiral goes on.

Persistent insomnia deserves medical attention, but more occasional problems may be susceptible to one of these snooze-inducing suggestions.

1. Maybe fear of insomnia is keeping you awake. Try not to get overly concerned about losing sleep occasionally over temporary stresses. Don't worry if you can't sleep as many hours as your neighbor. Sleep requirements vary between people.

2. Dr. Webb noted that "In a study conducted several years ago, the strongest predictor of 'I go to sleep easily' was 'I go to sleep at a regular hour.'"

3. Stimulants taken too late in the day may help keep some of us up. CAFFEINE is found in HOT COCOA as well as coffee, cola-type drinks and tea. Too big a snort of alcohol may have a "rebound" effect which leaves you wakeful later.

HOLIDAYS AND SAFETY

by Ken Lohre

The holiday season is upon us and the rush is on. The Christmas parties have started and the New Year's parties are being planned. It can and should be a happy time of the year.

Chances are that the happiness of one or several members of Local 1245 will be marred by accidents during the holiday season.

Every year we hear and read statistics about the drunk drivers and the accidents they are responsible for. These statistics should not be taken lightly. Shown above on this page is an alcohol education chart and a short article to go with it. Read it and take it for what it is worth to you.

Booze is not the only thing we should worry about as it relates to accidents during the holiday season. Our minds are full of thoughts which are unrelated to what we are doing at the moment. Have you ever caught yourself driving along thinking about

something or looking at an advertisement, and then realized that if the car in front of you had stopped for some reason, you would have hit them? Have you caught yourself thinking about what to get the wife or kids for Christmas while you are working on the job?

All of us have done these things at one time or another, but unfortunately these momentary mental lapses can be fatal. The Troublemakers, Linemen, Fitters, Gas Servicemen, Truck Drivers, Installers, and people in many other classifications which Local 1245 represents work in highly critical areas where one mental lapse or mistake can result in the loss of their life and the lives of other people.

As we go through this holiday season, the officers of Local 1245, the Business Manager, and his staff, urge the membership to work and drive safely and make the season a truly happy one.

- Some people find it helpful to take a light protein snack or warm milk before bedtime.
- Certain prescription drugs may interfere with sleep. If sleeping problems started around the same time as your medication, report it to your doctor.
- Don't let tensions push the sand-

man off your pillow. Set aside a period right before retiring to "unwind" in a way YOU find relaxing.

Why not put your insomnia to rest? Provided as a public service by the AMERICAN PHYSICAL FITNESS RESEARCH INSTITUTE (APFRI), 824 Moraga Drive, West Los Angeles, Calif. 90049.