

# UTILITY REPORTER

OFFICIAL VOICE OF IBEW LOCAL UNION 1245 AFL-CIO

## Sonic Cable TV breaks off bargaining with IBEW

Good faith bargaining came to an end last month at Sonic Communications, a cable television company whose twenty-eight employees are represented by IBEW Local 1245.

The contract between the Union and the Company expired on August 31, 1987. Negotiations over modification of the contract began in August and continued until the end of October.

Then, in a surprise move, the Company unilaterally announced that it would no longer negotiate with Local 1245. The Company threatened to end dues checkoff a week later.

The Company maintained, through its attorney, that despite bargaining with the Union for two months after the August expiration date that the contract expired retroactively on that date.

The Company then insisted that its final offer be put to the members of IBEW for a vote. The vote was conducted and the offer was unanimously rejected (27-0, with one member unable to vote due to hospitalization).

An exchange of letters with the

Company followed this vote. IBEW Local 1245 said it "stands ready to return to the bargaining table at the earliest mutually agreeable date."

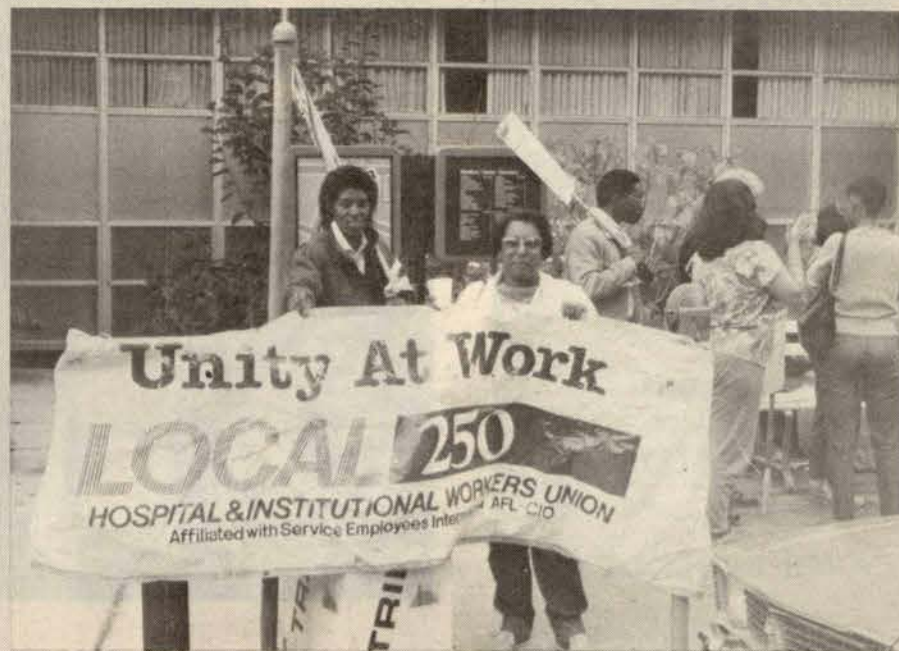
The Company continues to insist that the contract is no longer in effect. But unless the contract is modified by negotiations or unless one of the parties "exercises its contractual right to terminate prior to" the end of the contract, it remains in effect, IBEW Local 1245 Staff Attorney Tom Dalzell said.

Company attempts to redefine overtime and regular hours of work led to the membership's strong rejection of the contract offer. The offer also includes a first year wage freeze and the elimination of overtime pay for the sixth and seventh days of work.

The employees of Sonic have been members of IBEW Local 1245 since 1974. No such problems with contract renewal or modification have ever been experienced with this Company.

IBEW Local 1245 is represented at the bargaining table by: Dale Rogers, Scott Lawson, David Jones, and Larry Pierce.

## Kaiser Hospitals on strike



The issues raised in the current strike at Kaiser Foundation are important to all union workers. See "Point of View" by Jack McNally on page 3.

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## Protection against non-union workers won in arbitration decision at PG&E

The protection of Union jobs from contracting-out bargaining unit work to non-union "Agency" employees now extends to employees covered by PG&E's Physical contract, according to an arbitration decision issued by Adolph Koven. The case grew out of a dispute at PG&E's Diablo Canyon Nuclear Power Plant in the General Construction Division. There the Company has hired as many as 277 "agency" employees for up to four years at a time.

"We agree with the Union," Koven said, "that the assignment of agency employees reduced the job opportunities for Union employees and frustrated the application of the Contract to a substantial number of employees. The Union itself was deprived of dues and fees which it would otherwise have collected."

Following the logic of Arbitrator Chvany's decision last Spring to protect clerical employees at PG&E, Koven held that "work assignments

to 'Agency' employees were in violation of the Parties' Physical agreement."

Koven reiterated the five basic issues to be considered in judging the Company's hiring of "agency" employees. These include: whether the nature of the contracted work is continuous or intermittent, permanent or temporary, or of an emergency or routine nature; whether the work is of a type normally performed by Union employees and whether employees who belong to the Union are qualified to do the work in question; whether the work is performed on the employer's premises; the effect, if any, on employees in terms of layoff, termination, etc.; and whether there has been a harmful effect on the Union."

In assessing each of these factors, Koven found that "the agency employees were used on a continuous basis for long periods of

time, that the work was of a routine nature, and that agency employees were performing the same work as Company employees who were Union members."

Koven noted that the Union's right to represent the Company's employees stems from the recognition clause of the contract. "For the purpose of collective bargaining with respect to rates of pay, wages, hours of employment and other conditions of employment," Section 2.1 of the contract reads in part, "company recognizes Union as the exclusive representative of those employees for whom the National Labor Relations Board certified Union as such representative . . . ."

Company arguments that the Union agreed indirectly to the contracting-out process were discounted by Koven. A prior grievance on a similar issue did not "provide a clear indication" that PG&E could use non-union

employees for bargaining unit work, Koven said.

Further, the Union did not surrender its protection of bargaining unit work by raising the issue of contracting out during 1983 contract negotiations. There Local 1245 attempted to further limit the Company's right to subcontract work. The Company rejected these proposals.

"It is highly doubtful, however, that this suggestion and its rejection by the Company amount to an agreement by the parties that the Company could subcontract where the contract between the parties is silent on the issue."

Koven declined to specify a remedy for the Company's violation, but said "the parties should be afforded an opportunity to work out an arrangement which would be satisfactory to both of them." A meeting with the Company to discuss a possible remedy is expected shortly.





# OUTSIDE LINE

## Utility Reporter

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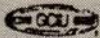
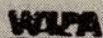
**Ron Field**

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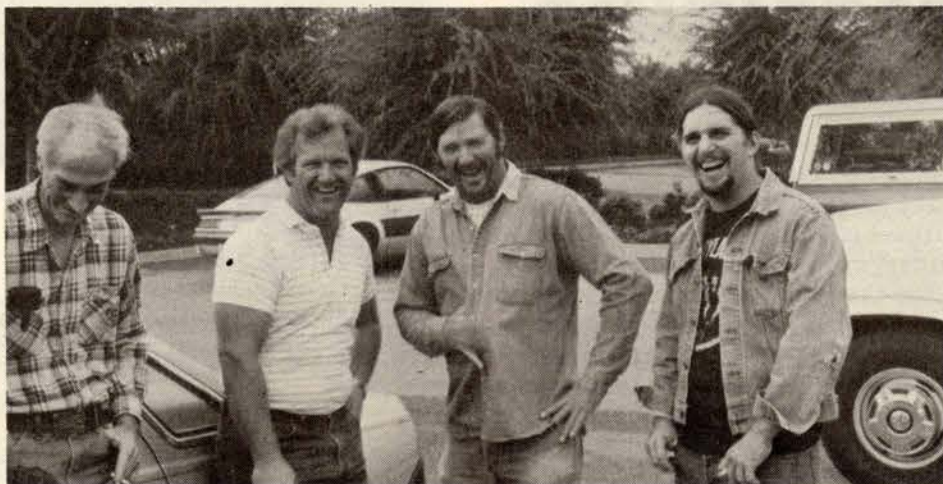
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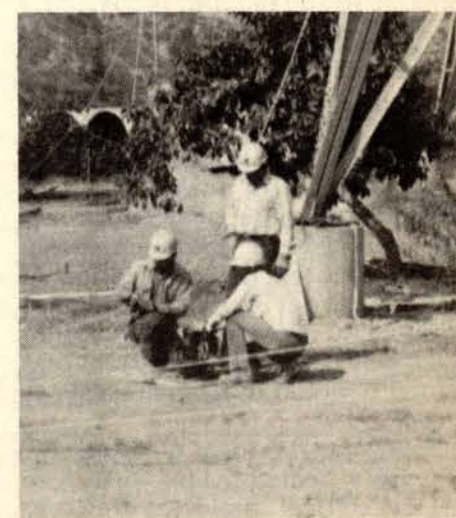
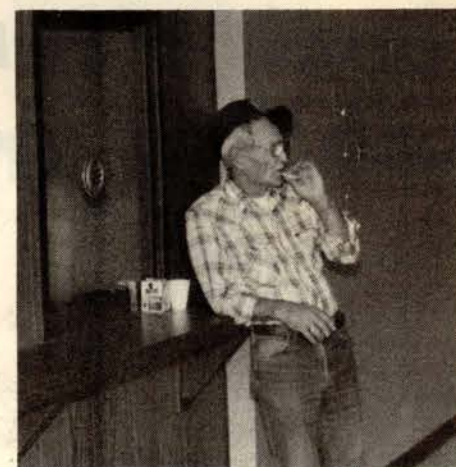
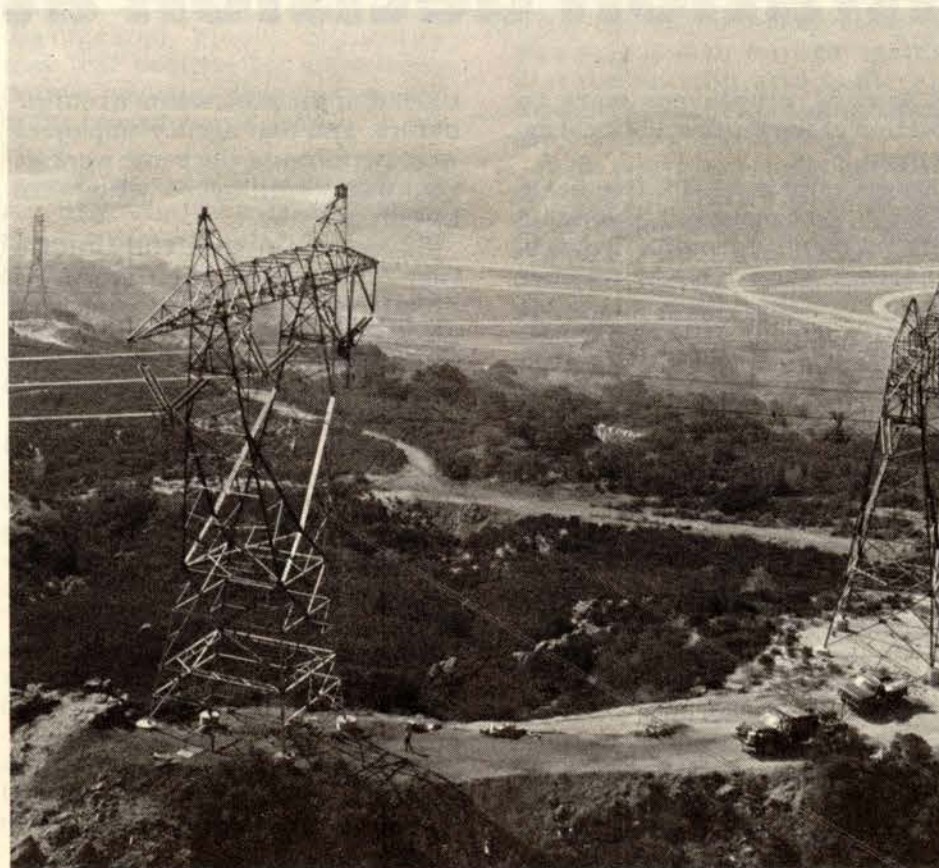
## 87 mile line from Adelanto to Rinaldi



The *Utility Reporter* spent some time with IBEW Local 1245 members in Outside Line recently. Shown here are members waiting for work at the Southern California Dispatch Office and a crew at work on the 87 mile 500 KV line from Adelanto to Rinaldi. Thanks to the following members of the crew for the tour: Kenny Bruce, General Foreman; Jim Harmon, Foreman; Tom Davis, Foreman; Bernie Labusewycz; Jim Meuir; Bill Russell, Shop Steward; Ted Anderson; David Woodard; and Jim Fisher. Tony Stewart was responsible for a safe helicopter ride.



Phyllis Gentry assigned work at the Dispatch Office in Claremont, California.





# APPOINTMENTS

## PACIFIC GAS AND ELECTRIC COMPANY

### 1986 Hydro Substation Interim Negotiating Committee

Gary Outlaw  
William G. Hosford  
Jerry Covert  
Ronald D. Thomas  
Leonard F. Liotta

### Shift Schedule Committee

Ocean  
Gary Surfus  
Hal McClure

### General Construction Joint Grievance Committee

Al Wolf (Temporary)  
John M. Mendoza (Alternate)

## UNITED STATES BUREAU OF RECLAMATION

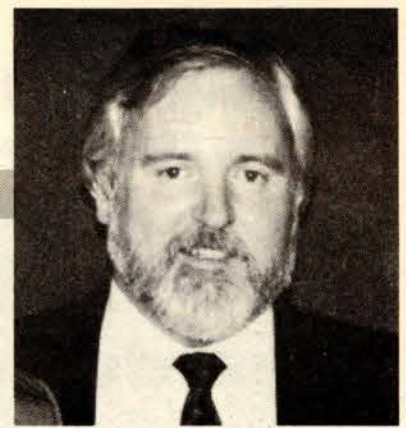
### USBR Negotiating Committee

William E. Chambers  
Rodrick Knehans  
Larry Mather  
James Muilenburg  
Chester "Al" Wright  
Barry Vandermolen  
David S. Gomez

# POINT OF VIEW

By Jack McNally

IBEW 1245 Business Manager



## Divide and conquer: today's approach to management

Ten thousand of our brothers and sisters are on strike as this month's *Utility Reporter* goes to press: members of SEIU (Locals 250 and 505), the Engineers and Scientists of California and the Hotel and Restaurant Employees (Local 28) were forced onto the street when bargaining with their employer, the Kaiser Foundation Health Plan, broke down at the end of October.

The key issue in this strike is one that every concerned trade unionist should pay close attention to: the introduction of a two-tier wage system. Kaiser insists on making new employees and employees not living in the Bay Area into second class citizens. They would be forced to accept a 30% wage cut in starting pay and a wage freeze. This introduction of a *geographic* wage cut is another wrinkle in the constant attempt of business to divide its workers and weaken their unions.

While a wage cut is the major issue, Kaiser has also pushed for 11 other takeaways from the current contract — including elimination of post-retirement health plans for some employees, greater contracting-out of unionized work, and weakened seniority rights.

In support of the Kaiser unions, IBEW Local 1245 sent the following "Resolution of Concern" to both sides of the bargaining table: *Whereas, Our employers offer Kaiser Foundation Health Plan coverage to our members; Whereas, We are deeply concerned with the quality of patient care afforded our members; Whereas, We recognize the crucial link between the quality of patient care provided and the fair compensation and quality of worklife for health care workers; Whereas, We understand that the Kaiser Foundation Health Plan is in a strong financial and market share position. Therefore be it resolved: That as health care consumers we urge Kaiser to pursue the highest quality patient care for our members, and to negotiate a fair and decent contract with the unions involved which will help support such improved quality of patient care, And be it further resolved: That we express these concerns to Kaiser Foundation Health Plan and ask that the unions involved keep us apprised as to the progress of their Kaiser negotiations.*

The Kaiser unions have organized a strong campaign for improved patient care — but instead the Kaiser Foundation insists only on talking about making more money. They would rather divide and conquer their workforce, than improve the care given our families.

It is ironic that the Kaiser Foundation came into existence only as a result of the great support of organized labor and now they bite the hands that fed them.

In Unity,

*Jack McNally*

## Calendar

### NOVEMBER

- 1 Advisory Council meeting
- 2 Advisory Council meeting
- 19 PG&E Health & Safety meeting
- 21 Executive Board

### DECEMBER

- 1 Staff meeting
- 11 Trustees
- 22 Staff meeting
- 24 Trustees

## SAN RAMON COUNTRY CLUB

### 5th Annual Golf Tournament



Winners of the 5th Annual Golf Tournament: (in alphabetical order) Dennis Adams, Marty Lepo, Ed Miles and Willie Schatz.



## Local 1245 guidelines for refusing hazardous work

To assist the members of IBEW Local 1245 the following guidelines have been developed for use in situations where an order to carry out hazardous work has been given.

If you are facing an extremely dangerous situation, you may have to decide whether to refuse the job assignment. You should consider refusing hazardous work only if there is not enough time to follow the normal procedures for raising health and safety concerns. (These are outlined in the IBEW Local 1245 health and safety manual "Lifeline", which is available from the Local office in Walnut Creek.)

### I. Your right to refuse hazardous work — Steps to follow

If you are facing an extremely dangerous situation, you may have to decide whether to refuse the job assignment. You should consider refusing hazardous work only if there is not enough time to follow the steps outlined in Section V of the IBEW Local 1245 "Lifeline" manual.

Here are the steps you should take when this happens. Total protection from disciplinary action cannot be guaranteed, so follow these guidelines carefully to maximize your protection.

1) You should first attempt to discuss the hazard with your co-workers. Alert them to the danger, and find out whether there is

support for your concern.

2) Then discuss the situation with your immediate supervisor. Calmly tell your supervisor why you think there is a danger, and ask that it be corrected.

3) If your supervisor will not or cannot correct the hazard, request that your Shop Steward be available for further discussions. Your Shop Steward will call your Business Representative or the Local Union headquarters if necessary.

4) If no Shop Steward is available, you should ask for the opportunity to contact your Business Representative or the Local union headquarters immediately.

5) If for some reason you are unable to reach any of the Local Union resources, you should try to contact the nearest occupational safety and health enforcement agency office.

### II. Refusal

If none of the above steps leads to a correction of the hazard, you may have to decide for yourself whether to refuse the work assignment. Your supervisor and others in management may try to intimidate you by accusing you of insubordination. You must base your decision on what you feel is best for you, your family, and your co-workers.

If you do decide to refuse the assignment,

1) Discuss the concern again with

your co-workers to see if they agree that a potential Hazard or unsafe condition exists.

2) Make clear to your employer that you are refusing the assignment because of the danger.

3) Offer to do the job if it is made safe.

4) Offer to do other safe work in the meantime.

5) Do not leave the job site unless ordered to by your employer or unless you believe the job site itself poses a real and apparent hazard.

Regardless of the outcome, you should document everything that was said and everything that happened as soon as possible.

Contact your Shop Steward, Business Representative, or the Local Union headquarters as soon afterwards as possible so that the hazard can be corrected if it still exists.

Your Business Representative will grieve any unfair disciplinary action taken against you and will inform you of other legal actions that you can take with the Federal Labor Relations Authority, the National Labor Relations Board, Federal OSHA and/or the state occupational safety and health program. These remedies often take months or years before a final resolution can be reached. However, you can increase your chances for a favorable ruling if you follow the guidelines above.

## Right to refuse hazardous work narrowed

Reagan appointees on the National Labor Relations Board continued their assault on the hard-won protections once offered by federal law when they recently reaffirmed an earlier decision regarding the right of individual employees to refuse to work in dangerous conditions.

In a 3-0 decision, the Board held that a truck driver for a Michigan-based company who refused to drive a truck he considered unsafe could be legally fired. This decision was a repeat of an earlier Board decision in the same case. The NLRB was ordered to reconsider their earlier decision by a Federal appeals court which had held that the Board "misconstrued the bounds of the law." The Federal Court pointed out that the NLRB decision would have forced the employee "to drive a vehicle determined to be unsafe by state authorities, despite the fact that both the employee and the company were under a legal obligation not to operate the vehicle."

The Board argued that the single truck driver's action was not "concerted activity" because the employee "acted alone and without an intent to enlist the support of other employees."

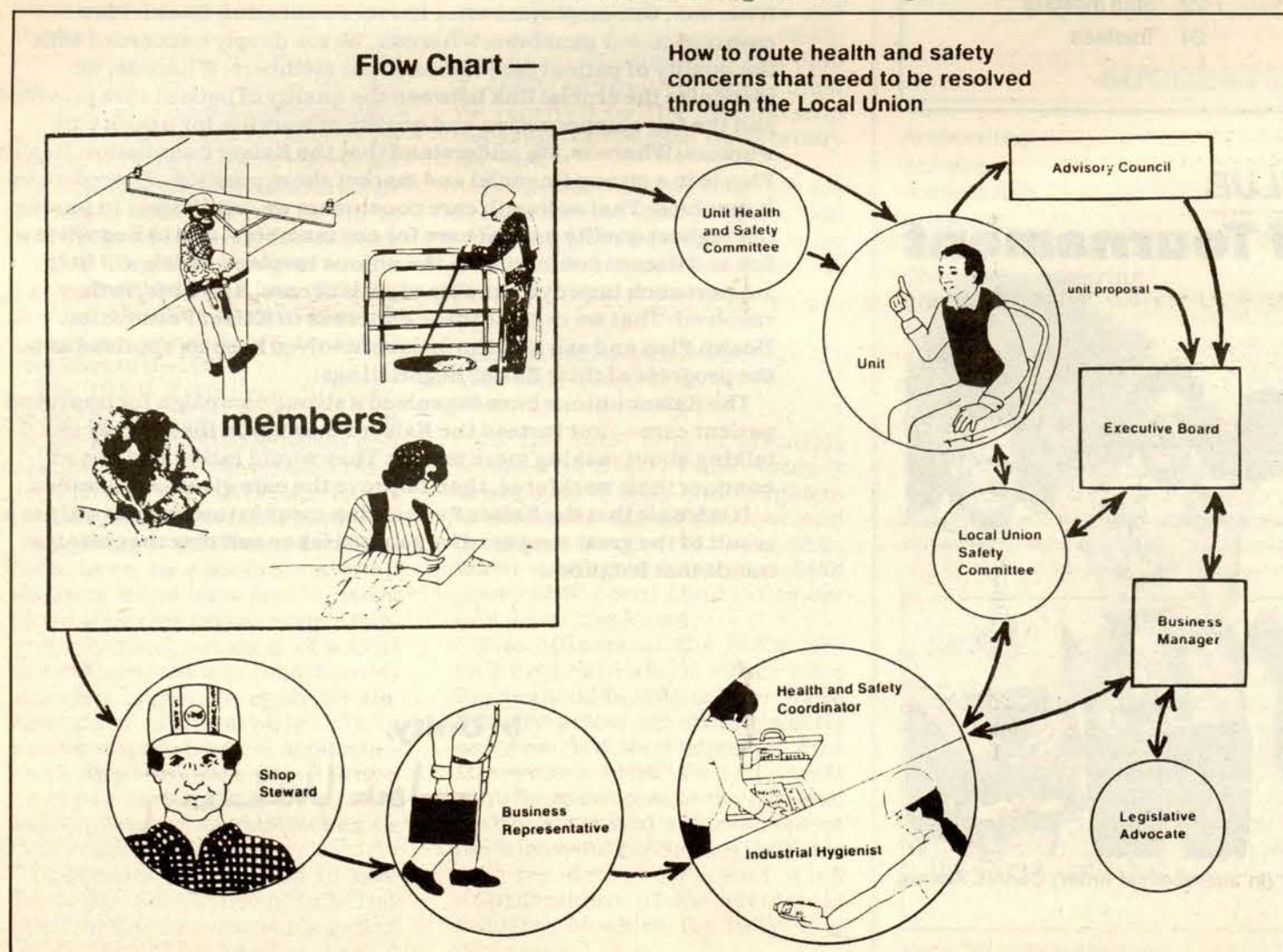
But the Federal Court pointed out that the Board decision creates a difference in treatment with union employees — who remain protected for individual acts if their collective bargaining agreement so provides. The protection of unionized employees came in a U.S. Supreme Court case decided in 1984.

In that case, "the collective bargaining agreement contained a provision," IBEW Associate General Counsel Elihu Leifer points out, "which gave employees the right to refuse to operate unsafe equipment provided that they reported all defects of equipment on a suitable form furnished by the employer, until the equipment was approved as being safe by the mechanical department. Because of the existence of this provision, the Board found that the single employee's action was concerted."

Ellis Boal, an attorney who represented the non-union driver, charged that the Board's ruling "was a complete rehash of its original decision. He said he would again appeal the decision. The labor board, Mr. Boal charged, "has a political agenda to narrow workers' rights," and he predicted the ruling would leave workers "very intimidated."

Flow Chart —

How to route health and safety concerns that need to be resolved through the Local Union





# Union survey finds strong opposition to rubber-gloving and barehanding

By Ron Fitzsimmons

While PG&E claims that their employees are anxious to begin "rubber-gloving" and "barehanding" higher voltages, the initial results of a survey by IBEW Local 1245 find just the opposite.

The survey went out to approximately 3,000 members including Outside Line Construction, municipalities, and utility linemen. A series of questions about high voltage work were asked, including questions about the safety of the work, comparison of such work to the current practice of "hot sticks," the use of such techniques from a helicopter, and whether additional training would make this work safe. A final section was left open for additional comments by our members.

Although the results are not yet complete, those who have responded are almost to a person opposed to the introduction of "rubber-gloving" or "barehanding." Many marked the choice "Totally unsafe" when asked about these techniques. Many respondents also took the time to complete the section for additional comments.

When asked about the impact of additional training, one said "It would never be safer than hot sticking. Even 'Gloving' 4 KV can be unsafe due to the elements. 'Tracking over' is common on any foggy night in the Bay Area. 12 KV and higher would be more risky. Hot

stick work was developed for a reason — SAFETY."

Some members pointed to their experience in other areas of the country where these techniques are more common. "Being two inches from a flashover is ALWAYS worse than being 6 to 8 feet from it. It's faster, but safety can't be traded for speed. You end up doing twice the work — for 1/2 the pay (hours) — at ten times the risk. And for whose benefit?"

Many were clearly angered by even

the suggestion that these techniques could be introduced. "If the company wants a big turnover (death), this is the way to do it," wrote one. "If PG&E starts using these new methods, I may have to find a new occupation." "I love my family, so I will always hot stick." "No amount of revenue is worth a human life."

The theme of safety versus cost cutting came through loud and clear in the comments. "Any company that requires barehand-

ing and rubber gloving high voltage, has complete disregard of its employees." "Let's protect our personnel and keep our work safe — I would like to retire some day!"

The Local encourages those who have not yet completed the survey cards to do so as soon as possible. We would like to present the survey results to the Cal/OSHA High Voltage Advisory Committee which is currently reviewing a PG&E proposal for the introduction of rubber gloves and barehanding.

## Union investigation leads to safe clean-up of Merced yard

PG&E agreed to a safe and healthy cleanup of the residue at the Merced Yard after a meeting this month with representatives of IBEW Local 1245.

The Union presented the Company with photographic evidence and test results of soil samples which indicated that the Yard had very high levels of Polynuclear Aromatics, a chemical compound defined as hazardous under various Federal and State regulations.

The Company had ordered IBEW members to repair a water line near the dangerous residue in violation of their own "Guidelines for Excavation at Former Gas Manufacturing Plant Sites." These Guidelines identified the Merced Yard as one of thirty-one sites where the Company owns properties once used as gas plants.

The plants produced gas from coal and oil with coal tar and lamp black emerging as by-products. Some of this by-product residue may still be buried at some of the sites. The dangerous Polynuclear Aromatics can be found in these compounds, posing a potential

health or environmental risk.

The IBEW crew at the Merced Yard protested management's work, order and called in Local 1245 health and safety representatives for an investigation. The Company agreed to meet with IBEW and admitted it had violated its own Guidelines.

The Company will now contract out the clean up work to a qualified company. They will also meet with employees for up to two hours on Company time to explain the nature of the hazard and the impact of the cleanup process.

The Company also agreed to reroute a water line which runs through the contaminated Merced Yard. They will also conduct a thorough test for additional dangerous residue throughout the entire yard.

Representing IBEW Local 1245 in the meeting with the Company were Art Murray and Frank Hutchins, Business Representatives; and Larry Badorine, Shop Steward. Assistant Business Manager Ron Fitzsimmons assisted in the investigation.

## PG&E pushes barehanding and rubber-gloving at CAL/OSHA hearing

By Art Murray

The opening round in a battle over the possible introduction of rubber-gloving and barehanding took place last month at a meeting of the Cal/OSHA Advisory Committee on High Voltage Safety Orders.

Representatives from three different IBEW Locals — including 1245, 18 and 47 — heard arguments by PG&E for the introduction of this technique of working on high voltage wires. The union representatives responded with a series of questions. In response PG&E agreed that it would submit a written statement to the Committee which would specify the new language it would like, explain why they want to introduce the new techniques, and how they can possibly believe it to be safer than the current use of hot

sticks. They also agreed to provide any statistics available to back up their proposal.

The unions involved will then have 30 days to prepare a response to this proposal for discussion at the next meeting of the Advisory Committee.

The Committee also reviewed IBEW Local 1245's petition #203 which concerns protections from portable generator electrical backfeed. All parties agreed that there was a need to protect employees from the generators. Language was proposed and sent on to public hearings.

The next meeting of the Advisory Committee will also discuss new language covering the use of flagging garments while working in protected areas.



# The failing minimum wage

By Carlos Davidson

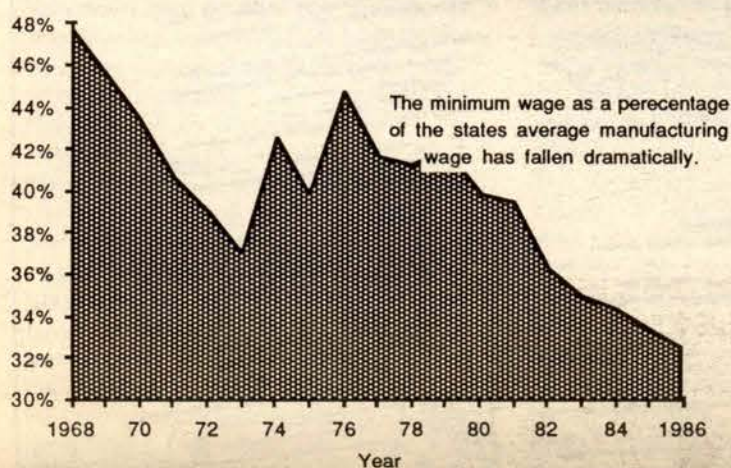
Photographs by Ken Light

*"Even though I was working full time I didn't have enough money to rent an apartment. Then I started spending the nights sleeping on the city busses. I spent all of March this way living on the street."*

Elodie Vandette works in a record store in Los Angeles, where she earns slightly more than the minimum wage. She is one of an estimated more than 650,000 minimum wage workers in California. Many of them, like Vandette, work full time but can't make ends meet. And that's a crime.

The minimum wage was established to ensure that a worker's wages were "adequate to supply the necessary cost of a proper living." That is what California Labor code says, but the current legal minimum of \$3.35 is clearly a violation of that law. Today a full time minimum wage worker takes home less than \$6,000 a year.

The Minimum Wage Vs. The Average Wage



Mio Ping Lam, a garment worker in San Francisco, earns \$3.35 an hour; her husband earns \$400 a month. "At times we have had to go without heat because of the cost of utility bills." She said she and her

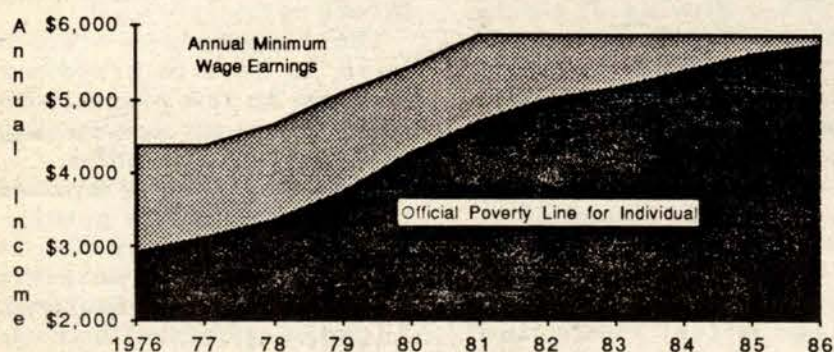
husband would like to start a family but can't afford to raise children with their present income.

Since the late sixties the real value of the minimum wage has fallen drastically. Just to keep the same purchasing power as in 1968, the minimum wage today should be raised to \$5.31 an hour. The minimum has lost 17 percent of its purchasing power since 1981, when it was last increased.

Another way to look at the falling value of the minimum wage is to compare it with the state's average manufacturing wage. The California Labor Federation and some economists have long advocated that the minimum wage should be 50 percent of the manufacturing wage.

In 1968 the minimum of \$1.65 an hour was almost 48% of the California manufacturing wage. Today the current minimum of \$3.35 represents less than a third of the manufacturing wage.

THE MINIMUM WAGE Vs. POVERTY

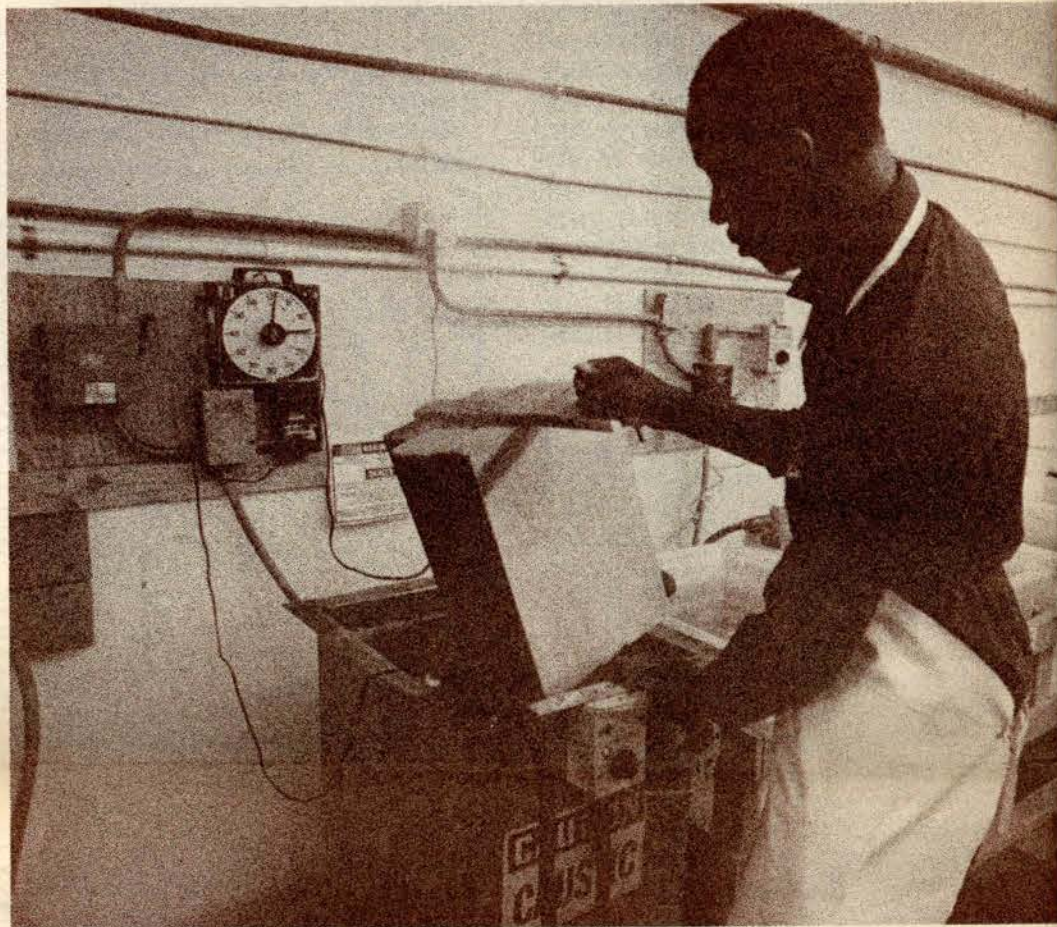


A full time minimum wage earner is now barely above the poverty line for an individual

In order to determine what constitutes an adequate minimum wage the state Industrial Welfare Commission (IWC) in 1959 compiled a "Budget for a Self Supporting Working Woman." Minnie's Budget, as it came to be known, listed necessary expenditures for food, housing, clothing, transportation and other items to maintain a minimum but adequate level of living. Today, the contrast is stark between any reasonable low income budget and what the current minimum wage actually provides.

The California Labor Federation has calculated that in 1986 the

Minnie's Budget would require an income of approximately \$850 a month. Full time take home pay for a single minimum wage earner is only \$467 a month. Housing alone can take most of that. In Los Angeles almost one in twelve of the cities's estimated 30,000 to 50,000



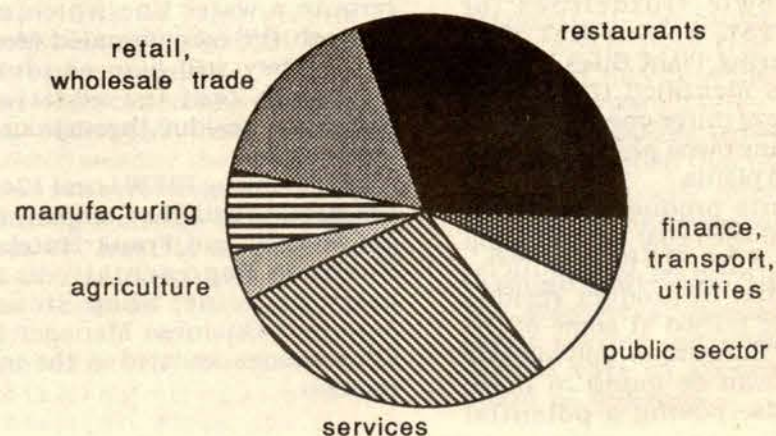
Minimum wage workers can be found in California's Silicon Valley . . .

homeless people, work full time at or below the minimum wage but can't afford housing.

California employers would have us believe that most minimum wage workers are teenagers working for pin money. They are wrong. The exact numbers for California are not available, but for the U.S. in 1980 seventy percent of all workers at or below the minimum wage were 20 years old and over. More than half were over 25. Almost two thirds of all minimum wage workers are women and over half are men and women who have children.

Every year at IWC hearings, employers argue that California businesses will not be able to compete if the California minimum wage is greater than the federal minimum. This is really a false argument.

Where California Minimum Wage Workers Work





# IWC hears pleas for minimum pay hike

The California Industrial Welfare Commission heard labor representatives and spokespersons for community service organizations argue for a raise in the minimum wage last month during a public hearing in Sacramento.

They also heard representatives of a variety of employer groups argue that the \$3.35 minimum is so obviously adequate that the commissioners should not bother to conduct the biennial review of the wage that the Labor Code says is due in 1986.

Arguments of the California Labor Federation, which has been pressing for a minimum wage review all year, had been stated in earlier hearings at San Diego, Los Angeles, and Fresno. But some witnesses cited statistical evidence published by the federation showing that the legions of workers who depend upon the minimum are sliding deeper into poverty.

Commissioners have announced plans to debate their next step concerning the minimum wage at a regular meeting scheduled for Friday, Nov. 21, in San Francisco.

It appears they may have to answer in court if they decide at that time to do anything except launch the full-scale review of the adequacy of the wage that is specified in state law. This involves impaneling a wage board consisting of representatives of labor and management to conduct hearings and make a recommendation.


The minimum has remained at \$3.35 throughout the Deukmejian Administration.

Commissioners got a new petition for exemption from the eight-hour-day, 40-hour week rule during a meeting that followed the hearing.

The plea came from the trucking industry, which wants all its employees stripped of hours and overtime protection.

Commissioners delayed any action until the Nov. 21 meeting, when they also will consider what to do about testimony on a series of other employer pleas for overtime exemptions that were put to public hearing in September.

California AFL-CIO News



*"At times we had to go without heat because of the cost of utility bills."*

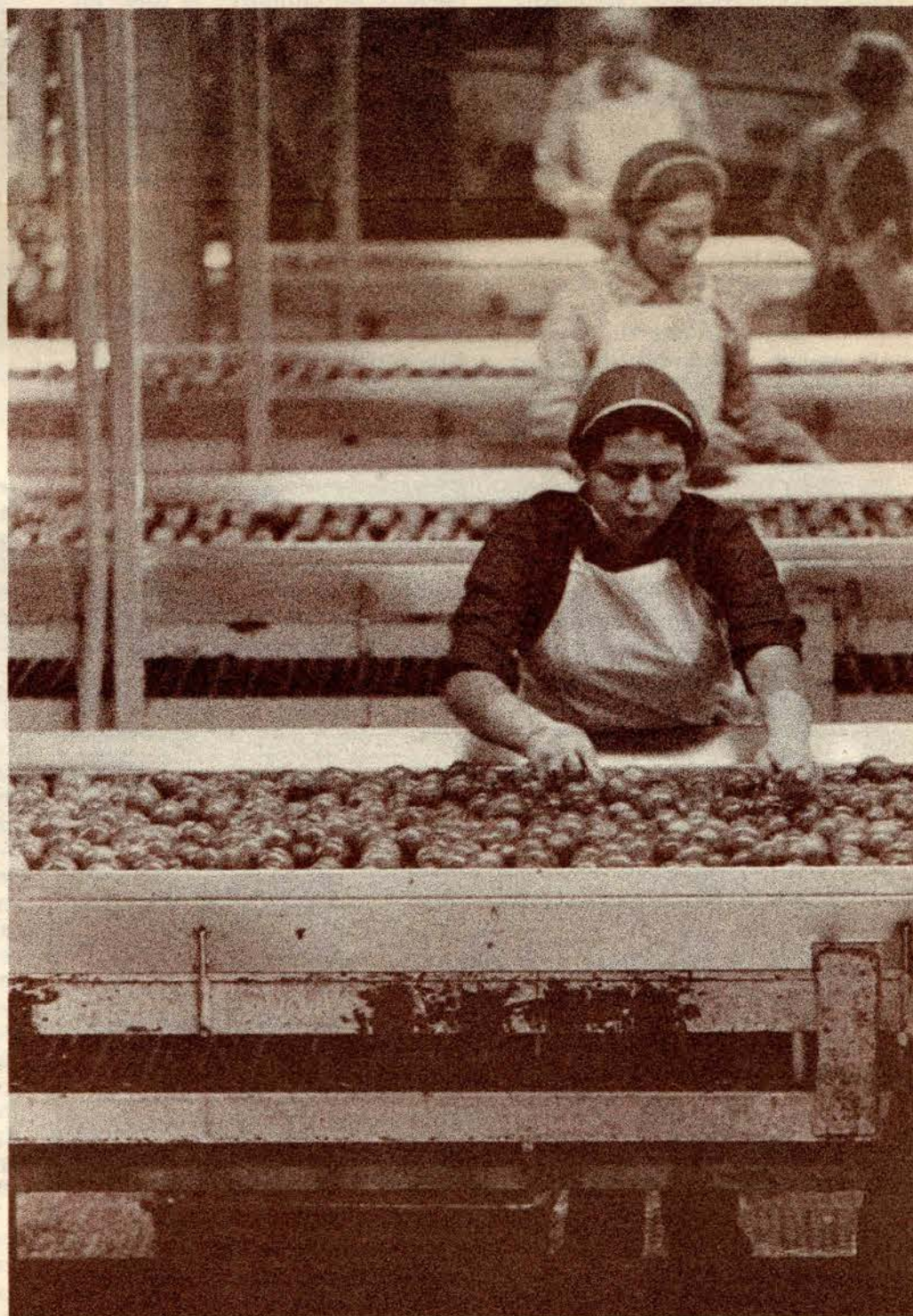
Minimum wage workers are mostly in retail trade, restaurants and service industries that by nature don't have competitors outside the state. McDonald's doesn't need to worry about low wage competitors from Nevada.

California law charges the Industrial Welfare Commission with setting and maintaining the adequacy of the minimum wage. The commission is composed of Deukmejian appointees, two representing employers, two representing labor and one public member. In 1982 and 1984 the commission held hearings, but evaded its legal responsibility to determine if the current minimum wage is adequate. Both times the public member joined with the employers and voted three to two against any increase in the minimum wage.

A coalition of eight labor, legal aid and social service organizations have gone to court to try and force the IWC to raise the minimum wage. Elodie Vandette and Mio Ping Lam along with two other minimum wage workers are named as petitioners in the appeal. The eight groups involved in the suit are the United Farmworkers union, Womens Economic Agenda Project, Equal Rights Congress, Household Workers Rights, Coalition of California Welfare Rights Organizations, Californians for a Fair Share, Coalition for Economic Survival, and the Homeless Organizing Team. Presently the suit is in the state appeals court.

Carlos Davidson is a graduate student in economics at the University of California, Berkeley. He has been active in public employee unions for a number of years.

Ken Light's latest book of photographs is called "With These Hands" (Pilgrim Press, 1986).



And in the canneries of agribusiness.



# YOUR LEGAL RIGHTS

**"KEEP YOUR HANDS OFF"**

## High Court outlaws sexual harassment

By Steve Diamond

Sexual harassment in the work place is a violation of Title VII of the Civil Rights Act according to a unanimous decision of the United States Supreme Court in *Meritor Savings Bank v. Vinson*. The decision, handed down this summer, was termed an "extremely significant" one for employee rights by labor lawyer Marsha Berzon, who wrote a friend of the court brief for the AFL-CIO in the case.

Mechelle Vinson worked as a teller-trainee, teller, head teller and assistant branch manager for the bank for four years. During that time she alleged that her supervisor, Sidney Taylor, the branch manager and a bank vice president, sexually harassed her constantly. As a result of the harassment, Vinson finally took a sick leave from her job. After two months on leave, the bank fired Vinson for "excessive use of that leave." Vinson then sued the bank and her case began its long journey through the federal court system.

At the initial 11-day trial, her boss denied the charges of sexual harassment, contending that the dispute was business related. The bank itself also denied that the harassment took place and contended that whatever might have taken place was "without its consent or approval."

In deciding the case in Taylor's favor, the Court relied heavily on the guidelines on sexual harassment issued by the Equal Employment Opportunities Commission (EEOC) in 1980. The EEOC is the federal agency in charge of administering

the 1964 Civil Rights Act which, in part, forbids discrimination on the job for reasons of race, sex or national origin. The guidelines define harassment to include "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature."

The key to the guidelines lies in its definition of harassment: sexual conduct is said to be harassment where, 1) the conduct is linked to the, in the Supreme Court's words, "grant or denial of an economic *quid pro quo*" (that is, an exchange - where an employee is told, for example, that her/his job, promotion or wage increase depends on participation in unwelcome sexual conduct) OR 2) "such conduct," according to the EEOC, "has the purpose or effect of unreasonably interfering with an individual's work performance or [creates an] offensive working environment."

This second provision, the creation of an offensive or hostile working environment was behind the Court's decision in Vinson's favor. In explaining their decision, the Court pointed out the similarities between sexual discrimination and racial discrimination. In a reference from an earlier Court of Appeals case, the Court noted:

**Sexual harassment which creates a hostile or offensive environment for members of one sex is every bit the arbitrary barrier to sexual equality at the work place that racial harassment is to racial**

## PUBLIC SECTOR

## Lie detector tests outlawed by California Supreme Court

California public employees may no longer be subject to a polygraph test, the California Supreme Court unanimously ruled last June. Noting that California private sector employees and public safety officers have long been exempt from such examinations, the Court could "find no compelling state interest that justifies the unequal treatment" of the remaining public sector workers.

The issue came to the Court's attention in *Long Beach City Employees Association v. City of Long Beach*, where the city subjected several of its employees to lie detector tests during an investigation of missing city funds. The employees' union sued the city alleging that the tests violated the Equal Protection clause of the U.S. and California Constitutions. The Court majority held that the former, but not the latter, were violated by the tests.

The Court noted that the state legislature banned polygraph testing of other employees because the test "creates suspense and distrust between employers and employees; and . . . is not entirely accurate and may result in false findings when used by inexperienced persons."

While not finding an actual violation of a citizen's right to privacy, the Court did hold that the tests are "a burden" on that constitutional right. "If there is a quintessential zone of human

privacy, it is the mind. Our ability to exclude others from our mental processes is intrinsic to the human personality . . . A polygraph examination is specifically designed to overcome this privacy by compelling communication of 'thoughts, sentiments, and emotions' which the examinee may have chosen not to communicate."

Chief Justice Rose Bird concurred in the decision but went further in a separate opinion. She argued that the Court should have found not only a violation of Equal Protection, but also of the right to privacy. Bird pointed, in particular, to technological developments which allow the state and corporations to intrude into an individual's private life. The polygraph device, Bird wrote, "is designed so that an examinee cannot prevent a response to a highly personal question even by remaining silent. This method of interrogation thus strikes at the very heart of the privacy guarantee."

Bird cited previous Court argument about "the accelerating encroachment on personal freedom and security caused by increased surveillance and data collection activity in contemporary society." She argued that court protection of the constitutional right to privacy "must keep pace with the perils created by these new devices."

equality. Surely, a requirement that a man or woman run a gauntlet of sexual abuse in return for the privilege of being allowed to work and make a living can be as demeaning and disconcerting as the harshest of racial epithets.

At the same time, the Court noted that "not all work place conduct that may be described as 'harassment' affects a 'term, condition or privilege' of employment within the meaning of Title VII."

The Court held that for an alleged violation of the law to proceed the harassment "must be sufficiently severe or pervasive 'to alter the conditions of [the victim's] employment and create an abusive working environment.'" The Court found such conditions at Vinson's bank. Although Vinson had been promoted steadily, the nature of the harassment was so severe (including a charge of rape) that a claim of "hostile environment sexual harassment" was upheld.

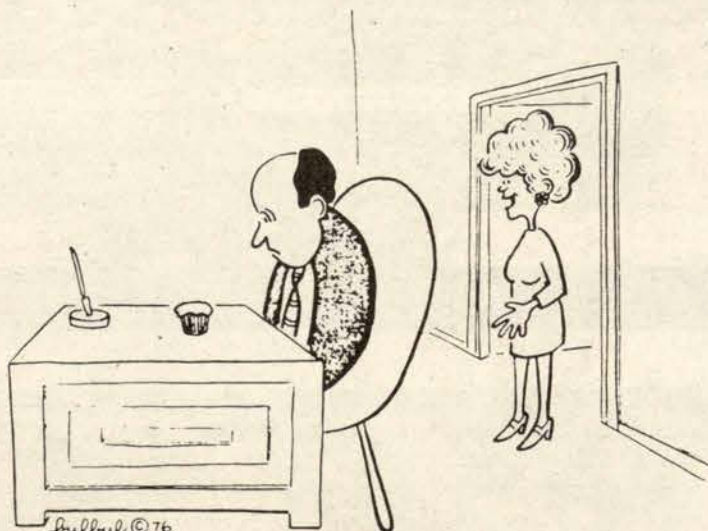
The Supreme Court's case also touched on two other issues important to defining and punishing illegal sexual harassment. First, the Court distinguished between "voluntary" participation in the conduct and

"unwelcome" participation. An employee need only contend that the participation was *unwelcome* even if they *voluntarily* participated in that activity.

A third issue reviewed by the Court was not resolved by this case. Vinson contended, and the Court of Appeals had agreed with her, that the bank was liable for the damage she suffered whether or not she notified top bank management of her supervisor's unwelcome behavior. In other discrimination cases (involving race or national origin), the courts have held an employer strictly liable for the conduct of its supervisors. The majority of the Supreme Court contended that the evidence presented here was inadequate to decide this issue.

But four justices, led by Thurgood Marshall, argued that the employer should be strictly responsible for the actions of its supervisors.

**An employer can act only through individual supervisors and employees; discrimination is rarely carried out pursuant to a formal vote of a corporation's board of directors .**



You did say, 'Hire me a cupcake.'



## New contract vote set at Citizens Utilities

A new contract offer is up for ratification this month by members of IBEW Local 1245 at the Citizens Utilities Company of California. The offer came after rejection last month of a previous offer. The union bargaining committee at Citizens recommended acceptance of the contract in a bulletin sent to all members with the new ballot.

"Your Committee, based on the Company's last final offer and the effect of the alternative on our members and families, chose to submit the amended bargaining table agreement for your consideration and final determination," the bargaining committee said. "We recommend a vote for this offer."

After rejection of the earlier agreement, the union committee met in Redding "to formulate and develop counter proposals to the Company's offer." The Committee considered a range of issues raised by members during the previous ratification vote. These included: improvements in the retirement plan, changes in shift selection and holiday rotation, the application of temporary upgrade provisions relative to (grandfathered) employees, completion of the training and testing provisions of the current agreement, and continuation of COLA coverage.

The membership paid special attention to the language of the health care cost containment plan proposed in the new agreement. Many voiced concern about the actual impact of this language.

The IBEW Local 1245 Bargaining

Committee raised these issues with management in a bargaining session held October 22. The Company responded with a "detailed explanation" by the Walker Company about the new health care cost containment language. The Company also responded to the other issues raised.

"The Company said that their offer is the best economic package made to any telephone worker across the country," the IBEW Local 1245 Bargaining Committee said.

The Company agreed to conduct a presentation by the Walker Company about the health care language throughout the system. These sessions will be on Company time and will allow adequate time for questions and answers.

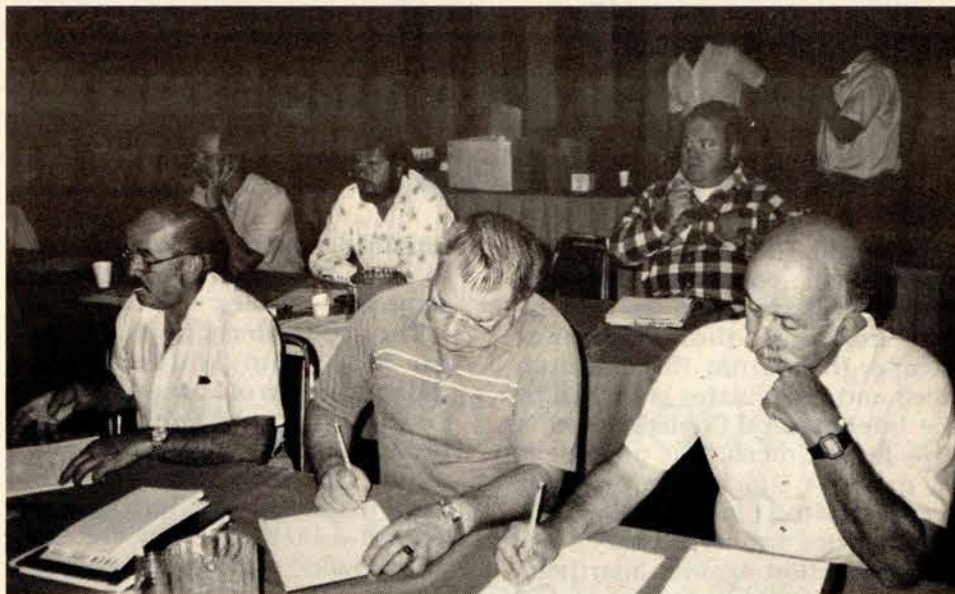
"Initial reports of these sessions indicate that members' concerns are being adequately addressed," Orv Owen, Assistant Business Manager at Local 1245, said.

A secret mail ballot will be sent to all members on November 10, 1986. The ballots will be picked up at the post office in Walnut Creek and counted on December 1, 1986.

Members of the Local 1245 Negotiating Committee will be at all November unit meetings to explain and answer any questions regarding the new proposal. The Committee urges members to "attend your unit meeting and remember to vote."

Serving on the IBEW Committee are: John Chelonis, Duane Gress, Wayne Gilmer, Michael Graggs, Christine Oakey, Janet Pulcifer, Vivian Simons, Jack Osburn and Orv Owen.

## Northern California Shop Stewards training held



Three dozen shop stewards gathered in Chico recently for a thorough presentation of issues currently confronting shop stewards in Local 1245. Presentations were made by IBEW Business Representative Ed Fortier (on the structure and responsibilities of the local union), Darryl Alexander of U.C. Berkeley's Labor Occupational Health Program on Cal/OSHA, and George Lovett, Marketing Representative from Blue Cross of California on the Prudent Buyer Health Plan. The stewards came from a cross section of private and public sector employers represented by IBEW Local 1245, including Citizens Utilities, PG&E, Bella Vista Water District, the City of Redding and the United States Bureau of Reclamation. The stewards present were: Mike Cronin, Al Knudsen, Rod Trunnell, John Chelonis, Susie Chelonis, Gerald Watson, K.R. Brown, Bill Cowden, Joseph Belle, Duane Cress, Susan Cox, John Trunnell, Bill Chambers, Lowell Terrell, John Beck, Dave Mason, Kathy Ferguson, Dwayne Felkins, Terry Andreucci, Ken Brown, Leonard Liotta, Janet Pulcifer, Michael Graggs, Vivian Simons, Madell Landrom, Richard Welch, Jacquie Lolmaugh, Nick Salvatorelli, Luckey Carter, Al Harte, Ken Andrews, Luis Sabala, Michael Brady, James Basgall, Fred Wanamaker. Business Representatives Rich Hafner, Gene Wallace, Jack Osburn and Ed Fortier organized the training session.



Ed Fortier, Business Representative, leads a workshop at recent stewards' training.

## Women in the workforce



A delegation of ten representatives from IBEW Local 1245 attended the California Labor Federation's Women in the Workforce Conference last month. Several key issues of concern were discussed by the attendees with the assistance of labor educators and AFL-CIO representatives. Sexual harassment, pregnancy discrimination, organizing women workers and health and safety hazards for women on the job were all reviewed in workshops. Joyce Miller (left), head of the Coalition of Labor Union Women (CLUW), addressed a luncheon session of the Conference. She stressed the role that trade unions play in defending the American family from social and economic hardship. Members of the IBEW Local 1245 delegation (right) were: Michelle Perriera, Ruth Best, Litha Saunders, Sandi Damitz, Christine Lay, Coriene Wadlow, Jeffrie Van Hook, Chris Becker, Barbara Orofino, Susan Chelonis, Chris Habecker, and Roger Stalcup.





## TEAR UP THOSE CREDIT CARDS

# The Shell Oil boycott

The AFL-CIO Executive Council endorsed the consumer boycott of Shell Oil products as part of the international labor movement campaign against Royal Dutch Shell and its affiliates launched by the International Confederation of Free Trade Unions. The purpose is to protest Shell's repressive treatment of black workers in South Africa and its refusal to take positive action against apartheid. The boycott was started at the request of black South African trade unions. Other organizations have joined the labor movement in the effort.

The boycott is against Shell products, not against individual merchants selling those products. Shell Oil in the U. S. is an appropriate target since the company is wholly-owned by Royal Dutch Shell, based in the Netherlands. The boycott is

intended to press the U. S. company to demand changes in the parent company's policies.

The action stems from a request for help from South Africa's National Union of Mineworkers and the Miners International Federation. Early in 1985, black miners walked out of a Shell-owned mine in Reitspruit, South Africa, to attend a memorial service for a miner killed on the job. When the company suspended shop stewards, the workers struck. The company fired workers and took vicious reprisal actions against the union.

Boycott activities are being conducted in the U.S. by the National Labor Shell Boycott Committee, co-chaired by United Automobile Workers President Owen Bieber and United Mine Workers President Rich Trumka.

## IBEW Founders' Scholarship for 1987

The IBEW takes great pleasure in announcing the Founders' Scholarship Program for 1987.

The IBEW offers to its members a maximum of 12 Founders' Scholarships annually for full-time university study leading to bachelor's degrees in specified fields. The number of scholarships awarded is determined by the number of qualified applicants—one scholarship for each 25 qualified applicants or major fraction thereof. The scholarships are worth \$5,000 a year for up to four years of undergraduate study toward a bachelor's degree in any approved fields. They will be granted on a competitive basis to qualified candidates from all branches of the IBEW.

The IBEW Founders' Scholarships honor the small group of skilled and dedicated wiremen and linemen who, in November, 1891, organized the International Brotherhood of Electrical Workers.

**Eligibility** — IBEW members who have been in continuous good standing for at least four (4) years by the time they begin college study or are original members of a local union chartered less than four (4) years are eligible to apply for the Founders' Scholarships. It is further required, where applicable, that apprentices shall have completed a full, formal apprenticeship as established in their trade and area.

Applicants are required to take either the Scholastic Aptitude Test (SAT), or the American College Test (ACT). The SAT will be administered

in communities throughout the United States and Canada on October 11, 1986; November 1, 1986; December 6, 1986; and January 24, 1987. The ACT will be administered in communities throughout the United States and Canada on October 25, 1986; December 13, 1986; and February 7, 1987. All required papers must be received by the Scholarship Selection Committee by February 20, 1987.

Complete information on requirements, instructions, and official application forms may be obtained from your local union or by writing to:

IBEW Founders' Scholarship Administrator  
1125 15th Street, N.W.  
Washington, D.C. 20005

Please note, this is an adult program for IBEW members only. It is not open to sons and daughters of members, unless the sons and daughters themselves are eligible. When writing be sure to include your IBEW Local Union Number and your Card Number.

The officers of the IBEW are indeed pleased that the Brotherhood is able to offer these IBEW Founders' Scholarships to its members. It is their hope that, over the years, the awards will contribute not only to the personal development and achievement of the successful candidates, but also to the development and improvement of the electrical industry, of which the IBEW is a vital part.

# Don't Buy

## National Boycotts Sanctioned by the AFL-CIO Executive Council

### Armour Processed Meats Co.

Armour Hams, Armour Bacon, Armour Hot Dogs. This UFCW boycott does not include processed meat products made by Armour-Dial.  
United Food & Commercial Workers

### BASF A.G. Corp.

Gelsmar, Louisiana. Video, Audio and Computer discs, Lurotin brand vitamins, Alugard 340-2 protectant in anti-freeze. Oil, Chemical & Atomic Workers International Union

### Brown & Sharpe Mfg. Co.

Measuring, cutting and machine tools and pumps. Machinists & Aerospace Workers

### California Table Grapes

Table grapes that do not bear the UFW union label on the carton or crate.  
United Farm Workers

### Adolph Coors Co.

Beer: Coors, Coors Light, Herman Joseph's 1868, Golden Lager, Masters III, Colorado Cooler, George Killians Irish Red.  
AFL-CIO Brewery Workers Local 366

### Faberge, Inc.

Personal care products: Aphrodite, Aqua Net Hair Spray, Babe, Cavale, Brut, Ceramic Nail Glaze, Flambeau, Great Skin, Grande Finale, Just Wonderful, Macho, Kiku, Partage, Tip Top Accessories, Tigress, Woodhue, Xanadu, Zizanie de Fragonard, Caryl Richards, Farrah Fawcett and Faberge Organics.  
Oil, Chemical & Atomic Workers International Union

### Fort Howard Paper Co.

Green Bay, Wisconsin and Muskogee, Oklahoma. Mardi-Gras, Page, Soft-Knit tissues and napkins. Antique towels, Pom-etts, Econ and Dolly Madison tissues.  
United Paperworkers International Union

### Holiday Paper Cups,

Div. of Imperial Cup Co.  
Holiday Paper Cups brand name.  
United Paperworkers International Union.

### Indiana Desk Co.

Medium and high priced desks.  
United Furniture Workers

### Louisiana-Pacific Corp.

Brand name wood products: L-P Wolmanized, Cedartone, Waferwood, Fibrepine, Oro-Bord, Redex, Sider, Ketchikan, Pabco, Xonolite.  
Carpenters & Joiners and Intl. Woodworkers

### Marval Poultry Co., Inc.

Turkeys and turkey parts: Marval, Tender Pride, Lancaster, Frosty Acres, Top Frost, Table Rite, Manor House, Richfood, Food Club, Dogwood Hill Farms. All products bear USDA stamp #P-18.  
United Food & Commercial Workers

### Nixdorff-Lloyd Chain Co.

Heavy duty chains sold in hardware stores. The Nixdorff-Lloyd brand name appears on the chain spool.  
Machinists & Aerospace Workers

### R.J. Reynolds Tobacco Co.

Cigarettes: Camel, Winston, Salem, Dorai, Vantage, More, Now, Real, Bright, Century; Smoking Tobaccos: Prince Albert, George Washington, Carter Hall, Apple, Madeira Mixture, Royal Comfort, Top, Our Advertiser, Sterling; Little Cigars: Winchester. Bakery, Confectionery & Tobacco Workers

### Seattle-First National Bank

Withdraw funds.  
United Food & Commercial Workers

### Shell Oil Co.

Subsidiary of Royal Dutch Shell (parent company of Shell South Africa). Gasoline, petroleum and natural gas products.  
AFL-CIO

### Sterling Radiator

Baseboard heaters for the home.  
United Automobile Workers

### Harper & Row Publishers, Inc.

Children's Books, College textbooks, Fiction and Non-fiction Novels.  
United Auto Workers

### Bruce Church, Inc.

Iceberg Lettuce: Red Coach, Friendly, Green Valley Farms, Lucky.  
United Farm Workers

Union Label and Service Trades Department, AFL-CIO  
1986

## SUGGESTED COURSES

Accounting	Industrial engineering
Aerospace	Industrial management
Architecture	Industrial relations
Business	Labor studies
Business administration	Mechanical engineering
Chemical engineering	Metallurgy
Civil engineering	Occupational safety and health
Economics	Political science
Education	Psychology
Electrical engineering	Sociology
Industrial design	Vocational education

### Send for IBEW Scholarship Applications

Please send me the leaflet, "1987 IBEW Founders' Scholarships," and necessary application materials.

Name:	_____
Address:	_____
City:	_____ State: _____ Zip: _____
IBEW Local Union No:	_____ Card No: _____

Note: All information must be supplied.

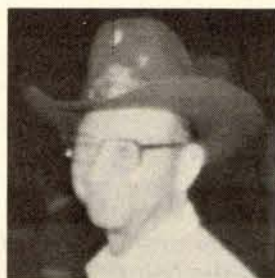


# What do you see as the most important challenge facing IBEW Local 1245 in the next five years?

*This question was put to several participants in the recent Unit Officers Leadership Conference sponsored by the Local.*



Mike Powers, Vice Chairman, Unit #1122, Shop Steward, Merced Irrigation District — "The Reagan Administration is doing away with unions. The interpretation of labor law has changed, going from one set of rules to another. We need to strengthen the protections offered by labor law, perhaps by establishing a new, universal code which would apply to all workers. We also should build stronger inter-union solidarity."



Tom G. Thomas, Chairman, Unit #1120, PG&E, Selma — "We need to change the public's attitude towards unions through the press and political change. When labor allowed PATCO to go under, we showed weakness. That was a turning point. We should have demonstrated more solidarity with the air controllers. We shouldn't have let those people hang. It would be like not recruiting non-union members in an open shop into the union. We should get one-on-one with new employees. Also, many employees are agency members, but not union members. Why? Let's change that."



Millie Phillips, Recorder, Unit #2412, Shop Steward, San Francisco PG&E Physical — "We must get over our isolation from other unions and issues. We need to get more involved in Central Labor Councils and other union bodies. A good example was our participation in the Solidarity Day rally a few years ago. If we don't take these steps now, it will hurt us down the road."



John Trunnell, Unit Recorder, Unit #3212, City of Redding — "Maintaining our basic benefits and working conditions in the face of new anti-union attitudes is our most important challenge. In the public sector, elected public officials get vote hungry and often target unions. They make campaign promises about budgets and then find that they have to deal with a union. We often interfere with their power-hungry nature."



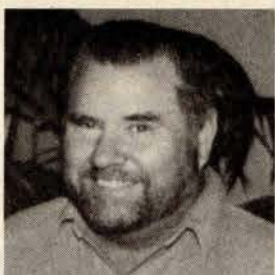
Dora Carone, Recorder, Unit #3318, Shop Steward, CP National, Member of Negotiating Committee — "We need to build up our membership or else we may not be able to maintain the wages and benefits we currently have. A new Administration might be friendlier to labor. We should also put emphasis on well-trained shop stewards. Meetings like this one should be held more often — the more times we get together, the better. All of these steps will help us prevent take-aways and improve our contracts."



Darryl Norris, Chairman, Unit #3811, Sacramento PG&E, Shop Steward, Advisory Council — "To end apathy about the union and establish an effective political base in order to elect labor-conscious candidates are the two major challenges we face. Greater participation in union activities requires improved communication with better training and direction from the union. Through political education we can elect better candidates to public office. We should have labor people running for these offices. The Democrats have alienated many voters. We have to get back to labor issues with someone who has a broader appeal."



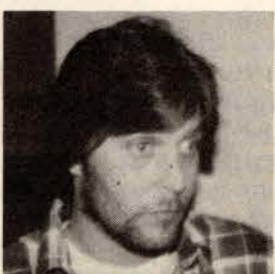
Jacquie Lolmaugh, Recorder, Unit #3611, PG&E Marysville — "Dealing with the Public Utilities Commission is our biggest challenge. They should stay out of collective bargaining. Their recent challenge to our wages is misplaced — union salaries are only of small percentage of the total cost package at PG&E. We are not overpaid. If the PUC wins the rate case then they'll go after other issues, like our benefits. The contract is between us and the company, not the PUC. Why don't they look at management salaries and waste?"



Ken Andrews, Recorder, Unit #3412, Quincy, PG&E — "The whole key is getting young people motivated about the labor movement. They are unfamiliar with the goals of the union. They feel secure with the company — but this is a naive outlook. The company takes advantage of their shortsightedness. The younger worker also tends to be more individualistic. I see the same problem in other organizations like churches and political parties. Younger people do not seem to want to interact socially."



Joseph Belle, Chairman, Unit #4013, Chief District Steward, Citizens' Utilities, Alturas — "Technological change is a major challenge for us. We have to maintain our status quo. This means better retraining. Management should rely on attrition when new technology requires fewer workers. We also face the problem of contracting out to non-union workers — Kelly Girls and other temporary agencies. These problems undermine the strength of the union."



Mark Rios, Recorder, Unit #3111, Shop Steward, PG&E, Humboldt — "Our biggest challenge is pulling the membership together. We can't affect anything until we do that. Communication and higher visibility by the union leadership is the key to this. The outlying areas (non Bay Area) need more attention. Shop stewards are also important to the day-to-day success of the union."



Mary Haring, Recorder, Unit #1112, Bakersfield, Shop Steward, Electric T&D, PG&E — "We are losing more and more work to outside contractors. The company is attempting to reduce us to maintenance workers. IBEW is my first experience with unions and they really take care of people; but we need strong new member orientation and education to let people know what the union is all about. A lot of the outside contract work is done by non-union workers — who do not have the same benefits we have. They are not all trained to our high standards of work and safety."



# NFL Drug War, Part II

## Drug busting or union busting?

This month the *Utility Reporter* concludes its series on the "Drug Wars" in the National Football League with an interview with the NFL Player's Association and other experts on this issue. Please see the accompanying piece for an update on the arbitration victory by the Players.

Now that the regular season is underway, the drug issue has left the front pages, but there may be more to this than meets the eye. Dave Meggysey, Western Director of the Players' Association and a seven year veteran of the St. Louis Cardinals' spoke at length with the *Utility Reporter* about the drug testing issue. He pointed to the timing of the Rozelle announcement.

The Players' Association "had offered in March of this year to improve the League's drug program," he said. "But the owners did nothing. The only other time the drug issue surfaced was prior to the 1982 contract talks." Now the players' contract with the League is once again up for renewal. Meggysey feels the drug issue is being used by employers "to regain rights won by employees over a seventy-five year struggle for collective bargaining." The drug issue was used to try and soften the players up prior to the start of negotiations, but has now been quietly pushed aside so that the start of the new season is not tarnished, Meggysey feels.

The Players' Association also points to the use of allegations of drug use against players in individual salary negotiations. "We are particularly, as players, sensitive to the question of confidentiality. A player can be painted with the brush of drug use very easily in the press."

### Image v. Reality

Meggysey agrees that the players have a special obligation to eradicate drug abuse because of the role athletes play as a "model for the nation's youth." "But we have been characterized in a false light," he continues. "The Rozelle plan portrays us as rich kids stuffing cocaine up our noses. It treats us like chattel, as subhuman. But who knows more about their bodies than football players, where every move is on film and constantly analyzed?"

Both Meggysey and Professor Paul Staudohar, of Cal. State Hayward Univ. and author of *The Sports Industry and Collective Bargaining*, raise additional concerns about the drug issue. Though the spotlight is currently on recreational drugs like cocaine and marijuana, performance drugs

like "amphetamines, stimulants to the central nervous system, have long been part of the culture of the football player," Staudohar notes. Pain killers and anabolic steroids, which build up muscle tissue in a short period of time, are also commonly used by players.

These drugs are often "forced on players" according to Meggysey. "But there is nothing in the Rozelle policy about these because they are used to help a player's performance."

### Testing not accurate

Meggysey and Staudohar also echo the concerns raised about the reliability of current drug testing techniques. A recent Federal study reports that many laboratories have made such serious errors in testing urine for evidence of drugs that the results were unreliable for much of the time.

Drug testing has now become a growth industry, costing about \$200 million a year. "In the climate where there's money to be made, inevitably there will be incompetent and inadequately staffed laboratories," according to Dr. Bryan S. Finkle, a leading toxicologist at the University of Utah in Salt Lake City. Finkle notes that there are only "about a dozen competent urine drug testing laboratories in the country."

The testing problem is compounded by other factors. Many commonly prescribed legal drugs can test positive. Often a negative result occurs where illegal drugs have been used. Some drugs leave a residue in the blood system long after any physical effect has disappeared. Finally, minorities may test positive for some tests despite no actual drug use because of the breakdown of melanin in the blood.

And, as even *Business Week* recently admitted, testing alone cannot distinguish between the levels of drug use. "[I]t doesn't show when the drug was taken or whether a person is a habitual user of just following a doctor's orders," they wrote.

But no matter how accurate the testing, "the real issue is one of control," Meggysey says. The owners hope to structure their players' lives according to their own values rather than participating in the collective bargaining process. "Most workers are conscientious and responsible about their work, which is why the Constitution and our contract rely on the principle of *reasonable cause* for a management action." The problem, he concludes, must be dealt with in a "legal and positive manner."

## NFL must halt new drug testing program

As predicted in last month's *Utility Reporter*, the National Football League Players Association (AFL-CIO) prevailed against Pete Rozelle and the NFL in their recent battle over a random and mandatory drug testing program. Rozelle had unilaterally announced the plan last summer in the wake of the cocaine-related deaths of star athletes, Len Bias and Don Rogers.

In a lengthy ruling, arbitrator Richard Kasher concluded that the Rozelle plan violated the terms of the 1982 Collective Bargaining Agreement between the Players and the NFL. That agreement contained specific language about testing developed after "extensive bargaining" on the issue, according to the Players Association.

"This is a victory for collective bargaining," NFLPA Executive

Director Gene Upshaw said. "This decision reaffirms the agreement we made in 1982 and says that changes in what we agreed to then can not be made unless the union agrees to them."

In his decision, the arbitrator made clear the limited nature of management's authority when it issues new regulations that touch on areas covered by collective bargaining. "We must conclude," Kasher wrote, "that when the Commissioner established policies or procedures, which have the effect of regulations, that those policies and procedures, which are impacted by the collective bargaining relationship, are not plenary in nature. Plenary authority is 'absolute' or 'unqualified' authority; that is not the Commissioner's authority under the terms of the Collective Bargaining Agreement."

## Focus: Shop Steward Rudy Woodford

If there were a triple crown awarded for rank and file union leaders, Rudy Woodford would be a leading candidate. As a shop steward, Unit Chairman (PG&E's San Francisco Physical Unit 2412) and Advisory Council member, Rudy has a full agenda of union activities.

Recently, the *Utility Reporter* sat down with Rudy after work and talked about his activities on behalf of fellow workers in IBEW Local 1245.

Although relatively a newcomer to union office, Rudy found himself well-prepared for his new roles. He credits his experience as a black American for providing him with the skills necessary to represent fellow workers to management. He was engaged in battles against discrimination and arbitrary treatment of both himself and those around him much of his life.

As he put in more and more years at PG&E he found himself always "questioning authority" on the job, as he puts it. Over time, his fellow workers turned to him as an informal spokesperson. He believes it is this peer group which gives him the strength he has at PG&E. "I'm only as effective as the people behind me," Rudy said. "They made me shop steward. I didn't do it by myself."

Soon Rudy became more and more interested in the activities of Local 1245 outside of his own shop. Rudy says he has a strong curiosity about things around him. "I'm a natural student, I always want to learn — but I don't want to go to school," he says with a smile. Quickly he had learned enough about the union to run for election as unit chairman and, then, for a position on the Local 1245 Advisory Council. As unit chairman, Rudy is



organizing a picnic for the IBEW Local 1245 members of San Francisco Physical and their families. Anyone interested in assisting should contact Rudy at the next Unit meeting.

Rudy is a big man — even intimidating, according to some. But his strength hits home hardest when Rudy speaks of his family. They are the "backbone of my union activities," Rudy said. He takes great pride in speaking of his wife, Jacqueline and his two children, Maurice age 10, and Monique age 7. He emphasizes his role in the cub scouts with his son and in the local parish where his children attend school.

As it often does these days, our conversation eventually touched on the tough times unions now face. Although Rudy often emphasized the value of a positive approach to management, he agrees that the labor movement has to make an extra effort to defend itself and grow in the future. Brother Woodford, though, appears to have touched on a formula for success as a union activist: a well-organized shop, the backing of the local union, and the support and understanding of one's family.