Union convenes lineman committee on barehanding, rubber gloving

Local 1245 has called together 24 linemen from all over the PG&E system to advise the union on what course of action it should take on the controversial issues of barehanding and rubber gloving. This advisory committee met for two days in January and came up with many suggestions for addressing the many concerns raised by linemen throughout the system about these controversial issues. These suggestions will be pursued by a PG&E line committee formed by Local 1245 to discuss the issues of rubber gloving and barehanding with PG&E.

Barehanding is the work method by which a person comes in direct contact with the voltage by placing his body at the same potential as the voltage by placing his body at the same potential as that of the conductor. Rubber gloving is the work method by which workers protect themselves from electrical shock by wearing electrically insulated rubber gloves.

PG&E filed a petition with Cal/OSHA to allow the barehand method on high voltage transmission lines and the use of rubber gloves on all distribution primary voltages. The petition did not specify the voltages that an employee would be allowed to perform work on.

1986
Cal/OSHA set up an advisory committee which met to discuss PG&E's application. The Cal/OSHA advisory committee, composed of interested parties from both labor and management, presented arguments for and against the disputed practices and attempted to reach consensus on language changes in worker safety rules if appropriate.

1987
The committee met again but before anything could be accomplished Governor Deukmejian abolished Cal/OSHA's authority to regulate safety in the private sector, causing those functions to be transferred to the federal OSHA. PG&E continued with its planning for barehanding and rubber gloving under federal OSHA standards by forming two task forces of management personnel whose purpose was to develop training procedures. They also proposed changes to the "Accident Prevention Rule Book" to allow for barehanding and rubber gloving. A coalition of labor organizations

PGT wage offer accepted by Physical and Clerical Units

Members of Local 1245 employed by Pacific Gas Transmission Company voted by mailed ballot last month to accept a general wage increase of 3.5%.

The wage increase, which takes effect retroactively to Jan. 1, 1990, applies to all Physical and Clerical employees. In addition to the wage increase, Physical and Clerical employees will receive a one percent performance bonus, to be paid by Feb. 28, 1990.

PGT in 1989 and actively on the payroll on Jan. 2, 1990, or who returns to the active payroll in 1990, will receive the bonus payment. It will be based on the employee's gross income (as reported on the W-2 form) but will not be applied to pension bands or 401k savings fund plan.

The union and company will also establish a non-binding committee to review and explore non-traditional pay concepts.

The Ratification Committee, comprised of Pamela McKeen, judge of the election and Richard Poole, teller, reports the following ratification results:
- Physical:
  65 eligible to vote
  56 ballots received
  36 voting yes
  20 voting no
- Clerical:
  23 eligible to vote
  19 ballots received
  19 voting yes
  0 voting no

PGT

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members of the Local 1245 lineman advisory committee met to discuss what action the union should take on the controversial issues of barehanding and rubber gloving.

In 1989, PG&E filed a variance petition with Cal-OSHA to proceed with barehanding and rubber gloving hearings, but the petition was denied. However, PG&E resubmitted a petition to change the high voltage Title 8 safety orders. Local 1245 requested the state legislature to enact a bill to limit working voltages (AB 167).

On Aug. 9, Letter Agreement 89-129 was signed. Local 1245 agreed to postpone legislative action on limiting working voltages and PG&E agreed to suspend its petition request on barehanding and rubber gloving at the Cal-OSHA Standards Board. They both agreed to commence negotiations. Local 1245 and PG&E met several times but could not reach agreement. The union would agree to barehanding if it could have input into guidelines, training, and the employees could be adequately trained and the jobs could be filled on a voluntarily basis. The union could not agree to any rubber gloving.

1990
Formation of the Local 1245 Lineman Advisory Committee.

Compensation issues belong at table

There are questions and problems with these schemes. Do we treat one group of employees in a way that is different from all the rest? Why should one department in a HQ have the opportunity and another department in the same HQ not? Or, why should a department in a HQ have a program and the same department in another HQ not? What happens if an employee who bids from a HQ has a plan to a HQ which has not? Ad nauseam.

If we get into this ball game, what do you think the company's attitude is going to be at the general bargaining table when we propose wage increases and other compensation? Probably something like this: "We are already providing additional increases at the department level so not much is available to offer at the bargaining table."

Our union's responsibility is to represent its members to the greatest extent possible and as fairly as possible. That is what we intend to do. We believe these shotgun departmentalized "incentive" schemes will, for the most part, simply not work.

What is this new approach to compensation intended to do? Reward some employees in some areas for meeting certain goals? Pay for performance? Or, possibly, divide the employees in order to weaken the union?

Many of these departmentalized forms of compensation may sound great at the time. You can have management in one area who is willing to shell out some rewards, while management in another area is not willing to share. It does not take a genius to figure out where this will lead.

Lineco update

The Lineco controversy continues.

When Lineco moved unilaterally to increase the premium on the Lineco Trust Agreement by 25 cents, Local 1245 took the position that Lineco did not have the authority to do so. The union wrote its contractors to not deduct the additional 25 cents from any Local 1245 member's check.

Lineco has responded by refusing to accept any checks that fail to include the additional 25 cents. The union is now studying its options and will keep members informed.
Preparing for negotiations with Oxford Energy are, from left, Tom White, Business Representative Joe Valentino, and Kent Ross. Oxford operates a co-generation plant in Westley, Ca., where Local 1245 represents about three dozen workers. Next talks are scheduled for March.

POINT OF VIEW

Compensation issues belong at the bargaining table

Jack McNally, IBEW 1245 Business Manager

PG&E hasn't just re-organized: they are also changing the way they manage.

The new approach to compensation is to provide incentives to reach certain objectives. Schemes are devised to encourage employees to work more safely, thereby having fewer industrial accidents, or to encourage employees not to use sick leave, or to complete a task or project within certain time limits.

Incentives in the form of clothing, (hats, T-shirts, jackets, belt buckles, etc.), gift certificates, dinners, awards, bonuses, and/or plain old cash money are the carrots that are dangled out there to reward employees for achieving the objectives.

Putting these types of schemes into effect without negotiating with the union is a violation of the National Labor Relations Act. And it is a genuine problem.

For the record, the union certainly favors promoting safety and health in the workplace. And the issue of providing jackets, belt buckles, etc. to groups of employees for outstanding safety records has not really been an issue with the union.

However, some of the new schemes are becoming an issue with the union.

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However, some of the new schemes are becoming an issue with the union.

Scattered throughout the company, in various departments, divisions, and headquarters, we find current or proposed incentive plans for non-use of sick leave. If an employee does not use any sick leave or a low number of hours per year, awards in the form of money, clothing, wristwatches, lottery tickets, and even time off are provided. Imagine, time off for not taking time off!

I don't have to discuss here the issue of sick leave utilization over the years at PG&E and the letters and grievances involved. PG&E's basic concern has been the perceived abuse of sick leave. The union's concern is over the latest developments in attempts to curb sick leave usage.

For at least 20 years Local 1245 has proposed, in general bargaining with PG&E, various methods to encourage employees to save sick leave. With the exception of the agreement on the five-year bonus vacation for non-use of sick leave, the company has consistently rejected every proposal on the subject.

Now we have divisions, headquarters, or departments within headquarters instituting or proposing to institute sick leave incentives without regard for the rest of the system.

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See PAGE TWO
Blair joins Local 1245 staff

Long-time IBEW member Bobby Blair assumed the position of business representative for the southern California jurisdiction of Local 1245 in January.

Blair, 52, has 30 years experience in the trade, traveling around the country as a journeyman lineman. He was initiated into the old Local 47 in 1965 and has served on numerous committees for Local 1245 over the years.

Blair lives in Victorville, CA, with his wife, Patricia and two daughters, Robin, 12, and Robyn, 11.

New Communications Director

Labor journalist Eric Wolfe joined the staff of Local 1245 in February as Communications Director.

Wolfe, 39, comes from Operating Engineers Local 3 in San Francisco where he served as assistant editor for Engineers News. Prior to that Wolfe was publisher and editor of The Plaindealer, a labor newspaper in Wichita, Kan. Under Wolfe's management in 1988 The Plaindealer won Second Place for General Excellence in national competition sponsored by the International Labor Communications Association.

Wolfe's primary responsibility at Local 1245 will be the publication of Utility Reporter. He lives in San Francisco with his wife, Susan Freinkel.

Union takes CAPCO to court over plant closings

California Agricultural Power Co. will face charges before a federal court and the National Labor Relations Board as a result of the company's decision to close four biomass power facilities.

Approximately 85 workers, including some 60 members of IBEW Local 1245, were laid off without notice on Jan. 16 when CAPCO abruptly closed facilities in Chowchilla, El Nido and Firebaugh. The union quickly responded with a lawsuit in U.S. District Court charging CAPCO with violating Title VII of the federal plant closure law, which requires employers with more than 100 employees to provide 60 days advance notice of plant closings.

The union also filed unfair labor practice charges with the NLRB over the company's failure to bargain with workers on the effects of the layoff and for discriminating against workers engaged in union activity.

"There's no good reason to treat the people who work there that way," said Joe Valentino, a Local 1245 business representative. "They hurt the workers and they hurt the community."

Employees at the El Nido plant and one of CAPCO's two plants in Chowchilla are represented by Local 1245 under one-year contracts that took effect last October. In December Local 1245 was also certified to represent a "traveling" crew of CAPCO workers but the company had not yet agreed to a bargaining date when the plant closings were announced.

The union alleges in its NLRB complaint that CAPCO was in fact discriminating against the traveling crew, presumably as punishment for unionizing.

CAPCO attributed the shutdowns to plant design deficiencies. CAPCO plants were designed to burn agricultural wastes, a technology less advanced than that used in burning more conventional fuels. Published reports have suggested that meeting air quality standards may also have posed problems for CAPCO.

Staff changes at Local 1245

Several staff assignments have been changed in recent weeks. Members should note the following changes:

**Mickey Harrington** will assume the DeSabra Division assignment, while keeping Citizens Utility and Lassen MUD.

**Gary Mai** will service USBR City of Lodi, Merced ID, Modesto ID, Tri-Dam Project, and South San Joaquin ID.

**Sam Tamini** will handle Fact Finding in East Bay Region.

**Dean Gurke** will assume the Mission Division assignment.

Perry Zimmerman will service SMUD and GEO.


Unit meeting dates changed

**UNIT 1122 - MERCEDES IRRIGATION DISTRICT**

Ryan's Place
299 N. G Street
Merced, CA

First Tuesday of each month 7:30 p.m.

**UNIT 2512 - ANGELES CAMP**

Round Table Pizza
1526 N. Beale Road
Linda, CA

First Tuesday of each month 6:00 p.m.

**UNIT 2517 - SONORA**

Round Table Pizza
1970 "D" Mono Way
Sonora, CA

Second Tuesday of each month 4:00 p.m.

**UNIT 3611 - MARYSVILLE**

Duke's
1526 N. Beale Road
Linda, CA

First Tuesday of each month 6:00 p.m.
Bargaining continued between Local 1245 and Pacific Tree

Agreement seemed near as bargaining continued in February between Local 1245 and Pacific Tree. Talks have been slowed by a number of factors, according to Assistant Business Manager Ory Owen. In December the company's main spokesman, David Comb passed away. A desire by Pacific Tree to limit the jurisdiction of the agreement has also been a roadblock. Owen said the union was not willing to change the jurisdiction of the contract.

Despite the obstacles, Owen remained optimistic that an agreement was near. For now work is continuing at Pacific Tree under a day-to-day extension of the agreement in which five days notice is required before the agreement can be cancelled.

Contract language is examined by members of the Pacific Tree negotiating committee (from left): Jim Travis, Gary Colbert, Assistant Business Manager Ory Owen (seated), Scott Riddle, Shannon Short and Bill Colbert (seated).

Citizens Utility talks continue

Negotiators for Citizens Utility and Local 1245 are back at the table and making some progress. Local 1245 represents approximately 300 employees of Citizens Utility, which is headquartered in Redding, Ca. Those union members showed enormous dissatisfaction with the company's first contract offer in November when they rejected it by the overwhelming margin of 202-31, with 86 percent of the members voting.

The pension plan is a key issue for the union in the talks, according to Assistant Business Manager Ory Owen. In its initial offer the company made only "token improvements" in the plan and refused to let union members participate in the company's 401K savings plan. The wage offer was also unsatisfactory, Owen noted.

February 1990

LOCAL AT LARGE

Union files charges against Wells REC

A dispute over the dues checkoff provision in the union contract prompted Local 1245 to file NLRB charges against Wells REC, the electric company serving northeastern Nevada.

The charges, filed Feb. 2, allege that the company unilaterally stopped deducting dues from union members' checks. "In essence," said Assistant Business Manager Ory Owen, "they didn't comply with current provisions" of the union contract.

Wells REC and the union had been engaged in routine talks to amend the current contract when the dispute arose. Union and company negotiators had reached an agreement that retained the longstanding dues checkoff provision in the contract. The union's membership at Wells REC then ratified the contract, but the company's board of directors rejected the contract despite the fact that it had already been agreed to by company management.

"They reneged on the bargaining table settlement. That's a breach of contract from our point of view," said Owen. The company's board apparently objected to the dues checkoff, even though the checkoff had been part of the contract for years.

The checkoff issue is particularly important in a right-to-work state like Nevada, where union security clauses are prohibited by law.

Local 1245 represents 18 workers in the electric department at Wells REC. Contract negotiations were slated to continue in mid-February.

Citizens Utility talks continue

Seven members of Local 1245 received checks from Arbor Tree in a settlement of unfair labor practice charges lodged against the company last summer.

The union had charged the company with laying off some workers and threatening others with lockout for attempting to organize a union. However, the company chose to settle before the case was heard by the National Labor Relations Board "because they knew they'd lose," said Assistant Business Manager Ory Owen.

As a result of the settlement, the company distributed checks totaling $6,300 to the aggrieved workers. Those receiving checks were Negotiating Committee members Kerry Musco, Jeff Daniels and Neil Smith, and the family of committee member Ray Gosney, who was killed in an automobile accident prior to the settlement agreement with the company at the bargaining table. Negotiations for a first contract with Arbor Tree began in December.

Tree trimmers win settlement from Arbor

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Contract language is examined by members of the Pacific Tree negotiating committee (from left): Jim Travis, Gary Colbert, Assistant Business Manager Ory Owen (seated), Scott Riddle, Shannon Short and Bill Colbert (seated).

Residents of Redding, Ca. who were aggrieved by Arbor Tree's unfair labor practice charges received checks totaling $6,300 in a settlement reached last summer.

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Peterson remembered people. It wasn’t just his knack for names. Some how-nonsense approach over the country sit up and take notice when they encountered him.

Local 1245 Business Rep Bobby Blair puts it this way. When members of Local 1245 went back east to work, the easterners wouldn’t say, “You must be from Local 1245.” They’d say, ‘Oh, you’re one of Curf’s boys.’

“His retention for names and places was tremendous,” agreed Local 1245 Business Rep Tom Heyl. Peterson remembered people. And people remember Peterson. It wasn’t just his knack for names. Something about Peterson’s straightforward no-nonsense approach to life made people all over the country sit up and take note when they encountered him.

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“As far as outside linemen go,” Blair added, you could almost say that “Curf Peterson was this local.” You don’t get a reputation like that just because you’re good at remembering names. Peterson’s reputation was built on his knowledge of the trade.
years ago, Dudley was his own man in the Be Bar in Blaisdell, Ca., when he walked up to Dudley. You laid eyes on him, but that was years later, and Peterson was a journeyman lineman. Peterson remembered his co-workers' names, everybody agrees, but it didn't stop there.

"Curt knew the names of their kids and when they were born," recalled Richard Duncan, another of the many men who considered Peterson a friend.

"You must be from Local 1245. They'd say, 'Oh, you're Pete!'" said Cross. Peterson's retention for names and places was tremendous," agreed Local 1245 Business Rep Tom Heyl.

Peterson remembered people. And people remember Peterson. It wasn't just his knack for names. Something about Peterson's straightforward no-nonsense approach to life made people all over the country sit up and take note when they encountered him.

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"As far as outside linemen go," Blair added, you could almost say that "Curt Peterson was this local."

You don't get a reputation like that just because you're good at remembering names. Peterson's reputation was built on his knowledge of the trade.

"He had a talent for sizing up particular jobs and helping contractors find the right people to do them. It wasn't just a matter of matching up the right skills with the job, Cross emphasized. Peterson could also find the "right personality" to fit the job.

"Peterson's friends seem firmly agreed on one point: he was just a lineman. He was a union man. He was just absolutely 100 percent union," said Duncan.

"That was just his way of living," agreed Blair.

Even if times got tough, Peterson "would never have thought of going non-union," said Cross. Peterson appreciated the fact that the union made it possible for him to support his sizeable family: his wife of 40 years, Rose; three surviving sons, Curt Jr., Rodney and Lonnie, all of whom belong to Local 1245; and three daughters, Ivy Jean, Charlene and Denée. And cross served the union throughout his career, both as a journeyman lineman in the field and as a business representative.

Good union man, yes. Saint, no. There was no disputing the fact that Peterson was outspoken. "He wasn't afraid of giving someone an ass-chewing" if the occasion demanded, Cross recalled.

Blair, who knew Peterson for 25 years, said his first impression of Peterson was the same as his last: "He never changed. He knew what the hell he was doing. He knew how to go about it." And he "didn't care what anybody thought about it."

Peterson, who died on Feb. 9, was buried in Lancaster, Ca., on Feb. 6, nearly 60 years and a lot of miles from Blaisdell, N.D. where he was born on March 9, 1930.

The thing that Blair will remember about Curt Peterson is the same thing that a lot of union folks will remember: "First," Blair said, "he was my brother. Second of all, he was my friend."
and fond farewell to Peterson

"He lived and breathed linework," said Bobby Cross Jr., another of Peterson's friends.

When asked if Peterson had any hobbies, Cross just smiled. "Linework. All his hobbies were linework." Peterson was proud of his contribution to the industry.

Peterson wasn't just a lineman. He was a union man. "He was just absolutely 100 percent union," said Duncan.

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"He lived and breathed linework. All his hobbies were linework."
— Bobby Cross, Jr.

"His retention for names and places was tremendous."
— Tom Heyl

"He's been everywhere, worked everywhere and knew everybody."
— Ron Fitzsimmons

"He was just absolutely 100 percent union."
— Richard Duncan
Cal-OSHA comes under fire in legislative hearings

If you were in charge of a bank, you probably wouldn't hire Jessie James to head your security team. You'd have a little more concern for the people who entrusted their money to you. But then you're not the governor of California.

As governor, George Deukmejian is the man in charge of appointing people to head state agencies like Cal-OSHA. The head of Cal-OSHA, in turn, is responsible for insuring that California's workers are not unnecessarily exposed to death or injury on the job. He's the man California workers entrust their health to.


In 1988, when labor organized Proposition 97 to resurrect Cal-OSHA, an agency that Deukmejian had killed in 1987, Stranberg was one of the people who signed the ballot argument that urged voters to reject Proposition 97, and thus reject Cal-OSHA. Today Stranberg heads the very agency he sought to destroy.

In joint legislative public hearings last month, state lawmakers and labor leaders raised serious questions regarding Stranberg's job performance. Among the things they wanted to know: Why is Cal-OSHA making 24 percent fewer inspections than three years ago? Why does Cal-OSHA allow self-certification of tower cranes by the companies that operate the cranes? Why is there only one safety engineer currently assigned to a vast three-county area in northern California?

Deukmejian's decision to appoint John Hay as the public representative to the Cal-OSHA Standards Board also came under fire. Hay, a past president of the California Chamber of Commerce, was one of those who, like Stranberg, signed the ballot arguments against Proposition 97.

The public member of the standards board has traditionally been a "neutral party", according to Ron Fitzsimmons, assistant business manager for Local 1245. Prior to Deukmejian's decision to kill Cal-OSHA, the agency had functioned admirably, in Fitzsimmons' view. Cal-OSHA had taken the attitude that "the employer had a responsibility to insure a safe worksite," Fitzsimmons said.

But that all changed when the James Boys rode into town. The five people who died in the November crane collapse in San Francisco serve as a sobering reminder of the service that a state safety agency like Cal-OSHA can perform, or fail to perform, in protecting workers.

Senator Bill Greene (D-L.A.), chair of the Senate Industrial Relations Committee, said he found it "pretty insulting" that administration officials came to the hearings with so little information on the problems being examined. Indicating that further hearings would be held, Greene said, "I intend to go deeply into this."

Union, PG&E to study health costs

The Pacific Gas and Electric Co. and IBEW Local 1245 have launched a joint study of soaring health costs and how to keep them under control.

The formation of the task force is an indication of how seriously both parties take the problem of health costs. One recent survey found that the cost of medical insurance to employers went up by 17 percent last year, with utilities experiencing the largest increase of all employer groups.

Local 1245 Business Manager Jack McNally, who will serve on the study group, called the issue of rising health costs so critical that "it is in the best interests of both the IBEW and PG&E to work together" to seek solutions.

Calling the rising cost of health care "the single biggest problem faced by the American worker in the 1980's," McNally said it was important for union members not to leave it up to management to find a solution on its own. "More than 17,000 IBEW members, who make up the backbone of the company's electric and gas operations, have a deep personal interest in keeping medical expenses in check," McNally said.

The joint study group plans to look into what other companies are doing to control the cost of providing health care benefits, as well as looking at agreements negotiated by other IBEW locals for employees they represent in other companies. Health care providers will also be contacted for their perspective.

The study is slated to be completed by July. But it will not be the last word on the issue. The final resolution of health benefits will, of course, take place at the bargaining table during negotiations scheduled to begin this fall.

In addition to McNally, Local 1245 will be represented on the study group by Darrel Mitchell, senior assistant business manager, and Wendy Bothell, benefits representative.

PG&E will be represented by John Danielsen, vice president-computer and telecommunications services; Richard Bradford, manager of industrial relations, and Richard Reidenbach, manager of compensation and benefits.

Attention: telephone callers to Local 1245!

With the installation of a new telephone system in January Local 1245 hopes to better serve our telephone callers.

One of the attractions of the new system is "voice mail". This feature enables you, the caller, to leave a private message of any length in the personal voice mailbox of any Local 1245 staff or business representative. Messages can be left anytime, night or day.

The "automated attendant" application is designed to assist in transferring your calls more efficiently. Be sure to follow the instructions given to you.

Changes always take getting used to, and after the adjustment period and newness wear off, we hope you will appreciate the improved service the new phone system will offer.
DRUGS AND WORKERS' RIGHTS

Bye-bye privacy, hello beakers

Drug testing time bomb set to go off in 1990

The clock is ticking on a drug-testing time bomb that threatens to demolish the civil liberties of American workers, including thousands of Local 1245 members.

For months, even years, union members have been warned about possible intrusions into their personal lives by employers and the government:

Warned about workers having to take a urine test before they can be hired, or after an accident. Warned about the shedding of constitutional guarantees protecting citizens against unreasonable search and seizure. Warned about the arrival of a Big Brother form of society where civil liberties count for less than government or company authority.

While most Americans have gone about their daily lives assuming they were innocent until proven guilty, government and business were busy setting the timer for the drug-testing time bomb. Federal regulations and recent court decisions have now cleared the way for meddling bureaucrats to pry into the private lives of thousands of Local 1245 members.

Prepare to pee, brothers and sisters, because the brave new world of drug testing has arrived.

"This union has been trying to sound the alarm about drug testing for a long time," said Business Manager Jack McNally. "We knew it was a problem we were going to face sometime in the future. But now the future is here and I don't think the members are going to like it very much."

And it's not just a few select workers in "safety sensitive" positions who will be required to submit to drug tests. Under drug testing rules for pipeline workers, for example, those who must take beaker in hand include drivers, filters, laborers and equipment operators. Even meter readers and customer service representatives could be subjected to the indignities of testing under proposals put forward by Sierra Pacific.

Clearly there is a broader agenda to the current drug testing mania than just insuring safety on the job. Safety isn't the issue when customer service reps and meter readers are swept up in the drug testing dragnet. The real issue is bureaucratic control.

It is in the nature of a bureaucracy to try to increase its power and authority over individuals. Those who believe in individual liberty have a proud tradition of resisting arbitrary authority. Such resistance has led to some of the most dramatic episodes in American history, including the Boston Tea Party and the creation of a constitution that protects individuals from unreasonable search and seizure.

Labor unions are now shouldering much of the responsibility for carrying forward what is important American tradition. But it's proving to be a tough fight. Civil liberties that people take for granted at home are in danger of disappearing at the company's door.

Consider this: Under the U.S. Constitution, police must have "probable cause" in order to search your house or car. But under the new government-mandated drug testing regulations, companies are gaining the right to search workers' most personal possession of all, their bodies, even if there is no cause at all to suspect the person has been using drugs.

"It's a real invasion of people's privacy," said Local 1245 staff attorney Jane Brunner, who, along with fellow union attorney Tom Dalzell, has carried the fight to protect members' rights into the judicial system.

Union officials stress that the union does not condone the use of drugs on the job. But neither does it condone the corruption of the U.S. Constitution under the pretense of fighting drugs.

Federal regulations and recent court decisions have now cleared the way for meddling bureaucrats to pry into the private lives of thousands of Local 1245 members.

Under the new federal drug laws, companies are generally required to perform drug tests. However, in cases where the workforce is unionized, the company is required to negotiate with the union over drug testing policies. Thus, the union can at least put up a fight for policies that restrict random testing, that protect workers against faulty testing procedures, and that stress rehabilitation of the worker instead of termination in cases where a worker truly has a drug problem.

The federal drug testing regulations that most affect Local 1245 members are those established by the Nuclear Regulatory Commission (NRC), the Dept. of the Interior, and various agencies of the Dept. of Transportation (DOT). The union members who may be subject to drug testing under the rules, and the current status of union legal challenges to these rules, is given below.

- Pipeline workers for PG&E, Sierra Pacific and PGT will be affected by DOT rules scheduled to go into effect April 21. The International union has filed a Petition for Review of the rules and a Request for Stay (i.e. for postponing implementation of the rules) in the Ninth Circuit court. Briefs in this case will be completed in late March.
- Employees with unescorted access to protected areas at Diablo Canyon and Rancho Seco nuclear plants are subject to DOT rules and NRC rules. A union lawsuit against PG&E temporarily barred the testing, but the Ninth Circuit Court decided this month to let the testing go forward.
- Local 1245 has attempted to be reasonable in keeping the work environment free of drug abuse.

But somewhere the line has to be drawn between legitimate safety concerns and unwarranted violation of individual rights. The use of drugs and alcohol abuse are real problems that should be dealt with constructively and compassionately," said Business Manager Jack McNally. "They shouldn't be used just as a blanket excuse for prying into the private lives of our members."
Steward's midnight run nabs culprit

Sometimes things that go bump in the night are more than just your imagination. Just ask Local 1245 Business Rep. Kathy Maas about the evening of Feb. 7. Maas recalled that she and her husband had retired for the evening when, a bit after midnight, "We heard this horrible noise."

Another earthquake? A jet crash? While her husband went downstairs to investigate, Maas looked out the window in time to see an automobile back out of their house and drive away.

Downstairs, Maas's husband made his way through a cloud of dust and found a 4-foot by 3-foot hole in their laundry room. In an apparently related development, the couple's drier had been abruptly relocated to the other side of the room. Maas called the police.

Neither Maas nor her husband caught the license number of the fleeing car. Their drier's assailant was getting away scot free.

Getting away, that is, until Cliff Smethurst happened upon the scene. The Lone Ranger could not have made a more timely entry. Smethurst, witnessing the wayward car pulling away from the house, immediately gave pursuit. In his PG&E truck.

A few blocks later Smethurst watched the fleeing driver park the car and go into a house. After recording the license number, Smethurst returned to the accident scene and gave this information to the police officer who had just arrived.

About that time Maas learned that the man who had come to their aid was not only a PG&E troubleman, he was a shop steward for Local 1245, Maas's own union.

"Strange things go on in the middle of the night," Maas mused.

And sometimes, it would seem, the union works in mysterious ways.
February 3 & 4:
Advisory Council tackles the issues