Sick leave bill signed into law

Employees will soon be able to use their sick leave to care for a child, parent or spouse, thanks to a bill sponsored by organized labor.

Signed into law July 23 by Gov. Gray Davis, AB 109 requires an employer who provides sick leave to permit employees to use half their sick leave to attend to the illness of a child, parent, or spouse.

The law prohibits an employer from denying the use of sick leave and spells out penalties against employers who discriminate in any manner against employee who try to exercise their rights under this law.

According to the California Labor Federation, the law applies to workers covered by collective bargaining agreements as well as to workers who are not.

AB 109 passed the Assembly in early August were, from left: Assistant Business Manager Roger Stalcup, Chrissey Schimeck, Dan Mayo, and John Delsman. Not pictured: Brian Gines.

Citizens Communications pushes concessions

Citizens Communications pressed for major concessions in benefits and working conditions during general negotiations with Local 1245 Aug. 23-27.

Citizens' management has sought significant concessions in post-retirement medical coverage and in Long-Term Disability benefits, according to Local 1245 Business Rep. Jack Osburn.

Management is also seeking authority to contract out "non-core" business, to impose unlimited amounts of forced overtime, and to erode current standards for standby pay.

The company has served the union with notice of its intention to cancel the labor agreement if no new agreement is reached.

The union committee is slated to meet again on Sept. 13 to prepare for the next joint bargaining sessions, scheduled to begin Sept. 20.

Local 1245 represents about 300 Citizens' employees in California.

PG&E Negotiations

Subcommittees grapple with key issues

General Bargaining subcommittees composed of Local 1245 members and PG&E vice presidents and managers labored through the month of August in an effort to find common ground in six key areas.

The subcommittees will present their findings this month to the General Bargaining Committee, which will attempt to put together an overall agreement to present to the Local 1245 membership for ratification.

Subjects investigated by the subcommittees were: Displacement Procedures, Contracting of Work, Field Services, Wage Study, Employment Retention (AB 1890 Section 375 Competition Transition Charges), and Benefit Plans.

"We know our members at PG&E want information on the progress of negotiations," said Business Manager Jack McNally. "When we've heard back from the subcommittees we will be reporting back directly to our members at PG&E."

Job security issues are a factor in several of the subcommittees, especially those dealing with Displacement Procedures, Contracting of Work, and Employment Retention.

On-going restructuring in California's gas and electric industries virtually guarantees change in the composition of the workforce at traditional utilities like PG&E.

The current agreements between Local 1245 and PG&E—Physical, Clerical, Health, and Benefits—expire on Dec. 31. Union members serving on the subcommittees are: Jim Grady, Jeff Van Hook, John Kent, Arlene Edwards, Mike Scafani, Tony Norman, Steve Ward, Bill Hunt, Brian Gines, Dan Mayo, John Delsman, Chrissey Schimeck, "Jypsy" Joe Johnson, Ed Dwyer, Charles Willis, Jeff Smethurst, Judy Richter, Donna Ambeau, Larry Darby, Brian Kapaun, Jim Findley, Ken Richards, Millie Phillips, Mike McBroom, Kevin Herd, and Tom Moore. Members of McNally's staff serving on the committees are Darrel Mitchell, Roger Stalcup, Dorothy Fortier, Perry Zimmerman, Tom Dalzell, and Ken Ball.

Bargaining updates

For the latest bargaining information: attend unit meetings, read bargaining updates distributed by the union at the worksite, and check the Local 1245 page on PG&E's Intranet.
Restructuring process just perpetuates itself

By Jack McNally, Business Manager

When California began to seriously consider electric utility restructuring back in 1993, there was a lot of rhetoric about marketplace efficiencies and cutting bureaucratic waste. Well, it's six years later and as far as I can see there’s been no reduction in bureaucratic waste. In fact, the restructuring process has now become an industry unto itself, with lifetime employment opportunities for a whole new bureaucracy of consultants, lobbyists and lawyers—and that’s on top of the bureaucracies that existed before.

The fate of our union's bill in the California legislature, AB 1421, is a case in point. It’s readily apparent that most consumers have little or no interest in “shopping” for gas and electric service providers, and aren’t thrilled at the idea of being bombarded by high-pressure dinner-time phone solicitations from unproven start-up companies. They are rightly concerned about news reports of scam artists entering California's energy “marketplace.” Our bill was designed to simplify things for consumers by allowing them to remain with their current gas and/or electric provider unless they specifically expressed a desire to change.

When certain environmental organizations opposed our bill, we attempted to find ways to accommodate their concerns. But the environmental consultants weren’t interested in finding a solution, and effectively blocked the electric provisions of our bill in a California Senate committee (even after our bill had passed the California Assembly on a 50-18 vote.) Another environmental lobbyist told me: “Let’s work out something for next year.”

The point is, by blocking a sensible solution this year, certain consultants and lobbyists have assured themselves of employment next year. And probably for years beyond that.

The whole flap over the San Francisco power outage last December is another example. Even when it’s clear that the Independent System Operator is the appropriate authority to investigate the outage, the California Public Utilities Commission insists on sticking its finger in the pie. Isn’t this the same CPUC regulatory bureaucracy that utility “deregulation” was supposed to streamline or eliminate? If PG&E doesn’t like the CPUC’s finding, the whole thing could end up in court and take years to resolve.

Or consider a recent workshop sponsored by the ISO on planning for transmission upgrades to handle future load requirements. A consumer group objected to the process the ISO was using, and to the fact that so few “stakeholders” showed up for the workshop.

Well, maybe people didn’t show up because they don’t give a damn about transmission planning and want to leave it to the experts to figure out. But the consumer group can carve out a nice little niche for itself in the restructuring bureaucracy by objecting to the process, thereby creating and perpetuating jobs for its own people.

Then there’s Performance-Based Ratemaking. It’s supposed to be so much more efficient than the old way of doing things. But it’s a pretty safe bet that some disgruntled parties in these PBR cases will run, not walk, down to the CPUC to file petitions to re-open the cases. More work for regulators.

Where is the benefit to all of this? When, if ever, does it end? And who pays for all this make-work?

The fact is, we’re all paying. Independent Energy Producers. Utilities. Environmentalists. Agricultural interests. Consumers of all stripes. And our union, too. Everyone has to have their hired guns to keep up with the others.

These overlapping bureaucracies and jurisdictional disputes assure full employment for attorneys, consultants and lobbyists for years to come. Utility restructuring is their own personal Full Employment Act.

It’s a monumental waste of resources. Logic tells me it should come to an end.

But we’d probably have to form another industry just to figure out how to do it.
PG&E Gas Pipeline Replacement

Replacing San Francisco's aging network of cast iron gas lines with new ones made of plastic has been a good source of work for Local 1245 members at PG&E. "It's been going on four or five years," says Backhoe Operator Mark Pitcher, a 14-year union member in General Construction. "They say it could take eight to 10 more years to finish."

Pitcher was on one of five crews working in San Francisco's Alamo Square/Hayes Valley neighborhoods on an overcast morning last month. According to Pitcher, PG&E crews are replacing 30 miles of pipe per year on average. Their work helps assure San Franciscans of safe and reliable gas delivery for decades to come.

Mark Pitcher on the backhoe.
Union bikers, labor TV & laugh-free offices

The San Francisco Board of Supervisors voted last month to boycott products of Rocky Mountain Steel Mill in Pueblo, Colo., and called on the Bay Area Rapid Transit District (BART) to refrain from purchasing rail for track replacement and repair from Rocky Mountain Steel Mill until a labor dispute is resolved. A thousand steelworkers struck the company and were subsequently permanently replaced in the fall of 1997. According to the Colorado Labor Advocate, 218 industrial accidents were registered in the struck mill in 1998, including crushed legs, hands, feet and fingers; burned arms, hands, necks and faces; and fractured ribs, elbows, teeth and fingers. Rocky Mountain Steel Mill is a division of Oregon Steel.

Try Not to Laugh: A survey of 275 employers found that 8% said they discourage humor in the workplace. Another 8% included fun as part of their values or mission statement. Four percent even hired a humor consultant. The study was commissioned by William Mercer Inc. of New York.

Bikers Organize: Bicycle messengers in San Francisco have selected ILWU Local 6 (Longshoremen) as their representative, the ILWU Dispatcher reported. The 27-15 victory followed a closely-watched campaign in which the anti-union consultant ran captive audience meetings. "The meetings made some of us more adamantly about getting the union," said member Joe Vigna. "It was so obvious (the consultant) was just in it for the money."

If At First...: Low pensions—$100 a month for a worker retiring after 30 years of service—were a major issue when 5,200 workers at Fieldcrest Cannon's six plants in Kannapolis, NC voted union. The June victory for UNITE came after a long string of union defeats stretching back to 1921, Labor Notes reported.

Labor Television: Livelyhood, the acclaimed PBS series produced by The Working Group, returns this season with two premiere and four encore episodes about Americans who are dealing with workplace change. Featuring humorist Will Durst, programs include Working Families Values, Chipping Off the Old Block, Honey—We Bought the Company, and Carpool to Nirvana. Call your local PBS station to confirm broadcast dates and times.

Solidarity from South Africa: Eight hundred rubber workers at Continental Tyre Ltd. in Port Elizabeth, South Africa struck for two hours on June 24 to support 1740 members of United Steelworkers Local 850, who have been striking Continental's General Tire plant in Charlotte, North Carolina since last September. Labor Notes reported. The South African workers said that the company's refusal to negotiate a fair contract in North Carolina was "an international disgrace."

Telecomm strike: More than 10,000 South African telecommunications and postal workers went on strike Aug. 16 for higher pay, Reuters reported. The Communications Workers' Union (CWU) wants a pay increase of up to 14%, a housing allowance, and a minimum monthly wage of 2,600 rand, about $425. South Africa also faced possible strikes by 12 public sector service unions and the National Union of Mineworkers.

Unions Improve Win Rate: At least 475,000 workers in the US formed new unions at their workplaces in 1998. Workers won 1653 elections, 51.2% of the total in 1998, compared to 1591, or 50.3% in 1997. Of the new elections increased by 2.2%. AFL-CIO President John Sweeney called the statistics "good news for American workers because growing unions mean better jobs and stronger communities."

Utility Reporter wins two awards

The Utility Reporter won the Saul Miller Award of Excellence for its coverage of the 1998 elections. The Local 1245 newspaper also won a second place award for best use of graphics in connection with its election coverage. The awards were sponsored by the International Labor Communications Association.

Tax loopholes for big business

Tax bills considered this summer by Congress would give corporations billions of dollars in new tax breaks at a time when many large corporations are already avoiding paying taxes.

Out of 2.3 million US corporations, more than half paid no federal income tax at all between 1989 and 1995, according to a study by the General Accounting Office of the US government. Four out of every 10 companies with more than $250 million in assets or $50 million in gross receipts paid less than $100,000 in federal taxes in 1995.

Paying $100,000 on $50 million in receipts is a mere 2/10 of one percent. Taxed at that rate, a wage earner with an annual income of $50,000 would pay exactly $100 bucks in federal taxes.

How do the big guys get away with it? According to no less an authority than the Wall Street Journal (Aug. 4, 1999): "They establish financial subsidiaries in tax havens. They indulge in tax shelters so complex government auditors can't always understand them. They shift profits to low-tax countries by manipulating prices when doing business with their own overseas branches. And they take full advantage of the tax breaks that Congress has awarded over the years, while dispatching lobbyists to plead for still more."

Those pleas have found a friendly ear in this Congress. In the $792 billion tax-cut bill passed by the US House, corporate lobbyists persuaded elected officials to include $100 billion in new tax cuts for business over 10 years.
Union expands clerical unit at PG&E

A group of previously-unrepresented employees performing clerical work for Pacific Gas & Electric at 123 Mission in San Francisco is now covered by the Local 1245 Clerical Agreement.

The employees earlier this year elected Local 1245 as their bargaining representative. The secret-ballot election was conducted by the National Labor Relations Board.

Negotiations earlier this year produced an agreement that, with some minor modifications, folded the group into the Local 1245 Clerical Agreement.

Pay gap widens between workers, top execs

It’s not just your imagination: someone is looking down on you from the top of a very tall ladder.

A study released late last month has found that the pay gap between the average worker and top corporate executives in the United States has widened dramatically during the 1990s.

The report found that the average annual compensation for a chief executive of a large company was $10.6 million last year, roughly a fivefold increase from the $1.8 million of 1990. In 1998 alone, the pay of executives rose 36%, compared with 2.7% for the average blue-collar worker.

According to the report, "A Decade of Executive Excess," the ratio of top executive to factory worker pay has rocketed to 419 to 1. In 1980, the ratio was 42 to 1.

If the pay of workers had increased at the same rate as the boss’s pay, the average production worker today would be earning more than $110,000 annually, compared to the $29,000 he or she actually makes.

If the minimum wage had kept pace with executive pay, it would now stand at $22.08 an hour rather than the current $5.15.

Large advances in the stock market have helped fuel the massive gains in executive pay during the 1990s. Most corporate leaders now rely on exercising stock options for the bulk of their annual compensation.

But boards of directors also have been increasing the amount of options they grant to senior executives, according to a story by Tim Smart in the Washington Post.

Grants Getting Larger

“The size of the grants is getting somewhat larger,” Yale Tauber, a management consultant, told The Post. He said grants in 1998 were anywhere from 35% to 50% higher than a year ago.

The compensation of some executives has reached truly staggering proportions. Michael Eisner, head of Disney, took in $575 million last year, which works out to over $11 million a week.

Citigroup chief Sanford Weill had to settle for a meager $167 million, or just $2.2 million a week.

Some executives justify their exorbitant salaries by pointing to the profits their companies have made during their watch. However, according to the AFL-CIO, executive pay has risen an average of 500% over the past 15 years, a pace three times faster than corporate profits.

SMUD seeks warehouse modifications

In its ongoing effort to "reengineer" its workforce, the Sacramento Municipal Utility District is seeking to modify its warehouse functions.

SMUD began piloting a project in Supply Chain Services in March. The pilot ended July 31, and SMUD has now turned its attention to the warehouse functions within the supply chain, according to Local 1245 Business Rep. Dennis Seyfer.

The functions under review include receiving, issuing, salvage, and pole and wire yard positions.

The District recently posted three exempt positions and is now moving to redesign the IBEW-represented warehouse positions. SMUD has sought and received recommendations from Local 1245 for union members to serve on the committee that will redesign those positions, Seyfer said.

Walter 'Maurice' Mims

The death of Walter "Maurice" Mims on Aug. 20 was mourned by Local 1245 members and staff who remembered him as a dedicated shop steward who spoke his mind and defended the rights of his fellow workers.

Mims worked as a heavy equipment operator for PG&E in Richmond, having served the company for over 30 years.

Mims is survived by his children, Monica Marie Mims of Mesa, Ariz., Nicole Lynn Mims of Richmond, and Eric Walter Mims, an IBEW member in Houston, Texas.
IBEW member Steve Harvey aims for seat on Richmond City Council

In 1998 Steve Harvey paid his own way to attend the Second Annual Conference for Union Members Elected or Appointed to Public Office in Washington, DC. Harvey, a member of IBEW Local 302 in Richmond, Ca., wasn’t an elected official. But he liked what he heard at the conference, where AFL-CIO President John Sweeney encouraged more union members to run for office because “there are damn few working people making decisions for working people.”

Harvey, a member of the local Planning Commission for nine years, decided to make a run for the Richmond City Council.

Defending worker rights is the heart of his campaign.

“On the City Council,” Harvey says, “I will fight for the rights of working men and women by supporting prevailing wages for City construction projects.”

He has also pledged to work for “increased health and safety protections in both the public and private sectors,” and to support “training opportunities, retraining, and union apprenticeship programs for all city residents.”

In short, Steve Harvey is exactly what AFL-CIO President John Sweeney had in mind when he called on working people to elect 2,000 union members to elective office in the year 2000.

Campaigning for local planning commission, school board, or legislature provides union members with an opportunity to spread the word about issues that affect working families. Winning office means creating leaders who understand the issues that workers face, and who respect the importance of union organizing.

Part of the process of electing “2000 in 2000” is finding union members who already hold elective office. There are more than you might think.

One of the highest-profile unionists in public office is the Speaker of the California Assembly, Antonio Villaraigosa, who has extensive experience as a union organizer.

“Working families win when we are represented by one of our own,” says Villaraigosa. “Union members not only know what matters to working families, but we understand how to balance interests and negotiate agreements. We’re trained in the fine art of compromise, and our approach is based on teamwork, fairness and respect.”

According to the California Labor Federation, there are at least 78 union members currently holding office in California. To help the AFL-CIO reach its goal of “2000 in 2000,” California’s proportional share is 280 unionists on the ballot next year.

“A union member—one who has experienced the power and the victories that come from organizing—is just the person to run for office with an inspirational, can-do message for the community,” says Villaraigosa.

“Once in office, we are able to make real changes in the policies affecting working families. This year, for example, the state Legislature has restored daily overtime pay and upheld fair prevailing wages. We’re now working to ban discrimination against older workers, protect the right to unionize, clean up the underground economy and strengthen workplace safety and health policies.”

Steve Harvey wants to be among those who are advancing the goals of working people by seeking elective office. Harvey pledges to fight for more good paying jobs for Richmond residents, and expansion of adult job retraining, mentoring and apprenticeship programs for youth. Safe streets and safe schools will be among his top priorities, which he hopes to achieve through a combination of prevention and protection that includes support for children’s recreation and education programs, and more police in the community.

Community service is not a new calling for Harvey. In addition to his service on the Planning Commission, he led the volunteer effort to install the electrical work for eight homes built by Habitat for Humanity in Richmond’s Iron Triangle neighborhood.

Harvey lives in Richmond with his wife, Jill, and their one-year old son. He has been a member of IBEW Local 302 since 1984 and became a journeyman electrician in 1987.

If you would like to see Steve Harvey win election to the Richmond City Council, guess what? You can help! Starting Labor Day, the Harvey campaign will be walking door to door, passing out literature and identifying supporters.

For more information, or to volunteer: (510) 222-2755

Steve Harvey is exactly what AFL-CIO President John Sweeney had in mind when he called on working people to elect 2,000 union members to elective office in the year 2000. Harvey pledges to fight for more good paying jobs for Richmond residents, and expansion of adult job retraining, mentoring and apprenticeship programs for youth.
Members of the Executive Board and Advisory Council gave a standing ovation to Roger Stalcup, who was honored at the August Advisory Council meeting for his long service on the Local 1245 Review Committee. From left: Ed Mallory, Roger Stalcup, Darrel Mitchell, Jim McCauley (behind Mitchell), Chris Habecker, and Mike Davis.

Stalcup honored for service

Assistant Business Manager Roger Stalcup was honored at the August Advisory Council meeting for 20 years of distinguished service on the PG&E Review Committee. "Roger spent two decades handling PG&E grievances at the top level. He got the cases that other people couldn't settle at the lower levels of the grievance process," said Senior Assistant Business Manager Darrel Mitchell.

Handling grievances at that level is quite legalistic and technical, Mitchell noted, and Review Committee decisions carry added importance because they are precedent setting.

Thanks to Stalcup, the union prevailed in many key cases, including decisions on the contracting out of work, the right of individuals in overtime situations to determine if they're capable of continuing to work, and a case involving the discharge of a war veteran suffering from Post-Traumatic Stress Syndrome.

Sierra Pacific merger

Nevada Advisory Council representative Bob Vieira reported on the Sierra Pacific Power merger with Nevada Power.

Vieira credited Business Reps Bob Choate and Ray Thomas for "working out a lot of the kinks for our brothers and sisters in the power plants, which have to be sold" as a condition of the merger.

Grievances that accumulated during recent negotiations are now being whittled down, Vieira reported. One grievance helped 26 people bridge their points to be qualified for retirement.

Light rail & fiber optics keep Outside Construction busy

Outside Construction Advisory Council representative Tom Rowley reported that the work picture "is still going steady."

Currently there is a lot of light rail work in the San Jose and Sacramento areas, as well as fiber optic work all over northern California.

Rowley noted an increase in takeovers in the industry, with Taylorbuilt recently taking over Quanta, owner of Par Electric.
Overtime vote reveals
Did your State Senator vote to

Restore Overtime

Did your State Senator vote to

Restore Overtime
Legislators' true colors

How did your State Senator vote?

Key

[Box labeled: Voted to]

[restored overtime pay]

[Box labeled: Voted to]

[kill overtime pay]

[Map of California with senators' photos and notes]

Johannessen

Leslie

Monteith

McPherson

Poochigian

Knight

Rainey

September 1999
Wagner championed workers’ right to organize

By Debra E. Bernhardt

Remembering the privation of his boyhood, Wagner would later say, “I came through it, yes. But that was luck, luck, luck! Think of the others!”

Legislation for public works, public housing, minimum wage, federalizing the crime of lynching, national health insurance and Social Security all bore Wagner’s stamp. The Wagner Act of 1935 guaranteed workers the right to bargain collectively and set up the National Labor Relations Board.

On June 8, 1877 in Nastatten, Germany, a child was born who would grow up to draft and push into law dozens of measures in support of workers’ economic and social rights.

One of the most important of these was the National Labor Relations Act, more popularly known as the “Wagner Act,” which gave workers the right to bargain collectively through unions of their choice.

Wagner was the seventh child of a textile dyer and some-time school teacher. When he was nine, his parents uprooted the family, settling in Yorkville, a German enclave in New York City.

The “land of opportunity” did not treat the elder Wagner kindly; he could only find work as janitor of a tenement where the family lived rent-free in a basement apartment. Wagner’s mother took in washing and all the children worked to supplement their father’s meager income. After school, “Bobby” sold newspapers, delivered groceries and peddled candy.

Remembering the privation of his boyhood, Wagner would later say, “I came through it, yes. But that was luck, luck, luck! Think of the others!”

Part of Wagner’s good fortune was to have the backing of his eldest brother, August. A cook in the posh New York Athletic Club where he got his brother a bellhop’s job, August believed that at least one member of the family should take advantage of free public education. August saw to it that Wagner finished high school, graduating valedictorian of his class in 1893.

“Bobby” was able to attend the tuition-free “People’s University”–City College—where he played football and joined the debating team. Upon graduation in 1898, he was about to embark on a career as school teacher when a boyhood friend convinced him to enroll in New York Law School.

He graduated with honors, and after passing the bar in 1900, formed a partnership with his friend.

Wagner became involved in politics as many young lawyers do, to build his practice. At that time New York City politics was the domain of the Tammany Hall Democratic machine.

During the early years of Wagner’s political career, according to Wagner’s biographer, J. Joseph Huthmacher, the machine belied its unsavory reputation by acting responsively to the needs of its immigrant constituents and furthering the reform impulses of the Progressive Era. Tammany Hall, through young machine Democrats like Robert F. Wagner and Alfred E. Smith, became an unlikely cradle for modern urban liberalism.

First elected to the New York State Assembly in 1904, Wagner was hand-picked to serve as president pro temp of the State Senate with only two years Senate experience.

Triangle Shirtwaist Fire

The Triangle Shirtwaist fire proved a turning point in the life of the machine Democrat. The famous industrial tragedy which occurred on March 25, 1911, claimed the lives of 147 garment workers, most of them young immigrant women. In the fire’s wake, unions, socialists and reformers demanded a legislative investigation of working conditions in the state. Wagner and Al Smith, the majority leaders of the state legislature, sponsored the bill creating a New York State Factory Investigating Commission.

Between 1911 and 1915 when Republicans took back control of the State House and the Commission’s mandate was allowed to expire, Wagner presided over an unprecedented and detailed analysis of America’s new industrial order. Wagner heard hundreds of witnesses testify and made tours of factories and tenements throughout the state.

He would not quickly forget what he saw. Based upon the Commission’s recommendations, Wagner and Smith introduced 60 measures for humanizing the work place; 56 of them became state law.

When Al Smith was elected New York’s governor in 1918, Wagner chose to run for and was elected to the New York State Supreme Court to be closer to his young son and Margaret, his beloved wife of eight years who early in the summer of 1919, was tragically killed in a trolley accident. Wagner never remarried. He threw his energies into work.

Wagner served ably on the bench until 1926 when Tammany Hall drafted him to run for U.S. Senate against a popular Republican incumbent. Because of a split between pro- and anti-prohibition Republicans, Wagner won the seat. There, the shy, mild-mannered, squarely built little man who smoked cigars, liked a good hand of poker, and spoke with a touch of the East (“work” became “woik”), moved with “Teutonic tenacity” toward his objectives. His objective had become economic security for all Americans.

Legislation for public works, public housing, minimum wage, federalizing the crime of lynching, national health insurance and Social Security all bore his stamp. At one point there were so many “Wagner Acts” progressing through Congress, that legislators were forced to ask “Which one?”

The most famous Wagner Act, narrowly passed in 1935, guaranteed workers the right to bargain collectively and set up the National Labor Relations Board, which Wagner hoped would promote labor-management cooperation, economic recovery and industrial peace.

Wagner served as “the legislative pilot of the New Deal,” prodding, planning and supporting Franklin Roosevelt’s program. In failing health, he lived to see passage of what he called the “reactory, unfair, and unduly political” Taft-Hartley “amendments” to the act. He resigned from the Senate in 1949 and died in 1953.

Deborah Bernhardt is head of the Robert F. Wagner Labor Archives at New York University.
**SCHOLARSHIP ESSAY**

**Why was the National Labor Relations Act (Wagner Act) passed into law and what was it intended to accomplish?**

"The workers desire to get as much as possible, the masters to give as little as possible. It is not, however, difficult to foresee which of the two parties must, upon all ordinary occasions, have the advantage in the dispute."

By Megan Downs

This quote, stated in Adam Smith's *The Wealth of Nations* almost two centuries ago, still holds true today. By forming unions, organized workers have succeeded in creating a better standard of living for Americans.

The struggle for social justice was not easily attained. Our hero, the worker, has fought bravely against the oppressing employers. He achieves few victories. However, one victory, the Wagner Act, gives our hero the advantage of bargaining collectively; thus, ensuring his rights as a valuable employee.

Unions were unprepared to deal with the devastating changes the depression brought to the workplace. Membership declined as layoffs increased and shops closed. As panic and hunger grew throughout America, so did the availability of cheap labor, striking another blow towards the union movement.

A legislative bill, the National Industrial Recovery Act (NIRA) gave laborers the right to organize through unions of their own choosing, but did not state that the employers should advocate unions. Under the NIRA employers were given the authority to control production and wages, both of which they abused. Fortunately, employers were successfully resisting collective bargaining demands.

Finally, Sen. Robert Wagner introduced a bill that set up a National Labor Relations Board (NLRB), protecting the nation's industrial workers by assuring them the right to organize. Wagner's bill ensured that unions would not be ignored.

The NLRB provided new chances for the worker. The Wagner Act's original intent was to prohibit unfair practices by employers like firing, espionage, violence, and strikebreakers. The board would also conduct elections that determined if the workers desired to collectively bargain and if so whom they wanted to represent.

Clearly, when the act was introduced, it was not acclaimed by the employers. Many organizations sought to paralyze the board. Luckily, in the Supreme Court case NLRB v. James & Laughlin Steel Corp. it was stated that the NLRB could resume its function, free of harassment; therefore empowering the worker.

Since the Wagner Bill was passed, unions have made vast improvements in the working world. Unions have strived for the forty hour work week, abolition of child labor, workers compensation and Social Security.

As time marches on, union enrollment is drastically declining. In today's world of relentless cost cutting and weaker unions, it is easier for bosses to defy the Wagner Act. For aggressive bosses, unionbusting comes virtually risk-free. If tried by the NLRB because of illegal firings, the only punishment is re-hiring the worker, many times with less pay.

It's obvious that the original intent of the NLRB has lost some of its religious fervor. The modern day workplace is in dire need of workers and board members faithful to the future of the union movement.

**Wagner Act paved way for our wages & benefits**

Local 1245 members would have few of the contractual protections they enjoy today without the Wagner Act.

Pacific Gas & Electric, for example, was so opposed to collective bargaining that management refused to recognize unions even after the Wagner Act was passed in 1935.

In 1938, the National Labor Relations Board issued a complaint against PG&E for promoting a company union in an effort to defeat legitimate union drives at the company. PG&E General Manager P.M. Downing defiantly told the NLRB the company would not comply with its order.

In 1941, the US Ninth District Circuit Court of Appeals upheld the NLRB, and PG&E was forced to halt its illegal efforts to defeat the union. With the protection of the Wagner Act, PG&E employees eventually elected IBEW 1245, as did employees at Sierra Pacific Power, Sacramento Municipal Utility District, and dozens of other private companies and public agencies.

Many decades of collective bargaining then produced the wages, health benefits, holidays, vacations, sick leave, apprenticeship programs, and the other benefits and working conditions that Local 1245 members enjoy today.
Investing in child care benefits society

For every dollar invested in high quality child care in Canada, there is a two dollar benefit to children, parents and society. Labor News for Working Families reported. The data comes from a 1998 report, "The Benefits and Costs of Child Care."

The findings of this report are: (1) high quality child care has long lasting effects not just for children and parents but for society as well; (2) a public-investment approach to child care is more likely to produce high quality care than a market approach. The authors’ first finding is based on studies which show that, at school age, children with high quality preschool experience are generally:

- More considerate of others;
- More cooperative;
- More socially skilled;
- More able to stay focused on a task;
- Better able to follow multi-step directions and to work independently; and
- Better performers on tests that measure understanding and language use.

Still other studies reveal that children who participate in quality child care perform significantly better in school at later ages as well.

The authors, G. Cleveland and M. Krashinsky, go on to argue that, where a market approach to child care is used, quality child care is less likely to occur. In a market approach, child care is a private matter between parents and child care providers. This approach assumes that there is little public interest or benefit in child care. A market approach means parents are left largely to their own devices. Studies show that, in such a system, many young families can’t afford the cost of good child care and are forced to choose low-cost child care options of poorer quality. Studies also show that parents sometimes cannot identify high quality care and may unknowingly choose child care which is more custodial.

For society, the short-term result is an inequitable distribution of quality care among families of different incomes and a lower overall standard of care society-wide. The long-term result is that children, parents and society bear the costs of custodial care, rather than reap the benefits of high quality care.

The authors conclude that the benefits of providing quality child care outweigh the costs 2 to 1— for children, for parents, and for society.

They argue that, if Canada (and, by inference, other societies) wants to maintain and improve its competitive position and be well-positioned for the "advanced economy of the 21st century," it is critical to prepare children well.

This means preparing them early through high quality child care.

Backup care for employees’ kids

A new benefit is finding its way into the American workplace: backup child care for employees to use when their regular care falls through.

Parents can use such services during school vacations or when their regular childcare arrangements fall apart, according to a firm that operates backup childcare centers under contract with businesses in Los Angeles.

"A lot of people say if they didn't have the backup program, they'd have to take the day off work," according to Bernadette Susaro of Merrill Lynch, quoted in the Aug. 3 Wall Street Journal.
Worker deaths prompt fines

Cal-OSHA has lowered the boom on two employers responsible for recent workplace fatalities. Last month, Cal-OSHA fined Tosco Refining Co. $810,750 for 33 alleged violations of state workplace safety regulations. Cal-OSHA’s investigation was triggered by a Feb. 23 accident in which four employees died and another was seriously injured.

Sixteen of the alleged violations were classified as “willful,” signifying that the employer committed an intentional and knowing violation or was aware that a hazardous condition existed and made no effort to eliminate it.

Cal-OSHA cited Quantic Industries, Inc. for 26 alleged violations of the state workplace safety regulations as a result of the state agency’s investigation into a fatal explosion last February at the company’s facility in Hollister.

One employee died another was seriously burned in the explosion. Cal-OSHA issued $146,475 in penalties, including two fines for willful violations.

A criminal investigation now underway by Cal-OSHA’s Bureau of Investigation is focusing on possible criminal liability.

For-profit HMOs fall short

For-profit HMOs provide lower quality medical care than their non-profit counterparts, according to a study published in the July 14th issue of the Journal of the American Medical Association.

The study, by Harvard physicians David Himmelstein and Steffi Woolhandler, analyzed all the quality indicators collected by the National Committee for Quality Assurance. For-profit HMOs scored lower on all 14 measures.

In for-profit plans, toddlers and adolescents were 12% less likely to get immunizations; women were 8% less likely to receive mammograms, 6% less likely to get early prenatal care, 5% less likely to get postpartum checkups, and 10% less likely to get pap smears.

In for-profit HMOs, 27% fewer diabetics got the eye care they needed to prevent blindness, and heart attack patients were 16% less likely to get life-saving beta-blocker drugs.

Fewer Californians die on job

Fewer California workers died on the job in 1998 than in 1997, according to preliminary reports. In 1998, 617 workers were killed on the job, compared to 652 in 1997, according to the California Department of Industrial Relations’ Division of Labor Statistics and Research.

“While we aim toward eliminating all workplace fatalities, the decrease in deaths during 1998 is welcome news to us,” said Steve Smith, director of the Department of Industrial Relations.

“Now that we are expanding our Cal-OSHA enforcement staff for the first time in years, we hope to further reduce the number of workplace fatalities.”

Transportation accidents represented the leading cause of workplace deaths in 1998, with 249 fatalities or 40% of the total in California. Assault and violent acts caused 147 deaths, making this the second leading cause of workplace fatalities. In 1993, assaults accounted for 245 occupational fatalities; in 1997 the number was 174.

Falls killed 80 workers (13% of the total). Exposure to harmful substances and environments, such as electrical current, wiring and transformers, took 57 lives.

Know your knots

Are you using ropes at work or at home? How well do you know your knots?

Well enough to trust your life with? Well enough to avoid getting injured or causing some property damage?

Whatever you tie, it is a good idea to tie a couple halfhitches behind your knot. That way if your original knot fails you will have a backup knot to catch it.

Also, is the rope you are using rated for the load, and what about friction?

Friction and heat can cause ropes to fail. Inspect your ropes by checking for frays. You can twist open a 3-4 strand rope to inspect the internal strands. If they are frayed, discontinue use of the rope for any heavy loads.

Multibraids can be inspected the same way, but external wear is a good indication of a bad rope. Any rope with a friction burn (melted point) should have that point removed (cut out) and replaced.

Work smarter, not harder

As workers gain more experience, we need to learn how to work smarter.

We need to know our limitations, and our experience should allow us to work more efficiently with less stress to ourselves.

Knowing how much you can do allows you to plan your job with less risk of injury. If you need help, ask for it.

And remember to pass on to our newer members your knowledge on how to make the job easier and safer.

A lost-time accident does not do anyone any good.
Women deserve equitable treatment from our Social Security system

By Orv Owen

The more I study the facts of the current Social Security system, the more convinced I become that there are some reforms needed to provide fairness and equity for women.

Social Security is the nation's universal pension and family insurance system. It is the single most important source of retirement income for women, who live longer, earn less, change jobs more often, work fewer years due to childbirth and care, and tend to work in jobs that do not have pension plans.

A recent study of poverty among the elderly finds that without Social Security, 52.6% of elderly women would have dropped below the poverty line in 1997.

Women represent nearly three-fourths of all people in poverty over age 65. Only 13% of women over age 65 receive a pension. One-quarter of all Hispanic women and one-third of black women over age 65 live in poverty. Women over age 65 have a median income that is almost 57% less than their male counterparts, $10,062 per year for women versus $17,768 per year for men in 1997.

On average, women live four to five years longer than men, and as a consequence, women are far more likely to end up in nursing homes and far more likely to need long-term care assistance than men.

Because women are traditional family care-givers, they are more likely than men to stay home to care for children and sick or elderly relatives.

At present, Social Security benefits are based on the average wage over a beneficiary's work life with an allowance to drop the five lowest years. However, many women have additional low or no earning years while raising children and providing their care. During these child caring years, there is a significant negative impact on the amount of their Social Security benefit.

Women who choose to remain out of the labor market to care for their children should receive recognition for that choice. This recognition should be not only social, but also material. This would recognize and give credence to the social and economic value of parental caregiving.

Since the decision is shared by parents on who will be the wage earner and who will stay home and care for the children, it would appear only fair that both parents should share equally in the Social Security benefits.

Keep the faith!

Orv Owen is former Assistant Business Manager for Local 1245.

Davis signs law to combat bias against older workers

Gov. Gray Davis has signed into a law a bill sponsored by the California Labor Federation that allows victims of age discrimination to take action against their employers. In the last five years, nearly 15,000 claims of age discrimination have been filed in California. In theory, workers were already protected by the California Fair Employment and Housing Act, which prohibits discrimination based upon sex, race, age and other protected categories.

Unfortunately, the protections were rendered almost useless by a 1998 court case, Marks v. Loral, where the California Court of Appeals held that workers had to show that their employer intentionally discriminated against them.

The court held that an employer may choose to hire or retain employees with lower salaries, even though this may result in choosing younger employees. The Marks decision was binding on all trial courts statewide.

Older workers with long service to their companies were put at serious risk by this court decision.

Under the new law, Senate Bill 26, employees can use "disparate impact" analysis to prove age discrimination by showing that an employer's policies and/or practices disproportionately impacted a group of persons, even if the worker can't show the employer discriminated against them individually.

SB 26 marks a victory for older workers, a victory made possible by California's labor unions and our allies in the California legislature.

You are cordially invited...

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

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

**San Jose Chapter:** meets 1st Thursday each month, 10 a.m., at Local 332, 1870 Stone Ave., San Jose, CA.
San Jose
July 24, 1999

50 Years
Accepting a 50-year Service Award from Business Rep. Kathy Maas was Jim Brent.

40 Years
Accepting a 40-year Service Award in person was Bruno Guerriero.

35 Years
Accepting a 35-year Service Award in person was Al Randall.

30 Years
Accepting 30-year Service Awards in person were Len Worsham, Wayne Johnson, Mel Eurich, and Bob Sorentrue.

25 Years
Accepting 25-year Service Awards in person were David Muro, John Cardinale, Dorothy Cain, and Al Beltran.

20 Years
Accepting 20-year Service Awards in person were Karen Russell, Peter Ortiz, and Douglas Mattson.

50 Years
Brent, Jim

40 Years
Guerriero, Bruno
Hernandez, Jose

35 Years
Alvarez, Charles
Biggs, R D
Gauthier, Richard
Kerstulovich, J
Mccurdy, Bowl
Perez, Rigo
Ramirez, Jose
Randall, A E
Volk Guarden, Harke
Woodward, Michael

30 Years
Callahan, G
Carter, Reider
Colvin, Paul
Cook, Ronnie
Del Cuz, Epidio
Eastman, Everett
Eurich, Melvin
Freund, Gerhard
Garza, Don
Gonzales, Alex
Gretchen, James
Johnson, Wayne
Kickbride, Clifford
Leckam, Ted
Meyer, John
Meyers, Warren
Mints, Tom
Moer, John
Peters, J G
Peters, Jerry
Sorentrue, Robert
Thomas, David
Villegas, Jose
Weeks, Ronald
Worsham, Lenward
Ybarra, Esteban
Ybarra, Pablo

25 Years
Ahn, Byung
Benavides, John
Boyen, Richard
Cain, Dorothy
Cardinale Jr, John
Cerr, Jeffery
Cramer, Stephen
Eng, Helen
Hernandez, Jose
Herrera, Robert
Jensen, David
Kasper, Charles
Lacy, Danny

20 Years
Accepting 20-year Service Awards in person were Karen Russell, Peter Ortiz, and Douglas Mattson.

Lira, Rosendo
Mann, Dale
Munoz, Magdalena
Munson, Paul
Muro, David
Nyberg, Richard
Ohara, Janie
Petrucci, James
Rayner, Lance
Robedeedo, Kenneth
Rodriguez, Rocky
Romero, Ivan
Sanchez, Lorna
Scheep, Wouter
Smith, Donald
Soltero, Armando
Suniya, Anthony
Tomney, Robert
Villagomez, Robert

September 1999 15
Please Don’t Patronize!
Boycotts Endorsed by the AFL-CIO

BUILDING MATERIALS & TOOLS

BROWN & SHARPE MFG. CO.
Measuring, cutting and machine tools and pumps
Machinists

JET EQUIPMENT & TOOLS
Auburn, Wash., distributor of "JET" brand metal-and-wood working power and hand tools for home and commercial use.
Teamsters

SOUTHWIRE CO.
Commercial and industrial wire and cable; Do-it-yourself brand Homewire
Electrical Workers (IBEW)

ENTERTAINMENT/RECREATION

BLACK ENTERTAINMENT TELEVISION
BET cable television, Action pay-per-view, Bet on Jazz
Electrical Workers (IBEW)

REGAL CINEMAS
Chain of 250 movie theaters: "Regal Cinemas" & "Cobb Theaters"
Stage Employees & Moving Picture Technicians

OTHERS

CF&I STEEL and OREGON STEEL MILLS, INC.
Steel, including rod, bar, rail, pipe and steel plate
Steelworkers

FOOD & BEVERAGES

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

DIAMOND WALNUT CO.
Diamond brand canned and bagged walnuts and walnut pieces
Teamsters

FARMLAND DAIRY
Milk sold under the Farmland Dairy label in stores in Connecticut, New Jersey and New York.
Teamsters

MT. OLIVE PICKLE CO.
Pickles and relishes sold under the Mt. Olive and other labels, including the Food Lion and Harris Teeter supermarket "house" labels.
Farm Labor Organizing Committee

CLOTHING

MASTER APPAREL
Men's and boy's pants. Labels include Botany 500, Hills and Archer, and Blair
Electronic Workers

If you had to strike because your employer was unfair, you wouldn't want someone to cross your picket line. It's the same with boycotts. These boycotts have been called because unfair employers have refused to honor the rights of working people. Think of it as a consumer picket line: don’t cross it!