

'PG&E needs more people'



Business Manager Perry Zimmerman

Staffing levels at Pacific Gas & Electric was a major topic of concern at a recent meeting between Business Manager Perry Zimmerman and officers of PG&E.

Zimmerman urged PG&E to prioritize staffing and training in order to maintain service reliability.

"We have to increase staffing to a level where we can get the work done," he told the company.

Zimmerman reported on his meeting with PG&E officers at the Feb. 7 meeting of the Local 1245 Advisory Council.

"We also discussed apprentices. With so many experienced people leaving, we may end up with crew foremen who only have a couple

years experience as a lineman," said Zimmerman.

"You need more than that." Being a foreman "takes experience, time and understanding," Zimmerman said.

He applauded the recent addition of 150 apprentices at PG&E, but said that number will not keep pace with the number of retirements at the company.

Retirements at PG&E are running 70% above the retirements in 2001.

Advisory Council members heard reports from Zimmerman's staff on recently-concluded contract nego-

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Union hosts blood drive

Local 1245 will host a Red Cross blood drive at Weakley Hall in Vacaville on April 16 from 9 a.m. to 3 p.m. The entire process takes about an hour, including registration, medical history, mini-physical, blood donation and refreshments.

If you are interested in donating blood, please call Local 1245 Officer Manager Tonya Alston at 707-452-2718. The address is 30 Orange Tree Circle, Vacaville, Ca. For directions, visit the union website at www.ibew1245.com, then select "Contact Us."

Quota: Utility Tree's dangerous gamble

By Eric Wolfe

Rex Pickering is the sort of employee that successful companies are built on: experienced, conscientious, hard working, loyal.

For 32 years, Pickering has trimmed trees around power lines owned by Pacific Gas & Electric. It's hard work. Dangerous work. Important work.

It's work that Pickering does well.

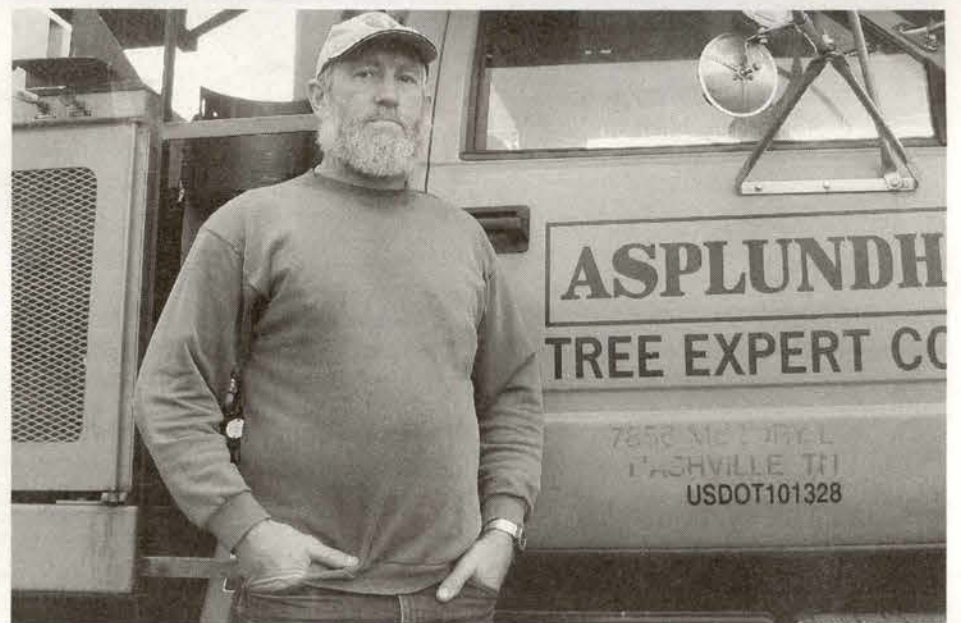
On Jan. 23, a few days after he was congratulated by a supervisor on the quality of his work, Rex Pickering was fired.

His employer, Utility Tree, gave no reason for the termination. Didn't have to. Pickering was a "probationary" employee.

You might ask how a 32-year tree trimmer with an exemplary record could be considered probationary. Be careful. It's a question that ushers you into a world of Alice-in-Wonderland logic. A world where normal rules of common decency don't apply, where money trumps safety. Where hardworking men like Rex Pickering are chewed up like tree limbs in a chipper and left by the side of the road.

But let's start at the beginning.

Utility companies discovered long ago that trees, if allowed to grow through power lines, cause power outages. For decades, Pacific



Rex Pickering, a 32-year tree trimmer with an exemplary record, standing by the truck he drove for Utility Tree (a subsidiary of Asplundh Tree). Pickering, a critic of the company's unsafe work practices, was fired on Jan. 23.

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MONTH OF MARCH

Local 1245 Unit Meetings:
Nominations for Officers,
Executive Board & Advisory
Council Members

MARCH 12

Service Awards
Eureka, CA

MARCH 13

Service Awards &
Stewards Conference
San Jose, CA

Stewards Conference
Eureka, CA

MARCH 19

Service Awards
Ukiah

MARCH 20

Stewards Conference
Ukiah, CA

Service Awards
Merced, CA

MARCH 27

Service Awards &
Stewards Conference
Fresno, CA

APRIL 3

Service Awards &
Stewards Conference
Monterey, CA

APRIL 17

Stewards Conference &
Service Awards
Reno, NV

Stewards Conference/PG&E-GC
Vacaville, CA

APPOINTMENTS

FRONTIER

Bargaining Committee
Michael W. Johnson

ARBOR TREE

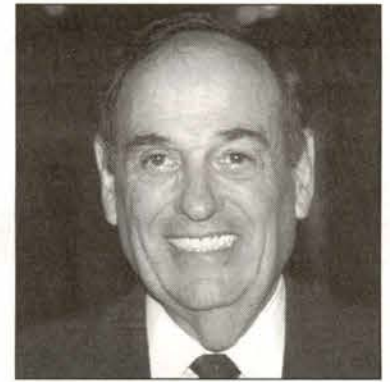
Ballot Committee
Fabian Del Rio

CONFERENCES, COUNCILS & CONVENTIONS

**33rd Coalition of Black Trade
Unionists International Convention**
Dorothy Fortier
Bernard Smallwood

Results are what count

By Perry Zimmerman, Business Manager



As I began work on this column, word came that 70,000 striking and locked-out Southern California members of the United Food and Commercial Workers voted overwhelmingly to return to work, ending the longest and largest supermarket strike in history.

While we applaud the solidarity of our brothers and sisters in Southern California, I am today all the more convinced that the course we took in our recent negotiations with PG&E—as difficult as it may have been—was the correct course.

Compare the processes and compare the results, and I think that you will agree.

Last Oct. 11, retail clerks in Southern California voted to strike Vons; the following day Ralphs and Albertsons locked out their employees. The clerks will return to work

151 days later, having missed 11 paydays—42% of their annual pay. It doesn't take a math major to figure just how long it will take to make up this loss—a long, long time, if ever.

Instead of striking, we kept at it with PG&E, exploring different options through a long and at-times frustrating set of negotiations. Our members did not miss a day of work, and except for one member in San Carlos, who was fired as a result of actions taken in support of an overtime boycott initiated by other employees, there was no financial hardship, let alone a huge wage loss.

I recognize that a small group of our members advocated a strike, and I suspect that they will voice their support for a strike in several years when we go back into negotiations with PG&E. However, I believe that those who advocate a strike are

almost always those who have never been through a strike, and that those who have been through a strike, even a successful strike, are usually the last to advocate a strike. I respect the strike advocates within our PG&E membership, but I respectfully and strongly disagree with them.

How about the results? The 70,000 striking retail clerks agreed to increased cost sharing on health care costs, a two-tier wage system, a two-tier pension system, and reduced employer contributions to pensions of current workers.

In contrast, our members at PG&E emerged from the negotiations with the best wage package, best pension plan, best health care coverage, and best long term disability insurance of any private western utility. We may not have sounded as tough as your stereotypical labor leaders might have sounded, but we delivered.

Sometimes it's easier to talk tough than to deliver. In saying that, I am not judging the actions of the UFCW leadership in Southern California, but I am proudly defending our approach and our results.

The same approach—focus on process and results, not style—has governed my reaction to the management bonuses at PG&E. Nothing that I say or do can undo the damage that the Board of Directors has done to employee morale by the bonuses. Only time—and it will take a lot of time—will cure the damage done. My words cannot help the situation, and so I have remained relatively silent on the issue.

Process and results are my priorities. Tough-sounding soundbites don't help the process or improve the results. You won't get the soundbites from me, but I continue to promise an open and visible process and I continue to strive for results.



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Survivor's tale: React to your body's signals

Editor's Note: The following letter was submitted to Local 1245 by Advisory Council member Grover Day.

I'm writing this open letter at 4:00 in the morning, with a full moon outside my window. I'm a 56-year-old male, currently recovering from triple bypass heart surgery, performed Jan. 30.

My story began Jan. 8, 2004. It was a glorious day after the past weekend's storm. All customers were back in power, and expressing thanks for their power restored—everyone was happy. I was happy, my boss was happy, my crew was happy, and my wife was happy, too, expecting me home for dinner that night after work.

At 2:00 p.m., my pager begins to beep. The number, so inconvenient at times, was the Service Center's Foreman's Clerk. I called, but I really didn't want to—I was happy and wanted to remain that way. The clerk said, "Our favorite T-man needs you and your crew ASAP—Cal Trans Maintenance Station is out of power, they've been out of power for 2 days, and are running low on fuel for their generator!"

I passed the news to my crew. We all were instantly *not happy*.

The maintenance station is at 6,000-foot elevation, so we were headed up the hill towards deep snow. The good thing was that it had been such a beautiful day, blue sky and bright sunshine, even too warm for one of my crew members who we joke about wearing a jacket in August. This being the case, most certainly we wouldn't have to install snow chains on our trucks. We were all happy again.

In less than an hour, we were at the new work site being tail-boarded by our T-man. "Gentlemen (we're really not!), what we have here is a 3 phase-Unfused Tap, not supplying power to the underground Padmount Transformers. This tap feeds the

power to the maintenance station and the resident's building back down the road. The 3-phase Line Overhead Fuses are blown and open, tagged M.O.L. The Division Distribution Operator wants you to contact him to report on line, and give him an ETA as to when you expect to have power restored. And to access the line cutouts, you and your crew will need snowshoes and 3 - 15amp Fault Tamer Fuses. Just follow my tracks, you'll be walking approximately 400 yards on 4 to 5 feet of fresh powder snow, from where we are currently standing."

Now we're really not happy. It was after 3:00 pm. Then without anyone saying a word, we understood that this situation would more than likely qualify us for a 4 to 8 hour rest period the next day. Happiness was breathing strong in the cool thin air once again.

Contact was made to the Distribution Operator in Stockton, and I reported on-line. I told him that, not until I gained access to both Underground Transformers and checked the fault direction, could I give him an ETA for power restoration. Both transformers were buried under 5 feet of fresh snow, and I would give a call back within two, not more than three hours to update my status.

The first transformer was easy to find. It was a large 3-phase type. It didn't take long to get the doors open to find no fault indicators installed. No help at the first location. The second transformer would be a lot harder to locate under the snow. It was 5:00 p.m. and the sun had just set. Tonight was the beginning of a full moon.

If I had a favorite time to be working in the snow, it would be just like the nights after the big snowstorm of January '93". When that storm passed, we worked three nights under clear dark blue skies, illuminated by the brightest and biggest, full moon you could ever imagine.

Those nights were without wind to chill your bones which can cause trees to shed their heavy snow as you plodded underneath their limbs. This was going to be a night like those, and I really wanted to enjoy it, because I have plans to retire this year and it's very doubtful that I'll be back at night.

So, I made an upper management decision—why share this night (bonus) with my crew when I, and our T-man could split eight million minutes (dollars) between the two of us. I instructed the two linemen to return to the Service Center to help load, and bring back the SnowCat; and by all means, don't forget the supplemental meals! This was going to be a long night, and we would add up the M.N.T.s to our time at the end of our shift.

The two were on their way. The T-man and myself headed out to find and uncover the second transformer buried beneath the snow. After a half hour of probing the snow with shovels and an eight-foot ground rod, we felt confident to begin digging down into the snow. The first attempt found only wet dirt. We moved to the north, and started digging down once again, and this time with a little more effort.

I was breathing harder and feeling somewhat tired, when very softly—quietly—and suddenly, I had a small pain from the center of my sternum, moving upward and out towards my shoulders. I stopped digging. Never had I experienced such a sensation in my life. At rest, the feeling stopped as quickly as it came; in less than a minute I returned to the task.

Soon we found what we were looking for and agreed to install manual fault indicators at both transformer locations. We called the Distribution Operator to get permission to refuse the line cutouts, and close the tap for a test. We knew the test



Speak Out

Got something to share with your fellow union members? Send letters (with name and phone number) to:

Utility Reporter Letters

IBEW 1245

PO Box 2547

Vacaville, CA 95696

Note: We can't print personal attacks or letters dealing with union politics. Opinions expressed in Speak Out are those of the individual authors and do not necessarily reflect the views of IBEW Local 1245.



Cintas Unfair

Local 1245 members: If your employer obtains clothing from Cintas, please ask them to not renew their purchase contract with this cut-throat company.

The Union Needletrade Industrial and Textile Employees (UNITE) reports that Cintas is an unfair employer at home and abroad:

- While profits have soared, Cintas has a stated policy of pushing increases in insurance costs onto its workers. Employees have to spend as much as 17% of their wages on health insurance.

- In Chicago, Cintas, employees with 20 years seniority are paid \$6.15 an hour, below the federal poverty line, to mend and embroider uniforms.

- Cintas uses overseas factories in Haiti—where workers are paid below the legal minimum wage, work forced overtime, and have no access to clean drinking water—to cheaply manufacture uniforms that are sold in the United States.

- In March 2003, Cintas drivers filed a national class action lawsuit alleging that for years Cintas had failed to pay them for overtime work. In 2001, Cintas paid \$10 million to settle a similar lawsuit with drivers in California.

- In Hayward, Ca., employees are currently suing Cintas for paying them as much as \$2 per hour less than the city's living wage law requires.

- Unsafe and illegal working conditions have resulted in Cintas employees being hurt and even killed on the job.

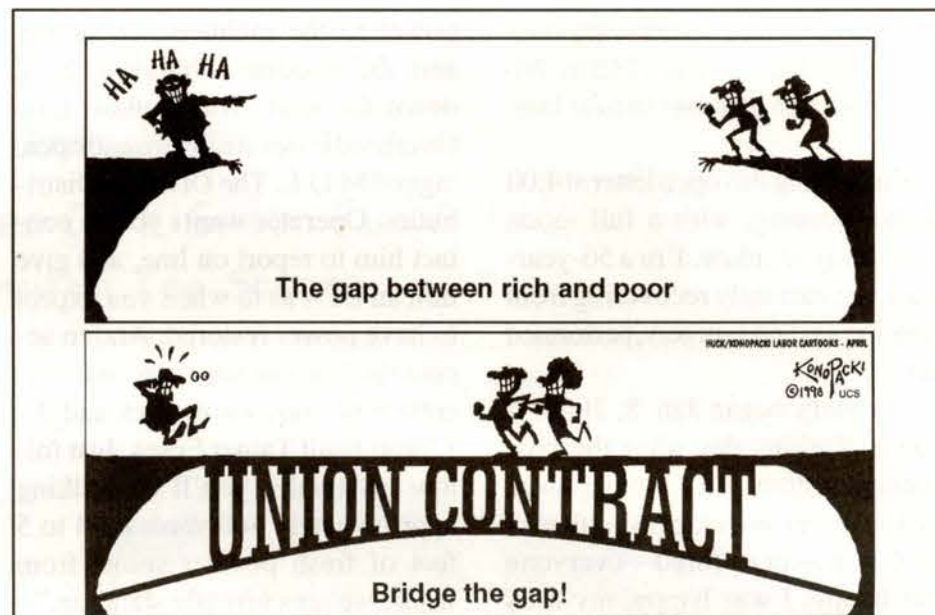
Tell your employer: No more clothes from Cintas!

Hundreds of Indonesian workers from the state-owned aircraft manufacturer rallied Jan. 12 to oppose mass layoffs, Labor Notes reported. But instead of protesting at government offices, the workers headed for the zoo. "It is useless to meet and negotiate with people who do not possess a conscience or logic," said rally coordinator Toto Siswanto. "It is much better for us to meet with monkeys and apes." The government plans to permanently lay off 6,000 of 10,000 employees. "It is clear that these monkeys and apes will not be able to provide us a solution," Toto said, "but at least they can make us happy and will listen to our aspirations."

► **Power Off:** Work stoppages by power workers in Australia last month prevented power restoration on Melbourne's power grid, leaving many businesses without power for more than 24 hours, TheAge.com reported. But the Australian Services Union announced on Feb. 23 it would lift its ban on power restoration for two days in a bid to resolve their dispute with power companies. The union's "ban" on power restorations was prompted by job security and workforce reduction issues.

► **Wal-Mart Child Labor:** Top executives at Wal-Mart have been aware of "extensive violations of child-labor laws and state (labor) regulations" for more than three years and have not acted to prevent further violations, the New York Times reported. An internal audit conducted in July 2000 (and kept under court seal since then) found that, in one week, thousands of Wal-Mart employees at 128 stores worked through meal or other break times; there were also more than 1,000 instances of minors working more hours than allowed by law.

► **City-Wide Union:** United Electrical Workers (UE) and the Ver-



Gap widens between rich and poor

The income gap between the rich and poor in the United States is the widest it has been in 20 years, according to the Center on Budget and Policy Priorities. The Center's analysis of Congressional Budget Office data for the period from 1979 to 2000, shows that increases in after-tax income over the past two decades have been enjoyed overwhelmingly by the very rich.

The richest 1%—who, on average, earn about \$860,000—have seen their after-tax earnings increase by an astounding 201% (adjusted for inflation). The bottom 40% of Americans—who earn on average \$29,000—have seen only modest increases in earnings of 13%.

The Bush tax cuts of 2001 and 2003, which were not included in the data, will only further increase after-tax income of the rich compared to average Americans.

Americans covered by union contracts, on average, fare significantly better than their non-union counterparts, other studies have shown.

mont Workers Center have launched an ambitious city-wide plan to organize 50 businesses employing nearly 800 workers in Montpelier, Vt., population 8,400. According to Labor Notes, the workers are approaching businesses with a uniform two-clause contract that includes a 50 cent an hour raise and a clearly defined grievance procedure.

► **Targeting Sweatshops:** The National Labor Committee, which works with workers and their unions to stop international sweatshop abuses, offers postcard-sized notices to hand to store managers wherever you shop. The cards urge companies

to release the names and addresses of their production factories and support international worker protection laws. Call 212-242-3002 or go to www.nicnet.org.

► **Union Mushrooms:** After 17 years of fighting for a union contract, Pictsweet Mushroom's 300 workers in Ventura last month won a three-year pact that will bring higher wages, better job security and a company-paid medical plan. The contract with the United Farm Workers was the first put into place under California's new mandatory mediation law, adopted last year and signed by Gov. Gray Davis just before his recall.

New agreement ratified at Mt. Wheeler Power

Members of Local 1245 ratified a new agreement with Mt. Wheeler Power Co. in Ely, Nev.

The two-year agreement raises wages for the Physical bargaining unit by 3.5% in 2004 and 3.5% in 2005. Wage increases for the Clerical bargaining unit are 2% in 2004 and 2% in 2005.

A job description change resulted in a wage increase for the position of meter reader/collector, according to Business Rep. Sal Salazar, who led the union's negotiating committee.

The overtime premium for work beyond 16 consecutive hours was

increased from time-and-a-half to double-time.

The meal allowance was increased by \$1. New language in the agreement clarifies that overtime meals not taken will be reimbursed at the dinner rate.

Carryover of personal leave time was increased from 640 hours to 760 hours.

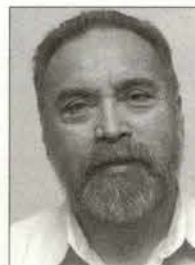
Medical Costs

A major focus of bargaining was the rising cost of medical insurance. The company had proposed that employees pay 92% of any future increase in medical premiums, Salazar

said. In the end, though, there was no increase in the premium in the first year. In the second year, a PPO will be introduced that is expected to save the company money without cost to the employees.

"Ninety percent of our bargaining was on the medical issues," noted Salazar.

Negotiating for the union, along with Salazar, were Mike Venturino, Sue Gulley, Aron Huntington.



Salazar

Unit updates

Unit 3313, Yerrington, will meet March 15 instead of March 22, a one-time change in the schedule.

Unit 3310, Truckee, will meet March 9 instead of March 30, a one-time change in the schedule.

**Sal Salazar
Business Rep.**

Tree Trimmer James Pennel

James Pennel, a Davey Tree employee in the North Valley and a member of Local 1245, was killed while performing tree work in Willows, Ca. According to the Glen County Sheriff, James was performing tree work at approximately 35 feet above the ground when he fell to his death.

Local 1245 Business Rep. Ray Thomas called Pennel, 39, "a no nonsense and hard-working individual."

Brother Pennel was initiated into Local 1245 in May of 2002. He is survived by his wife, Pamela, and a 17-year-old daughter, Terra.

Local 1245 extends its condolences to the family, friends, and co-workers of Brother Pennel.



In memoriam: former Business Rep. Dan McPeak

Former Local 1245 Business Rep. Dan McPeak died at his home in Alameda, Ca. on Dec. 19, 2003.

McPeak, who served on the union's staff in the 1950s and 1960s, represented members in the Bay Area, including the steam plants in Contra Costa County.

McPeak was brought on staff by union founder Ron Weakley after proving himself as a capable union steward.

"He was big and had a commanding presence," recalled Weakley. "He had real good leadership qualities—he was out in front on things."

McPeak worked as a lineman for PG&E before hiring on at Local 1245.

Following his service as a Business Representative for Local 1245, McPeak went on to a 28-year career with the National Electrical Contractors Association, retiring as Executive Director of the Western Region in 1995.

Photos of McPeak invariably show a man with a broad smile, a characteristic well remembered by Weakley.

"He had a real good sense of humor. He enjoyed laughing," Weakley recalled.



McPeak

McPeak is survived by his wife of 55 years, Gloria, five daughters, and 10 grandchildren. Donations in his memory can be made to American Diabetes Association, 1990 Powell Street, Suite 285, Emeryville, CA 94608.

For the latest union news . . .

Internet: www.ibew1245.com

PG&E Intranet: From Page One, select "Employee Services," then select "IBEW site."



50 Years: Henri Desautels, right, is congratulated by Business Manager Perry Zimmerman.



40 Years



50 Years: Russell Johnson, right, is congratulated by Business Manager Perry Zimmerman.



35 Years

Sacramento, CA
January 10, 2004



The Honorees

55 Years

Group, Merle S
 Hensley, Carmon D
 Job, Clarence A
 Painter, William D

50 Years

Desautels, Henri
 Griffin, Phillip K
 Johnson, Russell V
 Sarr, Donald G

40 Years

Clark, Marvin
 Williams, Tommy L
 Lenoir, E C
 Frisch, Ronald
 Granless, Steve E
 Zimmerman, Perry

35 Years

Barnes, John M
 Brannon, Richard J
 Carson Iii, Leslie
 Cooper, Tom D
 Eriksen, Charles

Gerkenmeyer, James
 Gillis, Frances M
 Gindt, James R
 Goodin, Norman L
 Hensley, Kenneth W
 Jackson, Robert A
 Jamerson Jr, Stanley L
 Kelly, William D
 Mettey, Richard
 Moore, Victor
 Myles, James D
 Owen, David E
 Stetler, Edward C
 Taylor, Don W
 Weaver, Laurel
 Wright Sr, Chester A

30 Years

Aiu Jr, Alexius
 Alonso, Bob
 Alvey, Kenneth L
 Aquilio, Joseph
 Arroyo, Darryl M
 Beebe, Jerry
 Bell, Max
 Berger, Max A
 Bernall, Greg T

Bray, James
 Bumgarner, Thomas
 Burcher, Steve
 Bruce, Kenneth
 Caracristi, Paula
 Castanon, John
 Chapman, Steven A
 Chico, Pete A
 Cole, Raymond S
 Cox, John
 Crews, Gary A
 De Bolt, Douglas S
 Derflinger, Andrew
 Dill, William G
 Dolcini, David F
 Edwards, Harold E
 Farmer, Jim
 Felix, Richard M
 Flippo, Tom
 Frasier, Henry
 Galati, Ron A
 Garcia, George
 Garcia, Manuel
 Giles, James B
 Glover, John
 Goehring, Rodney P
 Gregorich, Margaret

Haak, John M
 Hellinge, Larry
 Hill, Richard E
 Hocking, Rex P
 Huggett, Trenton D
 Hulett, Leslie
 Hunter, Carl
 Huntington, Lon
 James, Gregory
 King, Larry R
 Krell, Gerald W
 Layton, Lawrence
 Leon, George
 Mahaney, Calvin L
 Mc Donald, Randell L
 Mccoy, James
 Mcspadden, James K
 Meyer, Kenneth A
 Miller, Denton
 Molina, Carlos
 Moore, Allan B
 Murphy, Johnny
 Nedved, Ronald
 Nesmith, William
 Newton, Daniel
 Nishimoto, Ronald
 Noe, Paul



30 Years



25 Years

Owens, Ralph L
 Paulsen, Mike
 Perio, Alfred D
 Phelan, James M
 Piercy, Paul D
 Quaid, Ronald
 Raglin, Robert P
 Ramsey, Allan
 Rangel, Ruben R
 Reding, Joseph
 Reese, Otis
 Richards, Yvonne
 Rodriguez, Larry M
 Sammon, Roddy A
 Saunders, James A
 Schlee, Kenneth
 Seay, Sharon L
 Sherman, Steve S
 Silmon, Larry
 Simpson, Gary G
 Siordia, Edward
 Snyder, Andy M
 Sparks, Gary
 St John, Barry B
 Terry, Donald S
 Valencia Jr, Benjamin
 Vance, Harold K

Wallace, Billy D
 Warren, Charles
 Wood, George E
 Worthington, Howard

25 YEARS

Abney, Charlotte
 Abundis, Wayne M
 Affatato, Diana L
 Ahern, Steven D
 Ammon, Jefferson
 Andersen, Kim H
 Andresen, Rita T
 Badhan, Santokh S
 Battles, Shirley J
 Beasley, Richard
 Betcher, William W
 Black, Ronald L
 Blair, Joseph A
 Burden, Harold L
 Campbell, Dennis E
 Carrion, Charles R
 Chadwick, Jerry W
 Chatioan, Andrew L
 Churchill, Deborah L
 Corwin, Douglas L
 Cummings, Winston E

Daly, Michael P
 Davis, Jerry
 Delgado, Michel P
 Donovan, James P
 Dorer, Robert A
 Doud, James R
 Dougherty, Kenneth M
 Duane, David
 Estensen, Richard H
 Fox, Ray E
 French, Walter
 Frey, Gary M
 Furch, Ernest
 Gilmore, Ron A
 Gonzalez, Chris J
 Graybill, James M
 Gregory, James N
 Hamer, Sandy G
 Hanson, James B
 Hayden, Donna L
 Hayes, Michael R
 Hernandez, Daniel A
 Horning, Phil M
 Hough, Douglas J
 Howard, Gary T
 Howton, Walter W
 Hurdle, Donald A

Ingogila, James D
 Johnson, Donald L
 Jones, Timothy A
 Kaiser, Ross S
 Karle, Robert A
 Kelly, Kathleen
 Krebs, John A
 Kuntz Jr, James F
 Laner, George W
 Lapask, Jack F
 Lapenna, Joseph N
 Licon, George L
 Lizarrage, Armando
 Lundholm, Cathryn T
 Maher, Keith W
 Markiewitz, Linda L
 Martinez, Juan M
 Mercardo Jr, Julio
 Meyers, Kurt A
 Mills, William E
 Moe, John D
 Morrison, David L
 Nelson, Michael J
 Nin, Gonzalo
 Oren, William C
 Renfree, Sam M
 Reyes, Secundino

Rico, C V
 Rios, Georgia K
 Roberts, Diane L
 Rosaschi, Gary A
 Redinger, Charles N
 Sarley, John H
 Schultz, Michael
 Schuman, Patricia
 Sisemore, Greg K
 Snelling, Daniel Y
 Storanski, Richard J
 Sturgeon, Alan L
 Suhar, William A
 Thompson, James L
 Torres, Arthur A
 Tyler, Foster
 Uphoff, William V
 Uyeda, Stanley K
 Velarde Jr, Alfonso
 Walters, Michael T
 Weinholdt, Russell J
 Wild, Wesley V
 Wilkes Jr, Percy
 Willis, Charles R
 Woolgar, R J
 Woolridge, Don W
 Worden, Steven G

Advisory Council

► From Page 1

tiations at various employers, as well as recent developments in interim negotiations with PG&E on system operators, cost-of-living, switching, and numerous other issues.

The union continues to press its grievance against PG&E over violations of Exhibit 16, reported Local 1245 Senior Assistant Business Manager Tom Dalzell. Exhibit 16 requires the company to optimize use of overtime before contracting out the work. The company has acknowledged that it didn't reach the required floor number of in-house employees before turning to contractors, but has resisted paying lost wages to employees who were denied overtime opportunities, said Dalzell.

President Ed Mallory opened the meeting by administering the oath of office to the newest member of the Advisory Council, Olivia Mercado, a Service Rep. at PG&E's Credit Records & Collections Center in Stockton. Mercado was appointed to the Clerical-at-Large Advisory Council position, replacing Elizabeth Rounds, who recently accepted a job that made her ineligible for the Clerical seat on the Council.

A labor dispute with Cintas, the biggest and most profitable uniform and laundry company in North America, has prompted a call for assistance from the Union of Needletrades, Industrial and Textile Employees (UNITE), Assistant Business Manager Manny Mederos reported to the Advisory Council.

Despite making enormous profits, Cintas has dragged down industry standards for all uniform and laundry workers.

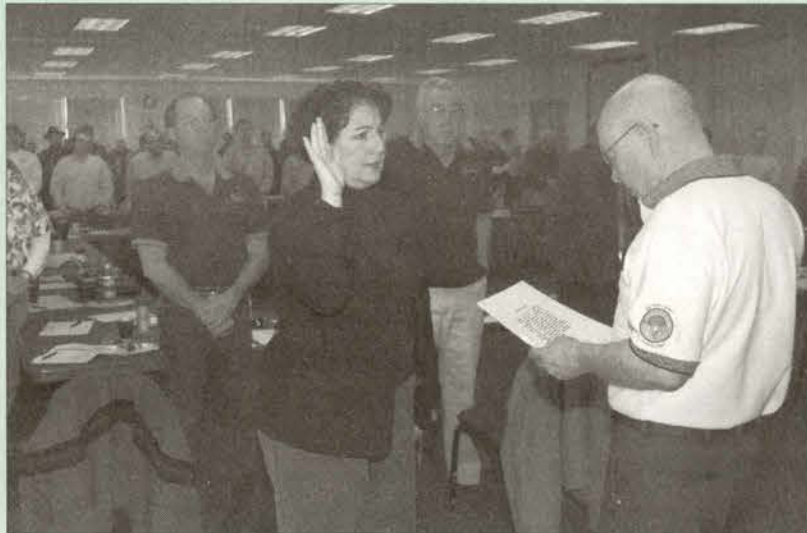
Maderos asked Advisory Council members to monitor whether their employers purchase Cintas uniforms. In cases where they do, Local 1245 members should urge the employers not to renew contracts with Cintas. (See story, Page 4.)

Advisory Council members addressed a wide variety of issues in their reports. Bob Quinn, who represents San Francisco, strongly questioned the recent management bonuses at PG&E. Bill Wallace, who is leaving the Advisory Council after retiring from his job at the City of Santa Clara, urged members to consider the issues that affect all working people when evaluating candidates in the upcoming national elections.

"Vote how you want, but try to take a look at how it's going to affect us all," said Wallace.

Business Manager Zimmerman informed the Advisory Council that in January there were two member deaths on the job, two serious injuries, and two deaths off the job. These tragedies were made painfully real when Advisory Council Member Dan Parmenter shared his sadness at the on-the-job death of a member of his crew, Randy Imai, who died Jan. 5.

Zimmerman promised the union would redouble its efforts to promote safety and has also suggested he may assign members of his staff to further examine safety issues.



President Ed Mallory, right, administers the oath to newly-appointed Advisory Council Member Olivia Mercado. Looking on from immediately behind are Executive Board member Dave Scott and Vice President Mike Davis.



Advisory Council Members, (Drum PG&E, City of Roseville)



"Vote how you want (in upcoming national elections), but try to take a look at how it's going to affect us all."

**Bill Wallace
San Jose &
City of Santa Clara**



Executive Board member Tindall (Northern Area)



Honored guest: former Recording Secretary Barbara Symons.



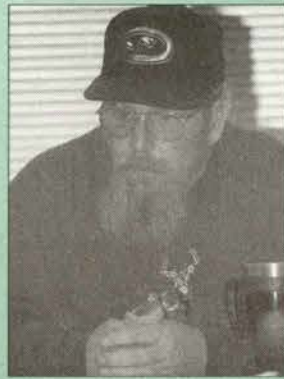
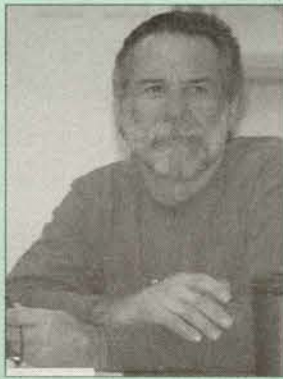
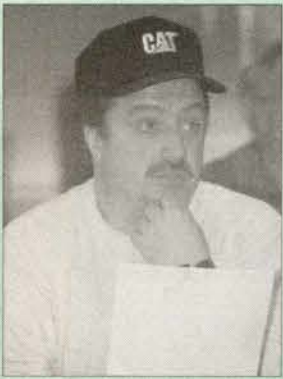
Asst. Business Manager Dorothy Fortier.



Asst. Business Manager Sam Tamimi.



Assistant Business Manager Bob Choate reports on the activities of the



From left: Dave Morrison (Frontier), John Felts (Pacific Gas Transmission), Terry Andreucci (Plumas Sierra REC), and Dan Parmenter (Sacramento PG&E).



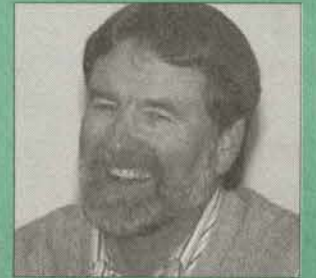
Advisory Council Member Grover Day (Stockton PG&E, City of Lodi) recounts his recent heart surgery (see story, Page 3). At left is Bob Vieira (Sierra Pacific). At right is Larry Rodriguez (AC Transit, East Bay Municipalities).



Members, from left, Anna Bayless-Martinez (Central Area), Kathy [unclear] and Chris Habecker (Recording Secretary).



Executive Board Member-at-Large John Mendoza.



Advisory Council Members Bob Quinn, left (San Francisco PG&E), and Mark Taylor (PG&E Coast Valleys).

Senior Assistant Business Manager Tom Dalzell.

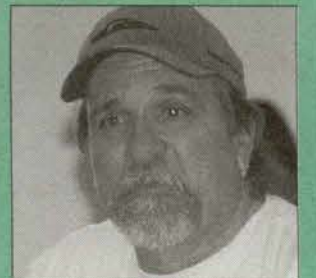
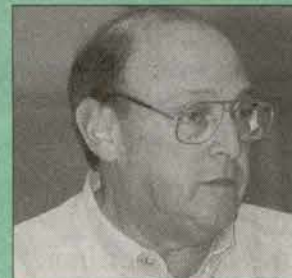


Advisory Council Members Stuart Neblett, left (Shasta PG&E & various public agencies), and Mark Taylor (PG&E Coast Valleys).

Advisory Council February 7-8, 2004



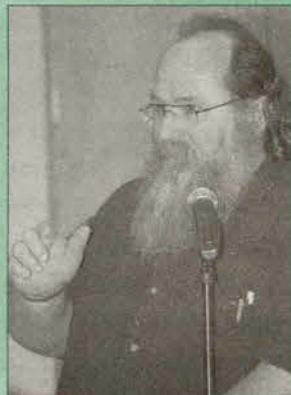
Asst. Business Manager Manny Mederos.



Advisory Council Members Richard Perry, left (US Bureau of Reclamation), and Mike Stout (Irrigation Districts).



Union's newly-formed Organizing Department.



Asst. Business Manager Howard Stiefer.



Retiring Advisory Council Member (PG&E General Construction) Larry Darby, a 33-year union member, left, is presented with a watch by Business Manager Perry Zimmerman and President Ed Mallory.

Quota: Utility Tree's dangerous gamble

“With someone like Rex, you’ve got an experienced employee who knows this is dangerous work. He’s not going to start cutting corners just so a contractor can boost its production numbers. Cutting corners is how tree trimmers get killed.”

**Ray Thomas,
Local 1245
Business Rep.**

► **From Page 1**

Gas & Electric used its own employees to perform line clearance tree trimming. By the 1960s, PG&E had turned the work over completely to contractors.

In a line of work where public safety and service reliability ought to be king, the use of contractors introduced a new and destructive dynamic: cut-throat competition among contractors vying for PG&E tree trimming contracts.

“All the tree contractors feel under pressure to boost production and cut costs—those are the rules of the game PG&E has set up,” said Ray Thomas, Senior Business Representative with IBEW Local 1245, the union that represents tree trimmers working on PG&E property.

“With someone like Rex, you’ve got an experienced employee who knows this is dangerous work. He’s not going to start cutting corners just so a contractor can boost its production numbers. Cutting corners is how tree trimmers get killed,” Thomas said.

Most tree trimmers working on the PG&E system are represented by Local 1245, which in recent years has negotiated wage increases, a health insurance benefit and other improvements at the major tree trimming contractors: Davey, Asplundh, Arbor, Provco EPA, Trees Inc., and Utility Tree.

Stirring the Pot

But PG&E’s bidding system continually stirs the pot—creating instability in the workforce and insecurity for individual tree trimmers.

Like Rex Pickering.

When Davey Tree lost the PG&E contract for the Oroville area in 1997, Pickering was able to stay with the company. But it meant commuting 100 miles a day round-trip to Chico, where Davey still held a PG&E contract. When Davey lost that contract to Asplundh in 2000, Pickering followed the work and became an Asplundh employee. In 2002, when Asplundh lost the contract, Pickering followed the work back to Davey.

Now Davey Tree is out, and Utility Tree is in. Pickering, facing a 200-mile

daily commute to remain with Davey, opted to switch employers. Again.

That’s how Rex Pickering, on Jan. 5, 2004, came to be a probationary employee for Utility Tree. With no health insurance. And with no contractual protection against arbitrary termination.

“It’s Scary”

“Being without health insurance is really hard,” said Chloe Pickering, Rex’s wife of 22 years. “Every time they change contracts you lose (your insurance). We had just gotten it back from Davey and now we’ve lost it again. It’s scary.”

But what Chloe Pickering really can’t stand is that her husband, the man with a “drawerful” of safety awards, was fired for no reason.

“Rex has probably the strongest work ethic I’ve ever seen in my life,” said Chloe. “He’s from the old school—you go to work, you work hard, and you come home.”

Some nights, though, you don’t come home. Not when it’s stormy out and people have lost their power.

“I’ve spent a lot of Christmases and Thanksgivings where Rex is not at home, he’s out on a job. I’ll be sitting here with no power but he’ll be out helping restore somebody else’s power,” she said.

96 Trees

Ironically, Rex Pickering’s dedication to his work is probably what got him fired.

Utility Tree managers made it clear that the company expected each two-person crew to trim 96 trees per week. Pickering recognized the danger inherent in such a requirement—it tempts people to take shortcuts to meet an arbitrary quota.

“Utility was telling us the first two to three weeks, to just make a cut and move on—don’t worry about getting the proper clearance,” said Pickering. “In some instances they told us if the tree was going to take more than a couple hours to do, just leave it and move on because they needed the tree count.”

Moving on without getting proper clearance: this is not the sort of thing that comes easy to a professional line clearance tree trimmer. Getting proper clearance is the whole point. Depending on the specific situation, it means putting 10 feet of space between the tree and the line.

“You have to get as close to the (required) clearance as possible and sign it off,” said Line Clearance Tree Trimmer Chuck Ulmen. With your signature, you attest that the clearance has been achieved. You are responsible.

Ulmen, a man with 21 years experience trimming trees, said it’s not always possible to get 96 trees. Not if you’re doing it right.

“Sometimes you have to walk half an hour from one tree to the next. It’s not like there’s always a line of trees there. Sometimes there is, sometimes there isn’t,” he observed.

But 96 is the number drummed into employees by Utility Tree management. It’s a number that encourages doing the job half-way.

There are consequences for customers.

Hangers

The week he was fired, Pickering was on a flagging job—making sure that traffic is safely routed around a tree trimming site—on Wagstaff Road in Paradise. A woman came out of her house “and wanted to know when we were going to clean the brush that our crews had trimmed the week before,” Pickering recalled. “She said she was tired of cleaning it up and said it wasn’t her responsibility.”

Unfortunately for the customer, leaving a job before the brush is cleared is one way that time-pressed crews may try to cut corners in order to meet their quota.

“One foreman told me, ‘I just cut it and throw the brush into the canal to save time on chipping it,’” said Pickering.

Another foreman working on a stand of eucalyptus trees found another way to save time:

“Every cut he made just stayed where it landed, or hung there in the tree,” said Pickering. The crew topped 60 euca-

lyptus trees, leaving thousands of “hangers.”

“They didn’t chip anything, or stack anything,” Pickering said.

Violation of Public Trust

Such practices are against the law. Title 8, Section 3427(b)(3) of the California Code of Regulations requires of tree contractors that “cut branches (hangers) shall be removed from the tree prior to leaving the job site.”

But it’s not the technical violation of safety codes that bothers Pickering. It’s the violation of the public trust.

“Those hangers could hit a car or a child. They could injure somebody.”

Pickering could have remained silent and just focused on getting his 96 trees per week. But ignoring safety issues isn’t in the nature of Rex Pickering—a man who has survived 32 years in an occupation that has taken the lives of two Local 1245 members in just the past four months.

“I told Mr. (Pre-Inspector Justin) Moench numerous times I wasn’t going to sign my name to something I knew wasn’t trimmed to proper clearance,” said Pickering.

The week he was fired, Pickering and others were told by General Foreman Steve Atteberry to go back and cut the trees that had been left unfinished on their first pass. At the same time, Pickering was supposed to be working the flagging operation in Paradise.

“I told them I thought they’d be better off to send another crew to do the flagging operation or the cleanup operation. I think it would have worked more efficiently that way,” Pickering recalled.

But the company wasn’t interested in suggestions from their “probationary” employee.

“They were saying, basically, do both,” said Pickering. “Get it done, get it done, get it done.”

Speed-Up

Speeding up the work, cutting corners, violating safety codes—these things aren’t new in the industry. But Utility Tree is apparently ready to take these practices to new heights of irresponsibility.

Chloe Pickering thought somebody ought to know. She notified the Cali-

fornia Public Utilities Commission, which in turn asked PG&E to look into the behavior of its contractor.

That job fell to Ed Magrini, PG&E’s Vegetation Program Manager.

“Anytime PG&E receives a customer complaint from the CPUC (regarding tree trimming) we are asked to take a look,” said Magrini, who is based in Redding. “That’s all I’m doing. I’m not doing any in-depth studies.”

Magrini said he intended to contact Utility Tree and let them know “that PG&E adheres to safe practices and we expect our contractors to adhere to those practices also.”

“I won’t be discussing production quotas,” he added.

That will be welcome news at Utility Tree, which doesn’t want to discuss production quotas either.

Company Denial

General Foreman Atteberry flatly denies that his company has production quotas.

“We have goals. Our goal is 96 trees per week,” Atteberry told the Utility Reporter.

Atteberry said he was not aware of any shortcuts that employees might be taking to try to meet production “goals.”

However, when asked if he knew of any recent examples where employees left large numbers of hangers, Atteberry said the company was disciplining employees for “leaving hangers” and for other instances of “poor work performance.”

This is the same position the company took last month after Local 1245 filed a grievance charging that the quota system “promotes unsafe work practices and unscrupulous trimming (promoted by the company) in order to increase tree count....”

In its response, the company said it will “continue to monitor and manage the performance of crews who fail to perform to reasonable goals.”

That seems like a fairly straightforward warning that employees who “fail” to reach production “goals” will find themselves in trouble. For employees, it’s a classic “Catch-22”: risk discipline if you don’t reach the goal, risk discipline if you look for shortcuts that will allow you to reach the goal.

In responding to the union grievance, Utility Tree said there was “absolutely

no evidence that having a production goal will result in the consequences you assert,” namely, resorting to unsafe work practices in order to increase tree count.

But what kind of evidence is the company waiting for? An employee injured while trying to meet unrealistic goals? A citizen knocked senseless by a “hanger”?

How many whistle-blowers like Rex Pickering will it take before Utility Tree officials acknowledge that they’ve pushed speed-up to unacceptable levels, that their goals are in fact quotas, and that those quotas are promoting unsafe work practices in the field?

“Unconscionable”

Local 1245 Business Manager Perry Zimmerman said the union takes allegations of unsafe work practices very seriously.

“Working around power lines, working up in the air—this is a dangerous business under the best of circumstances, and employers have a responsibility to do everything they can to minimize the risks for workers and the public,” said Zimmerman. “I’ve been to several funerals of our members in recent weeks, and I understand the pain that workplace deaths inflict on the families of the victims.”

Zimmerman called Utility Tree’s production quotas “unconscionable.”

“The only production quota that makes any sense in line clearance tree trimming is this: how many trees can you trim safely?” Zimmerman said.

For Chuck Ulmen, that might be 80 trees—the number he cut during the last week of January. Or 70 trees, the number he cut during the first week of February.

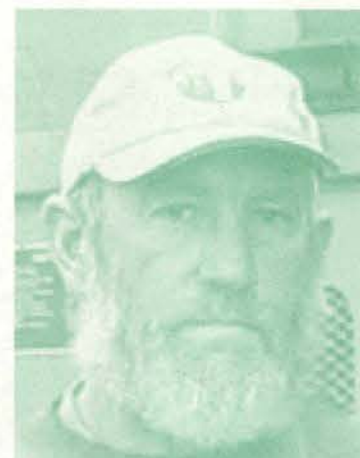
In his 21 years in the industry, Ulmen has never had an accident. He’s confident he can turn out the same production as anyone else—as long as everyone’s working safely and “cutting to the proper clearance.”

On Feb. 6, General Foreman Atteberry told Ulmen he was finished at Utility Tree—another “probationary” employee left by the side of the road.

Ulmen asked why he was being fired. This, Ulmen said, was Atteberry’s response:

“We’re not making any money.”

But there isn’t any production quota at Utility Tree.



“Utility was telling us the first two to three weeks, to just make a cut and move on—don’t worry about getting the proper clearance ... In some instances they told us if the tree was going to take more than a couple hours to do, just leave it and move on because they needed the tree count.”

**Rex Pickering,
Tree Trimmer**

Asplundh Tree



Second Step Line Clearance Apprentice Dennis Keithly, Asplundh Tree Expert Co., gets tough with some eucalyptus trees growing into a 12 KV line in Lucerne, Ca. (Lake County) last September.

Sierra Pacific Power



Sierra Pacific Power UMS Linda Stanley drains oil out of a switch in Reno, Nev.

PG&E



Pacific Gas & Electric Equipment Operator Danny Ruiz working on a gas project on Addison Street in Berkeley, Ca. last November.

City of Lodi



Working in the City of Lodi Estimating Department are, from left, John VanderJack, Estimator; Kathy Fawcett, Sr. Administrative Clerk; Rafael Tapia, Electrical Drafter; David Comer, Estimator; Carl Wehl, Electrical Drafting Tech; and Al Smatsky, Sr. Electrical Estimator.

In the Local 1245 Spotlight

React to your body's signals

► From Page 3

would be N-G, and hoped that the fault indicators would help us locate the direction of the problem, and it did. The underground cable was bad between the riser pole and the first transformer. I called the Distribution Operator and told him what we found, and that it would be the next day before repairs could be made. The Distribution Operator informed me that we could still pick up a few customers. We would need to find and clear tree limbs off the overhead wire, up the road. I let him know I would do that as soon as my crew returned with the Snow-Cat.

Shortly my crew returned with the Snow-Cat, and most importantly, the supplemental meals. A triple deluxe, super-duper four pound cheeseburger, with all the extras you could force between two toasted sesame seed buns, still warm in its very own Styrofoam container, served with one pound of oil saturated french fries, and a 32-ounce soda—with a couple of candy bars to obtain the ultimate sugar high! My crew really know how to keep me *happy*! Well, there was only one thing to do, and that was to separate to our vehicles and eat. When we were finished, we went back to work.

It was daybreak Friday morning when we returned to the yard. I left a note for the day shift, and my crew and I headed home to get some rest. I made it home ok. I remembered the discomfort I experienced in my chest, and promised myself to call my doctor and ask if I should be concerned at this time. I slept all day and awoke at around 5:00 pm. My wife reminded me it was Friday, our date night. My wife and I are 55-plus

years and still dating. (Our grandson thinks we're too old to date, but he'll find out when he's our age that it's the coming home and climbing into bed together that's the most fun part of the date!). Anyway, she wanted to go out for dinner. I still felt the cheeseburger from the night before, heavy in my stomach, but what the heck, it's Mexican tonight! It was too late to call my doctor right then, so I promised myself that I would make the call Monday.

The appointment was made for me to take a full-blown stress test, the big one where it takes one and a half hours, two days apart. Well, I didn't get to the second day's test. During the treadmill test, it indicated that I had a major problem, and that I would need an angiography (an x-ray with dye injected into your heart's veins) to determine the true extent of my problem.

The test saved my life. I had an 80% blockage of the main blood vessel supplying blood to the left side of my heart, with two additional blockages. Three bad spots that needed to be bypassed.

So my story ends with a simple message. Heart disease is a silent killer and it comes with little or no warning. Everyone needs to be a good steward of their own personal health issues, and we need to listen, and react to our body's signals. If you suspect a heart problem, or have a family history of stroke or heart disease, consult your doctor. Heart disease, if found early, can be treated without surgery; small changes in lifestyle can make a big difference.

I now have a second chance to enjoy my golden years with my family and friends.

Grover Day

Safety Tailboard

Receive an IBEW cup and cap for submitting a safety question selected for publication in the Utility Reporter's Safety Tailboard. Safety Tailboard is an open forum for discussion and learning about safety issues. Submit your question, along with your name and phone number, to:

Safety Tailboard,

c/o Manny Mederos, IBEW 1245, PO Box 2547, Vacaville, CA 95696

By the Local 1245
Safety Committee



Look before you walk

Look before you walk, walk where you are looking. That's probably the best advice for avoiding a slip or a trip.

A slip occurs when the foot loses traction. A trip occurs when the foot contacts an object and throws the body outside its center of gravity.

Avoiding slips and trips requires attention to what you are doing. Don't be in a hurry, made sudden changes in direction, day dream or take short cuts. Be aware and alert to your surroundings. Analyze surface conditions. Look for slippery surfaces: mud, oil and uneven levels such as curbs.

When encountering construction

or unsafe areas take slow, deliberate steps, adjusting your pace and stride for the surface encountered. Keep your hands at your sides ready to help adjust for loss of balance.

Proper footwear is a must to avoid slips. Non-skid soles will protect you from slippery surfaces and cleated soles will help provide traction in rough terrain. Choose your footwear with your work environment in mind.

Changes in lighting intensity, wearing sun glasses indoors, and improper or low light conditions can contribute to slip and trip hazards.

Slips and trips can be prevented. When you see potential hazards, take the time to correct them.

Ralph Muraca

Walking, running = exercise

Many of us jog, run or walk to help keep our bodies healthy. Any exercise is good for us in moderation, gets our heart rate up, and helps us maintain our weight if we do it on a regular basis.

Several things should be considered before hitting the track or trail. Determine where you want to do your exercise and how long or how far. Will it be daylight or after dark, early in the morning or late at night? Be sure to check out the paths you'll be traveling and the type of surface: use the right type of shoes and clothing.

Is the path wide open or secluded? Are there many large objects and trees and bushes, where people or animals could be hiding? Will there normally be other people on this path or trail? Will you be going with a partner?

Be aware of any serious hazards, suspicious persons, or dogs. In certain locations you even need to consider the possibility of mountain lions. Be aware of bikes or faster walkers coming up behind you, and get out of their way.

Exercise is great, but do it safely.

Stoney Burk

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



Perry Zimmerman's 18th Annual IBEW Local 1245 Golf Tournament



Where: Green Tee Golf Course, Vacaville, CA

When: Saturday, May 8, 2004

Time: 8:00 a.m. Shot Gun Start

Entry Fee: \$80.00 (Includes Cart, Green Fee & BBQ)

Entry Deadline: May 1, 2004 - Limited Tee Spaces

Prepare for the Contest!!!

Closest to the Hole



Wine Hole

Longest Drive



Beat the Bus. Mngr.



Texas BBQ and AWARDS IMMEDIATELY FOLLOWING !



1. Name _____
 Address _____
 2. Name _____
 Address _____
 3. Name _____
 Address _____
 4. Name _____
 Address _____

For Information, Call:

Jim McCauley (707) 462-2710
John Mendoza (510) 331-6729

Golf Course Information:

Green Tee Golf Course
999 Leisure Town Road
Vacaville, CA 95687
(707) 448-1420

Send this form, along with a check for your entry fee made payable to IBEW Local 1245, to:
IBEW Local 1245, P.O. Box 2547, Vacaville, CA 95696. Remember, the deadline is May 1.

Bush drug bill: huge gift to special interests

The long fight for a prescription drug benefit for seniors was supposed to be about helping seniors cope with rising medical costs.

But with "special handling" by the Bush Administration, the drug bill morphed into a feast for Bush's corporate backers, with the American taxpayer picking up the bill.

While the benefits to seniors are marginal, the cost to taxpayers will be enormous.

The Bush administration initially put the cost of the program at \$400 billion. But that estimate was dramatically increased shortly after the bill's passage. The administration now concedes the program will cost \$534 billion over the next ten years.

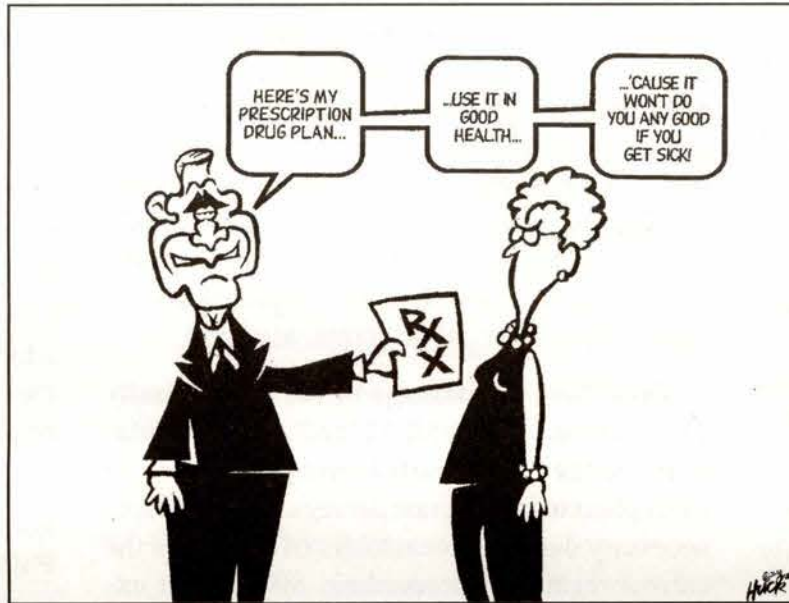
A small mistake of \$134 billion.

If the benefits were going to seniors, many Americans would be more tolerant of such huge costs. But in reality, seniors will get only modest assistance.

Seniors will pay a \$420 annual premium, absorb a yearly deductible of \$250, and be saddled with co-payments on drug purchases. Beneficiaries will pay 25% of the first \$2,250 in expenses, but 100% of drug costs from \$2,251 to \$5,100—the so-called "doughnut hole" in the benefit.

The average senior will have \$3,160 in total drug costs in 2006 when the program kicks in, but under this law they will have to pay 66% of that amount. Only low-income seniors—about one-third of the Medicare population—will be spared these huge costs, as most of their expenses will be covered.

The dirty little secret in the prescription drug bill is that a big chunk of the \$534 billion goes to special interests, not to seniors. Much of this spending is to get insurers to provide the drug coverage in the first place. Republicans insisted on having Medicare HMOs and private insurance companies provide the drug coverage, rather than make it available



under the existing traditional Medicare program.

By requiring that drug coverage be provided by private insurance plans, many beneficiaries will be forced into HMOs and PPOs. While Medicare recipients are free to choose their provider, those who join HMOs and PPOs will have less choice in selecting their provider.

Under the new law, drug companies will enjoy:

- A prohibition on the Medicare program using its bargaining clout to directly negotiate deep drug price discounts.
- An effective ban on the reimportation of prescription drugs from Canada, which cost about 50% less than in the United States.
- Expanded markets for their products as more beneficiaries gain coverage.



Make a Date...

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

East Bay Chapter:

Meets 2nd Thursday each month, 10 a.m., at IBEW Local 595, 6250 Village Parkway, Dublin, CA.

San Jose Chapter:

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

Health Maintenance Organizations (HMOs) and private insurance companies will profit from:

- Subsidies to private insurance plans to lure them into areas in which they do not currently operate, at a cost of some \$14.2 billion.
- Incentives to consumers to purchase catastrophic health coverage from private insurers, which enriches insurers while undermining employer coverage.

Congratulations!

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

L J McGinnis, 37 years
Merced, CA

Wayne Ray McHatton, 20 years
Eureka, CA

Tommy Mills, 25 years
Hayward, CA

Gail D Mizner, 39 years
Bakersfield, CA

Warren Peverill, 40 years
Clovis, CA

Louis C Ricks, 32 years
Atascadero, CA

Charles L Riemer, 35 years
Burney, CA

Larry Calvin Romero, 32 years
Rio Vista, CA

Rick Sbragia, 36 years
Stockton, CA

Kenneth Schlee, 31 years
Placerville, CA

Vicki A Schmidt, 25 years
Redding, CA

Shirley Ann Sellers, 26 years
Wilton, CA

Bruce James Sheets, 30 years
Vacaville, CA

Leonard L Skaggs, 38 years
Coalinga, CA

John L Stevens III, 30 years
Stockton, CA

Ronald N Swanson, 33 years
Fortuna, CA

James W Tullos, 30 years
Lower Lake, CA

Michael L Udovich, 33 years
Chester, CA

Jeffrey R White, 34 years
Stockton, CA

Raymond D Williamson, 36 years
Colfax, CA

Gregory James Molakides, 36 years
Redding, CA

Jack L Sloat, 44 years
McArthur, CA



Q & A on California's 'Paid Family Leave' Law

California's Paid Family Leave law, enacted in 2002 took effect on Jan. 1, 2004.

As enacted, the law provides that any employee who is required to take time off of work due to the illness of a seriously ill child, spouse, parent or domestic partner, or to bond with a new child, is entitled to receive compensation through the State Disability Insurance (SDI) system.

Below, adapted from the State of California Employment Development Department (EDD) website, are answers to some frequently-asked questions about the new law.

What is Paid Family Leave? Paid Family Leave is unemployment compensation disability insurance paid to workers who suffer a wage loss when they take time off work to care for a seriously ill family member or bond with a new child.

How long may a person receive Paid Family Leave insurance benefits? Workers may receive up to six (6) weeks of benefits that may be paid over a 12-month period.

What is the relationship of Paid Family Leave Insurance to State Disability Insurance? Paid Family Leave Insurance is a component of the State Disability Insurance (SDI) program. The SDI benefit portion compensates workers who suffer a wage loss when they can't work because of their own illness or injury. The Paid Family Leave benefit compensates workers who suffer a wage loss due to the need to provide care for a seriously ill family member or to bond with a new child.

Are payroll deductions mandatory? Yes, beginning January 1, 2004, employers are required to deduct the Paid Family Leave contributions from the wages of employees who are covered by the SDI program.

Who pays? The Paid Family Leave insurance program is fully funded by employees' contributions, similar to the SDI program.

When does the Paid Family Leave insurance program begin? Benefits will be payable for Paid Family Leave insurance claims commencing on or after July 1, 2004.

Will the moratorium on new regulations delay the implementation of Paid Family Leave benefits? No. Paid Family Leave benefits will be paid to eligible claimants starting July 1, 2004, as

specified in the statute. The regulations clarify the statutory provisions, but cannot change the rights or responsibilities specified in the statute. The processing of all pending regulations are suspended pending a review that will reassess their impact on business. This applies to all pending regulations, including the pending Paid Family Leave regulations. After the required review, the processing of the regulations is expected to continue with another public comment period.

How does the passage of the Paid Family Leave clean-up bill (SB 727) affect the regulations for the Paid Family Leave program? The EDD plans to incorporate the regulatory changes necessary due to the enactment of SB 727 in the current regulatory proceeding. SB 727, for example, eliminated the waiting period for Paid Family Leave benefits for women who serve a waiting period before collecting DI benefits for pregnancy and then elect to bond with their new child using Paid Family Leave benefits. Comments on these changes, as well as on EDD's responses to comments received to the initial proposed regulations, will be sought during the next public comment period on the regulations.

Are self-employed individuals covered by Paid Family Leave? Yes, but only if they participate in the SDI Elective Coverage Program.

I work for a government entity. Am I covered? Some government workers, including school employees, may be eligible for Paid Family Leave insurance benefits if they contribute into the SDI program. Also, if you have wages from a private employer during the base period, you might qualify even though your primary employer is a government entity.

I work for a small business. Am I covered? Employees are covered for Paid Family Leave insurance benefits regardless of the size of their employer, provided they contribute to the SDI program.

May I collect Paid Family Leave insurance benefits if I work part time? Yes, provided you are otherwise eligible. Paid Family Leave insurance is a wage loss protection program, which means that individuals may be entitled to a portion of the Paid Family Leave insurance benefit if they are suffering a loss of wages and meet the other Paid Family Leave eligibility requirements.

In what situations may I file for Paid Family Leave insurance benefits? An employee may

file a claim for Paid Family Leave insurance benefits for the following reasons:

- To care for a seriously ill child, spouse, parent, or domestic partner;
- To bond with the employee's new child or the new child of the employee's spouse or domestic partner; or
- To bond with a child in connection with the adoption or foster care placement of the child with the employee or the employee's spouse or domestic partner.

Do I have to work a minimum number of hours or days before becoming eligible for Paid Family Leave insurance benefits? No. Eligibility for Paid Family Leave insurance benefits will be based on the earnings shown in your base period and not a specific number of days or months worked. Wages earned approximately 5 to 17 months before the beginning of your Paid Family Leave insurance claim are included in the base period.

How many days must I be off work to receive Paid Family Leave insurance benefits? At least eight (8) calendar days.

Do I need to take all of my Paid Family Leave insurance benefits at one time? No. The law does not establish a minimum number of hours or days or weeks that an employee must take Paid Family Leave insurance benefits. It only established the maximum leave time of six (6) paid weeks within a 12-month period.

Am I required by law to use my vacation leave when collecting Paid Family Leave insurance benefits? The law gives an employer the discretion (option) to require an employee to take up to two weeks of earned but unused vacation leave. This option does not relieve employers of any collective-bargaining duties they may have with respect to vacation leave.

If I have not accumulated two weeks of vacation leave do I have to use my earned but unused sick leave instead? No. The Paid Family Leave law does not authorize employers to require the use of sick leave in lieu of vacation.

First in a two-part series. More Q & A on California's Paid Family Leave law next month!
