



# utility reporter

JANUARY, 1974

OAKLAND, CALIFORNIA

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Official Publication of I.B.E.W.  
Local Union 1245, AFL-CIO,  
P.O. Box 4790,  
Walnut Creek, Ca. 94596



The photo above shows the conditions that our members faced when trying to recover from the January 3rd storm. (The two men without hard hats were evidently local residents helping to clear away brush.) This photo shows Big Basin Way, a main thoroughfare in the Santa Cruz mountains just above Saratoga, Calif.

## Local 1245 members battle Coastal mountain storm

Approximately 2,000 Local 1245 members employed by P.G.&E., Pacific Tree Expert Co., Davey Tree Surgery Co., Utility Tree Co. and Sohner Tree Co., worked day and night to help restore service to over 30,000 electric customers in Northern California. The storm hit as far south as King City, Calif. and as far north as Lake, Mendocino, Napa and Sonoma counties. P.G.&E. General Construction Crews were called in from all over Northern California.

Some isolated residents were without power for as long as ten to twelve days. It is estimated that

this storm cost P.G.&E. over \$1,250,000 to restore service to their customers.

Our members worked sixteen hours a day for as long as four and five days in a row and some even longer. Most of the workers had never seen anything like it in this part of the country. They had snow, hail, rain and sleet all in one day.

The residents in the areas affected by the storm were patient and understanding and appreciated the efforts of our members as they went about the job of restoring service.

## Workmen's Compensation — History And Current Benefits Explained

**Editor's Note:** In light of the recent changes in the Workmen's Compensation Act passed by the State Legislature last year, we have asked Stewart Boxer of the law firm of Neyhart, Grodin, Beeson & Jewel to prepare an article on the law and its recent changes. We are setting out below the article as prepared by Stewart Boxer:

The California Workmen's Compensation Act was first adopted in 1911. Prior to that time, a worker who tried to sue his employer for damages resulting from a work injury was faced with a number of legal obstacles. First, he had to prove that the injury resulted from his employer's negligence. He could not recover if it was found that his negligence, or the negligence of a fellow employee, contributed to the injury, or that he had "assumed the risk" by accepting employment under conditions which he knew to be dangerous.

The Workmen's Compensation Act provides benefits for any injury "arising out of and in the course of employment," whether the employer is negligent or not. It also eliminates the employer's defenses of contributory negligence, the negligence of a fellow employee, or assumption of the risk. However, the employer can no longer be sued for damages in court, that is, damages for loss of wages or for pain and suffering.

In the event of a dispute over liability for benefits, the employee or his attorney, may file an application with the Workmen's Compensation Appeals Board which has authority to hear and determine the case.

The immunity against court damage suits extends only to the employer of the injured workmen. If the employee's injury is due to the negligence of some third party (i.e., someone other than his employer) he may still sue the third party as in any personal injury suit. For example, an employee is injured by some third party while driving a company vehicle on company business. Because the injury arose out of and in the course of employment, he is entitled to Workmen's Compensation benefits. If his injury

(Continued on Page Six)

## YOUR Business Manager's COLUMN

### Local 1245 continues growth

L. L. MITCHELL

We start a new year as 1973 closes. A review of our general conditions as an institution shows our membership rolls to be in excess of 16,500, the highest in our history. Although we feel the affects of increased operating costs, we have been able to improve field service by increased staffing. Our office force is doing a good job, but increased workload created by added membership and new employers has caused some difficulties and new procedures and added help may be called for.

Your Officers have been faced with new and difficult issues due to our growth and increased service needs along with the need to constantly review our policy positions due to legislative and legal decisions. The answers are not easy and it takes patience and dedication on their part to struggle through the mass of items which must be gone over at each of their regular meetings.

Despite these new and increasing problems, I can say that we as a local union have improved our service image in the field and we are abreast of the problems as we enter 1974 with confidence.

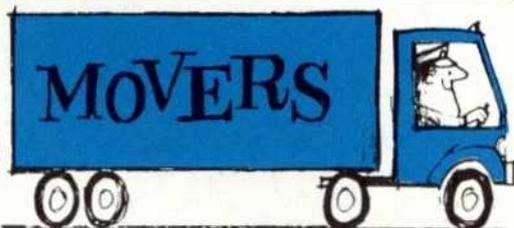
Looking at the problems we face daily as individual citizens is not

an encouraging one. With a messed up world picture and domestic problems in the U.S. created by energy shortages, high interest rates, inflation and a confusing political situation, we are each faced with frustrations. These outside influences heighten job dissatisfactions which become greater problems than usual because of the tensions and pressures of situations over which the Union has no real control. We find some who blame the Union for our predicament but I would point out that despite the difficulties both political and economic which will make 1973 a year to be long remembered, every member of our Union received a wage increase during the year, and most received benefit improvements to one degree or another. While this is expected and many may feel the settlement on their agreement was not as good as it should have been, it was accomplished because of the Union being on the property and it was done during a period when all the odds were stacked against us.

Due to this record new groups have sought our organization as their bargaining agent and more are coming under our banner through their own choice as they

(Continued on Page Two)

... HAVE YOU MOVED?



MY NEW ADDRESS IS:

NAME \_\_\_\_\_

STREET \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

RETURN TO:

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

# Bargaining Roundup

**CALIFORNIA-PACIFIC UTILITIES COMPANY (Lassen Division)**  
Membership accepted latest Company proposal which was worked out with the assistance of the Federal Mediation Service.

**TELEPROMPTER OF SANTA MARIA (Clerical)**

Union still waiting for an answer from Company on Union's proposals.

**CENTRAL CALIFORNIA COMMUNICATIONS CORPORATION**

Next meetings are scheduled for January 30 and 31, 1974.

**OCEAN VIEW CABLEVISION, INC.**

Union has presented Company with their contract proposals. Meeting scheduled with Company on February 5, 1974.

**MONTEREY PENINSULA TV CABLE**

Union has submitted proposals to Company. First meeting scheduled with Company on January 29, 1974.

**TELEPROMPTER OF SANTA CRUZ (Clerical)**

Union has been certified by the National Labor Relations Board and is preparing proposals to submit to Company.

**UTILITY TREE SERVICE, INC.**

Company broke off negotiations with the Union. No settlement was reached. Union is attempting to have the Federal Mediation Service assist in this very difficult bargaining.

**PACIFIC TREE EXPERT COMPANY**

Membership overwhelmingly rejected Company's proposal. Attempts are being made to set up future meetings. Strike sanction has been requested.

**DAVEY TREE SURGERY COMPANY**

Membership overwhelmingly rejected Company's proposal. Meeting set with Federal Mediation Service on February 4, 1974.

**SOHNER TREE SERVICE, INC.**

Ratification meetings will be held on Monday, January 28, 1974, Tuesday, January 29, 1974 and Wednesday, January 30, 1974, to consider Company's latest improved proposals.

**GENERAL CONSTRUCTION—LINES OF PROGRESSION**

Civil, Gas and Hydro, Field Operations and Process Centers:

We expect a proposal from the Company momentarily.

**GAS METER SHOP CONSOLIDATION COMMITTEE**

No change since last report.

**CITIZENS UTILITIES COMPANY OF CALIFORNIA**

First meeting on hospital and medical insurance following Arbitrator's decision was held with the Company on January 23, 1974.

Union's committee consists of Iris Sobiski, Ronald E. Shields, Walter McDonald, assisted by Business Representatives Dean Cofer and Willie R. Stewart and Assistant Business Manager John J. Wilder. Next meeting is scheduled for February 21, 1974.

**PLACER COUNTY WATER AGENCY**

Membership rejected Agency proposal. Next meeting with Agency on January 30, 1974.

**CITY OF ROSEVILLE**

Membership accepted City's proposal. Negotiations completed.

**CITY OF SANTA CLARA**

Union attempting to arrange meetings with the City with respect to Lineman, Groundman and Clerk Driver job specifications.

**RICHVALE IRRIGATION DISTRICT**

Union is awaiting an answer from the Board of Directors with regard to Richvale Irrigation District negotiations.

**CITY OF HEALDSBURG**

Membership ratified City proposals. Negotiations completed.

**TRI-DAM PROJECT**

Ratification meeting scheduled for January 30, 1974 to consider latest proposals.

**TURLOCK IRRIGATION DISTRICT**

Membership ratified proposal. Negotiations completed.

**OAKDALE IRRIGATION DISTRICT**

Membership ratified proposal. Negotiations completed.

**SIERRA PACIFIC POWER COMPANY**

Union's committee met on January 18, 1974 to plan for forthcoming negotiations. Union's committee consists of Ron Tanberg, Carol Myers, Kenneth

L. Wallin, Jay R. Killgore and Dean Barkdull, assisted by Business Representative John Stralla and Assistant Business Manager John J. Wilder.

**CITY OF GRIDLEY**

Recently organized. City was notified that Union represents a majority of its employees and Union requested recognition and an early date for commencement of bargaining.

**CATRONICS, INC. (CATV Construction)**

Union and Company have had several meetings, the latest on January 21, 1974. Next meeting is scheduled for January 29, 1974. Union's negotiating committee consists of Darrel L. Mitchell and Roy D. Murray.

## Test Your Knowledge Of Local 1245

**Editor's Note:** A questionnaire has been prepared for Shop Stewards to test their knowledge of Local 1245. It is being given at some of the Shop Stewards Meetings throughout our jurisdiction. We thought it might be of interest to the general membership; therefore, in this and future issues of the Utility Reporter we will print excerpts from the questionnaire. The correct answers are listed on page 6.

**TRUE OR FALSE** (Circle either T or F)

- T F 1. The Treasurer is a member of the Local Union Executive Board, and as such has a vote on the Executive Board.
- T F 2. The Recording Secretary of the Local Union is a member of the Executive Board and is entitled to voice but no vote on the board.
- T F 3. The Business Manager-Financial Secretary is a member of the Local Union Executive Board and is entitled to voice but no vote on the board.
- T F 4. Unit Officers, once elected, serve three (3) year terms in office.
- T F 5. A member must have at least 2 years good standing in the Local Union prior to being elected as a Unit Officer.

**MULTIPLE CHOICE** (Circle letter of answer best suited)

- 1. When a member in good standing dies, the Union provides:
  - (a) A death benefit of \$500.00
  - (b) A death benefit of \$1000
- 2. When the spouse of a member in good standing dies, the Union provides:
  - (a) A \$250 death benefit to the surviving spouse.
  - (b) A \$500 death benefit to the surviving spouse.

## YOUR Business Manager's COLUMN

### Local 1245 continues growth

L. L. MITCHELL

**(Continued from Page One)**

view their position in light of our accomplishments and the prestige of Local 1245 in doing its job as representative of workers in the utility field.

We start 1974 with P.G.&E. negotiations still unresolved, but the issues involved are numerous and complex. None are easy to answer. Our membership expectations are high but we also have Company proposals on the table. We are saddled with governmental regulations both in the field of issues as well as economics. Your negotiators must use a combination of defense and offense to effect a settlement. Your committee is doing its utmost to face the issues squarely and are working for mutually acceptable answers. Our negotiating committees are made up of diligent and hard working people. They are knowledgeable, aware of the issues, and understand the concerns of the members in the field. They are united in their effort to obtain the best proposal possible and are contributing new ideas and new approaches to old, as well as new, problems to resolve the issues which will be submitted to the membership for a vote. I am confident that they will get the job done.

We are also holding sessions with Pacific Gas Transmission Company to handle special issues of this group during the period we are waiting for guidelines of the major

economic and benefit proposals which are being discussed with P.G.&E.

Preparations have started for negotiations on Sierra Pacific Power Company in Nevada. We are hopeful that these negotiations can be completed with dispatch as the area of issues will be less than that of our major employer.

Proposals are being received from our outside line and telephone construction members and preparation of negotiating issues is progressing for these units whose agreements open shortly.

All in all, our Local is an example of concerted activity in providing for the welfare of its own members. Our task is never finished for we live in a society of never ending change. Our organization cannot stand still. It must continue to fight for the needs of its members despite the odds. We cannot expect that we will always operate without criticisms or adversity for we are an institution composed of members with many diverse interests and points of view. Operating democratically as we do, dissent properly presented is welcomed.

The success of our daily operation is based on the dedication of the Officers and Staff. I am firmly convinced of the dedication and though we may possibly face challenges in 1974 greater than ever before, I am confident that we will find solutions and continue our growth and our progress.



### the utility reporter

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# Watch out for produce sold by the piece

By Sidney Margolius, Consumer Expert for Utility Reporter

Some produce is sold by the pound, like cabbage, and some, like lettuce, by the unit or piece. You need to use scales when you buy produce by the piece.

In one survey we found, for example, that you can get anywhere from 14 to 22 ounces of lettuce all at the same 39 cents, depending on which head you select. You may pay 25 cents for a cucumber and get from 10 to 14 ounces.

There seems to be no rhyme or reason, other than tradition, for the different ways different varieties of fruits and vegetables are sold. Thus, in a price check last summer we found one store selling Cranshaw melons by the pound but cantaloupes by the piece. Most stores sell lettuce by the piece, but one store in a town may sell it by the pound.

The effect of this disparity in the way produce is sold is a form of shopping roulette which at times can become wholly confusing. In the same stores our comparison shopper, Betty Preston, found some oranges sold in bags and some loose, and the average consumer would find it almost impossible to compare values unless she is good

at doing fractions in her head.

Thus, one store offered oranges at ten for 79 cents, ten for 69 cents, six for 79 cents and five for 59 cents. That's a range of 7 cents to 13 cents per orange. Another store had grapefruit at two for 59, two for 75, and 5 for 69. You can figure out the cost per piece easily enough—from 14 to 38 cents. But you couldn't begin to know which was best value unless you stopped to weigh them.

At other times we have found such disparities as celery, all the same 35 cents, but varying in weight from 21 to 27 ounces, and honeydew melons at 79 cents ranging from four pounds, two ounces to three pounds, 14 ounces. Sometimes, no two pieces of the same vegetable item may weigh the same.

Other differences in selling methods further confuse consumers. Potatoes, tomatoes and carrots are sold by the pound but sometimes by the carton, and cherry tomatoes are sold by volume.

Sometimes merchants may even try to sell by the piece some products usually sold by the pound, such as tomatoes, reports Saul Wax, re-

searcher for the Massachusetts Consumers' Council.

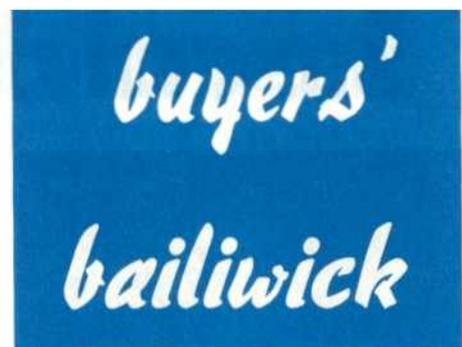
The price also may be affected by the package. One store had grapefruit at three for 79 cents but two grapefruit in a tray pack cost 58 cents.

In the 1940's, the government did require, as part of its wartime price control program, that all produce be sold by weight. But that requirement disappeared after the war.

In 1965, Esther Peterson, then the President's Consumer Assistant, pointed to the need for such pricing when she reported she had found such examples as two heads of lettuce at the same price, one weighing a pound and the other almost twice as much.

As far as we know, only one city—Chicago—requires that all fruits and vegetables prepackaged by the retailer must be marked with the price per pound, net weight and total selling price. This regulation went into effect about two years ago. "This is the fairest way to assure consumers equal value," Terry Hocin, Chief Supervisor of Weights and Measures, says.

Otherwise a consumer shopping early in the day may be able to



pick out a three-pound head of cauliflower for 79 cents while a late shopper may pay the same price for a two-pound head.

Requiring stores to sell by the pound also helps make price changes more evident, Hocin points out. When produce is sold by the piece, retailers are able to juggle the number of pieces in a package, or the size of the piece, in order to achieve an attractive total price for the package, or to hide a price increase. But when they must state the price per pound, an increase from, say, 29 to 39 cents a pound, becomes readily evident.

Several other states and areas also usually sell at least most produce by weight, either by law or custom. These areas include Los Angeles County, some areas of Colorado, and the State of Wisconsin, in respect to certain produce items. Copyright 1973, by Sidney Margolius

## Clues to cutting appliance operating costs

By Sidney Margolius, Consumer Expert for Utility Reporter

Additional price increases on fuel and gasoline have been threatened on top of jumps of 40% and more already in effect.

Consumers have shown a real determination to reduce home heating costs this winter. In fact, a large fuel oil company told me that their average customer is using only a little more than half the amount formerly used for the same number of degree days. That's wise economy. Fuel oil, already 29 cents a gallon is expected to reach 39 in some areas before winter's end.

Families in general also have reduced their use of utilities somewhat. Use of gasoline has dropped less, indicating that the attempt to ration by price and by voluntary reductions is largely futile. It also has led to some glaring instances of price gouging and swollen oil-company profits.

More savings can be made in utility costs, especially by control of home lighting and careful use of appliances. You have a double reason, of course, to reduce utility use, both to help out in the energy shortage and because of increases in utility rates this year.

The tables of average operating costs of various appliances with this article suggests some clues to holding down costs. Note that whether you use gas or electricity, heating water is your largest single appliance operating expense.

Your refrigerator is the second biggest power user requiring careful use. Note also that you may be able to hold down cooking range costs by using a portable broiler for small cooking needs instead of your oven.

Color TV sets use much more power than black and white. Avoid using TV sets like a radio if you're not actually viewing.

### AVERAGE OPERATING COSTS OF VARIOUS ELECTRIC APPLIANCES

	Average Annual Kilowatt Hours	Average Annual Operating Cost
Water heater, quick recovery	4,811	\$105.30*
Water heater, standard	4,219	92.40
Refrigerator-freezer, 14 cu. ft. frostless	1,829	40.05
Room air conditioner, 9,000 BTU	1,389	30.42
Electric kitchen range	1,175	25.73
Clothes dryer	993	21.75
Color TV	502	10.99
Black and white TV	362	7.95
Dishwasher	362	7.95
Window fan	200	4.40*
Portable room heater, radiant type	176	3.85*
Humidifier	163	3.58
Electric blanket	147	3.22
Iron	144	3.15
Electric coffeemaker	106	2.32
Automatic washer	103	2.26
Portable broiler	100	2.19
Hot plate	90	1.97
Radio	86	1.88
Vacuum cleaner	46	1.06

This table shows average operating costs based on typical national rates

of electricity of 2.2 cents per kilowatt hour. Your own costs may be more or less depending on size of appliances, local rates and amount of use, but in any case probably will be higher in 1974 because of rate hikes in many areas. These estimates provided by the Electric Energy Association.

\*Total cost of seasonal use.

### AVERAGE OPERATING COSTS FOR COMMON GAS APPLIANCES

	Average Therms Per Year	Average Annual Cost
Water heater	316	\$35.39
Cooking range	105	11.76
Clothes dryer, gas pilot	75	8.40
Clothes dryer, electric pilot	60	6.72

Costs for an average family based on typical 1972 averages for household gas of 11.2 cents per therm. A therm equals the heat energy content of 100 cubic feet of natural gas or 100,000 BTU's. Costs for a specific family may be higher or lower depending on local rates and family usage but will usually be higher for 1974 because of general rate hikes. Source: American Gas Association.

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## North Bay Happenings

We would like to compliment Brothers Bill Balsley, Ed Buchanan and Tenuis Salie for their outstanding performances as Shop Stewards the past month in the North Bay Division. These Shop Stewards have performed beyond the call of duty and is greatly appreciated by all.

Numerous fellow Brothers were complimented for outstanding work performed during a severe storm during the month. Unfortunately some of our Brothers that performed in an outstanding manner were not recognized. No doubt that our Brothers in general performed in an outstanding manner and we are proud of each one of them, both Sohner Tree and P.G.&E.

We would like to commend Brother Howard Dohm for his performance as a member of the Sohner Tree Service, Inc. Negotiation Committee. Brother Ed Coleman has replaced Dohm and is performing in an outstanding manner.

Much credit goes to the wives of the I.B.E.W. Local 1245 Shop Stewards. They lose their husbands for many hours due to his involvement in policing the agreement to insure fair treatment of his fellow brothers. I, Corb Wheeler, wish to extend my gratitude to all wives of the Shop Stewards of the North Bay Division. Thank you.

All members, be sure to recognize your Shop Steward. Introduce yourself to him and let him know who you are and where you work. If you have any type of problems or questions be sure to contact your Shop Steward as he will be more than happy to serve you.

Our Brothers in the City of Healdsburg voted to accept an offer of 7½ percent wage increase and an additional holiday of Calif. Admission Day. The vote was Yes 8 No 6. Watch for the special article to be published on our Brothers in the City of Healdsburg in the Utility Reporter.

# Local 1245's Stewards in Shasta, C



Business Manager L. L. Mitchell is shown addressing the Tri-Area Stewards' meeting in Redding, California.



This photo shows Sr. Asst. Bus. Mgr. Mert Walters reporting on the activities of the P.G.&E. Wage and Contract committee.



Shown above is Jack McNally, Bus. Rep., bringing the Stewards up to date on the P.G.&E. Pension and Benefit negotiations.



Lee Thomas, President of Local 1245, is shown explaining the duties of his office.



Pictured above is Bus. Rep. Dave Reese as he stresses the need for accident reports from the Stewards and members.



Shown above is Jim Pinkerton, Personnel Representative for Citizen Utilities Co. as he address the Local 1245 stewards.

Seventy-four people attended the Local 1245 Shop Stewards' meeting held in Redding, Calif. on January 12, 1974. The stewards in attendance were from P.G.&E. DeSabra, Colgate and Shasta Divisions; the United States Bureau of Reclamation-Region 2; the Paradise Irrigation District; the Oroville-Wyandotte Irrigation District; the California Pacific Utilities Co., Lassen Division; the City of Redding; the State T.V. Cable Co.; the Richvale Irrigation District; the Thermalito Irrigation District; the Citizen's Utilities Company of California; the Yuba County Water Agency; the Pacific Tree Expert Co.; and P.G.&E.'s Pipeline Operations and General Construction groups employed in that area.

Business Representative Dean Cofer, who chaired the meeting, made the usual introductions and then explained the purpose and function of the meeting.

President Lee Thomas explained his duties and stated that he gets his authority from the I.B.E.W. Constitution and the Local Union Bylaws. He demonstrated this by reading sections from both the Bylaws and Constitution. President Thomas stressed that the meeting was for the stewards and urged them to ask questions on the material presented.

Business Representative Dave Reese reported on the subject of safety. He informed the stewards that very few accident reports are being received and stressed their importance to the Local and urged them to report any and all accidents on the job. He stated that there are forms available on which to report accidents or unsafe working conditions, but indicated that if one was not readily available that the members should jot down the facts on any type of paper and send them in.

A test was given on "Union Knowledge" and the stewards corrected their own papers against the answers given by Brother Cofer at the conclusion of the test. We have excerpted some of the questions in the test and you will find them on page two of this issue. The answers are listed on page six.

Jim Pinkerton, Personnel Representative for Citizens Utilities Co. of California, explained his background in the Labor Relations field and stated that he was looking forward to the challenges of his new position at Citizens.

After lunch the attorneys from Neyhart, Grodin, Beeson and Jewell participated in the program. Attorney Howard



This photo shows some of the stewards who gave up a Saturday to attend the meeting.



Shown above from left to right are Tom Cober, Willie Stewart, Bus. Rep. Tony Morgan

# ...a, DeSabla and Colgate area meet

Jewell gave the history of Workmen's Compensation in California and then explained the current benefits of the Act. (See article starting on page one covering this subject.) Mr. Jewell stated that he thought the provisions of P.G.&E.'s supplemental benefits, which Local 1245 negotiated, was the best in the state and very unique in that it provided for immediate relief when the injured worker needs it the most.

Attorney Ron Yank spoke on the E.E.O.C. and the provisions of Title VII of the Civil Rights Act. He explained the basic concepts of the law and then discussed the voluntary agreement between P.G.&E. and the E.E.O.C.

Both Mr. Jewell and Mr. Yank answered a variety of legal questions and explained the provisions of the "free legal advice" which is provided to all members of Local 1245 under our retainer with their firm.

L. L. Mitchell, Business Manager and Financial Secretary of Local 1245, gave a brief report on the activities of his office. He stated that all of the agreements made in 1973 with the many employer groups we represent were settled short of economic action.

Brother Mitchell touched on the problems of our time such as the Energy Crisis, high prices and the Phase IV controls and the effect that these things can have on the members. He discussed the impact of ecology and its effect on the economy of this country.

Bus. Mgr. Mitchell discussed some of the problems in the P.G.&E. negotiations and then turned the meeting over to Jack McNally and Mert Walters for their committee reports.

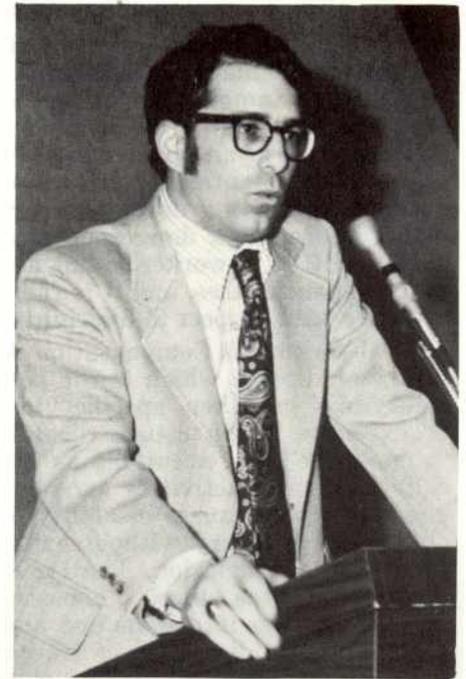
Mert Walters, Sr. Asst. Bus. Mgr., is the spokesman for the Wage and Contract committee and gave an up-to-date report on negotiations. Most of the information given at the meeting was contained in Negotiating Committee Bulletin No. 8.

Business Representative Jack McNally is the spokesman for the Pension and Benefit committee and he gave a report on the status of negotiations relative to the functions of his committee.

Bus. Rep. Dean Cofer closed the meeting by thanking all of the stewards for giving up their time to attend this training session. Three million, two hundred sixty-seven thousand, nine hundred ninety-eight.



This photo shows Attorney's Austin Morris, left, Ron Yank, center, and Howard Jewell from the Local's Law Firm of Neyhart, Grodin, Beeson and Jewell.



Attorney Ron Yank is shown addressing the stewards on the subject of the E.E.O.C.



This photo shows more of those attending the Northern Area Stewards meeting.



On the right are Tom Conwell, Northern Area Executive Board Member, Rep. Tony Morgado, Bus. Rep. and Dean Cofer, Bus. Rep.



The above photo shows another group of Stewards who appear very interested in the material being presented.

# Workmen's Compensation—History and Current Benefits

(Continued from Page One)

was due to the careless driving of the third party, he may sue the third party for all damages (medical bills, loss of wages, pain and suffering, etc.) However, any amount the injured employee receives in Workmen's Compensation benefits will be deducted from the amount received from the negligent third party and paid over to the employer or the employer's insurance carrier. The potential for a third party suit exists in other less obvious situations. There is a developing law of product liability which makes the manufacturer of a dangerous product liable for damages caused by any defects. Often, a worker is not aware of the possibility of third party recovery in such cases, and it is therefore most important that he consult an attorney with respect to his rights.

The Workmen's Compensation Act defines an "industrial injury" as any injury or disease which is the result of work or working conditions. The injury may be either "specific," i.e., occurring as the result of one incident, or exposure which causes disability or need for medical treatment; or "cumulative", i.e., occurring as the result of repetitive mentally or physically traumatic activities extending over a period of time, the combined effect of which causes disability or need for medical treatment. It is possible to have injury without external physical force, as through harmful ingestion or inhalation. The occurrence and aggravation of occupational diseases, such as silicosis, asbestosis and lead poisoning are compensable, as well as other infectious and non-infectious diseases caused by the occupation. Mental disturbances traceable to the employment and damages to artificial members are also injuries.

Both recurrences and aggravations are compensable. In cases of recurrence, the existence and extent of compensability depend on the circumstances surrounding the earlier period of disability. Aggravation assumes an independent intervening cause of disability which is in itself compensable, irrespective of the nature of the original cause.

The principal types of benefits which apply in ordinary cases are:

1. Medical treatment
2. Temporary disability indemnity
3. Permanent disability indemnity

An injured worker is entitled to receive all medical, surgical and hospital services necessary to cure or relieve from the effects of the industrial injury, including reasonable transportation expense incidental to treatment. "Reasonable transportation expense" is now defined by the Act to mean that the employer or insurance carrier will pay the injured employee 14¢ per mile plus any bridge tolls included in travelling to and from the doctor.

Unfortunately, the employer, or his insurance carrier, has control of the medical treatment the employee is to receive. However, an injured worker who is dissatisfied with his treatment may request one change of physicians through the employer or insurance company. The employee now may request that the name of a chiropractor appear on the panel of physicians furnished by the employer or insurance company.

Temporary disability indemnity is payable while the injured employee is recovering from an injury or until he reaches a condition where further improvement is not expected.

Payments for injuries occurring before April 1, 1974 normally start on the 8th day after injury. Under the new law payments for injuries occurring after April 1, 1974, will start on the fourth day after the injured employee leaves work. Prior to enactment of the new legislation, if temporary disability lasted more than twenty-eight days, or if the injury resulted in hospitalization, as a bed patient, the first week of disability was paid. However, for injuries occurring after April 1, 1974 if temporary disability lasts beyond twenty-one days, or necessitates hospitalization, the disability payments shall be made from the first day the injured employee leaves work or is hospitalized as a result of the injury. In no case can temporary disability be paid for more than 240 weeks during the five years following the date of injury. The maximum payment for temporary disability for injuries sustained before April 1, 1974 is \$105.00 per week. The rate of compensation for temporary disability was increased as a result of new legislation and the maximum payment has been increased to \$119.00 per week for injuries sustained after April 1, 1974.

The rate of compensation is determined by the injured employee's earnings. For example, in order for an employee to be entitled to the maximum rate of \$119.00 per week disability benefits, the employee must have average weekly earnings of \$178.50. If the employee's average weekly earnings are less than \$178.50, he will be entitled to something less than \$119.00 per week. How much less he will receive is based upon a formula that is set out in the Workmen's Compensation Act.

Where the effects of an injury cause a loss of earning power, impairment of the normal use of a member, or a competitive handicap in the open labor market, there is at least a partial permanent disability. The degree of disability is rated in terms of percent of permanent disability. The nature of the injury, the age and occupation of the worker, and his ability to compete in the open labor market are considered in computing a rating. The rate of compensation benefits for permanent disability is determined by considering the date of injury and earnings of the injured employee. Thus, for injuries occurring before April 1, 1972, each 1% of permanent disability equals four weeks of benefits, and the maximum rate for permanent disability purposes is \$52.50 per week. Therefore, if an employee receives a permanent disability rating of 1%, he will receive \$210.00, or if he receives a 10% disability rating, he will receive \$2,100.00.

The law covering compensation for permanent disability for injuries occurring after April 1, 1972, is more complex in that it provides for higher benefits for greater disability. The law redistributes benefits by progressively increasing the number of benefit weeks—from three to eight weeks for each 1% of disability—in a series of steps graduated with the severity of the disability. It is noteworthy that although the maximum rate of compensation is increased from \$52.50 per week to \$70.00 per week, it is possible for a person to receive the same dollar amount in benefits that he would have received under the old law. Under the law, unless an injured employee receives a permanent disability in excess of 9¾%, he will receive the same amount in dollars as he did before April 1, 1972. The increase in benefits takes effect where the permanent disability rating is in excess of 10%.

A significant change in the law will take effect April 1, 1974 covering employees whose injury results in total permanent disability, i.e., a 100% permanent disability rating. Under such circumstances, and assuming that the employee's average weekly earnings are \$178.50, the employee will receive \$119.00 a week for life.

Another important change in the law was the increase of death benefits for widows and dependents of employees whose accident results in death. For injuries sustained after April 1, 1974 and resulting in death, the benefits in cases of total dependency is \$40,000.00. This is an increase of \$15,000.00, the former benefits being \$25,000.00. Where the decedent left a widow and one or more minor children, the benefits are increased from \$28,000.00 to \$45,000.00. In addition to death benefits, a burial expense of up to \$1,000.00 is allowed. The law also makes a provision for those only partially dependent on the employee for support.

Compensation benefits are not subject to income tax.

Many claims are resolved between the injured employee and his employer or the insurance company. This is particularly true where the only benefits are for medical care. However, if a dispute exists with a company regarding medical treatment, further temporary disability, the amount of permanent disability or any other issues, the services of the Workmen's Compensation Appeals Board may be necessary to resolve the dispute.

An Application for Adjudication of Claim must be filed within one year from the date of a specific injury or within one year from the last treatment or the last payment of compensation. In cases of occupational disease, or cumulative injury, the application must be filed within one year after the employee has a disability and knows (or reasonably ought to know) that the disability resulted from his employment. An Application for Death Benefits must normally be filed within one year after the date of death.

This article is intended to be general in nature. Members with specific problems are cautioned to consult a lawyer. Attorneys fees are set by the Workmen's Compensation Appeals Board and are payable out of awards made to the employee.

## Dewey R. Shealy

did read the Utility Reporter and found his membership card number in the December issue of the paper. Brother Shealy is in the Gas Service Department of P.G.&E. in the East Bay Division and we wish to congratulate him on winning the \$50.

### LOOK FOR YOUR CARD NUMBER

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### ANSWERS TO QUESTIONNAIRE ON PAGE TWO

#### TRUE OR FALSE

1. False—The Treasurer is a Constitutional Officer and is not a member of the Executive Board and does not have a vote.
2. False—The Recording Secretary is a member of the Executive Board and is entitled to a voice and vote.
3. False—According to the I.B.E.W. Constitution, the Business Manager-Financial Secretary is not a member of the Executive Board, but must attend all meetings of the Board and has a voice but no vote.
4. True—
5. True—There is one exception to this rule; when a new group is organized and the Board establishes a unit for them, they hold an election.

#### MULTIPLE CHOICE

1. (b) The Shop Steward, Business Representative or Local Union Office should be notified immediately when a **\*member in good standing** dies.
  2. (b) Again the Shop Steward or Business Representative should be notified when the spouse of a **\*member in good standing** dies.
- \*A member in good standing is one whose dues are current.

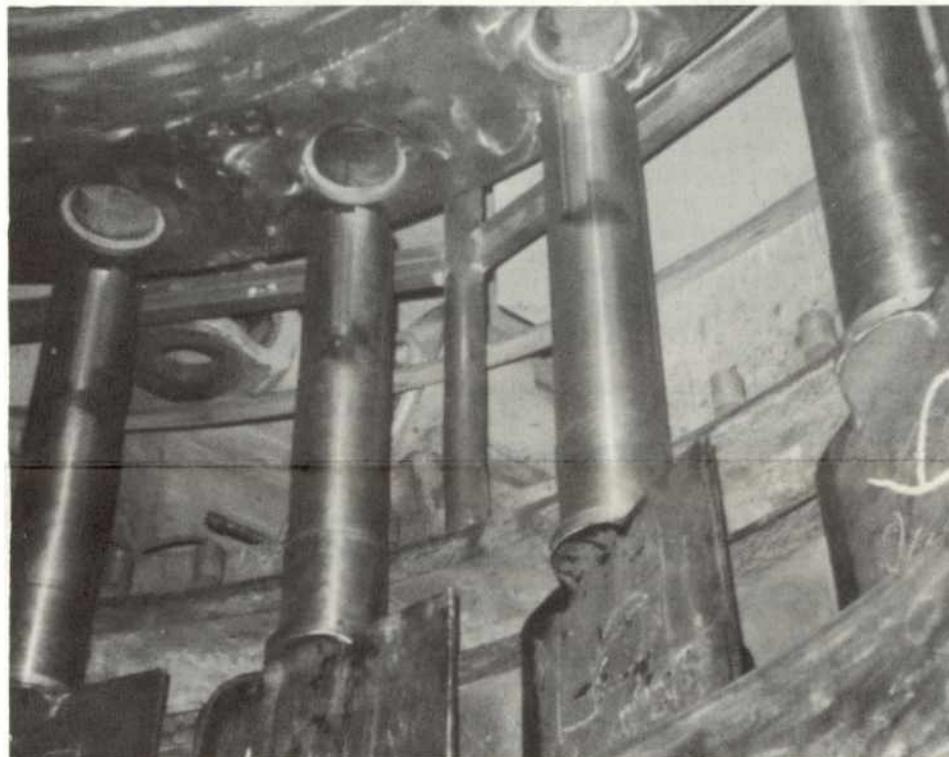
# Local 1245 Members on the Job

A pre-scheduled turbine rebuild of Unit No. 1, Rock Creek Powerhouse, started on October 1, 1973, and continued without interruption until the job was completed on November 2, 1973. Fourteen hydro maintenance employees, divided between two separate 10-hour shifts per day, worked on the job for the full thirty-three days necessary to complete the job.

The photos below and to the right show the work in progress at the powerhouse.



This photo shows Helper Jim Tiner operating the electric hoist during the overhaul.



A view of the new wickets on Unit No. 1 shown in place. (They weigh approximately 700 lbs. each.)



Shown above are Advisory Councilman Dale Turman, left, and Shop Steward Mark Burns taking micrometer readings on lower turbine head.



Shown above from left to right are: Mark Burns, Jr., Electrical Machinist; Dude McMaster, Appr. Elec. Mach. and Helpers Jim Tiner and Ray Heath installing wicket bell crank.

## Rising Prices and Unemployment Face Workers in '74 Meany says

WASHINGTON—American workers faced the New Year with the prospect of continued inflation, more joblessness and less real money to meet their basic needs.

"In 1974, we will most likely find prices going up, and unemployment going up," AFL-CIO President George Meany declared. "Going down will be the standard of living of American workers and the buying power of their dollars."

Meany's predictions followed the release of Labor Dept. figures showing consumer prices were 8.4 per cent higher in November than they were a year earlier. Over the same period, workers' purchasing power dropped 3.3 per cent, the department's Bureau of Labor Statistics (BLS) noted in another report.

Economists of every stripe have forecast a sharp slowdown in the nation's booming economy in 1974 at the very least. And the AFL-CIO has warned of a possible recession unless economic trends are reversed.

"The economy is an absolute mess," Meany declared. He said the BLS statistics "prove what every worker, consumer and housewife has known but which the Administration has sought to camouflage: These are hard times for America."

Meany recalled that when the Nixon Administration first came to power in January 1969, the inflation rate for the previous year was 4.6 per cent.

Mr. Nixon called that rate intolerable and declared a 'war on inflation,' he noted. "After nearly five years of his economic policies, the inflation rate for the past year is nearly doubled."

"At the beginning of last year, the President's Council of Economic Advisers predicted an inflation rate for 1973 of 2.5 per cent. Their prediction was off 325 per cent."

Only workers' wage increases remain stringently controlled under the Administration's "so-called economic stabilization program," Meany pointed out.

For the second month in a row, the BLS consumer price index rose a sharp eight-tenths of 1 per cent in November, nearly three times September's increase of three-tenths of 1 per cent. About a third of the November increase was due to a sharp rise in energy prices and another one-third to higher food prices, BLS said.

Many economists—including Herbert Stein, chairman of the President's Council of Economic Advisers—see ever sharper rise ahead.

"The energy shortage and the need to increase energy supplies mean that energy-related prices will rise further," said Stein. "Prospects for food supplies suggest that it may be several more months before food prices level out."

In its report on November prices, BLS noted inflation over the past six months has been at an annual rate of 9.7 per cent, seasonally adjusted.

The November CPI stood at 137.6 per cent of its 1967 base, meaning that a typical market basket of goods and services that cost \$10 in 1967 would have cost \$13.76 in November 1973. The same goods and services would have cost \$12.69 in November 1972.

Prices of food purchased in grocery stores, which usually decline in November, rose 1.4 per cent over the month after declining in the previous two months. The increases were across the board, with especially high spurts in the prices of cereals, bakery products and dairy items. The index for food away from home—restaurant meals and snacks—also rose 1.4 per cent.

Reflecting the worsening fuel shortages, BLS reported home heating oil prices went up 10 per cent in November, while retail gasoline prices rose 4.5 per cent. Fuel oil and gasoline prices in November were 45.2 and 18.1 per cent above their year-earlier levels.

Valley Labor Citizen

# The Safety Scene

## Hazards you didn't bargain for

In the beginning was the trading post. Then came the general store followed by the department store, followed by the shopping center, followed by the garage sale.

Although anthropologists may call it a giant step backward, the garage sale is now on its way to becoming a nationwide industry, popular as pizza and almost as compelling as a free-trip-to-Hawaii sweepstakes.

"Garage sale" on a sign tacked to a tree, in a newspaper ad or by word of mouth is an offer few can refuse today, and so many buyers and sellers are looking for action that there are now four (count 'em, four) books on the market to tell you how to hold a garage sale.

Who holds them? People who move to a smaller house or apartment, people whose attics or basements are cluttered with castoffs, or people who simply want to make an extra buck.

Who goes to garage sales? Friends, relatives and neighbors, dealers, collectors and junque addicts ("junque" describes almost anything that isn't a genuine antique at least 100 years old), and people who simply want to save a buck.

Save you will and fun you'll have at most garage sales, but don't be blinded by those bargains. You may buy unsafe merchandise you didn't bargain for.

However high a price you pay today for new and reputable products, your money usually buys a warranty, directions for maintenance and safe operation, clear warnings when required, the label of Underwriters' Laboratories or some other testing agency, as well as conformity with up-to-date voluntary or official standards.

But all those safeguards can vanish at a garage sale, leaving you unprotected by anything except your own caution, vigilance and horse sense. So no matter how low the price—especially if the price is low—don't hesitate to look a gift horse in the mouth.

That famous Latin proverb says it: Caveat emptor (Let the buyer beware). Here are some hazards to beware of:

Old cribs are less likely to have proper (and safe) slat spacings, and their side latches may be unreliable.

Old cribs, children's furniture and toys may have paint with a high lead content.

### Check before you buy

Like many other products, old toys may not comply with new safety laws. The Federal Child Protection and Toy Safety Act was signed in 1970. So be extra cautious about buying old toys for children. (But feel free to collect memorabilia like old Buck Rogers pistols for yourself!)

Watch out for missing parts on equipment, especially guards, and equipment without safety or operating instructions.

Be alert for hidden defects in equipment; pump-up tank sprayers with concealed corrosion; painted ladders (the paint may hide a structural flaw); electrical appliances which, although they have a three-prong plug, aren't really grounded (the ground wire may be loose or broken). An iron, for another example, may have a defective "Off" setting that still produces heat—so always unplug small appliances after use, even new ones.

Old and chipped enameled cooking utensils can provide a breeding ground for bacteria.

Safety glazing, now required by most state laws, won't be found on old storm doors—a home booby trap that has lacerated many a victim.

Most old ceiling tiles will burn. Many new ones are flame-retardant.

As for items like ivory toothpicks, moustache cups, carpet beaters and mah-jongg sets, the only hazard you're likely to find is dust!

The whole world loves a bargain, and you'll even find some in our history books. Manhattan Island went for \$24—and Czar Alexander sold us Alaska for only two cents an acre.

Garage sales offer more than their share of bargains, too. But the next time you visit one, make this your motto:

The price of an accident is remembered long after the price of a bargain is forgotten!

—Family Safety

### Safety experts warn:

## Don't bring Energy Crisis Home on the Range

Everyone wants to do their part to ease the energy crunch, but turning off the pilot light on your home gas range is a "dangerous trade-off" which could possibly lead to injury and even death for millions of families around the country. That warning comes from the home technical experts at the National Safety Council in reaction to broadcast and print reports encouraging the public to extinguish stove pilot lights as a means of conserving energy.

Hans Grigo, technical advisor for the Council's home department predicted that a pilot light snuff-out could increase the number of home accidents involving burns and fires.

"Most people no longer have the know-how to safely handle their gas ranges in regards to either turning off the pilot light or igniting it manually. Approximately 32 million homes in the U.S. have gas ranges and when you take into ac-

count the possible number of exposures to matches and open flames by persons unaccustomed to lighting a stove, the proposed measure will undoubtedly have an affect on the home burn injury rate," Grigo said.

He expressed concern that children might be attracted to imitate adult behavior and play with matches around the stove area. In addition, the danger of a build-up of unburned gas would occur, he said, when burners, which have been extinguished by food boil-overs, would not automatically relight as they normally would when the pilot light is left on.

In all cases, Grigo stressed that consumer tampering with pilot lights should be avoided. "Conserve energy, yes. But don't do it by putting safety on the back burner. Leave your pilot light on and don't bring the energy crisis home to your range. It's too dangerous."

## FREE... From Your Government

### A Chance:

- To Make Sure the '76 Presidential Campaign is Run Honestly
- To Stop Corruption and Political Bribery
- To Build a General Campaign Fund, So All Candidates Have an Equal Chance

COPE is an independent political committee created by the AFL-CIO. It does not ask for or accept authorization from any candidate and no candidate is responsible for COPE's activities. A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.