

Vial Supports Federal Rule on

Employee Access To Exposure and Medical Records

Workers have a right to know the hazards they face on their jobs, State Director of Industrial Relations Don Vial testified last December 15 in San Francisco at an informal U. S. Department of Labor public hearing on access to employee exposure and medical records.

Vial's statement was made in support of a proposed Federal rule that would require employers to retain all employee exposure and medical records and to

provide access to these records to employees, former employees, their designated representatives and physicians, and OSHA and NIOSH (National Institute for Occupational Safety and Health) officials.

"It is time we recognized generally that workers have a right to all information that may be relevant to protecting themselves, their fellow workers, and their families," Vial told the hearing. "OSHA's proposal for employee access

to exposure and medical records furthers these rights, and California enthusiastically supports the proposed rule."

In arguing for the proposed rule, Vial cited the millions of workers in the United States exposed each year to concentrated doses of substances which may cause cancer, mutations in future generations, and birth defects. "The dangers of these substances are not readily apparent to those who work with

them," Vial said. "The effects are often latent, and may not be noticed for twenty to thirty years."

Vial pointed out that California's occupational safety and health law already allows employees or their representatives access to exposure monitoring and "to accurate records of employee exposures to potentially toxic materials or harmful physical agents." California has a vital concern with these problems, and

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Governor Names Martin to WCAB



Cofer congratulates Martin on his appointment to WCAB. Left to right are: Don Vial, State Department of Industrial Relations Director, Jerry Martin newly appointed WCAB Member, Dean Cofer, IBEW, Local 1245 Business Manager-Financial Secretary, and Melvin S. Witt, WCAB Chairman.

H. Jerry Martin, formerly Director of Safety and Training for Local 3 of the Operating Engineers Union headquartered in San Francisco, was named by Governor Brown Wednesday, January 3, 1979 as one of three new appointees to the State's Workers' Compensation Appeals Board. The other two new appointees are John F. Dunlap, a former State Senator of Napa, and Charles Swezey of Palo Alto, who is currently a Deputy Commissioner and Secretary to the Board. All three appointments require Senate confirmation.

Martin, who has served as Local 3's Safety and Training Director for the past five years was administered the oath of

office by Donald Vial, Director of the State's Department of Industrial Relations Monday, January 15. Business Manager Dean Cofer of Local 1245, I.B.E.W., and a host of other labor leaders attended the ceremonies.

The seven-member board holds hearings and makes final rulings in cases involving payment of workers' compensation insurance benefits to employees suffering job-related injuries or disabilities. Martin replaces Albert Boardman as a public member on the Board.

Other members already serving on the WCAB are Melvin S. Witt, chairman; and Commissioners Gordon R. Gains, Merwin N. Glow and Hale H. Ashcraft.

PG&E Members

New Health Plan for East Bay

Assuming the results of PG&E Benefit Negotiations are ratified by the membership, the Company will offer those employees in the bargaining units represented by Local Union 1245 an option to join or to switch to one of several Health Maintenance Organizations.

Local Union 1245 has invited the representatives from each of the Health Maintenance Organizations to attend our Unit Meetings to explain their plans. Whether or not a member decides to enroll in an HMO in lieu of joining Blue Cross is purely a matter of personal preference. However, in an effort to provide our members with as much information as possible about the organizations we will be publicizing them in the UTILITY REPORTER. In addition, Company will be mailing detailed information regarding each of the HMO's during the open enrollment period.

The Rockridge Health Care Plan,

which is being offered to PG&E employees who live in Alameda, Albany, Berkeley, Castro Valley, El Cerrito, El Sobrante, Emeryville, Kensington, Lafayette, Moraga, Oakland, Orinda, Piedmont, Pinole, Richmond, San Leandro, San Lorenzo, San Pablo and Walnut Creek, is one of the federally qualified Health Maintenance Organizations being offered. It provides its members with a comprehensive medical benefits program, and is holding open houses at the Health Center, 420 - 40th Street, Oakland on Tuesday, February 13 (5 p.m. - 7:30 p.m.); Thursday, February 15 (5:00 p.m. - 7:30 p.m.); and Saturday, February 17 (9:30 a.m. - 12:30 p.m.)

If you are interested in learning more about the Plan you are invited to attend. Representatives of Rockridge will be there to answer questions and conduct tours of the facilities.

YOUR Business Manager's COLUMN

Working may be hazardous
to your health...



DEAN COFER

Twenty-one to 38 percent of all cancer cases in the United States can be traced to toxic substances and industrial poisons that workers are exposed to on the job.

Since the start of World War II, approximately 4 million workers have been heavily exposed to asbestos. Of these 4 million, it is estimated that 20 - 25 percent will die of lung cancer, 7 - 10 percent of pleural and peritoneal mesothelioma (abdominal tumors), and 8 - 9 percent of gastrointestinal cancer. (These figures represent a fatality rate of 35 - 44 percent.)

DO THESE FIGURES SCARE YOU? IF NOT, I CAN TELL YOU THAT THEY DAMN WELL SCARE ME.

Literally thousands of carcinogens are being used in work places every day. Some of these carcinogens, (such as asbestos, arsenic, benzene, vinyl chloride, nickel, and various petroleum distillates) are known cancer causing agents. However, many of the substances that can or may cause cancer are not known or recognized as carcinogens.

What is being done by government, industry and the labor movement to identify these carcinogens and control their use? The Federal government is working on the problem, however, since it spent \$48 billion on health care in 1978 but less than \$2 billion on prevention of diseases, it becomes clear that the Feds have a long way to go in this area. The State of California, with passage of the Occupational Carcinogens Control Act in 1976, became the first and only state to actively inspect for carcinogens in the work place. The Act sets out strict conditions for using carcinogens with tough penalties for failing to comply. Failure to report the use of a carcinogen results in a automatic \$500 fine, and a maximum

\$1,000 penalty is provided for each case involving exposure of workers. The Act also provided for the creation of an inspection force of 25 industrial hygienists. The major drawback of the California Occupational Carcinogens Control Act is that it only specifically names 19 carcinogens, while many more cancer causing substances are undoubtedly in use.

Due to the efforts of Governor Brown, California has recently approved the creation of the first Toxic Chemicals Information Repository in the United States, together with a program of comprehensive occupational health education in the University of California system.

The Information Repository will collect and evaluate toxicological data about toxic substances used in California work places; where and how the substances are used; collect health experience information; and keep the public informed about newly-discovered or increased hazards. An Advisory Committee composed of employers, employee representatives, and occupational health professionals will be appointed by Don Vial, Director of the Department of Industrial Relations, to oversee and direct the operation of the Information Repository along with the updating and expansion of comprehensive occupational health education in the University of California system. I am pleased to report that Director Vial has appointed me to serve as a member of the Advisory Committee.

The labor movement is heavily involved in identifying carcinogens and attempting to control their usage. Just some of the activities taking place in this field by our Local Union are as follows: The law firm of Marsh, Mastag-

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YOUR *Business Manager's* COLUMN

DEAN COFER

(Continued from page 1)

ni & Marsh is in the process of filing and reviewing over 100 Workman Compensation cases on behalf of Local 1245 members due to their exposure to asbestos, and the Local Union currently has formal grievances filed on safety hazards associated with the use of asbestos. Far more important, however, is the fact that the Executive Board, at their December Board meeting, approved the hiring of a Health and Safety Engineer to serve on the Local Union Staff. (It is my understanding that Local 1245 will be the first Local Union in the United States with a professionally trained Health and Safety Engineer on its staff.)

We are in the process of advertising for applicants that possess an appropriate degree in Public Health, with qualifications in the field of safety. This individual, once on board, will conduct

on-the-job health and safety evaluations; perform lab tests of carcinogens and other substances; and be qualified to assess and recommend amendments to existing health standards. Our Local Union can then sponsor necessary legislative or administrative changes in the field of health and safety that we are not equipped or qualified to do at the present time.

The health and safety of our members is important to this Local Union, and we intend to not only remain active in this area of our responsibility but also to increase our activities in this regard.

In closing I once again remind you that your Local Union needs your help and participation. I urge you to attend your Unit meetings and get involved. You owe it to yourself, your family and your Union.

We Get Letters . . .

Sometimes Good — Sometimes Bad

Dear Editor:

For the avoidance of fragmentation and polarization, for the promotion of unity in enlightenment and for the Good Of The Union these thoughts are put to paper.

There is, today, a permeating atmosphere of diminishing confidence in elected officials, local and federal. Ergo, any elected official contemplating individual unilateral action might be well advised to consult appropriate Boards and Councils prior to such an undertaking.

The dismissal of one law firm and the engagement of another, however innocuous, may take on significant ramifications in the present moral climate.

Remembering the "Exile-of-San Clemente", one should be reminded that Caesars' wife must be above suspicion.

Warmest regards,
G. L. Nighsonger
Card No. 3569949

Dear Editor:

I am writing to express my deep appreciation for the manner in which the Local Union recently assisted me in a Compensation Case due to an Industrial Injury. I was contacted and assisted promptly by our Rep Larry Hope. The new Union Attorney, Dave Mastagni, handled the case in the most professional and skillful manner I have ever been acquainted with. Mr. Mastagni is a knowledgeable and aggressive Attorney who really cares about the members. This attitude of caring about the membership seems to be of utmost importance to the new administration of which you are our leader. I was pleased to see that our Union has retained this new law firm. Keep up the good work.

Richard Poncia
Card No. 3016568

Court Strikes Down Benzene Standard

WASHINGTON — A court decision striking down the benzene standard "will leave thousands of workers at an increased risk of leukemia," declared Dr. Eula Bingham, head of the Occupational Safety and Health Administration.

Bingham's comment came in response to a decision by the Fifth Circuit Court of New Orleans, which threw out the OSHA standard on worker exposure to benzene. The court ruled there was not substantial evidence to justify costs involved in meeting the 1 ppm (1 part benzene per million parts air) limit set by the standard.

The Court also determined that the

provision prohibiting skin contact with the cancer-causing agent was not based on the most recent or best available evidence.

Some 600,000 workers are potentially exposed to benzene, a substance proven to cause leukemia. These include rubber workers and chemical workers.

Bingham said she was "extremely disappointed" by the court decision and added: "This decision appears to be in conflict with decisions of the courts in every other case dealing with cancer-causing substances. OSHA will continue to pursue every possible avenue to protect workers exposed to benzene."

Employee Access

(Continued from page one)

he noted sponsorship and enthusiastic support by Governor Brown of two major pieces of State legislation, enacted in 1978, that will help fill gaps in the knowledge about exposure to substances that may cause cancer, mutations in future generations and birth defects, and the ability to use such knowledge to protect workers from exposure.

One new California law appropriates \$2,000,000 to establish two occupational health centers in the State, each of which will expand the ranks of toxicologists, epidemiologists, industrial hygienists, occupational physicians and nurses, and other occupational health personnel through a training program that will also embody significant research and clinical service functions. A second California law would complement the proposed Federal regulation under consideration, mandating the establishment of a toxic substances information and alert system which will collect, evaluate, and disseminate information about the hazards of toxic substances to workers, employers, and others, to assure full knowledge of potential hazards whether or not a standard has been issued.

Vial said the heart of the proposed Federal standard is the granting to employees access to their own medical records, "essential to an individual's rational decision-making about risks, pro-

tection of health, acceptability of work assignments, and safety regulations. Knowledge of what is actually in the record is also critical to obtaining informed consent for disclosure to others, an increasingly necessary phenomenon for obtaining government and insurance benefits in our society."

California already provides for employees to have access to medical records which are used for purposes of job selection, assignment, promotion and termination, and Vial said there have been no difficulties in enforcing this law.

Vial favors two minor changes in the proposed Federal standard. "First, it should be made clear that employers who contract for physician services must insert a clause in that contract requiring compliance with this access standard. Access rights should not depend on such irrelevant legal technicalities as whether the physician is an employee or an independent contractor of the company. Second, although we fully agree that an individual should be able to consent to have others look at his or her medical record, the standard should be amended to assure that such consent is an informed consent. Otherwise, the use of general blanket consents have resulted in invasions of personal privacy."

The proposed Federal regulation has been published in the Federal Register (43 FR 31371, July 21, 1978, and 43 FR 46322, October 6, 1978).



the utility reporter

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Did You Know That...

You Have Substantial Rights Against The Invasion of Your Home

By Ronald E. Yank
Attorney at Law
Carroll, Burdick & McDonough

In response to Business Manager Dean Cofer's request that I answer certain questions posed by the Fresno Unit, No. 2111, concerning search warrants obtained by Pacific Gas and Electric Company, the following information was prepared for distribution to all I.B.E.W., Local 1245 members.

I.B.E.W. 1245 has recently gone to arbitration over an attempt by P.G. & E. to search the residence of an employee, which residence was also P.G. & E. property. Although we are confident the Local's position will be upheld, any definitive answer to attempted searches by P.G. & E., without court authority, may have to wait upon the results of that arbitration.

However, I can comment on what the situation is if P.G. & E. is successful in obtaining a search warrant. The answers to the questions listed below are as follows:

1. Can a person have an attorney present before a search begins?

Before responding to this question, let me make some general statements, which will apply to all the questions, and serve as a response to the request for "all pertinent information." It will not at all be easy for P.G. & E. to get a search warrant from a court. The whole purpose of search warrants is to obtain evidence dealing with crimes. A landlord or property owner cannot simply come before a judge, show that he owns certain property in which others are living, and obtain a search warrant.

In fact, the great likelihood is that P.G. & E. would not be able to obtain a search warrant without the cooperation of the District Attorney of the county involved.

Furthermore, any attempt by P.G. & E. or its employees to make someone believe that they had a search warrant, when in fact they didn't, would subject P.G. & E. and such persons to substantial civil, and I believe criminal, liability.

Turning to the matter at hand, however, once a search warrant is obtained, the person present at the residence involved **cannot** ask that matters be delayed until an attorney is present. Indeed, the people serving the warrant, at least one of whom has to be a peace officer, need not wait for anyone beyond the person served to be present, including the person who normally lives there. Thus, a search warrant can be served upon a babysitter, and the babysitter would have to let the search proceed.

2. Does a search warrant require a law enforcement officer be present, or can a P.G. & E. security officer make a search?

A law enforcement officer **does** have to be present. Again, it is unlikely in the extreme that P.G. & E. could obtain a search warrant without the aid of the office of the District Attorney, and in any event a search warrant is an order from a judge **to a law enforcement officer** to search certain specific property, for certain specifically-described things. Only the law enforcement officer could carry out the search, although he might be able to have with him someone who was not a law enforcement officer (such as a P.G. & E. security officer).

3. Does a search warrant require any type cooperation, other than allowing the searcher on the property, by the person being subjected to search?

The search warrant does not require any kind of affirmative steps or cooperation to be taken by the person on whom the warrant is served. Thus, the person at the residence need not produce anything, show anyone any particular items, etc. The standard approach taken by persons serving a warrant is to say that if you don't cooperate they will turn the house upside down to find what it is that they are looking for. Nonetheless, cooperation is not required.

4. Can any property be taken from the premises by the searcher?

Property to be taken from the premises is supposed to be property described in the search warrant. Some of the descriptions in search warrants are pretty general, but the property nonetheless should be described there. Any person, law enforcement officer or not, who would take property from a residence that did not come within the description of the search warrant might well be subjecting himself/herself to severe civil liability. The only exception might be in the area wherein the searcher comes upon items or materials which, on their face, are not lawfully in the possession of someone in that residence (such as a machine gun, being possessed without special permit).

Frankly, as indicated above, I do not believe that the biggest threat to the privacy of P.G. & E. people will come because P.G. & E. obtains search warrants, but rather will come when P.G. & E. demands to inspect residences of employees who live on P.G. & E. property. As to this matter, we feel very confident that the position of I.B.E.W. 1245 in the arbitration for which briefs are now being prepared will be sustained. That is, P.G. & E. has rights no greater or different than any other landlord, and the California Civil Code forbids landlords from simply coming into the apartment of a tenant. Thus, California Civil Code §1954 states that a landlord can enter the dwelling unit only in the following cases: (a) in case of an emergency; (b) to make necessary or agreed upon repairs, alterations, or to exhibit the dwelling unit to prospective or actual purchasers, tenants, workmen or contractors; (c) when a tenant has abandoned or surrendered the premises; and (d) pursuant to court order.

In short, your members have substantial rights, which they should not hesitate to learn more about by contacting their I.B.E.W. 1245 business representative, if it appears as if there may be an attempt by P.G. & E. to invade their privacy. However, if, by chance, someone should show up with an actual search warrant, signed by a judge, action should be taken in accordance with the above advice.

Local Union Budget

Where Do Your Dues Go?

By Charlie Gadzik

Local 1245 exists for only one purpose: to serve its members. Every dues dollar is returned to the member in the form of services such as negotiating contracts and resolving grievances. The following article shows where the money is spent.

The purpose of a labor union is to serve and protect the interests of its members. It does this by combining the energies and resources of thousands of individuals into one voice that speaks as an equal to the employer and the government. Full time union officials and volunteer union leaders act as the member's representatives. Dues contributions finance their activities.

As with any service organization, the Union's major expense is people; people to negotiate, to resolve grievances, to do research and to handle clerical work. The "people" categories in the graph below are Staff Expenses, Member Benefits, Research and Education, Office Expenses, and Committee Salaries and Expenses. As you can see, together they account for 75% of the Union's budget.

Staff Expenses This category shows the cost of keeping trained Business Representatives in the field. It includes salaries, automobile expenses, and staff training costs.

Research and Education The costs of Steward's Training, the Utility Reporter, and the salaries of three administrative assistants are included in this category.

Office Expenses In addition to clerical salaries, this category covers the cost of support functions provided by the Union Hall, including postage, office equipment, printing and maintenance of the building. Employee payroll taxes are also covered under Office Expenses.

Committee Salaries and Expenses The Union couldn't operate without the help of volunteer rank and file members who take time off from their jobs to serve on Union committees. The cost of reimbursing them for their expenses and lost wages accounts for 8.1 percent of the budget.

Member Benefits Members get certain benefits regardless of where they work. Items such as the Blood Bank, Credit Union, Legal Services Plan, Death Benefit, College Scholarship and Service Award Dinners account for 3.8 percent of the budget.

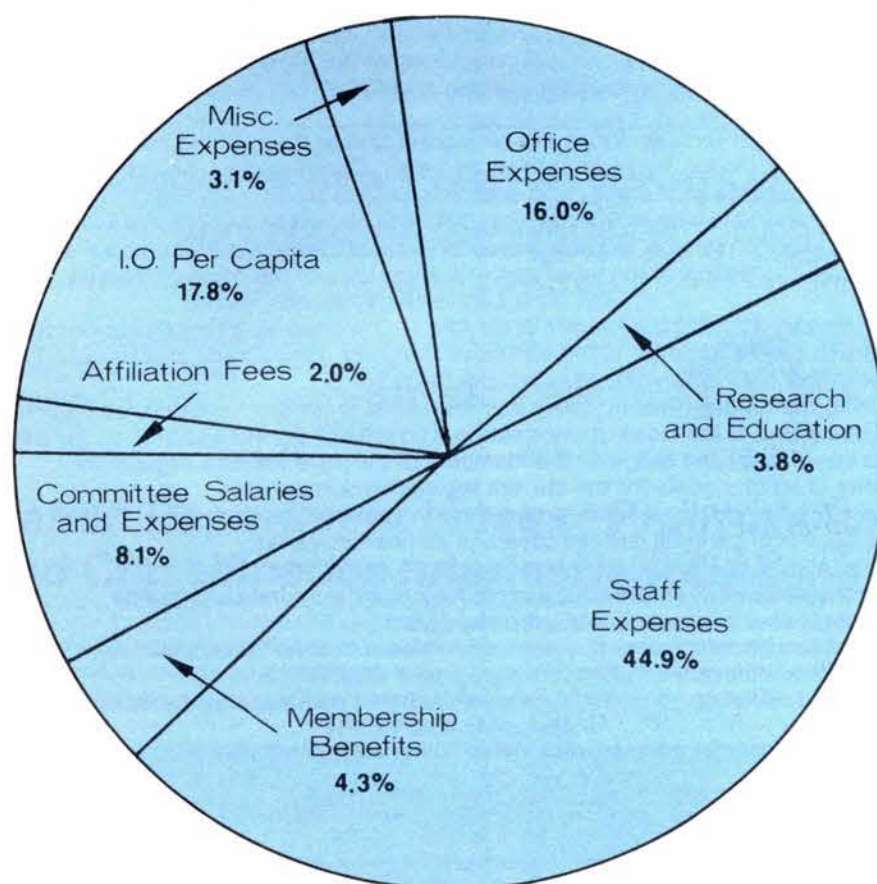
The rest of the Union's budget is devoted to affiliation fees for maintaining its ties with the International Union and the labor movement in general. One final category accounts for any miscellaneous expenditures.

I.O. Per Capita The International portion of the dues is used to furnish extensive research support, to help local unions with special problems they may have, and to give the I.B.E.W. a strong voice in dealing with Congress and the President. A recent increase in International Union dues from \$2 to \$3 per month brings the International's share of the budget to 17.8 percent. This increase was passed at the 1978 International Convention despite the opposition of Local 1245's delegation.

Other Affiliation Fees Local 1245 is affiliated with 24 labor councils and associations in California and Nevada, each of which charges a monthly affiliation fee. Such affiliations are vital when Local 1245 needs outside support. For instance, the associations and councils gave Local 1245 important assistance in its fight to win back the PG&E employee discount.

Misc. Expenditures Miscellaneous expenses such as legal fees and hall rentals are included here.

1979* COST BREAKDOWN



*projected

NEVADA NEWS

By John Wilder

The Nevada State Court rendered a favorable decision to Sierra Pacific Power Company on the employee-rate discount case that was filed against the Nevada Public Utilities. The case will now go before the State Supreme Court for review.

Based on the State Court's decision, Sierra Pacific Power Company President Joe Gremban has already issued orders to the Company's auditing firm to review the records from May of 1976 and compute the amount of money lost by our members so the Company will be able to restore the discount monies as soon as the final Court decision is rendered.

* * *

Sierra Pacific Power Company Shop Stewards are scheduled to meet on January 20, 1979. At the meeting, we will go over proposals for negotiations and discuss any problem areas that may exist in the present Agreement.

The Company and the Union agreed that proposals will be exchanged in the mail on January 30. This year we must open the Agreement 90 days prior to the expiration date. I anticipate that we will have a difficult set of negotiations this year. We are faced with Presidential Guidelines, and just what that will mean when we get around to talking money is anybody's guess. So, be sure to submit any proposals you may have for negotiations at your January Unit Meeting, or tell your Shop Steward before January 20 so we can have our proposals fully prepared for submission to the Company on January 30.

* * *

A Shop Stewards Conference is scheduled for all Local Union 1245 Stewards in the State of Nevada on February 24, 1979. All Stewards: Please plan to attend.

* * *

Bargaining is open for C.P. National (Elko Power Division).

* * *

Employees covered under the Mt. Wheeler Power Clerical and Physical Agreements will receive an additional wage increase effective February 1, 1979. The increase is a result of the Consumer Price Index exceeding 6.2 percent for the period of December 1977 to December 1978.

* * *

Employees covered under the Wells Rural Electric Memorandum of Understanding will receive a cost of living increase effective January 1, 1979. The increase is based on a cost of living clause in the Memo similar to that in the Mt. Wheeler contracts.

Notes From Nevada

By Darrel Mitchell

List Removes Stan Jones as Labor Commissioner

The newly elected Governor of Nevada, Robert List, recently announced the upcoming appointment of a new Labor Commissioner for the State of Nevada. Consequently, Stan Jones, who has served in the position for the last twelve years, is being removed from office.

The removal of Brother Jones will be a great loss to the working people of Nevada. During Jones' twelve years of service as Labor Commissioner, he administered the duties of his office with dignity and professionalism.

Local Union 1245 wishes Stan the very best in his future endeavors. We will not forget his long years of service, nor the protections his office provided for workers through proper administration of the labor and industrial laws of the State of Nevada.

AFL-CIO Legislative Program

On January 18, 1979 the Nevada State AFL-CIO sponsored a Legislative Conference in Carson City to forge its 1979 Legislative Program. John Stralla and Darrel Mitchell, Local Union 1245 Lobbyists, attended the session.

During the all-day session, delegates discussed proposed legislation and other related items, and at the close of the meeting a hospitality period was held so the participants could meet and talk with the members of the 1979 Nevada Legislature.

Some of labor's goals for the current legislative session are:

- provide for additional safety precautions in construction work;
- extend occupational disease coverage for heart diseases;
- improve compensation for industrial injuries and deaths;
- increase benefits on previous awards for industrial injuries and deaths;
- increase burial expenses for industrial deaths;
- provide mandatory reemployment upon release from an industrial injury;
- improve compensation for permanent partial disability; and
- expand coverage for disability compensation for occupational diseases.

Miscellaneous Tidbits

Bradley Orvarr, June Burns, Izetta Kiester and Arlene Whitman have been appointed Shop Stewards at Lynch Communications.

The Executive Board of Local Union 1245 recently appointed Jay Killgore to fill the vacant Advisory Council position for Nevada.

Shop Stewards from Lynch Communications attended a training conference on the grievance procedure January 9, 1979. The conference was well attended, and plans are in the mill to hold another meeting in the near future.

Public Employee News

Is Your Permanent Public Job Your Property?

By Harry M. Marsh
Attorney at Law
Marsh, Mastagni & Marsh

The United States and California Constitutions provide that a person may not be deprived of life, liberty or property without due process of law. These provisions have special significance in relationship to the public employee's relationship vis-a-vis his or her employer. Specifically, the California Supreme Court, in the landmark decision of **Skelly v. State Personnel Board**, held that permanent, non-probationary, public employees in the State of California have a protectable property interest in their employment entitling them to a hearing to contest any disciplinary action brought against them. Further, the Supreme Court in **Skelly** held that a public employer must follow certain procedural steps prior to the imposition of discipline upon such permanent employees. These pre-disciplinary requirements include: (a) Notification of the nature of any allegations supporting proposed disciplinary action in advance of its imposition; (b) Copies of any and all materials or documents upon which the proposed disciplinary action is based; and (c) **The right to respond to the appointing authority prior to the effective date of the discipline.** A recent California Supreme Court decision has somewhat limited the broad implications of the **Skelly** decision as it relates to pre-disciplinary constitutional protections. In **Civil Service Association Local 400 v. City and County of San Francisco**, the California Supreme Court held that the aforementioned pre-disciplinary constitutional protections described in **Skelly** were not constitutionally required in minor disciplinary matters. The Court went on to limit minor disciplinary mat-

ters to suspensions for periods of time no greater than five (5) working days. In that regard, it should be noted that the aforementioned limitation of the **San Francisco** decision is not applicable if local memoranda of understanding or personnel rules provide for procedural protections in cases of less than five (5) day suspensions.

Additionally, the California courts have clearly established that the property interest discussed above entitles permanent public employees to a **post-disciplinary** hearing in order to contest any charges or allegations brought against them. This post-disciplinary hearing should be distinguished from the procedures discussed above which apply prior to the imposition of any discipline. There can be no question but that in **California**, a public employee who enjoys permanent status must be afforded a forum to contest the substance of charges brought against him upon which any discipline is based. Some confusion has occurred in this area as a result of a United States Supreme Court decision in the case of **Bishop v. Woods**, which held that, as a matter of United States constitutional law, no such inherent property interest in public employment existed. However, the United States Supreme Court in the **Bishop v. Woods** decision went on to say that the existence or non-existence of a property interest in employment was entirely dependent upon whether the local or state law provided for such an interest. **In California, there can be no question but that such a property interest in public employment exists.**

Outside Construction Hot Line



By J. J. Wilder

We had our first accident on the Tri-O job in Winnemucca, Nevada. (This is the Sierra Pacific Power cross-state voltage line.) Scott Groesbeck was climbing the guard structure when he cut out and fell approximately 45 feet. Fortunately, Scott was not injured seriously. He cracked a couple of vertebrae, and at this writing it appears that he will have no permanent injury and will be back on the job shortly.

We also had another accident, not related to the job. Irv Schlaugh and Les Clark rolled a pickup truck when driving on icy pavement. Again, luck was with us. No one was seriously injured—shaken up—but not seriously injured. Irv and Les only lost one day's work as a result of the accident.

All of the towers are now standing and the crew will start stringing wire soon. Approximately three weeks' work is left on this portion of the line. Sierra Pacific Power opened the bids on the next 60-mile portion of the line. Again, Tri-O was the successful bidder. So it looks like this crew will just continue on.

The work picture is still good. There will be another job let soon for a substation for the Sacramento Municipal Utility District. If our information is correct, this job will start almost immediately. Bids are due on January 23rd.

Crater Electric is finishing up on their job in Portola and have another small job (pocket substation) in the Sacramento area. The job for SMUD in Sacramento is moving along. Hopefully splicing will get underway in the middle of February. There is more of this kind of work on SMUD's drawing board.

Anyone who has ideas concerning changes that should be made in the forthcoming negotiations should get their proposals in as soon as possible. We will probably meet in the latter part of March or in early April. It is a little early to tell just how the Presidential Guidelines will affect this Agreement.

Awards Presentation Banquet in Redding

By Rich Hafner



Local 1245 members with twenty or more years of service in the I.B.E.W. were honored by the Local Union at an Awards Presentation Banquet in Redding on December 15, 1978. The affair was held at the Bridge Bay Resort on the shores of Lake Shasta, and attended by members employed at Pacific Gas and Electric Company in Shasta Division and Pipe Line Operations, and Citizens Utilities Company of California, and Shasta Division Advisory Councilmember Lee Thomas and his wife Idella. Business Representatives Rich Hafner and Dave Rossi, and Senior Assistant Business Manager Willie R. Stewart hosted the banquet.

Senior Assistant Business Manager Willie R. Stewart made the award presentations. During the ceremonies, Willie commented that he was truly honored to spend an evening with so many dedicated unionists — members who joined the Union long before we won many of the benefits enjoyed by our members today — members who didn't have to be coaxed into joining, but who led many of Local 1245's organizing drives to sign up free-riders.

Twenty-year pin recipients were: Citizens Utilities Company members

Betty Tucker and Iris Sobiski, and Pacific Gas and Electric Company members Neal Huss and Cecil Langberg. Twenty-five-year belt buckles and pins were presented to PG&E members Elic Manley, Robert Azavedo and Ken Coyle.

The highest service awards presented during the evening were given to those members present with thirty or more years of service. The recipients of thirty-year awards were: CUCC member John Osborne, and Lyle Munson and Theo Park, employed by PG&E. Ernie Munson, who was unable to attend due to illness, was represented at the banquet by his lovely wife Margaret. Mrs. Munson accepted Ernie's award in his absence. Ernie and his brother Lyle's combined years of service represent over 60 years of membership in Local 1245. Both Ernie and Lyle work for PG&E in Shasta Division.

Evidence of the Christmas spirit was in the air during the celebration, as a great time was had by all those who attended the party. I am truly looking forward to the 1979 Pin Awards Presentation Banquet for members employed in Shasta Division, Pipe Line Operations and General Construction and at Citizens Utilities Company.



Notes of Interest

Business Representative Hank Lucas was reelected by acclamation as Vice President of the San Joaquin — Calaveras Counties Central Labor Council, and as Chairman of the Executive Board.

Business Representative Larry Hope was reelected by acclamation as First Vice President of the Butte-Glen Counties Central Labor Council, and Local 1245 members Fred Wannamaker and Tom Conwell were elected as Trustee and Sergeant of Arms respectively.

Business Representative Ron Van Dyke was reelected by acclamation as Trustee of the Fresno-Madera Counties Central Labor Council. Ron will serve as Trustee for a one-year term.

Business Representative Wayne Weaver was selected "Unionist of the Month" by the Kern County Central

Council.

Business Representative Corb Wheeler was one of the lucky winners of Unit 3411's Christmas Turkey Drawing, and Local 1245 member George Molina was the other. George is a Clerk "C" headquartered in DeSabra Division at the Orland office.

Unit 3512 — Roseville is the winner of the Local Union Unit Social Fund for the month of December.

H. K. Hamann, a member of Unit 3023 — Walla Walla, Washington, is the winner of the Local Union Unit Drawing for the month of December.

Kay Killgore was appointed by the Local Union Executive Board to fill the vacant Sierra Pacific Power Company Advisory Council seat. Brother Killgore's appointment is for the remainder of the current term of office.

Coming Events

Local 1245, through its Units, will be sponsoring various social events during 1979. These activities will include a Summer Softball Tournament, a Poker Run in September, a Bowling Tournament in November, and numerous dances and picnics.

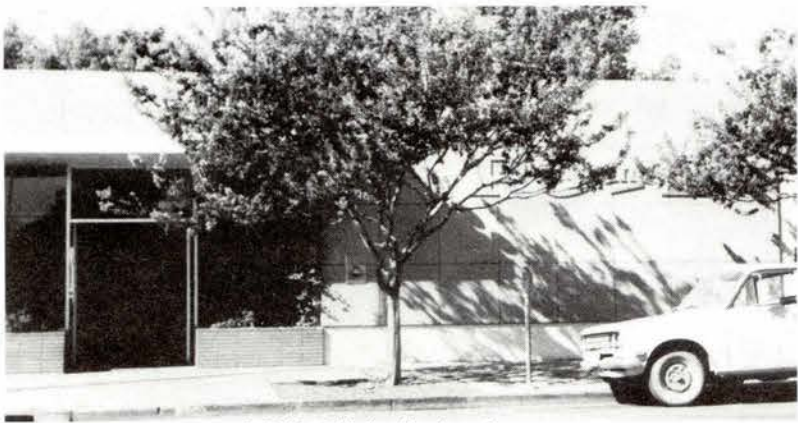
Keep an eye on the UTILITY REPORTER and attend Unit Meetings for specific details on the activity planned in your area.



Camp 1 — DeSabra
Magalia, California



Paradise Irrigation District Employees
Paradise, California



DeSabra Division Headquarters
Chico, California



Thermalito Irrigation District
Thermalito, California



Oroville Foothills
Oroville, California



Chico Electric Crew
Chico, California



Orland Countryside
Orland, California



City of Gridley Electric Crew
Gridley, California



Paradise Hills
Paradise, California

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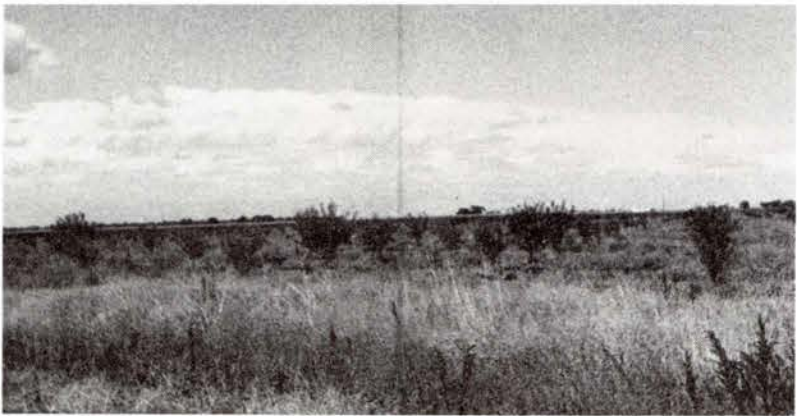
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Around The System

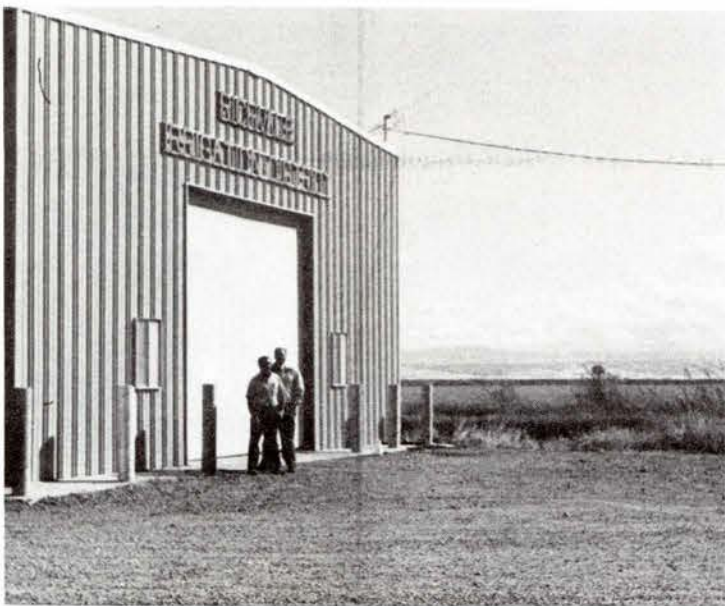
Photos By Larry Hope

Local Union 1245's jurisdiction covers the largest geographical area in the I.B.E.W. We represent in excess of 19,000 workers employed by over 60 employers in a range of diversified fields (clerical, gas, electric, water, telephone, cable television, irrigation districts, manufacturing, government, telephone, etc.)

Business Representative Larry Hope, who is assigned to service Local Union 1245 members working in DeSabra Division, Pipeline Operations (Willows), and General Construction (DeSabra), and at the City of Gridley, Oroville-Wyandotte Irrigation District, Pacific Tree (DeSabra), Paradise Irrigation District, Richvale Irrigation District, and Thermalito Irrigation District, provided the photo layout shown below in order to depict just one of the many geographical areas that your Local Union represents.



Oroville Flatlands
Oroville, California



Richvale Irrigation District
Richvale, California



Pacific Tree Trimming Crew
Willows, California

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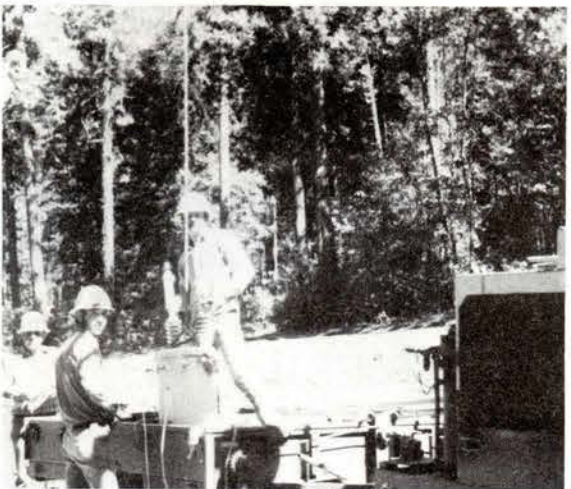
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General Construction Crew
Paradise, California



PG&E Gas Crew
Paradise, California



PG&E Electric Crew
Paradise, California



Greenville, California



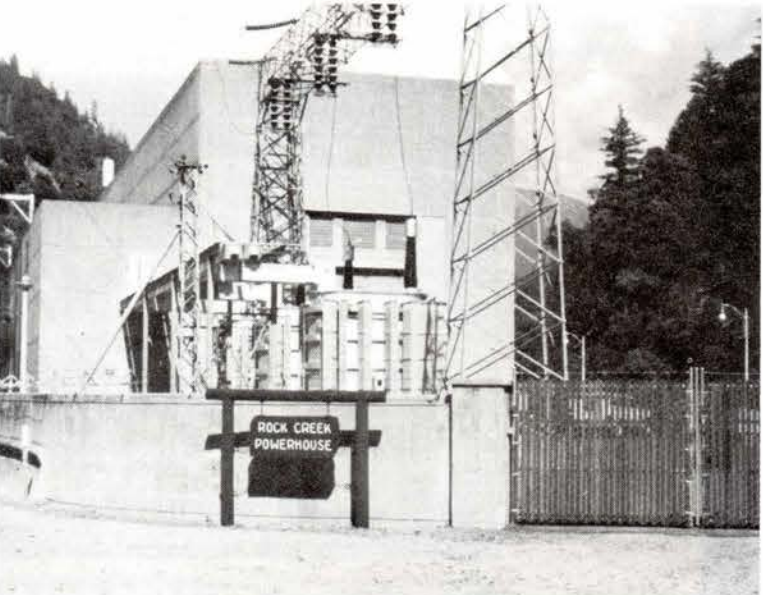
Caribou Powerhouse
Feather River Canyon, California



Crescent Mills, California



Canyon Dam Construction Yard
Lake Almanor, California



Rock Creek Powerhouse
Feather River Canyon, California



Rodger's Flat Construction Yard
Feather River Canyon, California

BARGAINING ROUNDUP

C.P. NATIONAL (LASSEN)

Bargaining is in progress.

C.P. NATIONAL (ELKO POWER DIVISION)

Bargaining is in progress.

CITY OF GRIDLEY

Negotiations suspended pending Court decision and appeal proceedings.

CITY OF BERKELEY

Union has instituted legal action over the City's refusal to grant our negotiated wage increase due July 1, 1978.

CITY OF ALAMEDA

The results of negotiations were ratified by the membership January 12. The proposed one-year Memorandum of Understanding provides a 7.7 percent general wage increase effective January 1, 1979. It also freezes the city's contribution to the medical plan and freezes the amount of sick leave an employee is entitled to buy-back to the amount attained prior to the effective date of this agreement. There could be an adverse impact on the medical plan July 1, 1979. No adverse impact is anticipated on the sick leave buy-back plan during the calendar year 1979. This whole thing is complicated, however, by the fact that the City Auditor refuses to pay the negotiated wage increase. We have instituted legal proceedings to force the payment of the negotiated salary increase.

CITY OF OAKLAND

Negotiations suspended pending the outcome of Court litigation on the legality of the Legislature's action to negate previously negotiated cost of living increases in order for a public agency to be granted State surplus funds.

CITY OF ROSEVILLE

Bargaining is in progress.

PLACER COUNTY WATER AGENCY

The results of negotiations have been ratified by Local 1245 members employed at Placer County Water Agency. The new Memorandum of Understanding provides an 8 percent general wage increase effective January 1, 1979.

YUBA COUNTY WATER AGENCY

Bargaining is in progress.

MODESTO IRRIGATION DISTRICT

Local 1245 filed suit against the District. Our suit is based on the District's unlawful revision of the Employer-Employee Relations Policy and its adverse impact on the Union; the manner in which District recognized Local Union 1245 as a representative of District's employees; and the District's overall actions to restrain and coerce the Union and its members.

NEVADA IRRIGATION DISTRICT

Bargaining is in progress.

PARADISE IRRIGATION DISTRICT

Local 1245 members employed at Paradise Irrigation District voted by secret ballot to ratify the results of negotiations on December 18, 1978. The new one-year Memorandum of Understanding provides a 7 percent general wage increase retroactive to July 1, 1978 and an additional holiday.

RICHVALE IRRIGATION DISTRICT

Local 1245 members employed at Richvale Irrigation District voted by secret ballot to ratify the results of negotiations on December 19, 1978. The new one-year term Memorandum of Understanding provides a 10 percent wage increase for all ditch tenders and a 7 percent increase for all other bargaining unit employees. Substantial improvements were gained in the dental plan.

CATRONICS

Bargaining is in progress.

X-RAY ENGINEERING

Bargaining is in progress.

TRI-DAM PROJECT

Bargaining is in progress.

ALAMEDA/CONTRA COSTA TRANSIT DISTRICT

Local 1245 has joined District 192 of the Amalgamated Transit Workers in litigation against the District because of their refusal to grant the cost of living increases provided for in the Agreement between the District and Local 1245.

TRUCKEE-DONNER PUBLIC UTILITY DISTRICT

Local 1245 members employed at Truckee-Donner PUD ratified the results of negotiations. The new Memorandum of Understanding provides a 7 percent general wage increase.

DAVEY TREE SURGERY COMPANY

Bargaining is in progress.

PACIFIC TREE EXPERT COMPANY

Bargaining is in progress.

U.S.B.R.

As a result of the Bureau's refusal to make any substantial movement on wages during negotiations, the dispute was referred to Arbitration. John Kagel has been selected as arbitrator and the hearing will be conducted in Sacramento on Friday, February 23.

ORANGE COVE IRRIGATION DISTRICT

The District has agreed to pay the employees' portion of FICA starting January 1, 1979. However, Local Union 1245 has filed suit against the District regarding its improper implementation of the Myers-Milias-Brown Act; for bad faith bargaining and unlawful adoption of certain personnel policies; and restraint and coercion of the Union and its members.

CITIZENS UTILITIES COMPANY OF CALIFORNIA

Local 1245 members employed at Citizens Utilities Company voted by 126-7 on 1/12/79 to reject the results of negotiations. Union is presently attempting to resume negotiations with the Company.

THERMALITO IRRIGATION DISTRICT

Under the terms of the current 3-year Memorandum of Understanding an 8.25 percent general wage increase was applied effective 1/1/79.

Letter of Agreement Summaries

Editor's Note: Members of Local Union 1245 who wish to receive a copy of the full text of a letter agreement shown below may do so by submitting a written request to the Local Union.

PG&E No. 78-65:

Provides for the placement of an employee returning from long term disability in an Assistant Foreman's Clerk position at Chico at the top rate of pay.

PG&E No. 78-68:

Establishes six lines of progression, and standardizes the progression for both promotion and demotion straight lines of progression as opposed to personal lines of progression, and provides certain demoted employees with accelerated rights back to their highest former classification. (See General Construction News on page 9 for additional information.)

PG&E No. 78-73:

Provides for the placement of an employee, who suffered an industrial injury which resulted in his eventual inability to perform the duties of his regular classification, in a vacant Assistant Foreman's Clerk position in Santa Rosa.

PG&E No. 78-75:

Provides for the placement of an employee returning from long term disability to his former classification and headquarters as a Gas Helper in Richmond.

PG&E No. 78-77:

Provides for the placement of an employee returning from long term disability to his former classification as an Operator-in-Training in East Bay Division.

PG&E No. 79-2:

This letter agreement is the result of Materials Department Interim Negotiations. It establishes formal and rotational training programs; the classification of (0430) Leadman Driver, and the pay rate and the job description and lines of progression; deletes (1086) Materials Leadman rate of pay from Exhibit X of the Physical Agreement; provides for the reclassification of employees in the Materials Department line of progression on January 15, 1979 to progress to the (1085) Materials Leadman classification and establishes the conditions under which an employee may be progressed; establishes the qualifications for progression to (0430) Leadman Driver and provides that employees in the (1086) Materials Leadman classification be reclassified to the (0430) Leadman Driver classification. In addition, the implementation of the conditions set forth in this letter agreement settles some issues that have been held pending at various steps of the grievance procedure.

Union's Negotiating Committee was headed by Assistant Business Manager Larry Foss. Other members of Union's Committee were: Larry Casserly, Sherman Fox, Ray Kmetz and Art Perryman.



Materials Department Interim Negotiating Committee members (left to right) standing are: Art Perryman and Ray Kmetz; and (left to right) seated are: Larry Casserly and Sherman Fox.

Appointments NEGOTIATING COMMITTEES

Pacific Tree Negotiating Committee

Doug Bonham
Richard Morris
Al Sandoval

BALLOT COMMITTEES

Pacific Gas and Electric Company

Gail Alston	Charles Larsen
Chris Cothran	Jan McCracken
Paul Frasher	Daniel Melaneph
Wayne Greer	Steve More
James (Chris) Hall	Eddie Nye
Bill Haynes	Tom Thomas
Mike Johnson	Gene Wallace
Stan Justis	Perry Zimmerman

Citizens Utilities Company

Joe Aquilio
Dan Dodson
Larry Schindler

GRIEVANCE COMMITTEES

Pacific Gas Transmission Company

Cliff Weaver

PG&E Coast Valleys Division

Michael K. Maysey

CENTRAL LABOR COUNCILS

Marysville

Lawrence Casserly

By Ed Fortier

Gas Department Interim Negotiations

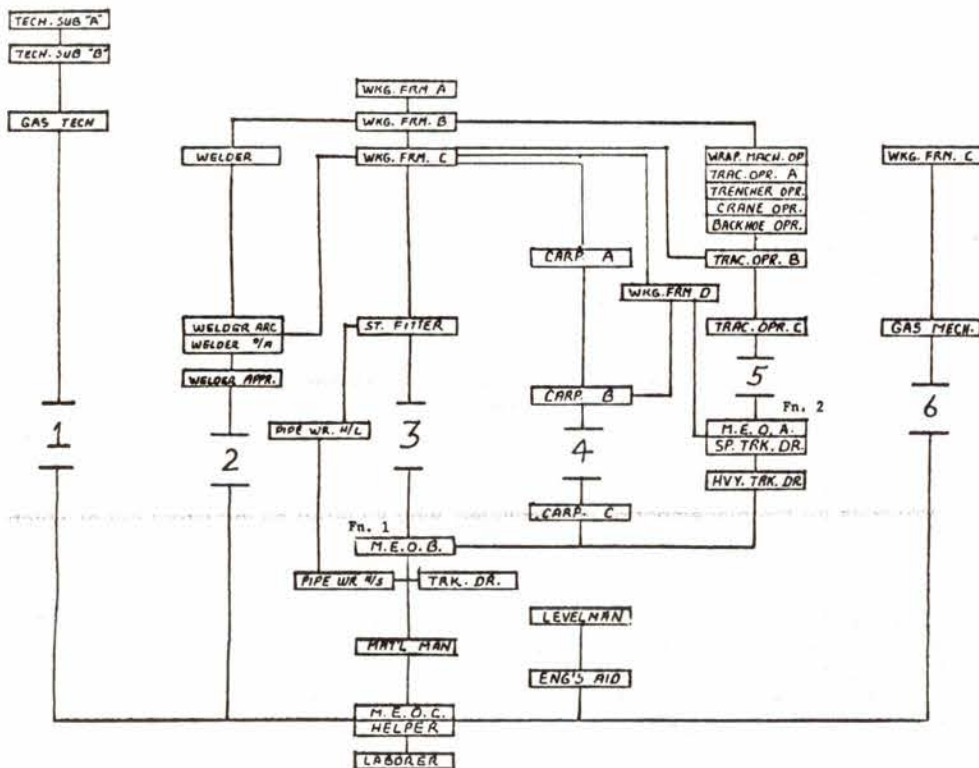
Interim negotiations relative to the lines of progression in the General Construction Gas Department as they pertain to Titles 305 and 306 of the Physical Agreement were concluded in late 1978. The Letter Agreement (PG&E No. 78-68), and Clarification of Section 306.9 setting forth the provisions of the settlement were signed by Business Manager Dean Cofer January 4, 1979, and are effective starting January 4.

The Letter Agreement establishes six lines of progression to be utilized for both promotion and demotion. It standardizes the progression for promotion and demotion straight line progression as opposed to personal lines of progression. In essence, when a lack of work situation occurs as provided for in Title 306, the employee to be demoted will be entitled to preferential consideration to displace an employee having less service in each successively lower classification in the appropriate numbered line of progression back to the highest classification formerly held.

Union's negotiating committee members were: Thomas Dotter, Stanley Stensrud, Assistant Business Manager Larry Foss and General Construction Business Representatives Ed Fortier and Skip Harris.

The new lines of progression and clarification of 306.9 are shown in the diagram below:

GENERAL CONSTRUCTION GAS LINES OF PROGRESSION



Footnote 1/For a period not to exceed six months (or a period time otherwise agreed to by Company and Union) from the date of the execution of the attached letter agreement or adoption of the general Construction Apprentice Welder Gas Program, whichever occurs first, an employee who is classified as MEOB and who has previously submitted, in writing, a request to transfer to such Apprentice Welder classification, will be entitled, for such period of time, to consideration for appointment, when the need arises, at the beginning wage step of such classification in the order of the employee's service as provided in Title 305.

Footnote 2/An employee who is assigned to operate and/or be in charge of the Plastic Fusion Truck shall be paid at the appropriate wage step of MEOA. Consideration for such assignments shall be given first to employees presently classified as MEOA and, secondly to Heavy Truck Drivers, who have previously submitted a written request for such assignment. Such employees will be considered in the order of their service provided they have first passed the Plastic Fusion Qualification Test.



Union's members of the General Construction Gas Department Interim Negotiating Committee Stanley Stensrud (right) and Thomas Dotter (left) and Larry Foss, Ed Fortier and Skip Harris (not shown above) are satisfied that the results of negotiations will be most beneficial to our members in the General Construction Gas Department.

CLARIFICATION OF 306.9

PHYSICAL LABOR AGREEMENT

During the course of the Company and Union discussions of the lines of progression relative to Titles 305 and 306 of the Physical Labor Agreement concerning General Construction employees, the parties discussed a further clarification of Section 306.9 relative to the number of opportunities which a demoted employee would be given preferential consideration to exercise his rights for appointment to a classification in his line of progression.

It is understood that General Construction informs employees who have been demoted for lack of work of future opportunities for advancement as they occur in his line of progression to regain his previous employment status. It is further understood that in the past

the employee has been given one opportunity following such notification to avail himself of the opportunity, on a preferential basis, to return to his higher classification in his geographic area.

The Union and Company have examined this practice and find that it is fair and consistent with the intent of the parties in negotiating Section 306.9. Therefore, the Union and Company have agreed that in the application of Section 306.9 that if the employee declines such a promotion in his line of progression to return to the classification held when he was demoted for lack of work, such employee shall have no further claim to preferential consideration afforded by Section 306.9 as to further promotional opportunities.

Classification and Lines of Progression Interim Negotiations - Davis Service Center

Company and Union met in joint session on January 4 to review Company's position on our last verbal proposal. Union's committee is currently in the process of developing a written counter proposal covering various classifications and wage rates which will be submitted to Company in the near future.

Station Department Lines of Progression and Classification Interim Negotiations

On January 10, 1979 Union's committee reviewed Company's last proposal in a joint session with Company. We discussed in detail the proposed lines of progression and classifications. At the conclusion of the meeting, Company agreed to review our comments and provide us with a written counter proposal.

Apprentice Lineman Interim Negotiations

The last joint negotiating session was held on December 7, 1978. Union's committee is of the opinion that we did make some progress. Company made some movement toward making the apprentices "hot" at the 6-12 month step as opposed to the 0-6 month step. Overall, we are pretty much in agreement with the program as proposed by Company with a few exceptions. At present, we are waiting for the Company to send us a copy of the Master Apprenticeship Program before we proceed any further.

Apprentice Electrician Interim Negotiations

The last joint negotiating session was held on December 7, 1978. Union's committee reviewed the home-study courses and discussed the utilization of the division schools with Company's committee members. We are currently in the process of reviewing Company's last proposal and will be submitting our counter proposal in the near future.

CORRECTION

Vacations, Sick Leave, and Holidays were counted as tax-free benefits in calculating the figures listed in the November **Utility Reporter** article entitled: "Fringe Benefits: A Good Hedge Against Inflation". The author regrets the error.

"Going and Coming Rule" on Workers' Compensation

By David P. Mastagni and Harry M. Marsh
Attorneys at Law
MARSH, MASTAGNI & MARSH

One area of litigation during the course of workers' compensation claims is the issue of whether an employee, who is injured during his or her daily commute between his or her residence and the place of employment, actually has suffered an injury arising out of the course of employment. An injury must be found to arise out of the course of employment before it is compensable under the workers' compensation laws. A rule, commonly known as the "Going and Coming Rule," has, in many instances, been used to prevent a finding that injuries arose during employment. The most recent statement of this rule appears in *Rhodes v. WCAB* (1978) 84 Cal. App. 3d 471, which stated that there will be no compensation for injuries suffered during the course of a local commute to a fixed place of business at

fixed hours in the absence of special circumstances.

However, in recent years, various court decisions have created numerous exceptions to the "Going and Coming Rule," which have resulted in exceptions severely limiting the application of the Rule. These exceptions include finding a compensable injury because: (a) the employee was on a special mission for the employer; (b) the employee was required to use a private car in the job; (c) a certain type of transportation was required by the job; (d) the employee was commencing to enter the employer's premises; or (e) one of various other circumstances existed. As a result of the exceptions which have been made to the Rule, it is imperative that the employee who is injured during a daily commute or a lunchtime commute consult with his attorney to determine whether, under the specific facts, the Rule would actually preclude a finding that the injury arose during the course of employment.

Some examples of the exceptions to the "Going and Coming Rule" are indicated by the following recent court decisions:

In *Rhodes v. WCAB*, the court found an injury which occurred while the employee was riding home with a fellow employee was a compensable injury. The opinion was based on the fact that the employer required the use of private cars during the job, and this controlled the means of transportation used by the employee. The cases of *Mission Insurance Company v. WCAB* and *Keely v. WCAB* (1978) involved injuries to employees who were off the employer's premises during their lunch hours. In *Mission*, the employee was in an auto accident while returning from lunch, and the court determined that, since the lunch hour was not a paid lunch break, the injury occurred outside the employment. The *Keely* facts resulted in a finding of a compensable injury. The State employee had walked

across the street to eat in the cafeteria of another State building, and suffered an injury when she slipped. The distinction between the two cases appears to be mode of transportation and proximity of the lunch areas.

There are many other cases which have held "commute" injuries to be compensable. These situations have arisen where the employment premises subject the worker to a peculiar risk while en route to work, involve a particular type of turn or driveway into the employer premises, involve varying work times, places of employment, car pools, transporting of work or tools, payment of mileage, subsistence, insurance, and in numerous other situations which provide the employer with a benefit or create a special risk or relationship between the commute and the employment. In short, it is very likely that an injury while en route to or on the way home from work will be covered by workers' compensation.

Questions and Answers on Health Maintenance Organizations

HMO's are now growing fast. In 1971, there were only 33 in the entire country. Today, there are about 185 (federally qualified and non-qualified) Health Maintenance Organizations servicing almost 7 million individuals.

This quiz, excerpted from an article written by Sylvia Porter of the *San Francisco Chronicle*, is provided to update our membership on the whole subject of the HMO.

Q. What is a Health Maintenance Organization?

A. An HMO is an organization that provides comprehensive inpatient and outpatient health services for a fixed, prepaid monthly fee to voluntarily enrolled members. There are two types: group and individual practice.

The group consists of physicians either salaried or on contract who provide outpatient treatment in the facility or health center of the HMO. The individual practice consists of doctors who provide the same services in their private offices.

Q. What is a federally qualified HMO?

A. A federally qualified HMO is a prepaid plan — either group or individual practice — that agrees to meet the various requirements of the HMO legislation.

These requirements include: a stipulation of the type of health services to be offered; a community rating (everyone — regardless of age or health status — pays the same premium); a board of directors on which one-third are HMO consumers; health, education and social services.

* * *

There are many non-qualified HMOs that provide comprehensive quality care. The difference is that for the qualified HMOs, the standards are mandated in the law. The others determine their own requirements and, for reasons of their own, have chosen not to seek qualification.

Q. What health services are offered by qualified HMOs?

A. They are: physicians' services; inpatient and outpatient hospital care; up to 20 outpatient mental health visits; emergency care (in and out of the HMO service area); diagnostic laboratory, X-ray and therapeutic radiology; preventive health care, including family planning; eye and ear exams for children through age 17; immunizations, periodic health exams for adults and well baby care; medical treatment and referral services for substance abuse (drugs and alcohol).

Q. Will HMOs cover all hospital expenses?

A. Yes. All services are provided as long as deemed medically necessary.

Q. Do HMOs provide dental care?

A. Normally, they do not, though some will offer dental care as an addition to the level of benefits at an extra cost.

Q. How is receiving care from an HMO different from the usual way I receive health services?

A. First, most of you do not go to your physician unless you are sick. You, in turn, pay him or her a fee. As a member of a prepaid plan, it is in the financial interest of the HMO to keep you well. For instance, if you do not get a flu shot you may end up in the hospital with pneumonia. The cost would far exceed your annual premium and the HMO would lose money. Keeping you well is how the HMO budgets its cost.

Second, an insurance company is only responsible for the reimbursement of care. It is not involved in the availability and access of health care or the delivery of services.

Q. How much does an HMO charge?

A. Last year, the monthly premium range varied from \$82 to a maximum of \$135, with the average premium for a family amounting to \$87 and the premiums varying from region to region. The monthly averages for a family in '77 in California was \$89.89.

Q. Are there extra charges for HMOs?

A. In most cases, the monthly premium will cover all costs. Some HMOs do charge a fee of \$1 or \$2 per visit or small fees for prescriptions. These costs are nominal and are imposed to discourage frivolous use of the HMO rather than for the income they produce.

Q. Is HMO membership subject to cancellation?

A. As long as you pay the premium, you cannot be dropped, even if you develop a chronic illness. During the HMO's annual open enrollment period, the plan must take all who apply regardless of health status. During the closed period, however, the HMO may refuse an applicant for any reason.

Q. How can an HMO stay in business?

A. An HMO makes a profit by reducing uncalled-for hospitalization, avoiding needless diagnostic tests and not performing surgical procedures which are unnecessary. As a result, HMOs can deliver quality health services at 20 to 30 percent less than the fee-for-service indemnity health plans.

Q. How do I know that HMOs won't skimp on care?

A. HMOs are competitive. If you are not getting what you regard as proper care, you can terminate your membership and either go to another HMO or renew your subscription to your former health insurance plan.

Q. What about mental illness?

A. Mental illness is covered. Federally qualified HMOs provide up to 20 outpatient visits a year.

Q. What factors should affect your choice of an HMO?

A. Its nearness to where you live and work. Is the distance to the health center and/or its satellites within reason?

Are you prepared to be seen by physicians of whom you have limited choice? Some latitude ex-

ists within a group practice but the choice is much wider within an individual practice association.

Are you reluctant or willing to sever your relationships with your private physicians? You must do so in order to join a prepaid plan.

Are you willing to terminate your health insurance policy?

How does the total cost compare among the fee-for-service and your old health insurance plan and the cost of the HMO?

Does the hospital affiliated with the HMO have a good reputation?

At least 50 percent of the staff should be board certified and no more than 20 percent of the physicians should be trained abroad, some experts believe. Check the number of hospital days per year per 1000 patients who are under 65 years of age. The number should be between 350 and 450 days. Under this range is too low. Talk to HMO members and ask them about their treatment after hours — whether the staff is helpful and how you go about filing a complaint.

Q. Why do many physicians in private practice oppose HMOs?

A. Some physicians see HMOs as a competitive threat to the fee-for-service arrangement. Others who prefer a more regulated workday without having to worry about running an office are choosing to practice in an HMO.

Q. How long does it take to get an HMO started?

A. Generally, about three years: one year for a feasibility study, a second for planning, the third for initial development (hiring staff, buying equipment, erecting buildings).

Q. How do I know that an HMO will survive financially?

A. Each qualified HMO has a provision for continued services in the event of bankruptcy. This is called protection against the risk of insolvency and is mandated under the law. Furthermore, the financial resources of an HMO are regulated by the State Insurance Commission.

Q. If I'm unhappy with an HMO, to whom can I complain?

A. Each HMO is required to have a realistic, workable grievance procedure as part of its federal qualification.

Q. Can an HMO member transfer from one HMO to another?

A. Currently no provision exists for transferring membership from one HMO to another.

Q. Does the HMO fee have to be paid all at once?

A. No. There is an annual fee, which is paid in monthly installments.

Q. Why has the Senate refused to give the administration the funds it wants for HMO development? What is behind the Senate's admonition to HEW to crack down on fraud and abuse?

A. The Senate looked at HMOs and indicated there were problems with fraud and abuse. The cases cited occurred many years ago in California and have been corrected. HEW monitors qualified HMOs through regularly required financial reports and on-site visits.

Q. Assume there is no HMO in your area and you suffer from a shortage of doctors, too. How do you get an HMO started?

A. Usually HMOs are started with a nucleus of some kind — a group of physicians, a hospital, a community health center. In the absence of any core group, contact the Office of HMOs in the Public Health Service (an agency of the Department of Health, Education and Welfare) in one of 10 regional cities: Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco and Seattle. Or call the HMO information toll-free number (800) 638-6686.

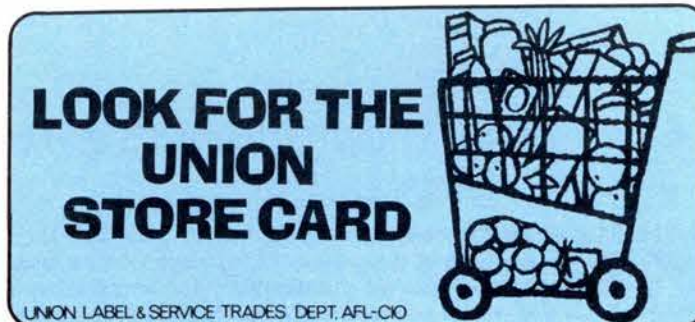
Q. Where can I get more information about HMOs?

A. Write to: Office of Health Maintenance Organizations, HEW, 12420 Parklawn Drive, Rockville, Md. 20857. Or call the toll-free number above. Maryland residents may call (301) 443-2300.

Q. What are the average hospital stays for patients of HMOs and non-HMOs? How many days are saved by HMOs? What about cash?

A. The average number of hospital days per 1,000 members for qualified HMOs in 1977 was 425; for all prepaid plans, 519; for Blue Cross/Blue Shield (with about half of its 74 million members enrolled in health indemnity plans) 755 days.

Using the average daily benefit payment of \$179 to hospitals by Blue Cross as a yardstick, the qualified HMOs saved 330 days (755 against 425) which at \$179 a day comes out to \$59,070 additional cost per 1,000 patient-days per year. All HMOs saved 236 days (755 against 519) which at \$179 a day comes out to \$42,244 additional cost per 1,000 patient-days per year.



Make Work for Youngsters Fun with Fair Pay

Work for youngsters under 18 years of age can be fun, particularly in door-to-door candy and cookie sales and in retail establishments — but the State Labor Commissioner warns these inexperienced minors should make sure they receive a fair wage for their work.

Minors seeking part-time work, Labor Commissioner James L. Quillin said, should not sell their time and effort for less than the legally enforceable minimum wage of \$2.90 an hour. For example, accepting only tips in lieu of wages is forbidden.

Quillin also reminded parents and employers of young workers that those under 18 years of age must secure permits from their school districts. High school graduates or those awarded certificates of high school proficiency, even if they are minors, do not need the work permit.

Minors under 16 years of age are prohibited from working in door-to-door selling.

"California law intends to help minors gain work experience while protecting them," Quillin said, "and employers are encouraged to hire youngsters."

Employers who violate child labor laws are subject to civil penalties of up to \$5,000.

The number of hours that youngsters can work during the school day, vacation, or week-end, are:

- if under 18, they cannot work more than four hours in a school day, except in homemaking occupations and school-approved vocational education programs; and cannot work between the hours of 10:00 p.m. and 5:00 a.m. on school days and from 12:30 a.m. to 5:00 a.m. on weekends (there are some exceptions for work in entertainment jobs);
- if under 16, they can work up to four hours a day after school as well as on weekends and during school vaca-

tions;

- if under 14, they can work only on Saturdays, Sundays, and during school vacations for a maximum of eight hours a day or 48 hours a week.

Quillin also said that certain occupations are forbidden youngsters under 16 years of age, including work as messengers in cities larger than 15,000; in or about a gasoline service station; operating any automobile, motor car or truck; where there is dust in injurious quantities, or where dangerous or poisonous acids, dyes, gases, or lye are being used; on a railroad or boat; on scaffolding, in heavy work in the building trades, in any tunnel or excavation, in or about a mine, coke oven, or quarry; in assorting, manufacturing or packing tobacco; in any occupation dangerous to the life or limb, or injurious to the health or morals of a child.

No one under 21 can work in an establishment licensed as a "public premises" by the State Alcoholic Beverage Control Department, primarily selling alcoholic beverages consumed on the

premises.

Penalties for violating California's child labor laws are severe. Employers can be cited and fined \$1,000 to \$5,000 for a violation that creates "substantial probability of death or serious physical harm to minors," or \$100 to \$500 for a violation that has a direct or immediate relationship to the health, safety, or security of children. If an employee under 16 years of age who is illegally employed is injured at work, the entire compensation otherwise recoverable is increased fifty percent.

State Labor Commissioner James L. Quillin heads the Division of Labor Standards Enforcement, which serves workers with problems concerning payment of wages, minimum wage, conditions of employment, compliance with compulsory workers' compensation insurance, equal pay for equal work, and other State labor laws protecting working adults and children. The division is one of eight major labor programs of the State Department of Industrial Relations, headed by Donald Vial.

California Workers Illegally Underpaid \$5.4 Million in 1978

SAN FRANCISCO — California workers protected by federal wage and hour laws were illegally underpaid more than \$5.4 million in fiscal 1978.

The Labor Department said 20,834 workers were underpaid \$5,483,382 in the 12 months ending in September 1978, in violation of the Fair Labor Standards Act (FLSA).

Employers agreed to restore \$4.2 million to 19,546 workers.

Virginia Allee, regional administrator here for the Labor Department's Employment Standards Administration, said the major reason for the difference between the amount found due employees and

that actually paid is the employer's refusal to pay back wages in cases judged unsuitable for litigation by the Labor Department. In such cases, any employee has the right to institute a private suit for the recovery of back wages due. Wages recovered by employees in this manner are not reflected in the department's statistics.

The FLSA sets minimum wage, overtime, child labor and record keeping standards. It is enforced by the Labor Department's Wage-Hour Division, Employment Standards Administration.

Minimum wage underpayments under the FLSA totaled \$1,044,498 owed to 7,323 California workers, and overtime

Quality Changes...

1979 Model Passenger Cars

The value of quality changes for the 1979 model domestic passenger cars included in the Producer Price Index was estimated to average \$37.00 at manufacturer's prices and \$46.35 at retail, the Bureau of Labor Statistics of the U.S. Department of Labor reported November 3, 1978. This estimate represents about 15.4 percent of the average increase of \$300.30 in manufacturer's suggested retail prices on the 1979 model cars in the index.

These estimates are based on an evaluation by BLS of data for similarly equipped 1978 and 1979 model cars. The automobile companies supplied data for the 16 domestic cars priced for the Producer Price Index. Of these cars, 15 are also priced for the Consumer Price Index. These estimates of quality change are used in the Producer and Consumer Price Indexes for October when most of the new models are introduced into the indexes.

The \$46.35 estimated retail value of the quality changes can be broken down as follows:

- ✓ \$12.10 for redesign of emission control systems to meet current and anticipated HEW air quality standards.
- ✓ \$5.75 for structural changes to meet current and anticipated safety standards.
- ✓ \$28.50 for other quality changes not related to air quality or safety standards, such as engine and chassis changes for improved vehicle performance and improved corrosion protection. In accordance with past practice, changes made to resize passenger cars were not treated explicitly as quality changes.

violations resulted in \$3,399,070 due 13,915 workers.

Violations of the Age Discrimination in Employment Act, which covered workers aged 40 to 65, resulted in 268 workers being underpaid \$1,324,086. Employers agreed to restore \$215,552 to 42 workers. Effective Jan. 1, 1979, the act will cover persons up to age 70.

Compliance investigations under the Equal Pay Act, which requires equal pay for men and women doing substantially equal work in the same establishment, revealed \$1,028,416 due 965 workers.

Five persons were owed \$11,398 due to violations of the federal wage garnishment law.

New \$2.90 Minimum Wage, and Age Discrimination Laws Take Effect

SAN FRANCISCO — New Year's Day ushered in a pay raise for millions of American workers and new protection from age discrimination for hundreds of thousands of older workers.

The Labor Department said that on Jan. 1, 1979 nearly 5.3 million workers are due a 25-cents-an-hour pay raise when the federal minimum wage goes up to \$2.90 an hour.

Also on Monday, the age limit for persons protected by the Age Discrimination in Employment Act will increase to 70. Another change in the same law will prohibit mandatory retirement based on age before 70 except under specified circumstances.

The increase in the federal minimum wage was part of amendments to the Fair Labor Standards Act which President Carter signed into law last year, according to Virginia Allee, regional administrator here for the Labor Department's Employment Standards Administration.

The amendments raised the minimum wage to \$2.65 an hour this past Jan. 1, increasing annually to \$2.90 effective this Monday, \$3.10 in 1980, and \$3.35 in 1981.

Changes in the Age Discrimination in Employment Act resulted from amendments to the law signed by the President last April, Allee said.

Effective January 1, the law will protect workers ages 40 to 70 from arbitrary age discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. The law had covered workers aged 40 to 65.

The amendments also raise from 65 to 70 the prohibition against forced retirement because of age of workers of private firms with 20 or more employees, and for workers of state and local governments. Most civilian employees of the federal government were already protected from mandatory retirement because of age.

Allee noted that private businesses will still be allowed to retire certain high-level executives with retirement incomes of \$27,000 or more at age 65. However, she said these employees must have been at the policy-making level for two years. This provision prevents companies from promoting people to high posts and then suddenly retiring them at 65, she explained.

She also advised that collective bargaining agreements which were in effect on Sept. 1, 1977 and which contain a mandatory age-65 retirement provision may be excepted from the amendments in some circumstances. This exception would continue until the termination of the agreement or until Jan. 1, 1980, whichever comes first.

Allee also pointed out there are two other changes in the federal minimum wage law that also take effect New Year's Day:

- For workers who receive tips, the percentage of their tips that an employer can apply toward the minimum wage will be reduced from 50 percent to 45 percent. The percentage drops to 40 percent on Jan. 1, 1980.
- Hotel, motel, and restaurant workers will no longer be exempt from overtime provisions, which require that workers

receive premium pay — usually at the rate of time-and-a-half — for any work beyond 40 hours in a work week.

Currently, only maids and custodial employees of hotels and motels have been on the 40-hour week.

The Fair Labor Standards Act, which sets minimum wage, overtime pay, child labor and equal pay standards, and the Age Discrimination in Employment Act

Workers Compensation Claims Declining

The number of new claims filed with the State Workers' Compensation Appeals Board (WCAB), declining for the first time in several years, was 27,354 during the third quarter of 1978 (July - September), it was announced this week by Franklin O. Grady, Administrative Director, State Division of Industrial Accidents (DIA).

This is two percent below the 27,985 filings in the corresponding quarter of 1977 and six percent below the second quarter of 1978 when 29,154 cases were filed. Each claim requires the WCAB to determine whether benefits should be paid and what the benefits should be.

Awards to injured workers for permanent disability, death benefits, and compromise agreements in the third quarter last year totaled \$86,836,467, a two percent decline from the third quarter of 1977 (\$88,412,020), and 15 percent below the second quarter of 1978 (\$101,998,131).

These benefits, awarded after disputes have been resolved, are provided by the employer or insurance carrier.

Grady said the slight decline in filings

follows nearly a full year of activity in the DIA's information and assistance program. Emphasized under this program are direct contacts with employees and employers to inform them of rights, benefits, and obligations under the workers' compensation laws. In cases of misunderstanding or dispute, an I&A officer helps those involved to resolve their dispute promptly.

Benefits due workers who become ill or injured as a result of job-related factors may include, under California law, medical treatment; temporary disability payments to make up partially the workers' wage loss; compensation for partial or total disability; and vocational rehabilitation for workers who suffer from job-related illness or injury.

Cases heard by one of the statewide staff of 123 workers' compensation judges of the WCAB involve only disputed claims for all or part of the benefits.

The Division of Industrial Accidents is one of eight major labor programs of the State Department of Industrial Relations, which is directed by Donald Vial.

The Safety Scene

Editor's Note: The following article is reprinted from the **I.B.E.W. JOURNAL**. It is a comprehensive report on asbestos related illnesses and the precautions that workers who have been exposed to asbestos should heed.

Asbestos

Exposure to asbestos may increase the risk of four serious diseases: asbestosis, lung cancer, mesothelioma, and cancer of the stomach, colon, and rectum.

"Asbestos" is the name for a family of minerals which occur naturally as masses of fibers. These fibers have a tendency to break easily into a dust of tiny particles that can float in the air, stick to clothes and may be easily inhaled or swallowed. This dust can be brought into the home on shoes and clothing of workers.

Uses

Asbestos has been used widely in many industries during the past four decades as insulation and fireproofing, and in textiles and construction. Shipbuilding has been a major user of asbestos because the substance is good for insulating boilers, steam pipes, hot water pipes and nuclear reactors in ships. Today, about 800,000 tons of asbestos are mined or processed yearly to make over 3,000 different products in the United States. Two-thirds of these are used in the construction industry. Among past and current uses of asbestos are:

- coverings for pipes and surfaces (in new construction of ships, repairs and refittings); insulation in construction, powerhouses and chemical plants, and for engines, hulls and decks of ships; coatings for cables and electric wires; and putties, caulks, paints and cement.
- floor and ceiling tiles, sealants, pipe covering and patching tape compounds.
- friction products such as clutch facings, brake linings for automobiles, railroad cars and airplanes; filtration materials and theater curtains.
- a wide variety of asbestos cement material and wallboards.

The problem for workers

Health hazards from asbestos dust have been recognized among workers heavily exposed in shipbuilding trades, asbestos mines, asbestos manufacturing, in insulation work in the construction and building trades, and among workers who used asbestos products in a variety of other trades.

Since the early 1940s, as many as 11 million American workers may have been exposed to concentrations of asbestos dust, including some 4.5 million workers in shipyards during the peak ship-building years of World War II.

Exposure to asbestos on the job may increase risk of four serious diseases:

1. **Asbestosis**—A chronic lung ailment which can produce shortness of breath and lung damage. The disease results from inhalation of asbestos dust.
2. **Lung Cancer**—There is a close association between asbestos exposure and increased occurrence of lung cancer.
3. **Mesothelioma**—A cancer that involves the thin membrane lining the chest and abdomen. Most mesotheliomas can be traced to prior asbestos exposure.
4. **Other Cancers**—Several studies have indicated a link between asbestos exposure and increased occurrence of cancers of the esophagus (food tube leading to the stomach), stomach, colon and rectum.

Who is at risk?

The best estimates of the increased risks associated with asbestos exposure are based on U.S. Department of Health, Education, and Welfare-supported studies of workers heavily exposed to asbestos before the government began to regulate asbestos in the workplace in the late 1960s and early 1970s. As a result of recent government regulation, current workers, without previous exposure, can be expected to face smaller risks than those exposed in the past.

There is evidence that exposure to asbestos dust substantially increases the risk of asbestosis and certain cancers in workers with jobs in or near asbestos-contaminated areas. Scientific information now available indicates that workers may not begin to show signs of disease for 30 or more years.

Recent studies of shipyard workers, including those exposed to asbestos even for brief periods of time (as little as a month or two), indicate the presence, in some, of asbestos-related diseases. Even some workers who may not have worked directly with asbestos, but whose jobs were located near contaminated areas, have developed asbestosis, mesothelioma, or an excess of other cancers associated with asbestos exposure.

There is also some evidence that members of families of workers heavily exposed to asbestos face an increased risk of developing mesothelioma and perhaps other asbestos-related diseases, probably as a result of exposure to asbestos dust brought into the home on the shoes and clothing of workers.

How big is the risk?

Many workers exposed to asbestos—perhaps most—may suffer no apparent ill effects. However, others are likely to develop diseases related to asbestos.

Asbestos bonded in finished products is not a risk to health, as long as the product is not damaged or disturbed in such a way as to free fibers into the air. Since the fibers are nearly indestructible, a risk exists if fibers are set free.

It is known that risk increases with increased amounts of exposure and the length of time a worker is exposed. Once the asbestos particles work their way into body tissues, they tend to stay there indefinitely.

Some studies have shown that lung cancer has caused up to 25 percent of all deaths in workers heavily exposed to asbestos in the past, compared to a lifetime lung cancer risk of 4 to 5 percent in the general population.

In these same studies of death records of asbestos workers, some 7 percent died of asbestosis. Seven to 10 percent of such workers died of mesothelioma, and 4 percent of these asbestos-exposed individuals died of gastrointestinal cancers (stomach, colon, esophagus), compared to 2 percent in the general population.

Smoking

While asbestos by itself can increase the risk of lung cancer, asbestos and cigarette smoking together increase lung cancer risk five-fold over the already high risk due to smoking alone. Asbestos workers who also were cigarette smokers have been 30 to 90 times more likely to develop lung cancer than nonexposed nonsmokers.

There is also some evidence that quitting smoking will reduce risk among asbestos-exposed workers, perhaps as much as half. So if you were exposed to asbestos on the job anytime in your life, or suspect you were, you should not smoke.

Who needs to be examined?

If you have been exposed (or suspect you have been) to asbestos dust on the job, or via a family contact, you should consult with your doctor. Regular checkups could mean earlier detection and may provide a better chance for successful treatment should you become sick.

Your doctor should be told of your work history and any symptoms you may have. He or she is likely to give you a thorough physical examination, including a chest X-ray and lung function tests. Interpretation of the chest X-ray may require the help of a specialist who is experienced in reading X-rays for asbestos-related diseases. Other tests may be necessary depending on your specific situation.

The symptoms of asbestos-related diseases may not become apparent for many years. If you have any of these symptoms, however, schedule an examination without delay:



...AND THEY KEPT SWEEPIN' IT UNDER THE RUG!

- shortness of breath
- a cough or change in cough pattern
- blood in the fluid coughed up from your lungs
- pain in the chest or abdomen
- difficulty in swallowing, or prolonged hoarseness
- rapid large weight loss

Treatment

Deaths from asbestosis are due mainly to lung infections that attack weakened lungs. These can be treated with the greatest success following early medical attention. Aggressive treatment may be important should you develop a lung infection. As a protective measure, depending on your situation, your doctor may wish to give you one of the currently effective vaccines against influenza or pneumococcal pneumonia.

Treatment of all cancers is individually tailored and may include surgery, drugs, radiation or combinations of these therapies.

How can current workers protect themselves?

Employers are required to follow regulations issued by the Occupational Safety and Health Administration (OSHA) dealing with asbestos exposure on the job.

If you are concerned about asbestos exposure in your workplace, discuss the situation with other employees and your local union. If necessary, OSHA can give you more information or make an inspection.

Workers may get a copy of the Standard on Worker Exposure to Asbestos from the Office of Information, OSHA, Washington, D.C. 20210 or from a regional office in Boston, New York, Philadelphia, Atlanta, Chicago, Kansas City (Mo.), Dallas, Denver, San Francisco and Seattle.

Information is available for insulation installers who may be exposed to asbestos in a *Good Practices Manual* available through the Clearinghouse for Occupational Safety and Health Information, National Institute of Occupational Safety and Health (NIOSH), 4667 Columbia Parkway, Cincinnati, Ohio 45226. This booklet recommends on-the-job procedures for those working with asbestos.

Any exposure that may aggravate respiratory ailments should be avoided. Information on possible workplace exposures is available from the NIOSH Clearinghouse.

Recommended work practices for renovation projects also are available in another booklet, *Sprayed Asbestos-Containing Materials in Buildings*, from the Standards Development Branch, U.S. Environmental Protection Agency (EPA), Research Triangle Park, North Carolina 27711.

Use all protective equipment, work practices, and safety procedures your employer provides. If you have questions, check with OSHA.

If you smoke cigarettes, stop.

More facts about asbestos exposure.

Q. Will the government provide examinations and treatment, or will the government pay for these? What about insurance coverage?

A. Medical services related to asbestos exposure are available through the government only for certain groups of eligible individuals. In general, medical services are available through non-governmental doctors and facilities and paid for by the individuals affected unless they are covered by private or

government health insurance programs. (Check your policies.) Medicare will reimburse people with symptoms of asbestos-related diseases for the costs of appropriate diagnosis and treatment.

Victims of asbestos-related disease may also qualify for financial help, including medical payments, under state worker compensation laws. Eligibility requirements vary from state to state, so contact the state worker compensation program in the state where last exposure occurred.

If your exposure resulted from employment in a federal agency (military or civilian), you may be covered for medical expenses and other compensation by FECA, the Federal Employees' Compensation Act. If you are presently employed in a shipyard by a private employer, or have been in the past, you may be covered under the Longshoremen and Harbor Workers Compensation Act. For information about eligibility for these two compensation programs, contact the U.S. Department of Labor, Office of Workers Compensation Programs, Employment Standards Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Q. Will my doctor know what to do about asbestos-related health risks?

A. The U.S. Surgeon General recently has sent a special alert to 400,000 doctors advising them about the care of patients who were or may have been exposed to asbestos dust and/or patients with asbestos-related diseases. In addition, an educational program for doctors and the public is under development by the U.S. Department of Health, Education, and Welfare with help from unions and the asbestos industry and health organizations such as the American Cancer Society and the American Lung Association.

Q. Are there non-occupational exposures from products contaminated with asbestos particles?

A. The Food and Drug Administration (FDA) is concerned with asbestos contamination of foods, drugs and cosmetics. For answers to questions on these topics, write to Consumer Inquiries, FDA, 5600 Fishers Lane, HFJ-10, Rockville, Maryland 20857. The Consumer Product Safety Commission (CPSC) has responsibility for bans on the use of asbestos as artificial ash for ceramic logs in gas-burning fireplaces, consumer clothing made of asbestos and dry-wall patches made with the mineral. For questions about the potential hazards of commercial products, call the CPSC at 800-638-2666 (in Maryland, 800-492-2937). Inquiries about air and water contamination should be made to the Public Information Center, PM-215, 401 M Street, S.W., Washington, D.C. 20460.

For further information

Cancer Information Services (CIS) offices around the nation provide toll-free telephone answers to your questions about cancer and other asbestos-related diseases, their causes, prevention, diagnosis, and treatment.

A new publication, *Cancer and the Workers*, describes what we know—and do not know—about cancer risks in general in the workplace. The book is based on a meeting of scientists dealing with occupational cancer held in March, 1975 and is available for \$2.00 from the New York Academy of Sciences, 2 East 63rd Street, New York, New York 10021.

Fatality

Local Union 1245 regretfully reports the death of Brother Mike Parker. Brother Parker, a General Construction Lineman, approximately 40 years old, was killed when a pole fell over and crushed him as he was changing out a guy wire on the working side of the pole.

Brother Parker had been a member of Local 1245 since 1962. He had just returned to line work approximately 10 months ago, but had in excess of ten years experience as a Lineman prior to becoming self-employed.

Also injured in the accident was Apprentice Craig Driver who was working on the top side of the pole. He is hospitalized with no further report of his condition.